

Rights and crisis related to migration and refugee in European countries

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Abstract

This paper articulates the process of forced migration and the right of the humans of European countries in case of their migration in the country. Insecurities and the for bargaining of the human life made them leave their homes for the purpose either of the work or the forceful activities lead to exploitation at various levels. Drawing the data of the various countries Forceful Migration, Refugees and Human Trafficking has crossed the line of desired limits setted. It further includes the data based on trafficking, sex work, labor and many other purposes that are equal to the same activity. There has always been a difference in the working conditions, policies and the actually reality that is faced by these workers in the different countries. Migrants suppose that maybe the rituals and the policies prevailing in the country might suit to their condition but the harsh reality always lead them down. Every human is supposed to get the equal rights like other citizens without discriminating the fact of migration or immigration. The paper further states the struggle and the problem faced by the citizens of whole Europe in the process. It is important to throw some light on the rights and the roots of the actual activity of displacement that is happening in the countries. It further shows that how the migration policies in the country affect the outlook of the asylum and immigration decided by the European Council. Migration has a very big impact on the working conditions and the political conditions in a country which needs to be in progressing form and therefore that is some stoppage because of the exploitation happening with great speed. It also shows that future steps are to be taken by Europe in the process of increase in migration day-by-day.

Keywords: forced migration, migrants, asylum, immigration, refugees, international law, European Union etc

Introduction

Migration and asylum are the key and the frequent issues that are faced by any type of governance of the country. As countries and societies have engaged themselves in removing the shortcomings and the disparities that are prevailing like communication problems, social and political measures, social and economic welfare of the workers of the country, regional and the internal conflicts among citizens and the other issues like migration and asylum in the country restricts the country to focus on its development. Societal development is affected by the role of migrants and refugees that are present in the country and how they reduce the growth of the society in negative manner. Taking the wider concept of the country the regional differences and the cultural diversity prevailing in the country decides how the family welfare and the economic development of the country develop. It also directs towards maintaining the friendly relations among the different countries of the globe. According to the data estimated by ^[1] UN 230 million migrants have been estimated around the globe depending upon the population of the world. According to the data that has been recorded the population of the international migrants it has been seen that it has increased in the last 25 years and there has been 50% increase in the number i.e. it has increased to double. If we compare the data to 1970 there are more than 2.5 times migrants residing in the various international countries covers 3% of the total population. Facts states that Europe and Asia has the maximum amount of migrants residing in the world and that covers almost the 70 million population in Europe and it

covers 72 million in Asia and have been increasing with the consistent rate. According to the data estimated by United Nations there have been 30 to 40 million migrants that have occupied places in the various international countries and are not documental registered and the percent is counted to 20 to 30 percent from the 90s till now. The data that is counted is for the legal and irregular migrants but the data of illegal and regular migrants is not appropriate and is never counted to the exact because of the various inner problems that has been happening internally.

If we talk about European Union a project in 2008 stated that if we put a exact count on the number of migrants in Europe it is hardly to figure the exact amount but it is counted to 2.3 to 3.2 million in the last 27 member states countries. There are exactly more than 498 habitants in Europe covering the exact amount of population of the countries. If we move our attention towards the asylum seekers and the refugee worker in the world it was estimated to 10.4 million in 2012 and the exact amount is yet to find because some are undocumented residers. Refugee are the people who grab the opportunity of taking place in any country they get of the world so that their agenda of living meets its ends no matter what chaos they create living in that particular country. Refugee people attract its high amount of attention in the European countries and the countries of the parliament and the state if covering the total population. According to the date to last few years there have been more than 330,000 applications of the refugee and the asylum workers in the European Union to be documented which covers little percentage population of the various countries like Germany, France, Sweden, UK etc to the exact number.

¹ <http://comparitivemigrationstudies.springeropen.com>

Pre 21st Century Context

Due to the threat of the counter-terrorism and the multiculturalism that prevails in the country the migration and the various rights related to it and the policies made have always been in the debate in ^[2] 2000s before the 21st century. Cultural diversity and the regional disparities have always been the topic to take care of 2000s and for the migrants but not in relation to the economic data of the country and not for economic migrants. Because of the moderate unemployment rates and the high rate of increasing unemployment in various countries of the North and Europe give rise to the people shifting from one place to another in search of the better living. It further increase the welcoming of the skilled labor and the work force in major needed areas but as everything has two sides of the coin it might turn dangerous for a country to welcome migrants. Some parts of the Europe have agreed to open the borders for the migrants who are skilled in various jobs but that world is certainly seasonal. Many other countries North America and Australia has started with the same policy.

