

# REFUGEE CRISIS IN EUROPE AND ACTIVISM

## Citizen Rights CREATE I REACT

Júlia Iván & Tamás Fazekas

17-18 October 2015

Budapest



Hungarian Helsinki Committee

# WHO IS A REFUGEE?

- owing to well-founded fear of being persecuted for reasons of **race, religion, nationality, membership of a particular social group** or **political opinion**, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, unable or, owing to such fear, is unwilling to return to it.
- 1951 [Geneva Convention](#)

# 1. REFUGEES: WHY ARE THEY ANY DIFFERENT?



# INTEREST OF THE STATE & SOCIETY

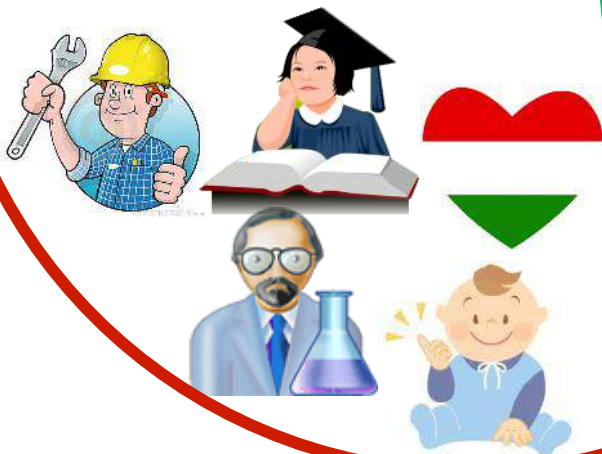
# HUMANITARIAN, HUMAN RIGHTS ASPECTS

1. No threat

2. No burden



3. „Added value”



