



Refugee law and policy: An examination of refugee response framework in Pakistan and European Union

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Abstract

The Refugee crises have become an increasingly prevalent global issue and the international community, being legally and morally obliged, is making efforts to come up with durable solutions. An effort has been made to provide a historical look into the phenomenon of Afghan migration into Pakistan and her response thereof. Furthermore, the paper examines the refugee response framework of European Union. During the course of analysis, the article focuses on the status of unaccompanied minors. The paper posits that for redress of grievances, a uniform policy shall be formulated for worldwide implementation.

Keywords: refugee, asylum, unaccompanied minors, non-refoulement, Pakistan, Afghanistan, European Union

Introduction

To be homeless is an unimaginable human agony. The refugee crisis is the outcome of the alarming proportions of individuals fleeing from failed states, states at war or repressive regimes ^[1]. The world community is under legal and moral obligation to realize the grief, sufferings, and losses of the refugees and to relieve and soothe them which the affording states cannot derelict. Refugees confronting the risk of segregation and persecution in their country of origin cannot go back, thereby triggering the duty of non-refoulement.

As the Ex-Secretary General of the United Nations, reverend Ban Ki Moon rightly remarked;

"Refugees have been deprived of their homes, but they must not be deprived of their future". Hence, host states should welcome human tide, instead of tightening refugee policies and fencing their borders. Human history has witnessed refugee crisis on a number of occasions stemming from diverse causes including armed conflicts, persecution environmental changes e.g. drought and desertification undermining human life, natural and man-made catastrophes e.g. nuclear accidents destroying human habitat in an area, demographic trends, civil strife, communal violence and political instability. Postwar era of World War II triggered worst refugee crisis displacing 60 million people since the Israeli-Palestinian conflict surfaced in 1948. 5.1 million Palestinians have moved to West Asia and are forced to live in refugee camps. Korean War of 1950 to 1953 compelled 1 million to 5 million Koreans to flee their homes. Vietnam War of 1955 to 1975 spanning over two decades displaced 3 million people. Since 1979 Afghanistan is in a state of war and its over 2.6 million citizens have fled their homeland. 1.1 million Somalians have been displaced as Somalia was engulfed in the war in 1991. 516,800 individuals left their homes from Democratic Republic of Congo owing to war since 1996 to 1998. American invasion over Iraq in 2003 have

internally displaced 4 million Iraqis. Political conflicts in Syria since 2013 have rendered 11.6 million people homeless triggering worst refugee crisis in the current era, which stimulated Europe to reshape and redesign their refugee's law regime as it has been transformed into more draconian and punitive and member states have assumed the role of border guards of the European Union. Need of the time is to strike a balance between humanitarian reception of refugees and political resistance. States should tend to adopt a policy of non-refoulement, peaceful repatriation rather than forceful and integration into host states ^[2].

In the first decade of the 21st century, a phenomenal expansion has occurred worldwide in the refugee population. Rising number of refugees on daily basis has become a burning issue across the globe. As in 2011 every day, 14000 people or so were being displaced. This number rose constantly and in 2012 it went high up to 23000 people exodus every day, in 2013, 32, 000 and in 2014 this number was 42,500 ^[3]. Total refugee population across the globe was recorded in the year 2015 to be the largest throughout human history. This roving population was believed to be more than sixty million. Proportionately every 113 persons, one was a refugee and this ratio is growing continuously ^[4]. Such a gigantic displacement of mankind can only be compared with the volume of human displacement in the aftermath of World War II ^[5]. Cataclysmic repercussions of world war impelled the genesis of legislation over refugee rights for the first time in human history ^[6]. No sooner the ruinous war broke out, than did millions of people in Europe become homeless. A dire need was felt that till the war ends refugees should be provided legal protection. Endeavor to meet this exigency gave birth to the "International refugee organization and United Nations Relief and Rehabilitation Agency". The convention on the refugees' status was adopted in 1951 and was enforced in 1954. This Convention of 1951 broadly delineated a refugee and obligated the member states for the provision of their

legitimate needs and basic human rights.