From the starting of 21st century the phenomena of the migration and asylum seeking have turned like pages and the reason being the migrant workers and the irregular refugee have grabs the attention of the migrants from different places which is welcomed because of the cultural diversification. It has someway occupied some skilled labor to the ends of the country. Both the economic crisis and the employment opportunities have grab the attention of the migrant workers in different countries to gather at one place and earn. The vacant ranks have fulfilled the places in the external Europe and the American countries. It has been clearly seen that the population of the migrants and the asylum seekers have landed the European shores in the past few years and filled the number and same has happened after the middle ages of the World War II in Asia and American countries.

Causes of Migration in European Countries

^[3] Due to the situations that are changing and challenging the living around the globe the number of Migrants and Asylum Seekers has increased rapidly during the time period of 2015-2016 before they fall in 2017. Because of this reason the migration policy has been the frequent discussed topic in European Union. May policies and schemes with the member of the state countries have been decided to implement so that they get a proper stake y the Europe. Europe has made many agreements and treaties with the European Union and the internal law based countries regarding the same.

- Large variety of migrants that occupy place in the European countries is because of the better and uplifting education system of Europe which is why large number of students across the world migrates from their country to Europe to take better amount of education there.
- Facts states that forced migration and the amount of forced migration in the country was comparatively low than the irregular migration. According to the report o 2017, 14.2 million people were considered as the new displaced people in Europe out of which 11.8 were internally occupied migrants and 4.4 were the asylum

seekers and the refugees in the countries of Europe.

- Because of the women cris happening in various parts of the southern countries the amount of women migration have increased from 49% in 2000 to 48% in 2015. The amount of women migration has increased from the 1960s and is spreading the feeling of feminization among women migrants across the countries and their amount has been significantly increasing.
- The age group of international migration was 32 years till 2000 then it increased to 39 years in 2015 till 2017 and is prevailing with the same age till date.
- Increase of migration was because of the food crisis and the insecurities around the globe and because the people were facing the hunger problems in their countries. Till 2015 the rate has increased to 40% of the crisis. Forced migration is the once cause that increase migration because of the hunger problems.

^[4] Reasons of Migration in Europe

- Push and Pull factors of countries

Push and Pull factor are the reasons of the countries because of which people try to send people from their country to another and people accepts the migration of the people from the other like push and pull factors. Push factor is taking out people and Pull factor is accepting the migration.

- Political and Social Factors

According to the factors stated of the migration social political factor is one of the main factors which tell about the cultural, regional and the religion diversification that is prevailing in the country which can cause a person to leave the country. Other situations can be the armed and the borders restrictions, the war happening in a country which causes the infliction of interest in living in that area and the violation of the human rights cause the increase in the humanitarian refugees in the country. All this will settle down the day when there will no violation of the human rights. These people grab this opportunity to move to the safest and the nearest place of their choice which accepts the asylum registrations. Because of the large conflicts, terrorism, and the human trafficking has increased the migrants in Europe and registered as asylum seekers in the European Union with the number of 295.800 in 2019.

- Demographic and Economic factor

Demographic factor determines the productive migration from one country as there has been increase in the youth population and because of the economic and demographic approach youth move from one country to other in search of employment opportunities and the job facilities. Demographic and economic factor is both relation to the occupation and the labor force enforcement which grants permission to move in the push and pull factor by the countries. 70% population move to the high income raised countries like Europe and North America which grant the high amount of the employment opportunities to the skilled labor. According to the UN international organization 164 million international migrants have been found moving in the search of better living.

