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## **United Nations' 1951 Convention and Evaluation of Humanitarian Assistance Towards Refugees in European Union, 2012-2016**

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### **Abstract**

*The surge in migration to the European Union (EU) has rapidly become one of the most complex situations facing Europe since the Second World War. This situation has led to humanitarian crisis as effective international protection of refugees has remained elusive. The United Nations 1951 Refugee Convention and 1967 Protocol which serve as international legal instruments that define the rights of refugees have not been adequately respected by European Union despite the long-term commitments 28 member states of EU made under international human rights and refugee law. This study investigates inter alia, how European Union has managed refugees in line with the provisions of 1951 Convention and 1967 Protocol. The study adopts ex-post facto descriptive method, hence relies heavily on secondary sources for data collection. "Collective action theories" were employed as theoretical framework of analysis. The paper observes that there are still major lacunas in the overall management of refugees in EU as large number of EU member states have flouted the principle of nonrefoulement which serves as international customary law, and also adopted stringent domestic asylum laws that have caused untold hardship to refugees. To reduce the level of humanitarian crisis as well as ensure effective management of refugees in EU, there is an urgent need to adopt and implement a common standard asylum system in the region that clearly specify unified conditions on the acceptance, resettlement, relocation and integration of refugees.*

**Key Words:** United Nations 1951 Convention, Refugees, European Union, Migration, Non-refoulement

### **Introduction**

According to Universal Declaration of Human Rights, Article 14(1): "Everyone has the right to seek and to enjoy in other countries asylum from persecution." It is a commonplace fact that due to fear and displacement of people either as a result of conflicts, physical violence, political persecution, war or other events in their home countries, there has been an influx of refugees in the world today. Starting from 1920's after the First World War till date, management of refugees has

remained a tough issue in the international community. Consequently, the 1951 Refugee Convention and 1967 Protocol that serves as an amended version of the said convention helps to serve as international legal instruments that specify the social and economic rights of refugees. The convention and the protocol clarify the rights of refugees and the obligations of the 148 States that are parties to one or both of these instruments. These two legal instruments place considerable emphasis on the protection, resettlement and integration of refugees.

The 1951 Convention which serves as the centerpiece of international refugee protection law particularly enumerates social and economic rights as clearly designed to assist integration of refugees, and Article 34 of the convention calls on states to facilitate the “assimilation and naturalization” of refugees. The convention which came into force on 22 April 1954 has only been amended in the form of a 1967 Protocol, which removed the geographic and temporal limits of the 1951 Convention (UNHCR, 2011). This, therefore, means that the 1951 Convention, as a post-Second World War instrument, was originally limited in scope to persons fleeing events occurring before 1 January 1951 and within Europe. However, as incessant conflicts, physical violence and socio-political persecutions continue to pose a colossal threat to internal peace and security within the territory of national governments, the 1967 Protocol removed these limitations and thus gave the convention universal coverage. Hence, international refugee protection law covers the entire globe, and states parties are expected to be guided by the law.

Today, the influx of migrants in European Union has caused refugee crisis in the region. For instance, as stated by Seufert (2016), 1.5 million people approximately entered the EU illegally in 2015. The majority of these migrants pass via Turkey. The flow of refugees and others seeking irregular access to Europe has increased dramatically (UNHCR, 2016), and over 590,000 people arrived by sea in 2015 – more than twice the number reaching Europe this way in the whole of 2014 (Metcalf-Hough, 2015). Almost 630,000 new asylum claims were made to EU countries in 2014 (European Commission (EU), 2015), compared with just over 430,000 in 2013. The crisis in Syria, Iraq, Afghanistan etc has not only been perceived as the major cause of refugee crisis in the world and European Union in particular, but has also been seen as one of the major factors enormously threatening global peace and security.

It is an obvious fact that all the 28 European Union member states have made long-term legal commitments under international human rights and refugee law, most recently reaffirmed by member states in UN General Assembly Resolution 69/167 of December 2014, to protect and promote the human rights of all migrants, irrespective of their status and their nationalities. As signatories to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the EU states such as France, Germany, Italy, Greece, Croatia, Hungary, Great Britain etc, have specific responsibilities to provide international protection and safety for people fleeing from conflicts, violence, human rights violations, persecution or serious physical harm.’ Based on this, EU members agreed to grant refugees’ rights to work, education, housing and the judicial system, and protect them from punishment for entering a country illegally. They also

pledged to be guided by the principle of non-refoulement as outlined in the 1951 Convention which serves as a norm of customary international law that does not permit any derogation irrespective of whether states are signatories to the convention or not. Today, the influx of migrants in EU has remained an international issue that has immense legal and political implications since after Arab Spring of 2011 which resulted in ever increasing outflows of migrants and refugees that fled instability and violence particularly in Libya and Syria. Zetter (2015) therefore rightly averred that the complex nature of contemporary global migration patterns and drivers is presenting huge challenges to existing international, regional and national legal and policy frameworks. The public outcry and unprecedented levels of political and media attention to the dramatic experiences and images of asylum-seekers arriving in the EU have put huge pressures on the European institutions and member state governments (Carrera, Blockmans, Gros & Guild, 2015). Currently, there are still existing lacunas in the overall refugee management in the region.

Apparently, management of large inflows of refugees has remained a tough issue confronting Europe Union. Faced with domestic pressures, several states have taken unilateral national policy actions to control their borders, either by erecting fences or other physical obstacles or by reinforcing strict border control checks as well as anti-refugees' laws. The trend has been on how to protect their borders instead of protecting refugees who are seeking international protection. The primary effect has been to redirect the flow of refugees and migrants to other borders and countries, or better still to return to their countries of origin. Sadly, inadequate humanitarian response by EU governments has left hundreds of thousands of refugees and other migrants increasingly vulnerable. The vulnerability of refugees has largely manifested itself in their deplorable lives, health, education, safety etc, as reports have indicated that many migrants have reportedly died while seeking asylum in EU, and good number of children reportedly got missing. This study is therefore poised to evaluate how European Union responded to the management of refugees.

## **Conceptual Clarification**

### **Refugee**

Open Society Foundation (2015) avers that the word "refugee" describes someone fleeing war, persecution, or natural disasters. Those claiming this status can ask for asylum-legal permission to stay as a refugee which brings with it rights and benefits. In such situations, the need to provide assistance is often extremely urgent and it may not be possible for purely practical reasons to carry out an individual determination of refugee status for each member of the group (Metcalf-Hough, 2015). As articulated by UNHCR (2014), whole groups may be considered as 'prima facie' refugees if situations have arisen in which entire groups have been displaced under circumstances indicating that members of the group could be considered individually as refugees.

