THE EFFECTS OF THE "REFUGEE CRISIS"
IN THE EUROPEAN UNION AND IN ROMANIA

Cristina ILIE GOGA
Assist. Prof., PhD.
University of Craiova (Romania)
cristin_il@yahoo.com

Abstract: *Nowadays, the issues of migration and refugees are widely debated at international level and mostly in the European Union, especially considering the fact that in recent years a very large number of people have chosen to emigrate or have been forced to emigrate and a real "crisis of migration" has been reached. The problem of refugees from the last period has seriously affected the migration policies in the European Union and in the Member States. Thus, we encounter unprecedented situations in the European states. This article focuses on presenting the situation of refugees in the European Union and in Romania, analyzing their status, and at the same time, presenting the policies in the field, but also the relevant statistical data.*

Key words: *refugee crisis; European Union; European Agenda on Migration; Romania; law; migration policies.*

1. Refugee situation: definition and social context

Immigration is of course a source of "opportunity for individuals and societies", but also, a source of problems (Baubock; Heller; Zolberg, 1996) and unfortunately, in the last years, the negative aspects of the migration are more highlighted. We see now the "emergence of culturally plural societies" (Kymlicka, 1995; Niță; Ilie Goga, 2017), in which "individuals and groups need to work out how to live together, adopting various strategies that will allow them to achieve the goal of living interculturally" (Berry et. al., 2006: p. 305; Ilie, 2013).

Although "most migrant-receiving states share common" instruments in migration policies, like "legal permanent admissions, guest-worker admissions, humanitarian refugee and asylum policies, border and worksite enforcement" and recent research "emphasizes emerging intraregional similarities and inter-regional differences" (Corneliu, 2005: 111).

Today, problems related to migration and refugees are widely debated at international level and mostly in the European Union (Otovescu et. al., 2011: 201), especially considering the fact that in recent years a very large number of people have chosen to emigrate or have been forced to emigrate and it has grown into a veritable "migration crisis". United Nations High Commissioner for Refugees shows in the 2017 Report, that "65.6 million people were displaced by conflict, violence, or economic and ecological disasters by the end of 2016" (UNHCR, 2017). In 2018, UNHCR highlights that "over 68 million people are currently displaced, including 25.4 million who have been designated by UNHCR as qualifying for refugee status" (UNHCR 2018a in Shaw and Funk, 2019: 1). A percentage of 85% "of displaced

persons are being hosted in developing countries, with Turkey, Uganda, Pakistan, Lebanon, and Iran hosting the largest numbers of refugees in 2018" (UNHCR 2018a in Shaw; Funk, 2019: 1).

Saskia Sassen points out that, "the global refugee crisis is but one in a larger system of expulsions that characterize contemporary capitalism" (Sassen, 2014 apud. Gluhovic, 2019: 14).

The "refugee" is a person who "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; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it". "In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national" (Convention Relating to the Status of Refugees 1951: art. 1, A, 2).

According to Richard Black, the concept of "refugee", indicates "uprootedness and exile and it often implies a dependence on humanitarian intervention and a rupture of "normal" social, economic and cultural relations" and "unlike the economic migrant, the refugee is forced to migrate, rather than somebody who has moved more or less voluntarily" (Black, 2001: 63; Puglisi; Șerban, 2019)

It is obvious that, "many people who have become (or have been) refugees suffer profoundly from having been tortured, raped, terrorized, spied upon, militarily attacked, separated from friends and families, and often, from having been left alive to witness death" (Malkki, 1995: 510), and this is precisely why international protection is needed and specific legal instruments have been created.

Currently, United Nations High Commissioner for Refugees Services, is the leading organization (Sorescu, 2014), "coordinating emergency response services for refugee communities, providing core relief items and shelter, including food and sanitation services, to people in over 50 countries in 2017. UNHCR also implements health, violence prevention, and cash transfer programs" (UNHCR, 2018b). But each state has its own refugee protection programs and services. For example, in Germany, "asylum seekers can receive governmental reception assistance including accommodation support and after receiving asylum, income assistance for job seekers" and in Sweden, asylum seekers benefit from "two -year individual integration plans that focus on language, civic integration and job preparation, including financial support" (Shaw; Funk, 2019: 2).