- Environmental Factor

Environmental factor has been the main reason of why

² A Triandafyllidou- 2015 www.boks.google.com Google Scholar

³ www.ec.europa.eu /knowledge4policy/

⁴ <https://www.europarl.europa.eu/news/en/headlines/world/20200624STO8/exploring-migration-cause-ehy-people-migrate>

people are moving so frequently because of the environment crisis occurring in one country like earthquakes, hurricanes, flood, weather conditions, heat etc and because of which species of all kind are found everywhere. Yemen Crisis and the Nepal Crisis can be the example of migration from those countries to other countries in search of better living and weather. No clear estimate can be made of the migrants because of this reason and because of human right, human security, poverty, governance etc cannot disclose the matter. The ratio can vary by 25 million to one million by the year 2050.

[5] Reasons for Forced Migration

▪ Drought Factor

Drought alone can be a cause of forced migration from one country to another. It can be the reason to exploit the living of the people who live on successful harvesting and the crops. In many countries like Hungary, Swede, Portugal etc people live on the need of food what they grow on the daily basis and the uneven weather conditions destroys their crops with the fact of their living and livelihood. The people migrants from leaving their homes because they do not even get clean and healthy water because of drought conditions.

▪ Flooding/ Earthquakes

In Malawi the main focus has been laid upon the crisis of the flood and the how the water in the country has deviated the living condition there. The main concerns of the region of the countries has been the same for many years the uneven weather conditions takes their homes and their living in their home and even damages their grown food that is why people from those countries have to leave their home and move to places. The Haiti Storm in 2016 took the life of 1.5 million people living there and more than 10% country was left out to face the Humanitarian Damages. 1.4 billion Migrants have been estimated after the drought and the flooding attacks and the number might reach to 2 billion in 2016.

Almost 60,000 migrants have been shifted from the Haiti and have occupied places in the countries like Germany, Spain and many countries of United States. Because of these happens in the major countries people have to leave their country and live in some other which create chaos out there.

▪ Conflicts/ War a High Rate Factor

The main problem of the migration can be given to the conflicts and the wars rising in one country. Rohingas has been the main concern of every government in the world because they are moving and residing in any part of the world. Europe, India and other Southern Countries have been their major target which is increasing the capacity. The Wars like Nepal Crisis are the reason why people leave their country and find a peaceful place to live in.

▪ Hunger

Hunger has its connection with every factor that initiates forced migration in the country, drought, war and conflict are the main reason which destroys the healthy habitat of the country and people have to die because of hunger in those areas, the weather conditions are the other factor like heavy rain take away all the greenery and just leaves a plain land to live in.

Condition of Europe Refugee Crisis

Crisis related to refugee has been started during the period

of World War II and is still covering the portion of 40 million refugees in Europe. All these problems lead to the making of international laws and the organizations that take care of the refugee sector. In 1943, the Allied forces tried to provide the maximum humanitarian aid to the refugee in the country and later that place by acquired by the international organization that aimed at providing aid to the refugees. After the War the people who survived during the war came to Germany, Italy and Spain but later were sent to Greece, France and Belgium according to the circumstances. Many crises in the case of refugee took place after than almost ^[6] 500000 Germans were removed from Yugoslavia and in some part of the Eastern Europe they were even removed from their homes and separated from the country. The reports further states that many soviet country citizens were returned by European Union in the case and nearly 5000000 citizens were even removed from Ukraine. In 1959, and the period near more than 9000000 refugee acquired places in the European countries and they travelled from Syria and Libya to escape from the civil wars that were happening in their countries. The report of the UN of the last June i.e. the present time states that nearly 50 million people from different countries have come to seek asylum in Europe after the World War II and that situation is still going in present and they are still travelling. In 2016, 326000 refugees crossed the Mediterranean sea to come to Europe because of the problems they were facing in their countries.

Causes of Refugee Crisis

Civil Wars and Wars

In June, 2015 a statement came from the UN that Wars and Civil wars occurring in the countries are the reason why there are lot of refugee crisis happening around the globe and this could be the one best reason that is not going to led crisis down. In 2015 the war that happened during the period took out people from their home at every minute but a decade earlier the situation was completely different as it forced citizens to leave their homes at every second.

