Asylum-seeking in Albania

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ABSTRACT

While the flux of asylum-seekers in Albania is increasing year by year, asylum-seeking is considered a topic of a great importance for today's Albanian reality. The right to asylum is qualified as a fundamental value and the importance of having an asylum system and ensuring access to the asylum process derives from the legally binding international legal documents ratified by Albania. Being an aspiring country for the opening of the negotiations with the European Union implies the obligation for the Albanian state to harmonize its legal and institutional framework in compliance with international standards and the *acquis communautaire*. Therefore, the Albanian legal and institutional framework of asylum has been and still is subject to constant change and reforms. This contribution will aim to give a general overview of asylum-seeking in Albania in order to break down the challenges of the current legal and institutional framework. This study does not involve with the Albanian regulation of refugees, illegal migrants, economic migrants, or other categories. It will solely be focused to the main features of asylum-seeking in Albania.

Key words: asylum-seeking, asylum procedure, Albania

INTRODUCTION

Asylum is a form of international protection given by a state to an alien who has entered its territory. According to the Geneva Convention (1951), it is granted to any person who is unable to seek protection in his/her country of citizenship and/or residence, in particular for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion. In recent years, the movement of asylum-seekers across international borders has rapidly increased. According to Eurostat, the number of first-time asylum applicants in the EU-28 increased by 12 % in the third quarter of 2019 compared with the same quarter of 2018 and compared with the second quarter of 2019.[1] As part of the inevitable flow, there has also been a considerable increase in the number of asylum applications in Albania, consequently introducing several challenges to the country in this regard. This study will aim to provide a clear understanding of asylum-seeking in Albania by considering the latest study reports from Albanian institutions, statistics from INSTAT, the current Albanian legislation, various scientific papers, the EU Progress Reports, related UNHCR documents, etc. For the purpose of this study, the term *asylum-seeker* refers to any undocumented alien that has requested asylum in front of the responsible Albanian authorities while *asylum-seeking* refers to the whole process provided by the legislation on asylum until the rendering of a final decision. This research paper will be structured in the following way. It will firstly discuss the background of asylum-seeking in Albania by including the latest statistics and by arguing, based on relevant events, the reason why Albania became a transit country. Then the study will focus on the evolution of the legal and institutional frameworks of asylum. In this context, the contribution will elaborate among other things, the main legal reforms, the current asylum procedure and the actors involved in it. The last section will conclude with the main challenges for the Albanian asylum-seeking system, focusing on the European Commission Progress Report of 2019.

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[1]   Statistics Explained (2019). Retrieved from the official site of Eurostat: https://ec.europa.eu/eurostat/statistics-explained/pdfscache/13562.pdf

I. ALBANIA IN THE WESTERN BALKANS ROUTE

Albania has been affected by mixed migration flows, which include refugees and asylum-seekers, migrants, unaccompanied minors, trafficked victims, and so on. The great flux of asylum seekers reached its peak during the years 2014-2018. At this time the asylum seekers were heading towards the European Union countries, transiting in the Balkans, especially in Albania after the closing of other transit routes. Albania was never a destination country and neither a transit one; however, certain factors changed the common route of asylum-seekers. In September 2015, Berlin applied the "open door" policy by suspending the Dublin Protocol which attracted a lot of asylum-seekers, particularly Syrians.[2] To reach Germany, the Western Balkans Route (WBR) (Fig. 1) was one of the most frequented ones used by asylum-seekers. From Greece, the transition journey continued through North Macedonia, Serbia, Croatia, Slovenia, and Austria.

Fig. 1. Balkan Route Map from: DW, 15 Febrary 2016.

In response to the great flux of migrants transiting through their territories, the aforementioned countries started to impose various restrictions which resulted into a "race to the bottom" effect.[3] In Mid-October 2015 Hungary closed its border with Croatia, turning Slovenia

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[2]   The Telegraph (2015). *Germany drops EU rules to allow in Syrian refugees.* Retrieved from:
      https://www.telegraph.co.uk/news/worldnews/europe/germany/11821822/Germany-drops-EU-rules-to-allow-in
      Syrian-refugees.html
[3]   According to Dr. Veshi, the race to the bottom is used to describe government deregulation of the business
      environment, or reduction in tax rates, in order to attract or retain economic activity in their jurisdictions. In the

into the main transit country.[4] Immediately Slovenia, Macedonia, Serbia, and Croatia introduced their restrictive measures to selected nationalities.[5] In early 2016 Austria introduced measures to reject all asylum-seekers unless criteria of Article 8 ECHR required otherwise.[6] By 9 March 2016 North Macedonia officially closed its border with Greece,[7] causing a violent clash between migrants wanting to cross it and the Macedonian police.[8] Consequently, after all these restrictions Albania grabbed the attention of foreign nationals or stateless persons wanting to reach West who started using an alternative route, passing from Greece to Albania, Montenegro, Bosnia and Herzegovina, Croatia, Slovenia, and Austria. Indeed Albania was included later than the neighboring countries in the WBR; however, the great flux of asylum-seekers is now a reality.

II. SOME STATISTICS

As aforementioned during 2014-2018, there was an increase of asylum seekers mainly coming from war zones such as Syria, Afghanistan, or Iraq which were part of the massive flux headed towards the EU. Following an agreement with the United States of America and the United Nations, Albania agreed to locate in it territory a group of approximately 3000 members of the exiled Iranian opposition group, the People's Mujahedeen of Iran (MEK).[9] Not including the asylum requests coming from the Iranians of MEK, below are some data gathered from INSTAT and the study report of the Albanian Committee of Helsinki, regarding the asylum request from 2014 to 2018, in comparison to the total number of irregular migrants that have entered Albania during these years (Table 1). As it is clear from the table there is a great increase

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case of refugee law, the States compete with each-other in order to attract less persecuted individuals. See Veshi, D. (-) *The EU Regulatory Competition in Asylum Law.*

[4]   ACAPS (2018) *The Balkn Migrant Crisis.* Retrieved from:
https://data2.unhcr.org/en/documents/download/46801

[5]   *Ibid.*

[6]   The Telegraph (2016). *Austria closes its borders to almost all asylum-seekers.* Retrieved from:
https://www.telegraph.co.uk/news/2016/03/31/austria-closes-its-borders-to-almost-all-asylum-seekers/

[7]   The Telegraph (2016). *Macedonia closes its border completely to migrants.* Retrieved from:
https://www.telegraph.co.uk/news/worldnews/europe/macedonia/12188826/Macedonia-closes-its-border-completely-to-migrants.html

[8]   The Guardian (2016). *Clashes between migrants and police at border between Greece and Macedonia.* Retrieved from: https://www.theguardian.com/world/2016/apr/10/clashes-between-migrants-and-police-at-border-between-greece-and-macedonia

[9]   Balkan Insight (2016) *Iranian Opposition Ex-Fighters 'Transeferred to Albania'.* Retrieved from:
https://balkaninsight.com/2016/08/26/albania-continues-to-accept-iranian-mujahedins-08-26-2016/

in the asylum request from 2017 to 2018 whereby the number of asylum requests in 2018 was 14 times greater than the previous year.

	2014	**2015**	**2016**	**2017**	**2018**
Asylum requests	132	104	240	309	4386
Irregular migrants	-	1421	915	1049	6893

Table 1. Asylum requests and irregular migrants from 2014 to 2018[10]

Based on the INSTAT report for foreigners and asylum-seekers in 2018 are gathered some data depicted in Table 2 showing the number of asylum request compared to the number of irregular migrants who have entered Albania based on their country of origin. Almost half of the total number of the asylum requests is from Syrians, which is reasonable and deeply connected to the ongoing armed conflicts at that time. Out of the total number of asylum requests, only 16 of them were accepted and a positive decision was subsequently issued for either giving refugee status or subsidiary protection.[12] Most of these accepted requests came from Palestinian citizens. Also, there were 78 decisions of suspension and dismissal for the asylum seekers whereby most of them were Syrians.[13] According to the IDM policy brief, the number of arrivals for the first half of 2019 was around

Country of origin	Nr. of asylum requests	Nr. of irregular migrants
Syria	2150	3089
Pakistan	645	1246
Iraq	447	671
Palestine	292	395
Algeria	227	378
Morocco	227	344
Other	-	770

Table 2. Asylum request based on the country of origin.[11]

[10] The Albanian Committee of Helsinki (2018). *On the Rights and Freedoms of Migrants, Asylum Seekers and Refugees in Albania, during 2012 – 2017*. Retrieved from: http://www.ahc.org.al/wp-content/uploads/2018/09/Migrantet-Shqip.pdf and INSTAT (2018). *Foreigners and Asylum-seekers in Albania.* Retrieved from: http://www.instat.gov.al/media/6180/te-huajt-dhe-azilkerkuesit-ne-shqiperi-2018.pdf

[11] INSTAT (2018). *Foreigners and Asylum-seekers in Albania.* Retrieved from: http://www.instat.gov.al/media/6180/te-huajt-dhe-azilkerkuesit-ne-shqiperi-2018.pdf

[12] *Ibid*.

[13] *Ibid*.

3500 while the number of asylum requests was approximately 2600.[14] As stated by Prof. Ikonomi, it is estimated that in 2019 there have been more than 7500 asylum requests.[15] However, the official data for 2019 are not yet available.

III. LEGAL FRAMEWORK

The right of asylum is granted by Article 40 of the Albanian Constitution to any alien in the Republic of Albania according to law.[16] Moreover, Albania has ratified the 1951 Convention in 1992, its additional protocol (1967), the Convention Regarding the Status of the Stateless Persons (1954), and other international human rights instruments such as the UDHR (1984), ECHR (1952), etc. As an obligation deriving from the ratification of these conventions, there was a need to regulate asylum-seeking with a specific law based on international principles. Thus, in 1998 the parliament approved the law 8432/1998 on "Asylum in the Republic of Albania" (changed in 2009) which was the first law dedicated solely to this right. It aimed to set some core obligations deriving from the 1951 Convention and to recognize some fundamental rights for refugees, asylum-seekers, and persons on subsidiary protection. This law was later on completed by a series of other laws and by-laws. However, the progress reports of the EU and UNHCR showed that further approximation was needed concerning the asylum legislation. More concretely, the Stabilization Association Agreement with EU in 2003 mentions eight priority spheres, among which is also asylum. Article 80 of the Stabilization Association Agreement stipulates that "cooperation shall focus in the field of asylum on the implementation of national legislation to meet the standards of the 1951 Geneva Convention and the 1967 New York Protocol, thereby to ensure that the principle of non-refoulement is respected as well as other rights of asylum seekers and refugees."[17]

Pushed by the need to approximate the asylum legislation with international standards, in 2014 a set of reforms, part of the Government's national plan on integration, was undertaken concerning the asylum legislation in order to harmonize the Albanian legal framework with

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[14] Xhaho, A. & Lleshi Tandili, A. (2019). *Vulnerable Asylum Seekers and Irregular Migrants in Albania.* Retrieved from IDM Albania official site: http://idmalbania.org/wp-content/uploads/2019/09/policy-brief_Vulnerable-asylum-seekers-and-irregulat-migrants.pdf

[15] The Albanian Committee of Helsinki (2018). *On the Rights and Freedoms of Migrants, Asylum Seekers and Refugees in Albania, during 2012 – 2017*. Retrieved from: http://www.ahc.org.al/wp-content/uploads/2018/09/Migrantet-Shqip.pdf

[16] Albanian Constituion (1998), Article 40.

[17] Stabilization Association Agreement (2009), Article 80.

acquis communitare, concretely with directives 2001/55/KE, 2003/9/KE, 2003/86/KE, 2005/85/KE, 2011/95/BE. Consequently, the new law 121/2014 for asylum was approved by the parliament in 2014,[18] followed by a set of by-laws such as Guideline 293/2015 and DCM 332/2016 "For the organization and functioning of the Nation Center for Asylum in Albania". Article 4 of the law 121/2014 reaffirms the right for asylum guaranteed by the Albanian Constitution. It is almost in the same line with Article 1(A)2 of the 1951 Convention. Excluded from the right of asylum are: aliens liable for the commitment of a crime against peace, humanity, war crime or a terrorist act; those who are a threat to the Albanian public order and security; and those culpable of actions against the principles and purposes of the UN.[19] The law has partially incorporated the principles of the Geneva Convention such as the principle of non-refoulment,[20] the third safe country,[21] the right for a translator,[22] unaccompanied minors,[23] and the best interest of the child.[24] Importance is also given to the cooperation with the UNHCR office in Albania for asylum and refugee cases.[25] Based on the law, asylum-seekers who have entered Albania illegally must apply for asylum within 10 days from their entrance in order not to be criminally liable for illegally passing the border.[26] This time limit is considered not to be beneficial since the majority of the asylum-seekers are not well informed for the procedure of asylum and most of them surpass the 10-days deadline.

The law further elaborates on the asylum application processing procedure. According to Chapter V of the law, the asylum application must be completed in writing in front of the responsible authority for asylum and refugees, whereby the person must fill in the forms and present the grounds for which he/she is requesting protection. Afterwards, the responsible authority will issue a certificate to the asylum-seeker which provides acknowledgment of the application and information for the procedures to be granted refugee status, enabling the asylum-seeker contact with a legal representative. Until a final decision is taken the person has the right to stay in Albania. Not later than 21 days from date of the application, the asylum-seeker will be

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[18] Law Nr. 121/2014 for Asylum in the Republic of Albania.
[19] Law Nr. 121/2014 for Asylum in the Republic of Albania, Article 5(1).
[20] Law Nr. 121/2014 for Asylum in the Republic of Albania, Article 6.
[21] Law Nr. 121/2014 for Asylum in the Republic of Albania, Article 9.
[22] Law Nr. 121/2014 for Asylum in the Republic of Albania, Article 15.
[23] Law Nr. 121/2014 for Asylum in the Republic of Albania, Article 16.
[24] Law Nr. 121/2014 for Asylum in the Republic of Albania, Article 17.
[25] Law Nr. 121/2014 for Asylum in the Republic of Albania, Article 13.
[26] Law Nr. 121/2014 for Asylum in the Republic of Albania, Article 11.

informed by the responsible authority to hear him about his asylum application. During the hearing the asylum-seekers must explain the facts on which the reasons and grounds for their persecution are based, providing all the necessary information. The responsible authority takes a decision based on the declarations of the applicant within 30 days from the date of the hearing of the asylum-seeker. If the asylum application is accepted, the responsible authority informs the asylum-seeker of the conditions of the asylum and the possibility of revocation. If the asylum application in sot accepted, the responsible authority informs in writing the asylum-seeker for the reasoning behind the decision, the subject's right to appeal, the institution where the appeal may be filed, and the prescription time limit. The institution responsible for the appeals against the decision of the responsible authority is the National Commission for Asylum and Refugees.[27]

Lately, following several recommendations by the Albanian Ombudsman and the European Commission,[28] in June 2019 Albania adopted the National Strategy on Migration Governance and its action plan covering 2019-2022, providing a clear framework to better manage and coordinate migration flows. According to the EU Progress Report for 2018, since some of the EU Directives have been further updated, certain issues such as procedural safeguards and guarantees needed to be addressed.[29] Thus, as part of the strategy, a new draft-law on asylum was put for consultation in August 2019 that ensures further alignment with directives 2005/85/KE, 2013/33/EU, 203/32/EU, 2001/55/EC, 2011/95/BE, and 2003/86/EC.[30] The new draft-law aims to further strengthen and improve the international asylum policy framework in the field of asylum and the capacity of the Albanian state to guarantee the implementation of EU commitments and obligations. Differently from the current law on asylum, the new-draft law explicitly elaborates the meaning of the persecution and its actors; there is a clearer separation of the responsible institutions' rights and obligations; greater importance is given to the right to information; the legal vacuum related to the treatment of vulnerable groups such as children, trafficked victims, disabled persons, etc is filled; and the access to education is guaranteed for asylum-seekers.

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[27] Law Nr. 121/2014 for Asylum in the Republic of Albania, Article 22.
[28] Deliu, N. (2018). *The Rights of refugees and asylum-seekers in Albania: a comparison with the European legislation.* Law Journal Albania, 6, 2523-1774. Retrieved from:
      http://www.lawjournal.al/sites/default/files/RJSH%206-%20SHTYLLA%203%20-%20SHQIP.pdf
[29] European Commission (2018). *Albania 2018 Report.* Strasbourg: European Commission. Retrieved from:
      https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-albania-report.pdf
[30] Draft-law nr. […]/2019 on Asylum in the Republic of Albania. Retrieved from:
      http://www.konsultimipublik.gov.al/Konsultime/Detaje/190

However, according to the UNCHR comments on the draft-law published on October 2019 there are still some issues that need to be reviewed.[31] Below I will mention some of the main concerns highlighted by the UNHCR. Firstly, there is a need to incorporate the term "particularly" into Article 5(2) of the draft-law regarding the principle of non-refoulement in order to underline the high degree of gravity required for the crime to meet the exception provided. Secondly, the interpretation of what constitutes persecution must remain flexible and not exhaustive. Thirdly, the actors of persecution should be restricted only to the State, and not to non-state actors. Fourthly, some paragraphs and clauses such as Articles 14(3) and 20(9) should be removed while others such as Article 23 should be restructured. Fifthly, the draft-law must include the appointment of a guardian for unaccompanied minors and a provision to the effect that the best interest of the child is a primary consideration in all actions concerning unaccompanied children. Sixthly, UNHCR has recommended the use of a simplified and harmonized terminology throughout the document when describing the steps for the asylum procedure. Seventhly, the time frame of 72 hours for the applicant to file his application from the moment he/she expressed an intention to apply is difficult to be applied in practice. Eighthly, the provisions regarding the accelerated procedures must be simplified and rationalized in order to avoid confusion in implementation. Lastly, UNHCR strongly recommended granting the opportunity for a personal interview at substantive but also at admissibility stage.

IV. INSTITUTIONAL FRAMEWORK

As aforementioned, the law 121/2014 mentions some responsible authorities obliged to follow the asylum-seeking process in Albania. This section will explain the responsible institutions in the asylum-seeking process starting from the first encounter to the last legal remedy. An asylum-seeker who enters the Albanian territory will firstly encounter the migration policies, concretely the Department of Border and Migration and the Directorate of Anti-Trafficking and Migration. The Border Police is in charge of the pre-screening procedure by identifying the asylum-seekers, irregular migrants, potential victims of trafficking,

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[31]   UNHCR (2018). *Unchr Comments on the Draft Law on Asylum in the Republic of Albania.* Retrieved from: https://www.refworld.org/docid/5da068f54.html

unaccompanied minors, and channeling them into the appropriate procedures.[32] Once an asylum-seeker is identified he/she is transferred to the National Center for Asylum located in Babrru, Tirana. Based on the latest inspections of the Ombudsman in April 2019,[33] the Center is composed by a staff of 15 people and is divided in two sectors: the support one (including two social workers and one psychologist) and the sector of finance and supporting services including 11 workers. The Center offers shelter, medical care, safety, clothes, and other basic needs and its capacity is 180 persons. One of the main problems brought by the Ombudsman was the daily quote of 330 ALL/person, a very low amount compared to the price of food in the market. Since the center accommodates a variety of categories of persons such as persons suffering from health issues, pregnant women, new-born kids, etc, the cost per person must be increased. Also, the Ombudsman recommended that the inner organics of the institution must be completed with doctors, nurses, translators, etc. There is a lack of guardians in managing the asylum-seekers in the afternoon and night. Consequently, there have been various cases of conflicts between the asylum-seekers whereby the Police Office nr 5 was called. Moreover, the inspection noticed no maintenance of the Center and lack of social workers and psychologists. Another recommendation was to take measures for the integration in the society for the persons who stay longer than usual in the Center. In 2018 the total number of cases presented in the Center was 4371, of which 159 females under age 18 years and 310 males under 310. Adult females amounted to 246 and males to 3656.

The asylum-seeker will be accommodated in the Center until the final decision is issued by the responsible authority. In this context, the decision-making authority regarding asylum applications is the Directorate for Asylum and Citizenship in the Ministry of Interior. More specifically, the Directorate for Asylum is the responsible authority obliged to register the asylum applications, make the interviews, gather the necessary documents, guide the procedure, and decide whether to grant or remove the right to asylum. This institution closely collaborates with the UNHCR office in Albania, responsible for contacting every asylum-seeker, gathering

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[32] Xhaho, A. & Lleshi Tandili, A. (2019). *Vulnerable Asylum Seekers and Irregular Migrants in Albania.* Retrieved from IDM Albania official site: http://idmalbania.org/wp-content/uploads/2019/09/policy-brief_Vulnerable-asylum-seekers-and-irregulat-migrants.pdf

[33] Recommendation of the Albanian Ombudsman (2019). Retrieved from: https://www.avokatipopullit.gov.al/media/manager/website/reports/Rekomandohet%20p%C3%ABrmir%C3%ABsimi%20i%20m%C3%ABtejsh%C3%ABm%20i%20kushteve%20dhe%20i%20trajtimit%20t%C3%AB%20azilk%C3%ABrkuesve%20n%C3%AB%20Qendr%C3%ABn%20Komb%C3%ABtare%20Prit%C3%ABse%20p%C3%ABr%20Azilk%C3%ABrkuesit%20Babrru,%20Tiran%C3%AB.pdf

information, reviewing the files, offering recommendations to the Directorate for Asylum, and observing the decision-making procedures. Before 2017, the negative decision of the Directorate was appealed directly to the Administrative Court; however, after 2017, the asylum seeker will appeal the decision to the National Commission for Asylum and Refugees.[34] The appeal in front of this institution should be made within 15 days from the decision of the Directorate for Asylum.[35] From the other hand, the Commission needs to take a decision within 30 days from the day the appeal is made.[36] The Administrative Courts (Administrative Court of First Instance, Administrative Court of Appeal, Administrative Section of the Supreme Court, and the Constitutional Court) will then follow the judicial instances of the case since the decision given by the Directorate is considered an individual administrative act and is a product of administrative activity. Therefore, the decision can be subject to administrative appeal and review.

