



**THE REFUGEE CRISIS IN EUROPE:
A POLITICAL APPROACH TOWARDS THE IMPLEMENTATION OF
SOLUTIONS**

IED Research Project: “Migration, borders control and solidarity: Schengen at stake?”

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Abstract: “The exponential increase of refugee fluxes towards the European Union constitutes a global problem of complex and diverse nature. The crisis jeopardizes the most precious element of this world; human lives. The crisis, together with the rise of populist and xenophobic groups, has posed risks regarding the own European Union and the Schengen area. Therefore, the crisis and associated problems suppose the most important challenges the European Union has faced, regarding its future as a unitary project”.

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1. Introduction

The European Union has been facing, in the last years, huge challenges. Within them, the humanitarian tragedy affecting thousands of individuals that desperately have fled from the terrific circumstances arising from the armed conflicts in Syria, Iraq or Afghanistan, as well as from several African countries outstands. The crisis has acquired unknown proportions in Europe since World War II.

The exponential increase of refugee fluxes towards the European Union constitutes a global problem of complex and diverse nature. The crisis jeopardizes the most precious element of this world: human lives. The refugee crisis, together with the rise of populist and xenophobic groups, has posed risks regarding the own European Union and the Schengen area. Therefore, the crisis and associated problems suppose the most important challenges the European Union has faced, regarding its future as a unitary project.



2. The European values

The European Union is informed in the values of human dignity, freedom, democracy, equality and respect to human rights, including the rights inherent to individuals that represent minorities¹. Therefore, the Member States are common lodging a society based in pluralism, against discrimination, tolerant, fair, solidary and equal.

In this sense, European values have been jeopardized in the humanitarian refugee crisis that we are facing, making the value deficiencies of the EU clear to all eyes.

3. The Schengen Agreement

3.1. What is the Schengen Agreement?

The Schengen Agreement², in force since 26 March, 1995, establishes the freedom of movement of any individual that has entered legally through any border of the European Union or that resides in one of the signatory parties of the Schengen Agreement. It was signed on 14 June 1985 by five of the ten Member States of the then European Economic Community near the town of Schengen, Luxembourg.

The Schengen Agreement implies the suppression of the internal borders between the states that have signed the agreement. In this sense, internal borders are understood as the earth borders between states. The airports and ports will also have consideration of borders to this respect.

Originally, the Schengen treaties and the rules adopted under them operated independently from the European Union. However, in 1999 they were incorporated into European Union law by the Amsterdam Treaty, while providing opt-outs for the only two EU Member States which had remained outside the Area: Ireland and the United Kingdom. Schengen is now a core part of EU law and all EU Member States without an opt-out, which have not already joined the Schengen Area, are legally obliged to do so when technical requirements have been met. Several non-EU countries are included in the area³.

¹ Treaty of the European Union: art. 2.

² Gerrit Huybreghts, "The Schengen Convention and the Schengen acquis: 25 years of evolution", *ERA Forum*, vol.16(3), 2015, p. 379-426.

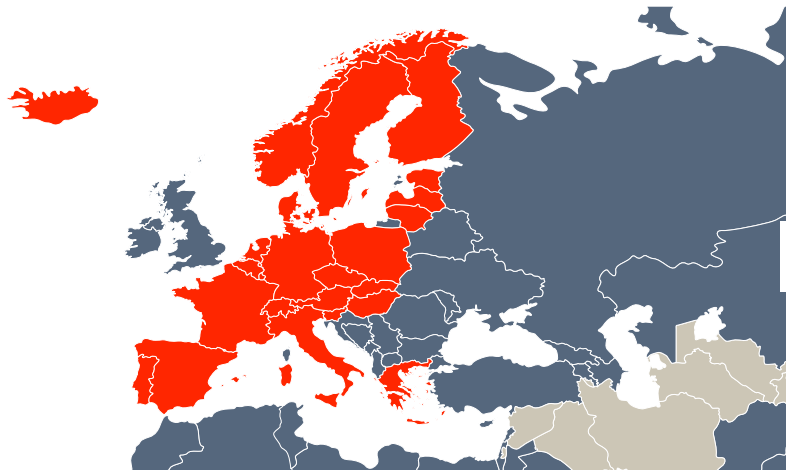
³ Sanobar Umar, "Early legal advice for Asylum Seekers".

Available at: http://www.academia.edu/11180739/Early_Legal_Advice_for_Asylum_Seekers

The free movement of persons was a core part of the original Treaty of Rome and, from the early days of the European Economic Community, nationals of EEC Member States could travel freely from one Member State to another on production of their passports or national identity cards⁴.

3.2. What countries are part of the Schengen area?

In this sense, the countries that are part of the Schengen area are 26 (22 of them are European Union's Member States), which are represented in red in the following chart:



*Illustration 1: Schengen Area
(By the author)*

The Schengen Area is constituted by the countries that are part of the Schengen agreement and which apply it fully⁵. The Schengen agreement allows the elimination of the internal borders between countries which have signed the agreement and the establishment of a unique external border where the controls in order to enter the Schengen area are carried out. The controls to enter the Schengen area are identical in all the external borders established.

