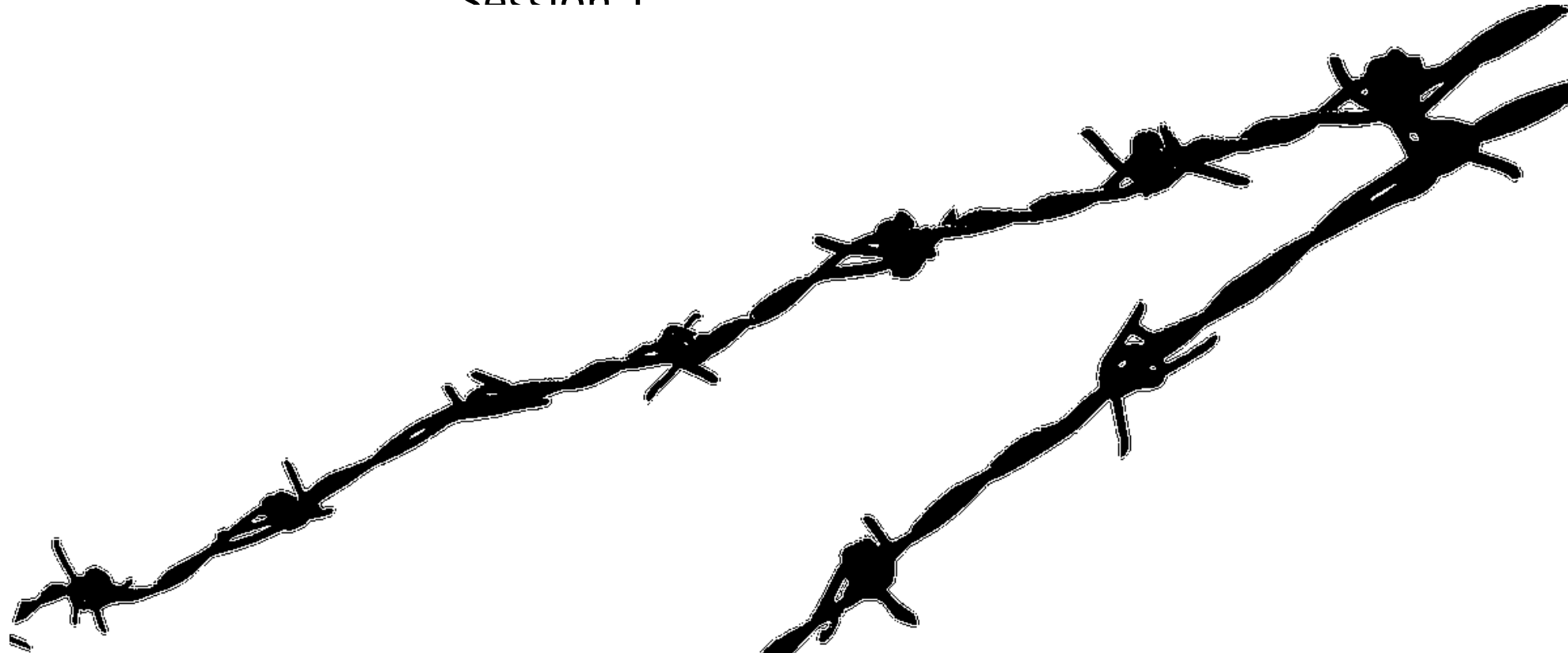


Approach to Migration in Europe and V4 Countries

Session 1



Intro - Videos

- Amnesty international: When you don't exist
 - <https://www.youtube.com/watch?v=OUpsWCvE38>
- Czech Detention Center – worse than a prison?
 - <https://www.youtube.com/watch?v=JNamlcoWwI>



Introduction

- International Law, EU law, National Law

- International protection
- legal migration
 - Visas, permits, no entitlement (but family reunification, family of EU citizens)
 - EU citizenship – free movement of persons (EU citizens and family members)
 - European law (but work permits, !seasonal workers, university academics)
- 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