Pakistan shares 2252 km long border with Afghanistan. Around 6 million Afghans had to flee their country of origin to seek shelter when the Soviet Union invaded Afghanistan in 1979. Pakistan received approximately 3 million Afghan refugees^[7]. The most significant repercussion that has posed numerous security and demographic challenges to Pakistan since the Soviet invasion of Afghanistan has been the huge influx of refugees from Afghan territory to bordering land of Pakistan^[8]. After a period of three decades by the end of 2001 the number of Afghan refugees mounted from 3 million to 4 million. According to a report of UNHCR, published in February 2017, there are 1.3 million registered Afghan refugees in Pakistan, while the same number of unregistered refugees is also present in Pakistan^[9]. Grant of refugee status is not a lasting solution to the miseries and discomforts of homeless persons. It is an interim step taken by the host state to legalize their stay in the A census of Afghan refugees was conducted by Pakistan during February-March 2005 with technical assistance and funding from UNHCR. According to this census 80% of the Afghans influx in Pakistan occurred during 1979-1985. Another huge wave of refugees entered into Pakistan during the era Afghanistan witnessed civil war from 1989-1996. But the already volatile situation was further exacerbated in 2001 in the aftermath of 9/11 tragedy and consequent airstrikes by the United States of America in Afghanistan, which left a vast majority of Afghans with no choice but to flee their host territory till the durable solution of the issue. Refugees are supposed to repatriate to their country of origin once circumstance return to normalcy^[10]. Pakistan has remained a hospitable state for the bulk of Afghan refugees for decades but a shift of policy from open door to that of closed door is noticeable now. A repatriation program was launched in 2002 under the 1993 agreement between the governments of Pakistan, Afghanistan and UNHCR, governing repatriation of Afghan citizens living in Pakistan. But this program could not see completion till date. Since 2002, more than 2.7 million Afghan refugees have been repatriated to Afghanistan, while over 2.9 million still reside in Pakistan including 1.4 million registered and an equal number of unregistered persons. Protracted stay of this huge population in Pakistan is supported by a series of arrangements amongst the governments of Pakistan, Afghanistan and UNHCR. Government of Pakistan in collaboration with UNHCR introduced a registration system in 2009 under which proof of registration cards were issued to the Afghans legalizing their stay in Pakistan, till extension for voluntary repatriation remains valid. Till date stay extension has been granted to the Afghan refugees for the umpteenth times which firstly expired on July 2013, secondly on December 31st 2015, thirdly on June 30th 2016, fourthly on December 31st 2016, fifthly on December 31st 2017, sixthly on January 31st 2018 which was granted for the shortest span of time ever, i.e. 30 days. Currently, Afghan refugees are staying in Pakistan under seventh extension granted for 60 days effective from February 1st 2018 till 31st March 2018. Fourth decade is towards its end since Pakistan has been housing Afghans and worst hit areas of Pakistan are cities like Peshawar and Karachi. This refugee crisis and protracted stay of Afghan refugees in Pakistan has proved to be

drastically retrogressive for both the communities, i.e. local residents and Afghan refugees. Crashing agony of the refugees is living at a place for decades, earning their livelihood and despite spending a large proportion of their life in a country and still not being able to call it their own homeland. Quest for permanent and durable measures to be taken in terms of peaceful and progressive Afghanistan for so long has made them to plunge into darkness of insecurity and uncertainty. On the other hand order of life has also been broadly disturbed in Pakistan. An already fragile economy of Pakistan has even grown worse. Recent years have generated a heated debate whether Afghan refugees are a liability or an asset in terms of economy as Pakistan is receiving funds from UNHCR. But on factual plane, funding by UNHCR for housing and maintaining Afghan refugees is insufficient even for refugees, leaving no question of being these funds an asset for Pakistan as debt burden on the economy of Pakistan is raising with the flux of time. Deteriorated situation of law and order proved to be a stumbling block for foreign investors and traders. Entire economic fabric shattered, stimulating inflation and unemployment. Worsening economic and grim security scenario fashioned a new trend amongst Pakistani youth of migration to developed countries. Apart from economy, unchecked inflow of Afghan refugees has totally altered the security scenario in Pakistan. Refugee camps very often become safe havens for terrorists. Resultantly, militancy and threat to security has turned gigantic in Pakistan. To cope with militancy Government of Pakistan has deployed a large number of Army personals, i.e. over 80,000 on its western borders. This is how Pakistan has been engulfed into war against terror as a frontline state actor burdening human resource, economy and above all a consequential threat to the situation of law and order in Pakistan. In 2017 out of 130 terrorist attacks 123 were designed, planned and executed by the sinister minds sitting in Afghanistan. Free flow of individuals across Durand line brought in its wake high drug trade, which has struck Pakistan with another serious challenge to confront, i.e. drug addiction among the youth of Pakistan. Because narcotic drugs mostly puppy is being cultivated on bordering areas of Afghanistan. Inflow of illegal weaponry into Pakistan is also a phenomenon closely knitted with influx of Afghan refugees. It is in this context that repatriation of Afghan refugees is being seen as a tool of terror eradication. But government of Pakistan is committed to dignified and peaceful repatriation rather than forceful despite all the drastic socio-economic, cultural and political ills. Since most of the Afghan refugees are not willing to return to the war ravaged Afghanistan and have become a permanent fixture of Pakistani landscape. Circumstances will continue to be the same as long as war persists in Afghanistan. Hence, a peaceful, prosperous and stable Afghanistan is indispensable for a peaceful, prosperous and stable Pakistan.

