
FORCED MIGRATION IN EUROPE

— ARTHUR C. HELTON and PAMELA BIRCHENOUGH —

West European politicians often assert that the countries they govern are not countries of immigration. Nevertheless, in 1985 over 1 million noncitizens could be found in Europe, 20 percent of whom had arrived in an “irregular” fashion.¹ In 1992, there were 3 million newcomers to Western Europe, including 45 percent who had arrived irregularly. As of 1995, Germany had at least 6.9 million foreigners; they comprised 8.5 percent of the population, which is a relatively large proportion among the European states. Given these statistics, perhaps it is more accurate to say that Europe has no common or coherent immigration policy. Rather, national asylum programs in several European countries have recently served as substitutes for formal immigration schemes.

West European leaders frequently invoke the alleged existence of an “asylum crisis” based upon escalating arrivals to justify various nonentry strategies and measures such as readmission agreements, which impose refugee status determination responsibilities on less capable governmental structures in countries in Central and Eastern Europe. While there may be an asylum crisis, it is due to the nature of selective noncompliance by governments with international standards, rather than the arrival of unmanageable numbers of asylum seekers. Governmental violations have not only undermined the institution of asylum in Europe but have also begun to undermine longstanding precepts of refugee protection. Europe needs to develop a comprehensive system for managing migration that also protects the basic human rights of those forced to move. This article suggests that the formulation of such a system is possible if the various European countries coordinate their policies to promote humane approaches and argues that these countries should accept the use of international institutions and nongovernmental organizations (NGOs) in order to facilitate the humane management of migration.

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Classical Refugee Protection in International Law

The 1951 United Nations Convention relating to the Status of Refugees was intended to address the needs of those uprooted during World War II.² The problem of refugee movements, however, proved to be permanent and universal. As a result, the convention and its 1967 protocol came to be recognized as the basic international instruments governing the treatment of refugees.³ The convention and protocol define a "refugee" as any person who, "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country."⁴

The basic remedy provided to refugees under the convention and protocol, and perhaps the most fundamental right protected under international refugee law, is the right of a refugee not to be returned to a place where he or she may face persecution. Referred to as *nonrefoulement*, this precept stipulates that even before the receiving country grants formal recognition as a refugee, "No Contracting State shall expel or return (*refouler*) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."⁵ The convention and protocol also protect arriving refugees from "penalties," including criminal sanctions, by stipulating that the "Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1 [the "refugee" definition], enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence."⁶

The convention and protocol require signatories (including all Council of Europe members) to abide by obligations regarding various civil, economic, and social rights, such as the provision of identity documents, employment, education, and welfare. Most importantly, states must not prevent asylum seekers from entering their territorial jurisdictions, gaining access to asylum procedures, and enjoying equal treatment and fundamental human rights accorded to citizens or other noncitizens. However, despite the existence of a detailed *Handbook on Procedures and Criteria for Determining Refugee Status*, published at the request of governments by the United Nations High Commissioner for Refugees (UNHCR),⁷ changing state policies and practices due to the arrival of asylum seekers from outside of Europe have resulted in differing interpretations of these criteria. The meanings of the words "persecution," "fear," and "well-founded" vary from country to country and, therefore, the quality of reception and protection extended to refugees is not consistent throughout Europe.

Furthermore, the convention and protocol have not been adapted to meet the needs of many of those persecuted in the post-Cold War world. They do

not protect those fleeing generalized violence, internally displaced persons, historically deported peoples, or other categories of victims. In a new era plagued by civil wars, this leaves many asylum seekers unprotected. Some regional documents that seek to address the needs of individuals who fall outside the definition of the convention have been agreed to and include a 1969 Organization of African Unity refugee treaty⁸ and the 1984 Cartagena Declaration, which covers those fleeing civil strife and public disorder.⁹ Europe, however, has not adopted a broadened refugee definition.

Asylum Crisis?