There are countries that are part of the Schengen agreement but that have dispensation on the application of certain points of the agreement and therefore, are not included in the Schengen area.

4 Council Directive on administrative practices and procedures concerning settlement, employment and residence in a Member State of the Community of workers and their families from another Member State, OJ 80, 13 December 1961, p. 1513.

⁵ Emilio Capitani, "The Schengen system after Lisbon: from cooperation to integration", *ERA Forum*, Vol.15(1), 2014, p.101-118.

In this sense, not all the Member States of the European Union are part of the Schengen area, as (i) they did not want to eliminate their border controls with the countries within the Schengen area (United Kingdom or Ireland, for instance) or (ii) certain Member States of the European Union did not comply with the requirements established in order to be part of the Schengen area (such as, Bulgaria, Cyprus, Croatia or Rumania). Additionally, Croatia began the application process to be part of the Schengen area in 2015.

3.3. What does the acceptance and enforcing of the Schengen Agreement imply?

The enforcing of the Schengen Agreement involves the elimination of all the internal border controls (within the Schengen area) and the establishment of external border controls. In this regard, any person that has regularly entered the Schengen area has the right to circulate within the area for a certain period.

In this regard, citizens of a country that has signed the Schengen Agreement are allowed to enter any other signing country of the agreement without passport or visa. It will be sufficient to show the national ID card in order to be identified. Additionally, these citizens and their families are allowed to establish their residence in any of the signing countries⁶. If any of the family member is not national of a Member State, it will be beneficiary of the same rights inherent to the citizen which is accompanied by. In this case, if the residence period requested is not permanent, the authorities may require that citizen to apply for a short residence visa.

The citizens of a country that has signed the Schengen Agreement but it's not included in the Schengen area (as UK or Ireland) are also allowed to enter any country in the Schengen area only by showing their national ID card.

The foreign nationals which are resident in any of the Schengen countries which travel to any other Schengen country must be in disposal of a valid passport and the

⁶ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.

authorization of residence issued by a Schengen member country⁷. This authorization allows the foreign national's free circulation for a period of three months.

Non-resident foreign nationals must be in disposal of both, a valid passport and a Schengen Visa. The Schengen Visa document is equal in all the member countries. In this sense, in order to have the corresponding Visa issued by the Authorities it will be necessary to prove that the requiring foreigner has a "Schengen insurance" that would cover certain expenses regarding repatriation if necessary, legal assistance or medical assistance (insurance). In this regard, it is important that the assurance company has a permanent establishment in Europe.

It should be taken into account that once the foreign citizen has entered the Schengen area, the freedom of movement within the area is guaranteed. Notwithstanding with the mentioned, each country can establish certain requirements and additional support documentation, such as accrediting that they are in disposal of sufficient economical resources or health insurance. Please note, that the compliance of these requirements would only allow the non-resident foreign national to stay in the Schengen area for a period of three months.

If the period of the stay is higher than three months, the foreign citizen must prove, in order to achieve the temporary residence permission⁸ that is in disposal of sufficient economic resources and health insurance to ensure that they are not a burden for the host Member State's social security system.

Moreover, the permanent residence can be achieved by a foreigner in a host Member State if the citizen has had an uninterrupted legal residence in that Member State for five years.

The foreigners that enter the Schengen area should inform the Authorities of the country of entrance in a period of three days if the entrance was not informed in the moment in which occurred.

However, there are several foreign countries' nationals that do not have to be in possession of a Visa in order to enter the Schengen area, such as Argentina, Mexico,

⁷ Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

⁸ Council Directive 90/364/EEC of 28 June 1990 on the right of residence, OJ L 180, 13.7.1990, p. 26–27.



Colombia, Brazil, Australia, Canada, Japan, South Korea, New Zealand, Venezuela or the USA.

3.4. Can the Schengen Agreement be suspended?

Since the 24 June, 2011, the European Council agreed that the Member States of the European Union integrated in Schengen would be able to suspend the freedom of movement of individuals under exceptional circumstances, such as a migration exodus. The suspension of the freedom of movement would imply the restoration of the interior borders. In this regard, the agreement of the European Council established that the suspension of the freedom of movement would only be adopted by the Member States as “the last resource”, “under critical circumstances” and “for a limited period”.

It is relatively common, within the EU, to suspend the Schengen Agreement when political or sports relevant events are celebrated. These are considered exceptional circumstances within a limited period of time. For example, the Schengen Agreement has been suspended in Spain for several reasons, such as the wedding of the actual head of state, a meeting of the European central bank in Barcelona or some other European Summits celebrated in Spain. It has also been common to suspend the Schengen Agreement while “Football World Cups” or “G8 Summits” have been carried out within a Member State of the Schengen area.

3.5. Are there any restrictions to the right of entry and residence of citizens?

The only restrictions that can be established by the Member States must be due to public policy, public security or public health. In this sense, no one can be expelled from a host Member State regarding economic circumstances. The reasons in order to restrict the entrance or residence of an individual must imply a justified threat to the country’s internal security.

3.6. What would happen if Schengen Agreement was suspended definitely?⁹

The definitive suspension of the Schengen Agreement would not only imply that the freedom of circulation for individuals would be eliminated, but it would also have an economic impact of 1.4 billion expense¹⁰.