Pakistan has not formally enacted any legislation to regulate the refugee population on its territory. Along with this vacuum at the national level, Pakistan has also not ratified convention held in 1951 to fix refugee issues. Similarly, 1967 protocol has also not been ratified by Pakistan. Neither any defined procedures nor parameters have been established for the determination of the status of refugees and for the protection of their rights. Law in Pakistan to deal with the massive flow

of refugees is foreigners Act 1946 by default ^[11]. However, in order to exempt the asylum seekers from the application of foreigners Act 1946 and to confer asylum seekers the status of refugees, ascertainment exercise to reach a conclusion whether asylum seekers should be given the refugee status or not is conducted by UNHCR. As Government of Pakistan has concluded an Agreement with UNHCR designated pertinently "Co-operation Agreement 1993", UNHCR conducts the determination of refugee status to asylum seekers under the provisions of its own statute of 1950 and more or less all decisions taken by UNHCR are respected by the government of Pakistan. Pakistan even allows stay on its territory to those asylum seekers whose cases are yet to be decided. Instruments of international law provide right to seek asylum to every person confronting intimidation of being persecuted ^[12].

An asylum seeker has to undergo the following procedure to be declared a refugee in Pakistan. Relevant authority for this purpose in Pakistan is UNHCR which has its offices in more than one cities of all the four provinces of Pakistan as well as in its capital territory, Islamabad and FATA. In Pakistan recognized partner organizations are also working in collaboration with UNHCR for documentation of Afghan individuals. UNHCR for conferring an asylum seeker the status of refugee, is guided by the similar delineation of refugee as is propounded by the international law of refugees' i.e. Article 1 of the Geneva Convention on refugees held in Geneva in 1951 which was later amended through 1967 Protocol. It defines refugee as "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". First step to be taken by the asylum seeker in Pakistan is to appear in person in any of the responsible partner organizations or established offices of UNHCR to apply for an interview. Prior to UNHCR an Interview is conducted by partner organization of UNHCR to assess the protection need of the asylum seeker ^[13]. Application for interview must contain all relevant particulars concerning date of arrival in Pakistan, all contacts in Pakistan and names of all members of the family. Application must be accompanied by ID cards, record of employment, passport and marriage/divorce/death/birth certificate if available. After the particulars of application are well - perused a date of interview is confirmed and an appointment slip is issued to the applicant. All the data assimilated while interviewing the asylum seekers is communicated to UNHCR. UNHCR shall review all the details and give a final decision which shall be communicated to the asylum seeker. If a case is thought to be fit for refugee status determination, verification of fingerprints by NADRA is obtained and then another interview is conducted by the UNHCR itself, for registration. Following the interview for registration which remains valid for 3 months (extendable), another interview is conducted by UNHCR for refugee status determination. For this interview, an asylum seeker might be called for more than once. If an asylum seeker is conferred the status of refugee, he is called upon to the UNHCR office and a refugee identity card is issued which has 12 months expiry period and is further renewable. In the eventuality of rejection of refugee status, the applicant has the right of preferring an appeal within the

limitation period of 30 days, reckoned from the day decision of rejection is notified to the applicant. An appeal can be filed through a letter to the UNHCR or sister office. At the appellate stage the proceedings are carried out to ensure just, fair and impartial decision of the case. Decision at appellate stage is final; it may overrule the decision at first instance or may uphold the earlier decision ^[14].