As of 1995, the total number of refugees on the European continent was 6.5 million.¹⁰ With conflicts raging in the former Yugoslavia, the Caucasus region, and Liberia, among other places, it is not surprising that Western Europe has seen a huge increase in the number of asylum seekers. During the 1970s, about 30,000 people requested asylum each year in Western Europe.¹¹ In 1985, 160,000 individuals sought asylum. By 1992, that number had risen to 680,000, not including another 370,000 from the former Yugoslavia. By 1993, Germany alone had 438,000 asylum claims pending. Even though asylum applications in Western Europe began dropping in 1993 (to 549,600) and continued to decline (falling to 320,000 in 1994 and to 272,900 in 1995), the fact that applications for asylum to the United States, Canada, and Australia during this period remained relatively lower (numbering 177,400 in 1993, 168,400 in 1994, and 178,570 in 1995) fueled the perception of a growing "asylum crisis" in Western Europe.¹²

The perception of an asylum crisis, however, is probably attributable mainly to a growing intolerance toward economic migrants, largely in response to high unemployment and growing xenophobia in Western Europe. This intolerance has created insecurity among many migrants and has prompted many who are not necessarily fleeing persecution to request asylum in order to pursue a legal status.¹³ At one time, immigrants were welcome participants in Europe's post-World War II reconstruction efforts. Since 1985, however, European governments have become less welcoming and have spent tens of billions of dollars on procedures to determine the status of asylum applicants on an individual basis (\$1.6 billion in 1993 alone).¹⁴ A recent study by the government-supported International Centre for Migration Policy Development found that four Scandinavian countries spent an average of \$10,000 per asylum seeker per year. Sweden, the most impacted, paid almost half of the \$2.5 billion required to care for the 262,000 foreigners in these countries in 1994.¹⁵ Sweden is now planning to reduce the number of residency permits it grants from 36,500 in 1993 to about 9,200 in 1996, and noncitizens without lawful status awaiting deportation in Sweden, as in many European countries, will be subject to prolonged detention.¹⁶

The growing view of asylum as an expensive loophole in immigration control regimes has encouraged governments to scrutinize asylum applications

more closely and cut back on the number accepted, severely eroding the ability of those persecuted to receive protection in Western Europe. Politicians in Europe are responding to disgruntled constituents with anti-immigration proposals that make no distinction between refugees and illegal immigrants and fuel xenophobic sentiment. For example, the number of asylum seekers in Germany dropped from a record high of 438,191 in 1992 to 127,210 in 1994, not because fewer people were in flight from persecution, but because the German government amended its constitution in 1993 and changed its legislation, permitting the removal of asylum seekers to "safe third countries" re-

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gardless of whether those countries provide access to asylum procedures.¹⁷ These legal adjustments were preceded by continuous public debate and an infamous spate of attacks against foreigners. In practice, all nine of Germany's contiguous neighbors have been declared "safe third countries" by Bonn without distinction, providing Germany with a kind of *cordon sanitaire*. Therefore, virtually no asylum seeker entering Germany by land after July 1, 1993, is entitled to protection in Germany.¹⁸

Germany is not alone, however. The past several years have witnessed the development of a series of restrictive approaches imposed by many European governments to forestall the entry of asylum seekers, especially following the signing of the multilateral Schengen Agreement, which took effect in March 1995.¹⁹ Belgium, Britain, France, Germany, the Netherlands, and Portugal initiated various restrictive measures in 1993, with Austria, Denmark, and Italy following suit in 1994.²⁰ Common mechanisms include the imposition of new visa requirements, carrier sanctions that impose fines for airlines that

accept passengers with improper documentation, criminal charges against employers who hire illegal aliens, denial of entry at frontiers, arrangements to return asylum applicants to countries through which they had initially traveled (the "safe third country" rule), refusal to allow rejected asylum seekers who appeal the decision to remain in the country, administrative detention, accelerated procedures or summary determinations, and narrow interpretations of refugee standards, including restricting asylum to those who fear individual persecution by state agents only.