Fulfils the conditions



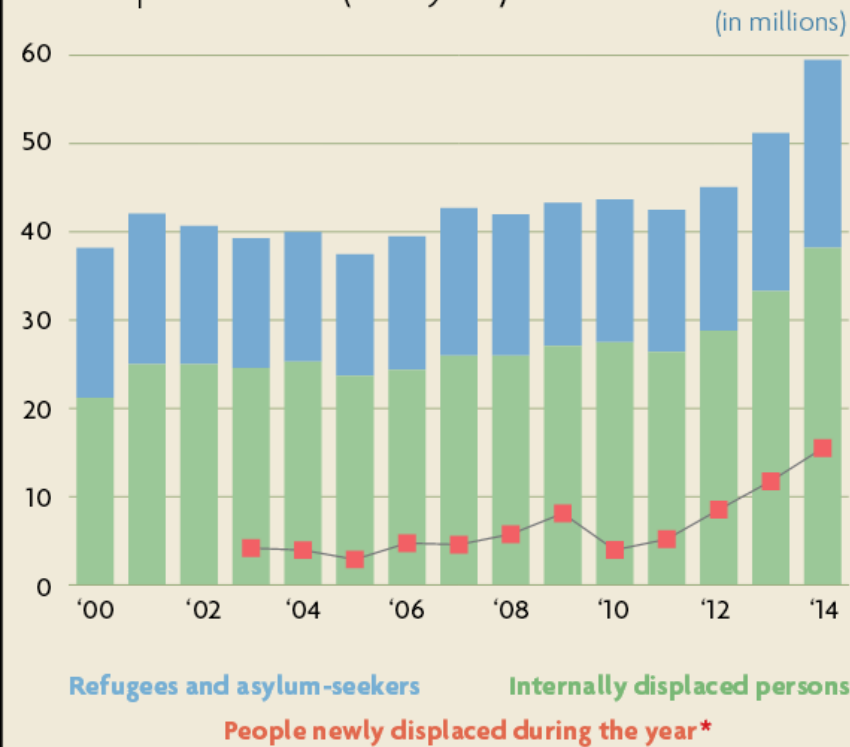
REFUGEES



International protection

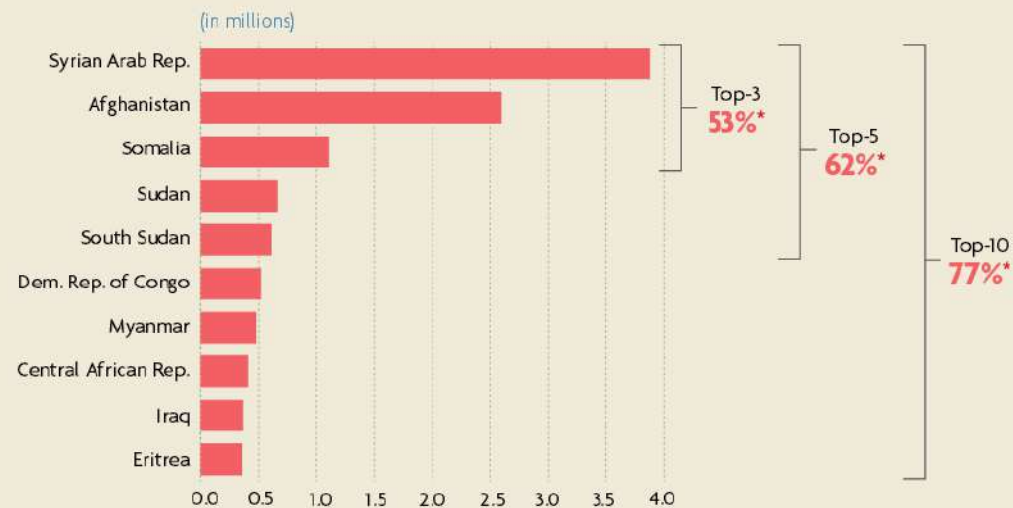


**Fig. 1** Displacement in the 21<sup>st</sup> century  
| 2000-2014 (end-year)



# A GLOBAL CHALLENGE?

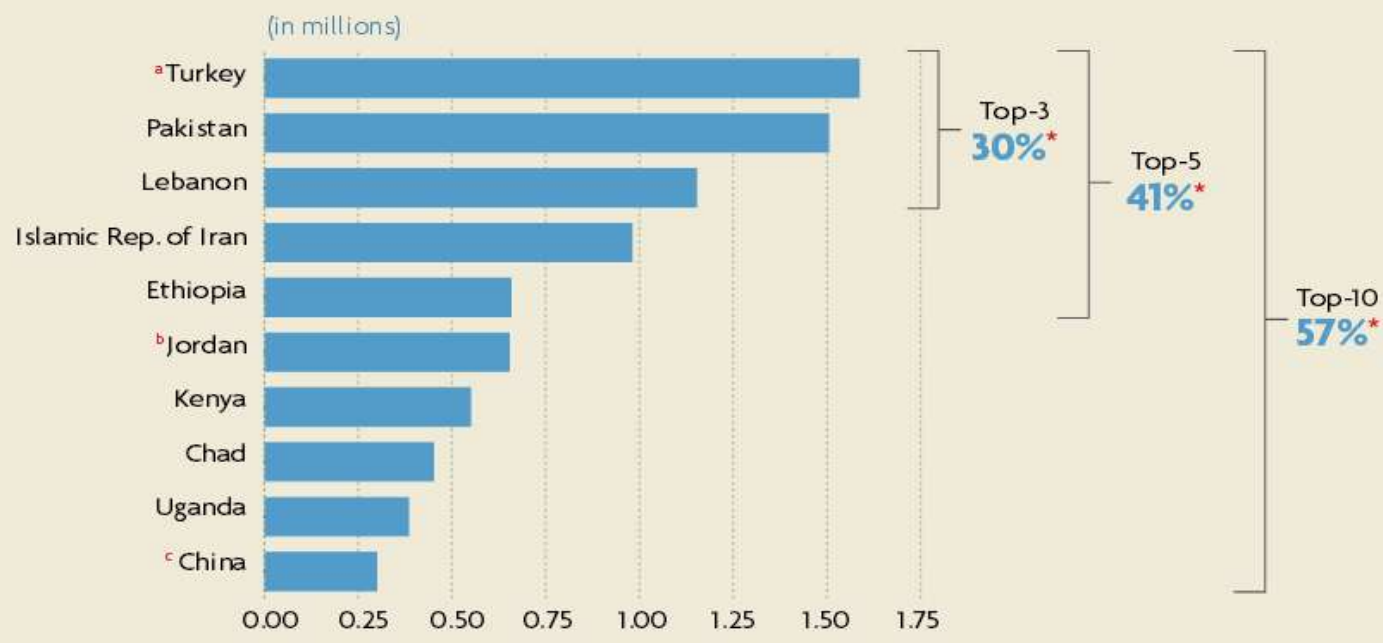
**Major source countries of refugees | end-2014**