In this sense, the reestablishment of internal barriers would imply an increase of the 3% of the imports costs as well as an increase of the timing on the transportation of goods. Additionally, the reorganization of airports and other barriers would imply a huge economic cost that is valued in over 12 thousand millions of euros. The maintenance and workforce needed with the reestablishment of the internal barriers would also suppose an additional cost that should be taken into account in this sense.

The reestablishment of internal barriers within the Schengen area would drive up the transportation costs in more than 18 thousand million of euros per year, from which 3.400 millions would directly impact in the road transportation sector¹¹.

3.7. Geneva's convention and the Schengen Agreement

Geneva's convention of 1951 establishes the statute of refugees that was modified in 1967, by New York's Act.

The statute of refugees defines "refugee" as an individual with valid reasons of fear of being persecuted on account of race, religion, nationality, pertinence to a determinate social group or political beliefs that is out of the country from which it is national and is not able to be protected and safe in that country or is not able to return, due to those valid fear reasons.

The states that subscribe Geneva's refugee convention will not discriminate the asylum petition of any individual based on the race, religion or country of origin.

The convention establishes that during war, or under any major exceptional circumstances, the countries will be allowed to adopt provisionally measures considered necessary to maintain national security. Notwithstanding with the mentioned, these measures

⁹ Guntram B. Wolff, "The economic consequences of Schengen", *Bruegel-Opinion*, February 2016. Available at <http://bruegel.org/2016/02/the-economic-consequences-of-schengen/>

¹⁰ VVAA "Departure from the Schengen Agreement", *Bertelsmann Foundation*, 1st edition, 2016.

¹¹ Information provided by Violeta Bulc, European Curator of Transport according to the estimations of the European Commission. Available at: <http://www.izaskunbilbao.eus/2016/03/reintroducir-las-fronteras-en-la-ue-encareceria-el-transporte-en-18-000-millones-al-ano/>



can only be adopted until the state determines if that individual is a refugee, case in which those measures should stop being applied.

According to the established in the article 33 of Geneva's Convention, the signing states are not allowed to expel or return any refugee to a country in which its life or freedom would be at risk regarding its race, religion, nationality, belonging to a social group or political beliefs.

Additionally, it must be taken into account that the Convention establishes that no discrimination can be approved in any of the signing states regarding any administrative, additional tax or other economic charge against refugees, and that they should be treated as any other non-resident legally entered foreigner¹².

4. Case study: Spanish regulation regarding refugees

The Spanish Alien Act establishes that the refugees must submit before the Authorities the Asylum petition. In this regard, when an individual is given the condition of refugee, this will be allowed to reside and work or carry out any professional activity in Spanish territory.

The Spanish Alien Act establishes that the maximum period in order to solve an asylum petition would not exceed 6 months. However, many refugees have to wait for years until their asylum procedures are solved.

When an individual requests asylum in Spain it is requested to present before the Spanish Authorities, personally, a questionnaire and the original support documentation that proves its country of origin, age, sex, profession and the identity of the migrant. If the migrant is not in possession of any kind of documentation that proves its identity, that should be duly justified before the Spanish Authorities.

¹² European Parliament, "The EU needs to overcome fear and divisions to safeguard Schengen, say MEPs", Press release, 02.02.2016. Available at: <http://www.europarl.europa.eu/news/en/news-room/20160129IPR11903/The-EU-needs-to-overcome-fear-and-divisions-to-safeguard-Schengen-say-MEPs>

5. Migration crisis: panorama and reactions: Syria to the Basque Country

5.1. Syrian conflict

The destruction and gloom are still grounded in Syria¹³, a country that has started its sixth year of armed conflict and war¹⁴. Over 60 months of confrontations, air raids, violence, kidnapping and terror have left a deep impression not only in the edifications and infrastructures of the country, but specially, regarding Syrian citizens.

In every anniversary of the conflict, the situation has become more complex. The overall violence and terror have kept emptying entire villages and neighbourhoods. In this sense, over 6.5 million of Syrian citizens have been forced to abandon their homes and scroll within Syria. Some have been forced to scroll in several occasions as the war reached the new allocations in which they were. Others have been trapped for months in places that are besieged. The arrival of humanitarian aid has helped to relieve the situation, but the conditions in which the Syrian citizens are living are absolutely alarming.

It is also relevant to remark the air raids that have been carried out over human settlements in the province of Idlib, in the north of Syria. These could have lead into the death of many refugees, children included. These attacks are a flagrant human right violation that once more show the extreme difficulties that civilians face in order to feel safe.

In this sense, the human settlement of Ghita Al- Rahmeh, close to Al-Kamoneh – located in the South of Sarmada in the province of Idlib hosted almost 2,500 civilians (450 families) that had been forced to flee from their homes close to Aleppo. This 5th May 2016, the settlement has been air raid and the tragedy has occurred, leaving over 1,000 dead civilians.

The Syrian crisis cannot be circumscribed to a unique geographical territory (Syria)¹⁵. In this sense, it has become a global crisis that shows figures of refugees without precedents and its leading to the limit the resources of countries like Lebanon, Jordan or Turkey.

