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ASSIGNMENT: Do you think that Developed Countries in Europe and North America are protecting the rights of refugee

North American and European states generally permit anyone who reaches their borders to request asylum. There are no formal limits on the numbers who may be granted refuge if they meet certain criteria. The widespread perception that the asylum channel is being abused by would-be economic migrants, and the spectra of virtually unlimited numbers of people in need of international protection because of violence and chaos at home, inspire fear in many industrialized countries. This fear is reflected in the Maastricht Treaty on European Union, which permits signatory states to impose visa restrictions in order to prevent mass inflows in case of an emergency outside the Treaty territory.

Domestic pressures create a political imperative for the governments of receiving countries to be seen to be in control of the asylum process. The fear of a deluge of poor and alien people overwhelming prosperous and relatively homogenous societies is an old one, which tends to gain momentum during times of economic insecurity. Unfortunately, in many countries, there are individuals and political parties eager to exploit such anxieties, and to direct confusion and insecurity into the path of xenophobia.

The free movement of people is an element of closer European integration. With the abolition of internal border controls between certain countries within the European Community, common standards for granting admission at the external borders are considered crucial. Elements of such standards are embodied in the Schengen Agreement and the Dublin Convention (see Annex II). The agreements guarantee that all asylum requests will be examined, and determine which of the participating states will be responsible for dealing with each application. Part of their purpose is to avoid disruptive movements of applicants from one country to another, in search of more generous asylum policies or looser procedures, and also to discourage individuals from choking the already overloaded screening process by making simultaneous asylum applications in different countries.

At the same time, EC governments are currently engaged in broader efforts to harmonize their immigration and asylum policies and practices. Their goals include the adoption of common standards for determining and processing manifestly unfounded claims for asylum, as well as a consistent application of concepts such as first asylum and safe countries of origin.

The legitimate efforts of states to streamline and harmonize asylum policies have given rise to a number of concerns. The chief danger is that policies intended to deter economic migrants

from using the asylum channel could, without counterbalancing measures, be equally effective in deflecting refugees with a genuine need for international protection. The dilemma of the screened-out The majority of asylum-seekers who go through individual procedures to determine the validity of their claim are found not to have a “well-founded fear of persecution” under the terms of the 1951 Refugee Convention. However, in most states, only a small proportion of the rejected cases are actually deported.

In the United Kingdom, for example, in 1991 only 15 per cent of applications were granted refugee status under the 1951 Convention. In all 48 per cent were permitted to remain. The overall EC acceptance rate for asylum-seekers was below 20 per cent in 1991 for all statuses combined.3 Yet an estimated 80 per cent of asylum-seekers stayed on, some illegally and some under special dispensations. An intergovernmental study found that only 25,000 of 110,000 cases rejected in 1990 had left voluntarily or been deported.

Concern is widespread about the strains and pressures involved in granting asylum to large numbers of people. The most systematic debate on this subject is taking place within the European Community (EC) which, although it still hosts a relatively small proportion of the world’s refugee population, has seen a sharp increase in the number of people seeking asylum in recent years. Wider consultations, including European states not members of the EC as well as Australia, the United States and Canada, are taking place on issues of common concern.

During the 1970s, the average number of asylum-seekers arriving in Western Europe was around 30,000 a year. By the end of the 1980s, the annual figure had climbed to more than 300,000. In 1992 it surpassed 680,000. For a region that had seen the last of its post-World War II refugee camps closed in 1960, and had not experienced a mass influx of refugees since the Soviet invasion of Czechoslovakia in 1968, the numbers were sufficiently disturbing to set off a major public debate. Germany has been the most seriously affected by the sharp increase, with the number of asylum-seekers rising from 121,000 in 1989 to 438,000 in 1992.

Moreover, the surge in asylum applications coincided with the strains, both social and economic, of German reunification. “Asylum-seekers are increasingly being turned away without any attempt to determine the validity of their claim”

Since the mid-1980s, the pressures on the institution of asylum in Europe and North America have resulted in narrower interpretations of the definition of a refugee, more stringent determination procedures, and attempts to limit access to asylum channels. Austria, Germany and Canada have recently tightened their asylum laws; legislation for the same purpose has been introduced in the Netherlands, Spain, the United Kingdom and the United States. In some cases, people in need of protection have been forcibly returned to the country from which they fled. Particularly disturbing is a growing tendency to turn away asylum-seekers before any attempt is made to determine the validity of their claim to international protection.

What evoked these restrictive reactions? Previous crises had tended to broaden the basis for asylum – through the 1967 Protocol, the 1969 OAU Convention or the 1984 Cartagena Declaration – rather than narrow it.

Obviously, the increase in numbers is one part of the story. Another is the undeniable abuse of the asylum channel by growing numbers of people who are trying to enter the labor market rather than escape persecution or danger in their home country. A further important factor is that the majority of 1990s refugees are people in flight from war, generalized violence and chaos in their home countries.

There is no firm consensus among Western governments about how the needs of this group should be met. Although they have been willing to see such people recognized as refugees under regional arrangements in, for example, Africa and Central America, and to provide them with humanitarian assistance, Western governments are concerned by the prospect of large, spontaneous influxes into their own countries. Direct arrivals from South to North have heightened racial and cultural tensions already in evidence as a result of labor migration in the 1960s. This concern has been exacerbated by the fact that the increase in the number of arrivals has coincided with the culmination of an extended period of low growth in Europe, punctuated by recessions, which has seen domestic unemployment continuing to rise even during the years of modest recovery.

During the 1990s, European Union (E.U.) countries sought to harmonize their immigration and asylum policies. This process started in the early 1990s with various non-binding resolutions adopted by member states of the then European Community on different aspects of asylum policy. Two important treaties, the Schengen Agreement on common border controls, and the Dublin Convention establishing arrangements for identifying state responsibility for assessing asylum applications came into effect in 1997 and 1994, respectively.

The 1997 Treaty of Amsterdam, effective from May 1999, further advanced harmonization, as states determined common criteria for dealing with asylum applicants, reception of asylum seekers, family reunification, and deportation policies. A disturbing protocol to the treaty restricted the right of E.U. citizens to seek asylum in another E.U. state.

In an effort to proceed from the agenda established in the Amsterdam Treaty, in October 1999 a "Special Meeting of the European Council on the Establishment of an Area of Freedom, Security and Justice" was held in Tampere, Finland. The Presidency Conclusions of the Tampere European Council were generally viewed as a positive development by advocacy groups as they included a a reaffirmation of the right to seek asylum, and a commitment to work towards the establishment of a common European asylum system based on the full and inclusive application of the 1951 convention and to harmonize European asylum policies with "guarantees to those who seek protection in or access to the European Union." Less positive, however, was the continuing emphasis on common policies to contain and control asylum and migration movements.

In December 1998, the E.U. High Level Working Group on Asylum and Migration was set up to produce Action Plans on the root causes of migration in six major refugee and migrant producing countries. The Action Plans focused on integrated strategies to control migration outflows both from the regions of origin and into E.U. countries.

In July 2000, the French government, then holding the E.U. presidency, issued an "action plan to improve the control of immigration." Similar to other such E.U. initiatives, the French proposed an information exchange, early warning, and response system to coordinate E.U. member states' response to "waves" of immigration, characterized as a "fire-brigade policing" approach. In addition, they proposed establishing a network of E.U. immigration liaison officers in principal migration source countries to help control migration flows.