2. Refugee crisis in the European Union

The European Union has become a favorite area for migrants and refugees, in the period 2015-2016, we can even talk about a number of about one million migrants who have arrived in the European space, most of them coming from states where wars are taking place, like Syria (European Commission 2017).

After the Second World War, "the system of refugee protection was based on a separated dual structure: the codification of general principles and norms at international level, and the individual commitment of sovereign states to grant protection at the national level" (Lavenex, 2001: 856).

All "EU member states codified the right of asylum in domestic laws" (Lavenex, 2001: p. 856). But now, "the Europenization of refugee policy lies at the heart of political unification and highlights important developments in the evolution of the European Union" (Lavenex, 2001: 870). But, today "European migration policies affect state sovereignty. Internally, the abolition of internal migration policies implied by freedom of movement deprives member states of their sovereignty over the admission of EU citizens and long-term resident third-country nationals. Externally, the development of common European policies regarding third-country nationals amplifies this retreat of state sovereignty and symbolizes the EU's appropriation of quasi-statist features" (Lavenex, 2019: 568). So, we are witnessing today "the tensions underlying western asylum and migration policies, that derive from the value of security on the one hand, underlining the need to control and limit immigration, and, on the other hand, from the values of freedom and human rights, which, command openness" (Lavenex, 2019: 568).

Currently is active, the Directive 2011/95/EC on the standards regarding the conditions that third-country nationals or stateless persons must meet in order to be able to benefit from international protection, to a uniform status for refugees or persons eligible for subsidiary protection and to the content of the protection granted.

European Union "members have moved toward common refugee and asylum policies and nationality laws, and most European states have liberalized their immigrant integration policies in an effort to incorporate immigrants into the body politic" (Cornelius, 2005: 111).

The crisis of migration and refugees in the European Union has deepened with the large influx of migrants and refugees and the European institutions have been somehow overwhelmed by the situation created. It was even estimated that during the period "January-November 2015, about 1.5 million migrants arrived illegally in the EU Member States", and during the period "July-September 2015, a number of 413,800 persons applied for international protection" (European Commission, 2016). Moreover, the effects of migration have been deeply felt at on the European structure, with the decision of the United Kingdom to leave the community space and thus, looking at the basis of this decision, we observe that the political discourse was based precisely on this crisis caused by migration, refugees, directly related to

effects, such as terrorism (Ilie Goga, 2019), the decline of the labor market (Ilie; Pricină, 2014), the increase of the crime rate (Ilie, 2014), etc. As Baker and collaborators observe in their work, when UK newspapers analyzed topics such as: ”refugees, asylum seekers and immigrants”, most denoted a ”negative stance”, contrary to the term ”migrant”, for which there was ”an overall positive use” (Baker at. all., 2008: 288). We find permanently in discourses connections between migration, Islam and terrorism, revealing the ways the Muslim body is marked as unintelligible and, therefore, threatening to white” (Fritzsche; Nelson, 2019: 3; Serban, 2018; Petcu, 2015). Unfortunately, overall,”refugee claimants are often viewed with suspicion and hostility” (Esses; Veenvliet; Hodson; Mihic 2008: 5) by the citizens of the host countries, because it is considered that, persons ”seeking refugee status are fraudulent, making illegitimate claims with regard to their circumstances and are violating principles of justice and fairness” (Esses; Veenvliet; Hodson; Mihic 2008: 6, 23). Moreover, following the recent referendum, emigrants from the UK are dominated by ”uncertainty, anxieties, unpredictable and unknown” (Clayton; Vickers 2018: p. 20) and ”a threat of illegalization hangs over the head of both the asylum seeker and economic migrant” (Mezzadra; Neilson, 2013: 145 in Clayton; Vickers, 2018: 21).

A different perspective on people who have been forced to migrate, was adopted for the first time by the German Chancellor Angela Merkel, who decided in mid-2015, to open German borders to Syrian refugees and other asylum seekers, motivating that, their reception in Europe is ”both morally mandatory and economically feasible” (Gluhovic, 2019: 12).