V. LATEST CHALLENGES

To mention the latest challenges to asylum-seeking in Albania, this section will consider the European Commission 2019 Progress Report for Albania.[37] According to this Report, progress was made in improving the institutional capacity on border management and asylum. However, the legal framework on migration needs further alignment with recent developments in the *acquis,* something taken into consideration by the new draft-law on asylum. The Report indicates that Albania still does not have facilities for unaccompanied minors. Moreover, the instruction regulating pre-screening and detention should be aligned with international standards and must include: procedural safeguards for vulnerable persons, and provisions on the identification, referral and protection of children and persons with special needs. In the context of the pre-screening, the border police staff should be trained in identifying vulnerable categories of people and referring them for assistance in compliance with the basic standards of the EU. It was noted that the overall staffing of the Department for Border and Migration is limited to 1635 employees and needs to be increased. Cooperation by the Ministry of Interior with other relevant

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34   The Albanian Committee of Helsinki (2018). *On the Rights and Freedoms of Migrants, Asylum Seekers and Refugees in Albania, during 2012 – 2017*. Retrieved from: http://www.ahc.org.al/wp-content/uploads/2018/09/Migrantet-Shqip.pdf

35   Law Nr. 121/2014 for Asylum in the Republic of Albania, Article 38(6), 39(3), 40(2).

36   Law Nr. 121/2014 for Asylum in the Republic of Albania Article 39(3), 40(3).

37   European Commission (2019). *Albania 2019 Report.* Strasbourg: European Commission. Retrieved from: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-albania-report.pdf

ministries is strongly encouraged in the Report for guaranteeing fair procedures for the most vulnerable individuals. Following some reports of illicit pushback practices to Greece, Albania must apply return procedures and mechanism that are in line with the *acquis*.

Interestingly, the EU Progress Report found that the National Commission for Refugees and Asylum was not functional in 2018. The reasons behind this are not mentioned. Although the authorities have adequately responded to the increase in arrivals in 2018, the Report suggested that the capacity of the Directorate for Asylum and Citizenship needs to be enhanced. Moreover, the Report highlighted that some asylum seekers faced significant delays during the procedures. To reduce these delays a greater staff is needed. Concerning the Directorate for Asylum and the National Commission for Asylum and Refugees, more training is needed on how to assess individual claims, information on country of origin and cases involving vulnerable people. Improvement is made regarding Albania' reception capacity for asylum seekers which has tripled since October 2017. The total accommodation capacity, including the National Centre for Asylum Seekers in Babrru, Tirana and temporary accommodation facilities in Gjirokastra and Shkodra, stands at 400 bed-places. Since most asylum applications were shortly withdrawn, the increased capacity has so far been sufficient. A new reception centre for vulnerable groups is now available in Gjirokastra. Also, the Progress Report mentioned that the status of around 2 700 Iranians of MEK must be decided upon since they currently hold temporary residence permits on humanitarian grounds.

CONCLUSIONS

This paper gave an overview of the asylum-seeking in Albania by firstly reasoning on Albania's inclusion in the Western Balkans Route. As the analysis in the first section showed, Albania was never a destination or a transit country. The WBR changed due to the approval of the open gate policy by Germany followed by several restrictions imposed by some Balkan countries, resulting in a "race to the bottom" effect. Consequently, after the closing of the North Macedonian-Greek border, it is somehow easier and more possible to reach the Western European Countries by passing through Albania. The statistics in the second section depicted that the great influx of asylum-seekers reached its peak in 2018 and it is estimated to have been even higher in 2019. The third section briefly discussed the legal framework for asylum in Albania. From the first regulation with law 8432/1998, the law on asylum was followed by several other

laws and by-laws and it was subject to constant reforms. Among the most important ones was the reform in 2014 which included the approval of law 121/2014. Although it is not fully aligned with the *acquis,* this law provides the basic international principles, a general regulation of the asylum procedures and the rights and obligations of the actors involved. Due to the recent additions in the EU legislation, as part of the new National Strategy on Migration Governance, Albania will soon adopt a new law on asylum which aims to provide greater regulation in specific fields that are considered vague in the current law. This section was concluded by the UNCHR comments on the new draft-law to show the complexity of the issues to be considered by the Albanian state before approving this draft-legislation.

The following section focused on the institutional framework of asylum in Albania, by briefly mentioning all the main actors involved in the process, from the Border Police to the Administrative Courts. This section highlighted the Ombudsman's recommendations regarding the National Center for Asylum in Babrru, more concretely the increase of the cost per person, improvement of the inner organics of the institution, maintenance of the Center, etc. The last section introduced the latest challenges of asylum in Albania, focusing on the European Commission Progress Report of 2019. The most important issues were: the further alignment with *acquis*, the lack of facilities for accompanied minors, the need to review the instruction regulating pre-screening and detention, Border Police training for identifying vulnerable categories, inter-ministerial cooperation, the increase of the capacities and further training for the Directorate for Asylum. In all, Albania has still a long road ahead to the full approximation with the EU legislation on asylum. However, the latest legal reforms together with a strong consideration of international requirements will bring a better regulation for asylum procedures and a better protection for the fundamental right to asylum.

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FUNDING

Title "Access of Health Care of Undocumented Migrants

in Switzerland"

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Supervisor: Dr. Denard Veshi

Paper in 'Refugee Law'

Table of Contents

Abstract

This paper deals with access of health care of undocumented migrants in Switzerland. It provides a general overview of the health care system of Switzerland and exposes the main Swiss laws and regulations which regulate access of health care. This paper examines the need for providing access of health care to undocumented migrants, since there is lack of such provide. In addition, this paper exposes the most important categories of health care providers and the cooperation of NGO-s to facilitate access to health care, as well as the issue of financing in the case of undocumented migrants. Moreover, it presents two studies regarding access to healthcare of undocumented migrants in practice. The first study regards the case of pregnant women and the second regards the most frequent health problems of undocumented migrants. This paper also exposes the issue of access of health care of the children of undocumented migrants, making a general overview of the issue.

Keywords: access to healthcare, undocumented migrants, categories of health care providers.

Introduction

The last consecutive decades, migration has become a global issue arising major health challenges, especially regarding access to health care services in the destination country, by undocumented migrants. By definition undocumented migrants are persons who live in a country without having a valid residency permit. As a result of such lack of the legal entitlement, they have been defined as physically present and formally excluded. Since their movements from one country to another are rarely tracked by the authoritative bodies and no census reaches them, their names do not figure in the official state registers (Eight Stories from Switzerland, 2018).

Even though Swiss legislation provides access to healthcare for everyone residing in Switzerland for more than three months, in practice undocumented migrants face many difficulties. Therefore, is raised the question; how are the rights of health regulated and how is provided the access of health care to undocumented migrants? This problem regards the main question of the research paper. Initially it represents some statistics about the origin of the undocumented migrants in Switzerland as well as for their education. Then, it investigates the changes of the structures for financing and health care which after the 1996s were set on the cantonal level, emphasizing their great influence. Concretely, Switzerland has a population of 7.7 million inhabitants (Veronika Bilger, Christina Hollomey, 2018) and hosts from 50.000 undocumented migrants to 100.000, whom result in approximately 0.6 to 1.2% of the resident population (Yves Jackson, 2018). It is a confederation and consists of 20 cantons, six half cantons[1] (Rashiti, n.d.) and 2,740 municipalities which compromise four main officially linguistic groups. In this fourth are included the French, German, Italian and Rhaeto-Romanic group (Chantal Wyssmüller, Denise Efionayi-Mäder, 2011). This paper, also addresses basic regulations of the registration of asylum seekers, regarding the statutory basic health insurance and the procedure of entering in a contract of insurance.

Moreover, it deals with the laws and regulations of the Swiss legislation in the sphere of access of health care. Some of the main sources are; the Federal Constitution of the Swiss Confederation,

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[1] In the 1848 Switzerland switched to the current federal structure and therefore each of the cantons has its own legislation and government. Switzerland has 20 cantons and six half cantons. The difference between them is that normal cantons get two seats in the Council of States, while the half cantons get only one. The cantons are; the Canton of Zurich, of Berne, of Lucerne, of Uri, of Schwyz, of Obwalden, of Nidwalden, of Glarus, of Zug, of Fribourg, of Solothurn, of Basel- Stadt, of Basel- Landschaft, of Schaffhausen, of Appenzell- Ausserrhoden, of Appenzell-Innerrhoden, of St. Gallen, of Graubunden, of Aargau, of Thurgau, of Ticino, of Vaud, of Valais, of Neuchatel, of Geneva and of Jura.

the Swiss Civil Code and the Swiss Criminal law. In addition, this paper provides the main categories of health care providers, the cooperation of NGO-s to facilitate access to health care and the issue of financing and function of health services.

In the following, it provides two studies, surveyed as examples of access of health care in practice, in the case of undocumented migrants. The first study regards the lack of access of health care in the case of pregnant women while, the second regards the main problems of health of the undocumented migrants. Both of the studies emphasize the lack of the need for specific care by professional health care providers, in case of undocumented migrants. The last discussed issue is the access of health care of the children of undocumented migrants, which makes a general overview of the situation in this field.

The paper consists of three sections. The first section presents the access of health care of undocumented migrants in Switzerland. The second section will look at the relevant laws and regulations of health care, in the case of undocumented migrants and the insurance package. While the third section regards the categories of health care providers and health care of the children of undocumented migrants. In the conclusion, the research paper emphasizes the main points of the represented literature.

Health System of Switzerland

According to statistics, approximately 43% of undocumented migrants of Switzerland originate from South America, while 24% from Europe, 11% from Asia and 19% from Africa. Regarding age, the major part is between 18 and 40 years old. While, regarding education 59% have received secondary or higher education. While the remaining part have received basic education, which consists of six to nine years of primary school (Eight Stories from Switzerland, 2018). When it comes to healthcare Switzerland has a very high out of pocket contribution rate. Despite this, in the case of undocumented migrants the Swiss policies ignore this fact. The principle of federalism is not applied only in the political system but also to the health care system which is decentralized and involves many actors (Veronika Bilger, Christina Hollomey, 2018). In the 1996s, were made important changes regarding the statutory health insurance. Since the federal government increased its regulatory powers over the health system, the structures for financing and health care changed and were set on the cantonal level. Due to the fact that Switzerland has a federal tradition, the power of regulating healthcare belongs to its cantons (Eight Stories from Switzerland, 2018).

Each of the cantons has responsibility regarding the implementation of federal laws, regulations and provisions of health care, prevention of diseases and health education. However, they might delegate specific parts of such responsibility to the municipalities, for instead delegate the support of elderly persons or pregnant women. Hence, cantonal policies have a great influence in the extent to which persons can access health care at their place of residence.

Following the statutory changes effective since 1996s, nowadays if not being covered by a health insurance in another country of European Union (EU) or of the European Free Trade Association (EFTA)[2] or of a country with which Switzerland has concluded bilateral social security agreements[3], all the persons residing in Switzerland have the right and the duty to take out basic health insurance[4] (Veronika Bilger, Christina Hollomey, 2018). The registration of Asylum seekers is made through basic health insurance during their asylum procedure. This global scheme of health insurance is obligatory for all the persons who exceed three months of residing in Switzerland, therefore it includes also the undocumented migrants. The statutory basic health insurance is offered by health insurance funds and private insurance companies which are in accordance with the requirements of the law of health insurance. The registered insurance companies which offer basic coverage must be non- profit and are monitored by the Federal Office of Public Health. The insurers are obliged to accept all applicants for the basic package of benefits, since the residents have free choice among them. On the other hand, the individual insurance contributions depend on age group and regionally.

Relevant Laws of Health Care for Undocumented Migrants and Insurance Package

According to the Federal Constitution of the Swiss Confederation, every person who resides in Switzerland is granted access to basic health care[5]. Furthermore, any person in distress has the right to assistance if being in need[6]. This right is entitled to every person regardless their residence or insurance status and it cannot be restricted. Referring to the current policy interpretations and the Swiss Civil Code, since undocumented migrants reside in Switzerland, they enjoy the right and

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[2] Here are excluded the RO and the BU.

[3] The countries with which Switzerland has concluded bilateral social security agreements are; Australia, Brazil, Canada, Chile, China, Federal Republic of Yugoslavia, India, Israel, Japan, Kosovo, North Macedonia, Montenegro, Serbia, Philippines, San Mario, Turkey, United States and Uruguay.

[4] The definition of Basic Health Insurance cover is defined in the Health Insurance Act and is the same also regarding the health insurer.

[5] Article 41 of the Federal Constitution of Swiss Confederation

[6] Article 12 of the Federal Constitution of Swiss Confederation

have the duty to take out insurance[7]. If the residents, including the undocumented migrants do not take out insurance it may result in sanctions. Furthermore, when a contract is agreed, the uninsured person may be obliged in paying a supplementary penalty fee if having delayed to take out insurance exceeding three months after his/her arrival in Switzerland (Eight Stories from Switzerland, 2018). In addition, the federal state as well as the cantons are obliged to ensure access to healthcare to everybody if they require it. The healthcare providers have as moral duty to assistance to every person in distress. If any of them refuses to offer assistance in emergency cases he/she has criminal liability under Swiss Criminal Law.

In case of documented residents receiving care during the time while their insurance is not approved, their costs get covered in the moment the contract is signed. The start of the contract is fixed by the insurance retrospectively as soon as the person has registered at a municipality. Whereas, in the case of undocumented migrants it cannot be known if the person intends to stay or not in the country. Therefore, the insurance provider has to take in consideration the risk of signing contracts with individuals who may have entered the country only to get treatment. Being in front of such case, the insurance company has options to refuse the signing of the contract or to rescind it at the moment in which the individual leaves the country. Regarding the residence status of the person residing in Switzerland is made no distinction by the Public Health Insurance Law. Under this law, every company which offers compulsory health insurance is obliged to accept all the applications for the basic package of benefits, despite the individual risk, related to the status of residence, gender or solvency. Moreover, according to the Swiss accident insurance Law, every person who is gainfully employed in Switzerland, shall be insured by his/ her employers contra risk of accident or any occupational disease. Such obligation is applied in an employment relationship even to the undocumented migrants. In order to be registered in an insurance company to benefit from the basic health insurance, applicants have to follow the standard procedure. They have to provide some personal data such as; their full name, the date of birth, an address and a post or bank account. In case that the residence of the applicant is not registered in a formal way, as the place of residence is considered the actual domicile.

Furthermore, even if they pay the first premiums and suddenly are in insolvency, the delay in premium payments may lead to a cost-recovery process which can result in being reported to the

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[7] Article 23- 26 of the Swiss Civil Code

authoritative bodies. Also, the nonpayment of health insurance suspends the reimbursement of the costs of treatments, whether current or subsequent. Generally, the insured pays a monthly premium to the insurance company, which amount depends on the service and canton. He/ She pays an excess between 200 and 1,700 euros and also 10% of the medical and treatment charges. The poor people many times choose policies with higher excess. Such choice may lead to enormous problems and to them may be not provided health care when being ill, since they cannot afford to pay the costs incurred. In order to help them in accessing healthcare, the cantons can grant subsidies to people who have low incomes (Pierre Chauvin, Isabelle Parizot, Nathalie Simonnot). However, in order to have insurance, it is necessary to have an enough paid work.

But, the major part of undocumented migrants is employed on the black market, earn low and irregular incomes, thus they live in precarious conditions. Because of the financial pressures that arise from the high cost of health care they are pushed into works which risk their health. Since they do not enjoy employment protection, they are not able to negotiate for wages, protection if being accidented, sickness or in case of pregnancy. For such reason, they end up either being used by their employers or rely on charity. Even that they are allowed by the federal health policies to purchase private life insurance, a very low proportion of them is able to access medical care, since the costs of insurance are very high. Regardless the steps undertaken by the patients and the health care providers in the health care system, the limitations of inclusion of undocumented migrants cannot be avoided. In case a patient is uninsured, his/ her treatment is strictly limited. However, even in the case when a migrant is insured, inclusion is not the same compared to that of Swiss citizens, since it is needed advocacy. Moreover, in order to achieve inclusion in most of the cases patients are forced to accept more health risks than the Swiss citizens. Being undocumented is a social determinant of health on its own. Unfortunately, the lack of documentation is not resolved in most cases, despite all the efforts made by healthcare providers and patients. In cases when it is resolved, the solution is accomplished after many years of facing difficulties and suffering.

The Categories of Health Care Providers

In general, in Switzerland are distinguished three categories of health providers regarding undocumented migrants. The first category refers to services that are integrated in public hospitals. The second includes the medical or social centers, which are administrated by non-profit or non-

governmental organizations. While, the third category consists of publicly (co-) financed services which offer specialized care on specific topics of health (Chantal Wyssmüller, Denise Efionayi-Mäder, 2011). The health care access for undocumented migrants is promoted by civil society actors. In order to facilitate the access of health care of undocumented migrants some cantons have cooperated with NGOs. These services are distributed in an unequal manner whether within or between the cantons. Because of the large autonomy of the cantons, regarding the monitoring of health insurance and the regulation of the matters of minimum health care support, result many cantonal variations. The fact that the policies which grant access to healthcare vary from canton to canton complicates the issue. Until 2012, it was not clear if it had to be granted insurance by the cantons to the undocumented migrants. Some cantons such as Vaud and Geneva allow the provision of health services for vulnerable persons, including undocumented migrants. Both have implemented primary care services[8] regarding public healthcare. (Eight Stories from Switzerland, 2018).

The financing and function of health care services is granted by the canton itself via service providers, administrations and NGOs. Whereas, the majority of other cantons have not adopted such policies. They either chose to delegate this task to NGO-s or do not offer any service, excluding the emergency department of public hospitals. Therefore, undocumented migrants are protected less than other groups of the population. For instance, focusing in the pregnancy care and prevention, the undocumented migrants in Geneva use these kinds of services much less compared to legal residents. According to a study, regarding the lack of access to pregnancy care and prevention of undocumented migrants compared to legal residents, results that undocumented migrants do not use many preventive measures, have more inadvertent pregnancies and are subject to more violence during pregnancy. The majority consult only in the initial of pregnancy visit one month later than legal residents. The healthcare professionals assert that such thing happens not only due to the difficulties of insurance but also because of the lack of trust they have in health service organizations. This study underlines the need to have better access in healthcare regarding pregnancy cases for undocumented migrants. Moreover, since there is lack of information regarding this issue, healthcare systems should provide appropriate education in order to lower the

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[8] The primary care services include health promotion, prevention of the disease, maintenance of health, education of patient, counseling, treatment of chronic diseases etc.

rate of such cases (Wolff H1, Epiney M, Lourenco AP, Costanza MC, Delieutraz-Marchand J, Andreoli N, Dubuisson JB, Gaspoz JM, Irion O., 2008).

As aforementioned, in theory Switzerland applies mandatory health insurance, therefore undocumented migrants are entitled to the insurance package, which includes the basic set of benefits that is offered to all the persons residing in Switzerland. The basic set of benefits covers primary and secondary care, such as; reproductive care, out and inpatient medical treatment, care in case of pregnancy and birth, treatment if being accidented and prescribed medications. While the dental care is not covered (Veronika Bilger, Christina Hollomey, 2018). According to a study made to distinguish the most frequent health problems of undocumented migrants, results that most of them suffer from chronic cumulative health problems[9]. This emphasizes the need for specific care from health care professionals and attention from policy-makers, in order to ensure the access to primary healthcare services (Yves Jackson, 2018). The premiums for set of benefits differ regionally and depend on the insurance policy of the individual. But, in practice evidences show that health insurance is highly complex and not accessed to all the undocumented migrants. Since they have low wages, they cannot afford to pay the insurance premiums.

In Switzerland, education is compulsory for all the children, hence every child shall be registered for the compulsory curriculum. Since the first nine years are obligatory for all, the undocumented children cannot be excluded. Except the teachers, and other employees each school has its doctors and pediatricians who perform medical check- ups and offer health program such as vaccination and prevention. In case of detecting a problem, they are obliged to inform the parents that the child must be treated. Every treatment which takes place outside the school shall be organized by the parents. However, the Swiss institutions including the school system are all federalized, as a result are observed differences regarding the implementation of the rights of the children in school (Veronika Bilger, Christina Hollomey, 2018).

Conclusion

This paper examines the access to health care of undocumented migrants in Switzerland. It provides a better understanding of how the access to health care is granted to persons who do not

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[9] Chronic cumulative health problems include hypertension, high cholesterol, diabetes, arthritis, ischemic heart disease, chronic kidney disease, heart failure, depression, chronic obstructive pulmonary disease etc.

have the legal entitlement of residing. This paper represents the most important laws of the Swiss Confederation regarding such matter. According to the Swiss legislation, access to basic health care is granted to every person residing in Switzerland for more than three months[10]. But however, even that law does not exclude the undocumented migrants, in practice they face many difficulties in realizing such right, since its realization depends on the economic situation, administrative status and on the place of residence. Furthermore, if being residents for more than 3 months, the undocumented migrants enjoy and the right and the duty to take insurance[11].

Other discussed issues are the insurance registration and the required premiums payments. Due to the large autonomy of the cantons, regarding the monitoring of health insurance and regulation of health care support, result many cantonal variations. Regarding categories of Health care providers, they are divided in three sections. The first category includes services of public hospitals, the second medical or social centers, while the third includes publicly (co) financed services (Chantal Wyssmüller, Denise Efionayi-Mäder, 2011). While, regarding the financing of health care services, in majority it is granted by the canton itself through service providers, administrations and NGOs. Whereas, the remaining cantons have not adopted such policies and chose to delegate this task to NGO-s or do not offer any service. As a consequence, undocumented migrants are protected less than other groups of the population.

In the following, the results of the two represented studies show that there is lack of access of health care in case of undocumented migrants (Yves Jackson, 2018), (Wolff H1, Epiney M, Lourenco AP, Costanza MC, Delieutraz-Marchand J, Andreoli N, Dubuisson JB, Gaspoz JM, Irion O., 2008). The last issue focuses on the rights of health care of children of undocumented migrants, whom are differentiated from the other children, due to the federalization of the Swiss Institutions which affects the implementation of the rights of the children in education filed.

In conclusion, this research paper examined the law and regulations of access to healthcare of undocumented migrants in Switzerland, the health insurance and the categories of healthcare providers. After reviewing the aforementioned issues, the paper is concluded by providing two studies which show the implementation of the right to access to health care and which emphasize the lack of healthcare services in the case of undocumented migrants. The practice shows that the

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[10] 2 Article 41 of the Federal Constitution of Swiss Confederation
[11] Article 23- 26 of the Swiss Civil Code

issue of access of health care is highly complex and remains a matter which shall be investigated further. Even though, patients and professionals are trying to reduce the inclusion of undocumented migrants in healthcare, such reduction is difficult to be achieved.