Terms and definitions

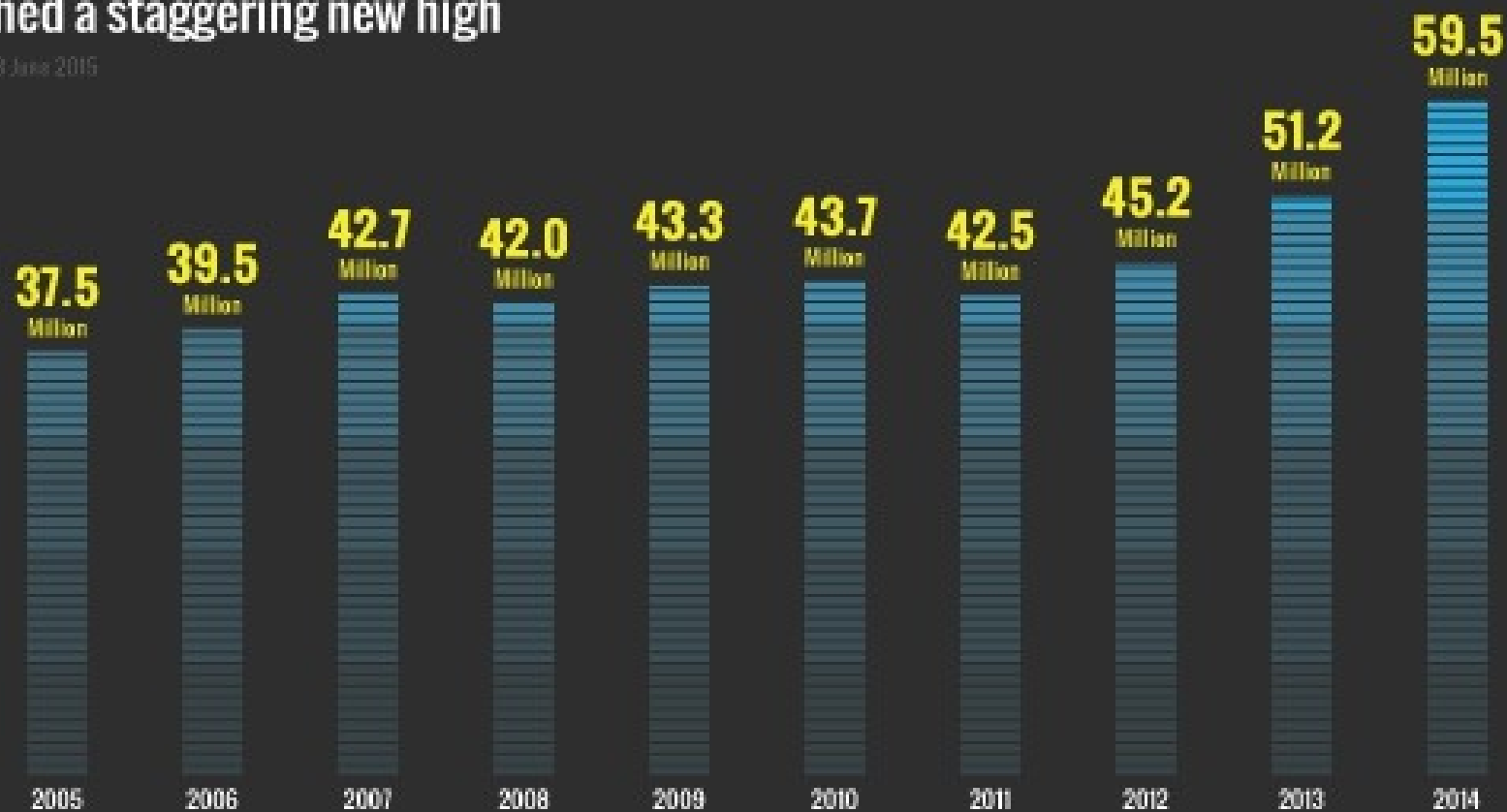
- Non-refoulement
 - *No State shall expel or return (refouler) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.*
- International protection: Asylum, Subsidiary protection
- Internally Displaced Person
- Stateless person – not considered to be a national by any state
- Returnee

- Sovereignty of the State

- Right to check the regularity of entry (visa, permits – EU: lists of countries)
- Prohibition to expell its own citizens, obligation to accept its own citizens, not foreigners
- The state can set up the conditions for admitting the 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