### **Humanitarian Assistance**

According to Global Humanitarian Assistance (2017), humanitarian assistance is intended to save lives, alleviate suffering and maintain human dignity during and after man-made crises and disasters caused by natural hazards, as well as to prevent and strengthen preparedness for when such situations occur. Humanitarian assistance should be governed by the key humanitarian principles of: humanity, impartiality, neutrality and independence.

### **Theoretical Framework**

The foundation work of collective action theory is in Mancur Olson's book entitled: *The Logic of Collective Action: Public Goods and the Theory of Groups* (Olson, 1965). Olson who is the classical exponent of the theory argues that any group of individuals attempting to provide a public good has troubles to do so efficiently. On the one hand individuals have incentives to "free-ride" on the efforts of others in certain groups and on the other hand the size of a group is of high importance and difficult to optimally determine. This understanding of collective action is rationalist, focusing on material incentives, strategic interaction, cost-benefit calculations, logic of consequences, relative gains, and individualist rationality, in the provision of public goods. The notion of collective action permeates the neo-liberal institutional (or contractual) approach to international institutions. A key element of Olson's theory is the problem of exploitation of the strong by the weak or free riding. Nobody is interested in bearing the expenses for the improvement; instead everyone is trying to profit from the public good in a greedy way. The problem of collective action can only be resolved by a hegemon, because only a hegemon can provide all states with public goods while accepting sacrifices, thereby willingly nurturing free riders (Acharya, 2012). Yet, since the hegemon can do this informally or bilaterally, there is little scope for multilateralism.

In the case of EU members, collective action in managing refugees has remained a mirage as many members have refrained from taking responsibility in sharing the burden confronting the union presently. This situation has therefore made effective and efficient management of asylum seekers or refugees elusive. Based on this, Kenneth Waltz reaffirms the importance of collective action: "collective efforts are needed if common problems are to be solved or somehow managed." He acknowledges that "global problems can be solved by no nation singly, only by a number of nations working together" and reaffirms the need to garner an understanding of collective action and the extent to which it is possible in relations among states.

### **Empirical Verification**

#### **The Rights of Refugees under the 1951 Convention and 1967 Protocol**

International law (1951 convention and 1967 Protocol) prohibits the expulsion of people to a place where they would be at real risk of serious human rights violations. This principle of non-refoulement can be breached in several ways, including directly through forcible returns to the country of origin, or indirectly when pressure is exerted on refugees to return to a place where their lives or freedoms are at

risk – for instance through the threat of indefinite detention (Amnesty International, 2016). According to 1951 Convention on the status of refugees, there are fundamental provisions as stated in Article 42 (1): “States that at the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1, 3, 4, 16(1), 33.”

1. Article 3 of 1951 Convention: The Contracting States shall apply the provisions of the Convention to refugees without discrimination as to race, religion or country of origin.
2. Article 4: The Contracting States shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practice their religion and freedom as regards the religion, education of their children.
3. Article 16 (1): A refugee shall have free access to the courts of law on the territory of all Contracting States. Article 16 paragraph (2) A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the Courts, including legal assistance and exemption from *cautiojudicatum solvi*.
4. Article 33 (1): No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.
5. Article 31(1): The Contracting States shall not impose penalties, on account of refugees illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

#### **Other Important Provisions**

Article 17 on wage-earning employment reads thus: (1) The Contracting State shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment. Article 17(3) reads: The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals, and in particular of those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.

6. Article 26 on freedom of movement states that each contracting state shall accord to refugees lawfully in its territory the right to choose their place of residence to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.
7. Article 34 on naturalization states that the Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall

in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

#### **Protocol of 1967**

Considering that the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 (hereinafter referred to as the Convention) covers only those persons who have become refugees as a result of events occurring before 1 January 1951. Considering that new refugee situations have arisen since the Convention was adopted and that the refugees concerned may therefore not fall within the scope of the Convention. Considering that it is desirable that equal status should be enjoyed by all refugees covered by the definition in the Convention irrespective of the dateline 1 January 1951, have agreed as follows:

Article I general provision (1) The States Parties to the present Protocol undertake to apply articles 2 to 34 inclusive of the Convention to refugees as hereinafter defined. Fundamental provisions, namely: Article 1 (definition of the term “refugee”); Article 3 (non-discrimination); Article 4 (freedom of religion); Article 16(1) (access to courts); Article 33 (non-refoulement); and Articles 36–46 (final clauses).

#### **United Resolutions on the Protection of Refugees: 2012-2015**

- i. Reaffirms the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto as the foundation of the international refugee protection regime, recognizes the importance of their full and effective application by States parties and the values they embody, notes with satisfaction that one hundred and forty-eight States are now parties to one instrument or to both, encourages States not parties to consider acceding to those instruments, underlines, in particular, the importance of full respect for the principle of non-refoulement, and recognizes that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees;
- ii. Re-emphasizes that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions, and strongly emphasizes, in this context, the importance of active international solidarity and burden- and responsibility-sharing;
- iii. Encourages the Office of the High Commissioner to work in partnership and in full cooperation with relevant national authorities, United Nations offices and agencies, international and intergovernmental organizations, regional organizations and non-governmental organizations to contribute to the continued development of humanitarian response capacities at all levels, and recalls the role of the Office as the cluster lead for protection,

camp coordination and management, and emergency shelter in complex emergencies;

- iv. Strongly condemns attacks on refugees, asylum-seekers and internally displaced persons as well as acts that pose a threat to their personal security and well-being, and calls upon all States concerned and, where applicable, parties involved in an armed conflict to take all measures necessary to ensure respect for human rights and international humanitarian law;
- v. Deplores the refoulement and unlawful expulsion of refugees and asylum seekers, and calls upon all States concerned to ensure respect for the relevant principles of refugee protection and human rights;
- vi. Calls upon States to create opportunities for resettlement as a durable solution, recognizes the need to increase the number of resettlement places and the number of countries with regular resettlement programmes and to improve the integration of resettled refugees, calls upon States to ensure inclusive and non-discriminatory policies in their resettlement programmes, and notes that resettlement is a strategic protection tool and solution for refugees;
- vii. Urges States to uphold the civilian and humanitarian character of refugee camps and settlements, inter alia, through effective measures to prevent the infiltration of armed elements, to identify and separate any such armed elements from refugee populations, to settle refugees in secure locations and to afford to the Office of the High Commissioner and, where appropriate, other humanitarian organizations prompt, unhindered and safe access to asylum seekers, refugees and other persons of concern;
- viii. Expressing deep concern that the number of people who are forcibly displaced owing to conflict, persecution, violence and other reasons, including terrorism, has reached the highest level since the Second World War,
- ix. Noting with grave concern that, despite the tremendous generosity of host countries and donors, including unprecedented levels of humanitarian funding, the gap between needs and humanitarian funding continues to grow,

### **Humanitarian Responses by EU Member States to Refugees Hungary**



Hungary is a country of first entry in the EU and has experienced a sharp increase of refugees from Syria, particularly in 2014 and 2015 (Hoel, 2015). Between April 2011 and September 2015, Hungary received 54,125 Syrian asylum applications (UNHCR, 2015). The refugees enter Hungary through the Western Balkan route, which means that they enter the EU through the Bulgarian-Turkish or Greek-Turkish land or sea border, and then proceed through the Western Balkans into Hungary (Frontex, 2015).