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Title: "Important factors that influence integration of refugees in the host societies"

By: Rea Ajazi

Supervisor: Dr. Denard Veshi

Research in 'Refugee Law'

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Abstract

This research will deal with the complexities of refugees' integration in host societies. The paper will focus on the refugees' perspective regarding what is helpful to them to better participate in the society. It will also provide examples on how European Union member states and also other states support refugees' unification in their social order. It should be noted that this study will not deal with all factors that affect refugees' participation and integration in host societies. Through taking in consideration the refugees viewpoint and the state procedures this study will analyze three of the most important factors that influence in refugee integration: Education and language, employment and housing. These factors will be examined separately but it will be also noticeable the correlation that these components have with each other and how they can influence not on only in one another but also the refugee integration.

Key Words: *Refugee integration, refugee perspective, state practices.*

Introduction

Refugees' integration is an interact and multidimensional assemble regarding their integration into the social, educational, health and economic context. Over the past decade, the forcibly displaced population grew rapidly. According to The UN Refugee Agency (UNCHR), in 2009 the displaced population was 43.3 million while the latest report shows that in 2018, 70.8 million people were displaced due to violence, persecution, conflict, or human rights violations. Meaning that every day the world was displacing 37,000 people from their homes. Among these people 25.9 million[1] were refugees of which more than two thirds came from Syrian Arab Republic, Afghanistan, South Sudan, Myanmar and Somalia. Consecutively, for many years the largest number of refugees was hosted by Turkey with 3.7 million people[2]. This increase of the number of refugees and other displaced people came as a result of different conflicts that have happened in the world such as the Syrian conflict. The adaptation of refugees' depends on a number of components, including, the departure process, the post-arrival experiences, pre-migration experiences and environment (Mihaela Robila, 2018).

Many asylum seekers and refugees have suffered severe trauma including, genocide, mass violence, witnessing the killings of their loved ones, starvation, lack of shelter and water, physical and mental torture. Even though the arrival in a host country considered as a safe place provides some kind of ease, it may be associated with other problems such as language barriers, unemployment, homelessness, family separation issues, legal status or lack of access in healthcare system or educational system (Tom Craig, Peter Mac Jajua, Nasir Warfa, 2009).

This paper aims to show the facilities provided by different EU member states to the refugees in order to ease their process of integration as well as highlight the main factors that influence this process. Regarding, the European continent has been quite difficult to deal with the large influx of refugees coming from different problematic countries. Within the European Union there have been separations of perspectives regarding refugees and their acceptance inside different states (Paludan, 2009). The spread and increase of terrorism, diversity, mixing of cultures and religions have been a concern for the Europeans. (POUSHTER, 2018).

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[1] 20.4 million Refugees under UNCHR's mandate and 5.5 million Palestine refugees under UNRWA's mandate.
[2] Global trends, Forced displacements in 2018, UNCHR.

However, other countries have been more helpful in trying to integrate refugees, in their social life. Every member state practices its own domestic legislation when it comes to accepting refugees but regarding the factors that influence the adaptation of refugees can be considered as the same. France, Ireland, Germany, Sweden and Austria consider as a key factor of integration of refuges in the society, the employment factor followed by education, language, housing, active citizenship, social integration, social inclusion, healthcare etc. (Refugee Integration, 2013).

"One-size-fits-all" it is not the view-point needed in order to achieve refugee integration. It should be taken in consideration that people diverse in what they are looking for, as well as in what they are skilled. Some people might be low-skilled and require a more intensive adaptation assistance compared to those that are higher skilled. Minor refugees that are unaccompanied require specialized assistance. Women should also get help to easily adjust to the social and cultural changes by the gender sensitive polices.

There is a two-way process in order to achieve the result wanted which is refuges integration that is the reason why it must exist a strong collaboration between the society and the refugees. Although the authorities of states may create guidelines to follow in order to facilitate this complex process, there must be an effort from the refugees. The civil society should create the conditions needed in order for these guidelines to work.

This paper is about the clarification of the main components that influence on the refugee integration after they leave their country of origin and become part of another society in the host country. The study is divided into three main sections which include education and language, employment and housing. These components are not only three of the most important factors that influence on the refugees' integration in the social and economic life of the host country but they also are factors that influence on one another. Education and language are provided by the host country in different ways after the individuals have gained the status of refugee.[3] Employment is one of the main factors of social integration of refugees that is also related to language but it can be considered as a midterm need, since first of all the refugees after coming from their country of origin firstly need housing in order to be granted their basic needs.

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[3] A Strategy for Refugee Inclusion, Refugee Education 2030, UNCHR.

Refugees' perspective and state practices on: Education and language.

Education and language are both key components in refugees' integration in the host countries but are closely linked and that is why they are going to be discussed together in this section. Education process for many refugees is either simplified or interrupted by the absence of professional certificates or educational certificates that shows the individual qualifications. When the certificates and documents are left behind in the country of origin or lost, the process to validate these certificates it's much more challenging. This process is often long and the consequences can be repeating the education, delayed process of entry to education or starting the education at an elementary level (Refugee Integration, 2013). Refugees often participate in the lower level of education such as general courses that are inadequate to train them for higher levels of employment. Higher education is generally unapproachable for refugees due to the pressure that they have in order to earn money. That is why refugees usually sacrifice their own futures by being stuck at lower levels and those who do enter higher education do so at their personal cost by working various jobs.[4] Language has been also an issue. Usually, the refugees arrive in the destination country with no or limited language knowledge. Language trainings are provided by many EU Member States. Learning the language is one of the key components for integration because it can simplify the process of employment and allows the refugee to adapt in the society, facilitates networking and it creates a sense of belonging (Refugee Integration, 2013).

Lack of language skills make impossible job seeking, networking, securing housing the ability to be self- reliant in terms of economic activity and it is a barrier to other adaptations in the social interactions therefor; the individual becomes isolated by the lack of language. Refugees' participate in language courses after receiving the refugee status, but this trainings offer basic level of knowledge which differs from one state to another and it enables only the everyday communication.

The integration path of women it is especially influenced by language. Most of the women gain a meaningful increase of self-confidence and they are better at organizing their economic life and also social life (Refugee Integration, 2013).

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[4] A Strategy for Refugee Inclusion, Refugee Education 2030, UNCHR.

Factors that influence refugee education and language are also key factors that influence integration itself including age, economic situation, employment and health. Stakeholder have commented that refuges that are above 50 years old find it difficult to study a new language while youngsters are more motivated to study and educate themselves. The personal economic situation of refugees is a basic component in order to get motivated to study and if they find it hard to settle their money resources education becomes much more difficult. Health issues are another concern for refugees that does not facilitate education and studying of a new language because many refugees suffer from Post- Traumatic Stress Disorder (PTSD) (Tom Craig, Peter Mac Jajua, Nasir Warfa, 2009). This disorder can be caused due to the severe trauma they have suffered including, genocide, mass violence, witnessing the killings of their loved ones, starvation, lack of shelter and water, physical and mental torture (Tom Craig, Mac Jajua, Nasir Warfa, 2009).According to the stakeholders there is enough evidence that shows that while language can facilitate the process of job finding and employment, on the other hand employment can also facilitate the process of education. In Sweden, refugee students are required to follow the language courses while they are employed because it has a positive effect on the practicing of the language outside the classroom. It is very helpful even according to the refugees because of the practicing and the level of confidence that they gain during this period (Puschmann, P., Sundin, E., De Coninck, D., & D'Haenens, L, 2019).

Researchers in Germany show that the refugees that followed a language course from the A1-B2 level were able to find a job much more easily (Puschmann, P., Sundin, E., De Coninck, D., & D'Haenens, L, 2019). Another state even though it is not part of the EU that provides to its refugees language courses after they gain the status is Canada. It provides the refugees with the possibility to follow English or French language classes in an appropriate level for each refugee (Courtney Brell, Christian Dustmann and Ian Preston, 2020).

Refugees' perspective and state practices on: Employment.

Employment is one of the two main concerns of refugees other than the housing aspect. The first thing that refugees respond when they are asked of what makes them feel integrated is the fact of being employed (Refugee Integration, 2013). Although the legal frameworks are different across countries the obstacles about employment are similar including language deficiency, skills and

qualifications, payments and access to information. [5] Many factors may stand in the process of refugee employment even though the legal access to finding a job and the labor market is provided. Labor market integration is an important sign that shows that refugees are adapting well in the society of that particular country. Some refugees indicate that entering any job even a low profile one may lead for better employment opportunities in the future. While other suggests that they became trapped by entering in the beginning at a low socio-economic cycle. The employment rates of refugees increase rapidly over the first years after being in the host country because immediately after arrival these rates are very low. EU member states are prepared to support and address the needs of refugees. Some of the factors that influence employment include health, language, lack of qualification, driving license, lack of networks, discrimination and housing instability. Integration of refugees it is primarily a national issue that each member state deals with it differently and one of the most controversial topics regarding employment are the wages of the refugees that often are influenced by the education, skills and capability.[6]In the French literature the primary factor that influences the integration of refugees is the employment. Many studies like Département des Statistiques des Etudes et de la Documentation (2010) and Haut Conseil à l'Intégration (2012) over the years have conducted that refugees have a higher tendency to be unemployed rather than French people. Ireland provides for refugees a number of different reports for the labor market in order for the refugees to apply and help them adapt better (Refugee Integration, 2013). For the Sweden government the integration of refugees in the labor market is a top priority in order to help refugees adapt but also to increase the labor force in their country through refugees (Puschmann, P., Sundin, E., De Coninck, D., & D'Haenens, L, 2019)

Refugees' perspective and state practices on: Housing

Housing is one of the most important components that are related to the refugees' integration in different societies but it is also one of the areas that is less searched for and has few statistics. In Cork, Limerick and Galway of Ireland, 9.3%of refugees were in need of housing. In France, during the first years of the recognition of status, very few refugees were able to secure housing. In Sweden, more than 85 % of refugees live in rented houses (Puschmann, P., Sundin, E., De Coninck, D., & D'Haenens, L, 2019).

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[5] Migration Policy Debates © OECD/UNHCR, N°10 September 2016
[6] Labor Market Integration of Refugees

One of the reasons why refugees cannot secure affordable and independent housing are the landlords that hesitate to rent houses to the refugees due to their negative perceptions. Other reasons why refugees cannot get housing are the unemployment, urban preferences etc. That is why refugees often end up in social housing granted by the government of the state which can increase the anxiety and no integration feelings. Housing can impact the stress levels on individuals and lead them to mental health, anxiety and depression problems. Housing of refugees' also depends on where they are located. In Austria, many stakeholders reported landlords for discrimination against the refugees and the immigrants. Germany is the destination for many refugees coming from all around the world and their integration is the most important task when it comes to refugees for the German government. There are different competencies and regulations inside the national administration when it comes to housing and the accommodation of the refuges' in order for their adaptation. The state leaves this task to the municipalities. Germany's housing policy is different based on the income of the refugee families. Low-income families receive housing reimbursement.

Conclusion

This research provides the complexities of refugees' integration in different societies. It shows that the process of integration in a host society for refugees it is not easy regardless of the fact if it is a high income country or not. It conducted some specific viewpoints on what would better the integration of refugees and make the adaptation less difficult according to the refugees themselves and also it provided some examples of European Union Member States practices. Although, these states and their domestic laws on regulating refugees' matters are different, it allows making a comparison between these different practices.

Even though the arrival in a host country considered as a safe place, this research provides that although it exists some kind of ease, it may be associated with other problems such as language barriers, unemployment, homelessness, family separation issues, legal status or lack of access in healthcare system or educational system. Many asylum seekers and refugees have suffered severe trauma including, genocide, mass violence, witnessing the killings of their loved ones, starvation, lack of shelter and water, physical and mental torture. Many refugees suffer from Post- Traumatic Stress Disorder (PTSD).This disorder can be caused due to the severe trauma they have suffered.

In conclusion, this research is about the clarification of the main components that influence on the refugee integration after they leave their country of origin and are part of another society in the host country. The study is going to be divided into three main sections which include education and language, employment and housing. These components are not only three of the most important factors that influence on the refugees' integration in the social and economic life of the host country but they also are factors that influence on one another. The "privileges" of these factors are gained after the refugee status is obtained from the individuals.

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Refugees in Greece

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Table of Content

ABSTRACT

Even though we are living in the 21st century , and it should be crucial the elimination of serious problems regarding humanity , still we have to deal with basic humanitarian problems . Peace should be dominating all over the world and every economical , political problems or war conflicts should not exist . Due to the fact that such problems have not disappeared yet , people have to deal with such phenomenon called refugee crisis. Refugees are people obliged and forced to leave their country , in order to escape difficult situations existing in their country of origin . More specifically, in this research paper is going to be discussed a phenomenon that is observed the last years and that has been a debate in all over the world. The enormous numbers of refugees arriving in Greece , which is a European Country that in the period of its economical crisis, had also to deal with this serious issue that has been created .In the paper it will be analysed the Greek refugee legislation , problems that have been created in the Greek hotspots or accommodations of refugees arriving in Greece and how the country manages to deal with these problems .

Key Words

Refugees, Greece, Reception Centers, Refugee Crisis, Refugee's Rights, Policies

INTRODUCTION

It is common knowledge, the fact that Greece throughout the years has been a gateway for refugees and immigrants, who arrive by thousands in search of better conditions and living. The country

has always been willing to accept and provide hospitality to the refugee waves that have arrived, despite the social and economical barriers that were created. In the recent years the arrival of refugees in Greece has increased dramatically , causing several problems and even described by the United Nations Refugee Agency, as a humanitarian crisis.Factors, that drive refugees to make such a decision are related to economy, religion , politics as well as war and conflicts that may occur in their country of origin. But what is the current situation with refugees in Greece , described as refugee crisis and how it manages to deal with it ?

REASONS

It is very important to mention the reasons that lead refugees making the decision to choose Greece as a place to stay temporarily or permanently. To start with , geographical location , is considered to be the most important factor , that has led migrants and refugees in Greece. Being a crossroad of Europe , Asia and Africa , it is not just a final destination , but a step closer to the Western countries of Europe . Another main factor, is financial and political stability. Being a member of European Union since 1981 , Greece was considered as an oasis of stability socially and economically, due to the fact that even poorly paid workers in Greece earn four to six times more of the wage, they would earn in their country. However even though they make more money ,wages are still relatively low. Also, armed conflicts and political situations, especially between Kurdish people in Northern Iraq and Turkey and the Saddam regime , use of chemical weapons in Halabja , Iraq , also Syrian Civil War and escalation of violence in Turkey in the mid-90s , displaced large numbers of people in Greece .

REFUGEE POLICY IN GREECE

In order to speak about the current situation in Greece , first it needs to be mentioned what is the law and refugee policy in this specific country . Greece's legal system on refugees and asylum is related to Geneva Convention of 1951 , Protocol of 1967 , and on legislation of European Union on the Common European Asylum System. Being a member of these, Greece is obliged to follow the principle of non refoulement and thus provide asylum to those who have the criteria .In that way, every foreigner arriving in Greece should have the right to ask for international protection .Responsible for informing refugees in such situations , are competent Greek authorities , specialised for this job . More specifically, a refugee status should be given to those people , who face a well founded fear of persecution within the meaning of Geneva Convention , related to the applicant 's religion , race , political opinion, or membership in a particular social group and nationality . There is a variety of forms , including physical or mental violence, sexual violence, and in case of a minor, may also include acts of a gender specific or child specific nature . Back in 2011 , European Court of Human Rights and Court of Justice of the European Union found that there were some problems with the Greek asylum system . Those problems , include lack of reception services , poor detention conditions, and the lack of health care and remedy . There were two action plans adopted by Greek government in order to address the current situation . The first plan was submitted in 2010, its main focus was to provide asylum centers , better detention conditions, and an overall improvement of facilities of families with children and vulnerable groups. However, the plan was not successful, and this led to a second plan being prepared. The new plan's object was to make available international protection , with more reception centers and the implementation of a system of border management and returns.

REFUGEE CRISIS IN GREECE

The latest events regarding the refugee and migration issue, create an increasingly pressing framework, which the Greek government is unable to monitor, much less to promote Greek and European interests. It is considered to be not only a humanitarian , but also political crisis. Some years ago, European Union adopted some restrictive measures to the borders , in order to prevent refugees from seeking safety and protection in the European countries. Both , Greece and Italy were obliged to have the responsibility , of the refugee communities ,who reached there . Most of the refugees from Syria, Afghanistan and Iraq where stuck on greek islands of Chios , Lesbos , Kos ,Leros and Samos .The problem is that the islands are overcrowded and people have to live in dangerous conditions , waiting for months for their asylum situations to be solved . There is also a high percentage of the refugee population living on the greek mainland, most of them are even settled in urban settings , unable to be provided with the basic psychological and medical support that they need to be healed from the several traumas , caused by the war situation in their country. Infrastructure and host services, , are unable to respond to the enormous needs, while overcrowding is increasing further. Greece, being in an economical crisis , with a huge public debt, can not even provide the basic needs of people reaching its shores daily. Those who provide assistance (eg food, water, blankets and instructions on how to reach the identification centers) are mainly volunteers, activists and other active members of society. It is clear the fact , that the number of arrivals has exceeded any forecast of the Greek authorities, as well as those of other European states, which were not prepared to deal with such an emergency case . As a result , the whole situation has become a "crisis" due to the lack of a management plan of both European Union and Greece .

Journey

The journey to the European Union is painful. Fatalities , death or health problems are recorded daily, due to the fact that the road to the destination is in very bad conditions, with damaged, malfunctioning boats and bad weather.However,the difficult journey does not end once they reach the shores of Europe. Then , comes a long term process of identification of the refugees , recording, detention , and relocation . Most of the immigrants and refugees entering Greece follow the sea route of the Southeastern Mediterranean and sail to the islands of the Northeast Aegean, mainly in Lesvos, Kos, Chios, Samos and Leros. After their arrival on a Greek island, immigrants and refugees are forced to walk several kilometers or take the bus that will take them to an identification center. Groups of people (together with their children) , walk along as buses are not available , individuals or taxi drivers are afraid to transport them because they may be charged of illegal transportation of those people. Until refugees, are allowed to board a ship to Piraeus, they remain in "reception centers" or on the streets and beaches. Overcrowding has led to unbearable living and hygiene conditions, both in reception centers and various other islands.

Effects on refugees

Prolonged procedures, have negative consequences for applicants as they cause stress and tension and can lead to psychological problems. Most common are sleep disturbances, loss of appetite, and even depression. Long-term procedures also have an impact on the daily life of applicants. They have more limited access to rights and services than refugees that have been recognized.There are also legal and practical obstacles to family reunification, which is considered as one of the key mechanisms for better integration of immigrants and refugees. The absence of family members and worries about their well-being prevent their effective participation in language courses, school, training and job search. The increasing concentration of immigrants and refugees in the first host islands, and the bad reception conditions, often lead to conflicts with the

police, especially in the islands of Lesvos and Kos.Greek authorities have decided to launch special ships in order to temporarily discharge islands , where there are enormous numbers of immigrants and refugees. But the situation remains critical, as thousands of others continue to arrive daily, and there is not a long term solution implemented so far .

Another serious problem, that needs to be discussed is the fact that due to the 2015 Greek financial crisis, the issue sees also an extension into the work-factor. Where most, if not almost all of the refugees are dealing with the harsh challenge of finding a job position in order to support themselves and their families. Sadly, it is to mention the fact that it is yet to be integrated, a program that takes care of providing assistance and solutions to the asylum seekers, while there is still lack of reliable information regarding the asylum criteria and perspective available to the refugees.

Moreover, a serious topic that exists and still needs to be solved is the protection given to women and children travelling to Greece, who are constantly falling victims of exploitation, trafficking, and sexual violence. Women and girls feel insecure in Greece's overcrowded hot spots , while living in dire conditions. The Greek government should make possible , actions ensuring safety and, human conditions for women and girls in order to provide their human rights obligations and standards for humanitarian emergencies. According to the Greek law, "vulnerable" people, including new mothers , pregnant women , survivors of sexual and serious violence, persons with disabilities, also single parents with children under 18 years old , should be found and referred to support services and accommodation by the Greek authorities . In most of cases even women and girls , who meet the vulnerability criteria have not been recognized or identified as vulnerable for months , and as a result they are not provided with the appropriate support .Greece should prioritize

awareness of existing services, improve living conditions and security and provide availability for trained women interpreters , in order to help more women and girls affected .

Refugee's Education

Really important topic to discuss is refugees education . Children of refugees should take the appropriate education in order to join the society .However , there are some challenges dealing with this topic . To start with , there is lack of school structures and the appropriate persons to teach the language to refugees. It would be beneficial if children that has just arrived in the country would be able to follow the Greek educational system , and start immediately language courses . In addition, it would also be helpful for asylum seekers to know the language , as they would have access to the labour market, achieving financial independence and more quality life.

Unaccompanied Minors

Unaccompanied children are unable to find a secure place in the overcrowded specialized accommodations.Due to the horrible situation they are experiencing , most of them suffer from psychological distress, with symptoms including depression ,anxiety , insomnia , headaches conditions sleeping rough , in temporarily tents , until they start the identification and registration procedure.Living in unhygienic conditions , they put in risk their physical and mental health. In February 2016 Greece adopted , a joint ministerial decision, providing the procedure in order to determine whether an applicant is a minor.There is a representative or a guardian in order to represent the interest of the child and provide accommodations either with foster families , family members or hospitality centers especially for minors . However , European Commission 2016 made clear to the Greek Government that the guardianship system seems to be problematic, due

to the fact that persecutors who represent the minors are public , and do not have the appropriate resources in order to handle the huge number of minors that are unaccompanied and need a guardian .It was also mentioned by the Commission that there is lack of guardianship system in the Greek legal system , in order to have permanent guardians .

Agreement with Turkey

On March 7 , 2016 there was an agreement between European Council and regarding migration flow from Turkey to Greece . There was a comeback in the Greek Islands of migrants coming from Turkey, resulting into the economic cost being covered once more by EU. Transferring of any Syrian coming from the Greek Islands who is admitted by Turkey, or any Syrian in a European Country, coming from Turkey, is included inside of the already pre-determined commitments framework. There was also a doubt coming from the UN Refugee Agency regarding the legal aspect of the plan. The point is that sending the migrants back to Turkey is considerable as a collective expulsion, and this is a violation of the international and EU law.