The number of people displaced by war has reached a staggering new high

Source: UNHCR / 18 June 2015



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

21.3 million
Refugees

40.8 million
Internally displaced people

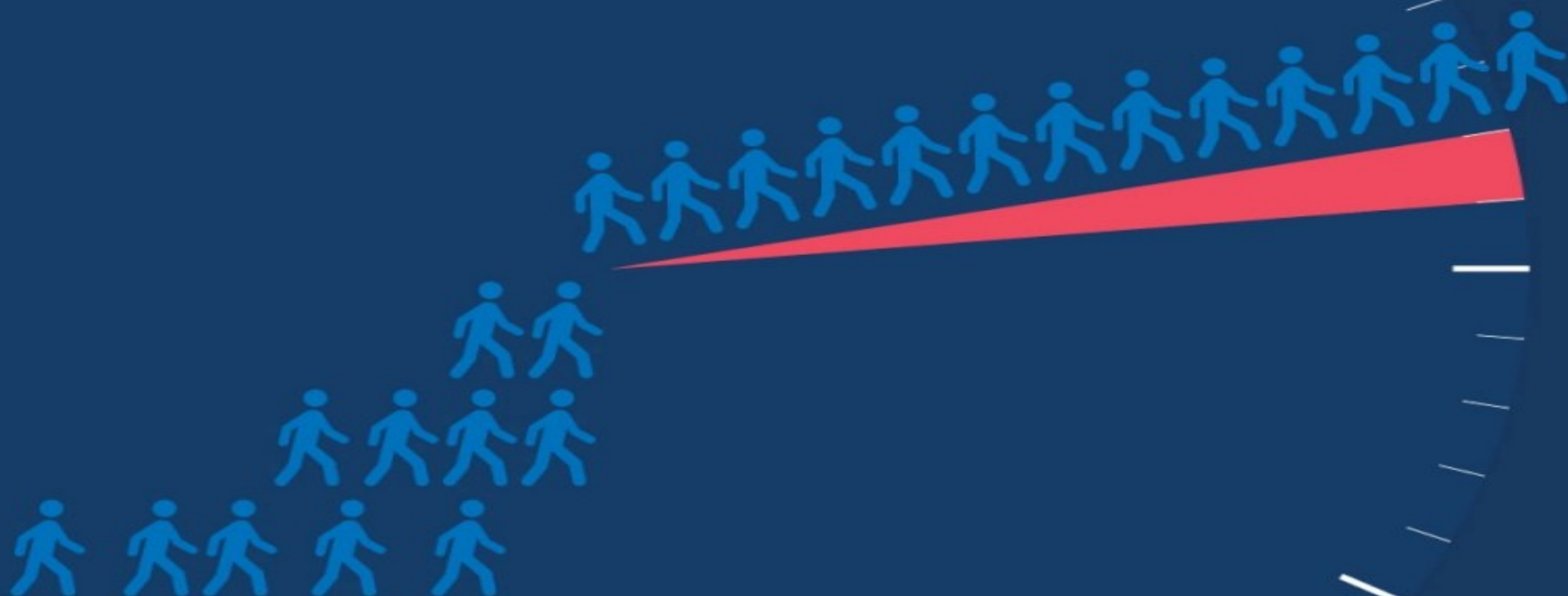
3.2 million
Asylum-seekers



 500,000

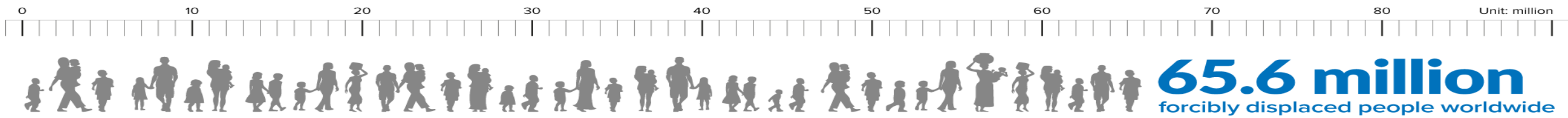
Source: UNHCR / 20 JUNE 2016

Every minute
24 people are displaced

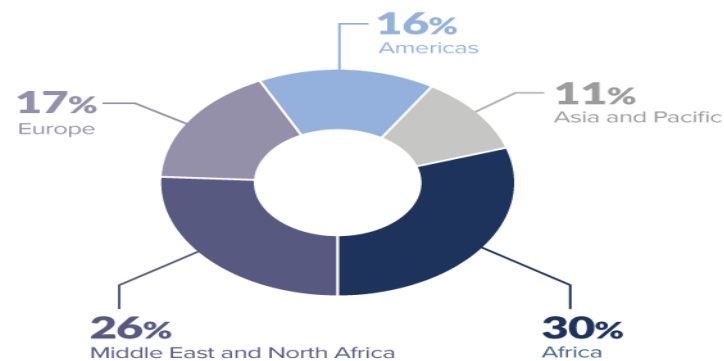


Source: UNHCR / 20 JUNE 2016





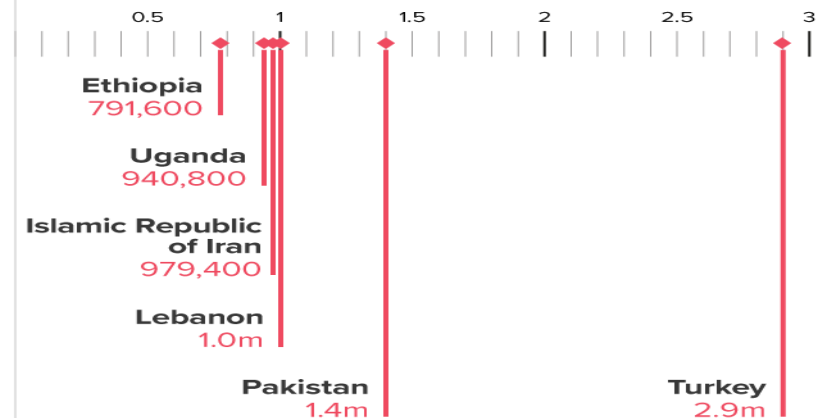
Where the world's displaced people are being hosted