\* Reflects proportion out of global number of refugees at end-2014.

\* Displaced internally and across international borders. Available since 2003.

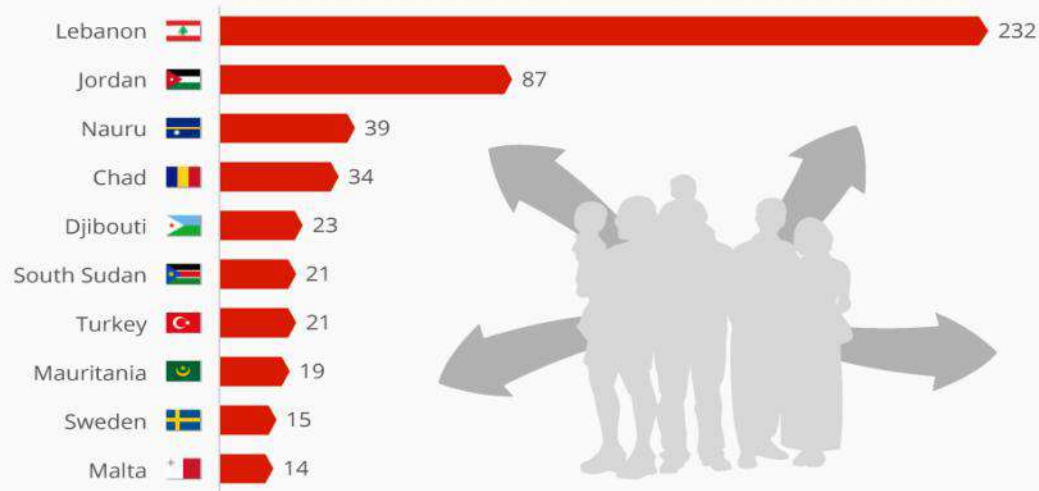
# Major refugee-hosting countries | end-2014



