

ACTUAL CONCERNS OF THE EUROPEAN UNION IN THE MATTER OF REFUGEES

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Abstract: For the European Union, the persons' (and labour force) circulation is very important, being of interest due to its preoccupations for its expansion and due to the alert rhythm of ageing of the west-European states population. The Council of Europe has always been preoccupied by the area of the right to asylum and of the right of refugees, proven also by the cooperation of this organization with the UNO High Commissioner for refugees. At EU level it is underlined, in order to support and facilitate the pro-refugees policy, the necessity by the member states and by the states that want to obtain this statute to make all necessary efforts for improving the capacity of integration and for performing the investments that come into focus for it.

Actually, the European continent is confronted with many problems generated by the huge wave of illegal immigrants which has appeared, some of them being presented in this work. At the same time, the author concludes that at present, it is created a conflict between the EU policy of tolerance and of preoccupation for the acknowledgement, support and integration of those poor populations that have reasons to receive the status of refugees and the material realities with which the member states have confronted in the process of complying with this policy, through which there is the risk to limit the rights of its own citizens. In the end of this study, this author expresses the opinion that it is required to find a system of "compromise" between fulfilling the governing principles of EU policies and defending its own citizens of the states that forms it, without which no such Union might exist.

Key words: refugees, statute, risk, public order

I. Introduction

At present, the migration population waves have acquired special amplitude, without precedent maybe, following to different causes which include clear infringement of human rights and interethnic armed conflicts.

The phenomenon of migration imposes issuing some regulations for it, both in the internal law of states that confronts with this problem and in the international law. It is obvious it is mandatorily imposed that these categories of internal and international regulations are in conformity in order to guarantee the protection of the individuals' recognised rights, no matter they are citizens, persons without citizenship or refugees.

For the European Union, the persons' (and labour force) circulation is very important, being of interest due to its preoccupations for its expansion and due to the alert rhythm of ageing of the west-European states population. Each and every state is not outside the international migration flows, being state of origin, state of transit or state of destination for the migrants or it can hold all three attributes at the same time (Stoica, 2003)¹.

As a matter of fact, the Convention adopted on July 28th, 1951, relating to the Status of Refugees, after defining the refugee term in Art. 1, underlines their general obligations (in Art. 2), provides in Art.3 the principle of non-discrimination, deciding that *“the contracting states will apply the provisions of the Convention of refugees without discrimination in what concerns the race, religion or country of origin”*.

In what concerns the legal provision of the refugees in EU, according to the Council Directive 2004/83/CE (which entered to force at 20 days from its publishing which was done in the Official Journal of the European Union from September 30th, 2004) on the minimum standards of qualification of the citizens of a third country or stateless citizens as refugees or persons that need international protection or regarding the content of the protection granted, the refugee is defined as being *“the citizen of a third country who, due to a well grounded fear to be persecuted on grounds of race, religion, nationality, political opinions or affiliation to a certain social group, is found outside the country he is a citizen of and which cannot or due to this fear does not want the protection of this country, as well as a person without citizenship which, being outside the country where he/she had the common*

residency due to the same reasons mentioned above, cannot or, due to this fear, does not want to return, and for which art. 12 does not apply” (Stoica, 2009)².

The Council of Europe has always been preoccupied by the right to asylum and by the rights of the refugees, proven by the cooperation of this organization with UNO High Commissioner for refugees. Besides, the establishment of the Council of Europe, as well as the European Convention of Human Rights from Geneva from 1951³, have as starting point the common values and aspirations born following to the hard experience of the Second World War. In the year 1960, when the Parliament Assembly intended to include in the Convention of the Human Rights the right to asylum, the Council of Ministers recommended to be had in view principles such as:

- Proving a liberal and humanitarian vision against the persons that request asylum on the territory of the states that adhered to the Convention;
- To guarantee to these categories of persons that none would be rejected from administrative point of view at the border, that none would be rejected or banished and generally speaking, that no other measure will be taken against him/her that might have as a consequence forcing him/her to return or to live in a territory where he/she would be threatened by persecution on grounds of nationality, race, affiliation to a certain social group or on grounds of his/her expressed political opinions⁴.

The Council of Ministers in 1984 expressed itself for supporting the naturalization of refugees.

By analysing the provisions of the Convention, we observe that the contracting states are not limited in giving to the refugees other rights and advantages besides those mentioned in the Convention (fact that is deduced also from Art.5), but that this Convention does not have the authority to stop any contracting state that during war or in other serious or exceptional circumstance, to take – temporarily, it is true – regarding a certain person, measures which the respective state considers absolutely necessary for the national security, until the moment when the same state establishes that “*this person is actually a refugee and that maintaining the above measures is necessary, in his/her case, in the interest of the national security*” (Art.9 regarding “Temporary measures”). To this Convention all states of Europe have adhered.