Many of these restrictions have resulted from European harmonization efforts that have tended toward the lowest common denominator, i.e., the harshest approach. Such measures result in the forced return of asylum seekers to countries where they fear persecution, in violation of the U.N. convention and protocol. For example, much to UNHCR's dismay, the "Resolution

On A Harmonized Approach to Questions Concerning Host Third Countries," adopted by European Community immigration ministers on November 30, 1992, does not require the consent of the third state before an applicant is deported there nor assurances from the third state that the applicant will have access to asylum procedures. Nor does the resolution direct the returning state to communicate to the third state that the applicant's claim has not been reviewed.²¹ Even the "Standard Bilateral Readmission Agreement," adopted at a December 1994 meeting of the European Union Ministers of Justice and Home Affairs, which was intended to harmonize upwards of 30 separate bilateral readmission agreements within Europe, fails to include any such safeguards.²²

Likewise, the reluctance of governments to acknowledge persecution by nonstate actors means that innocent victims of violence, civil war, and human rights violations are often refused refugee status (for example, Liberians, Albanians, Somalis, and Algerians), while former members of rebel forces are often accepted. Despite such blatant affronts to refugee reception, irregular movements of people persist and politicians continue to be drawn toward expedient, even grandiose, policies. During the final months of 1995, for example, the 15 countries of the European Union (EU) and 12 southern and eastern Mediterranean countries signed the Barcelona Declaration, designed to manage migration from the south. Most of the 1 million foreigners naturalized in one of the present 15 EU member states between 1990 and 1993 came from Morocco, Turkey, or the former Yugoslavia. Asserting an economic basis for much northward migration (the GDP of the Mediterranean nations totals \$400 million compared to the EU's \$7 trillion), the declaration called for a free trade area by 2010 and \$6 billion in EU aid.²³ The declaration was widely criticized as yet another attack on the institution of asylum because it created a "blacklist" of 100 countries, including six former communist nations, that will face strict visa requirements for the next six months, inevitably frustrating the movement of asylum seekers. During negotiations on the agreement, about 5,000 people demonstrated in Barcelona against the EU's "wall of shame" blocking free movement.²⁴

At the same time, while relatively few asylum seekers are recognized as refugees (generally only 10 percent of applicants), even fewer are actually physically removed after being rejected for refugee status.²⁵ Thus, it seems evident that rather than an unmanageable number of asylum seekers, there is a crisis of governance. The inability of the authorities to develop rights-oriented responses to refugee emergencies has contributed to widespread discrimination on the basis of national identity, race, and ethnicity, no doubt resulting in the return of persons truly in need of protection.

Asylum or Temporary Protection?

Recent practice in Europe has included the development of "temporary protection" regimes and a variety of special "humanitarian," "exceptional," or "tolerated" statuses for about a quarter of the more than 80 percent of

asylum seekers who are refused refugee status. These are discretionary and limited in duration. Although such arrangements may allow for quicker and more flexible responses to refugee emergencies, in contrast to the deliberate assessment of claims on a case-by-case basis, they also may erode the foundation of protection and the rights of refugees. Such lesser statuses often do not provide their recipients with the civil, economic, and social entitlements that follow recognition as a refugee under the U.N. convention and protocol.

In July 1992, UNHCR issued a formal request for states to extend "temporary protection" to persons fleeing conflict and severe human rights abuses in the former Yugoslavia, particularly for asylum seekers from Bosnia-Herzegovina. States responded in very different ways. Initially, states used ad hoc measures and existing legislation to deal with the crisis. Belgium adopted specific legislation respecting temporary protection but then used its asylum system; France, Germany, and the United Kingdom used existing legislation pertaining to asylum or deportation but did not adopt new protection legislation. Denmark, the Netherlands, and Spain have adopted specific temporary protection measures; Germany and Sweden have specific temporary protection laws pending but have not yet implemented them; and Norway and Switzerland are considering similar specific legislation.²⁶ Most states have also relied on ad hoc arrangements regarding certain categories of "vulnerable" groups, e.g., women, children, the elderly, handicapped, and so on.