55% of refugees worldwide came from three countries



Top hosting countries



28,300 people
a day forced to flee their homes because of conflict and persecution

10,966 staff
UNHCR employs 10,966 staff (as of 30 June 2017)

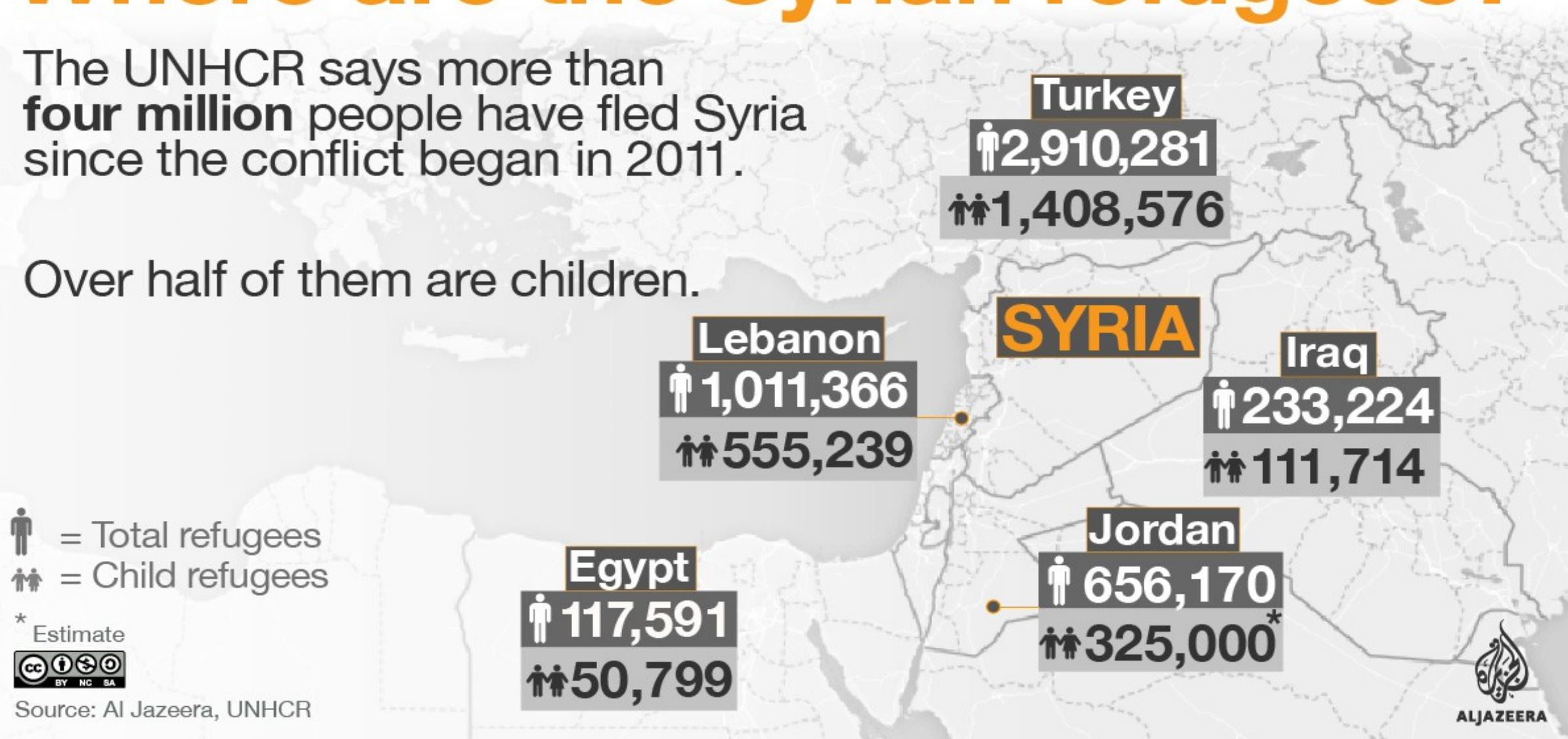
130 countries
We work in 130 countries (as of 30 June 2017)

We are funded almost entirely by voluntary contributions, with 87 per cent from governments and the European Union.

Where are the Syrian refugees?

The UNHCR says more than **four million** people have fled Syria since the conflict began in 2011.

Over half of them are children.