Regrettably, Hungary visibly responded to the influx of refugees by tightening border controls, and changing its Asylum Act in order to prevent refugees from entering Hungarian territory. The amended Asylum Law, which came into force on 1 August 2015, gives the authorities power to reject asylum applications from persons from Syria, Afghanistan or Iraq who already passed through other “safe” countries without lodging claims there (European Council on Refugees and Exiles, (ECRE), 2015). According to the council, Hungary has also built a 175-kilometer long fence along its border with Serbia to prevent irregular border crossings. The fence was approved by the Hungarian Parliament on 6 July 2015 and finished in September/October. In 2015, as accessed in the Website of Hungarian government (2015), Hungary spent 200 million euro on what they call “the restoration of law and order in the vicinity of its borders”. The amended law further makes it a criminal offence, punishable by prison or deportation, to damage the newly built fence. The Hungarian Parliament has in addition passed a law allowing the government to deploy its army to handle refugees at its borders and the use of non-lethal force such as rubber bullets and tear gas grenades (The Independent, 2015).

In May 2015, the government sent out a questionnaire to Hungarian citizens as part of a “National Consultation on Immigration”. The questionnaire clearly was a stunt to gain support for Prime Minister Viktor Orbán’s hard-line approach (Tremlett and Messing 2015). It featured leading questions such as: “Do you agree that mistaken immigration policies contribute to the spread of terrorism?” and “Do you agree with the government that instead of allocating funds to immigration we should support Hungarian families and those children yet to be born?” (Haraszti 2015, Hungarian Spectrum 2015, Website of the Hungarian Government, 2015). Orbán also had posters put up aimed at refugees with slogans like “If you come to Hungary, you cannot take away Hungarians’ jobs” (Hoel, 2015: p.17).

Hungary’s right-wing government and the Prime Minister are opposed to immigration. Orbán has made it clear that Muslim asylum seekers are unwelcome in Hungary and argues that he is defending European Christianity against a Muslim influx (Al Jazeera, 2015). The Prime Minister made references to the history of Ottoman rule and said that “we don’t want to, and I think we have a right to decide that we do not want a large number of Muslim people in our country” (Al Jazeera America, 2015). The Hungarian government defends its anti-immigration policy by saying that the influx of migrants and refugees amount to a security threat (Hoel, 2015). The Prime Minister fears that the EU lets in the internal conflicts of the Middle

East by allowing migrants and refugees to enter (Website of the Hungarian Government 2015). Orbán has referred to the influx as an invasion and said that the refugees entering Europe “look like an army” (The Guardian, 2015). He has also stressed that Europe is not facing a refugee crisis but “a movement composed of economic migrants, refugees and foreign fighters” (Website of the Hungarian Government, 2015).

This point is used to legitimize initiatives like the newly built border fence. Human Rights Watch report accuses security forces of beating refugees, a claim rejected by Hungary's government (Al Jazeera, 2016). Hungarian police and soldiers have severely beaten some refugees and migrants before sending them back across the border to Serbia (Human Rights Watch in Al Jazeera, 2016). Since July 5, refugees and migrants caught within 8km of the 175-kilometre border with Serbia are being returned to the Serbian side of the razor-wire fence on the border. The fence was built by Hungary in September 2015 as an outcome of Hungarian Asylum policy. Hundreds of refugees and migrants are stuck in "no man's land" on the Hungarian-Serbian border following tighter border controls and several deportations from Hungary (Al Jazeera News, 2016). The crisis on the border comes days after Hungary introduced stricter border controls that allow police to effectively deport refugees and migrants found in Hungarian territory within eight kilometres of the border fence erected in September, 2015. Refugees have unduly suffered in the Serbia-Hungary border due to stricter measures employed by Hungarian government since 2015.

Hungary is yet to accept EU quota system which makes it possible for EU member to share refugees so to take part in the burden sharing. On October 2, 2016, Hungary held national referendum whether to accept European Union migrant quotas on October 2, 2016. Although the percentage of people that participated in the exercise made the outcome void, it was alleged that Hungarians were advised to vote against the quota regime. Considering the refugee policy and actions taken by Hungarian government towards asylum seekers or refugees, it has become obvious that there is a breach and violation of Article 33 of 1951 Convention which states that no Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. Moreover, Hungary has also violated Article 3 of the said convention that stipulates thus: The Contracting States shall apply the provisions of the Convention to refugees without discrimination as to race, religion or country of origin. It is on record that actions taken by Hungarian government against refugees tantamount to a colossal humanitarian catastrophe of enormous proportions.

#### **Amended Asylum Law in Hungary by Hungarian Helsinki Committee (2016)**

##### **Amendment of the Asylum Government Decree (in effect from 1 April 2016)**

- Termination of monthly cash allowance of free use for asylum-seekers (monthly HUF 7125/ EUR 24);
- Termination of school-enrolment benefit previously provided to child asylum-seekers.

**Amendment of the Asylum Act (in effect from 1 June 2016)**

- Terminating the integration support scheme for recognised refugees and beneficiaries of subsidiary protection introduced in 2013, without replacing it with any alternative measure;
- Introducing the mandatory and automatic revision of refugee status at minimum 3-year intervals following recognition or if an extradition request was issued (previously refugee status was not limited in time, yet it could be withdrawn any time);
- Reducing the mandatory periodic review of the subsidiary protection status from 5 to 3-year intervals following recognition;
- Reducing the maximum period of stay in open reception centres following the recognition of refugee status or subsidiary protection from 60 days to 30 days;
- Decreasing the automatic eligibility period for basic health care services from 1 year to 6 months following the recognition of refugee status or subsidiary protection.

**Amended Asylum Act and Amended Act on State Border (adopted on 13 June 2016, pending signature by the President of the Parliament)**

- Irregular migrants (regardless of whether or not they claim asylum) who are arrested within 8 km (5 miles) of either the Serbian-Hungarian or the Croatian-Hungarian border will be “escorted” by the police to the external side of the border fence, without assessing their protection needs or even registering them.