But, migration crisis and Brexit procedure, have come to ”endanger the very concepts of European Identity and European Citizenship” (Ammaturo, 2018).

Ammaturo considers that ”the relationship between European citizenship and migration is fundamentally permeated by both questions of race and ethnicity, as well as social class” (Ammaturo, 2018: 11). In this context of race and ethnicity of migrants it is very important to distinguish between categories of migration, like those proposed by Favell: ”ethnic (non-EU) migration”, ”new intra-European”, “elite” migration and ”East-West migration” (”following the EU’s 2004 Enlargement”) (Favell, 2009: 167) or by Nash (”super-citizens, marginal citizens, quasi-citizens, sub-citizens and un-citizens”) (Nash, 2009). Ammaturo considers that ”ethnic (non-EU) migration’ and ‘East-West migration’ described by Favell (2009), would hardly be able to ever ascend the ranks of citizenship and get past the status of quasi-citizens, in Nash’s (2009) terms” (Ammaturo, 2018: 11)

Taking into account the current international context in which the crisis of migration and refugees has become more and more profound, at European Union level, a ”European Agenda on Migration” has been proposed, aiming to act outside the European Union, within the European Union and at the borders of the European Union (European Commission, 2015; Porumbescu, 2019: 38). The ”European Agenda on Migration” has the following objectives outside the European area: "Assistance to refugees around the world, addressing the causes of irregular migration in the

countries of origin and transit and relocating refugees to the states of the European Union"; at the borders of the European states, the European Union aims at "tripling the presence of the EU in the territory of the marine waters to save the lives of refugees; creation of "hotspots" in Greece and Italy; a useful management of the external borders, identification and registration of newcomers by streamlining the asylum procedures and regulating the readmission and return procedures"; and within the European Union states, it was aimed "to relocate refugees in the territory of all Member States but also to simplify and harmonize the system of asylum" (European Commission, 2017).

Because of the "large-scale refugee movements", we notice that attention is increasingly directed towards "the routes and trajectories pursued by individuals and families, especially across the Mediterranean" (Kofman, 2018: 2186). Among the population who applied for refugee status in Europe, it is noted that men predominate and this seems to be a cause for concern for the authorities, if we consider the consequences: security issues; propagation of refugee traditions, related to "gender-based violence or subjugation of women"; the risk of an imbalance in the European population balance and also it is assumed that the men-refugees will want "to bring in other family members in future through a right to family reunification by those granted refugee status, thus leading to an increase in the refugee population" (Kofman, 2018: 2186, 2188). According to Eurostat (2016), almost "all Syrians and nearly three-quarters of Iraqis were granted refugee or subsidiary status in 2016, and hence potentially generate a large demand for family reunification" (Kofman, 2018: 2186).

In 2015, the European Commission took important measures to support the refugee crisis and has proposed "the transfer of 160.000 people, who clearly need international protection, from the Member States under extreme pressure in the other Member States of the European Union, and at the same time, the Commission has recommended the establishment of an EU relocation mechanism for 20.000 people in need of international protection" (European Commission, 2016b).

In the European Union, in recent years, the following concrete actions have been taken:

- "In October 2016, the European Border and Coast Guard Agency (Frontex) was established (European Commission, 2016a), whose mission is to ensure better protection of external borders, in the current context of the refugee crisis".
- "The number of operative actions taken in the Mediterranean was increased, so that 400,000 people were rescued, 2000 networks of traffickers were annihilated and 365 ships were removed" (European Commission, 2017). In EU, "the Mediterranean is a very important space and is seen as "a borderzone of intertwining crises" (Gluhovic, 2019: 2);
- "Collaboration with five African countries of origin and transit, such as Ethiopia, Mali, Nigeria, Niger and Senegal, has been strengthened" (European Commission, 2017);