¹³ Lorenzo Trombetta, “The EU and the Syrian Crisis as Viewed from the Middle East”, *The International Spectator*, Vol.49(3), 2014, p.27-39. Félix Arteaga, “Guerra civil en Siria: lo peor está por llegar”, *Real Instituto Elcano*, 2012.

¹⁴ Carlota García Encina, “Europa y Siria, dos frentes de una misma guerra”, *Real Instituto Elcano*, 2016.

¹⁵ VVAA, “Migrants and Refugees: Impact And Future Policies. Case Studies Of Jordan, Turkey, Lebanon And Greece”, *Centre For Strategic Studies - University Of Jordan*, Report from the Dialogue Report, EuroMeSCo, 17.12.2015 <http://www.euromesco.net/images/conferences/report%2012b.pdf>

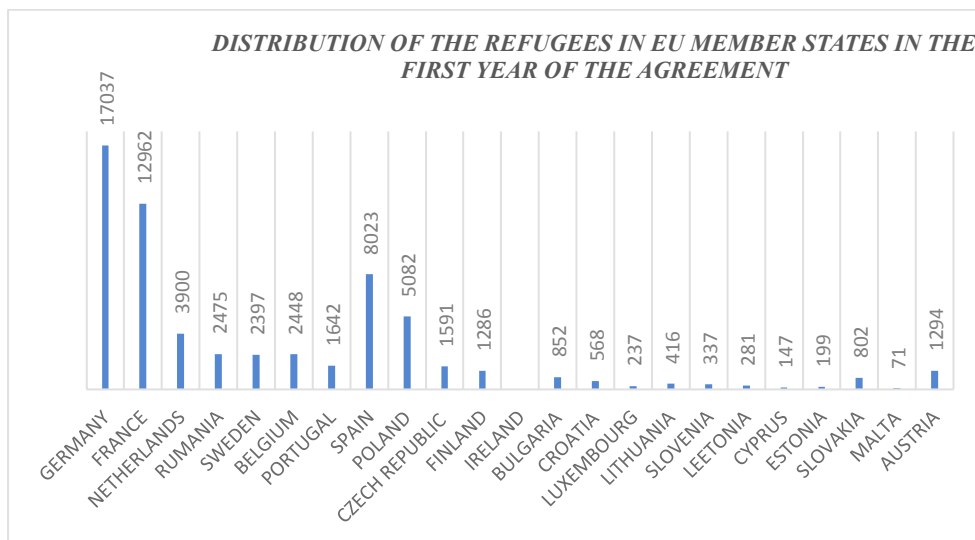
5.2. Refugees as a consequence of the Syrian conflict

One of the consequences of the Syrian conflict is the vast number of refugees that have left Syria and are trying to find a host country in which they can establish. In this regard, over two million of refugees have abandoned Syria to be hosted in other countries.

Most of the migrants have been hosted in the adjacent countries such as Jordan¹⁶, Lebanon and Turkey. As an example, the Syrian population in Lebanon exceeds the 20% of the country's population.

5.3. Europe's political position regarding Syrian refugees

In 2015, European Authorities adopted in several councils certain commitments regarding the distribution of the asylum of refugees hosted in Greece and Italy (over a million individuals). The agreements established the distribution of 120 thousand of refugees in the EU countries in the subsequent two years¹⁷.



*Illustration 2: Refugee quotas signed to each country within the Schengen area
(By the author)*

¹⁶ Luigi Achilli, “Syrian refugees in Jordan a reality check”, *The European University Institute, Migration Policy Centre*, 2015.

¹⁷ “La UE acuerda el reparto de 120.000 refugiados con cuatro países en contra”, *El País (newspaper)*, 22.09.2015.

Available at: http://internacional.elpais.com/internacional/2015/09/22/actualidad/1442936990_887494.html

Despite the above-mentioned, it is known that almost no states that committed to host refugees within their territories have complied with the quotas established in the agreements approved. In this sense, and as a sample, Spain has only hosted 18 refugees up April, 2016, although more are supposed to arrive with relative speed from now onwards.

However, the capability of the refusal of hosting a refugee is limited. The states will only be capable of delaying the hosting of the 30% of the assigned refugees. In order to delay the hosting of refugees, the states must plead exceptional circumstances duly justified, which do not contravene the values of the European Union described in previous sections¹⁸.

In order to guarantee that all the refugees are candidates of achieving the asylum, only the refugees that are original from Eritrea, Syria and Iraq will be reallocated within the quotas established by the EU. In this sense, it is only possible to reallocate refugees that come from countries, which have an acceptance in the EU over the 75%, which totally discriminates other nationalities.

It must be mentioned that from the 120 thousand of refugees pending to be reallocated according to the quota policies adopted in the EU, only 1.100 individuals have been reallocated since September 2015. In this sense, it is clear that the quota policy adopted by the EU Member States has been an absolute failure.