People who get refugee status are entitled to certain basic human rights as founded by the 1951 refugees' convention e.g. right to get education in the country of asylum, right to avail healthcare facilities, right to have access to justice, right of vocational training, right of employment, right to earn a respectable livelihood ^[15], right to practice their religion freely. Equal protection of property rights i.e. right to acquire, possess and dispose of the property in the host country, right to enjoy housing facilities ^[16] right to have equal protection of fundamental human rights and to have equally favorable delivery and protection of rights as citizens of the host state have right of non-repatriation or right of peaceful and dignified repatriation with informed consent of the refugees ^[17]. This right is recognized through the principle of non-refoulement and has also been enshrined in the refugees Convention of 1951, reproduced herein below,

"No refugee should be returned in any manner whatsoever to any country where he or she would be at risk of persecution".

Another legal instrument of international law encapsulates the same protection to be extended to the refugees.

"Where there are substantial grounds for believing that a person to be returned would be in danger of being tortured shall not be returned ^[18]." Moreover, protection against return would also be extended if states have generally been practicing a rule or have recognized a certain rule as law of the land ^[19].

By the time, a rule of customary international law is recognized universally it comes under the category of "*Jus Cogens*." Literal Meaning of "*Jus Cogens*" is compelling law. "*Jus Cogens*" are designated "Hierarchically superior norms of general International law" ^[20]. No derogation is allowed from "*jus Cogens*" by the states ^[21]. Initiating cause behind the evolution and establishment of *Jus Cogens* in International law is the indispensable necessity to oblige the sovereign states to constrain themselves within certain basic norms of international law. These norms are respected and recognized by the International community while concluding their contractual relations ^[22]. As the state power while concluding stipulations of a treaty is subdued, if it defies the established norms of "*jus-cogens*" ^[23]." For example "*pacta sunt servanda*" is a *jus cogens*, hence if a treaty explicitly provides this rule, it would be a mere reaffirmation. In contrast, if a treaty denies the rule of "*pacta sunt servanda*" it would be an absurdity. Likewise, piracy cannot be supported through a treaty. Such treaty would be void being in sheer contravention of the "universally recognized principles" of international law ^[24]. Article 53 of the Vienna Convention on the law of treaties 1969 distinctly lays down that a treaty entered into in transgression of established principle of "*jus-cogens*" is "*void-ab-initio*" ^[25]." Principle peremptory norms in international law of human rights which states are bound to respect in all circumstances are prohibition of discrimination, prohibition of torture, prohibition of inhumane and degrading treatment or

punishments, prohibition of servitude, slavery and forced labor, prohibition of genocide, right to life and liberty, security of person and right to fair trial. Thus, the non-refoulement principle, by now has indisputably gained ground as "Customary norm of international law". Despite the fact that Pakistan has not ratified any international treaty concerning refugees, she is still under a legal, moral, ethical and political obligation to respect the non-refoulement principle owing to the customary legal nature of the principle^[26].

European Union is a constellation of 28 nations, in which a unified legal regime is applicable. European Union has adopted a very extensive and comprehensive legislation to cope with the issues of asylum seekers. The right of asylum has been extended under article 18 of the UN charter of fundamental rights. Article 19 of the same charter confers the right of non-refoulement which also finds mention under Article 33 of the Geneva Convention on refugees' rights 1951. An individual who lodges an application seeking an international protection is designated as an asylum seeker. No member state of European Union is allowed to turn away any person who would be on the verge of degrading or inhumane treatment or may be subject to torture or punishment if turned away^[27].