- In the period "2015-2017, from the EU budget a total of EUR 17.7 billion was allocated to deal with the migration crisis, divided as follows: EUR 10.3 billion went to financing outside the EU, including 2.7 EUR billion for humanitarian aid, EUR 0.6 billion for the Trust Fund in response to the Syrian crisis (The MADAD Fund) and EUR 2.4 billion for the Emergency Trust Fund for Africa (for stability and addressing root causes of irregular migration and displaced persons)" (European Commission, 2017);
- In "March 2016, the EU-Turkey Statement was signed, thus, aiming to stop the uncontrolled flows of migrants in the Aegean area and establishing legal paths through which refugees can enter Europe, thus reducing the number of refugees who arrived from Turkey". "By this agreement, it was established that any irregular migrant who arrives from Turkey to Greece and does not apply for asylum or whose application has been rejected, to be returned to Turkey, instead the European Union accepting another Syrian citizen from Turkey on his territory which did not attempt to enter its territory in an irregular manner". In this context, under the provisions of this agreement, "until July 2017, a number of 7.807 Syrian refugees were relocated from Turkey to the EU" (European Commission, 2017);
- "Hotspots were set up in Greece and Italy (more precisely, experts coming from other European states, which will help to verify, identify and register the migrants and inform them about the right to request international protection), these "hotspots" supporting the two states to better manage migration flows" (European Commission, 2017);
- In European Union, "a system for emergency relocation was set up in 2015, thus the Member States accepting to take over migrants from Italy and Greece. In this context until July 2017, more than 24.000 people (16.774 from Greece and 2.675 from Italy) had been relocated to the territory of 24 participating states. Moreover, it was agreed on a "voluntary relocation program", which established that 22.500 people from outside the European Union will be transferred and thus, by July 2017, about 16.500 people have been relocated to 21 states" (European Commission, 2017).

However, "in the European Union, asylum applications have dropped by nearly half from over 1.3 million in 2015 to 0.7 million in 2017 (UNHCR & Eurostat 2018 in Shaw and Funk, 2019) and continue to decline in 2018" (Eurostat, 2018 in Shaw; Funk, 2019).

Pressure "on national asylum systems has stabilised to a monthly average of around 54,000 asylum applications in 2019 in the EU plus Switzerland, Norway, Iceland and Liechtenstein, substantially below peak years (more than 100,000 applications were lodged per month in 2015-2016) but still higher than before the crisis" (European Commission, 2019b: 3)

In 2018, around 150.000 irregular arrivals were detected at the EU's external borders, 25% less than in 2017. This was the lowest level in the last five years, with more than 90% below the level of 2015, when there was a record number of migrants (European Commission, 2019a: 1).

3. The situation of refugees in Romania

The definition of the term "refugee" in Romania is taken from the "Convention Relating to the Status of Refugees" adopted in 1951 and ratified by Romania on July 4, 1991 by Law no. 46, published in the "Official Monitor of Romania", part I, no. 148 of July 17, 1991.

The main element of the definition of "refugee" is the expression "justified danger of persecution". "It is closely related to the reasons for the flight. The reasons for the flight are exhaustively listed in the text of the Convention on the Status of Refugees. Precisely these reasons make the distinction between refugee status and other types of people seeking international protection, such as asylum seekers, displaced persons due to armed conflicts, natural disasters or urban humanitarian activities" (Goga; Ilieva, 2018: 129). The "international protection" is represented by "the refugee status or the status conferred by subsidiary protection" according to the Emergency Ordinance 194/2002, updated (OUG 194/2002, art. 2).

The main normative act regulating "asylum in Romania" is Law no. 122 of May 4, 2006 (updated). In conjunction with Law no. 122/2006, for regulating the situation of foreign nationals on the Romanian territory, we find the following normative acts: Government Ordinance no. 44 of January 29, 2004 on the social integration of foreigners who have acquired international protection or a right of residence in Romania, as well as of the citizens of the Member States of the European Union and the European Economic Area (updated); Government Emergency Ordinance no. 194 of December 12, 2002 regarding the regime of foreigners in Romania (updated); Government Emergency Ordinance No. 102 of July 14, 2005 on the free movement on the territory of Romania of the citizens of the Member States of the European Union, of the European Economic Area and of the citizens of the Swiss Confederation (updated); Government Ordinance no. 25 of August 26, 2014 regarding the employment and posting of foreigners on the territory of Romania and for the modification and completion of some normative acts regarding the regime of foreigners in Romania (updated).