It should also be taken into account that currently the EU institutions have decided to levy penalties to the Member States that are not accepting and hosting the established refugee quotas. In this sense, the structural EU funds that are pending to be given to the Member States will be delayed until the countries start accepting their refugee quotas. This is an important issue as it brings to light the deep value crisis within the EU, where the principles of solidarity and humanity that are supposed to govern the policies are only implemented when the Member States realize that EU subsidies are risking if they do not comply with the immigration policies that have been approved. This should lead to a deep thought on what kind of European Union we are building, if we want a European Union based in strong humanitarian and solidarity values or a European Union governed by economical interests.

¹⁸ European Parliament, “MEPs debate relocation, hotspots, Schengen and Dublin rules with Avramopoulos”, Committee: Civil Liberties, Justice and Home Affairs, 02.02.2016.
Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bIM-PRESS%2b20160111IPR09430%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>

5.4. Hungarian response to the refugee crisis

On September 21, 2015, the Hungarian parliament adopted a law in regard with the asylum seekers: the new law allows the Hungarian police and the army to open fire on immigrants in certain situations as long as the shots do not aim to kill.

This legislation is the newest provocation from the Hungarian government regarding the violation once more of every single ideal and value that are the foundation of the European project. The rest of EU Member States, sadly, have been passive to the Hungarian government's behaviour.

In this sense, it is true that most of the Syrian migrants that reach Europe try to travel to northern countries such as Germany or Sweden through what has become the main corridor to those states, Hungary.

The EU's lack of reaction to Hungarian policies sends the signal that different standards apply to Member States. We are not able to justify that the European Union is strong in confronting a country that is not respecting financial obligations, as it has been the case for Greece, while it remains silent when a Member State transgresses the fundamental values of our union such as Hungary with its actions regarding the arising refugees.

5.5. The agreement between Europe and Turkey regarding refugees

Europe and Turkey have reached an agreement¹⁹, in force since the 20th of March, 2016, that implies a radical change regarding the management of the refugee crisis that both territories are facing. The aim of reducing the migratory flow has conducted the European Union to build up a polemic agreement with Turkey that consists in returning to Turkey all the refugees that reach illegally Greek coasts (including Syrian refugees). In return, the European Union has committed to (i) increase in 6 thousand millions the economic aid destined to Turkey to attend the refugees; (ii) exempt Turkish citizens from the obligation of being in possession of a visa to travel to the EU and (iii) move forward in the process of adhesion of Turkey to the EU.

¹⁹ EU-Turkey plan for handling refugees is fraught with legal and procedural challenges, Sergio Carrera, Elspeth Guild, *CEPS*, 10.03.2016.
Available at: <https://www.ceps.eu/publications/eu-turkey-plan-handling-refugees-fraught-legal-and-procedural-challenges>

In this sense, it must be taken into account that Turkey has a population of almost 79 millions and that the unemployment rate of the country is over the 12%. In this sense, it is important to be aware of the possibility of Turkish individuals arriving to Europe as economic immigrants once the visa is not required anymore.

According to the agreement adopted, for each individual sent/ returned to Turkey, the EU will accept a refugee from Turkey. In this sense, the EU is trying to manage the migratory movements and reallocate the refugees according to the quotas established in the agreement approved in September 2015.

This agreement has not been popular²⁰ at all within the European Union for several reasons, such as the sensitivities of certain states as Cyprus regarding the adhesion of Turkey to the EU or France considering that the adoption of this agreement does not solve the problem of the migration crisis²¹.

In this sense, some Turkish Authorities have manifested their concern regarding the lack of infrastructures in order to host the refugees in Turkey after the agreement was in force.

Martin Schulz, President of the European Parliament has been publically in favor of the agreement, arguing that the refugees will enter the EU from Turkey legally, and therefore the reallocation within the quota system will be possible. Additionally, the measures are thought in order to stop the illegal entries through Greece, which, as explained below, are carried out with the help of mafias that are enriching from the need of the refugees and do not respect at all any human value.

²⁰ The EU-Turkey Refugee Deal Needs a Reset, Marc Pierini, *Carnegie Europe*, 16.02.2016. Available at: <http://carnegieeurope.eu/strategieurope/?fa=62783>

²¹ La Turquie et le nouveau critère de Copenhague: l'asile!, Cengiz Aktar. *Fondation Robert Schuman*, Policy Paper, 14.03.2016. Available at: <http://www.robert-schuman.eu/fr/doc/divers/turquie-fr-14032016.pdf>
A Refugee Deal Hinges on Freedom of Travel for Turks, Sinan Ülgen, *Carnegie Europe*, 17.03.2016. <http://carnegieeurope.eu/2016/03/17/refugee-deal-hinges-on-freedom-of-travel-for-turks/ivjl>
Turkey, the European Union and the refugee crisis – a story of multiple failures, Kirsty Hughes, *Friends of Europe*, 17.03.2016. Available at: <http://www.friendsofeurope.org/future-europe/turkey-the-european-union-and-the-refugee-crisis-a-story-of-multiple-failures/>



5.6.Syrian refugees in Greece

Several studies carried out by Social Agents and NGOs²² have detected problems arising in Lesbos, Greece related to the situation of helplessness of Syrian migrants and refugee, as well as several breaches of human rights derived of the application of European policies.