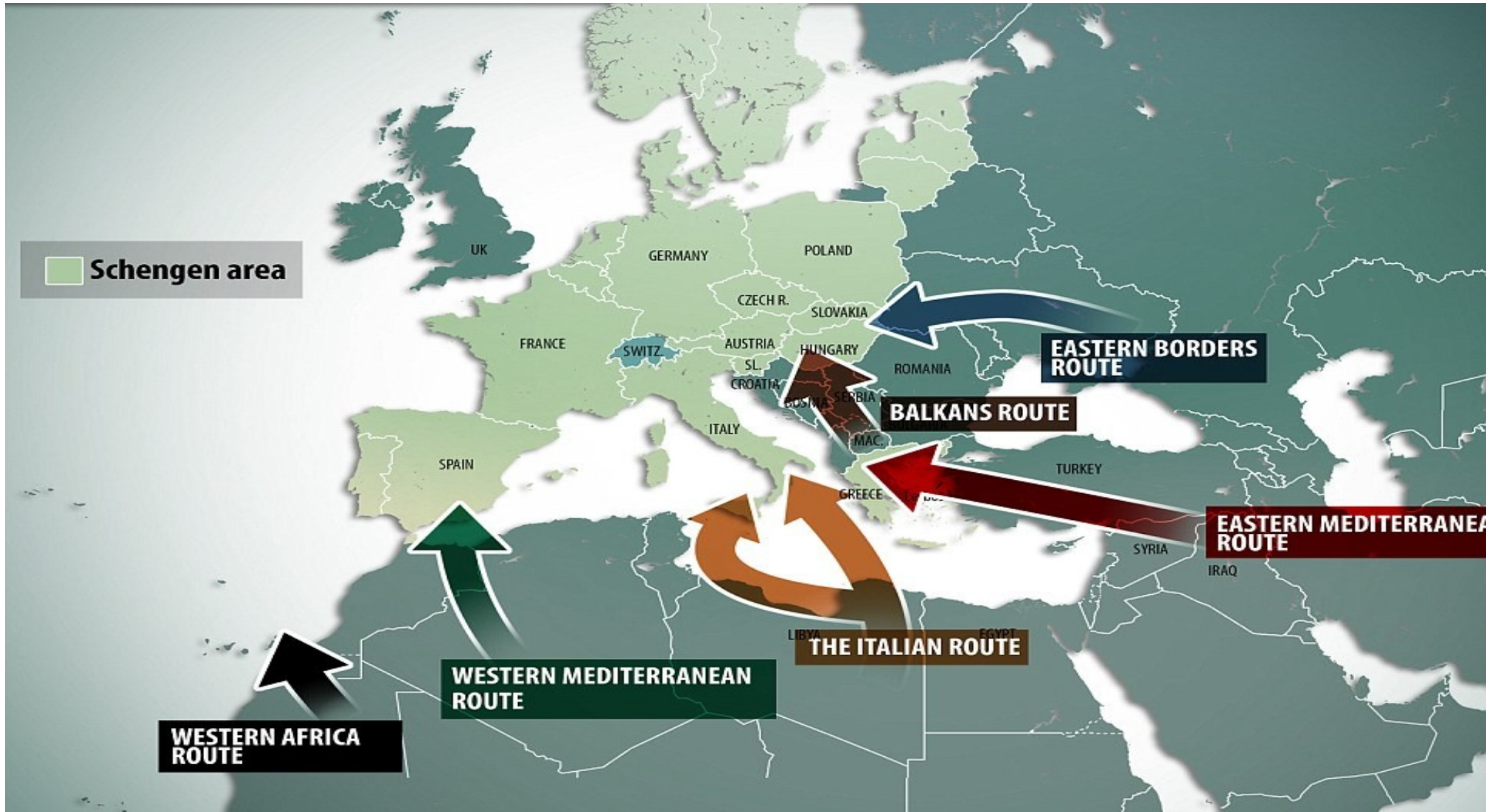
 = Total refugees
 = Child refugees

* Estimate

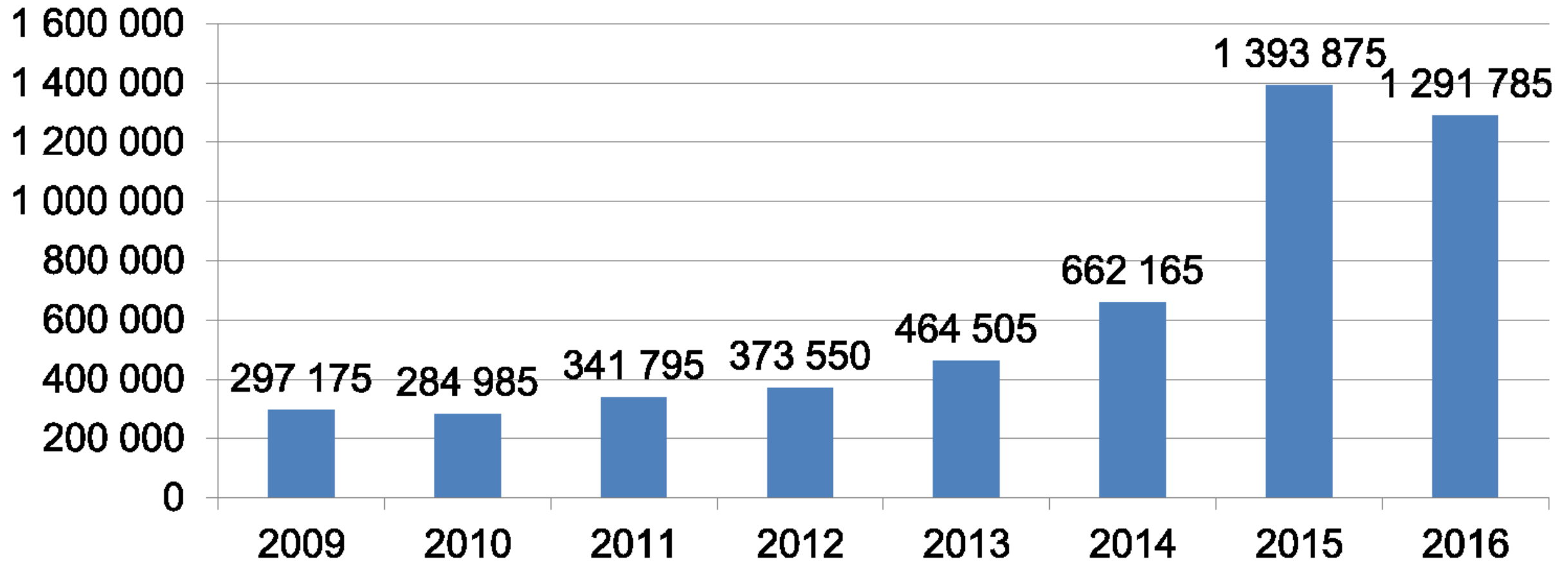


