

The European Migration Crisis

Exodus to Europe: Practices post 1951 Refugee Convention & 1967 Protocol

According to data gathered on 18 June, 2015 by the Office of the United Nations High Commissioner for Refugees (UNHCR), the number of people forcibly displaced from their homes and ravaged by warfare during the previous year of 2014 has surged to a staggering 60 million people worldwide, compared with 51.2 million in 2013. These figures suggest that one in every 122 humans is either a refugee, internally displaced or seeking asylum. By 2015 standards, a population of 60 million would represent the world's 24th most populated country, lagging behind Italy but surpassing South Korea.

Most of the migrants arriving on the shores of Europe via the Mediterranean Sea have reportedly departed from Syria. The Syrian demographics are circa 12% Alawite [the ruling class], 62% Sunni [the religious affiliation of the Islamic State], 15% Kurd [an ethnic group scattered mostly across Turkey, Syria, Iraq and Iran], and 11% Christian. It is estimated that the bulk of Syrian refugees are Kurds, emanating from the northern Kurdistan region, and Christians from the cities of Damascus and Aleppo. Europe has been swamped with millions of asylum applications, in a crisis that constitutes one of the biggest refugee problems in Europe as of World War Two. Since the outbreak of the 2011 Syrian Civil War, as part of the Arab Spring uprising, close to one quarter of a million people have died at the hands of anti-government militias and forces loyal to President Bashar al-Assad. A reported 4 million people have fled Syria, thus pressing the European Parliament to allocate migrant quotas among its member states.

The news reports covering the conflict in Iraq have borne witness to the massacres of hundreds of thousands of people of different ethnicities, different religions, different sects and different tribes. The scale of terror unleashed and the inhumane methods of execution employed by the Islamic State and other affiliated jihadist organizations, in particular against two ancient Iraqi peoples, the Zoroastrians and the Yazidi Christians (whose plight is compounded by the fact that they are singled out for rape, expulsion, enslavement, torture and mass murder), is, by any standards, worthy of genocide and ethnic cleansing. Tens of thousands of displaced Iraqis have arrived in Europe by sea, on what they hope will be a transit itinerary on the road to fulfilling inalienable rights afforded to all, but, denied to so many of living in peace without threat of persecution.

In 2015, Afghanistan has been blighted by another civil war since the resurgences of the Taliban and al-Qaeda operatives, coupled with the penetration of the Islamic State into Afghan territory; a set of events orchestrated by a partial withdrawal of U.S. and NATO-led ISAF forces in December of 2014. Since divesting from Afghanistan, the mujahideen has gone on the offensive in a bid to reinstate the status quo ante, scoring major victories after capturing the city of Kunduz in October of 2015 from the Afghan National Security Forces. With these developments broiling, President Obama found himself forced into making a policy u-turn on troop withdrawal, increasing personnel and intensifying air strikes. Afghans fleeing the brutal conflict zones arrive in Europe, often aboard overcrowded vessels whilst waiting for coastguard teams to rescue them. Upon debarkation, asylum seekers are transferred to detention facilities, if availability permits, such as the Eleonas camp in central Athens which shelters many thousands of Afghans waiting to be processed, as are Pakistanis, Libyans, Eritreans, and Somalis.

The gateway to Europe via the Mediterranean Sea is the band of coastlines bordering Greece, Italy, France and Spain. Inhabitants of these eurozone countries struggle with life amidst a collapsed economy, giving rise to sentiments of nationalism and fascism; particularly within Greece where migrants are singled out as convenient scapegoats in response to the economic crisis. Those targeted may get neglected, mistreated, beaten up or, in the worst case, killed. The human costs of migration extend beyond physical health issues. Mental health symptoms associated with refugee populations commonly consist of post-traumatic stress disorder, major depression, generalized anxiety, panic attacks, adjustment disorder, and somatization. Physical symptoms commonly involve malnourishment, debilitation, incapacitation, sicknesses, and other injuries sustained.

Migrants can be broken down into two definitions:

- (1) asylum seekers
- (2) refugees

Asylum seekers are people who have fled their country of origin to places elsewhere, ostensibly in search of protection, but who have still not been recognized as refugees by the ruling government, either because their applications have not been processed or because a government has ruled that their status does not meet the case. Refugees are said people who have been granted this recognition by the ruling government, as per article 1a of the 1951 Refugee Convention (hereinafter referred to as the Convention).