In this sense, the main problems detected are the following²³:

- In the absence of legal or safe channels to reach Europe, the individuals trying to find shelter in Europe pay the mafias that have proliferated approximately an amount of 2,000 euros per person for the route between Ayvalik (Turkey) and the Greek island of Lesbos. This route in a regular ferry costs an amount of EUR5.
- Frontex (the organism in charge of barrier control) has introduced several surveillance points in the north of Lesbos Island (Greece) as this is the closest point from Turkey. Therefore, the coming migrants have established a new route in which they enter to Europe from the South of the Island. This makes the route larger (around 21 km) and much more dangerous²⁴.
- It is frequent to find individuals with medical problems when they arrive to the Island after the dangerous and challenging route, such as hypothermia or epileptic seizures, amongst others.
- The EASO (European Asylum Support Office) is in charge of informing the refugees about the reallocation procedures but most of the refugees do not know about the program or the procedure in order to join the procedure. In this sense, the reallocation program is only offered to citizens from Syria, Eritrea, Iraq or Somalia. Therefore, individuals which are nationals of other countries, such as Afghanistan are excluded from the application of the asylum programs. This breaches Geneva's Convention article 3 that expressly establishes that there will not be discrimination regarding the country of origin of the refugee. Additionally, the individuals that cannot apply for the

²² CEAR. *Lesbos, "zona cero" del derecho de asilo*. Marzo 2016

²³ European Commission, "Commission adopts Schengen Evaluation Report on Greece and proposes recommendations to address deficiencies in external border management", Press Release, 02.02.2016. Available at: http://europa.eu/rapid/press-release_IP-16-211_en.htm

²⁴ European Parliament, "Migration: debate on Coast guard and external border checks", LIBE Press release, 29-02-2016. Available at: <http://www.europarl.europa.eu/news/en/news-room/20160229IPR16385/Migration-debate-on-Coast-guard-and-external-border-checks>

asylum procedure due to their nationality are called to request asylum in Greece, country which has been proved that does not comply with the minimum standards regarding the asylum procedures since 2011. It must be considered that Greece is hosting nowadays over 50,000 refugees in the country.

- There is no evidence of any provision of legal assistance to the refugees in order to request asylum, request the application of the asylum procedure, in order to require a family reunification or even in deportation processes. This leads to a situation of legal helplessness for the refugees.
- It has been observed a differentiated treatment by the Authorities regarding the procedures of deportation of refugees before and after the 20th of March, 2016 (date of enforcement of EU-Turkey's agreement). In this sense, the refugees that had reached Greece before that date are being progressively transferred to the continent (Europe) and the individuals that have reached Lesbos after the date mentioned are being arrested in the detention centres authorized that before acted as registration centres.
- As mentioned, the refugees do not have access to legal assistance or the requesting of the asylum procedure and therefore their cases have not been individually analysed before the deportation to Turkey. Additionally, it must be taken into account that the determination of the status of refugee must be based in individual circumstances, and therefore, no country of origin should be qualified as "safe" in general terms. In this regard, the definition of Turkey as a safe country would imply the previous evaluation of its application of the asylum procedure and the compliance and respect to human rights.
- The situation regarding non-accompanied underage refugees is even more worrying, as it has been detected that after the approval of the EU-Turkey agreement approximately 170 underage individuals are arrested in Moria's centre in Lesbos and it is unclear what is going to happen to them.

It is also interesting to analyse the situation of refugees in Idomeni, Greece. Idomeni is a village located close to the border between the Republic of Macedonia and Greece. Since 2014, Syrian refugees mainly started to flock to Idomeni in order to enter the Republic of Macedonia through Greek borders. In this sense, as the Republic of Macedonia is not part of the Schengen area, the refugees that are arrested in this territory are sent back to Croatia or

Hungary (which are closer to the desired destinies such as Germany or Sweden than Greece), which is further south. It must also be taken into account that when the refugees are arrested in Greece they can be sent back to Turkey instead of being sent to another European state member of the Schengen area.

In this sense, the refugees have to walk a 5 km path to reach the border and cross through the river, where no fence has been established and the police controls can be avoided. Additional risks associated to those exodus, such as drowning arise as a consequence of the path that the refugees are forced to walk to reach Macedonia.

In this regard, the Republic of Macedonia decided in 2015 to guard its borders in order to prevent refugees from entering the country. Therefore, Idomeni became the most populated refugee camp of the country, with over 15.000 refugees, from which over 4.000 are children.

The Authorities have distributed information leaflets written in Arabic and Persian in which they request to the refugees the abandonment of the area and their transfer to governmental refugee camps.

Please note that according to the latest news, the 23 and 24 of May, 2016, the Idomeni refugee camp has been dislodged by the corresponding Authorities and the refugees that remained there have been reallocated in other camps within Greece.

5.7. Refugees in Turkey

According to the last information released by the international press and non-governmental organizations, such as ACNUR, Turkey hosts over three million refugees, from which 2.7 million have Syrian origin.

An approximated percentage of the 10% of the refugees are hosted in refugee camps. The rest of them are established in urban environments in absolute distress or helplessness. In this sense, most of the refugee camps are located close to Syria's border.