IRC Contribution to the Refugees condition

Moving forward, we can also understand from an economic perspective, that refugees are still a possible potential to use in the work-place, they are looking forward becoming part of the community, contributing to it, while living independent lives. Indeed, we must mention how the International Rescue Committee (IRC) is helping the refugees in Greece, through programs furnishing employment possibility to the new-comers in the country. This is happening thanks to a collaboration with local Greek partners that are implementing these programs. The IRC works extends on other fields as well, like for example, they have released a website called

"Refugee.info" which contains updated information about relocation, family reunification, legal rights, services available to the refugees, and also Asylum options. Another example comes with the implementation of two camps on the Greek mainland, which main focus is to give children an alternative to detention (which features several different kinds of support for vulnerable children), in order to wait until the family reunification can be completed. In the case that family reunification is seen as impossible, the child will be placed into foster care or a shelter. As for now, the IRC is in the middle of a collaboration with the ministry of migration policy in Greece, and international humanitarian organizations, in order to address the issue regarding the lack of psychological and psychosocial care given to the refugees, and also the problem with violence against girls and women who are coming to Greece. These services are being provided in Thessaloniki, Athens, and also four other camps on the country's mainland. Moreover, this extra care program is being slowly implemented in the reception centers on the Greek islands too. The IRC is also providing some other basic-needs services, like water, hygiene with hot showers (featuring soap, toothpaste, and also shampoo), and laundry facilities. They also provide sanitation, and obviously all of this comes with instructions given to the refugees on how to carry these basic hygiene routines. All of these services are provided in two sites in Athens, and Eleonas. Another one is also present on the island of Lesbos, in Kara Tepe.

CONCLUSION

In conclusion , refugee crisis is a very important issue that has been debatable throughout the years . Greece is one of the countries dealing with this issue, due to the large numbers of refugees arriving to the shores of Greek islands . A lot of problems have been created , including reception centers ,which being overcrowded are unable to provide basic goods . Every state and persons

individually should contribute in order to help refugees in need . Policies and proper solutions should be taken by world leaders, so that this situation would stop and no refugee would die crossing the borders , as a result they would arrive in the safest place without fear of harassment or any other problem they face. Last but not least , there are many challenges having to live in a country of war and conflicts , but everything starts and there are many to come when you decide to become a refugee .

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REFUGEES ENTRANCE IN USA THROUGH MEXICO

WORKED BY XXXX

SUPERVISOR: DR. DENARD VESHI

PAPER IN "REFUGEE LAW"

TABLE OF CONTENT

ABSTRACT

Refugee concept is wide and complex. The migration policies are different from state to state and they are strictly followed from people. The reasons behind the choice of migration vary, due to different circumstances. These exponents vary, and people seek to readjust them while moving to the "new country". Refugees worldwide leave their birthplace, for a better future. They sacrifice to be free and not in danger of loss of their life. Indeed, migrants also make the moves to profit more economically, improve their lifestyle, and most importantly adapt to the new environment. The global migration movements have always been present, no matter the period. The difference shall be in the reasons after the decision of movements and the risk people choose to make. While choosing to migrate, everyone faces the decision of leaving anything behind with only one word in mind: Adapt. Many movements have initiated comparisons in years, between the countries. The factors compare which state offers more chances of adaptation for refugees, neither any type of migrant, and the countries that don't do much. There are many factors indicating the choice of migration, depending on the country of migration, the reason behind it, and the new life waiting for the migrant. In this paper, I am going to be focused on gathering informative data on the migration movements made from people moving to the United States of America, illegally, and the measures taken to prohibit them.

Keywords: Migration, refugee, movement, policies

INTRODUCTION

Many asylum-seekers, choose America as the land of dreams and freedom. The reasons behind the movements could be many different factors from one century to another, yet similar enough. Migrants are divided in legal and illegal migrants, depending on many factors and reasons of their choice, mentioned above in other sections. One of the most important destinations that these migrating people are reaching for is the United States. The migration movements to these states have always been present. They find assurance in the concept of moving to the safe states, and starting a new life. This research work initiates with the historical overview of the events that made people believe in the profits of moving to the United States, centuries ago. Although factors change from one century to another, yet they are revolved and similar.

In this paper I am going to display the whole Refugee- seeking concept, the denials and repatriations, and the migration policies, specified in the United States of America. Furthermore, my paper explains the path that these people make, passing illegally from the Mexican Border to the United States. USA is the "dreamland", considered so as a land of numerous possibilities, and chances for a better future. Migrants from all over the world consider the movement to USA as the best investment for themselves and try to enter to the United States by every possible way. These migrants are divided in legal and illegal migrants based on the "path" they choose, for the migration movement

In order to make my work precise in this research, I gathered information from historical books, and many articles explaining the initiation of the movements, emphasizing my area of topic, which is the United States. I searched for literature review and wrote my paper emphasizing the legal aspects of the movements. This relies to the explanation I made, to the migration

movements to the United States, dividing these movements in legal or illegal, and the border crossing, legal or not, based on laws of the Constitution.

Furthermore, the second section of this paper is history, the first migration movements, and the rise of Industrial America[1], which had a mayor effect in migration. It initiates explaining the economic issues that led to these movements, most of them, illegal. This research explains the passage being made from people, in passing the border from Mexico to USA[2] in order to enter the land of dreams. It explains the reasons that turned the passage of border illegal. Why is this way of entering to USA yet really dangerous? Which are the concrete dangers, and which are the profits?

In addition, the third section of the paper describes the policies made nowadays from the president of United States in order to stop the border passage from Mexico and the future measures waiting to be taken. This research divides the positive aspects of these measures, and the negative consequences, giving a final touch with critical thinking whether these measures are goodor not for the society. In the conclusion, it is defined the whole general idea of whether these movements ought to be allowed, and their positive and negative consequences. The whole idea of the research paper is concluded to understand that the measures taken are acceptable and important.

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[1] The industrial growth that began in the **United** States in the early 1800's, giving America a huge evolution

[2] Abbreviation used for the United States of America

2.1 Some migrants ought to enter USA legally, and educate themselves in order to gain chances in winning the crucial Green card and profit a new life. Others tend to seek for any chance that could make them capable enough to gain the Refugee status after seeking Asylum for many different components. The chances to win the Refugee Status are not frequent. The only cases where Asylum is absolutely accepted are cases where life is in a considerable danger, and the new state has the obligation to protect you. On the other hand, most of the Migrants choose the "oldest" way while seeking for migration in another country. They choose to migrate illegally, hoping that after many years they will have the chance to be a resident in the new country, and own the documentations that let them live as residents there. The reason behind this decision is simple and yet pitifully. These Migrants think that the chances to start a new life by applying for asylum or any job contract are rare. They tend to think that once they apply for asylum and their request is dismissed, they would be immediately turned back to their own country, and lose any chance they had for a new life. For this reason a big percentage of people migrate illegally. They think that in this way chancing of being repatriated back to the home country are minimal. This is the main reason behind the so-called illegal movements.

2.2 In the late 1800s, people in many parts of the globe migrated from their homes and chose United States as the safe place to start a new life. Some of the factors that made them make the choice of migration were: land and job shortages, rising taxes, and famine. USA was perceived as the land of economic opportunity. Others came seeking personal freedom or relief from political persecution. With hope for a brighter future, nearly 12 million immigrants arrived within the United States between 1870 and 1900. Following the 1870s and 1880s, most of these people were coming from Germany, Ireland, and England, which normally were the

principal sources of immigration before the warfare. Immigrants, always tending to follow the economic possibilities, were mostly stable in the rapidly growing cities of the Northeast and Midwest, especially during the age of industrialization. In 1900, about three-quarters of the populations of the cities of the United States were composed of immigrants and their children. Examples are: New York, Chicago, Boston, Cleveland and Detroit. Industrialization and migration, were now both correlated, spatially and temporally in American history.

2.3 Most of the migrants coming to USA were passing the border from Mexico and entering to a new life. In the early 20th century, the passage to USA by Mexico border was allowed and not considered illegal. People from all over the world were free to pass the border without authorization. Though authorities could still deport immigrants who hadn't gone through an official entry point, they could not be detained and prosecuted for a federal crime, this, for the only reason that no law existed that prohibited these actions from the migrants. The prohibition policies mainly started because Americans were concerned for the alcohol and gun trafficking during Prohibition. In order to stop the gunrunning measures had to be taken as soon as possible. One other issue that concerned the people of the United States politics was that they wanted the Asian immigrants out of the United States.

The criminalization of informal border crossings occurred mostly after an immigration boom from Mexico. In 1900, about 100,000 Mexican immigrants resided within the United States. By 1920, nearly 1.5 million Mexican immigrants lived north of the border. As Mexican immigration surged, many in Congress were trying to obliterate the nonwhite immigration. Following the 1924, the USA Congress had developed a "whites only" immigration system, a system which was banning all Asian immigration and cutting the quantity of immigrants allowed to enter the United States of America, coming from anywhere aside

from Northern and Western Europe. People from Asia were the first group of people to be considered as "illegal" immigrants, based on the Chinese Exclusion Act of 1882. Moreover, that all changed in 1929 when the U.S declared the enactment of a bill that would restrict a group of immigrants it hadn't really focused on before: the people that tried to cross the United States-Mexican border. The border passing policies have been respected since the 1929 moreover.

2.4 The border separating Mexico from the United States is an international border that extends from the Pacific Ocean in the west to the Gulf of Mexico on the East part. The border includes a variety of terrains, many urban areas, and also deserts. The Mexico–United States border is the most frequently crossed border in the world with approximately 990 million documented crossings every year. It is considered as one of the most important borders between two countries in the world. As I previously mentioned in the previous section, the illegality of this path is the first reason why people shall not pass it. On the other hand, there are also other reasons that make this journey much more difficult. The border passing is considered really dangerous and these people risk their life without any guarantee that the journey will end up right. While making this path, the scrublands and deserts in Mexico's northern state of Coahuila are the last stop for Central American migrants before attempting to cross the border into the USA. The deserts can make these people faint, or even die from thirst if they are not prepared enough. By the time they reach Saltillo, which is Coahuila's capital, people tend to "catch up" with different Mexicans or local people that try to negatively profit from them. The road is critically dangerous, because many of these men, women and children suffer assaults, robbery and abduction by criminal gangs along the way to USA. One other important issue concerning the illegal road trip is that people have also reported for extortion and ill treatment by police and immigration

officials. People have proved mistreatment from the officers, yet they were not protected and taken in consideration by any government. At certain stations, gangs boarded the trains and demanded people to pay them a "toll".

Tragically, some migrants are killed before they even get to the final path of the border passing. Depending on all these reasons the government has reinforced the policies in order to take as many measures as possible in order to stop them.

3.1 The "Border Path" has always been one of the most important ways how migrants tended to enter in the USA. After 1929 many policies were made in order to prohibit this passage from continuing. Measuring indication, the president that had the mayor reinforcement in the migration policies, is Donald Trump.

Donald Trump made immigration the main aim of his campaign, back in 2016 by offering a more detailed policy agenda than on any other issue. He was focused on turning America to the Americans and banning migrants from entering USA, especially illegally. He took extreme measures related to the Muslims. These measures were considered prejudging and unjustified from many countries and many people. On the other hand, Trump made it clear that he would make sure that the path through Mexico border to the United States would absolutely be stopped. Trump won the elections and in this way propelled the Republicans into the White House. The main question of this section is: How has the Trump administration's record kept the promises made, and the goals that had to be reached?

3.2 In addition, in his immerse campaigns, in 2016 presidential campaign, Donald Trump called for the construction of a much larger border wall, diving Mexico and USA forever and making

sure that the border would be respected, no matter the wish. Trump claimed that if elected, he would "build the wall and make Mexico pay for it." At the time, President of Mexico declared that his country would not pay for the wall, neither except it as if it was obligatory to pay. In July 2019, the Supreme Court approved the allotment of $2.5 billion in Department of Defense anti-drug funding to construct the wall while nowadays other legal proceedings continue. The wall, now named "The Trump Wall" started the construction, although many legal proceedings were made to stop it, yet judges allowed its continuity.

3.3 Moreover, one of the most important issues that I chose to explain in this paper is the economic aspect of this taken measure. The new border, called the "Trump Wall" had mayor expenses, and the payments and funding continues even nowadays. According to experts and researches, the actual cost for the construction of the wall along the remaining 1,300 miles (2,100 km) of the border could be as high as $20 million per mile ($12.5 million/km), with a total cost of up to $45 billion. These digits confirm that the expenses done are huge, and they would negatively affect the economy of the United States. Although Trump had the freelance to construct the wall, many experts reacted negatively, by saying that the decision for the creation of the wall is a big lack of economic stability. This leads to the fact that the wall needs funds not only for the construction, but annual expenses for its maintenance. These big expenses could be avoided and the amount of spending could be used for other areas of improving of the states of America.

3.4 The effectiveness of the border wall is one other aspect of my thesis. Examples show that in some other states the system of border barriers was considered to be effective. Barriers such as the Hungarian border barrier, the Israeli border walls, and the Israeli West Bank barrier have lowered the number of illegal border crossing, and confirmed as being highly effective measure.

On the other hand Texas A&M University and Texas Tech University made a specific research in this topic. They declared that the wall, and border walls in general, are unlikely to be effective at reducing illegal immigration or neither the movement of contraband. Their research also claims that in addition to the misuse of ports of entry, even a border-wide wall could be passed by tunneling, climbing, or by using aircrafts or simple boats. In addition, The "United States Customs and Border Protection" agency has frequently called for more physical barriers, emphasizing their efficacy and claiming that the wall is not yet a strong measure to stop the illegal migrants.

3.5 The formation of Trump Wall also has negative consequences, that most of the people could not know. Experts and environmentalists from all over the world declare that the construction of this wall would destroy the environment. Cement, which is the material that keeps together concrete, is a major source of greenhouse gas emissions. One other negative consequence that could happen from the construction of this wall would be the Exacerbating flooding disasters. Arizona is one concrete example of this issue, where immerse flooding started after the formation of a big wall, under the Administration of George Bush. Furthermore, one important, negative consequence is that the border wall could disconnect a third of 346 native wildlife species from 50 percent or more of their range that lies in the south part of the border. This explains that the construction of the wall could be fatal for the wildlife.

CONCLUSION

Migration movements occur as a decision based on many factors. The migration movements of people to the United States have occurred since centuries ago, based on the will to have better economy or either a secured life. The illegal path used by people to enter to the USA is dangerous and risky. Government has taken measures to stop the border passage and these measures have positive and negative consequences. Formation of a new wall would give profits because it would decrease the illegal migration rates and would be effective in its main goal. On the other hand, the research paper main point, which is the formation of the wall, still continues even nowadays. It faces numerous legal frameworks issuing its negative consequences. This wall would risk the wildlife, yet would make a big annual economic expense. All these components explain the positive and negative effects, depending on which effects people tend to give importance to. My research paper topic serves an overview of all these effects, and their importance. The formation of the wall could result efficient for its purpose, yet not considered total success based on many other factors. Migration issues continue, and will always continue, especially nowadays that they are followed by globalization, and democratic choices.

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Title "2011 Syrian Refugee Crisis Management from Host Countries"

By: XXXX

Abstract

The Middle East region has been for many years on of the most problematic regions regarding refugee movements and crisis. This has been going on for decades on end. Here I will discuss the overview and details of the refugee crisis in Syria resulting from the armed conflict that created a civil war including all the territory. The perpetrators of this conflict are the Syrian armed forces and its international allies, a loose alliance of mostly Sunni opposition rebel groups, jihadist groups (including Al-Nusra), the mixed Kurdish-Arab Syrian democratic forces, and the Islamic state of Iraq and the Levant (ISIL), with a number of countries in the region or elsewhere providing support to one or another faction (Iran, Russia, Turkey, the United States, as well as others). The paper will consist on analyzing the response by the main host countries that were impacted by the movement of Syrian immigrants that continues to be a problem even in present time. The main countries that managed the sheer number of refugees were Turkey, Lebanon and Jordan. These will be the cases of study for understanding the realities of the phases and difficulties that refugees pass and in trying to acquire safety. The Middle East countries have for a long time experienced internal conflicts, war and transitional phases through all of their history that have been the main factors of people seeking a safer country, so displacement has been a characteristic found throughout Middle East. One of the most prolific and newest migration movements was that of Syria in 2011. Syria experienced a forced displacement in a very large-scale coming from the war where it peaked at having 5.5 million refugees outside its borders. The UNCHR was able to provide the opportunity for resettlement only to 77,254 Syrians to third countries. One issue with Middle East countries is that the possibility of returning does not exist since the armed conflict in the country is ongoing. There has been criticism directed to the United Nations Summit from the host countries-Turkey, Lebanon, Jordan-where 5 million Syrians live, that the international organizations have failed to handle the refugee crisis and mass displacements. As turkey hosted 3 million immigrants this criticism is understandable as the high numbers of immigrants cannot be handled by the existing facilities of only three countries. Jordan hosting 1,5million immigrants had a ratio of 1 immigrant for 5

persons living in Jordan and this caused several internal problems for the population. Several other countries had closed their borders and had presented unacceptable demands for naturalization of refugees. But the situation changed from 2013 till present days where Turkey, Jordan and Lebanon changed their stance and position of accepting refugees with a humanitarian motive since the conflict doesn't seem to be ending and the sheer numbers continued to grow. At first access to mobility inside the country was given also with services like health, education and employment but with the change of their liberal approach several restrictions came into place. The borders were closed not accepting any more refugees and encampment issues were seen with Lebanon refusing to provide encampment. A negative impact in the handling of refugees had the fact that Lebanon and Jordan have not signed the 1951 Refugee Convention and Turkey has done so but with reservation about the country of origin that immigrants come from, so no Syrian immigrant was able to get a refugee status officially. Only in 2014 came the creation in Turkey of a national institution for refugee protection and in 2015 Jordan took over registration services from UNHCR. The involvement of EU came about when the Syrian refugees started reaching EU countries by large numbers, the number of Syrian immigrants and similar ones coming from areas of conflict reached 1 million in the year 2016. Also casualties were a severe issue resulting in about 8000 deaths of refugees trying to cross the Mediterranean so a crisis was declared by the EU. Therefore in 2016 a statement was issued by the European Union that aimed to control the mass movement of refugees that aimed at reaching Europe from Turkey coast. Turkey responded by building a wall in the formerly free Syrian border, Jordan on the other hand after years of inaction also closed its borders and implemented regulations for refugees. By granting work rights to immigrants Lebanon profited easier access to international markets by conducting deals with the EU. The changes and action undertaken by Turkey, Lebanon and Jordan are important for understanding the attempts and ways of handling such a mass displacement since these were the most impacted countries from the refugee crisis arising in the conflict.

Turkey

The legal status of refugees in Turkey has been and is still a point of debate. In 2011 the refugees were referred to as guests, this coming from the belief that the situation was temporary and would not produce an ongoing flow of refugees. The war in Syria did not show signs of improvement and only enlarged the scope of mass displacement producing more and more refugees seeking safety. The point where Turkey differs with other countries that have signed the 1951 Geneva Convention lies in the geographical limitation of excluding from protection anyone not coming from European countries. Ankara has stated that this limitation will be removed after Turkey becomes a member of the EU. Turkey has implemented in 2014 an TP (temporary protection) for Syrian refugees and these individuals that seek temporary protection will not be punished for entering Turkey through irregular ways or for irregular stay as long as they are: 1) identified by Turkish authorities while entering Turkey to seek protection; or 2) if they approach authorities themselves within a reasonable time period and provide a valid reason for their irregular entry or presence in Turkey, with an estimated 3 million Syrians being under TP. Syrian refugees in Turkey are allowed mainly the same rights as refugees with status with exceptions of being able to be employed with a permit for work and being granted citizenship after a time frame. The TP also is not permanent and can be taken back by an executive decision by law. But TP contains one of the main principles in granting rights to refugees and that is the principle of nonrefoulement. With the temporary protection refugees have access to health services, social and education. They can also gain access to the labor market but without the possibility of getting a work permit. There is a procedure that a refugee must pass to obtain a temporary protection document from the PDMM (Provincial Directorate of Migration Management). For different reasons like the fact that registration for this document may lower their chances to move to Europe many refugees have declined on obtaining the document and so are deemed unregistered without having the possibility to access the services and benefits they would in the other case. Also registration is done in the province residing at the moment and a change of location would mean a

new registration in the other province or else the loss of the previous registration. This situation makes it difficult for authorities planning for the provisions needed for the refugees as the number cannot be effectively calculated with unregistered immigrants. But the unprecedented number of refugees has caused problems even with registrations as provinces most highly concentrated with refugees have stopped registration as they cannot provide assistance for everyone requesting registration, with exceptions being made for newborn children and cases in need of medical assistance. The refugee population in Turkey in concentrated in some few cities and this creates a challenge of containing the numbers. Being eligible to services, Syrians under TP have access to health care by the same conditions as a Turkish citizen, this being provided by the national health care system. They have the possibility of getting free treatment from public health institutions for primary and secondary treatments. Intending to maximize the efforts of providing treatment to refugees Turkey also has created 570 Migrant Health Centers spread out through the provinces containing most of the refugees, the centers provide treatment also by Syrian doctors and medical staff. The cost of establishing and maintaining these facilities is done in many cases by the EU. There exist also mental health services together with other areas of medical assistance that gave support to about 130,000 refugees. NGO's have also been present in provinces with high concentration of refugees and have provided assistance and support. But two obstacles are in the way of reaching higher results in providing assistance and that is language and the high mobility of the refugees. In the labor market area of services refugees have the opportunity of applying for a work permit after a regulation passed in 2016. But still the number of work permits given to Syrian refugees under TP is around 20,000, a fraction of 1,5million refugees that fall under the age of 65 and start from 18 making up the labor force. The reasons for such a low number of work permits relates to the fact that employers are lacking incentive to employ refugees following the legal procedure but would easily hire them informally to avoid paying taxes and social security. Also refugees in many cases decline themselves of getting work permits as it would cause

them to lose getting state benefits. Wanting to enlarge the scope of employment Turkey has reduces the fee of work permits, wishing also for refugees to be formally employed as the informal work causes unfair competition in an already critic labor market with 10% unemployment in Turkey's population. A positive effect in this challenge of introducing refugees in the labor market is the result of Syrians wanting to improve their condition and livelihood by investing in their own economic activities and companies with an estimated 350million dollars being invested into thousands of companies since 2011. Another obstacle presented in this management of refugees is also child labor declared in 2018 as a main point of immediate reaction by the government. Easing the environment of market labor and investment the Turkish government is trying to facilitate access to labor services by trying to remove barriers. Another main area of improvement of conditions for the refugees is the access to education and schooling, by having a humanitarian approach in the case of Syrian children being provided access to education Turkey has shown serious and acknowledgeable intentions of facilitating the settlement of Syrian Refugees in the country. Education has been given a great importance as it holds great risks in the case of generations not being able to acquire education and so being deemed lost and incapable for formal market labors with long term effects. The number of children being eligible for education is very high with estimates being close to one million. Two steps were undertaken for the implementation of a strategy regarding education. First turkey allowed all Syrian children to access public schools with a Turkish curriculum and later Ankara proceeded to create Temporary Education centers that had an integrated Syrian curriculum taught by Syrian teachers. This system caused a higher number of enrollments being made in these services jumping from 20% in 2014 to 70% of children being enrolled in 2018, Turkey intends to have a 100% enrollment in TECs or public schools and has produces serious efforts in trying to achieve this. As the years passed by Turkey came to the conclusion that a closure of TECs and enrollment of all Syrian children in Turkish schools would provide a better efficiency in integration and recognition of Syrian student diplomas. The

process has also been funded by UNICEF and the European commission with intentions of higher integration into the society. The future of the refugees is somewhat misty as the solutions provided by the general framework in these cases consisting of three solutions: resettlement in a third country, return, and integration in the present country. One by one the ways of solution present problems as resettlement into a third country is a sensitive topic with EU countries notwithstanding the EU-Turkey refugee deal signed in 2016 have implemented highly restrictive policies in accepting refugees with only 15,000 refugees being accepted for resettlement in EU states, only a fraction in the large mass of millions of refugees requiring solutions. Return in the origin state also presented difficulties with the Syrian conflict being ongoing and challenging without a closure even 9 years later, there have been after all attempts to encourage return coming from the almost complete destruction and withdrawal of Isis from the area also accompanied by Turkish military intervention. As these are concrete progressions of the war Syrians responded by a considerate number of refugees accepting return to Syria although not normally in the previous area of residence but another one placed in safe areas of the country. There has been an official number of an estimated 150,000 Syrians that have returned to Syria. This still is a problematic and challenging procedure as the time length of protection that Syrians will be provided is dependent on the Turkish military presence in the territory at the time. Lastly integration is the most effective solution presently although the conditions and time frame guaranteed for Syrians under TP are not permanent and create a limbo setting where many results like informal employment and withholding investment come into view. But like formally stated integration is a serious intention coming from the Turkish government as this was seen in the closure of Temporary schools and attempts at 100% enrollment in Turkish schools. Also on the political sphere there have been announced intentions of integration from the president with almost 60,000 Syrian residents acquiring citizenship, mostly being high skilled individuals with education or individuals who claimed citizenship from marriage. But still the official standpoint is that eventually

Syrians will return to their country and the present state of turmoil will not last. The future will show further proceedings of this challenge that Turkey faces as being the main host country dealing with Syrian refugees.