**Bulgaria**

Recent reports from Human Rights Watch and Amnesty International have all raised alarming attention to the safety of refugees who attempt to enter Europe through Turkey and Bulgaria. Claims of violence - including beatings, pistol whippings, summary pushbacks, theft, unlawful imprisonment and even murder — by local police forces. It is actually a fact that Bulgaria is confronted with refugees crossing into its territory from Turkey and from Greece. To prevent refugees from entering into Bulgaria, it was alleged that the country erected a razor-wire fence along 95 km of its 269-km border with Turkey. On the border with Greece and Macedonia there is no fence, but in recent weeks, the army has been deployed in the critical areas.

Under Bulgarian law, border or immigration police may detain people on grounds of unauthorized entry, irregular residence or lack of valid identity documents. Persons arrested on these grounds are normally subject to removal (UNHCR, 2014). By law, asylum-seekers have to be transferred within 24 hours from the Border Police to SAR reception facilities. In practice, asylum-seekers are transferred by the Border Police within 24 hours to the Elhovo Triage Centre, a detention centre, where they spend between three and five days before being transferred to a SAR reception facility. The attempts by the Bulgarian government to close the border have resulted

in the refoulement of individuals at risk of persecution, contrary to human rights principles enshrined in international law. This has been independently verified by a number of international NGOs, including Human Rights Watch.

The following human rights abuses in Bulgaria have been reported by Human Rights Watch (2016)

- Detention in inhumane conditions
- Denial of access to a toilet for hours at a time
- Ill-treatment through kicking and use of batons
- Humiliation and degradation - being told to strip naked, rotate and kneel as though in prayer and then being beaten with batons
- Rape by officials while being restrained by other officials
- Denial of food as a means of punishment
- Detention in a one metre toilet stall for three days without food
- Asylum seekers (including children) being forced to sleep on the floor without blankets
- Refusal of medical assistance even in cases of emergency. One case involves a doctor refusing to provide a necessary injection despite loss of consciousness of the patient
- Use of clubs or truncheons to force asylum seekers to allow themselves to be fingerprinted, in some cases with the use of such excessive force that the asylum seeker loses consciousness
- Lack of protection from racist attacks in reception centres despite inhabitants being attacked with sticks and iron bars
- Ill treatment of a woman in labour and separation of the newborn from his mother immediately after birth
- Homelessness and refusal to provide assistance following a grant of refugee status in Bulgaria

Bulgarian reception centers have registered almost 4,500 refugees this year so far, but only 700 stayed in the country (Ilcheva, 2016). According to the author, Bulgaria has a reputation of being a country where vigilantes "hunt" refugees and where an Afghan was shot for trying to cross the border. Refugees prefer to go to the west, particularly Germany that is believed to have welfare policies despite asylum seekers that have granted refugee status.

**Table 1:** Asylum seekers and decision taken by Bulgarian government

<b>BULGARIAN STATE AGENCY FOR REFUGEES</b>						
<b>Information for asylum seekers and decisions taken</b>						
<b>01.01.1993 - 31.08.2016</b>						
<i>Year</i>	<i>Applications submitted</i>	<i>Refugee status granted</i>	<i>Subsidiary protection granted</i>	<i>Refusals</i>	<i>Terminated procedures</i>	<i>Total number of decisions</i>
2011	890	10	182	366	213	<b>771</b>
2012	1387	18	159	445	174	<b>796</b>
2013	7144	183	2279	354	824	<b>3640</b>
2014	11081	5162	1838	500	2853	<b>10353</b>
2015	20391	4708	889	623	14567	<b>20787</b>
2016	12164	376	302	597	5122	<b>6397</b>
<b>Total</b>	<b>53057</b>	<b>10457</b>	<b>5649</b>	<b>2885</b>	<b>23753</b>	<b>42744</b>

**Source:** Bulgarian State Agency for Refugees [www.bulgarianstateagency.com](http://www.bulgarianstateagency.com)  
Italy

Italy's response to the Syrian refugees has reflected its inability to handle yet another influx (Hoel, 2015). Italy, as a country of first entry on the external border of the EU, has since 2011 experienced an increase of refugees from Syria. The majority of Syrian refugees who reached Italy refused to claim asylum but travel to other European countries. This could be due to economic challenges Italy is currently confronted with. There are also arguments that the refugees declined to be registered in the country in order to move to other EU countries where they have relatives, friends or hope for better living conditions. Approximately 94 percent of Syrian refugees arriving in Italy seek to continue to other EU countries (UNHCR, 2014). Between April 2011 and September 2015 Italy received 2.168 Syrian asylum applications (UNHCR, 2015). Compared to the amount of asylum applications in other European countries, this number is small. Regarding resettlement, Italy does not have a regular resettlement program, but has since 2013 pledged to accept 350 resettled refugees from Syria (UNHCR, 2015).

Italy has an external border and therefore a responsibility, as a member of the Schengen area, to register every person crossing the border (including asylum

seekers). However, the country has been criticized by fellow EU Member States (Austria, Germany, Hungary and Sweden) for not complying with EU laws (The Wall Street Journal, 2014). The claim is that Italy fails to register persons crossing its external border. By not doing so, it bypasses its responsibility to examine a possible asylum application and avoids considerable costs. The implication is that the action negates Article 34 of 1951 Convention which states that the Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees.

However, Italy accused EU for abandoning the country to manage the refugee crisis along. And also retaliated to fences and barb wires erected by EU members such as Hungary, Bulgaria, etc; making overall refugees management lopsided and frustrating. Italian Prime Minister, Matteo Renzi therefore categorically stated that whoever has the right to asylum must be welcome in Europe, not just in Italy (The Guardian, 2015). Renzi further explained that Italy had felt abandoned in its efforts to deal with the refugee crisis (The Independent, 2015). In 2015, the number of persons admitted as refugees in Italy is quite low considering the number of applications the country received in said year. The table below clearly shows this both in figure and percentage.

### **Greece**

The EU promise of opening up a legal way out of Greece for asylum-seekers has remained largely unfulfilled (Amnesty International, 2016). According to the information provided by the European Commission on 12 April, only 615 of the 66,400 asylum-seekers pledged to be relocated from Greece in September 2015, had been transferred to another EU member states, largely due to the lack of political will on the part of receiving states (European Commission, 2016).

On 7 March 2016, the EU heads of state or government announced in Brussels that “irregular flows of migrants along the Western Balkans route have now come to an end.” The next day, no one was allowed to cross the border from Greece to the former Yugoslav Republic of Macedonia (Macedonia), leaving over 46,000 refugees and migrants stranded in mainland Greece as of 11 April 2016. February 2016 alone, more than 57,000 migrants arrived on the Greek islands; 52 percent were Syrian nationals, while a further 41 percent were Afghan and Iraqi nationals - 25 and 16 percent, respectively (European Commission, 2016). The European Union and Turkey, combined with the decision by several nearby countries to close their borders to migrants, transformed Greece from a refugee entry point to a dead end for an estimated 57,000 “persons of concern,” (United Nations, 2016). The country, already staggering under massive debt, had to find some way to process tens of thousands of requests for asylum from people with no place to live. However, the Greece has tried to meet its international obligations with rescue operations that respect human life. But available evidences have shown that the pressure is too much for the country to bear.