It is important to take into account that Syrian refugees could legally reside in Turkey before the enforcing of the EU-Turkey agreement, have access to basic social security and health services and receive protection in any of the 22 official refugee camps with available places. It is necessary to remark that the refugees in this situation do not have access to work or education.

Additionally, it must be taken into account that Turkey ratified the application of Geneva's Convention with a clause that permitted to limit the asylum right of certain refugees which are original from Europe. The protection of the asylum applicants is carried out by ACNUR in Turkey, and the procedure can last several years for each case. In this sense, as the asylum applicants cannot have access to work, their capability of earning income is very limited. In this sense, Amnesty International has reported several deportations of refugees from Turkey to Syria.

5.8. Towards the dreamed land

The refugees that are trying to enter Europe have previously decided what countries they want to reach to. In this sense, Denmark, Germany and Sweden constitute the top choices for the thousands of refugees.

For instance, Germany has received the highest number of new asylum applications in 2015, over 476,000 applications.

In this regard, Sweden has re-established the internal borders in order to avoid the avalanche of refugees reaching the country every day. Additionally, Sweden has been forced to establish x ray examinations in order to determine the age of the refugees that try to settle in its territory. Many of the refugees try to enter the country with "underage" status because the possibility of being expelled from the country lessen. Moreover, the underage refugees are provided with housing allowances and educational services. The vast increase of "underage" applicants of asylum has lead into deeper medical examinations in order to avoid fraud. In this regard, it must be taken into account that the medical examinations are not accurate enough to conclude about the age of an individual.

5.9. Spanish position regarding the agreement between EU and Turkey

The Spanish government²⁵ has modified its position regarding the agreement between the EU and Turkey since its first approach. Initially, the Spanish Government has publically accepted the outline of the agreement.

²⁵ Irene Lozano, "Letter from Madrid: A chance for resolve on refugees", *ECFR*, 29.03.2016. Available at: http://www.ecfr.eu/article/commentary_letter_from_madrid_a_chance_for_resolve_on_refugees6050
Daniele Grasso, "La frontera es mía, Europa no es de nadie", *Política Exterior*, vol. 29(168), 2015, p. 26-31.

However, when the agreement was finally reached and the terms of the agreement were finally approved, the Spanish government manifested their refusal to the mentioned agreement. In this sense, Spain condemned the possibility of collective refugee returns as they considered them contrary to Geneva's Convention, EU treaties and European return directive. Spain has manifested in several occasions that the human rights must be respected within the agreement. In this sense, Spain considers necessary, in order to guarantee that a deportation to Turkey has been carried out within the legal limits that the decision of the deportation has been carried out examining the corresponding individual asylum petition.

On March 2016, the Spanish Parliament reached an agreement in order to establish a common position regarding the refugee crisis. In this regard, Spain has stated that any procedure carried out must respect the rights of the asylum requesters and the international and European legislation to this respect.

5.10. Policies regarding refugees in the Basque Country

The actual policies regarding refugees' treatment in the Basque Country have their origin in the Balkans War in early nineties with the hosting of 133 Bosnian citizens. These 133 refugees were allocated in different towns and villages distributed in the Basque territory. In this sense, as part of the refugees professed the Islam, mosques and food were prepared according to their beliefs.

The NGOs coincide with the statement that the Basque Society has always had a special sensibility towards this kind of problems such as refugees and that it has always been an example of interrelation between public and private entities and the different public entities within the public system.

5.11. Syrian refugees in the Basque Country

According to information turned out recently²⁶ this April, 2016, the Basque Country is expecting to receive 118 refugees before June. In this sense the Basque Authorities and

²⁶ "Euskadi prepara 118 plazas para recibir refugiados en un plazo de dos semanas", Deia (newspaper) 20.04.2016. Available at: <http://www.deia.com/2016/04/20/sociedad/euskadi/euskadi-prepara-118-plazas-para-recibir-refugiados-en-un-plazo-de-dos-semanas>



Social Agents have transferred the existence of the availability but no answer has been received from the Spanish Authorities yet.

From the 16 thousand refugees that Spain has committed to host, the Basque country has assumed approximately one thousand, which have not been reallocated yet.

The Basque Government has established a coordinated asylum procedure with the provincial councils, the main local councils (capital cities) and the association of Basque local councils (EUDEL).

According to the procedure established, all the refugees arising will be subject to a health check-up financed by the public health system. Additionally, the refugees will be incorporated to the Basque social services, which will provide them with housing in the local council's territory in which they are going to be hosted.

Moreover, once they are reallocated, they will be provided with maintenance and educational services if necessary, as well as health or legal services as they are considered individuals with a special status in a need of legal assistance situation.

Please note that according to the latest news, refugees have started to be hosted in Spain, and if the Country wants to avoid the economic penalties from the European Union regarding the lack of compliance with the quota agreements accepted, over 500 refugees should be hosted in Spain before July 2016.

6. Conclusions

The massive arrival of refugees affects all the European countries. However, the states cannot apply individual and isolated responses in order to solve the crisis. Additionally, the solutions implemented by the European Union have resulted in a failure. Short term answers to the problem, without the outlining of strategic long term policies, together with the position of certain sectors of the European society that consider their welfare state challenged, absolutely difficult the application of European policies regarding asylum.