Jordan

Being the second country after Turkey that's hosts the highest number of Syrian refugees which by statistics accounts for 10 percent of the population it has created a very difficult challenge on the country having to provide for these high numbers with already stretched resources and an economic crisis. With a estimated 700,000 refugees registering in Jordan with UNHCR. The refugees are mostly concentrated in cities and not camps. Work permits have been considerable with more than 100,000 permits being issued. There is also a large number of refugees being stranded in the northeastern border between Jordan and Syria. UNCHR coordinates the procedures of refugee response in an effort of providing refugees the basic needs for settlement. There is provided a primary and secondary health service free of charge in the camps, also a multi donor trust fund is set up from contributing countries like United States, Canada and others that make up to about 22milion dollars. UNHCR has implemented a program called DAFI that provides young refugees with the opportunity of getting an education. Following several conferences regarding the Syrian crisis Jordan has withheld the previous regulations regarding work permits and has eased the procedure of obtaining one with over 100,000 permits being issued. The number of refugees resettled into third countries is still very low with 5005 refugees departing Jordan for resettlement and this shows a pattern where although humanitarian policies are issued for countries cooperating with UNHCR in practicality there is not shown intent in actually accepting refugees and so easing the burden of less powerfully economic countries with extremely large numbers with more than a million refugees residing in Jordan.

Lebanon

Lebanon shows even greater gaps to be filled in the challenge of displacement from war as around 1.3 million refugees have registered with Lebanon's population being roughly 4 million with its own conflicts as that of Damascus

presents a complicated situation for the management of this crisis. The country showed many difficulties in handling these proceedings and so UNHCR was given great autonomy over the situation. In summer 2012 reports came from Lebanon that the principle of nonrefoulment was being violated with a process of repatriations of Syrians with border enforcements and so the government adopted a non-refoulment policy although cases of violations emerge still. Lebanon had one of the fastest growing cases of refugees trying to cross the border where even a restriction implemented in the border in 2013 where a refugee could not cross only with an ID showed little results. There have been several instances that have caused disruption in Lebanon regarding the refugees as the case of a march in Beirut of tens of thousands of refugees that chanted the name of Assad and so a conclusion was made that Syrian refugees were not to stay permanently. So Lebanon brought forth a revised policy toward the refugees that contained enforced legislations and limitations to refugees registering. The adoption of the measures slowed the flow of refugees and most importantly made their stay there very challenging by creating an ever increasing segregation. The Syrian refugees are a hot point of debate in Lebanon and the official standing toward the refugees remains the same characterized by unwillingness to act. A definition of the status of refugees in Lebanon lies between Alien, displaced and "de facto refugee". As Lebanon has not implemented the 1951 convention it does not employ any legal definition and does not have a legal framework that regulates. The only aid presented to refugees residing in Lebanon are those provided by UNCHR, until 2015 refugees were considered by the government like ordinary subjects to the ordinary visa scheme applied to all aliens.

Conclusions

The intention of this paper was to give some insight into the conditions the refugees face in the countries discussed that are Turkey, Jordan and Lebanon. These countries provide evidence at what a mass displacement causes and what challenges are presented in handling and providing assistance for high numbers of people coming without assets from regions of war. In the case of Turkey serious and plausible efforts are seen in providing assistance and protection to refugees although amounting to a very large number of more than 3 million people, Jordan

shows signs of positive intention towards protection and management of the second highest number of Syrians refugees. Although final solutions have not been produces still those millions of people presently reside there because no other country considers settlement even temporary for those populations. Whereas in the case of Lebanon a sense of disruption is shown in the governments lack of willingness to protect the UNHCR rights, the country also having inside conflict and turmoil of itself within their borders from terrorist groups. These cases of study show that a challenge is faced by Europe and other countries as these three states have not implemented the legal statue of recognizing refugees and in the future other developments will be seen, maybe Turkey will follow up its integration policies together with other countries or the Syrian conflict will stop and a opportunity of return will be possible. Nevertheless the crisis is ongoing on and different from the several thousand refugees or hundred of thousand that reside in EU countries the case studies here face highly challenging conditions and an insight in needed in order to understand the working of a mass refugee influx.

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Brexit and Immigration: It's Effects on Migrants

XXX

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Abstract

History was written with the referendum of 2016 in the United Kingdom, marking the start of a new era, leaving so behind their membership of the European Union. The focus point on Brexit has been the importance of immigration and how did if affect the voting itself. Will changes in legislation affect the sense of immigrants? This paper aims to go through the historical relations with immigration law and the purposes of Brexit migration policies. Now the employment laws might not get affected as much but the immigration is more likely to be affected, regarding the United Kingdom (UK) departure from European Union (EU). Another problem at sight is linked with the freedom of movement and with that of the category of the traditional immigrant who did make a permanent commitment to a new country.

Keywords: Brexit, Immigration, Brexit impact on immigration.

Brexit and Immigration

Introduction

"All across the country, people felt it was the wrong thing. All across the country, people felt it was the right thing. All across the country, people felt they'd really lost. All across the country, people felt they'd really won. All across the country, people felt they'd done the right thing and other people had done the wrong thing. All across the country, people looked up Google: what is EU? All across the country, people looked up Google: move to Scotland. All across the country, people looked up Google: Irish Passport Applications. All across the country, people called each other words. All across the country, people felt unsafe. All across the country, people were laughing their heads off. All across the country, people felt legitimized. All across the country, people felt bereaved and shocked. All across the country, people felt righteous. All across the country, people felt sick. All across the country, people felt history at their shoulder. All across the country, people felt history meant nothing. All across the country, people felt like they counted for nothing. All across the country, people had pinned their hopes on it. All across the country, people waved flags in the rain. All across the country, people drew swastika graffiti. All across the country, people threatened other people. All across the country, people told people to leave. All across the country, the media was insane. All across the country, politicians lied. All across the country, politicians fell apart. All across the country, politicians vanished...", - wrote Ali Smith in Autumn.[1] When control is taken back what's actually given up? These are the questions that will examine Brexit's effect on certain matters, such as its impact on immigration linking up to the economy. Migration in varies countries happen regarding various conditions approaching work, studying or simply living because of difficulties in their country of origin. Until now the UK operates under the EU legislation, Section 2 of the European Union Act 2018, until the day of the actual 'exit', given that this phase is referred to as a transitional period. Important to mention is that the supremacy of EU in relation to passing laws is continuous until the end of the transitional period.

Immigration history to the UK and legislation related

After the World War II, the immigration number began to rise towards the UK, mostly from countries of Europe and from British Colonies according to Abtahámová (2007). The post – war –Britain needed workers and so it faced a new high flow of immigrants, to which was given the right to work and settle in the UK, through the British Nationality Act passed in 1948.[2] Even though very much needed the inflow of immigrants, over time wasn't very well received. 1950's

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[1] https://www.goodreads.com/quotes/tag/brexit

[2] British Nationality Act 1948; 11 & 12 Geo. 6 c. 56

and 60's were the years where the prejudice of race against immigrants of color and the issue continued to grow and measurements such as envisioned lowering immigration levels were taken by the British Government. The Commonwealth Immigrants Act of 1962[3] was merely created because of the targeting migrants coming from Commonwealth territories, also with an objective to decrease the number of migrants of color who came from Commonwealth countries. The Act of 1962 ironically had the opposite effect to its fundamental aim, which from stopping the inflow of the immigrant actually caused an increase to it. Because the first Act didn't achieve its primary aim another one with a more –strict guidelines was put in place, with amendments and a new specific note: *"the differentiation between "belonging" citizens, who had provable evidence of ancestors born in the British Isles, and those who did not have such ancestry or proof of it, deemed "non-belonging" citizens."[4]* in 1968. Later on, many more acts on migration and asylum were established: Asylum and Immigration Act 1999, establishing the National Asylum Support Service, also the Nationality, Immigration, and Asylum Act 2002.[5]

Brexit.

Brexit a term referring it's leave from the European Union, meaning Britain making an Exit. The decision was backed up by a referendum held in June 2016 where almost 51.9% of the population voted to "Leave"[6].   The biggest concern of the Brexit was the "taking control over the net migration inflow of the United Kingdom."[7] United Kingdom hereby wants to regain its sovereignty over the administrative decisions or the policies and the need to strengthen the border control. u

Changes in immigration laws and Brexit

The prospect of immigration policy is obscure. There are still negotiations going in between UK and EU and there's also one year term project until the leave of UK from EU is finalized. Thus, along these lines Along these lines, one can assume that the migration strategies post-Brexit will bridle the opportunity of development delighted in by EU residents, and is probably going to display least prerequisites for the consent to live and work in the UK - in spite of the fact that this isn't totally sure, as the understanding could follow the model set by Norway, which safeguarded the opportunity to work in the nation for EU nationals.[8](Vargas-Silva, 2016).
An "Australian-style focused framework" has been recommended on different occasions as a possibility for the confirmation of EU residents into the UK. The Migration Observatory (2016) pointed, in any case, that the ramifications of such arrangement – but trustworthy in transit the Government would structure it, and however it might bring down the inflow of EU transients – may really expand movement from non-EU residents. This would be a result in opposition to the

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[3] The Commonwealth Immigrants Act of 1962; 10 & 11 Eliz. 2 c. 21

[4] Abrahámová (2007)

[5] requirement of an English test and citizen exam for immigrants; Act of 2004 brought a form that applies also today.

[6] BBC,2016

[7] Travis 2016

[8]Vargas-Silva, 2016

goals of the Government and its intermittent proposition of bringing down the yearly inflow of workers that Britain gets.[9]

Another chance is essentially to apply the previously existing guidelines used to concede visas for non-EU individuals to EU residents. Sumption (2015) depicted it as "the most evident situation" and evaluated the thought, inferring that the new limitation would make movement considerably more –

 hard for EU residents, and such may prompt a flood in net relocation preceding the approval of the changes. The possibility of an ascent in the quantity of illicit laborers and foreigners is likewise a chance of this setting. Despite the fact that EU settlers who effectively live and work in the UK are not expected to be exceptionally influenced by the approaching changes in strategy, they probably won't be left completely still either. As proposed by The Migration Observatory (2016), their privileges of home might be lost upon joblessness, which may just influence the individuals who don't hold perpetual living arrangement – a status that can be gotten by EEA national subsequent to dwelling in the UK for at least five years.

Meaning of emigration out of countries of origin

"I learned very quickly that when you emigrate, you lose the crutches that have been your support; you must begin from zero, because the past is erased with a single stroke and no one cares where you're from or what you did before,"- quoting Isabel Allende, emigration, despite the fact that EU settlers who effectively live in and work in the UK are not expected to be exceptionally influenced by the approaching changes in strategy, they probably won't be left completely still either. As proposed by The Migration Observatory (2016), their privileges of home might be lost upon joblessness, which may just influence the individuals who don't hold perpetual living arrangement – a status that can be gotten by EEA national subsequent to dwelling in the UK for at least five years.

A certain case that is essentially affected by the free movement inside the EU is that of the Central, Eastern and South Eastern European Countries.[10] Different results were found on emigration in a study that was conducted, arriving in the conclusion reasoning that in spite of the fact that migrants sending settlement to their nations of root displayed positive perspectives for CESEE countries and their separate GDPs, and keeping in mind that the EU in general profited by the inflow of laborers, the sending nations would in general experience the ill effects of the misfortunes in their work powers and on potential monetary exercises that could have been made by the individuals who left, for example, utilization of merchandise and enterprises and interests in the neighborhood business condition – which, however animated by settlements, would have likely profited more from laborers on the off chance that they had remained (Atoyan et al., 2016). The analysts proposed speculations by the particular governments in the work market of the CESEE nations, joined by motivations for the arrival of exiled people and raising the inflow of settlers by perceiving outside capabilities, among different measures (on the same page.). As displayed in the report, the UK isn't a piece of the main five regions that, mutually, get the – rather enormous – dominant part of CESEE foreigners (72% altogether), and rather arranges the extensively named "rest of Europe" class – which avoids four European nations present on the

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[9] Sumption, 2015

[10] 'CESEE'

previously mentioned "top five", and together gets 21% of the aggregate of CESEE workers (in the same place.).

Analyze on the prediction of the effects of Brexit

In a brief and direct analyze, the overall impact that Brexit is most probable to have on immigration will be negative for the British economy. In light of reasons brought in the past sections of this essay, one may see that the impact of Brexit on immigration is currently undetermined, as the actual changes in policy are still rather undefined. Nevertheless, there is a fair number of sources assessed, such as the Migration Observatory, that provide analyses that fall back on previous historical and political cases to justify their conclusions. Therefore, it is possible to speculate on the possible outcomes for Brexit's impact on immigration and the consequential economic effects.

Safely assuming that border control strengthening and thereupon, the yearly number of incoming migrants is decreased in order to favor the Brexit campaign, which will probably bring changes in legislation, but at this time there's no certainty of it. This supported by the history which provides enough facts to jump into conclusion that a low immigration rate is as much desired from the politicians as well as the people of the host country. Concluding, Brexit will have a general impact on the decrease of the immigration rate in UK. Subsequently, as the foreigner populace speaks to an impressive and important piece of the workforce, with laborers regularly of more significant levels of guidance, bringing down the quantity of outsiders acknowledged into the UK would reflect gravely in an assortment of segments, being in this way unfavorable to the general public and financial condition of Britain. This vision is shared by delegates of industry segments, for example, the NHS (Smith, 2016) and by scholarly specialists, as Dhingra et al. (2016). The forthcoming aftereffect of Brexit on migration is additionally considered negative for the economy with respect to Fiscal Policies, which is upheld by the Office for Budget Responsibility.[11]

Be that as it may, Brexit changes in immigration policy precisely, don't seem to affect all. Changes in the immigration policies will be conducted by Britain, not because it's obligatory to do so, but that's their will.

Conclusion

Providing data by the sources examined in this paper, and considering the final analysis, it is possible to conclude that the overall expected impact of Brexit on immigration will be negative

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[11] "net migration being lower than would otherwise have been the case would push debt higher" (2017)

for the British economy, although it alone may not affect so much the countries workers emigrate from.

During the transitional period between UK and the EU there will be a free movement upon any less condition than when EU nationals aim to stay longer than 3 months in the UK, being this the case the individual has to register in the UK government or they can apply for the status of the "presettled" which will help them to the path of getting permanent residency.

EU residents who have lived in the U.K. legitimately for a long time will have the option to apply to remain uncertainly under the new EU Settlement Scheme. This implies they will be allowed to live in the U.K., approach open assets and have the option to apply for British citizenship. EU residents should apply under the plan, regardless of whether they as of now have lasting home reports; they won't consequently get inconclusive authorization to remain.

Albeit a huge extent of U.K. business law is gotten from the EU, it is improbable that there will be discount changes following Brexit.

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Refugee Camps: Human Rights Violation

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Abstract

The lives on displaced people in refugee camps face many difficulties that to many of us aren't known. This research paper focuses on the study of Refugee Rights in Refugee Camps. Given that refugees marching towards different places outside of their own homes has become a very big phenomenon nowadays. In the modern sense, such issues as economic and political have been push factors for host countries to place refugees under refugee camps rather than having them living amongst their own. Obligated to leave their countries for many different reasons, also being stateless and homeless, has caused a condition of continuous insecurity.

Early on the subject of refugees was seen as a more temporal and limited issue but given certain reasons or changes it has been considered as a universal, growing and reoccurring one. While there's so much written and discussed over matters of refugees here we will be focusing in details on the above-mentioned issues and phenomenon.

Keywords: refugees, rights violation, refugee camps, responsibilities

Refugee Camps: Human Rights Violation

Introduction

Khaled Hosseini said *"Refugees are mothers, fathers, sisters, brothers, children, with the same hopes and ambitions as us—except that a twist of fate has bound their lives to a global refugee crisis on an unprecedented scale.*", shows the aim of protecting refugees, refugee rights and how we ourselves to become the backbone of the society we live in with all that it has to offer, being that bad or good. Approximately 68.5 million people have been displaced from their homes due to persecution, war, violent conflict or natural disasters. There's a discussion if the responsibility to protect the refugee rights falls over the host state or the UNHCR[1]. When explained thoroughly there's no doubt that the responsibility and the jurisdiction to protect the refugee's human rights, falls over the host country primarily in accordance with the UNHCR statute, adding here other factors found in the inside of the refugee camps. Quoting UNHCR *"Human rights violation are a major factor in causing the flight of refugees as well as an obstacle to their safety and voluntary return home. Safeguarding human rights in countries of origin therefore critical both for the prevention and for the solution of refugee problems. Respect for human rights is also essential for the protection of refugees in countries of asylum."[2]*
Refugees possess the same human rights as any other individual. More specific rights, are more applicable to them facing certain circumstances, as, freedom from discrimination or the right to freedom of movement and residence within the borders of each state, etc.

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[1] The statute of the United Nations High Commissioner for Refugees.
[2] 50th session of the UNCHR (1994) statement quoted in UNCHR, part 1.

Usually it comes across the question of "*Are human rights refugee rights?*" and such a question may be considered provocative or it may cause confusion relating to the fact that refugees sometimes are victims of abuse regarding the restrictive refugee policies. António Guterres[3], has observed that 'the human right agenda out of which UNCHR was born and on which we usually depend is increasingly coming under strain.' Intertwining international, human rights and refugee law together create a goal, which is common for every one of the bodies mentioned, to achieve the protection of the lives, health and the psychological well-being of the people. The genesis of the whole above mentioned process is the way these three interact.

Refugee Rights in International Rights

Refugee law falls under the branch of the International law and it has to deal with the rights and duties of the State that have towards the refugees. International refugee law evolves into a classification of treaties, both universal and regional, also rules of customary international law, general principles of law and national ones. The 1951 Refugee Convention has a very a considerate number of provisions that divides the responsibilities between parties, being that the host state, the refugees or the UNCHR. An important task that falls under states responsibility is providing protection to the refugees. States are also obligated to honor Art.33 which is the principle of non- refoulment[4] that stipulates the conditions of a refugee returning back at their origin country. International refugee law is a field of law in which the liability of a state in

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[3] The Ex-United Nations High Commissioner for Refugees (UNCHR) chief.
[4] No refugee shall be returned to any country where is life or freedom would be threatened on account of his race, religion nationality, membership of a particular social group or political opinion.

different cases is limited, giving them a way to get away with the notion of responsibility. The

Convention holds the states responsible in two ways, in case of violations of the Convention.

Refugee Camps Nature: *'Places where internally displaced persons are sheltered.[5]'*

A 'refugee' is a stateless or a non-citizen person who threatens the nation-state system, says the

political theorist Hannah Arendt.[6] Regarding that the refugee status is actually temporary, a

refugee usually faces two options, one being their return to their home country the so- called

country of origin or the other one to adapt in the host country, meaning it's naturalization. The

refugee camp is viewed as the eventual solution concerning the captivity of a refugee that has

denied their citizenship. Arendt here makes a connection, in which she views this concept as a

derivation of the ancient Roman law.

Referring to a refugee camp people mostly speak of an area or a place where refugees have to

live in the asylum or host country. The most important characteristic that shows is that the

international law doesn't provide a definition to the refugee camps but as discussed mainly it is

viewed as the character of issues of freedom of movement, the way the camps are governed and

also the civil character of its population. Important fact on the refugee camps is a space that must

be untouched of military servicing.

UNHCR provides guidelines such as, the location of the camps should be far from the boarders

for safety reasons. The refugees must be settled at a reasonable distance from the frontier of their

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[5] Kampala Convention, art.5(i)
[6] Hannah Arendt 1966 'The origins of totalitarianism'.

country of origin.[7] The term of 'refugee camps' doesn't seem to find it's reference in any of the conventions, regarding here the 1951 Refugee Convention and the OAU Refugee Convention. The term 'camp' comes across under the warning of six international organizations, here including UNCHR as well, have matured an accepted definition. The term 'camp' refers to:

"… a variety of camps or camp-like settings – temporary settlements including planned or self-settled camps, collective centers and transit and return centers established for hosting displaced persons. It applies to ongoing and new situations where due to conflict or natural disasters, displaced persons are compelled to find shelter in temporary places."

