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**Asylum Seeker and Refugee Crisis as a Humanitarian
Tragedy in the Contemporary World**

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Asylum Seeker and Refugee Crisis as a Humanitarian Tragedy in the Contemporary World

Abstract

In the contemporary world, the increase in the number of people, who have become asylum seekers and refugees involves many humanitarian tragedies. The escape from a life in the shade of oppression and violence with the only hope of having a better life may sometimes result in a fatal end. Even though one of the target destinations of this type of migration is the Western countries, asylum seekers and refugees are seen as persona non grata in these countries. In this respect, the asylum seeker and refugee crisis, which constitutes the general scope of this paper, will be discussed and analyzed from a humanitarian perspective by considering the reactions of the Western countries to this problem. Today, this problem causes many political debates and crises in the Western countries. The rise of extreme right in the Western

world is one of the biggest obstacles to adopt a humanitarian approach to this problem. At this point, the main argument of this paper is that the reactions towards the asylum seekers and refugees in the Western countries have a neo-racist, xenophobic and Islamophobic tendency, and that the current socio-political conjuncture seriously threatens the hopes of those people with different cultural, religious, linguistic or ethnic origin, who seek a peaceful coexistence in the world.

Keywords: *Refugee Crisis, Asylum Seeker Crisis, Refugee Migration, Asylum, International Migration.*

Introduction

It is quite often witnessed, either in Turkey or the international community, that the concepts, such as refugee, asylum seeker, (international) immigrant are interchangeably used as such that they have the same meaning. For example, asylum seeker or refugee crisis is often described as an immigrant crisis. Nonetheless, it is necessary to indicate that there are some differences between these concepts either in terms of terminology or legal arrangements. Even though its scope is broad, the word “immigrant” is generally used in the international context to define those people, who emigrate from their country of

residence to another country for living more than one year without being subject to any external coercion for the purpose of, such as, having a better economic and educational opportunities, or family reunion. Despite the fact that asylum seekers are also international immigrants as they emigrate from their country of residence to another country and maintain their lives in a foreign country, not every immigrant is an asylum seeker. While immigration holds the possibility of returning to the country of origin when requested, being a refugee indicates the non-existence of the opportunity of returning unless the humane living conditions are provided or the adverse conditions causing to be a refugee are removed. For this reason, refugees and asylum seekers are included in the forced immigrant category.

Asylum seeker means such an individual, who is directly exposed to oppression or violence because of his/her race, religious belief, nationality or political belief, or who faces a high risk in that regard despite not being directly exposed to both, and therefore tries to get a refuge status for having an international protection. Domestic or international wars, ethnic or religious conflicts, military coups and despotic regimes come to the fore as the primary reasons of refugee migrations. Each refugee is an asylum seeker at the beginning, since he/she makes an asylum application for

acquiring this status, however, not every asylum seeker is able to acquire a refugee status. For the reasons mentioned above, only those people among the ones making an asylum application, whose asylum applications are granted, are accepted as a refugee.¹ While the United Nations High Commission For Refugees (UNHCR) accords some legal rights to refugees with the Geneva Convention in 1951, the asylum seekers, who are not granted with a refugee status, are deprived of these rights.²

Nowadays, one of the frequent destinations of those people, who are in search of asylum for the purpose of acquiring a refugee status due to the fact that they are deprived of the humane living conditions in their own countries, is the Western countries. In this respect, the asylum seeker and refugee crisis, which constitutes the general scope of this paper, will be examined by considering the reactions of Western countries to this problem, and these reactions will be discussed and commented within the context of its relationship with the humanitarian dimension of the

¹ Also, see Kneebone (2009a and 2009b) and Whittaker (2006) for detailed information on this matter.