# UNEVENLY SHARED

## The Countries With The Most Refugees Per Capita

Number of refugees per 1,000 inhabitants in 2014



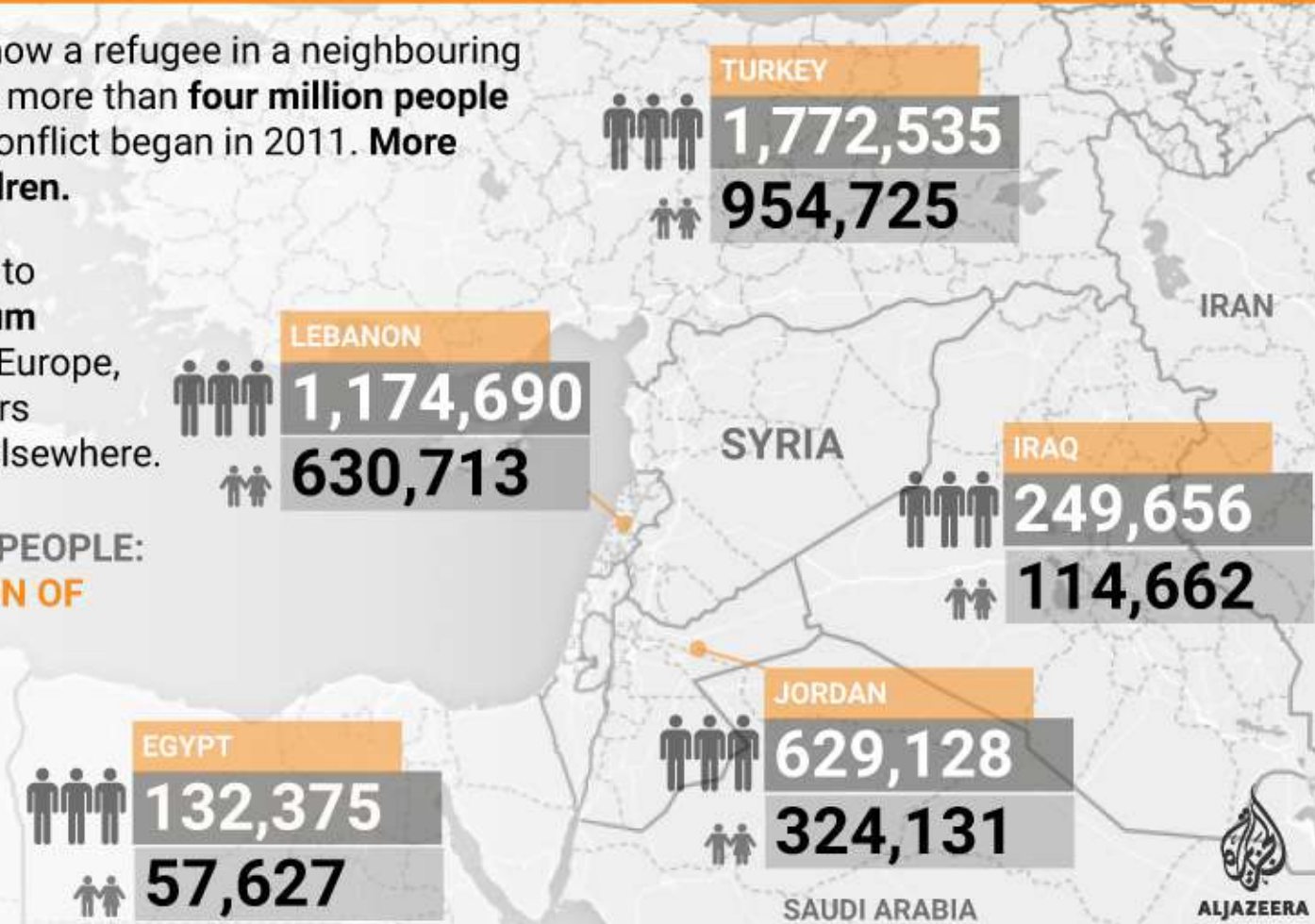
# WORST HUMANITARIAN CRISIS SINCE WW2

## Syrian refugee crisis in numbers

One out of five Syrians is now a refugee in a neighbouring country. The UNHCR says more than **four million people** have fled Syria since the conflict began in 2011. **More than half of them are children.**

The figure does not take into account the **270,000 asylum applications** by Syrians in Europe, and the thousands of others resettled from the region elsewhere.