There is clearly a lack of a more narrowed definition on the refugee camp term because it would surely confer a pattern of legal political and bureaucratic implications for refugee safety. The most important thing to stress is the understanding of specific characteristics of a camp when referring because then it would be easier to understand and acknowledge where the violation of human rights occurs, hence their legality. Crucial is also the understanding whether they are used in short or long –term situations and also why and how they are used, making it simpler this way to pursue other solutions.

Rights Violations in Refugee Camps

On the refugee issues, Jeff Crisp[8], writes that a common characteristic of the protracted displacement *"…is the inability of the displaced populations to avail themselves of basic human*

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[7] OAU Convention Governing the Specific Aspects of Refugee Problems 1972.
[8] One of the well-known scholar on refugee issues.

rights –including those rights to which refugees are entitled under the provisions of the 1951

Refugee Convention and other international instruments."[9]

Severely restrictions in long –term camp situations are freedom of movement and the right to

work and these lead to other restrictions too. This shows the inconsistency with the 1951

Refugee Convention or the norms of the international human rights.

"The tragedy is that the camp that once ensured the life of a refugee becomes, over time, the

prime vehicle for denying that same refugee the rights to liberty, security of person and other

rights enshrined both in the Universal Declaration of Human Rights and in the refugee

instruments. The price of extending this short –term measure year after year is paid in terms of

rights, frustrated, capabilities deprived and expectations unmet,"- writes another refugee law

scholar.[10]

Restrictions on employment and also the right to move beyond the restrained limits of camps

deprive long-staying refugees of the freedom to pursue normal lives and to become productive

members of their new societies. Based on Elizabeth Ferris *"Protracted Refugee Situations,*

Human Rights and Civil Society" containing refugees in camps prevents their presence from

contributing to the host country's development and state building, establishing the increase of the

vulnerability of refugees to other forms of exploitation.

Identifying Refugee Camp Responsibility

When talking about the identification of the responsibility we usually referr to the host country

and UNCHR (1951 Convention). The fundamental responsibility for the physical security of

refugees and internally displaced persons and the preservation of the civilian and humanitarian

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[9] Jeff Crisp 'No Solutions in Sight: The Problem of Protracted Refugee Situations in Africa' (2003)
[10] A. Jamal: Minimum Standards and Essential Needs in a Protracted Refugee Situation. (2000)

character of refugee camps, is usually expected to be a duty of the host state. The principle of the

state soverignity, in which the responibility is based, has been the basis of international law.

The creation of the refugee camps basically is made under directives of the host country and its

administration is provided by the UNCHR which could bring the deprivation of the states

capacity to regulate a specific part of its terrain and legaly speaking, the camps strictlly do not

object or threat the sovereignity of the host country. Ocasionally, the host country lacks the

ability to provide protection for the refugees in camps, be that unwillingly or inefectively as

further examples will show.

A case worth mentioning is that of the Kalma Internally Displaced People in South Dafur, Sudan.

There was a forced entering in the premises of the camp by the forces of the Government in

Aug.2008, trying to execute a search warrant. This insufficiently because there was a revolt of

the camp individuals preventing them. Vital to say many of which were children. Without

adoiding the resistance the forces fired shots in the air and opened fire n the croud all this

carelessly, leaving the place with a number of 32 victims and at least 108 injured.[11] Perpetratiors

of these horrible acts should not be and can't be justified in any circumstance and they should

have faced justice. The question remains: Is the host country held responsible?

The inability to apply the rules of host country responsibility brings the human rights violation in

refugee camps. Principle of state responsibility is a part of customary international law and it

should be able to adjust in which cases the state should be held accountable for the breaches they

make regarding international commitments.

According to certain regulations, the host state is accountable for wrongful acts, not respecting

the regulations also varies breaches. Furthermore to identify such breaches, two factors should be

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[11] UN OHCR: Eleventh Periodic Report of the UNCHR on the Situation of Human Rights in the Sudan: Killing and injuring of civilians on 25 August 2008 by government security forces.

justified. First wherther has been or not a conduct comprised of action or ommission that falls under the brach of international law. Secondly, if this execution establishes a contravention to the internal obligations of the state. Results show that the states whether unwillingly or due to incapability they can't assure or provide the adaquate protection for the refugees and to avoid the violations of their rights, for whatever the reason. The examination of the cause would bring the conclusion to whether they should be excluded from the resposibility or if the justifications and excuses made sufice the case.

According to Goodwin –Gill, *"The refugee in international law occupies a legal space characterized, on the one hand, by principle of state soverignity and the related principles of territorial supermacy and a self –preservation; and on the other hand, by competing humanitarian principles deriving from general international law… and from treaty ."*[12]
When it comes to refugee protection other than the host state, an vicious role play also other factors which are considered to be critical.

The essence of the notion of refugee protection threats the states supremacy or sovereignity, which tries to give the impression that the host country posseses a safety net to those in need, to those whose own country of origin couldn't be a safety area anymore, for whatever the reason.

Conclusion

"The general principles of International Law concerning the State responsibility are equally applicable in the case of breach of treaty obligation…so that any violation of a State of any obligation, of whatever origin gives rise to State responsibility."

 To conclude, under the general principles of state responsibility, it appears to signify that a state can be held responsible of any commitment to which its bound to international law. On this paper, it is emphasized that even though the application of laws in theory favors the protection of refugees, in practice this isn't always the case. Refugees, as such, leave their country out of

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[12] Goodwin –Gill, The Refugee in International Law, 1996

necessity, for certain reasons that can't really be avoided. The host country, not always obligated to do so, should try to create a safe environment and cooperate with the agreements made under certain Conventions, albeit they have the option of not complying. Warsan Shire once said, *"No one leaves home unless home is the mouth of a shark."*

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Introduction

Immigration is one of the most important and dynamic phenomena in the world, which is particularly marked in the European states. European states are currently experiencing extreme migration pressures on one hand because of geopolitical reformation at international level and on the other because the whole European structure appears as the "land of opportunity" for populations of countries experiencing long-term economic downturns. Indeed, it acquires particular intensity after World War II, not least from the perspective of geographical rearrangements and a modern nationalist ideology and notion of the concept of nation state.

The - even more recent - trends in the development of the phenomenon of globalization, as well as the decisive, for Europe, establishment and course of European Union (EU) integration, are essential for the evolution of the response of displaced populations.

In such a complex and changing environment, Member States - which are the main target of modern migration flows, develop policies and practices, through mechanisms, processes and regulatory frameworks, to put together the appropriate form of global response, which on one hand will contain the element of a fair dealing with th immigrants and on the other hand will serve their national interests and their particular aspirations.

At the same time, Community immigration overall policy is to effectively tackle all migration-related phenomena and the management of migratory flows while maintaining social cohesion and peace1 in the form of coupling of individual national demands. Its central focus is on establishing a clear and uniform status for immigrants and asylum seekers, so that restrict all the illegal activities associated with them, but also "legalize" them and, ultimately, "integrate" them into society, while serving the interests and needs that are relevant to the survival and smooth development of the process of European integration.

I. THE MIGRANT PHENOMENON

1. THE HISTORY AND THEORY OF MIGRATION

1.1 Types of population movement

Migration is defined as the movement of people by one area to another or from country to country1[1] In the context of this demarcation, its presence as a social phenomenon is traced back in time to the world, through the anthropological, cultural and linguistic differentiations suffered by the various peoples in their historical course, for which they blend with other races and cultures[2].

The movement of people has been historically linked to the search place of residence, food, work, adventures or even partner. In many cases, the structure of certain social groups is based on the geographical mobility of its members, such as in the case of nomadic tribes, hunting and collecting populations, pastoral groups or alternate farmers[3].

Traditionally, the types of population movements are, in principle, distinct from those defined by cultural terms. This is usually a temporary or at least indefinite movement, but is based on a return to the birthplace, and its causes are related to the group's habits, customs or beliefs. This category also includes relocation for reasons related to religion and temporary or periodic, relocation to places of worship.

Another, quite popular, especially in the Third World, The traditional type of movement is one that is due to restrictions imposed by nature itself and which forces the various groups to move around the site in order to maintain their biological and social survival.

These traditional types of movement in general could be defined as 'forced displacement', but they are distinguished by inadvertent population movements, which are characterized by the lack of any choice in decision-making. This categorization includes a variety of circumstances leading to the mobility of individuals or populations, such as political conflicts, revolutions or wars, racial or other discrimination, natural disasters and various types of displacement.

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[1] Ventura L. (1994)
[2] International Organization of Migration (IOM), "Overview for International
Migration", Chapter One," Migration Terminology and Patterns in Historical Context ", p. 5,
www.iom.in
[3] Parnwell M. (1993), pp. 29-30

This is a phenomenon that intensified mainly in the 20th century and because of the world wars, while it continues to be of similar intensity to this day, mainly in Third World countries, having as its cause the frequent, dramatic economic, political, social, cultural and environmental developments of these geographical areas.

One subgroup of this type of movement distinguishes refugees and the relocation of persons, the first of which includes persons protected by the 1951 Geneva Convention, while the second refers to the forced and permanent relocation of persons or groups from one location to another. another, for example for the construction of large infrastructures or other projects on their original site8

Finally, a large category of population movements corresponds to voluntary movement, which includes cases where the individual chooses on his own initiative to change residence, believing that this will best serve his economic, social, educational interests. or any other condition. Reference is made to the phenomenon of migration, which, as it has historically evolved, is susceptible to various typologies and classifications, depending on the destination, the purposes or the status of entry to the new place. Thus, the first level distinguishes internal migration, that is, the movement of persons within a country for the purpose of permanent or temporary relocation[4].

International or foreign is of central importance today migration, one that involves the voluntary movement of persons from one's home country to another for the purpose of work or residence or even seeking asylum for fear of prosecution. From this definition it is evident that the content of the concept is broad and general is called upon to describe persons crossing international borders on their journey.

This classification also includes illegal immigration, which applies to persons who do not obtain a legal residence permit in the host country. In this sense, illegal immigrants are clearly de facto integrated into marginal social structures, which exaggerates the potential dangers and also

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[4] Parnwell M. (1993)

reveals the intensity of the attraction caused to them by the vision of better living conditions, which normally do not live in the country of origin[5]

1.2 The migration phenomenon in its historical evolution

It shows that it is a phenomenon that interacts with all aspects of the course of humanity, while exhibiting timelessness and a dynamic analogous to the particular historical and social conditions in which it occurs[6].

(i) 1750-1914[7]

The demographic revolution of the 18th and 19th centuries[8], coupled with the French Revolution of 1789 - which began to develop the idea of a nation state - and the industrial revolution that took place at the end of the 19th century, led to large population movements[9], as a result of the spread of poverty, but also of the social effervescence. Indeed, immigration outside the European arena (for example in America or other overseas regions) seemed to be the desirable solution to the growing overcrowding and threatening social crises. Thus, immigration policies were developed without any particular restrictions, which favored the movement of mainly workers - in line with the general spirit of economic liberalism in the 19th century - aided both by the evolution of modes of transport and by the improvement of infrastructure and by the spread of industrial cities[10].

Although between 1850 and 1914 circular migration[11] was still the main pattern of movement of persons, chain migration[12], as well as that aimed at seeking steady work progress, became increasingly important.

(ii) 1914-1945[13]

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[5] Parnwell M. (1993)

[6] For the mapping of migration flows in the histories under consideration.

[7] http://www.let.leidenuniv.nl/history/migration/. For more details ondirection of the migration flows of the period 1750-1914.

[8] http://www.let.leidenuniv.nl/history/migration/

[9] http://www.let.leidenuniv.nl/history/migration/

[10] See International Organization of Migration (IOM), "Overview for International Migration", Chapter One, "Migration Terminology and Patterns in Historical Context", p. 3, http://www.iom.int/

[11] Parnwell M. (1993)

[12] 'Chain migration': a phenomenon where successive waves of migrants follow the same path as previous, pioneering immigrants, coming from the same area. See Parnwell M. (1993)

The beginning of the 20th century is marked by great and rapid political, social, economic and geographical developments. The nation-state is becoming the dominant form of political organization on a global, almost global level, alongside the hegemony of a market economy. At the level of immigration policy rules and instruments of control have been developed, also defined by the national state and depending on whether it grew liberal or more integral structures, and the ability of populations to migrate.

International conflicts (mainly with the two World Wars) and economic crises (with a typical example of the collapse of the US economy in 1929) led to nation states introverted, which was manifested by the growing need for national unity and the oppression of minorities. At the same time, the gap between was widened of numerically limited, rich and technologically advanced countries and the rest of the world.

As a result of the above, especially after World War I, the migration landscape changed, bringing to light a new kind of involuntary immigrants, refugees, who were moving in waves from place to place, seeking protection. This migration pressure, coupled with the risk of mass influxes of persons expelled by the communist or nationalist states, led to strict policies, both in the European area and in the US. The entry of immigrants into rich countries now required a work permit and only a small number of refugees were accepted. The European world was called upon to face the consequences of World War I at all levels, while by the mid-1930s fascism was terrorizing Europe[14]. Minorities were forcibly expelled or annihilated, mainly by the fascist regimes of Germany and Italy, resulting in the influx of refugees mainly into Europe and America. Almost simultaneously the Russian Revolution in Eastern Europe also took place.

The Second World War intensified the phenomenon of displaced persons who had to find a new home, while at the same time leading to the political partition of Europe into the East and the West, where the Communist regimes of the East closed their borders to the West, resulting in

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[13]http://www.let.leidenuniv.nl/history/migration/. For more details on the direction of the migration flows of the period 1914-1945;

[14] New reality now defined war conflicts in a universal context, after having involved more than two or three states, the results and the implications (social, political and economic) were visible, more or less, in the world level.

the appearance of the West. refugees who tried by all means to avoid being persecuted or even imprisoned in prisons or concentration camps[15].

(iii) 1945 to the present day[16]

Since the beginning of the 20th century, marches have begun towards the independence of the colonies of England, France, the Netherlands, Portugal, Germany, Italy and Belgium (1922-1975), which in many cases led to conflict by demand. the political self-determination of the colonies[17].

One result was the repatriation of persons working in the colonial administration structures, including a number of indigenous people working with them. Migration of a significant number of indigenous former colonies was also observed, with the aim of training or seeking work.

Another factor that influenced the shape of the migration phenomenon after World War II was the vigorous urbanization, which marked its drastic reduction, to a limited extent, rural migration. The increasing need for unskilled, cheap labor in large urban and industrial centers has even led to the formal recruitment of workers from other states, through the conclusion of bilateral contracts, to the logic of guest workers[18], with fixed-term work permits. However, the temporary nature of this residence has, over the years, begun to give way to more permanent forms of migration whose effects - economic, social or otherwise - have become apparent to both host societies and communities of origin[19].

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[15] In Russia, the phenomenon of forced migration is particularly pronounced inside the Soviet Union, in concentration camps in Siberia

[16] http://www.let.leidenuniv.nl/history/migration/. For more details on direction of migration flows from 1945 onwards; Annex IV

[17] For more information on European colonies see. Annex V

[18] A typical example of guest workers is the 'Gastarbiter' in West Germany, on which much of the industrialization and economic recovery of the country after its defeat in World War II. For more on Gastarbeiter see Mousourou (1993)

[19] Racism, intolerance and xenophobia are starting to pick up again dimensions of the problem to the extent that they are subject to state regulation; and policy development, in the fear of reviving recent phenomena past the world wars.

The oil crisis of 1973 greatly affected the migration, in the sense that a significant number of unskilled workers have become unemployed, resulting in a huge increase in welfare costs in developed countries and the consequent reduction in the reception of immigrants. In addition, the Third World countries - which are economically dependent on the West - also had an impact, resulting in an increase in the poverty rate, which, in combination with a series of local wars, led to intensified migration and refugee pressures on the West.

Finally, after the collapse of the communist states in Eastern Europe, a series of local conflicts were created, with the aim of independence of the regions and the creation of autonomous states of different nationalities, with the immediate result of the dramatic, rapid increase in political refugees to Western Europe and America.

1.3 Evaluation of the situation today

Today, the increase in international migration is at its highest levels in its history[20]. Long-term immigration - that is, for immigrants residing in foreign countries for more than one year - distinguishes two major groups, voluntary and forced migration, as described above.

This distinction is often not clear in practice, as the causes of such mobility of individuals stem from the complex interplay of individual, social, and economic factors, and voluntary immigrants make the decision under intense pressure because of problems where in the country of origin, while others under pressure to choose, to some extent, the place where they seek asylum, on social or economic grounds. Thus, having difficulty in clearly distinguishing and grouping the characteristics of immigrants, it is equally difficult to apply the policies pursued by the host or country of origin, which seek, on the basis of this separation, to create mechanisms to tackle the phenomenon[21].

Dominant trends, which appear to affect migration flows and the international response to the whole phenomenon, are erased through policies and procedures applied at both national and international level.

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[20] Working Paper No. 41 on the behalf of UNCHR, April 2001, σ. 1-2, http://www.unhcr.ch/cgi-bin/texis/vtx/home.
[21] international legal framework (Geneva Convention of 1951)

The growing economic integration and globalization, τhey are particularly important in the sense that immigrants are one of the building blocks of globalization, since it promotes the formation of a universal, multinational labor market.

The changing geopolitical setting in the post-Cold War era the era, with the global collapse of the communist states, the changing demographic trends and gender roles, with the expected population aging of the developed world and the simultaneous rapid growth of population in developing countries, as well as the global increase in population, of work, education etc.

In general, a woman's social status is an important factor affecting migration flows. One such factor is the growing 'multinationalism', in the sense that immigrants today can effectively live in two or more countries at the same time, a more typical example of the gradual acceptance, by many states, of dual citizenship.

Technological development also plays an important role innovation, especially in the field of transport, but also the growing dependence on smugglers, traffickers and other intermediaries, taking advantage of the need for people to leave their homes either for the sake of improving their living conditions or being threatened by a global threat. a widespread and well-organized illegal immigration network, thus replacing or distorting the legal channels of movement.

Finally, in connection with the foregoing, today is attempted, harmonization of migration policies, through regional and international mechanisms[22], with a view to more effective control and rationalization of migration pressures.

The tensions present today[23] lead to more collective and coordinated responses by states, since the fragmented, largely confined to national borders, past attitude seems insufficient for the needs of the present or the future. The forthcoming globalization of institutional, at least, immigration treatment is currently inevitable, as it will attempt to place the whole issue in its true

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[22] see Martin F. Susan: 'New Issues in Refugee Research: Global Migration Trends and Asylum', Working Paper No. 41 on behalf of UNCHR, April 2001, p. 1, http://www.unhcr.ch/cgibin/texis/vtx/home
[23] For more information on current migration flows in its countries "OECD (1990-1999)"

dimensions, taking into account migratory flows worldwide and shaping more distinct categorizations among migrants.

1.4 The role of Intenational Organizations and International Protection

The rapid growth of immigrants at international level, the extremely complex and wide array of issues related to cross-border migration, the increase of national, governmental or non-transnational, regional and international organizations dealing with migration, and Recognizing the severity of the effects - positive or negative - of the spread of the phenomenon, require coordination and, at all levels, cooperation to avoid duplication and conflict in the effort to tackle the migratory phenomenon. The main objective of this cooperation is to build a dialogue on the trends in migration flows, on migration, the aspirations of the States, the specific needs of immigrants[24].

To achieve the above objective, international cooperation promotes the extension of the definitions of the different types of immigrants (eg refugees, economic immigrants etc.) and the coverages reserved for each of them, in a way that is binding on them. the widest possible range of states and relevant international organizations. In addition, important initiatives are being taken to coordinate migration policies, with particular emphasis on revealing the root causes of migration, while promoting the coordination effort between the relevant organizations and organizations.

The total number of above-mentioned institutions worldwide dealing exclusively or sectorally with the phenomenon of migration is enormous, which makes this effort difficult. An important factor also preventing such multifaceted cooperation is the difficulty of categorizing immigrants, often limiting their ability to receive some form of uniform international or other protection or assistance. In addition, the lack of harmonization of legal and institutional frameworks and policies is hampering the effective provision of services to migrants, creating problems of coordination and inadequate coverage and funding of various programs and actions.

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[24] Ferney Round Table: "Round Table on Effective Respect for the Rights and Dignity of Migrants: New Needs and Responses, Considerations and Recommendations, 9-11 February 1996, International Organization for Migration (IOM), International Humanitarian Institute Law, http://www.iom.int/

The government's reaction to international co-operation for immigration varies depending on the resources available and the policies of each state. Industrialized and developing countries tend to accept cooperation with international organizations, taking on clear roles and positions and pursuing understandable policies. In other cases, on the other hand, the attitude towards international organizations, practices and policies differs depending on the governmental stability of the states.

Finally, it should be noted that in the international context Many aspects of immigration cooperation seek to pursue policy, often without the unanimity of the specific objectives or guidelines, which may cause rivalries and disagreements within already internationally regulated international bodies, such as the UN, for example opinions on what is best practice in an issue or for the purposes of serving specific governmental or other interests. In particular with regard to non-governmental organizations (NGOs), this is most evident, as each of them approaches immigration issues according to its own political, religious or philosophical orientation, which is legitimate, to the extent that the particularity of their existence, as such, is based on this particular orientation. The role of NGOs is especially important because of the flexibility and immediacy of their action, which is strongly mediated in relations between international and state organizations and institutions and individual - organized or informal - minority groups, or refugees[25] Important international organizations taking action on issues of immigration are internationally recognized, performing work on a wide range of objects[26].

The International Organization for Migration[27] is a specialized transnational body that manages migration planning, transfers human resources, organizes migration events and provides technical assistance and information.

The United Nations (UN) is developing various migration initiatives through various departments, programs, specialized bodies, etc. UNHCR protects and assists refugees and displaced persons, seeking permanent solutions to their problems, while providing medium and

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[25] See "The Role of NGOs in Health Care Services for Immigrants and Refugees",
Proceedings of the Fourth International Metropolis Conference Workshop, Washington D. C.,
Canadian Council for Refugees & City of Toronto Public Health, December 7-11-1999
[26] International Organization of Migration (IOM), "Overview for International Migration",
Chapter Eight, "International Co-operation in Migration Matters", pp. 125-144, www.iom.int
[27] http://www.iom.int/

long-term assistance as well as support for rehabilitation and repatriation. Within this framework is the UNHCR[28], which sets out guidelines for the protection of refugees and studies policy issues. Other organizations that play an important role in migration issues are the World Bank, the International Labor Organization[29], the Human Rights Center[30], the UN Development Program[31], UNESCO[32], the Population Fund[33] and others.