² The United Nations Convention on the Status of Refugees was signed by the 140 UN member states in 1951, and the protocol related to this convention (Protocol Related to the Status of Refugees) was signed by the same states in 1967 as well. The signatory states declared that they would protect refugees, and that they would abide by the principle of not sending them to a country, where they would suffer from oppression.

problem experienced. At this point, the main argument of this paper is the fact that the reactions in the Western countries involve a racist, xenophobic and Islamophobic tendency far from taking into consideration the humanitarian concerns.

Never-Ending Tragedy: Search for a Humane Life and the Reactions in the West Towards Asylum Seekers and Refugees

It is mentioned in the first paragraph of the article 14 of the Universal Declaration of Human Rights that anyone under oppression has the right to seek asylum in other countries and enjoy the opportunity of asylum in such countries, and in the second paragraph, that this right may not be enjoyed in the event of the prosecutions that arise from non-political crimes or the prosecution conditions that are contrary to the purposes and principles of the United Nations.³ Despite the definition of right in this article, it is a fact that not everybody can enjoy this right given the events and developments experienced.

There are some people asserting that asylum seekers are not the real victims of violence or oppression, rather, they are those immigrants, who seek for economical expectations by playing the role of asylum seekers. In other words, there are

³ On this matter, see <http://www.un.org/en/universal-declaration-human-rights/>.

also some evaluations suggesting that excessive economic deprivation conditions in such regions, in which poverty is prevalent, give rise to the emergence of the masses seeking to acquire an international refugee status. Finalization of asylum applications, which are made for acquiring a refugee status, sometimes last long years with the effect of such approaches. Refusal decision is given for more than 90% of the asylum applications across the World (Castles and Miller, 2008: 145-146; Faist, 2003: 49). Even if the asylum applications are refused, a significant portion of the asylum seekers does not (cannot) return to their countries of origin, and has to maintain an illegal life in a way to have been deprived of a citizenship right.

It is also required to mention that searching for asylum and refuge is not something specific to the modern times. Faist (2003: 101-102) asserts that first refugee influxes were resulted from the developments in the transition process from colonialism to becoming a nation-state. In fact, it is necessary to indicate that such migrations were one of the frequently observed facts even in those periods long before the emergence of the nation-states, and that the subjects of these migrations were mostly those people being exposed to oppression because of their religious preferences that were different than the ones of the dominant class. Even though it is not included in the texts written on this matter, the asylum

of the Muslims from Mecca, who suffered from oppression due to their religious preferences, to Ethiopia in 615, and their hejira to Madinah for the same reason can be shown as one of the major examples of such migrations. The Jews, who often faced the danger of being killed all together or lynched by the Christians either in the Medieval Europe or the New Age as they were considered as the murderer of Jesus, immigrated to the Iberian Peninsula after the establishment of the Andalusia State due to the concerns about their religious freedom and life safety. However, when they were again exposed to oppression and persecution after the Andalusia came under the domination of the Christians in 1492, this time, they took shelter in the Ottoman Empire during the rulership of the Sultan Bayezid II. The migration of the Protestants to America, who suffered from the oppression by the Catholics when they emerged as a separate religious sect in Europe, can be shown as an example to such kind of migrations. In the period after the emergence of nation-states, the internal and external conflicts resulting from national identities and ethnic, political or cultural differences constituted the various reasons of refugee migrations as much as the religious pressures. The problems resulting from the adverse conditions of the World War I and II, the conditions emerging after colonialism and the national borders redrawn or the pressures suffered in the

Nazi period of Germany increased the volume of this kind of migrations. This kind of migrations has been increasingly continuing from 1980s until today. The conditions in Iran after the regime shift, the instability and conflicts in Afghanistan, the totalitarian regimes in Latin America, the developments after the end of the Cold War, the war broken out after the collapse of Yugoslavia, and the conflicts in the Middle East and Africa have given rise to an increase in such migrations.