Source: Al Jazeera, UNHCR





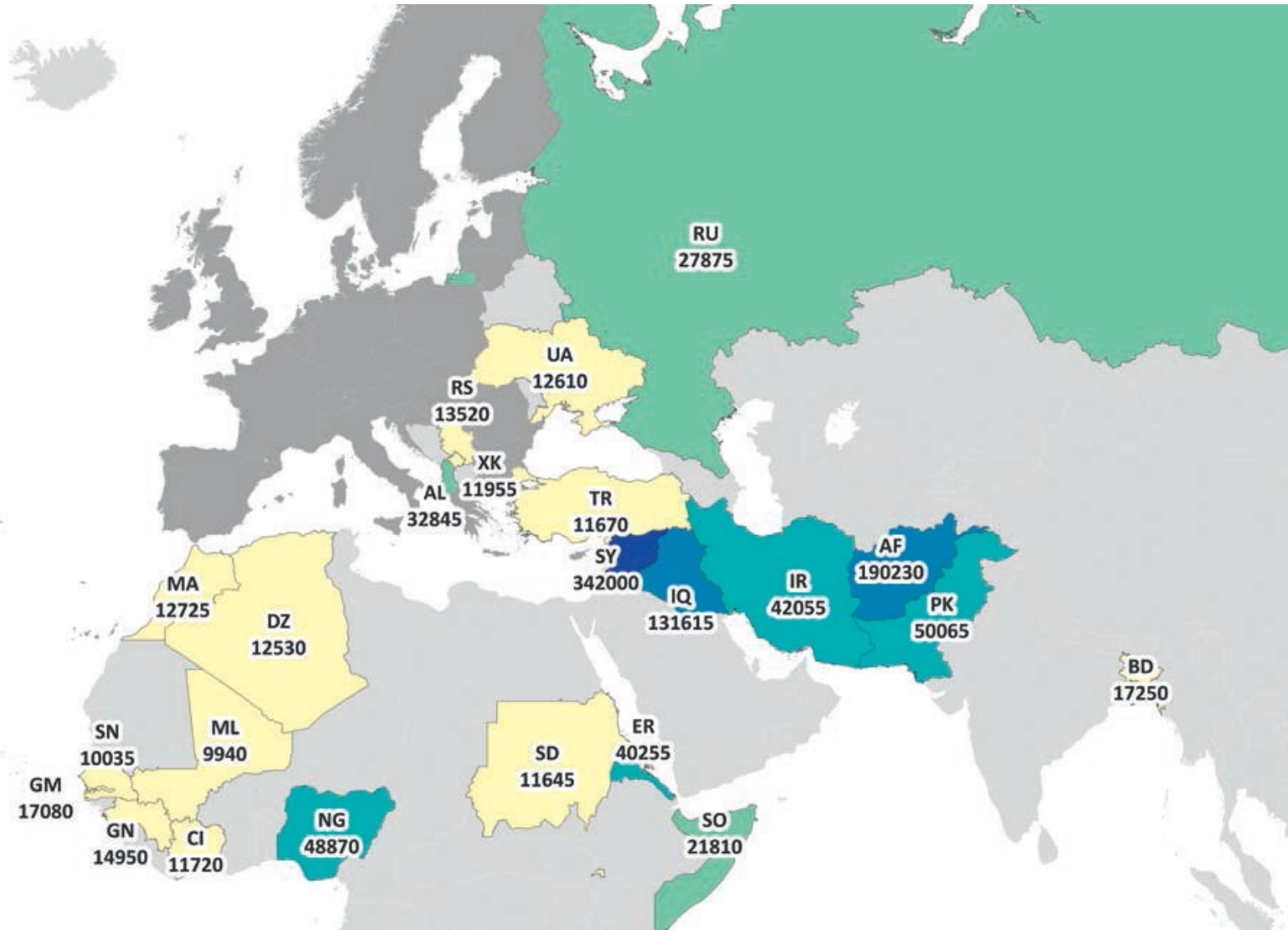
Number of international protection claims in 2016 (EU, Norway and Switzerland)