Right to asylum has also been protected under the right to life which becomes operational if forceful expulsion, extradition or removal put the person in serious apprehension of death^[28]. Individuals who are left to face discrimination on the basis of race, religion or for belonging to a particular ethnic or political group should also be protected under the law of asylum^[29]. Individuals who are stateless and are left "in Orbit" also falls within the class of persons to be protected by the member states of European Union^[30]. Under two instances member states of the European Union declined to entertain an asylum application. The first instance is when the application has been heard and rejected earlier and the repeated application contains no new and substantial element to be considered. The second instance is when a third country or a non-member state of European Union is supposed to be a safe residence for the applicant^[31]. There is a procedure which has to be followed by the asylum seeker to successfully attain the refugee status. The first step to be taken is lodging an application seeking protection which may be perused by any single member state of the European Union^[32]. Such application may only be lodged after the asylum seeker has reached the border of the host state. The border of the host state includes transit zones and territorial waters^[33]. If the application is lodged with the relevant authorities who have to register it, the application is registered within a period of 3 working days otherwise application has to be registered within 6 working days^[34]. Host state of the European Union is under a legal obligation to facilitate the applicant in lodging application as soon as possible^[35]. Asylum application is permitted to proceed at the border^[36]. However, if an application has proceeded at the border is not finally disposed of, within 4 weeks of its submission applicant is allowed to enter into the territory^[37]. However, the asylum seeker who escaped serious danger, survivors of rape or victims of serious human rights violations, border procedure is dispensed with and such refugee should also be granted access to the territory immediately^[38] if it is impossible to provide adequate support

to the applicant at the border. Asylum seekers can stay on the territory of a member state of the European Union till the final determination of the asylum application by the authorities responsible for the same^[39]. Within 3 days of the submission of an asylum application, asylum is given a certificate. The certificates actually legalize their stay in the host territory until asylum application is well scrutinized and decided^[40]. This certificate is a temporary measure to permit the stay of asylum seekers. However, the state does not issue a certificate if the asylum seeker is at the border or in detention^[41]. Asylum seeker's entry into territory must be lawful and to prevent "unauthorized entry" into the host state asylum seeker may be detained^[42].

An entry into the territory is reckoned as unauthorized hence illegal in as much as it has not been caused by formal authorization of national authorities of the host state^[43]. Asylum seekers who enter lawfully into a state territory and their applications are under process also have right to move freely within that state^[44]. In the eventuality of rejection of asylum application right to stay as well as the right of free movement are gone. After submission of application, the applicant is interviewed in person in the absence of his family members^[45]. Setting of interview is confidential and is directed to be conducted by the person who is more adept in seeing through the application and to discern into the falsity or truth of its particulars, can comprehend the accounts narrated in it and have more knowledge of the cultural origin, gender identity, sexual orientation, economic and social ambience or vulnerability of the applicant. Substance of interview is brought into writing and a draft of the written report is communicated to the applicant^[46]. Before the relevant authorities dispose of the application and arrive at a conclusion, applicant is given an opportunity to object the substance or veracity of report. The Applicant can raise objection in the exhaustion of his right of being heard derived from the globally acknowledged legal principles of natural justice i.e. "Audi Altrum Partum"^[47]. Limitation period to pursue and vindicate one's legal rights is a supreme prerequisite, which law demands to be observed. As a well-settled principle of law is "Vigilantibus non-Dormientibus Jura Subvenient" i.e. law aids the vigilant, not the indolent or those who slumber over their rights. The Law of asylum being a social law and designed to rescue the people in the shackles of grief, gloom, deprivation and desolation and hence, mechanical or automatic rejection of an application for being time-barred at first instance is neither recommended nor allowed^[48]. Application is directed to be raised impartially, objectively and individually taking into account the ground realities^[49].

Asylum law of European Union confers the following right to the applicants while they are undergoing the asylum procedure. Firstly, applicants should be briefed about the time within which they can file application and fulfill other legal requirements and should be briefed about the procedure to be adopted. Secondly, if applicant is facing language barrier he should be communicated in the language of his comprehension. He should be provided an interpreter, if needed. Thirdly, he should be given the right to counsel or legal advice and for this purpose applicant must be permitted to contact with the relevant organization or UNHCR.