The Organization for Economic Co-operation and Development (OECD) is also an intergovernmental organization involved in international migration issues, through a specialized working group conducting research, studies and various programs on economic aspects of the migration phenomenon in its member countries. Corresponding activity is developed by the Agency World Trade[34], regarding the movement of finances the Council of Europe, with a strong emphasis on, inter alia, activities in the field of protection of minorities, as well as racism and xenophobia[35]and finally, the International Red Cross and the various organizations operating under its auspices[36], which mainly carry out humanitarian work.

II. THE MIGRANT PHENOMENON IN THE EUROPEAN UNION COUNTRIES

1.1 Brief overview of the migration phenomene in the countries of European Union

The migratory phenomenon is an international phenomenon, "... involving the interplay of the global and national dimension ..."[37],that is to say, of the global social organization and market, and of the one that integrates migration into national social contexts. . Indeed, since immigration is part of social organization, it participates. Therefore, in the process of changing it

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[28] UNHCR Executive Committee
[29] International Labor Office (ILO). For more information see: www.ilo.org
[30] United Nations Center for Human Rights, which operates under its supervision
UN Human Rights Committee
[31] United Nations Development Programme (UNDP)
[32] United Nations Educational, Scientific and Cultural Organization
[33] United Nations Population Fund (UNFPA)
[34] The World Trade Organization (WTO): operates within its Cycle
Uruguay Round of Agreement on Tariffs and Trade (Uruguay Round of the
General Agreement on Tariffs and Trade)
[35] http://www.coe.int/portalT.asp.
[36] The International Federation of Red Cross and Red Crescent Societies, International Committee of the Red Cross
[37] "The Construction of Migration in Greek Society", by UK Petrakou, in
"Immigrants in Greece", (2001),

while at the same time changing it, it is important to emphasize its potential and its connectivity with all social relations, both at national and international level. By placing the whole issue on its historical basis, as a kind of social relations and as a process, it becomes clear that migration is inherent in social organizations, both affecting and also affecting historical development itself[38]. Thus, the complexity and the particular form it takes each time, depending on its historical context and its specific geographical and temporal location, become apparent [39].

By focusing on Europe, where immigration is present in almost all historical periods[40], a key distinction - according to which there are significant differences in the type and rationale of the motivations that shape its content - chronologically distinguishes pre-war and post-war [41].. At the same time, its particular character is determined by the direction of the migration flows, distinguishing it thus, intra-European and overseas. In any case, of course, these divisions are examined directly in relation to the particular historical socio-economic and economic contexts that underlie the evolution of the phenomenon[42].

2. ITS TREATMENT POLICIES AND PRACTICES MIGRATION PHENOMENON IN ITS COUNTRIES

2.1 The meaning and content of national migrants

National immigration policies express the respective policy objectives regarding immigrants, distinguishing whether they are economic immigrants, refugees or asylum seekers, repatriates or internal migrants[43].

The potential of the phenomenon is of course largely driven by the style and type of policy chosen, each time the official state position on immigration-related issues differs, in principle, from the specific characteristics and experience of the phenomenon. for each specific country, but also with the perception that society has about it and the state.

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[38] "The Construction of Migration in Greek Society", by UK Petrakou, in
"Immigrants in Greece", (2001),
[39] Ventura L. (1994)
[40] Annexes I, II, III, IV and V.
[41] L. Mousourou (1991)
[42] L. Mousourou (1991)
[43] International Organization of Migration (IOM), "Overview for International
Migration ", Chapter Four," National Migration Policies ", p. 63, www.iom.int

Numerous factors identify national policies such as humanitarian factors, economic reality and specific economic objectives, national development programs and policies for population growth, security issues, other national or international policies or directions. Indeed, it is characteristic that the cohesive and

Overall understanding and addressing this phenomenon is a relatively new practice in national policies, as even today many countries respond to immigration issues in an ad hoc manner.

Immigration policies often include elements related to border control and visa regulations, legal status, rights or social exclusion of aliens, social services, or administrative and judicial practice in relation to the treatment of aliens.

Finally, an immigration policy incorporates measures for tackling illegal immigration, which is usually judged by the country's high influx of illegal immigrants over a given period of time, such that it becomes a problem[44]. These measures may be penalties or fines for employers who employ illegal immigrants, expulsion procedures, systems for identifying expired visas, improve border controls, etc. Some countries even grant amnesty to illegal immigrants, type of benefit measure. The observation of the migrant phenomenon reveals its essential interconnection with other applicable state policies, so as to achieve effective monitoring and control, and also to be able to act as a tool for the exercise of related or related policies. Such are the population, economic, development, foreign or security policies of a country, each for different reasons.

2.2 The Migration Policies of European Countries

(i) Institutional framework and administrative practice

Union Policies developed in European countries vary according to their historically economically and culturally determined, migratory past, and their respective expectations for the future.

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[44] International Organization of Migration (IOM), "Overview for International Migration ", Chapter Four," National Migration Policies ", p. 67, www.iom.int

According to one classification, the criterion for grouping is the way in which the host country treats itself and accordingly forms its immigration policy[45].

Thus, policies appearing to promote one multicultural society (eg Sweden), in order to achieve the integration of immigrants in a society that is itself changing at the same time in the long run. The host countries of Western Europe - with a main representative in Germany - are implementing fully regulated policies aimed at meeting their labor force needs and characterized by the temporary stay of the guest foreign worker. Switzerland follows a different model - that of the rotation of the migrant population which aims to "... ensure that it fills the gaps in the labor market while ensuring zero growth of its (total) migrant population ..." [46]. Countries such as Britain, France and the Netherlands are similar in their colonial past, but differ in the content of their policies. A common feature of all is the most favorable treatment of immigrants from colonies, compared to immigrants from other countries. The southern European end countries - Italy, Greece, Portugal Spain - have been transformed into "new host countries" since the late 1980s, as already noted above, thus developing for the first time an independent migration policy[47].

(ii) Economic Migration

With regard to European economic migration policies[48], a key common feature is that all Member States closely link foreigners' entry into their territory with the labor market, even distinguishing between independent and dependent labor. The existing legal frameworks in addition generally reflect policies to restrict economic migration, although they incorporate provisions allowing them to be flexible in cases of deficits in the domestic labor market[49]. In

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[45] For this classification see. L. M. Mousourou (1991), pp. 126-127

[46] L. Mousourou (1991)

[47] L. Mousourou (1991)

[48] "Admission of Third Country Nationals for Children Employment or Self-Employment Activity", ECOTEC Research & Consulting on behalf of European Commission (DG Justice and Home Affairs), Belgium, 2000

[49] For example, seasonal work is permitted in all Member States while access is permitted specially trained staff in the domestic labor market is generally easier. Also, specialty groups such as journalists, researchers, or artists enjoy a special status, with simplified and less demanding procedures work permit (in many cases they are completely exempt from it this requirement)

many cases, there are overlaps in the existing general legal framework, some bilateral agreements, concerning specific groups of persons[50].

Residence and work permits are, for almost all Member States, a separate title, which is even issued by a different authority, and there are different types depending on the period of validity (from temporary to permanent leave). The criteria for granting them, in any case, are mainly based on the prognosis of whether the prospective immigrant will be able to obtain the financial and other means to be self sufficient. The duration of their temporary work permits varies depending on the specific types of employment or employment contracts that may be concluded. As a general rule, the duration may not exceed that of the residence permit (the exception is the Netherlands, where the work permit can be issued for up to 3 years, while the residence permit must be renewed each year). Italy, too, is the only country that allows the conversion of the license to pursue independent work into a license for dependent work and vice versa.

The key effort to tackle illegal immigration comes with the strengthening of the criminal prosecution of traffickers, in almost all European countries[51]. the conclusion of transnational agreements to control illegal immigration[52]. the intensification of controls and even mass deportations[53]. Dealing with illegal immigration is, in all Member States, criminally viable, as well as illegal employment of immigrants (which is usually addressed by imposing fines on employers). Expulsion is foreseen in cases of illegal entry and residence, but both the existence of accommodation and the family status of the immigrant are taken into account as deterring factors of expulsion.

Despite the similarities between European countries' immigration policies, there are also significant differences. Thus, Austria, Greece, Italy and Spain have analogue immigration systems, ie systems that regulate access to the labor market in accordance with annual quota

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[50] (Ministerial Decree 0544/2 / PM 270 / M. 4113, External Affairs, Labor and Public Relations). Order of 12 / 26.5.1992 approving the Agreement between Greece and Switzerland, Entry into force 01.06.1991), cf. Sp. Vrellis (1999), p. 49. It should be noted that still and with the new Immigration Act 2001, long-term residents receive this regime after the advent of a decade (the oldest law was in force fifteen years), see Law 1975/1991, Government Gazette 184, A 'and Law 2910/2001, Government Gazette 91, A'

[51] For example, Spain, Belgium, Greece, Sweden that made changes of the regulatory framework concerning trafficking in persons

[52] "Trends are in International Migration ", OECD Annual Report, 2001, p. 79

[53] "Trends in International Migration ", OECD Annual Report, 2001, p. 80

systems. The Austrian system limits the number of work permits to immigrants needed for the domestic economy (but also provides for a number of exemptions for specific groups, such as for seasonal workers). Greece, by a joint decision of the Ministries of Foreign Affairs and Labor, decides every year for him number of licenses to be granted, for each country of origin, profession and Greek region. In Italy, the proportion is decided by ministerial decree, on the basis of the prevailing situation in the previous year[54]. Finally, in Germany only the guest workers are integrated into the proportion system, while contractors and workers who cross the border daily to work in German businesses and return (commuters), enter the bilateral basis agreements.

Half of the Member States (Denmark, Finland, France, Greece, Italy, Luxembourg, Portugal and the United Kingdom) regulate immigration issues by one legislative act, while the others use at least two (eg foreigners legislation and different employment legislation) [55].

Equally promising are equal working conditions, equal pay and social security. Some Member States are based on the principle that immigrants cover specific jobs, as long as there is no available labor force of the nationality of that country or of any other Member State of the European Union (Austria, Belgium, Denmark, France, Germany, Ireland, Luxembourg). , The Netherlands and Portugal). An important point is that many countries have particularly stringent rules on the relationship between these rights and employment. Thus, for example, in the Netherlands a temporary migrant who is dismissed on his own risk risks losing his residence permit, while in Austria a third-country national may be deported. a country that has been resident in the country for less than 8 years and has been unemployed for one year continuously.

As regards work permits, Austria, Finland, France, Germany, Luxembourg, the Netherlands, Sweden and the United Kingdom allow self-employment through a residence permit without the need for a special work permit, as is the case in other countries. Temporary work permits are linked to the employment of a particular employer, with the exception of Belgium, Finland, Portugal, Sweden and the United Kingdom, where the change of employer is

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[54] The largest proportion is reserved for dependent employment, the second in number for bilateral agreements between Italy and other countries, 3% of licenses work is given to freelance employment, while home staff teachers, trainees, artists and other groups are not included in this system.

[55] The laws that determine the right of entry to any member state of the European Union aggregates are listed in http://www.europa.eu.int

permitted after a certain period, but not the change profession. Austria has the right to apply for a change of career after one year after the initial work permit was issued, thus allowing for job search throughout the country.

Finally, in most cases the institutions responsible for implementing the immigration procedures are usually the Ministries of Interior (where a specific foreigners' office operates) for the issue of a residence permit and the Ministry of Labor for the issuance of a work permit. In the case of Ireland, Luxembourg and the Netherlands, the Ministries of Justice are in charge, and Spain has an Intergovernmental Committee.

(iii) Social dimension - Basic parameters

Migration is, as already pointed out, a multi-dimensional phenomenon, with clear effects on all aspects of human activity. The tolerance of the host society towards the migrant population is a key question, especially with regard to the policy pursued, in the sense that the direction of causality in this relationship should be clarified: immigrant tolerance leads to more open policies or an open policy leads finally tolerated immigrant[56];

In the social field, the main issue of concern for immigrant states today is that of integration or exclusion. Their timeless and continuous presence, especially in European host societies, brings to the fore issues that have to do with their integration into it and their well-being and on the other hand, by integrating them into the labor market, in order to avoid conflicts and rearrangements that may cause tensions in the smooth functioning of society.

The European Union is concerned with finding ways for different groups of immigrants to be accepted in the local community, without creating tensions, violating their rights or affecting their personality in general, but at the same time aiming to enhance the sense of security of the indigenous, they do not feel threatened by the influx of foreign populations and thus do not create social upheavals and tensions[57].

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[56] "Immigration Policy, Assimilation of Immigrants and Natives' Sentiments Towards Immigrants: Evidence from 12 OECD Countries", by Th. K. Bauer, M. Lofstrom, K. F. Zimmermann
[57] In France, in 2000, several rules were adopted for their integration foreigners, including local hosting and integration agreements

An issue that is perhaps becoming a problem today, in the European arena, is the phenomenon of racism and discrimination of migrants, on which various surveys have been carried out nationally and internationally, in an effort to identify and define it in order to enable it to be effective. policy. These surveys illustrate the general picture of an increase in racist attitudes and discrimination at the community level[58]. Taking action and strengthening the institutional framework seems to be the most important weapon of European states today to deal with the new situation, especially with regard to the exercise of the rights conferred by immigrants and especially by refugees and displaced persons. However, "... The increased array of safeguards and controls that are theoretically put in place to protect persons in European countries is not accessible to foreigners ..." [59].

Another point worth noting regarding the social dimension of the migrant phenomenon, but certainly not exhausting, is the "crime" of immigrants and refugees. One general rule is that "... belonging to a minority constitutes a factor of differentiation and potentially criminalization of it ..." [60]. First of all, a form of crime is linked to illegal entry, residence and work, that is, without mediating any criminal behavior, the illegal immigrant - who is increasingly on the scene today - is criminally punishable.

Concerning the criminal behavior of these immigrants shows, compared to nationals, greater visibility and a smaller dark number[61] because immigrants and generally those from the lower socio-economic strata or groups who are socially excluded are more visible to the authorities and therefore their actions are recorded more. , without this necessarily means that they are more involved in the known crime[62]. At the same time, the specter of the crime of immigrants is on the one hand that they do not have access to the various social networks, in order to obtain the concealment of their deed, access that is largely available to the natives.

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[58] In Norway, such phenomena are identified, especially in the labor market and housing. A plan to improve the institutional framework has been launched in Finland and France to combat racism and specific measures have been taken (in France indeed, an hotline / call center was set up to report such incidents, which are further handled by the Team for Study and Fight Against Discrimination - Group for Studying and Combating Discrimination)

[59] "Migrants Between Law and Legality", by I. Kourtovik, in "Migrants in Greece "(2001), pp. 165-166

[60] "Crime of Refugees and Migrants", by A. Sykiotou-Andoulakis, in"Refugees and Immigrants in the Greek Labor Market", Conference Events ESEM - Conference Proceedings, 1998, p.104.

[61] Spectatorship is about "... the property of a crime falling into the perception of others"
(H. Daskalakis, 1985, p. 85)

[62] H.Daskalakis (1985), p. 17

On the other hand, most of the crimes they commit are related to crimes that are more easily identified by nature, such as crimes of violence (violence, theft or robbery, etc.)[63].

Finally, it should be noted that SMEs are also involved extremely important in shaping the social representations of immigrants from the host society. Their role is paramount because, in modern societies, they are the primary mediators between the various groups - since they are the basic way of informing the average person - and thus largely play the role of opinion-maker, by shaping above comparative presentation of some aspects of the administrative, economic and social dimension, in principle policies and their modern trends and, secondly, the impact of immigration in general, it appears that states - mainly hosts - are beginning to place less emphasis on the demand for national homogeneity, mainly because they are transformed gradually to heterogeneous or multinational populations and thus have to adapt their policies to these new circumstances[64].The aim is, in this context, to tackle the phenomenon of increasing racist attitudes towards foreigners, which is often topped by the current debate.

Conclusion

Under the pressure of increasing migrants and with regard to refugee inflows into European space, States are responding by strengthening their institutional frameworks and by establishing more stringent rules, both on the conditions of reception and on the other hand, in order to limit and combat illegal immigration. A central target is controlled input to enable them to contribute positively and constructively to addressing the contemporary challenges of these countries, which have to do with the economic and admistrative development ,cultural enrichment of societies, and with the aging of the population on Europe today.

What is undeniable though is that exercise so much multi-dimensional and complex policies - particularly within a globalized economy, which seeks homogeneity of rules and

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[63] H. Daskalakis (1985), p. 86
[64]" Integration of Immigrants in Europe: policies of diversity and diversity of policies ", by Dr. R. Penninx

institutions to facilitate its evolution - is a difficult case, as it relates to issues of continuity, stability and, by extension, survival of modern societies.

Freedom and security is the two sides of a coin and therefore their management requires equal attention. At one pole are measures to strengthen the control mechanisms, clearly necessary, especially in front of modern globalization of the terrorist threat. On the other hand ,however, this is not legitimate at the expense of a large portion of it of humanity, of this immigrant population, by blaming him and depriving him of rights and freedoms, which are only the latter decades beginning to enjoy and which rightfully belong to him. The immigrant is also a citizen of the world sohe should treated as such. Now traveling between different worlds and cultures, deprives him the ability to acquire an orientation and an identity. That orientation can self-identify and offer him emotional and psychological balance so that he can compose his own vision and find the way out to happiness.

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2020

Ethnic Cleansing

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Abstract

This paper focus will be upon bringing under attention an incredibly important topic: Erdogan's ethnic cleansing camouflaged as war against terrorism. The main objective of this research is to show such a thin as ethnic cleansing is called "fight against terrorism" which furthermore in this trial and fight turkey is violating some of the most important and fundamental laws starting from refugee's rights, until the very first and crucial human rights . this study will unfold in a chronological, subsequentially functions: the first points function will be giving is the background information over the issue, in order to get a better understanding of what s happening between turkey and Kurds. Moving forward the research paper will focus on showing the main organizations such as UN and NATO point of view over the conflict and how this conflict is in fact a "breach into plenty international laws".

Keywords: Ethnic, Cleansing, Refugees, Human Rights, War Crime, International, Law

Introduction

"Erdogan wants to redraw the middle east ethnic map". We live in a modernized era with undercover dictators, who are promising democracy, freedom, and a peaceful life, when what they are doing in the reality is suffocating those people day by day. This research paper purpose is to raise awareness within the people who are living in their bubble and are ignoring the harsh reality of this world. On a jurisdictional perspective, this topic holds a huge importance as it deals with an outrageous breach into the human rights. This study is mainly focusing on "why is ethnic cleansing still existing and being ignored?". This research is going to analyse the

incredible situation between Turkey and Syria, where the right of life is being taken everyday from innocent people who could not imagine that one day, waking up someone would decide that being a Kurd is a serious crime. During the articles review, some points have attracted an immense amount of attention, those points are the following: what ethnic cleansing is itself, Erdogan's purpose for taking those atrocious measures and procedures in order to do such horrible action, and what are the united nations on human rights doing about this situations. Now it is time to analyse these points further in order to get a better understanding of the big picture.

Ethnic cleansing

The ethnic cleansing is the trial of creating ethnically comparable geographic areas through the banishment or forcible exile of persons belonging to a specific ethnic group. Ethnic cleansing is not only connected with the deportation of people but also with the removal of all physical vestiges of the targeted group which represents them like monuments, cemeteries, and houses of worship.

The term *ethnic cleansing* was mostly recognized and used in the 1990s to describe the inhumanely treatment of different civilian groups in the conflicts that came upon the dissolution of the Federal Republic of Yugoslavia. These groups included Bosnian Muslims, Serbs in the Krajina region of Croatia, ethnic Albanians and later Serbs in the Serbian province of Kosovo. Ethnic cleansing as a concept has created considerable arguments. Some critics see few differences between it and genocide. Genocide was a term used by Raphael Lemkin, to describe the desire of some dictators to destroy all those people who were members of a national, ethnic, racial or religious group. Defenders, from the other hand, argue that ethnic cleansing and genocide can be distinguished by the purpose of the executer: whether the case and goal of genocide is the harm of an ethnic, racial, or religious group, the main purpose

of ethnic cleansing is the recreation of an ethnically presentable and strong land, which the methods of doing such a thing are hundred including even genocide.

Ethnic cleansing became a huge global concern during the Balkan wars and with the terrible genocidal done in Rwanda in the 1990s. with the wars coming at an end everyone thought that this nightmare was over and that things changed with people moving on. But little did we know that ethnic cleansing will do its appearance even stronger this time. Seeing the late international response to those crises, some in the democratic world created a doctrine called the Responsibility to Protect (R2P), which forces states to protect all populations from acts like genocide and ethnic cleansing, and to reach in time the crucial intentions that some may have. At a 2005 UN obliged, every country in the world to sign a commitment to R2P.

Since this revolutionary movement, democracy has not been in a good "shape". Strongman in different countries took the control of the independent media, captured the judiciary, and stage-managed elections to perpetuate their rule. the United States together with other democratic powers unable to react and do something against the abuse which was prevailing gave the power to important autocracies to embrace more extreme measures, like forced demographic change, to have in this way their desirable land.

The responsibility to protect all international humanitarian and human rights and to end the worst forms of violence and persecution done against some populations was upon the United Nations. Since there was no clear separation between the definition of the ethnic cleansing and genocide the United Nations created the convention on the prevention and punishment of the crime of Genocide.

With this convention the United Nations were helping states to meet their existing responsibility. "The declaration made by the General Assembly of the United Nations in its

resolution 96 (I) dated 11 December 1946 stated that genocide is a crime under international law". Understanding that the act of genocide for a long period of time brought great losses on humanity, the UN reached the conclusion that, in order for the mankind to break free from such terrible actions, international co-operation is needed. In the present the convention of 1946 states that genocide are acts done with the scope to destroy, populations of a national, ethnical, racial or religious group. Some of those acts as stated on the article 2 of the convention are:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

Based on the article 4 of the convention people those acts will be punished," whether they are constitutionally responsible rulers, public officials or private individual".

Turkey dealing with the refugees.

Who are the Kurds? The Kurds are a huge Muslim ethnic group, which almost all their life have been treated in all sort of unfair ways. "They have really suffered at the hands of the four states." As stated even by Henri Barkey, a professor of international relations and senior fellow at the council on foreign relations.

With the civil war happening in Syria many people decided to live their home to find a secure place to host them, and that place was Turkey. Turkey is dealing with over 3.6 million "registered" refugees which is a number that overpasses the "registered" refugees in any other countries. Turkey's mainly concern is finding solutions connected with the refugee's presence

there, like their legal status, health, education, employment, the impact refugees will have with the locals and their basic needs.