The Convention and 1967 Protocol articles can be viewed on the web [see link:].
<http://www.unhcr.org/3b66c2aa10.html>

There exist cases where asylum seekers do meet the refugee criteria, even without this recognition by the relevant authorities. Reasons for such discrepancies may vary from either plain bureaucratic inefficiency to refusals by governments to absorb foreigners. As regards asylum seekers whose status is not elevated to the refugee definition, these shall be deprived of certain entitlements to protection, welfare and various other rights as set out in the Convention, like e.g. freedom of religion [article 4]; exemption from legislative reciprocity after a period of three years' residence [article 7]; entitlement to equal treatment as nationals of foreign countries [article 15]; free access to law courts [article 16]; entitlement to wage-earning employment as accorded to foreign nationals [article 17]; right to self-employment [article 18]; right to practice liberal professions [article 19]; right to a dwelling [article 21]; right to elementary education [article 22]; right to public relief and assistance [article 23]; right to equal treatment as accorded to nationals in respect of social security and labour legislation [article 24]; right to legal and administrative assistance [article 25]; right to freedom of movement [article 26]; right to travel documents [article 28]; prohibition of expulsion during legal stay save on grounds of national security or public order [article 32]; prohibition of expulsion to life-threatening territories (non-refoulement) [article 33]; right to assimilation and to naturalization [article 34]; other rights and entitlements [miscellaneous articles].

The Convention was drafted as a response to the refugee impact post World War Two insofar that one was deemed a refugee if one fled events that had occurred prior to the 1st of January, 1951. The 1967 Protocol removed this time limitation. The resolution was first presented to the General Assembly on the 16th of December, 1966 as UNGA resolution 2198, and adopted by 146 countries the following year after it was passed.

Anyone has a right, as per article 14 of the Universal Declaration of Human Rights, to seek asylum from persecution, and other forms of abuse. The popular misconception that surrounds asylum issues is the belief that illegal migrants arrive onshore and can be sent back to where they originate from, which is erroneous under international law; except in instances involving disingenuous claims, like e.g. people from impoverished countries who migrate for economic benefit under the guise of fleeing persecution.

The Universal Declaration of Human Rights can be viewed on the web [see link:].
<http://www.un.org/en/documents/udhr/>

With just a few exceptions, most of the Arab states in the Middle East are not party to the Convention, and that pattern correlates with the Universal Declaration of Human Rights. The Kingdom of Saudi Arabia has not accepted one single asylum seeker into its territory, despite having 100,000 air-conditioned tents sitting empty in the city of Mina that could potentially house up to 3 million people. The constitutional emirates of Kuwait, Qatar and the United Arab Emirates have not accepted any asylum seekers either. Their refusals to take anybody in are partially out of concern for the stability of their countries insofar that any shifts in the delicate demographic balancing equations may impact the status quo, trigger an uprising and threaten the authority of the rulers. The common factor with the above mentioned countries lies with their demographics. Saudi Arabia's Muslim population is circa 85%-90% Sunni Muslim, of which 40% is Wahhabi-Sunni, leaving just 10%-15% Shia Muslim. Kuwait's Muslim followers are 60%-70% Sunni and 30%-40% Shia. Qatar's demographics are $\frac{2}{3}$ Sunni-Wahhabi, of which 10%-20% are Shia and the rest Christian or other. In the United Arab Emirates, $\frac{3}{4}$ of its population is Muslim, accounting for 85% Sunni and 15% Shia. The Islamic State and the affiliated mujahideen perpetrating these war crimes in Iraq and in Syria adhere to the tenets of Sunni-Islam. In war-torn regions as volatile as the Middle East, dictatorships survive and thrive by the sword, ruling with an iron fist, which to liberal-democracies is anathema. This leaves Europe as the only other destination possible.

Since 1999, the European Union has been working to create a uniform asylum policy. The Common European Asylum System (CEAS) was compiled to meet this demand. CEAS sets out the rules pertaining to asylum application. Under this policy, those in need of asylum can apply quickly and effectively. Asylum applications should take no longer than six months, normally. Anyone in need of special help, e.g. because of age, disability, illness, sexual orientation or traumatic experiences is eligible for adequate support, including sufficient time, to explain their claim. All unaccompanied children seeking asylum are appointed qualified representatives by the national authorities and also benefit from special treatment, as do victims of torture. Applicants whose claims are not accepted at first instance may appeal their refusals in court with free of charge legal aid, in most cases at the European Court of Human Rights in Strasbourg. CEAS enables for an integrated database throughout member states in order to keep track of each asylum applicant, as well as for the distribution of subsistence whilst applicants wait for the examination of their claim. It ensures that people can have access to food, housing, healthcare and employment, in addition to medical and psychological care. From a systematic point of view, Europe serves as a beacon for human rights, setting an example to primitive, dictatorial regimes. Its Achilles heel lies in the sustainability of this policy. Europe only has so much capacity to accommodate migrants, including what it already sets aside for natural growth. Curbing the flow of asylum seekers will require prowess on the battlefield where the free world engages the Islamists head-on.