In 1992, with war raging in the former Yugoslavia, the provision of temporary protection in place of more elaborate asylum procedures was designed to address the urgent needs of those fleeing the conflict, some of whom might not be able to prove the requisite prospect of individual persecution under the international refugee treaties. As of mid-1995, Italy, for example, had received only 300 applications for asylum from individuals from the former Yugoslavia but had granted some 56,000 persons from the region temporary protection.²⁷ Continued visa requirements and other nonentry measures, however, have limited the number of individuals who were admitted to temporary protection programs in Europe.

Procedures regulating temporary protection vary widely among European states. The various procedural arrangements and recognition rates for applications are highly dependent upon the particular policies of states.²⁸ In some states, including Italy and France, an application for temporary protection is not required, and status is automatic for designated groups. Some states consider nationality to be a determining factor for according temporary protection, while other states do not. Differences in the treatment of various groups coming from the same conflict create tensions among such groups.²⁹ Furthermore, "temporary protection" has proven far from temporary, and procedures to manage return have yet to be specifically developed.³⁰

The governmental debates regarding the implementation of temporary protection are evolving in connection with the implementation of the Dayton Agreement relating to Bosnia-Herzegovina, which calls for phasing out such protection. States are considering procedures regulating the duration of temporary protection, the level of benefits associated with temporary protection,

whether and under what conditions there should be access to an asylum procedure following temporary protection, and when resettlement should be an option. States have tended to favor temporary protection and generally preferred to avoid undertaking binding international obligations in order to preserve their ability to act flexibly.³¹ However, this approach invites the arbitrary treatment of asylum seekers.

To ensure that the basic human rights of those seeking protection are respected, states must allow entry into their territorial jurisdictions, provide treatment that guarantees the same rights for citizens and noncitizens, avoid involuntary return (i.e., respect the precept of *nonrefoulement*), and facilitate durable solutions for those who are displaced, such as repatriation, local integration, or third-country resettlement. Although voluntary repatriation should be promoted under appropriate circumstances, it must not be forced. The connection made in the Dayton Agreement for Bosnia-Herzegovina linking voter registration to a confirmation of the intent of refugees and displaced persons to return, therefore, is alarming. Even more disconcerting is the suggestion that temporary protection be lifted before the elections to encourage return and thus increase voter participation. This is especially troubling given the fact that many refugees and displaced persons regard the conduct and outcome of elections as an important factor in deciding whether or when to return.³²

Prior to encouraging the return of refugees, it is important to define objective criteria regarding the implementation of the political settlement (e.g., disengagement of the contending forces, deployment of peacekeepers, establishment of transitional institutions, and so on) in order to determine when temporary protection should be lifted and whether repatriation should be promoted. However, such criteria should not be perceived as necessarily sufficient preconditions for encouraging return, but only as part of a comprehensive assessment of whether a situation is safe and free from serious human rights violations. The final decision must be made by the affected persons themselves, and only after they have been provided with adequate and accurate information about local conditions and their options.

Strategic Roles for International Institutions and Nongovernmental Organizations

The international community acts through a myriad of institutions in Europe and elsewhere upon issues concerning refugees and displaced persons. UNHCR, established in 1950 and overseen by a committee of 50 governments, currently has over 5,000 employees, a budget of \$1.3 billion, and a specific mandate to protect and assist refugees in flight from persecution.³³ UNHCR also has a tradition of reliance upon voluntary agencies, mainly to assist refugees directly. Novel approaches to refugee protection are also evolving, inspired by relatively recent efforts such as the programs to assist and protect Kurds in northern Iraq and Bosnians in the former Yugoslavia even before they have fled across international borders.