Fourthly, applicant must have access to the evidential data on the basis of which his application is to be decided. Fifthly and lastly decision of the application must be communicated to the applicant in the language of his comprehension ^[50]. On the other hand law cast a duty upon the applicant too to cooperate with the administrative or quasi-judicial authorities ^[51]. Asylum application must be disposed of within a period of 6 months though this period may be extended to 21 months where application has to be reviewed in certain listed circumstances ^[52]. Authorities are legally bound to let the applicant know of the delay or the time span within which the application is likely to be decided, if applicant requests so, where authorities fail to dispose of the asylum application within 6 months ^[53]. When the authorities arrived at a conclusion, their verdict must be written down and notified to the applicant must be apprised of the method of challenging the decision of the authorities at first instance ^[54]. Disposal of applications may have two possible conclusions, in terms of rejection and acceptance. Rejection of application is open to challenge, law of European Union provides "A right to an effective remedy and right to a fair trial" as a fundamental right of every individual ^[55]. A tribunal or national authority is forum of second instance, which can review the earlier decision ^[56]. At the appellate forum an important safeguard is provided by checking into the arbitrariness of the authorities at the lower forum ^[57]. Applicant can stay in the host state till the disposal of appeal or the expiration of limitation period for filing an appeal. Appeal or the period during which appeal may be filed, has an automatic suspensive effect against the measures taken to return or turn away the applicant from host territory. This right is not extended to the individual who lodge inadmissible and unfounded applications. The case of appeal is required to be "arguable one". Appellate forum inquires into whether applicant was furnished with necessary information concerning procedure. It is also required that excessively long delays should not have been caused by the authorities' ineffective determination of asylum claims. Communication system between the asylum seekers and authorities was reliable, access to legal aid and availability of interpreter are also amongst factors to be considered by the appellate forum ^[58]. Appellate decision is final and above narrated procedure is pressed into action when an adult asylum seeker arrives at the borders of the host state. A relatively new group of asylum seekers has emerged in recent years. This group is reckoned as "unaccompanied minors". The term for the 1st time found mention in an official document titled "Asylum in the European Union member states" published by the European Parliament in January 2000. For the 1st time challenges and issues of "Unaccompanied Minors" as to reception procedure, integration, determination of age procedure of asylum, detention and return of "Unaccompanied Minors" were discussed in 2009 – 2010 ^[59]. Law relating to UAM is still developing in the wake of 2015-- 2016 refugee crisis. Asylum law of European Union has defined "Unaccompanied Minor" as "A third country national or stateless person below the age of 18, who arrives on the territory of the member states unaccompanied by an adult responsible for him whether by law or custom, and for as long as they are not effectively taken into the care of such a person or a minor who is left unaccompanied after they have

entered the territory of the member states" ^[60].

Statistical data amply testifies unaccompanied minors who apply for asylum are mostly boys. This trend is ever escalating as percentage of male "Unaccompanied Minors" was 79.9 percent in 2008, 83.7 percent, 90.9 percent in 2015 and 89.2 percent in 2016 as compared to the percentage of Unaccompanied Minor girls ^[61]. European Union law of asylum for "Unaccompanied Minors" stipulates that minor applicant must be provided a representative as early as an application for asylum is submitted ^[62]. A Representative or a next friend is appointed to assist the unaccompanied minor in pursuing asylum procedure. State can also obligate the representative for the well-being of minor, as supreme consideration of the law is protection of minor's best interest ^[63]. Minor (subject to his/her understanding) must have a chance to discuss matters with the representative before the interview for asylum is conducted and representative also accompanies the minor during interview.

While examining minor's asylum application if suspicion arises as to the minor's age, member states of the European Union are legally authorized to require the minor to undergo a medical examination ^[64]. The procedure of age assessment of unaccompanied minor is not uniform throughout the European Union, hence falls into the contentious domain. The issue of an unaccompanied minor cannot be reduced in black and white since there are many grey areas. A vast majority of unaccompanied minors enters into the host state with no documents, barely claiming to be under eighteen years of age and pose a difficult scenario. In such cases, medical examination becomes a compelling exigency and a decisive factor for the disposal of asylum application of an unaccompanied minor. Law stipulates medical examination must be conducted by adroit medical staff and non-invasive method and standard must be employed, during such examination. It is also directed to be carried out with strict regard to norms of decency and dignity of the examinee ^[65].