With the negotiations of 2000 done between turkey and EU, Turkey's immigration laws and regulations changed for better. Turkey started the adaptation of the refugees by regulating and giving to them the work permission under the temporary protection singed in 2016. Based on those regulations, the Syrian refugees can send their applications before their registration of the status, to the Labour Ministry in order to take the permission of work. Some of the rules stated on the new legislation which needed to be respected were that those accepted on the work labour would get a salary same almost with the Turkish citizens. Secondly and really important was that the work market needed to have the majority of the employees Turkish citizens and that the percentage of the refugees working in this case shouldn't surpass ten percent. The International Labour Force Law which was passed in 2016 specified that the following regulations of the "temporary protection" is aimed at all migrants. With turkey stating these laws the work permit was easier for all refugees. The work permit was useful for one year and needed to be extended every year. To be mentioned is that the new laws turkey made hade some criteria's and a policy to make the process of employing easier for the Turkish labour market. Some of the criteria refugees would be good to have were related on factors such as is education their age, previous experiences if they had turkeys goal was to contribute as much as it can to science to technology and mostly turkey wanted from all this situation to help the economy of the country.

The bigger percentage of the refugees which reached turkey were kids, terrified and afraid for their future. For this reason, turkey started to deal with them as well by providing what's most important, education. Turkish's legislation stated clearly that all refugee kids should be provided at least with the basic education meaning to attend and finish grade 12 which is mandatory in turkey. Even though Turkish law gave the possibility of education to everyone,

the difficulties that Syrian parents had enrolling their children into the public school trying to make them feel "normal" again were a lot. Firstly because of the unclear regulation regarding the formal procedures needed for the enrolment. And secondly because of the language barriers which made more difficult for the kids the process of blending with the rest as a result to exist a lack of space in the classroom. Processing those problems the Turkish Ministry of Education gave the solution with the Circular on "Education Services for Foreign Nationals" on 23 September 2014. The circular goal was to create a better frame for the application process in order all kids to have an education and a lot of options. Except for the possibility that the Syrian kids had to be part of the Turkish public schools they could as well be enrolled into Temporary Education Centres created at first to help with the language barrier problem, later on those centres as well would facilitate the parents and the kids that were placed in urban areas or camps. The Provincial Commissions organized and made sure the centres had what was necessary to provide specific courses and trainings such as teaching Turkish and setting up different social and cultural activities to make their learning process easier and more fun. Everything seemed to be perfect with those centres except for the cost needed to be payed that not all refugee parents had. At this point the International Organization for Migration shows up with a solution, providing free transportation to school for all.

A primary right that the refugees have is the right of health care which turkey under the control Ministry of health provided to them. An important fact of mentioning is that this access to health was given only to those who had temporary protection. Refugees that were not registered are not benefiting from the right of health they will be checked only in emergency cases, even then only the primary health is given to them. Refugees who back in their hometown were related with health professions had a chance to work and serve Syrians on the camps and centers always with the approval from the Ministry of Health. The health services given to the refugees

were not only from the turkey as well as international organizations, for example, the World Health Organization.

Lastly and important the housing which unfortunately turkey could not provide for the refugees besides the camps. And for this reason, refugees who decided to live somewhere else had to provide their housing expenses themselves.

All was good since October 9 when Turkey launched its cross-border offensive, claiming to redo the region of Kurdish People's Protection Units (YPG), a group Ankara considers "terrorists".

One of the reasons why turkey is doing such a thing is because as stated they "fear that Syrian Kurdish gains will embolden its own Kurdish population and create a PKK-statelet on its border". Turkey is trying in all ways to avoid such a thing from happening by planning on resetting nearly 1 million of its 3.6 million Syrian refugees. The Turkish government clarifies that all returns taking place would be voluntary and most important in areas that were before occupied by Turkey. With turkey taking such measures Europe was putted in a bad position unable to act. Europe tried explaining to turkey the threat and danger their actions had and the catastrophe that they will create but without any results, now that turkey is collaborating and has the support of Russia China and USA.

Erdogan decided to finally response back to the criticism done to him by Europe, by attacking Europe using 3.5 million Syrian refugees. Obligating politicians and the European media to not be referred on his actions and plans with the terms like 'ethnic cleansing' and 'crimes against humanity'. Europe hearing the horrific demands of turkey did not accept. What turkey wanted to have was against one of the most important foundations of Europe the freedom of speech.

However, the crucial actions that turkey is doing with the invasions are not affecting only Europe but also NATO that Turkey is a member itself.

The violation of human rights done by turkey and the position UN, NATO and EU kept.

With EU impacting, turkey decided to sign the law on "foreigners and international protection" this law was issued in a period of time when turkey was facing a humanitarian crisis and shaped around the needs of Syrian refugees. However, with the invasions and actions that turkey followed violated an enormous part of the human rights of Kurds. Article 2 of universal declaration states that *"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status"* (Declaration of Human Rights, 1948). Turkey Started with the violation of article 2 of ECHR which states clearly that everyone has the right to life. Something that turkey with Erdogan as his leader forget when stared taking the lives of innocent people like women and kids. Continued with the violating their Right to liberty and security a right that each country is obligated to follow. What turkey did not followed and respected as well was the non-refoulment principle article 33(1)of the 1951 convention, turkey "pretended" that this article did not existed and started with his "refugee plane" to return the Kurds back without taking into consideration the risk that those people would had to face. Basically turkey violated some of the most important rights of thr ECHR such as article 3, 5, article 2 of protocol nr.1 by violating the right of education, taking all those kids who thought that after a difficult time they had things were starting to look normal again the right to educate themselves. Lastly turkey violated article 8 on war crimes. War crime as stated by UN *"is a serious breach of international law committed against civilians or "enemy combatants" during an international or domestic armed conflict"*. All those violations and crimes done are making people upset and against Turks leader Erdogan wanting him to stand before international criminal jurisdiction.

NATO is an institution with Turkey as a member of it has full veto rights. NATO considers what turkey is doing absurd and do not recognise those organisations that have taken place in the Turkish territory as terrorist organisations. This position that NATO is having is not satisfying the desire of turkey having as a conclusion turkey to "blackmail" it. Erdogan decided that would block the defence plan for Poland until NATO changes his opinion. All members of NATO are angry with the decisions and the way that turkey is acting, by pointing out to turkey that cannot do such things just with only one NATO ally, the US. They warned Erdogan that the consequences of those moves that he took will be horrific and that will create a humanitarian disaster.

However, turkey is not listening anything NATO has to say with overconfidence and the support of US is continuing his "refugee plan".

The position that the United Nation kept was a bit unclear as there was a division in the UN Security Council regarding the Turkey's offensive in northeast Syria. Five members of EU together with Estonia did not gave their support to turkey by not voting on providing financial help or development assistance in the areas that Syrian refugees were mistreated by turkey. The Council diplomats were sharing their concerns that the Turkish incursion could make an even worse than it already is humanitarian situation, and some members called directly on Turkey to end its operation.

The Russia from the other hand took turkeys side and accused the United States and Estonia of making "demographic engineering" that was even the issue from the start which led to the conflict. Russia stated that the solution is the UN to take into consideration other aspects of the Syrian crisis.

With UN divided there was no decision made.

Conclusion

As a conclusion is to be stated that turkey leaded by Erdogan wants to have the absolute power and to control everyone. As a member of NATO turkey is obligated to follow the rules as everyone else does. Furthermore because of the international laws that had singed on the protection of the refugees turkey could not admit that their desire to turn the Kurds back in Syria were their lives are clearly in danger because of the civil war happening there is just so turkey can gain the power and control, for this reason Erdogan claimed that with this actions what he aimed was to redo the region. As turkey was moving forward with his "refugee plan" he had the alliance of US, Russia etc. this gave turkey more confidence to continue by violating one by one the most important and fundamental human rights such as article 2 of the ECHR the "right to life" as those actions that turkey was making killed several innocent civilians, violated article 3, 5, 8 and so on and forth. In all this turkey had against the UN, EU and NATO that were constantly warning and still are turkey that what's doing is a huge violation on human rights that is braking the rules of the international treaties which has singed and that if continues like this will create a war. However, turkey is insisting on his initial opinion and wants to continue with the plan. How this conflict created between turkey and Kurds will end is to be seen as nothing has reached an end and turkey wants to go till the end. The question raised here is what will the UN and NATO will do from now on? How they're going to change their position?

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Refugee Law, Refugees seeking Protection

By: XXXX

Supervisor: Dr. Denard Veshi

Paper in 'Refugee Law'

Contents

Abstract

Refugees are part of us, part of our society and should be treated equally. If a person's right of life is going to be threatened it's not up to them to take care of themselves anymore. They are forced for various reasons to leave their county and go someplace else they might feel safe. There are different organizations which protects the rights of a refugee. This paper includes some of the main topics regarding refugee law, who is called a refugee, what is the principle of non-refoulment, what organizations do we have that protects refugees and what they really do, asylum seekers and statistics how the number of refugees and asylum-seekers has grown over the past years all over the world and also real stories of refugees in Albania.

Introduction

Alan Kurdi was a three-year-old Syrian boy whose lifeless body was washed up along the shore of the eastern Mediterranean on year 2016. The whole world bears in its memory the image of the red shirt and blue jeans the small boy was wearing while facing down the wet sand, miles away from the home he tried to leave behind. The Syrian wars brought pain and agony to its people, and that was more than enough to make 3,600 of them follow the dangerous route of secretly leaving the country on a very small boat on the beach of Turkey. However, the boat that was close to reaching Greek lands keeled over. Alan's mother, Rihanna, and older brother, Ghalib, drowned in cold waters together with 3,600 other refugees. All these lives were lost in attempt to flee from war and search for a better life. They were lost because their home country could not manage to protect them, and because other lands were too far to help. The sad truth of a refugee is that, more often than not, their reality is harsh, unforgiving and always unknown.

Refugees are people who cross international borders in search of protection and safety in another land. They are people who flee war and persecution in order to abandon all the violence and conflict their home country allow. Forced to leave with nothing but the clothes on their back, refugees are also have to abandon their homes, properties and loved ones. To give a more precise idea, there were close to 26 million refugees registered by the end of 2017. International law, however, protects their rights. The 1951 Refugee Convention (UNCHR, 2020) describes a refugee as: "someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion."

Who is called a refugee

A refugee is a person who has been forced to leave his/her country of origin because of different reasons such as persecution, war, violence, discrimination etc. It is important to not confuse a refugee with a migrant. A migrant is just someone who chooses to move, not because of discrimination or threat to life or freedom but because he/she wishes so. They move to find better work, education or because of economic reasons. Unlike refugees, migrants do not live with the fear of persecution or serious harm of life in their country of origin. And last, what's important is that migrants can return in their home country any time they want. On the other hand, refugees have complicated cases.

These individuals have a well-founded fear of persecution for reasons of race, religion, nationality political opinions or membership in a particular social group. In most of the cases, refugees cannot return to their country of origin and that can happens because they are unable to return or just are afraid to do so. There might be a serious threat to his or her life or freedom. The international legal definition of this term is contained on the 1951 Convention (UNCHR, 2020). Anyway, war and ethnic, religious violence are the main causes leading refugees fleeing their countries. In these types of situation, people who leave their countries to live somewhere else, apply for asylum. These individuals are called "asylum seekers".

All states whom receive individuals who needs protection, face many difficulties regarding the refugee's arrivals in industrialized or developed countries or rural and urban areas. By a refugee respecting the right to enjoy asylum means that reception arrangements are safe and in compatibility with human rights laws.

Principle of non-refoulement is one of the most important key points in Refugee Law since it is considered a fundamental principle of international law. The aim of this principle is

refugee's rights protection in cases when they can no longer return to a country where they would be in danger, could face torture, inhuman or degrading treatment, Article 33, 1951 Convention (UNHCR, Convention and Protocol, 2020).

Asylum seeker

International human law does recognize the right of living of every individual. Every asylum seeker whom is not able to perform by himself will depend on the context. In cases when asylum seekers that could not fulfill their needs such as food, shelter or medical care are unable to pursue their asylum application properly. The 1951 Convention/ 1967 Protocol (UNHCR, 2020) doesn't set standards for reception of asylum seekers but some of those rights are applied to them by referring also to the right of non-discrimination, freedom of religion, access to courts and so on. Different countries adopt different approaches to the reception of asylum seekers regarding the individual asylum systems. Some of them provide assistance in kind, financial assistance or both of them combined with each other. In providing assistance are involved both governmental and non-governmental actors so the range of social and economic benefits may vary.

We can find the concept of asylum from the Article 14 of the Universal Declaration of Human Rights, which protects the right to "seek and enjoy asylum from persecution" (UN, 2020). Asylum is a general designation for people who require international protection. In some countries is a legal term referring to individuals whom has applied for refugee status but hasn't received a final decision of the claim yet. The advantage in this case is because by applying for asylum they might gain the right to be recognized as a refugee and also receive legal protection or material assistance from that particular state. An asylum seeker must prove

that his or her fear of persecution in their home-country is well-founded. Not every asylum seeker will be recognized as a refugee. They cannot be sent to their country of origin until the asylum claim has been examined in a fair procedure.

Recognition of refugee status

In cases when a person seeking for asylum and the moment of recognition of refugee status comes (UNHCR, A guide to international refugee protection and building state asylum system, 2020), this person should have a residency status secured. Both refugees and asylum seekers need to have identity papers. Refugees after taking the recognized tittle are also entitled to have travel documents.

A secure residency status is one of the most important and effective measures that state can undertake for refugees, to help them having a permanent home and this way making it easier for refugees to be treated equal to the society. In cases when there is not a residency status granted for recognized refugees, they should at least have a status that will permit them to apply for permanent residence before applying for neutralization. It is important for the state to understand that it's not fair to review their status after recognizing it for a limited number of years since it puts them into an insecure, doubtful situation which except cannot help them, but slows their integration with the society. Beside, requires large administrative and financial resources.

UNHCR is part of the United Nations General Assembly (UNHCR, Convention and Protocol, 2020). This organ, created on January 1, 1951 has the aim to provide protection against refugees for every problem they might have. This social organization is non-political and its purpose is humanitarian, in the end refugees are part of our population, are individuals just like us who need protection just as we all do.

UNHCR protection includes material assistance which can often make it possible for a country to accept refugees, providing them their basic needs such as food, shelter, water, medical care etc. In our days this organ responds to any complication or emergency of refugees everywhere.

Every material assistance, different needs in emergency situations that refugees might need, helping them to return home have a certain financial cost and parliamentarians play an important role in financing these incomes and making sure every resource which is necessary will be available.

According to chapter 8 (UNHCR, A guide to international refugee protection and building state asylum system, 2020) everyone should respect the rights and dignity of refugees. There are certain measures and policies to encourage respect for the rights of refugees such as the principle of non-discrimination (8.2), the obligation and rights of refugee (8.3), and the rights of persons with complementary forms of protection (8.4). These chapters encourage people to understand the difficult position of a refugee, to understand their limitations of freedom and to understand that they need help from the state in order to gain their life and freedom back in order to live a normal life like all the rest of the society.

Geneva Convention

Geneva Convention, 1951 (UNHCR, What is a Refugee?, 2020)is one of the most important convention of international legislation relating to the refugee status. The convention of Geneva gives the definition who is called a refugee, what protection would he have, what social rights does he have from the countries who have signed the document. In this convention there is a number of obligations mentioned to the contracting parties, obligations which include prohibition of torture, prohibition of expulsion of aliens etc.

As we mentioned before regarding the concept of asylum (Art 14) (UN, 2020), which protects the right to "seek and enjoy asylum from persecution". Anyway, article 14 is not found in other general instruments of international human rights such as the International Convention on Civil and Universal Declaration of Human Rights.

Usually, international protection in Europe may take the form of refugee status or subsidiary protection. As mentioned above, the Geneva Convention is the one that regulates refugee status, meanwhile subsidiary protection is granted when a foreign State deems necessary for a migrant to be protected, but for reasons not included in the Geneva Convention. It is important to mention that the Geneva Convention has no international supervision procedure.

Human rights instruments that protect refugees

According to the Human Rights (UNHCR, A guide to international refugee protection and building state asylum system, 2020) they protect refugees with The Rights in the International Covenant on Civil and Political Rights, which are rights to be enjoyed without discrimination and all of these provisions apply to every individual within a state's territory or

under its jurisdiction. These rights also include the right to not be tortured, not to be subject to cruel or inhuman treatments. Other civil right is the right to life, the right to be free and protected. Then there are The International Covenant on Economic, Social and Cultural Rights which establishes the principle of non-discrimination in the context of economic, social and cultural rights.

Its aim is to raise the standard of living in many forms such as physical and mental health.

There is The Convention on the Elimination of All Forms of Racial Discrimination which contains many prohibitions with details, which obligations to prevent, discrimination on grounds of race, color, descent, or national or ethnic background. This is relevant for every asylum seeker or refugee who are targets of discrimination.

Budgeting for refugee protection at the national level

Parliamentarians also encourage their government to plan and fund, national institutions, procedures to meet the needs that asylum-seekers or refugees might have. In every case where countries hosts refugees they contribute by helping them in different forms that are necessary for the situation. For example, the country can help regarding refugees by giving them pieces of land available for refugees to make their own camps. Also, in other forms by giving easy access to national health, education and other services they might need.

According to Refugees in Albania (Refugjatet Siriane ne Shqiperi , 2018) the situation is as following. We have a growing number of migrants from the Middle East and Asia whom are seeking asylum in our country, Albania. This phenomenon it is best known as mass immigration. During the years 2015 and 2016, hundreds of thousands of migrants who fled the Middle East, Asia and Africa arrived in Europe using the Balkan route. The road was closed in March 2016 but people by seeking other ways, still managed to enter the European Union through the Balkans, even though they were a few in number. Albanian authorities declared that in these recent months there have been increasing attempts by refugees and migrants to use Albanian territory as a route to European countries. The border police have tightened controls to stem a possible wave of refugees, to be in control of the situation. Some of the people when asked said that their final destination is Germany and they use our country just as a transit country but it is not like Serbia or Macedonia which have closed borders. "Albania is the only solution for refugees in transit", - says Guwan Belei, a Syrian refugee. It's obviously clear that these individuals are trying for a better social and cultural life by trying to reach Germany and they use our country to reach their final destination. According to police, 10 foreign nationals are detained on the territory of Albania every 24 hours.

Except migrants and asylum seekers using our country to reach their destination countries, we also have a current case where the Albanian government made an agreement with USA that we will accommodate 210 people coming from Ashraf camp in Iraq (Ne Tirane 14 refugjatet e pare muxhahedine, 2013). America was pleased for responding to their request expressing their gratitude for the humane and generous gesture of the Albanian government. So, in Albania has arrived the first group of 14 of the 210 members of the Mojahedin-e-Khalq

organization, or otherwise known as the "Muxhahedine" of the Iranian people. The Ministry of Internal Affairs announced that there are taken all the neccessary measures to accommodate and secure these persons at one of the Asylum Seekers Reception Centers in Albania. They come to Albania through the UNHCR in response to a request from the US government, which also oversees the Ashraf camp in Iraq. The Mojahedin-e-Khalq organization is considered as the political opposition to the Ahmadinejad regime in Iran. There are close to three thousand of its members who have been sheltered in Iraq for years.

Two months ago during a meeting in Tirana with the US Deputy Assistant Secretary of State for Near East Affairs, Barbara Leaf together with the Special Representative of the Secretary-General of the United Nations for Iraq, Ambassador Martin Kobler, and was announced the decision to shelter 210 "muxhahedine" in Albania from the Ashraf camp in Iraq. The first announcement was for the arrival of the first group of 14 people. The arrival of this group marks the beginning of the implementation of the program for the shelter of these people who enjoy refugee status, the ministry explained, specifying that "under the agreement reached, the arrival of other refugees will continue since we decided to accept them on the territory of the Republic of Albania and the government has undertaken every measure to ensure their long-term stay in our country, to comply with all standards provided by international law and the conventions recognized by Albania. The United States expressed its gratitude for the humane and generous gesture of the Government of Albania to accept the residents of the former Hurriya camp. It is mentioned that Albania has been very helpful for the United States to create peace and stability in Iraq. The United States, meanwhile, calls on the leadership of the Mujahedin-e Khalq group to co-operate with the United Nations' efforts to resettle all camp residents outside Iraq. Since 1979, the Mojahedin-e-Khalq organization has been regarded by the Iranian

authorities as a movement representing traitors to their homeland. Sheltered in Iraq, its members joined Saddam Hussein in the 1980s during the Iraq-Iran war. In the second half of the 1990s, the Mujahideen of the Iranian people, as they are otherwise known, were included in the list of terrorist organizations by the United States. For many years, they have been considered as such even by the European Union. Only in 2009, Brussels with a decision of 27 member states decided to remove them from the list of terrorist organizations and in September 2012 a similar decision was taken by the United States. The organization is one of the main founders of the National Council of Iranian Resistance, in opposition to President Ahmadinejad's regime. Since 2003, when US troops entered Iraq, more than 3,000 members of the organization have been sheltered in Camp Ashraf, under the supervision of US forces. The United Nations Refugee Organization, UNHCR, has recognized them the refugee status.

International organizations are promoting the strengthening of civil society's capacity to better respect the rights of asylum seekers and refugees in Albania. The influx of refugees in the region has prompted the creation of a UNCHR office in Gjirokastra and the increasing role of some local institutions.

Conclusion

To sum up, refugees are people who leave their countries not by choice, but by fear. These individuals have a well-founded fear of persecution for reasons of race, religion, nationality political opinions or membership in a particular social group. Refugees cannot return to their country of origin and that can happens because they are unable to return or just are afraid to do so. There might be a serious threat to his or her life or freedom. UNHCR is a social organization, non-political with humanitarian purpose who protects the rights of life of a refugee, as well as the 1951 Geneva Convention.

According to some statistics (UNHCR, Refugee Statistics, 2020)made by the end of year 2018, there were 70.8 million individuals who were forced to leave their countries as a result of prosecution, conflict, violence or violation of human rights. Comparing the results of 2018 with a year before, it is an increase of 2.3 million people over the previous year which includes 25.9 million refugees in the world and these are the highest numbers ever seen, 41.3 million internally displaced people and 3.5 million asylum-seekers. 1 person I every 108 group of people is either an asylum-seeker, internally displaced or a refugee. Numbers are too high and the displacement is very high. One person becomes displaced every two seconds, less than the time it takes to read this sentence. That means 30 people being displaced every minute.

"Refugees didn't just escape a place. They had to escape a thousand memories until they'd put enough time and distance between them and their misery to wake to a better day."

— Nadia Hashimi

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