**INTERNALLY DISPLACED PEOPLE:**  
**7.6 MILLION – 3.5 MILLION OF THEM ARE CHILDREN**



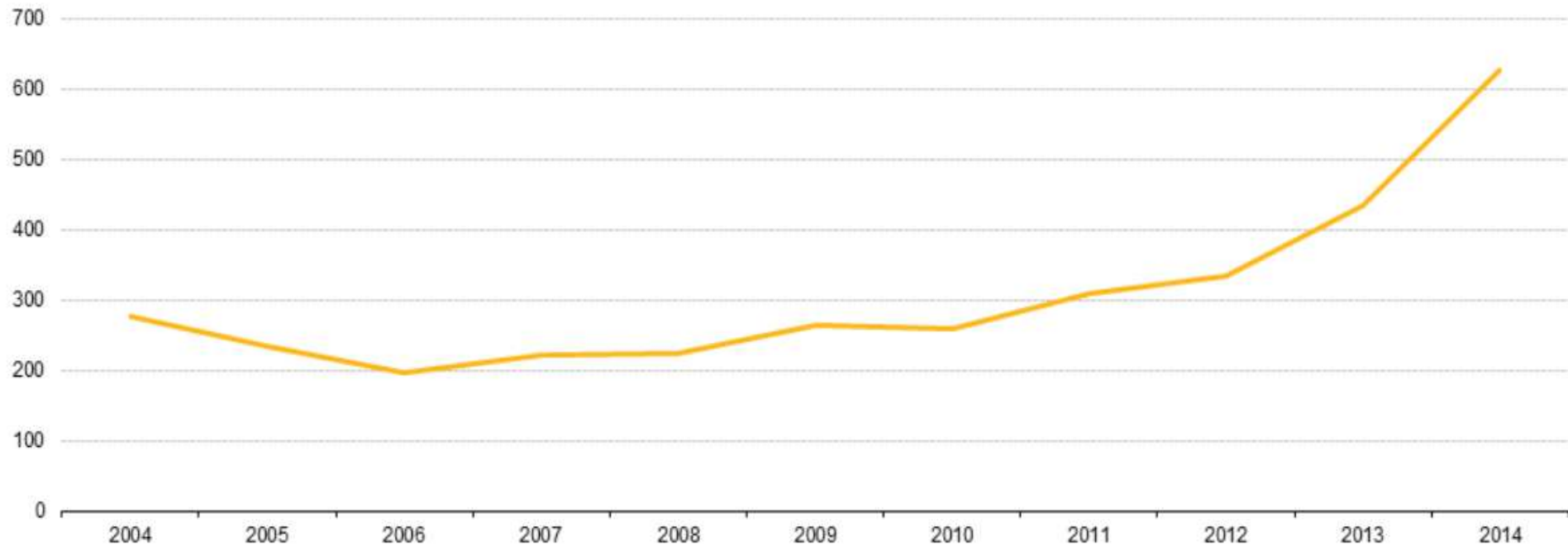
= TOTAL REFUGEES  
 = CHILD REFUGEES



Source: Al Jazeera



# EUROPE'S SHARE



	Total (number)		Change 2013 to 2014	
	2013	2014	Absolute (number)	Relative (%)
<b>Non-EU-28 total</b>	435 190	626 065	190 875	43.9
<b>Syria</b>	50 420	122 790	72 370	143.5
<b>Afghanistan</b>	26 235	41 305	15 070	57.4
<b>Kosovo (UNSCR 1244/99)</b>	20 220	37 875	17 655	87.3
<b>Eritrea</b>	14 605	36 990	22 385	153.3



# ENTRY POINTS

280 000 detected irregular entries in 2014 – record high

**MAJORITY ASYLUM-SEEKERS!**



# EUROPEAN CONTEXT

- Since 1999 (Treaty of Amsterdam enters into force): asylum policies under EU competence, Common European Asylum System (CEAS)
- Dublin Regulation (I-III), Schengen Borders Code
- Harmonisation: 5 directives (1999-2005), 3 recasts (2011-2013) –  
[temporary protection](#) (2001/55/EC),  
[family reunification](#) (2003/86/EC ),  
[asylum procedure](#) (2013/32/EU), [qualification](#) (2011/95/EU ), [reception conditions](#) (2013/33/EU)

# IS THE COMMON EUROPEAN ASYLUM SYSTEM A UTOPISTIC IDEA?

- „Asylum flows are not constant, nor are they evenly distributed across the EU. They have, for example, varied from a peak of 425 000 applications for EU-27 States in 2001 down to under 200 000 in 2006. In 2012, there were 335,895.
- Asylum must not be a lottery. EU Member States have a shared responsibility to welcome asylum seekers in a dignified manner, ensuring they are treated fairly and that their case is examined to uniform standards so that, no matter where an applicant applies, the outcome will be similar.” (DG Home)

# INSTITUTIONS

- Member States have their own asylum authorities – failed harmonisation?
- EASO: support, training, info but lacks significance
- European Commission: law/policy making, execution
- European Council, Parliament: lawmaking, political decisions
- Court of Justice of the EU: important preliminary rulings but no individual complaint possible!

