

# Approach to Migration in Europe and V4 Countries



# Introduction

## Key terms

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## Legal instruments

# 65.3 million people worldwide are forcibly displaced — roughly the population of France

**21.3 million**  
Refugees

**40.8 million**  
Internally displaced people

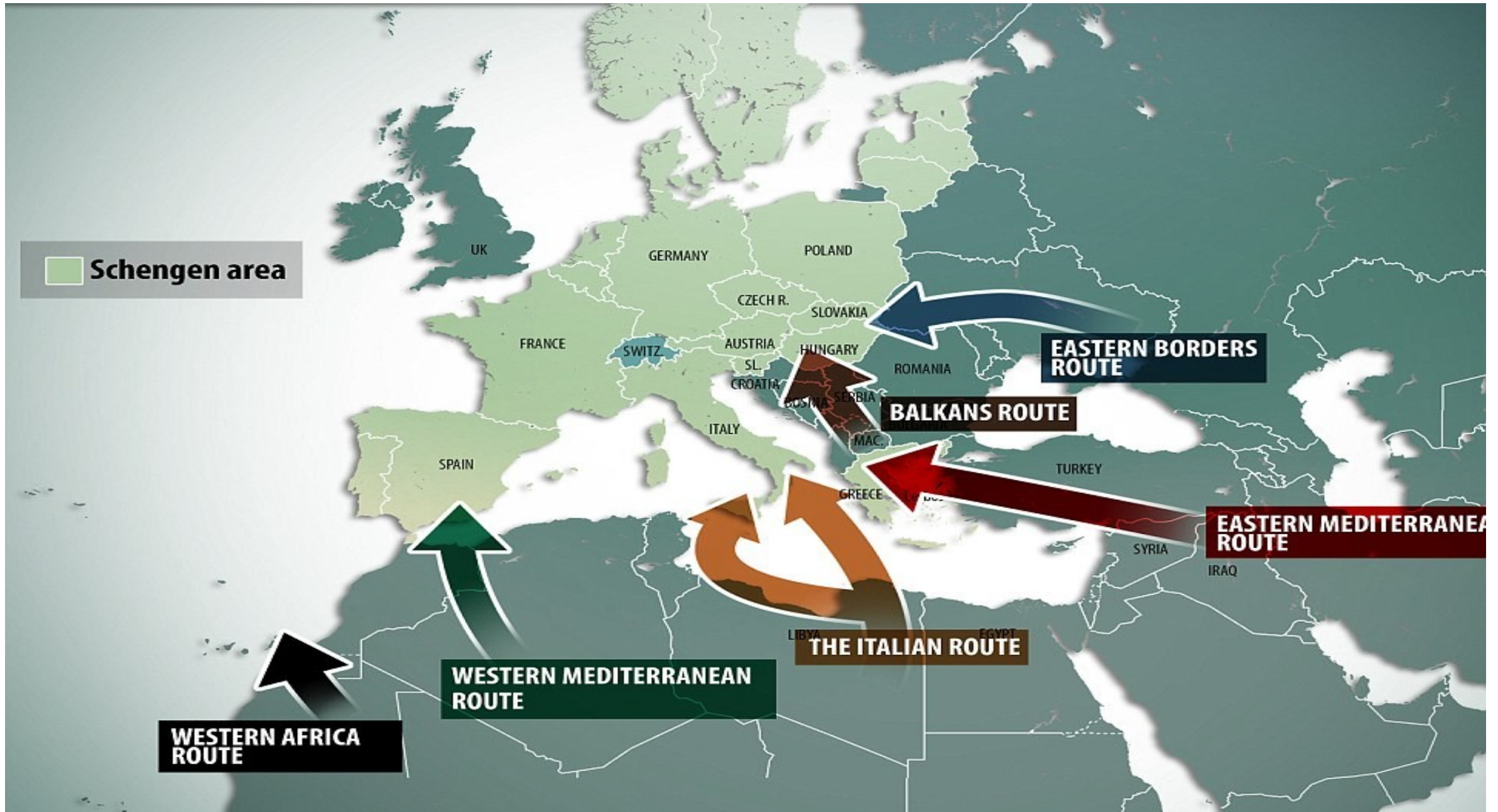
**3.2 million**  
Asylum-seekers



 500,000

Source: UNHCR / 20 JUNE 2016

 **UNHCR**  
The UN Refugee Agency



# Introduction – KEY TERMS

- International protection: ASYLUM, SUBSIDIARY PROTECTION
- legal migration
  - Visas, permits
  - EU citizenship – free movement of persons (EU citizens and family members)

# Key terms - cont.

- illegal migration
- „Words matter“ campaign – ~~illegal~~, undocumented, irregular  
*“Since the word ‘illegal’ has become a stigma in my everyday dealing with people, I started to ask myself whether I was really illegal. Of course, I am not and will never be. I am undocumented.”*
- No visa, no permit, no document, overstays, false identity
- returns – expulsion, voluntary return (or assisted), forced return
- EU agencies: EASO, FRA, Frontex

# Key terms – cont.

- Non-refoulement
  - *No 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.*
- Internally Displaced Person
- Stateless person – not considered to be a national by any state

# Sovereignty of the State

- Right to check the regularity of entry (visa, permits)
- Prohibition to expell its own citizens, obligation to accept its own citizens, not foreigners
- BUT international obligations (IP), EU law
- No obligation to let a foreigner to enter – but! Non-refoulement!
  - Obligation to let him ask for IP (but Dublin regulation in EU)
  - Right to asylum – right to fair proceedings



# International protection in the Czech Republic

## - claims (1990-2018)

Rok	Celkem žádostí					
		<b>1999</b>	<b>7218</b>		2009	1258
1990	1602	<b>2000</b>	<b>8794</b>		2010	833
1991	2226	<b>2001</b>	<b>18094</b>		2011	756
1992	841	<b>2002</b>	<b>8484</b>		2012	753
1993	2207	<b>2003</b>	<b>11400</b>		2013	707
1994	1187	2004	5459		2014	1156
1995	1417	2005	4021		2015	1525
1996	2211	2006	3016		2016	1477
1997	2109	2007	1878		2017	1450
1998	4086	2008	1656		2018	1702