By studying the integration rights and practices regarding the refugees recognised in the countries of Central Europe⁵, it can be observed that UNHCR, EU and the member states have common interests, reason for which they must cooperate in order to transform the Central Europe in a space that

might host the refugees. It was acknowledged at EU level that it must be achieved a harmonization step by step, as the states associated to the EU come near to adhering to it, a harmonization of the integration policies and of the opportunities that are given locally. Also, at EU level, it appeared the concept that it is not required, by necessity, for creating a space adequate for the refugees, to achieve a levelling of the salaries from the Central Europe with those from EEC, being found on the observation that during many more phases, thousands of persons requiring asylum came in Bulgaria, Romania, Hungary and Slovakia and the existence of some refugees recognised by the Check Republic, which try to establish definitely here.

Since the years 2000, EU representatives have foressen that during the extension of the EU external frontier towards East, there will increase the number of the asylum applicants that would enter into the region and later on, their movement will increase, in case the economic and integration conditions from the respective states will not improve.

At EU level it is underlined, in order to support and facilitate the pro-refugees policy, the necessity by the member states and by the states that want to obtain this statute to make all necessary efforts for improving the capacity of integration and for performing the investments that come into focus for it.

As a proof of the real preoccupations of EU for supporting, receiving and helping the refugee persons, there are the funds of PHARE type, seen as a contribution to the attempt to create a balance between the infrastructure of integration or of receiving and those programs of establishing the status of refugee.

From the analysis of the preoccupations and policies run by the EU authorities regarding the area of the refugees, we can conclude that at EU level, it has been foreseen since 2000 an increase in the number of asylum requests and in the refugees waves in the area of its East border, a reality manifested today, in the year 2015.

For the EU authorities, the integration of the countries from the Centre and East Europe was of great importance, this being seen as a starting point for the possibility that these states will relieve other European states from the problem of the refugees' inflow, by taking over a part of this special category of migrants.

The states that want to become EU member states have to fulfil a series of requests imposed by it, regarding the refugees, their status and integration process, such as:

- Adopting a legislative framework and the existence of a preoccupation for the social-economic rights of the refugees;

- The residency rights regime of the recognised refugees.

II. Actual opinions on the high number of immigrants towards Europe and on the problems that might occur

It is true that the main cause of refugees' migration is represented by human rights infringement and EU proves an increased preoccupation for their fulfilment and for running a policy of acceptance, reception and naturalization of the refugees in the country which granted the statute of refugee. It is appreciated⁶ that the EU policies regarding asylum and refugees have a considerable influence on other continents.

At present, these hundreds of thousands of persons that pretend the status of refugee, who came from North Africa and from Near East have divided somehow Europe, existing two clearly formed trends: on one hand, one of those which desire to support them without conditions and to receive them and the other one manifested by those who are completely against allowing them, appealing to their rejection from the start, even with using the armed force⁷. Even among the member states there are opinions contrary to the idea of totally integration of all waves of refugees directed towards Europe. We can give as examples: Hungary (whose President of Parliament supports the idea that responsible for the occurrence of this wave of refugees from Europe are UE and NATO, stating among other things that in his opinion, EU appears as a “*dysfunctional system which does not appear as it is supposed to be*”⁸), France and Great Britain, states where the politicians manifest an anti-migration tendency, the population of Germany and Austria which has already a behaviour that manifest strongly against a high number of refugees “*invited*” from the East of Europe, Holland – where in a village, for example, which had 130 inhabitants until one year ago, were sent 700 emigrants and it was desired to send another wave of another 700 such persons. The revolt of the citizens has lead finally to sending a second group of only 103 emigrants⁹.

The reality of the high number of emigrants that come towards Europe produced many opinions that state as its cause either USA which, through its external policy and through “The Arab Spring”, has disoriented North Africa and the Middle East and this way, indirectly, “*has brought to power the Islamic State and the Jihad guerrillas*”, with the purpose of diminishing the EU force and unity¹⁰. Also, there are

voices about the fact that non-governmental organizations from USA might finance the migrants' traffic towards Europe¹¹.

Actually, the present refugee flow has produced many opinions and analyses on its massive and illegal emigration from the Northern area of Africa and from the Islamic area. Practically, it is considered we assist to a third invasion of the European continent from the modern period, after the one from XIII-th century of Mongols and after the attempt from the XVII-th century of Ottoman Empire to pass from Balkans and East area towards the centre and west of Europe, which was stopped in the year 1683 at Vienna.