In the face of refugee crisis in EU, European Commission's Humanitarian Aid and Civil Protection (ECHO) (2016) maintained that:

Greece experiences an unprecedented influx of migrants and refugees fleeing war and deprivation in their home countries or in search of a better and safer life in the EU. Since January 2015, more than one million people made the journey to the EU, using what has become to be known as the "Western Balkans" route, crossing from Turkey into Greece in an effort to reach Central and Northern Europe. On 9 March 2016, the border between the Former Yugoslav Republic of Macedonia and Greece was officially closed. This led to the interruption of the transit route through the Western Balkans and resulting in more than 54, 000 refugees and migrants becoming stranded in Greece, without adequate access to shelter, food and water, and unable to continue their journey.

According to ECHO (2016), the need for humanitarian assistance greatly increased on mainland Greece, as people required proper shelter, provision of clean drinking water, adequate primary health care and information on their legal status within the European Union. An agreement between the European Union and Turkey to end irregular migration from Turkey into the EU, signed on 20 March 2016, has resulted in a decrease in the number of new arrivals into Greece. This agreement does not cover, however, the refugees and migrants that arrived in Greece before the agreement entered into force (ECHO, 2016).

The UN is warning of a growing humanitarian challenge along Macedonia's border with Greece as thousands fleeing war in the Middle East and beyond remains stuck in limbo (AL Jazeera, 2016). Following the border shutdowns, Greece, a primary gateway to Europe, has been inundated with refugees. People are trying to make their way to western and northern Europe, but border controls are forcing many into already overcrowded camps. Only some Iraqis and Syrians have been allowed to cross. According to AL Jazeera News, Greece has asked for tents, blankets, sleeping bags, transport vehicles and ambulances among other supplies, a government official told Reuters news agency.

### **Germany**

Germany has been the most sought-after final destination in the EU migrant and refugee crisis (The New York Times, 2015). According to the report, thousands of migrants continued to pour into Germany from Austria. Germany's friendly asylum practice is based on Article 16a of her Basic Law for the Federal Republic of Germany which states that Persons persecuted on political grounds shall have the right of asylum. Due to escalation of migrant crisis in EU, Germany decided to use the derogation possibility of Article 17 of the Dublin III Regulation for humanitarian reasons. According to the said article, any Member State of the European Parliament and the Council of the European Union should be able to derogate from the responsibility criteria, in particular on humanitarian and compassionate grounds, in order to bring together family members, relatives or any other family relations and examine an application for international protection lodged with it or with another Member State, even if such examination is not its responsibility under the binding

criteria laid down in this Regulation (Regulation (EU) No 604/2013 of the European Parliament and the Council of European Union of 26 June, 2013). Germany received the highest number of new asylum applications in 2015, with more than 476,000 (The New York Times, 2016). But far more people have arrived in the country - German officials said more than a million had been counted in Germany's "EASY" system for counting and distributing people before they make asylum claims (BBC, 2016).

Humanitarian gesture of Germany is believed to be a factor that makes the country the primary destination in the EU for Syrian asylum seekers. The recognition rate (amount of asylum seekers that are accepted) for Syrian nationals was 94 percent in 2014 (Asylum Information Database, 2015). Germany is also one of the biggest donors of international aid to the Syrian people in Syria and the neighboring countries. In 2012 and 2013, it contributed approximately 440 million euro for humanitarian and development aid to people suffering from the Syrian conflict (Federal Foreign Office of Germany, 2014). In terms of resettlement, Germany has a programme, which has been operating since 2012 with a current annual quota of 300 refugees (UNHCR, 2014). Refugees admitted under this programme are granted temporary residence permits. Germany also has the largest humanitarian admission programme for refugees from Syria. The Temporary Humanitarian Admission Programme (THAP) was implemented in 2013 and included admitting 10000 Syrians from Lebanon in 2013-2014. The programme was further extended by an additional 10000 places in June 2014 (UNHCR, 2014). The German Chancellor, Angela Merkel has been one of the prominent figures in the political debate on how the EU should handle the ongoing refugee crisis (Hoel, 2015). According to Hoel, Angela believes that the EU needs to act in solidarity with southern Member States and agree on a common solution. In fact, the humanitarian involvement of Germany in the ongoing refugee crisis is an indication that the refugees have the rights of international protection, and should be accorded the rights in every circumstance. In an interview with the German *Bild am Sonntag* newspaper, Merkel promised to support those who are in urgent need of humanitarian assistance, particularly the hundreds of thousands of refugees mostly fleeing conflicts in the Middle East. Merkel Angela stated that:

It was the right thing to do applicants, or 61% of total applicants in the EU Member States), followed by Italy (22 300, or 8%), France (18 000, or 6%), Austria (13 900, or 5%) and the United Kingdom (10 100, or 4%). These 5 Member States together account for 83% of all first-time applicants in the EU-28. Trends in number of asylum applicants vary from country to country in the first quarter of 2016. Germany (with 98 000 more applicants) was the country with the largest absolute that we rose to this humanitarian responsibility and continue to do so... We did not reduce benefits for anyone in Germany as a result of the aid for refugees. In fact, we actually saw social improvements in some areas.

The highest number of first-time asylum applicants in the first quarter of 2016 was registered in Germany (with almost 175 000 increase in the number of asylum applicants, followed by Italy and Austria (7 100 and 4 200 more applicants



respectively). Large increases in the numbers of first-time asylum applicants were also recorded in France (15 200 more applicants), the Netherlands (3 100 more), the United Kingdom (2 700 more), Greece (2 600 more) and Denmark (1 500 more). The table below indicates the number of asylum applicants and decisions by EU member states.