^[7] The Syria war which happened on 15th March 2011 changed the concept and the condition of refugees in the various European countries. 250000 were killed during the war and those who survived the war did not really survive it for any good. Now till date the Syria refugee crisis is the longest and the toughest refugee crisis of all times. The 5.6 million amount of population of Syria are the refugees and the rest 6 million are the migrants i.e. the displaced people. Various healthcare, water, food, medical, schools etc are totally destroyed during the war are people are completely left clue less. The civil war that is happening is creating a whole distraction and conflicts regional and other among the people and all his because of the international interventions and diversions.

Human Rights Violation

Many countries have forced their people to move from their countries to other places in the world because of the violation of the human rights that were decided by the Union of the particular country and all this is also happening because of the regional conflicts that arise among the citizens of the country ^[8]. European Union has stated many

⁵ www.concernusa.org /story/forced-migration/causes/

⁶ www.theatlantic.com /notes/2015/09/Europe-refugee-crisis-war/403315/

⁷ www.worlddivision.org /refugees-news-stories/ Syrian-refugee-crisis-facts/

⁸ www.sciencedirect.com /science/article/pii/S2351667416300439

facts and the Rights for humans in the country and their implication was completely favourable in the country despite the fact it has been noticed that EU (ECHR) was able to implement the rights at the time of the migration and the refugee crisis in the country. Because of the absence of the comprehensive ability to enforce the rights properly in the country European Union has given the invitation to the going on crisis in the Country of migrants.

Climate and Environment Change and Distraction

^[9] 25 million refugees are considered under the Climate change refugee other climate refugee who tends to move because of the change of climate and the uneven weather conditions around the globe. In the next 40 years drastic change is going to come in the society stated by UN under which around 250 million to 1 billion people are going to flood across the international borders in order to skip the drastic and uneven weather conditions of the environment. Bolivia, Senegal and Tanzania are considered under the countries which face the drastic climate change conditions that can even disturb the living in those countries for the citizens. One of the study in 2015, states that many conditions of the environment and the climate change like drought and floods are increasing because of the uneven human activities that destroys the balance he nature in some or the other ^[10]. Syria and Jordan are the two countries which has faced a lot of uneven climate changes because of which many people from the country are migrated to Europe which increase the living in Europe in the ways that European Union has to take the active part in the crisis.

Economic Hurdles and Failures

Many refugees has to travel from the country to country maybe in search for a better economic plan for themselves or 90% move because of the uneven practices they have to face in their own country. To migrate also one need to have a good wealth condition in order to bear the travel cost and expenses because no country offers full support in the condition of the economic assistance to the refugees.

^[11] In Zimbabweans during the period of 2005-2006 many citizens of the country had to move from their country in order to find the better career and the job facilities as many were not supported by the UNHCR in the country.

The theories states that many refugees that travel from one place to the another does not travel just in search but few can be advantage n the sense of good marketing and the management skills that can bring a change in the economic condition of the country ^[12]. Many vacancies has been drop out by the countries like Germany where they need to fill in the vacant jobs some around 685,000 which are even open to all migrants and the refugee people. Many companies have come up with the good refugee favoring policies and the filling so that these people do not feel left out from the country and the opportunities that are open.

Migration Crisis during the period of Covid-19

Covid-19 has not just reversed the living of the world but has caused a great change in the migration and other policies in the countries like Europe and North America etc.

due to the happening of the Covid-19 and its reason to spread because of travel it has forced Europe to shut its international migration borders but in the starting of the 2020 ^[13] 13,000 migrants have already entered Europe with the help of the international organizations. Because of the shut of the borders there has been lot of loss in the business which were running because of the help of export and import that is why they are asking to open the way for the ship docks. Although European Union has taken various measures to avoid the problems of the Migrants smuggling etc and has enforced many arms and acts to stop the process even help has been taken from Libya in order to start trains to send the people back. Covid-19 has made the situation even more worse and complex in various areas of the support.

Many problems like animals harvesting and the crop harvesting are occurring during this period as many jobs are left undone because of the people who are stuck at different places. Sheeps are stuck in the mountain region of the ^[14] Aragon near France where the humans are wanted and the sheep want the too. It is that time when the summer was going on and it was important to take out the wool from the animals in order to relax them. Many countries in the Europe have faced the problem of the migrants' labors who turned out to be more skilled then the other men. In the countries like Ireland Italy and Germany famers were wanted back to their places in order to move the process of crop harvesting before the crops shed its harvest.