## Počty žádostí o mezinárodní ochranu v jednotlivých měsících roku 2019

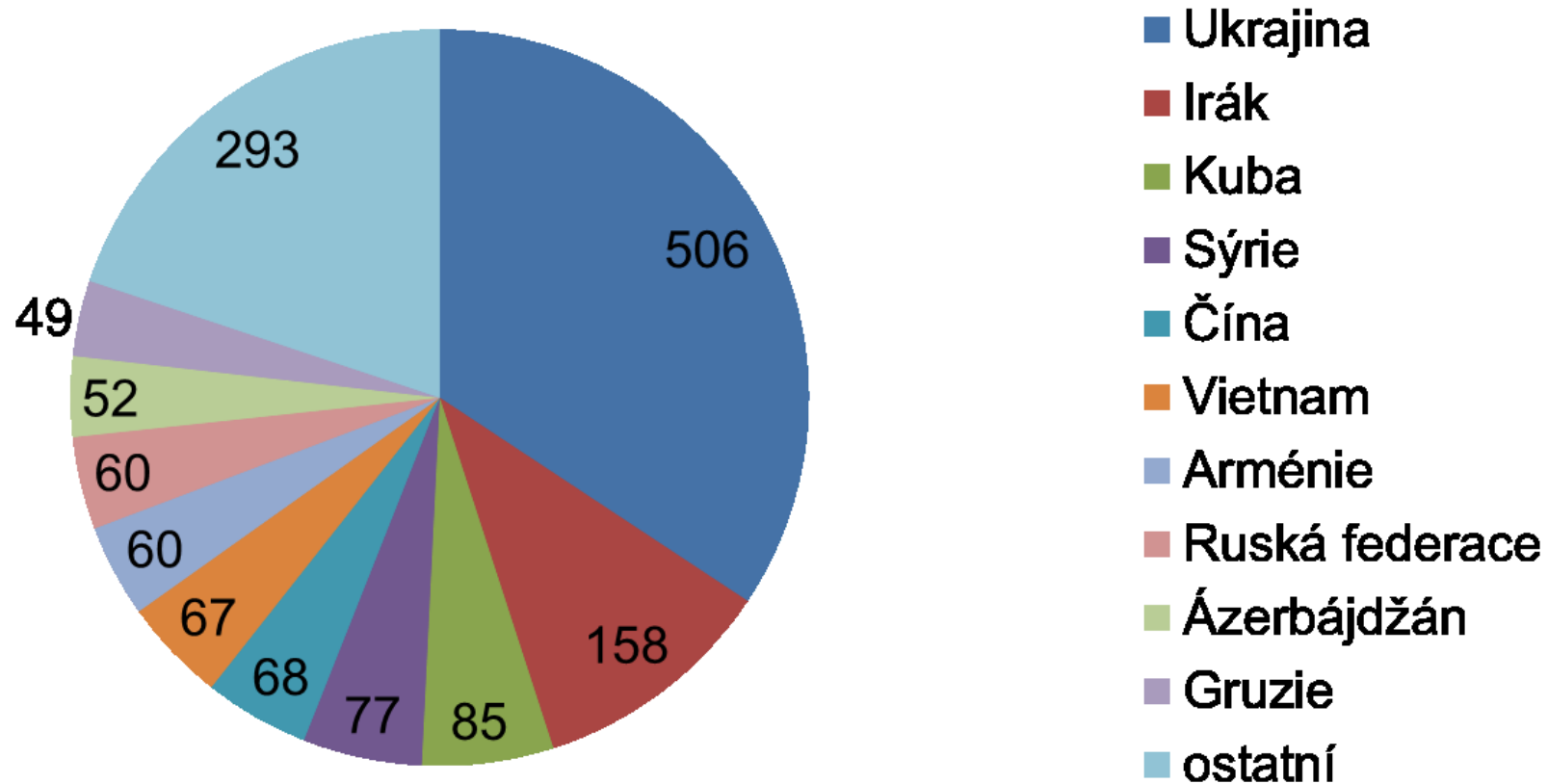
*Numbers of applications for international protection in 2019 by month*

měsíc <i>month</i>		ŽÁDOSTÍ CELKEM <i>APPLICATIONS TOTAL</i>	z toho <i>of which</i>	
			nové žádosti <i>new applications</i>	opakované žádosti <i>repeated applications</i>
leden	<i>January</i>	196	169	27
únor	<i>February</i>	238	201	37
březen	<i>March</i>	185	163	22
duben	<i>April</i>	160	126	34
květen	<i>May</i>	166	136	30
červen	<i>June</i>	120	99	21
červenec	<i>July</i>	155	134	21
srpen	<i>August</i>	163	130	33
září	<i>September</i>			
říjen	<i>October</i>			
listopad	<i>November</i>			
prosinec	<i>December</i>			
<b>CELKEM</b>	<b>TOTAL</b>	1 383	1 158	225

# IP claims – nationalities 2016!

<https://www.mvcr.cz/mezinarodni-ochrana.aspx>

## Státní příslušnost žadatelů o MO v ČR (2016)



# A bit of history :

- After the IWW. Almost 1 mil Russians outside of their country, citizenship revoked.
- **Nansen passport=stateless people passport.** (16 countries, incl. Czechoslovakia, then 52 countries)
  - Famous holders: S. Rachmaninoff, M. Chagall, V. Nabokov, I. Stravinsky
  - Czechoslovakia accepted 25000 of Russian refugees, health care, funding for students, employment, food, housing
- 1933 broadened – Armenian, Turkish refugees. 1933 Convention relating to the international status of refugees.