**Table 2:** Asylum Applicants (including first time applicants) in the EU-28 by Citizenship, 2015 – 2016

	Q1 2015			Q2 2015			Q3 2015			Q4 2015			Q1 2016			Q1 2016	Change in %		Applicants per million population (†)	Last 12 months (‡)
	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.		between Q4 2015 and Q1 2016	between Q1 2015 and Q1 2016		
<b>EU-28</b>	<b>61 455</b>	<b>66 165</b>	<b>61 970</b>	<b>59 085</b>	<b>68 090</b>	<b>90 140</b>	<b>116 200</b>	<b>141 250</b>	<b>165 305</b>	<b>167 060</b>	<b>154 605</b>	<b>104 360</b>	<b>90 285</b>	<b>102 715</b>	<b>94 080</b>	<b>287 085</b>	<b>-33</b>	<b>51</b>	<b>565</b>	<b>1 353 175</b>
Belgium	1 210	1 070	1 160	1 110	1 615	2 315	3 130	5 160	6 360	5 525	5 530	4 810	2 395	1 310	1 015	4 715	-70	37	420	40 270
Bulgaria	1 055	1 025	1 110	1 120	1 325	1 605	1 850	1 435	2 060	3 530	2 395	1 660	1 910	1 155	990	4 050	-47	27	560	21 025
Czech Republic	95	90	170	105	85	85	75	85	100	115	115	110	100	150	110	360	6	-1	35	1 230
Denmark	630	425	450	545	870	1 075	1 030	1 810	2 680	3 625	5 020	2 665	1 625	900	460	2 985	-74	98	525	22 305
Germany	22 905	24 065	29 995	25 830	25 105	34 075	36 505	36 305	44 480	58 125	57 685	46 725	50 530	66 125	58 310	174 965	8	127	2 155	539 800
Estonia	5	15	30	30	10	25	20	10	45	20	10	10	0	0	5	5	-87	-90	5	180
Ireland	215	200	210	265	255	335	290	330	405	265	290	210	210	190	140	540	-30	-13	115	3 185
Greece	925	895	790	855	1 005	1 000	1 065	880	940	845	1 000	1 160	1 050	1 320	2 820	5 190	73	99	480	13 945
Spain	835	850	1 220	1 330	1 055	1 290	1 145	1 030	1 405	1 470	1 740	1 225	1 095	925	885	2 905	-35	0	60	14 595
France	4 025	5 135	5 610	5 175	4 355	5 150	5 330	5 240	7 070	7 735	7 145	8 595	5 665	6 210	6 075	17 950	-24	21	270	73 745
Croatia	10	15	15	10	5	5	10	5	20	20	15	10	20	30	115	160	252	326	40	265
Italy	4 740	5 075	5 430	4 500	5 130	5 265	8 510	8 775	11 105	10 365	8 270	6 075	7 415	7 610	7 305	22 335	-10	46	365	90 325
Cyprus	155	125	150	145	120	135	155	120	330	235	245	190	220	230	185	635	-5	48	750	2 310
Latvia	15	15	15	25	30	50	30	20	45	70	10	5	10	15	10	30	-62	-32	15	315
Lithuania	15	25	5	25	25	10	35	30	20	35	20	25	10	10	20	35	-55	-14	15	265
Luxembourg	85	95	85	70	85	95	90	165	365	375	425	430	260	135	105	500	-59	92	890	2 600
Hungary	11 655	16 405	4 750	6 485	9 800	16 385	30 870	46 720	30 495	490	195	175	335	2 065	4 430	6 830	691	-79	695	148 455
Malta	65	160	120	105	160	115	140	115	170	230	190	130	105	135	145	390	-29	12	905	1 740
Netherlands	890	735	805	1 135	2 250	2 925	2 980	5 325	6 425	9 965	6 225	3 375	2 540	1 760	1 225	5 525	-72	128	325	46 130
Austria	3 875	3 060	2 770	3 715	6 190	7 485	8 555	8 500	10 545	12 015	11 655	7 135	5 750	4 945	3 185	13 880	-55	43	1 620	89 675
Poland	485	470	485	540	525	700	985	1 235	1 490	1 260	1 095	985	535	785	1 010	2 325	-30	62	60	11 140
Portugal	50	90	85	80	80	90	70	75	70	70	65	50	60	35	50	150	-18	-34	15	795
Romania	100	75	160	205	85	85	85	110	75	90	85	65	40	80	95	215	-10	-37	10	1 100
Slovenia	15	10	20	15	10	15	10	20	40	20	45	35	15	270	200	485	391	913	235	695
Slovakia	15	10	25	5	20	5	5	5	5	5	15	160	5	0	10	15	-91	-66	5	240
Finland	305	310	345	335	510	780	1 455	2 865	10 805	6 985	5 690	1 785	980	825	340	2 145	-85	124	390	33 340
Sweden	4 340	3 515	3 560	3 405	4 850	6 045	7 515	11 270	23 735	38 535	36 075	13 275	3 735	2 245	1 725	7 700	-91	-33	790	152 400
United Kingdom	2 740	2 200	2 395	1 920	2 525	3 025	4 260	3 600	4 010	5 040	3 380	3 295	3 675	3 260	3 130	10 065	-14	37	155	41 100
Iceland	..	..	..	20	5	..	..	45	60	..	55	45	35	45	35	125	-8	..	380	395
Liechtenstein	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Norway	560	480	480	520	1 160	1 075	1 335	2 285	4 885	8 570	8 105	1 005	380	235	270	885	-95	-42	170	29 830
Switzerland	1 450	1 300	1 375	1 270	2 070	3 665	3 785	3 785	4 410	4 635	5 555	4 780	3 510	2 540	1 890	7 945	-47	93	965	41 885

(†) Relative to population as of 1st of January 2015

(‡) Data for Iceland are not available for June and July 2015

.. data are not available

**Source:** Eurostat Database (2016), Asylum quarterly report

From the table above, it is obvious that Germany is the highest refugee recipient in EU. Out of 1,542,765 asylum applications in EU from January 2015 to the quarter of 2016, 616, 765 were applied in Germany, which represents 39% of the total applications in the region. This is a pointer to the fact that Germany has committed to accepting refugees more than other EU members. Friendly asylum law of the country could also largely be a driving factor. This however does not presuppose that Germany has a perfect asylum system as there are certain challenges confronting the country today in terms of refugee management. This supports the statement once

made by German Chancellor that Germany may adjust its asylum procedures in order to confront the exigencies of the time. In fact, due to security threats foreigners have posed to the country, and the level of crimes which have increased in recent times, many have called on the chancellor to retrace her humanitarian gestures which has negative consequences on the security and welfare of German nationals.

### **Status and Recognition of Refugees as Contained in Asylum Procedure Act of Germany**

As rightly stated above, Asylum Procedure Act of Germany is fundamentally guided by Article 16a of the Basic Law which grants victims of political persecution individual rights of asylum. The fundamental right of asylum thus has high priority and expresses Germany's willingness to fulfill its historical and humanitarian obligation to admit refugees. For instance, according to Section 3 of the Asylum Procedure Act which gives recognition to refugee status,

#### **Section (3) Recognition of Refugee Status**

(1) A foreigner is a refugee as defined in the Convention of 28 July 1951 on the legal status of refugees if he,

1. owing to well-founded fear of persecution in his country of origin on account of his race, religion, nationality, political opinion or membership of a particular social group,
2. resides outside the country (country of origin)
  - a. whose nationality he possesses and the protection of which he cannot, or, owing to such fear does not want to avail himself of, or
  - b. where he used to have his habitual residence as a stateless person and where he cannot, or, owing to said fear, does not want to return.