The International Organization for Migration (IOM), previously the Intergovernmental Committee for European Migration, is overseen by 55 member governments and has 1,000 employees and a budget of approximately \$200 million. IOM has recently undertaken a project to build relationships with relevant NGOs. The agency was created at the end of World War II to serve as a complementary and parallel structure to UNHCR. IOM is frequently involved in the logistical arrangements regarding movements of noncitizens, such as the transport of migrant workers who fled after Iraq's invasion of Kuwait.

The Organization for Security and Cooperation in Europe (OSCE) is one of a number of security-related entities that are beginning to address post-Cold War issues, including migration, which was the specific subject of a 1993 OSCE

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seminar in Warsaw. OSCE has a broad East-West membership, and participating states continue to discuss projects related to migration, including cosponsorship, along with UNHCR and IOM, of an international conference in 1996 on migration-related issues in the former Soviet Union.

In general, organizations concerned with issues of international migration, especially forced migration, are relatively weak and should be strengthened. Currently, they require governmental authorization to take initiatives and subsist on ad hoc donations from member countries. Consequently, the position of organizations like UNHCR, as humanitarian, nonpolitical entities, may be compromised by the fact that they are financed by states that may have a special interest in certain refugee situations. As a result, such states may attempt to further their own, individual policies, possibly via UNHCR's Executive Committee, which includes representatives of countries that are producing or seeking to deter the arrival of refugees. As in other matters of international relations, the principal actors are states. To be more effective in extending

protection and assistance to refugees, international institutions must be better insulated from narrow notions of national self-interest and more accountable to the affected populations. Broad involvement with the independent, non-governmental sector would help significantly in this regard. International institutions must be equipped to act in a truly comprehensive manner to prevent or ameliorate the causes of forced migration.

Europe is replete with governmental consultations on issues of migration, asylum, and entry control. In the first half of 1993, there were 15 multilateral forums with 30 to 40 subgroups that met 15 to 20 times per month. Four to 40

states were involved in each of these discussions. While governmental cooperation is somewhat limited regarding burden-sharing arrangements for managing the influx of asylum seekers (the recent entry into force of the Schengen Agreement in Europe being a notable exception), in general, migration issues are debated and discussed among European policymakers in a variety of governmental forums. There is, however, an urgent need for greater corresponding nongovernmental discussion. The proliferation of bilateral readmission agreements further underscores the need for adequate deliberation by the independent sector, composed of NGOs and independent experts.

In Western Europe, nongovernmental consultations and refugee advocacy by regional organizations are evolving under umbrella arrangements such as the European Council on Refugees and Exiles, headquartered in London. Under its direction, European asylum lawyers offer training programs to colleagues in Central and Eastern Europe. Other international voluntary agencies coordinate similar work and exchange programs through the International Council of Voluntary Agencies, based in Geneva. NGOs in the eastern and central parts of Europe might be well advised to consider organizing analogous programs that advocate and contribute to the formulation and implementation of a comprehensive European asylum and refugee policy. The development of these elements of civil society is crucial to protecting and assisting those forcibly displaced.

Enhancing International Cooperation

For some years after the dissolution of the Soviet Union in 1991, policymakers feared vast movements of persons from east to west. Although Russians represent one of the largest groups now migrating to Western Europe (it is estimated that more than 40,000 Russians are now living in Berlin),³⁴ the large-scale westward migration that was once feared has not materialized, at least not yet. Instead, various restrictive measures have begun to creep eastward, largely through the conclusion of bilateral readmission agreements. Under such agreements, countries in the western parts of Europe offer financial resources to those in the east in exchange for the implementation of various control measures, which include the guarantee to receive back those who have passed through the territories of Central and East European countries on their journeys westward. The November 1994 agreement between the Czech Republic and Germany is but a recent example of this trend. Such arrangements often result in the imposition of status determination responsibilities on countries with relatively fragile or even nonexistent adjudication systems.