Year 2016 in numbers – EU+

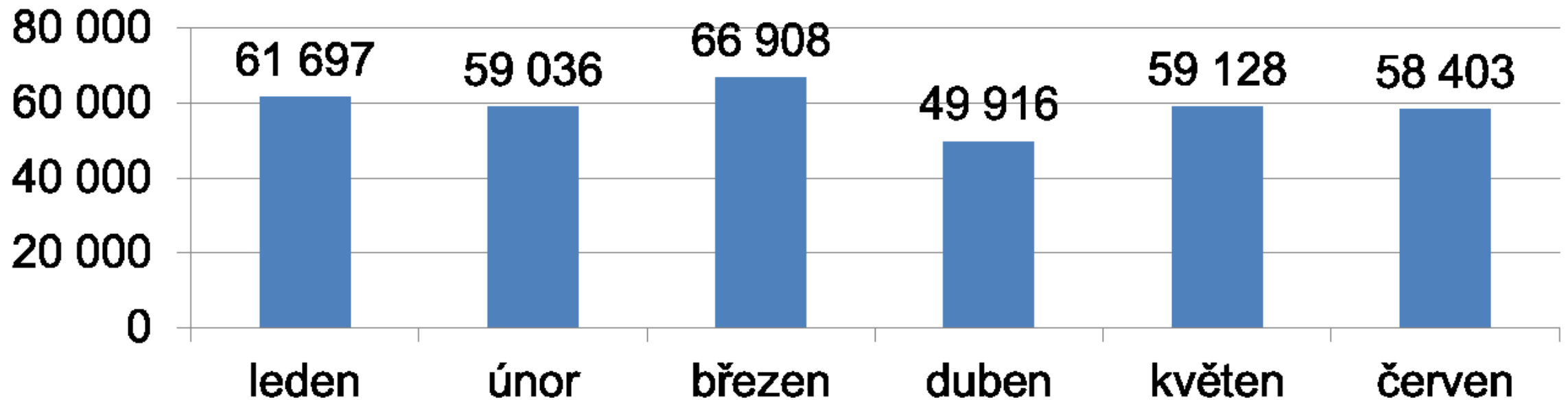
- The biggest number of registered asylum seekers come from Syria (26% of all the claims) Afghanistan, Iraq, Pakistan and Nigeria
- Reception countries: Germany, Italy, France, Greece and Austria
- Almost one third of asylum seekers is under 18
- More than 65 000 are unaccompanied minors (37 % Afghani)

IP claims - COI



International protection claims -2017 in EU (+ Norway, Switzerland, Liechtenstein and Iceland)