#### **Section (4) Subsidiary protection**

(1) A foreigner shall be eligible for subsidiary protection if he has shown substantial grounds for believing that he would face a real risk of suffering serious harm in his country of origin. Serious harm consists of:

1. death penalty or execution,
2. torture or inhuman or degrading treatment or punishment, or
3. serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict

From all indications, Section 3 and 4 of Germany's Asylum Procedure Act recognize the status of refugee and group eligible for protection as contained in 1951 Convention.

In spite of Germany's commendable asylum policy, things are no longer the same today. Now Germany, which has taken in well over a million migrants in the last year, has said that the policy should be scrapped because it is simply encouraging more people to make the perilous journey (Gutteridge, 2016). Angela Merkel today

performed an extraordinary U-turn on mass migration as Germany ordered the EU to begin turning back boats full of asylum seekers crossing the Mediterranean. The chancellor has been under pressure due to her open door policy, and has therefore suffered popularity crisis.

### **Sweden**

Sweden has been recognized to have a long tradition for providing assistance to refugees fleeing from conflict and therefore has an open door-policy for Syrian refugees. Between April 2011 and September 2015, Sweden received 80,360 Syrian asylum applications (UNHCR 2015). Sweden also has a high recognition rate which has made it to be one of the most refugees' friendly countries in EU. In terms of humanitarian response, the country has demonstrated obviously as regards to financial donations. Since the Syrian conflict broke out, Sweden has donated 1.6 billion Swedish Kroner in humanitarian aid (Government Offices of Sweden, 2015). It has been observed that Sweden has one of the biggest regular resettlement programme in Europe.

Sweden's approach to the Syrian refugee crisis is similar to that of Germany. Sweden is also the only country in the EU to grant Syrian refugees a permanent right of residence, a decision that was taken in the beginning of September 2013. The reason given by the authorities was that the conflict in Syria was likely to last. Since then the influx of asylum seekers from Syria has continued to increase. The Swedish asylum rules also allow anyone who gains permanent residency to bring their spouse and children to Sweden. Further, following Germany's announcement to suspend the Dublin procedure in August 2015, Sweden announced that it would do the same and allow 8,000 Syrians who originally entered the EU in another country to stay. Sweden's Prime Minister Stefan Löfven has been one of Angela Merkel's closest allies in lobbying for a burden-sharing system where EU countries would commit to accepting new asylum applicants (Hoel, 2015).

The reasoning behind Sweden's liberal policy towards Syrian refugees has much in common with that of Germany. Tobias Billström, Minister of Migration in Sweden, stated in 2013 (in relation to the decision mentioned above): "Sweden's position on granting asylum to those who are in need of protection has always been open and will remain to be an open one" (BBC, 2013). He explained that Sweden and the countries of the European Union have a responsibility to protect and expressed that Sweden would like to see more countries in the EU do the same. In March 2014, Billström asked the European Commission to punish countries for failing to pull their weight in receiving asylum seekers in accordance with the European Union's laws (The Wall Street Journal, 2014). He did so and pointed to the fact that nine Member States in the EU receive 90 per cent of all asylum applications annually. Prime Minister Stefan Löfven reaffirmed this position on 6 September 2015 when he said that: "My Europe takes in refugees. My Europe doesn't build walls" (The Local, 2015).

In the past 10 years, the numbers have taken off and in 2015, nearly 163,000 individuals applied for asylum in Sweden, a nation of 9.8 million people (Al Jazeera News, 2016). According to the report, Syrians accounted for 51,000 of these asylum seekers, 41,000 came from Afghanistan, 20,000 from Iraq, along with thousands from Eritrea, Somalia and Iran. A combined 4,000 came from Albania and Kosovo. As accounted in April, 2016 around 1.6 million people living in Sweden were born in another country - that is 16 percent of the population. OlleBurell, Stockholm's city commissioner for education, says: "At present about 12,000 refugee kids are enrolled in Stockholm's schools." The government has been careful to avoid creating ghetto schools, making sure that the refugee children are integrated into schools across different neighbourhoods. "It is crucial for the immigrants to feel normal, not to be placed somewhere 'special', to be just like everybody else". In order to cope with the increased number of students, the government has introduced incentives for retired teachers to return to work and created programmes to train English-speaking refugees to become teachers in order to facilitate the first steps in the difficult process of learning Swedish. "The Stockholm integration scheme has cost around 10bn krona (\$1.2bn)," Burell says. "And we are sure this is a good investment for the future of our community (Mucci, 2016)." However, many new arrivals are languishing in temporary housing, beggars and homeless live in the streets, and some neighbourhoods have seen an uptick in violence and extremism (Al Jazeera News, 2016).

### **Sweden and New Laws that Affect Asylum Seekers and their Families**

Despite the level of liberal Sweden's government has been in terms of welcoming refugees, the Swedish Parliament has adopted a new law which limits asylum seekers' possibilities of being granted residence permits and being reunited with their families. The new law entered into force on 20 July 2016, but it will also affect those who applied for asylum before 20 July. The new law is temporary and will apply for three years. The new law contains the following according to the Swedish Migration Agency (2016):

#### **Temporary residence permits**

Under the new law asylum seekers who are entitled to protection will only be granted temporary residence permits in Sweden. A person who is given refugee status will be granted a residence permit for three years and a person who is given subsidiary protection status will be granted a residence permit for 13 months. Unaccompanied minors and families with children under the age of 18 who applied for asylum no later than 24 November 2015, the date when the Government proposed the new law, will be considered under the old law and will have the possibility of being granted permanent residence permits, provided that the child is still under 18 when the Migration Agency makes its decision.

#### **Limited possibilities of Family Reunification**

The new law also limits asylum seekers' possibilities of being reunited with their families. A person who is given refugee status and a residence permit for three years will be given the possibility of family reunification. A person who is given a declaration of subsidiary protection status and who applied for asylum no later than 24 November will also be given the possibility of family reunification. But a person who is given a declaration of subsidiary protection status and applied for asylum after 24 November will only have the right to be reunited with their family in exceptional cases. If you are issued a temporary residence permit it is only your husband/wife/registered partner/cohabiting partner and unmarried children under the age of 18 years who can apply for a residence permit to move to you in Sweden. To be granted a permit both you and your partner must have attained 21 years, and you must have lived together before you moved to Sweden. Exemptions from the age requirement can be made if you have children together.