As mentioned in several points of the present article, sustaining the agreement between Turkey and the EU implies the sale of the European values and returning to war areas the refugees that are trying to flee from them.

In this sense, we should put the European values above all. No solidarity or cohesion has been showed in order to accept the refugees, individuals trying to flee from war situations, being most of them women and children.

Additionally, the agreement implies the streamlining of the integration of Turkey within the EU. In this sense, are the requirements established in order to become a member of the European Union dispensable if Turkey does not meet them? It must be taken into account that up to date Turkey has not complied both, the economical requirements or the respect to human rights demandable in order to become a Member State of the European union. In this sense, the continuous violation of rights such as, freedom of speech, freedom of press, disrespect to human life and discrimination of certain races have eliminated the possibilities for Turkey of becoming a Member State of the European Union. Therefore, it should be considered and examined if there has been any step forward regarding the respect to human rights and the implementation of European values or if this is just an opportunistic circumstance that the mentioned country is benefiting from.

In this regard, Turkey is not a safe country and therefore the return of refugees to this country would not comply with the legal requirements established in international regulations regarding the asylum procedures. It must be taken into account that several territories of Turkey are in an armed conflict and therefore, the minimum standards for safety are not given.

Regarding Spanish position related to the acceptance of refugees according to the quota system agreed within the European Union, it must be noted that although many of the states or countries might not be doing their best in order to accelerate the hosting of refugees, there are several territories that are willing to host them and have carried out all the measures needed in order to find them housing, education and health, such as the Basque Country, which for several months has been requesting both, Spain and Europe to send refugees to Basque territory in order to provide them with a safe life.

Therefore, the problem that we are facing demands the adoption of emergency policies as well as the approval of certain structural measures within Europe that deal with this phenomenon that has settled in our society and which durability is apparently permanent.

The European common agenda that must be implemented should be based in the values that have nourish and inspired the “European soul” such as humanity, solidarity and responsibility.

- Humanity, in order to enshrine the supremacy of the human dignity before any contingency, considering “human life” as a unique and irreplaceable being.
- Solidarity, in order to accept in a fair way the refugee quotas that each country should host according to different variables such as the population of each state or the economic situation.
- Responsibility, in order to accept these refugee quotas in a graduate and equilibrated way, in order to avoid the tearing of highly cohesive societies by carrying out cutbacks of the social state in favour of individuals that are not original from the country. This last point should be addressed seriously, especially when many populist and xenophobic political parties are rising as a consequence of citizen uncertainties.

Therefore, and taking into the account the aforementioned, the policies that should be adopted from the European Union are the following:

- 1) The European Union must address the compliance of the asylum and immigration policies through the creation of an European agenda that, amongst other issues, integrates a common European asylum and immigration system, the humanitarian visas that allow a safe access to the demanders of asylum in Europe, the creation of hosting centres in the adjacent areas to the war areas in order to accelerate the asylum petitions and the definition of the criteria in order to calculate the refugee quotas attributable to each host country.
- 2) It must be prioritized the acceptance and hosting of the refugees that are escaping from conflict and violence areas than the acceptance of economic migrants. It is fundamental to differentiate between the countries in conflict and the safe countries in order to distinguish the different causes that support the asylum petitions.
- 3) It is urgent to open or create refugee camps in which basic necessities are covered close to the borders with countries in conflict. In this sense, it is important to guarantee both, human necessities such as feeding and health and legal assistance in order to carry out the corresponding asylum petitions.

- 4) Europe should fight against the arising mafias in connection with the transfer of refugees from Turkey to Europe. In this sense, these mafias are dealing with human lives and are risking the lives of the most vulnerable groups (women and children).
- 5) The European Union should establish a common foreign policy and common defence policy in order to create a unique European army, which would mediate in the cessation of hostilities in armed conflicts, such as Syria, Libya or Iraq, in order to contribute to the peace and political stability of these countries.
- 6) It must also be considered the meaning of the term “refugee” versus the term “economic migrant”. In this sense, European countries difference between both terms and give a different treatment to the individuals under each group. In this sense, European countries are allowed to return economic migrants to their countries of precedence. What we should understand is that as a refugee is a migrant trying to find security and peace, an economic migrant is an individual that leaves its country because the only choice left in their countries is trying to survive without access to basic necessities as health, food or education.
- 7) As mentioned in other sections of the present article, it should be taken into account that the EU Member States that are currently accepting the refugee quotas, are only doing it moved by economic reasons as the receiving of the EU structural funds are subject to the acceptance and hosting of refugees. In this sense we should carry out a deep consideration on what kind of European Union we want to build, one based in strong values as solidarity and respect to human life, taking into account the diversity within the EU or one based in economic values²⁷.
- 8) Finally and to sum up, Europe must give a European solution to a European challenge. Our challenge as Europeans is not only being able to respond to the refugee crisis now, but also to foresee the long term situation, when migration and security problems should be faced maintaining the core principles and values of the EU mentioned.

²⁷ Judy Dempsey, “Judy asks: is Schengen dead?”, *Carnegie Europe*, August, 2015. Available at: <http://carnegieeurope.eu/strategieurope/?fa=61105>