Inspite of the problems faced by all part of the countries and actually around the globe migration was stopped for certain period in order to prevent the fear and get through the risk which was two ways. Because of the migration of the people around the globe it was dangerous to let them move as they were sure to carry the infection or the disease from one place o the another so n order to bear he risk the migration was stopped.

Refugee Crisis during the period of Covid-19

The fact states that around 167 countries around the globe have closed their borders in the matter and the period of Covid-19 to prevent the risk and the causes.

57 states around the globe have restricted the entry of the various people and refugees in the country. They have even stopped the flow of the water and the land to prevent the risk that occurs from the travel and moving. Many Articles from the conventions have even been removed from the country or the human right in order to protect them ^[15]. Article 15 of the convention has been Detroit because it says that in the case of emergency a person can come or go from the country which was not favoring the situation at all that is why was deteriorated. Article 2, Article 3 etc that states right to life and other were not really enforced during this period so that people do not move and stay at one place.

^[16] Many refugees enter the European shores from Libya where they had to get throe or leave the civil wars happening in the country and to escape from the matter they move to country. Some refugees are even forced from their countries to move because they have been facing regular threats occurring by the wars the countries. Countries like Syria, Yemen, and Libya etc are not conducting proper

⁹ www.en.wikipedia.org/wiki/refugee-crisis/

¹⁰ www.nationalgeographic.com/news/2017/12/climate-change-migrants-refugees/

¹¹ www.polity.org.za Retrieved 2 August 2017

¹² www.euronews.com/2016/11/01/

¹³ www.euronews.com/2020/07/03

¹⁴ www.theguardian.com/world/2020/May/11/Covid-19-Crisis/

¹⁵ www.coe.int/en/web/portal/covid-19/migrants-refugee-asylum/

¹⁶ www.euro.who.int

medical testing for the covid-19 because of ongoing conflicts in the countries and the conflicts related to war that restricts the living in the country for the refugees. Many refugee center demanded for better sanitizing conditions but with the several problems it is not yet covered.

[17] Case Laws and Judgments

1. ^[18] Bistieva and others V. Poland

In this case a judgment was passed by the chambers related to the violation of the Human Right according to Article 8 of the European convention which deals in the area of right to respect for the private and family life of the citizen. It was found in the case that one women and her minor child was asked to move her family and the country i.e. the Poland which was her home and therefore it was the violation of the right and the court further states that no person shall be forced to migrant from their own country to the other.

2. ^[19] Hoti V. Croatia

In this case the court handed the judgment that this case was a strict violation of Article 8 I the European Union Conventions of Human Rights which state Right to give respect to one private life and family and the home. In this case a citizen living for 40 years in the country Croatia and has been residing there ever since. His parents flew to Albania when he was a child when he asked about his residency rights he saw that on his birth certificate no nationality is mentioned that specifies his birth rights. He neither belonged to Croatia nor Albania. His parents reside in Kosovo as a refugee and settled there. Neither Court took the matter seriously of he applicant nor was he excepted as a citizen neither by Albania nor by Croatia, Croatia even declared him as a citizen of Kosovo according to the parents residence.

3. ^[20] Khaksar V. United Kingdom

In this case an asylum seeker registered a complaint regarding his removal from the country i.e. Afghanistan. He was removed because of the inevitable and inadmissible conditions that are prevailing in the country and the population is creating a disastrous effect in the country the court refused the appeal because no natural remedy can cause the removal from the country. This court held that it was strict violation of Article 8 and Article 3 of the European Human Right Convention. Article 3 states that prohibition of Inhumane or the degrading treatment that cause trouble in the country. Therefore the case was inadmissible.

Migration Policy of European Union

^[21] To put a control on high number of migrants crisis that were going on since 2015 in the country policies were made to regulate the flow in the country and efforts were made to draw European policies. The European policies made was based on the data collected on the basis of the data that were collected from the states and from the data on the basis of legal and illegal migrants that were there in the country. Migration policies has to been internally by any country but it is certainly an open international matter as it is related to the crossing of the borders and moving form state in state in

a territory. The European Union and the European Council plays an important role in the situation of migration in Europe.