The problems to which the European continent is exposed to, continent which is confronted with the huge wave of illegal immigrants are not few or simple, unfortunately, being among them:

- A very high number of emigrants which is continuously growing;
- The indisputable reality that amid these migrates, among which it is true there are many families who passed through ordeals, there are also future Islamic terrorists, drug traffickers and not only, who do not sympathise with the European Christianity;
- High cultural – linguistic and social – economic differences between the European population and many emigrants;
- The reality that the Police forces of the member states (National Police) are overcome by the huge wave of emigrants;
- The reality that from these emigrants, the number of persons who truly would have the right to a refugee status is very low, the others not having anything in common with it and, a serious fact, do not have identity documents and refuse to declare the country of origin in order not to be deported¹².
- The high number of emigrants generates difficulties to all degrees of the public administration from the European states towards which they direct to, as they have to be taken care of, educated, sheltered and fed. All these are not easy to achieve for hundreds of thousands of asylum persons, due to different economic possibilities of the member states, sometimes with unfavourable consequences for their own citizens. We give the example of Ireland where an asylum applicant receives from the budget 154 euro monthly, while a child receives only 120 euro per month¹³.
- The member states with a economy less developed and which fight against problems such as the low degree of employment and standard of living of its own citizens (like it is the case of Romania) and which are forced to receive and ensure conditions that are imposed for the quotas of refugees will have big difficulties in being able to achieve this and with unwanted consequences for its own citizens.

III. Conclusions

Concluding over the actual situation with a large number of refugees the member states are confronted against, we observe that practically, it is created a conflict between the EU policy of tolerance and of preoccupation for the acknowledgement, support and integration of those poor populations that have reasons to receive the status of refugees and the material realities with which the member states have confronted in the process of complying with this policy, through which there is the risk to limit the rights of its own citizens.

It is observed more and more that the desire to create an EU in which citizens are free and living in a safe environment, of security, is put to danger, having in view it unfortunately appears a climate of insecurity at European level. We have in mind the case of some powerful European states like France, Belgium, Germany, EU founding members, where there have been registered unallowable situations in which innocent European citizens have died, being created a climate of insurgence and uncertainty, insecurity. We assist to the creation in some member states like Great Britain, Belgium, France, Holland, Sweden¹⁴ of some closed areas – extended on whole districts of some towns – in which neither the national police, nor the public service can enter and ensure the order, and the European citizens of those states least of all.

There are attacked somehow the culture, the public order, the economic safety and the European way of life.

Having in view all these realities, we appreciate that at EU level, the authorities should think and decide which are the problems of first importance for them, defending the peace and security climate for all citizens of the member states, with complying with their fundamental rights and liberties and with the consolidation of the European institutions, or supporting an exacerbated altruism towards any citizen coming from outside the old continent and imposing its assimilation by the mass of the European citizens, even with the risk that this way, there will be assimilated persons that should not enjoy the status of refugee and towards which there is the risk of the impossibility to control it for ensuring the public order and peace and for creating the safety climate promised to any European citizen, for whose financing he/she contributes through the work he/she provides and through the paid taxes.

In the conditions where unpleasant and too often phenomenon take place, in which the life and safety of the European citizens are put to danger in their own states of origin, as well as in the member states where they enjoy their rights of European citizens, and in these phenomena there are

involved citizens from other continents, including some who benefited from the European support, it is without any doubt the reality that the Europeans start to have reactions of rejection on grounds of race, nationality or religion, although not all persons that request asylum and who benefit from it, came from third countries, deserve such an answer from the European citizens.

At the same time, the high number of persons that apply for the refugee status, which is continuously growing and there is foreseen for many years to come, will create problems to the European citizens able to work who will have difficulties in finding a place to work both in the country of origin and in any other EU member state; in this conditions, the standard of living will decrease, at least in the states from the Eastern Europe which are not extremely rich at present.

On the other hand, another question appears, having in view the extremely high number and which is continuously increasing of those who request asylum and the status of refugee and the impossibility to perform a real check and a selection of those applicants which are truly entitled to benefit from this status – the question being: Will the European countries be able to host refugees and to fulfil the economic and social conditions for their integration?

There are proofs of the constant preoccupation of the collaboration at Central Europe level and of the member states of the European Union so that to make the European area an area capable of hosting refugees in order to impose to the states that intent to adhere to the European Union to develop possibilities of integration and to improve under economic aspect the conditions of receiving the refugees and their integration, even before the date of their adherence¹⁵.

However, from observing the current days, it results that unlimited reception of all applicants of asylum and refugee status in the member states of the European Union is not beneficial either for the European citizens, or for those who truly should benefit from all rights proper to the status of refugee. Anyway, out of those happened at present, it is obvious that none enjoys the safety, the security or the protection of their fundamental rights.

In these conditions, we believe there have to be reconsidered all aspects concerning the method of giving the status of refugee, at least through a more rigorous check of those who apply for it and the conditions they must fulfil. We believe it is required to find to find a system of “compromise” between fulfilling the governing principles of EU policies and defending its own citizens of the states that forms it, without which no such Union might exist.

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