At a time when armed conflicts with ethnic overtones have plagued Armenia, Azerbaijan, Chechnya, Georgia, and Tajikistan, and few people in the newly independent states have access to asylum procedures, West European countries have sought to contain forced population movements. Britain, for example, has recently declared all of the countries of the former Soviet Union to be "first safe countries."³⁵ Britain has also announced that asylum seekers coming from "safe" third countries will be returned to those countries within 24

hours, applicants appealing rejections will not be allowed to remain in Britain during the appeal process, employers hiring illegal aliens without status will be charged with criminal offenses, and those found guilty of knowingly violating immigration laws will serve seven-year prison terms.³⁶

The growing trend among West European states to send asylum seekers and economic migrants to countries in Central and Eastern Europe causes hardships to individuals and places an undue burden on countries with severely limited resources that are only beginning to develop rudimentary asylum procedures. Thus, the concept of burden-sharing, so popular in West European political circles in the late 1980s, has been replaced by the safe third country rule, which denies refuge on the ground that asylum seekers could have applied elsewhere, and shuttles them between reluctant and sometimes hostile border authorities. This process may end with the return of asylum seekers to their countries of origin and exposure to the risk of persecution. The desire to escape poverty or serious harm has already spawned a lucrative and often tragic human trade, and tougher legislation has led even more asylum seekers into the hands of professional smugglers who may force them into crime and prostitution. Meanwhile, the safe third country rule has degenerated into a kind of official sanction for human trafficking, a game in which the government that manages to accept the fewest migrants wins. Most often, the weaker states of Central and Eastern Europe are left with an undue share of the burden. In recent years, underdeveloped countries have hosted 80 percent of the world's total refugee population.³⁷

The absence of comprehensive regional and subregional arrangements to ensure that states and their local populations do not become overburdened by migration or refugee emergencies only serves to exacerbate the very same political and economic pressures (such as high unemployment or ethnic tension) in the receiving country that often cause persons to flee their countries of origin in the first place.³⁸ Only through the elaboration of policies that promote effective migration management, while ensuring respect for the basic human rights of noncitizens, will this dilemma be addressed.

Conclusion

Arrangements to conclude temporary protection for persons from the former Yugoslavia may well present the next major policy crisis in Europe. Over 800,000 Bosnians have found refuge in Western Europe, with over one half in Germany.³⁹ A full panoply of solutions to the crisis, including repatriation, local integration, and resettlement, will be necessary to address this vast displacement and the need for permanent homes.

The situation in Europe mirrors global trends. Universal and far-reaching strategies to contain the movement of asylum seekers are increasingly evident. How the concerned governments propose and implement durable solutions for those who have fled the former Yugoslavia will say much about the future of ensuring respect for human rights of refugees in Europe and elsewhere. European nations must develop a consistent and coherent policy to

enable them to manage substantial population movements and displacements and their consequences. With nearly 50 million refugees and displaced persons throughout the world today, the stakes are exceedingly high.