# History – cont.

- **Diverse conventions**

- Convention concerning the status of refugees coming from Germany 1938,
- Convention concerning the status of refugees coming from Austria 1939,

- **Unification - 1951 Refugee Convention (+1967)**

- Originally just for the incidents before 1951 and in Europe. After 1967 this limitations were removed.



A.B. 39.

No. T.C. 5366.  
Date 15th March, 1927.

Authority issuing certificate:—HOME OFFICE.  
Indication de l'autorité qui délivre le certificat  
Place of issue of certificate:—LONDON.  
Lieu où l'on délivre le certificat

CERTIFICATE OF IDENTITY.  
CERTIFICAT D'IDENTITE.

Valid until 15th March, 1928.  
Valable jusqu'.



Signature of Holder,  
Signature du titulaire.

Rebecca Edelstone.

DESCRIPTION.  
SIGNALEMENT.

Age 35  
Height 5 ft. 1 in.  
Hair Dark brown.  
Eyes BROWN.  
Face Oval.  
Nose Straight.

Special peculiarities  
Signes particuliers.

Travel Permit Fee.  
Observations

This Certificate is available for  
holder's return to the United  
Kingdom during its validity  
subject to visa.

The present certificate is not valid for return to the  
country which issued it without special provision to that  
effect contained in it. It will cease to be valid if the Bearer  
enters Russian territory.

Le présent certificat n'est pas valable pour le retour dans  
le pays qui l'a délivré sans une mention spéciale inscrite sur  
le présent document. Il cessera d'être valable si le porteur  
pénètre, à un moment quelconque, en Russie.

Surname EDELSTONE.  
Christian Names Rebecca  
Date of birth 27th November 1891.  
Place of birth Livenhoff, Vitebsk, Gubernna.  
Surname of Father EDELSTONE  
Surname of Mother CAHAN.  
Person of Russian origin not having acquired another nationality.  
Former residence in Russia Livenhoff, Vitebsk, Gubernna.  
Present residence 6, Richmond Row, Byron Street, Liverpool.

The undersigned certifies that the photograph and  
signature hereon are those of the bearer of the present  
document.

Le soussigné certifie que la photographie et la signature  
apposées ci-contre sont bien celles du porteur du présent  
document.

Signature of the issuing authority,  
Signature de l'autorité,

H.M. CHIEF INSPECTOR,  
ALIENS BRANCH,  
HOME OFFICE,  
LONDON, S.W.1.

This Certificate is issued in conformity with the Resolutions of the  
Governmental Conference convened by Dr. Nansen, High Commissioner for  
Russian Refugees, at Geneva, July 3rd-5th, 1922.  
Ce certificat est délivré conformément aux résolutions de la Con-  
férence gouvernementale convoquée par le Dr. Nansen, Haut-Commissaire  
pour les Réfugiés Russes, à Genève, le 3-5 juillet, 1922.

Der Polizeipräsident zu Leipzig  
Leipzig  
Ausstellende Behörde:  
Indication de l'autorité  
qui délivre le certificat  
Ort der Ausstellung:  
Lieu où l'on délivre  
le certificat  
Den 26. Juli 1928  
Date

Nansenausweis Nr. 76  
Certificat Nansen

Gültig bis 25. Juli 1939  
Valable jusqu'

Der Rückkehr nach Deutschland wird während der Geltungsdauer des Ausweises  
erlaubt. Der Ausweis verliert seine Gültigkeit, wenn der Inhaber irgend-  
wann das Gebiet der Union der Sozialistischen Sowjet-Republikien betritt.  
Le retour en Allemagne est autorisé durant la validité du présent certificat. Le  
certificat cessera d'être valable si le porteur pénètre, à un moment quelconque,  
dans l'Union des Républiques Socialistes Soviétiques.