Rok 2017

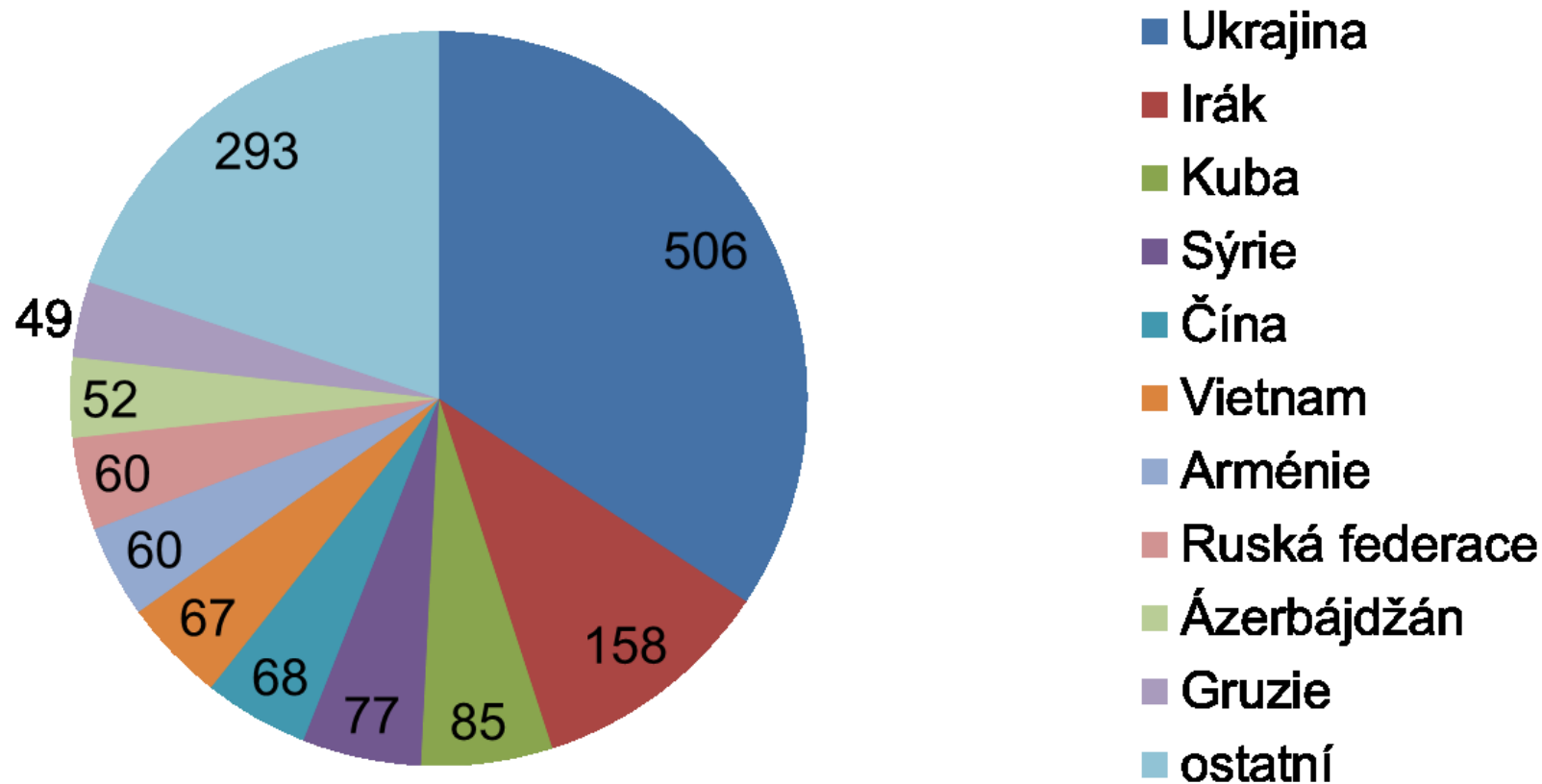


International protection in the Czech Republic - claims

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

IP claims – nationalities 2016

Státní příslušnost žadatelů o MO v ČR (2016)



History:

- After the IWW. Almost 1 mil Russians outside of their country, citizenship revoked– Nansen passport (16 countries, incl. Czechoslovakia, then 52 countries).1933 broadened – Armenian, Turkish refugees
 - S. Rachmaninoff, M. Chagall, V. Nabokov, I. Stravinsky
 - Czechoslovakia accepted 25000 of Russian refugees, health care, funding for students, employment, food, housing
- Diverse conventions – Germany 1938, Austria 1939, resettlement to Palestine
- Unification - 1951 Refugee Convention (+1967)





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.

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 Conférence gouvernementale convoquée par le Dr. Nansen, Haut-Commissaire pour les Réfugiés Russes, à Genève, le 3-5 juillet, 1922.

Travel Permit Fee, 3066
This Certificate is available for holder's return to the United Kingdom during its validity subject to visa.

26 3979

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 gestattet. Der Ausweis verliert seine Gültigkeit, wenn der Inhaber irgendwo in das Gebiet der Union der Sozialistischen Sowjet-Republiken tritt.
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
Geburtsdatum 23. Februar 1902
Familienname des Vaters Merkin
Russischer Herkunft ohne Erwerb einer anderen Staatsangehörigkeit.
Beruf Kaufmann
Früherer Wohnort in Russland Sclaw
Gegenwärtiger Aufenthaltsort Leipzig

Persönlichkeitsbeschreibung
Signalement

Alter 36 Jahre
Haare schwarz
Augen braun
Gesichtsform länglich
Nase normal
Besondere Kennzeichen



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. Bagerot
Pol. Inspektor

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.

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)**

- EU **Directives** →→→ National law

- Asylum Procedures Directive
- Reception Conditions Directive
- Qualification Directive

- EU **Regulations**

- Dublin Regulation
- EURODAC Regulation

European Court of Human Rights

+

Court of Justice of the European Union

Convention relating to the Status of Refugees (1951)

- Originally just for the incidents before 1951 (+ Protocol 1967)
- 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)

Refugees' rights

- **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.*
- 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

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**.

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!

Anna Láníčková

anna.lanickova@seznam.cz