### **New Rules that Affect Right of Asylum Seekers to Financial Support from the Swedish Migration Agency**

The Swedish Parliament has adopted amendments to the law that gives asylum seekers the right to accommodation and financial support during their waiting time. The amendments enter into force on 1 June 2016 and affect anyone who has had their asylum application refused. The new rules mean that if one had had their asylum application refused, they no longer have the right to financial assistance. Financial assistance means, for example, daily allowance and a place at one of the Swedish Migration Agency's accommodation centres. The right to accommodation and financial support ends when the refusal of entry or expulsion order enters into force and can no longer be appealed, or when the deadline for voluntary departure has expired. Then the person has to leave Sweden. The new rules only apply to adults who are not living with children under the age of 18 that they are the custodians of. They also apply to anyone who received a refusal of entry or expulsion order before 1 June 2016.

It has been perceived that the new rules are geared towards reducing the influx of asylum seekers in Sweden and also to avoid the negative effects of too much foreigners in the country which may have adverse consequences on the country's economy. Bilefsky (2016) therefore put it that the Swedish government said that the legislation enacted was necessary to prevent the country from becoming overstretched by the surge of migration to Europe that began in 2015.

### **Austria**

Historically, Austria's reputation for taking in refugees has been excellent. During the Hungarian uprising of 1956, it opened its borders to thousands of Hungarians. One has only to recall James Michener's famous statement in his book: *The Bridge*. Andau (1957), chronicled the uprising: "If I am ever required to be a refugee, I hope to make it to Austria (Pongratz-Lippitt, 2016)." According to him, much the same happened during the Prague spring of 1968 when Austria opened its

borders to let in thousands of Czechoslovakians. And during the Balkan war of 1995 it again took in thousands of people fleeing the former Yugoslavia. However, due to influx of refugees in Austria, the government announced it would limit the number of migrants and refugees granted asylum to no more than 1.5 percent of the population over the next four years — the latest clampdown in Europe's immigration crisis (Jamieson, 2016). It means the number accepted for asylum will be capped at 37,500 this year, compared to approximately 90,000 processed during 2015. "We cannot accept any more asylum seekers," Austrian Chancellor Werner Faymann told reporters. According to Jamieson (2016), Austria has already moved to tackle the tide of refugees and migrants flowing across its borders. Its Finance Minister said that the government would take measures to make the country "less attractive" to migrants including cuts to welfare payments and a possible lower statutory minimum wage.

Austria adopted one of Europe's toughest laws on refugees, days after a far-right politician surged to victory in the first round of a presidential election. Under the terms of the new law, which the parliament passed by 98 to 67 on 27<sup>th</sup> April 2016, the government can declare a "state of emergency" if refugee numbers suddenly rise and reject most refugees directly at the border, including those from war-torn countries like Syria (Aljazeera, 2016). It is a move heavily criticised by the UN and asylum experts, who say Austria is flouting international human rights law. Reacting to the new law, Gauri van Gulik, Amnesty International's deputy director for Europe and Central Asia, said the laws were "a glaring attempt to keep people out of Austria and its asylum system (Hume, Shubert & Veselinovic (CNN), 2016)." According to him, the measures would breach its obligations under international law by preventing access to protection for thousands of refugees.

Addressing Austria's Parliament on Thursday, U.N. Secretary-General Ban Ki-moon lamented that:

He was "concerned that European countries are now adopting increasingly restrictive immigration and refugee policies." "Such policies and measures negatively affect the obligations of member states under international humanitarian law and European law." "I welcome the open discussions in Europe - including in Austria - on integration. But I am alarmed again about growing xenophobia here and beyond. All of Europe's leaders should live up to the principles that have guided this continent (Hume, Shubert & Veselinovic (CNN), 2016)."

In addition to the one of the most criticized law, a four kilometer long fence has been erected near the town of Spielfeld at the Slovenian border. Ironically, when Hungary built a fence along its border with Serbia in the autumn, Austrian Chancellor Werner Faymann fiercely attacked the activities. Now, even the armed forces are deployed at the Austrian border. This is a pointer that Austria is no longer interested in "we can do it" slogan of German Chancellor, Merkel Angela. This is an indication that the breach of international law has remained rampart in EU.

### **Conclusion**

The current influx of refugees as well as refugee crisis in Europe has invariably led to humanitarian crisis in the European Union. For instance, nations like Hungary, Bulgaria etc have not only flouted the provision of United Nations 1951 Convention but have demonstrated high level of xenophobic tendencies towards refugees. The cause of all the non-compliance of most EU members on quota system is mostly perceived to be caused by lack of common asylum system in EU as well as inability of EU to compel its members to obey asylum legislation. This has largely provided a strong leverage to most EU members that have become 'free riders' as regards to taking collective responsibility in managing refugees in the region. Regrettably, 1951 Convention as well as UN Resolutions have been flouted against refugees, particularly non-refoulment principle as contained in the United Nations refugee protection law (1951 Convention).

### **Recommendations**

European Union national governments are not working together despite having already reached agreements in a number of areas, and country after country imposing new border restrictions, inconsistent practices are causing unnecessary suffering and risk being at variance with EU and international law standards. There are stark differences among member states in the regulation and level of compliance with EU Directives on asylum.

There is an urgent need to adopt and implement a common asylum system on acceptance, resettlement and integration of refugees to avoid reoccurrence of refugee crisis as well as humanitarian problems in future. We believe that EU should be highly committed to building a single asylum and migration system that establishes safe and legal means of migration. This requires a strong political will to recognize that existing approaches to migration have created lacunas in the system leading to failure and crisis. Importantly, the causes of refugee influx should be addressed. This, therefore, means that causes and effects of internal national conflicts in some countries require urgent attention by the United Nations in collaboration with great powers such as United States of America, United Kingdom, Russia etc. Though it may be difficult to have Russia and US to combine efforts to achieve international peace and security, it is fundamentally important to ensure that their individual foreign policy is geared towards maintaining peace and security in conflict ridden states like Syria, Afghanistan, Iraq and so on.

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General Comments:

- 1) Title: Good.
- 2) Abstract: Contains the basic ingredients of an abstract. However, it should be reduced to between 200 and 250 words. The unnecessary details should be expunged.
- 3) Introduction: Adequate
- 4) Theoretical Framework: Good and appropriate
- 5) Methodology: Sufficient
- 6) Body of the work: Structurally and analytically sound. However, the section titled “UN resolutions on the protection of refugees” which was presented on yearly basis from 2012 to 2015 could be summarized and presented under “UN resolutions on the protection of refugees from 2012 to 2015” to eliminate the unnecessary repetitions. By this, any resolution passed earlier needs not be repeated over and over again. Author(s) must ensure that all direct quotations are cited in a triple entry format and indented properly.
- 7) Conclusion: Good
- 8) Recommendation: Adequate.

- 9) References: There is need to ensure that all works cited in the paper are documented. For example, **Swedish Migration Agency (2016)** (check page 20) was not documented. Adhere strictly to the 6<sup>th</sup> edition of APA style.
- 10) Contribution to knowledge: Moderate
- 11) Decision: Publish after minor corrections.