# COMMON EUROPEAN ASYLUM SYSTEM (CEAS)

**ASYLUM** is granted to people fleeing persecution or serious harm.

The process for applying asylum is now similar throughout the EU. (Asylum Procedures Directive)

Each applicant's fingerprints are taken and sent to a database called EURODAC. (EURODAC Regulation) These data are used to help identify the country responsible for the asylum application. (Dublin Regulation)

Asylum applicants receive **material reception conditions**, such as housing and food. (Reception Conditions Directive)

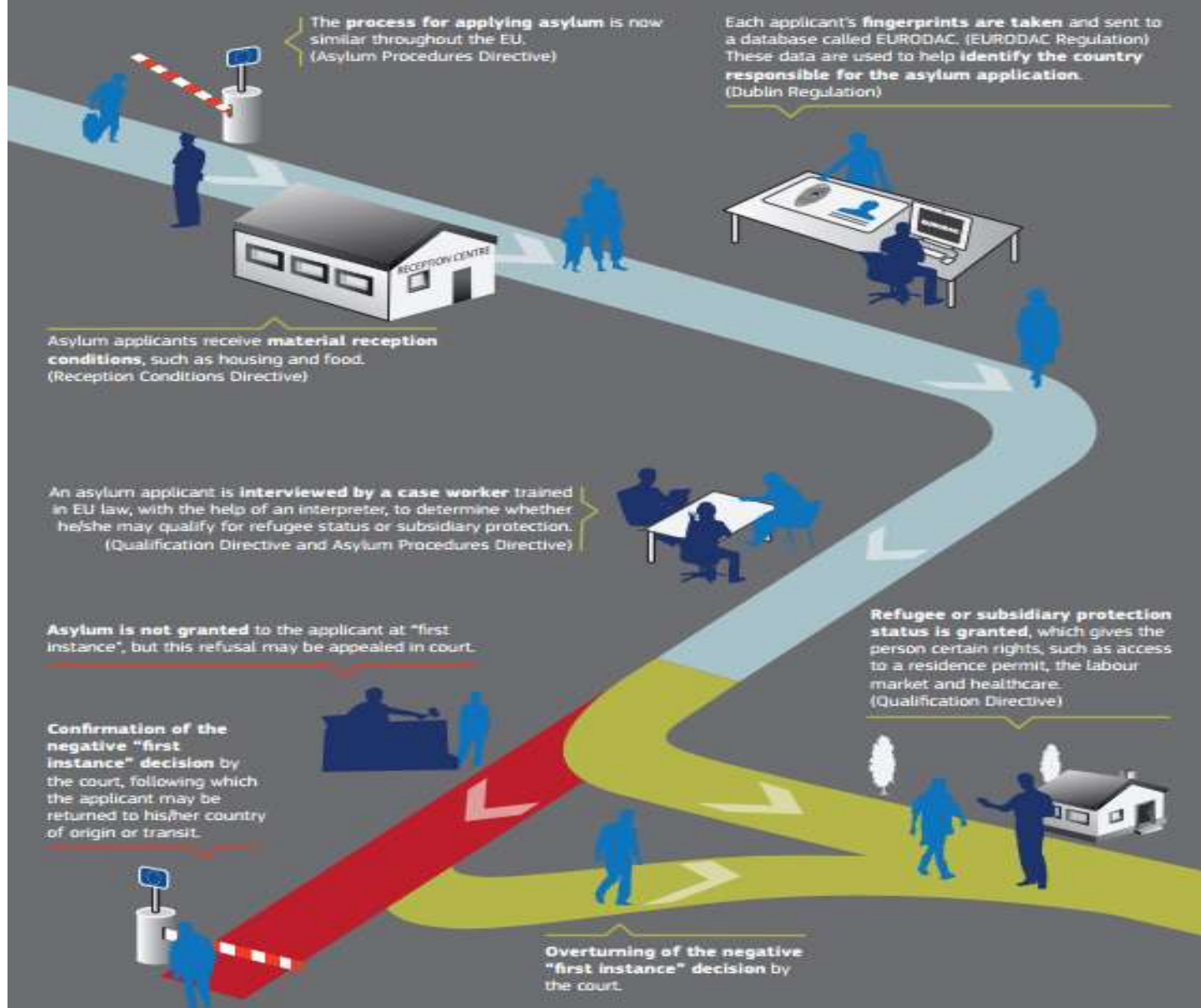
An asylum applicant is **interviewed by a case worker** trained in EU law, with the help of an interpreter, to determine whether he/she may qualify for refugee status or subsidiary protection. (Qualification Directive and Asylum Procedures Directive)