Familiennamen: Merkin  
Geburtsort: 23. Februar 1902  
Beruf: Kaufmann  
Geburtsort: Sklaw  
Gegenwärtiger Aufenthaltsort: Leipzig

Persönlichkeitsbeschreibung  
Signalement

Alter: 26 Jahre  
Haare: schwarz  
Augen: braun  
Gesichtsform: länglich  
Nase: normal  
Besondere Kennzeichen: S



Unterschrift des Inhabers:  
Signature du porteur:

Merkin

Es wird hiermit bescheinigt, daß der Inhaber die durch das Lichtbild dargestellte Person ist und die darunter befindliche  
Unterschrift eigenhändig vollzogen hat.  
Le soussigné certifie que la photographie et la signature apposées ci-contre sont bien celles du porteur du présent document.



Unterschrift der Behörde:  
Signature de l'autorité

Der Polizeipräsident zu Leipzig

J. L. Bager

Dieser Ausweis ist gemäß den Beschlüssen der von Herrn Dr. Nansen, dem Oberkommissar für Flüchtlinge, einberufenen  
zwischenstaatlichen Konferenz in Genf vom 3. bis 5. Juli 1922 ausgestellt.  
Ce certificat est délivré conformément aux résolutions de la Conférence gouvernementale convoquée par le Dr. Nansen, Haut-Commissaire pour les Réfugiés,  
à Genève, le 3-5 juillet 1922.

\* Der Inhaber unterliegt jedoch dem Sichtvermerkszwang. / Toutefois le porteur est tenu à se procurer le visa d'entrée.

# History – contin.

- Czech citizenship revoked by the regime (ex. Milan Kundera)
- Migration in the 90s from Balcan states
- Accession to EU
- Czech republic = transit country
  
- Czech Detention Center – worse than a prison?
- <https://www.youtube.com/watch?v=JNamlcoWw> |

# Legal Instruments - International Protection

Interactive map:

<https://is.muni.cz/do/law/kat/kupp/hrim/index.html>

- **International Law**

- Refugee Convention 1951

- **EU law – Common European Asylum System**

- (+ Returns, Frontex)

European Court of Human Rights

+

Court of Justice of the European Union



# EU law

- EU **Directives** →→→ needs to be implemented into National law of member states!
  - Asylum Procedures Directive
  - Reception Conditions Directive
  - Qualification Directive
- EU **Regulations** --- these apply like a „set of code“, no further implementation needed.
  - Dublin Regulation
  - EURODAC Regulation

# Convention relating to the Status of Refugees (1951)

- Outside of the country of his nationality
- Well-founded fear
- Persecution
- Race, religion, nationality, membership of a particular social group, political opinion
- Unable/unwilling to avail himself the protection (State actors, non-state actors)

# No protection to:

- The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:
- (a) He has committed a **crime against peace, a war crime, or a crime against humanity**, as defined in the international instruments drawn up to make provision in respect of such crimes;
- (b) He has committed **a serious non-political crime outside the country of refuge** prior to his admission to that country as a refugee;
- (c) He has been guilty of **acts contrary to the purposes and principles of the United Nations**.

# Refugees' rights

- **Non-refoulement**
- Refugee convention deals with the rights – access to employment, housing, public education, social security, freedom of movement, travel documents – usually in regards to the rights of citizen – same level, lesser level
- Czech law – permanent residency, language course, employment, health care
- The proceedings finished? Status granted (asylum, subsidiary protection) or expulsion

# Subsidiary protection

– protection for those who do not qualify as refugees

- third country national or stateless who would face a real risk of suffering serious harm if s/he return to the country of origin. Serious harm is defined as the risk of:
  - "*(a) death penalty or execution; or*
  - *(b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or*
  - *(c) serious and individual threat to a civilian's life or person by reasons of indiscriminate violence in situations of international or internal armed conflict.*"

# Thank you for your attention!

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**Pop culture reference:**

<https://www.youtube.com/watch?v=oJEjrNB2iTA>

Asylum claim in Handmaid's Tale (TV series, 3.season) – no pushback!

Interesting literary works:

Martin Pollack – The Emperor of America

Patrick Kingsley – The New Odyssey