Notes

1. For a discussion of recent trends and statistics pertaining to global refugee flows, see UNHCR, "Changing Approaches to the Refugee Problem," in *The State of the World's Refugees* (New York: Oxford University Press, 1995). An account of the situation in Europe can be found in UNHCR, *Refugees: Asylum in Europe* III, no. 101, 1995.
2. The Convention relating to the Status of Refugees, done July 28, 1951. The convention entered into force on July 28, 1951; 19 U.S.T. 6260, 189 U.N.T.S. 137.
3. The protocol removed the geographic and temporal limitations embodied in the convention. The United States became a party to the protocol on November 1, 1968. The protocol incorporates the relevant aspects of the refugee definition in Article 1 and Articles 2-34 of the 1951 convention, 19 U.S.T. 6223, 6225, 606 U.N.T.S. 286.
4. Art. 1.
5. Art. 33. Additional instruments and expressions of state practice that affirm the principle of *nonrefoulement* for those seeking entry at an international border include Article II of the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, Comm. of the Ministers, Eur. Consult. Ass., Rec. No. R(84)1, Jan. 25, 1984 and Res. (67) 14, June 29, 1967; American Convention on Human Rights, done Nov. 22, 1969; and the Asian-African Legal Consult. Comm. Principles Concerning Treatment of Refugees, Art. VII(3), 1966, reprinted in UNHCR, *Collection of International Instruments Concerning Refugees* 201 (Geneva, 1979).
6. Art. 31(1). For further discussion, see Arthur C. Helton, "What is Refugee Protection?" *International Journal of Refugee Law Special Issue 2*, 1990.
7. UNHCR, *Collection of International Instruments*.
8. The OAU convention extends protection to every person who is compelled to leave his place of habitual residence and seek refuge in another place outside his country of origin or nationality owing to external aggression, occupation, foreign domination, or events seriously disturbing public order in either part or the whole of his country.
9. The Cartagena Declaration urges protection for "Persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed the public order."
10. UNHCR, "Asylum Under Threat," *Refugees: Asylum in Europe*, 4.
11. *Ibid.*
12. Secretariat of the Inter-governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia, "Asylum Applications in Participating States 1983-1995," February 15, 1996, 1/11.
13. UNHCR, "Asylum Under Threat," 3-5.
14. *Ibid.*, 3.
15. "Asylum in Europe: Numbers and Costs," *Migration News 2*, no. 12, December 1995.
16. *Ibid.*
17. UNHCR, "Protection of, or Protection from, Refugees?" *Refugees: Asylum in Europe*, 13.
18. *Ibid.*, 12-13.
19. On March 26, 1995, the seven Schengen countries of France, Germany, Portugal, Spain, and the three Benelux countries abolished border controls between themselves in accordance with the Schengen Agreement, which addresses questions regarding the re-admission of asylum seekers and stipulates that those readmitted will have access to asylum procedures. However, recent experience with the Schengen Agreement shows that it is difficult for countries to reach agreement on responsibility for determining

asylum claims and that the agreement may even lead to further barriers to asylum. See *Migration News*, April 1995, and UNHCR, "Protection of, or Protection from, Refugees?" 12-13.

20. UNHCR, "Asylum Under Threat," 4.
21. UNHCR, "Protection of, or Protection from, Refugees?" 12-13.
22. *Ibid.*
23. "EU Immigration," *Migration News* 2, no. 12, December 1995.
24. *Ibid.*
25. For statistics on the number of asylum applications accepted and allowed in each European country from 1990-1994, see UNHCR, "Asylum Under Threat," 6.
26. Secretariat of the Inter-governmental Consultations Report on Temporary Protection in States in Europe, North America and Australia, August 1995, 6.
27. *Ibid.*
28. *Ibid.*, 6-10.
29. *Ibid.*, 7.
30. *Ibid.*, 10.
31. *Ibid.*, 20.
32. UNHCR, Post-Conflict Solutions: UNHCR Programme in Bosnia and Herzegovina and other Countries in the Region, Humanitarian Issues Working Group, Geneva, January 16, 1996.
33. UNHCR, *State of the World's Refugees*, 36.
34. "Asylum in Europe: Numbers and Costs."
35. "British Immigration Plan," *Migration News* 2, no. 12, December 1995.
36. *Ibid.*
37. UNHCR, "Asylum Under Threat," 4.
38. For a discussion of a regional burden-sharing option, see Forced Migration Projects, *A Proposal to Establish a Temporary Refuge Scheme in the Caribbean Region for Refugee and Migration Emergencies* (New York: Open Society Institute, 1995).
39. UNHCR, *State of the World's Refugees*, 86.