**Asylum is not granted** to the applicant at "first instance", but this refusal may be appealed in court.

**Confirmation of the negative "first instance" decision** by the court, following which the applicant may be returned to his/her country of origin or transit.

**Overturing of the negative "first instance" decision** by the court.

**Refugee or subsidiary protection status is granted**, which gives the person certain rights, such as access to a residence permit, the labour market and healthcare. (Qualification Directive)



# THE DUBLIN SYSTEM

- Aims at stopping asylum lottery: once asylum application has to be examined on the merits for everyone but only in one member state
- Complex list of criteria: fingerprints, legal entry (visas), other evidence (money, train ticket) can establish the responsibility of a given MS
- Problem: asylum systems differ too much
- Language, family links, no individual choice
- Effectiveness is questionable Q1-Q2 2015: 718 out of 16867 to HU this is **4%**
- Much criticized by NGOs

# THE HUNGARIAN CONTEXT

- Political debate but no consultation with asylum-migration experts
- Anti-immigration campaign
- Massive modification of asylum laws: violation of international & EU law
- Closing the borders by a double barbed-wire fence (15 Sept): Serbian, Croatian too 16/17 October, costs: EUR 98 000 000
- Aim&result: nobody can and want to seek asylum in HU

# THE HUNGARIAN CONTEXT (cont'd)

- Breach of int law? Yes, access to asylum is a fundamental right, Serbia as a safe 3rd country → 99% arrive from here, no application is examined
- Criminalisation of refugees: more than 500 foreginers awating their deportation to Serbia after their expulsion, inhuman, against 1951 Geneva Convention
- Asylum system: understaffed, poor services, capacity 2000-3000pers (no significant increase during the summer)



# EU RESPONSE TO THE CRISIS



- Relocation from Greece (50400) and Italy (15600)
- Step-by-step approach:
  - **Preparatory phase**
    - 1. national contact points (MS-EASO)**
    - 2. liaison officers** to match refugees' qualifications, language skills, family, cultural and social ties, to help integration
    - 3. Roadmaps:** capacity, quality and efficiency
    - 4. facilities** for identification, registration and fingerprinting

# EU RESPONSE TO THE CRISIS

- **Identification stage:** interviews, information on consequences of secondary movement
- **Building a pool of candidates:** IT, GR report on eligible candidates every 3 months, receiving MS may indicate preferences, with due respect for the principle of non-discrimination
- **Matching stage:** individual profiles matched by an EASO toolkit
- **Relocation procedure**
- **Who can be relocated:** 75% recognition rate EU28, this means Syrians, Eritreans and Iraqis (Q2 2015)
- The Dublin system remains the baseline system
- Rights: only in the receiving MS, reporting, material support

# EU RESPONSE TO THE CRISIS

- External dimension: clear goal: to keep refugees in their regions of origin, extraterritorialization (only OK if basic HR are respected and safe and durable solutions are offered for refugees)
- Negotiations with Turkey approx. 5bn EUR to strengthen and improve conditions, border control, (partially) visa-free regime offered for Turkey

# ASSISTING REFUGEES

- Campaigns (AI), demonstrations
- Volunteering: groups of individuals to offer humanitarian assistance, logistical help, shelter, information sharing etc.
- NGOs, charities, churches replacing state structures?

# Thank you for your attention!

[tamas.fazekas@helsinki.hu](mailto:tamas.fazekas@helsinki.hu)

[julia.ivan@helsinki.hu](mailto:julia.ivan@helsinki.hu)

[www.helsinki.hu](http://www.helsinki.hu)