According to the General Inspectorate for Immigration, in 2018, in Romania, there were 120.358 foreigners with legal residence, of which 69.141 foreigners from third countries and having the right to legal residence and 51.217 citizens from EU/ EEA/ Swiss Confederation (IGI, 2019: 7). Also in 2018, a number of 2.716 foreigners were detected residing illegally, 106 migrants were supported for voluntary repatriation, 374 foreigners were removed under escort, 312 foreigners were taken into public custody and 73 foreigners were tolerated (IGI, 2019b: 8-9).

In Romania, the highest number of requests for asylum were registered in 2017, namely 4820, so "the asylum system in Romania was subjected to a constant and ascending pressure, with repercussions on accommodation, reception, processing and integration capacity of asylum seekers" (Vasile; Androniceanu, 2018: 6).

According to the 2019 Report, "Evaluation of the Activity of the General Inspectorate for Immigration in 2018", a number of 2138 asylum applications were registered in Romania in 2018, less than in 2017, but with a multi-year upward trend. Most asylum applications come from Iraq (51%), Syria (17%) and Iran (7%) (IGI, 2019b: 10).

In Romania, in 2018, 554 applications for international protection were resolved in the administrative stage. In a number of 464 cases, a form of protection was granted, as follows: in 223 cases, the refugee status and in 241 cases, subsidiary protection. In 2017, in our country there were 2.079 solved cases, refugee status was granted for 849 cases and subsidiary protection for 460, and in 2016, a number of 1.124 cases were solved, for 590 granting refugee status and for 234 subsidiary protection (IGI, 2019b: 11).

In our country, the Romanian Office for Immigration has six Regional Centers for Accommodation and Procedures for Asylum Seekers: in Bucharest, Galaţi, Giugiu, Rădăuţi, Şomcuta Mare and Timişoara. Also, the Emergency Transit Center operates, destined for temporary stay of the refugees in urgent need of evacuation from the asylum country.

According to Law 122/2006, the Regional Centers for Accommodation and Procedures for Asylum Seekers "have living rooms and kitchens that are properly equipped, as well as recreational spaces (prayer rooms, clubs, play rooms, computer rooms and sport rooms) which are used free of charge by asylum seekers. Accommodation in the IGI Regional Centers also involves providing personal hygiene and cleaning products, as well as ensuring the material goods necessary for the preparation of food and table service" (IGI, 2019a).

At the same time, asylum seekers also benefit from the following assistance measures:

- Asylum seekers benefit, upon request, if they do not have maintenance means, of an allowance for the purchase food within the amount of 10 lei(≈2.09 EUR)/person/day, an allowance for the purchase of clothing of 100 lei (≈20.92 EUR) for cold season and 67 lei (≈14.01 EUR) for hot season and other expenses, up to 6 lei (≈1.25 EUR)/person/day (IGI, 2019a).
- Asylum seekers benefit from access to the labor market under the conditions provided by law for Romanian citizens, after the expiry of a period of 3 months from the date of the application for asylum, if the asylum seeker is still in the procedure for determining a form of protection.
- Asylum seekers "receive free emergency primary and hospital care, as well as free medical assistance and treatment in cases of acute or chronic illness. Minors seeking asylum attend Romanian language learning courses, during

one school year, after graduation being enrolled in the compulsory school education system under the same conditions as the Romanian minors. In order to ensure the participation in the courses, IGI grants packages with supplies" (IGI, 2019a).

- "Asylum seekers participate in cultural adaptation activities free of charge and may benefit from counseling and psychological assistance" (IGI, 2019a).
- "Children seeking asylum benefit from the state allowance granted to minors, under the same conditions as for Romanian citizens" (IGI, 2019a).

In 2018, Romania had an accommodation capacity for immigrants of 900 places, reaching an extended accommodation capacity in existing spaces, of 1162 places, where we find an average occupancy rate of 49.04%. A total of 2275 asylum seekers were accommodated and 512 asylum seekers were transferred between centers (IGI, 2019a: 13).

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