Other factors to be taken into account are similar to those considered while examining an adult application i.e. well-founded fear of persecution in the country of origin. Persecution may be in the form of mental, physical or sexual violence including fear of death ^[66].

The alarming scenario is that influx of "Unaccompanied Minors" seeking asylum in European Union is ever increasing. In 2008, the number of illegal entrants was 11, 292 while a massive increase was recorded in the subsequent year as in 2013 it was 12, 690. In the wake of Syrian crisis number of unaccompanied minor applicants, increased significantly as in 2015 over 1.3 million applications were lodged and in 2016 again 1.3 million applications were lodged seeking asylum. Owing to strict and invasive policies adopted by the European Union, this trend witnessed a downward trend in 2016, as 63000 applications were lodged ^[67]. Such large stratum of human population carries countless human miseries on both sides. Receiving states often view these minor refugees a potential threat to their culture, while minor refugees also find it burdensome to merge into an absolutely divergent socio-cultural ambiance.

A state of equilibrium is needed for better fitting of minor refugees into host society's culture, where they can retain their own values and practice their own religion along with

adoption of legal and socio-cultural rules of conduct. In Unaccompanied minor refugees another trouble is emotional and psychological disorder owing to homelessness at a very tender age ^[68]. A thematic research is needed to resolve their psychological, emotional and intellectual problems. A condition of acculturative stress is commonly found and associated with unaccompanied minor entrants. Along with above-stated challenges educational career of such immigrants come to an end in the majority of cases. A dilemma of an unaccompanied minor is owing to incompatibility between their longings and aspirations and educational interventions by the host state ^[69].

Daily hassles also cause depression among unaccompanied minors. A vast majority of minor refugees has been discovered a victim of despondency, depression, anxiety and post-traumatic disorder. A larger degree of exposure to violence is the root cause of such poor mental conditions of minors. Public support can play a significant role in the betterment of the physiological and psychological health of these minors along with social security. Divergent religions in the country of origin and host state add to the dilemma of an unaccompanied minor. Moreover, a limited social network of friends forces them to feel segregation. The sense of homelessness and not belonging to the people around is the most distressing and upsetting factor that unaccompanied minors have to cope with ^[70]. In order to deal with these adversities, a sense of resilience must be deployed as a tool of power in powerlessness. Researchers traced six sources of resilience in unaccompanied minors ^[71];

1. Hope
2. Religion
3. Education
4. Acculturation Strategies
5. Avoidance
6. Social Support.

European Union hosted a population of more than 25 million refugees in 2015. There was a steady and massive increase in the influx of refugee population over the year from 5500 in January 2015 to over 2, 21000 in October 2015 at the southern shores of the Mediterranean, which took the shape of a crisis. Refugees are in deplorable plight owing to circumstances which are beyond their control. Refugees fall within victimized strata of the society, hence need support and assistance. Refugees very often are portrayed in a design that is problem oriented. They are associated with crime, illegality, and terrorism. They are accused of grasping public resources which otherwise would have been utilized for the good of host community ^[72]. A range of barriers to health service access and its competent use is faced by the refugees and asylum seekers. Integration of refugees in the host society is a strenuous task, for refugees need to be conversant in the language of the host state, so that they may participate in the local market. Owing to lack of language proficiency refugees predominantly start from low earning professions and mostly remain amongst the lower working strata. This problem is faced by non-European refugees in European Union more. Lingual and cultural differences prove to be such obstructions that are impossible to be resolved in one's lifetime. Besides these conditions and challenges, refugee crisis surfaced in

2015 – 2016 and European Union responded by taking unprecedented bordering measures. European Union extended and reinforced its borders and undertook a difficult and costly deal with Turkey. Greece has been ring-fenced to contain refugee flow. By now European Union has turned into a fortified borderland ^[73]. Need of the hour is sympathetic attention of prominent world leaders and they should sit together and formulate a policy to be implemented worldwide keeping in view following factors concerning refugees.

1. Citizenship rights to the refugees.
2. Safeguarding human dignity
3. Protecting the vulnerable.
4. Devising more trouble free and lenient asylum seeking mechanism for unaccompanied minors, disabled persons, and women.
5. Enabling the scattered refugee families to reunite.
6. Addressing and tackling the root causes of dislocation and mass migration.

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