Eastern and Western Mediterranean Route

^[22] Eastern route refer to the route from which people use to migrate to EU from Syria after the war that happened in 2015 through the route that was connected to Turkey. Although now this route is not really in motion and people have even stopped travelling from it which happened because of the treaty signed between Cooperation of Turkey and European Union. In 2018, lot of flow of the migrants from the Spain in near about 64,300 amounts travelled to Europe through the western route which is connected by the Saharan, North Africa transit from Morocco to Europe. Although the amount has been seen in decreasing order through the route and is really in transit. The motive behind this to start with this route was to maintain a healthy relation with Morocco to stop the migrant smuggling from the country.

Central Mediterranean route

Central route is combined with the Saharan to North Arica through Libya which follow the route to the Europe. This route was frequently used during the times of 2015 to 2017 through last decrease has been noticed since 2018 in the usage. Although there has been decrease in the usage of the route though lot of migrant smuggling and human trafficking has been noticed carried through this route which fills the major parts of the Libya and the North African countries.

Refugee Settlement

^[23] On 22nd September 2015 a policy was made by the European Council according to which they were to grant National quotas to the refugee community in the parts of the Europe. The aim behind implementing this policy was to reduce the pressure of the refugee people in the country like Greece, Italy and Spain which were covering the major areas. This policy covered the matter relating to the economic growth, education, employment, geographical factor, and the asylum seekers that already acquired the number in the country.

The European Union has broadly amended the regulation which controls the refugee settlement in Europe and for this the Dublin III regulation is still implemented to manage the control. Whosoever comes as a refugee in the country does not know which part and which country to reside into so this regulation helps many refugee and asylum people to decide the country or provide them with the country in which they have to reside in and all this happens on the basis of first come first serve basis and if they need to change their country they can do it by applying in the regulation.

^[24] Further the Dublin III regulation combines the efforts with the 1951 convention of the Europe which manages the rights and the status of the refugees and adds the procedure relating to the matter. For the purpose to manage the any legal activity in the country one need to manage it with the full assistance of the government and its regulation in the

¹⁷ <http://www.coe.int/en/web/news-letter/>

¹⁸ Application No: (75157/14)

¹⁹ Application No: (63311/14)

²⁰ Application No: (2654/18)

²¹ EU Migration Policy www.consilium.europa.eu Retrieved 3rd November 2019

²² www.europa.eu/info/migration/policies/

²³ [www.ec.europa.eu/country-responsible-for-asylum-application-Dublin/2nd November 2019/](http://www.ec.europa.eu/country-responsible-for-asylum-application-Dublin/2nd-November-2019/)

²⁴ www.unhcr.org/convention-and-protocol-relating-to-status-of-refugees/ 4th November 2019/

country. They are obliged to preserve the regulation, growth and the rights of the people who have come in one country in order to get the assistance from the country on the basis of the foreign displacement.

Conclusion

There have been drastic increase and decrease in the migrants and the refugees not just limited to the European countries but the record has been made around the globe. The migration crisis has certainly been big in the European countries because there is large number of productive opportunities available for the people who come with extracurricular skills pertained in them already or for which they come in the need of. Refugee crisis has been too in the increase in demand though the percentage has been 4.6 million in 2019 and is already increasing. Lot of measures has been taken by the European council and the European Union in the matter and to settle the need of the occupancy and rights and status for them. Europe has open the routes for the people who wish to accelerate their come and go or the settlement in Europe.

There has been a toolbox generated by the EU to provide the safety measures to all the refugees' ad migrants coming in the country. Although EU is trying hard to implement the measure but like the human nature they either follow it or don't even try following it for the better use. There is increase in the resettlement of the people in the form of the refugees and the EU has increased its commitment towards the job to settle it. No loose pole has been left by the countries to manage the flow of the increase in the number from the various parts of the countries though there has been lot of chaos in managing the situation and Europe is trying its best to accelerate or examine the situation in good hands.

The situation always work two handed rather than blaming the work or the policy decided by the conventions of the Europe it is hardly possible when the people do not show their belief. European convention is trying hard to regulate the flow of the normal citizen with the migrants or the refugee but they have to follow the measure decided. The increase if from the 1000000 to 10 million till 2019 amending the global structure and policies takes time.

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