The annual asylum applications in the Western Europe, Australia, Canada and the United States of America increased from 90.400 to 323.000 between the years of 1983 and 1988, and this number reached 828.645 with a rapid increase in 1992 after the end of the Cold War. The asylum applications decreased to 480.000 in 1995, but it tended to increase again in 2000, and reached 534.000 (Castles and Miller, 2008: 146). According to the current data announced by the United Nations Refugees Unit, there are about 68,5 million people, who were forced to internal or international migration by being displaced. In every two seconds, one person is forcibly displaced in the world, and more than half of this population is consisted of women and children.⁴ And the refugees constitute approximately 25,4 millions of this

⁴ The data in the UN 2017 report on this matter is in the same direction (See UNHCR (2017)).

population.⁵ The ones under 18 years old constitutes more than half of this number. It is seen that nearly 10 million people are not able to enjoy the rights, such as education, health, employment and freedom of movement due to the fact that they are not affiliated with any state through a citizenship bond. It has been evident thanks to the statistical data that 57% of the current refugees throughout the world is originated from Syria (6,3 million), Afghanistan (2,6 million) and South Sudan (2,4 million). Among the host countries, while Turkey takes the first place in the world by hosting about 3,5 million people, it is followed by Uganda (1,4 million), Pakistan (1,4 million), Lebanon (1 million) and Iran (979.400).⁶ When all of the asylum seeker and refugee population throughout the world is taken into consideration, it is seen that only a small number of refugees has been accepted to the developed Western countries, but most of them has been living in the developing countries, like Turkey, or the underdeveloped countries.

Despite the fact that the New York Declaration for Refugees and Migrants accepted in the General Assembly of the United Nations on September 19, 2016 contains a

⁵ When considering that the total number of refugees throughout the world was announced as 16.533.413 in the data of January 2017 of the United Nations (UNHCR, 2018: 34), it is seen that there has been a significant increase in that number within the elapsed time.

⁶ See <http://www.unhcr.org/figures-at-a-glance.html> for statistical data.

comprehensive regulation and political commitment for filling the gap in the international protection system and sharing the responsibility for refugees, it is a fact that the problems on this matter are not solved, and the dimensions of the humanitarian tragedy have increased except that it decreased.⁷ It is emphasized in the said declaration that the host countries must be supported as well as fulling respecting the human rights of refugees and migrants and fulfilling the responsibilities in that regard. Considering the reactions and practices in the Western countries to the immigrants coming from Syria and Myanmar featured with refugee migrations nowadays, it is seen beyond the political rhetoric occasionally used about human rights that the emphasises and concerns come to the fore in that asylum seekers and refugees politically, socially, culturally and economically disturb the public order, and cause security problems. The unwillingness of the Western countries, who are so willing to control energy sources in Syria or test their new weapons there, for hosting the Syrian victims, who cannot maintain their lives in this country due to the continuing war, and the reactions on this matter reaching the level of racism stand as a crucial issue in front of us in terms of humanity.

⁷ See <http://www.unhcr.org/new-york-declaration-for-refugees-and-migrants.html> on this matter.

Beyond the international legal arrangements on asylum and refugees. it is the political approach in those countries, where this kind of migrations tends to, that becomes a determinant factor. Therefore, such cases are frequently witnessed that the applications of those, who do not have a proper application pursuant to the international arrangements on this matter, are accepted, and the applications of the victims, who really need to be taken under protection, are refused, and then they are repatriated.⁸ Again, beyond the legal arrangements, the political tendencies become a determinant in the obstacles created in respect of asylum. The manner adopted by the EU countries for the Syrian refugees is one of the obvious indicators of this situation. Despite the willingness and initiatives of the leading Western countries, which are also NATO members, in providing asylum to those people among the ones living in the Eastern Block countries under the rulership of USSR during the Cold War period, who are not supporting the regime, the current unwillingness indicated by the same countries for the refugee migrations coming from Muslim countries or Africa at the present time and, beyond that, the reactions reaching the level of racism can be shown as an

⁸ The acceptance of the asylum application of the soldiers, who actually participated in the coup attempt in Turkey on July 15, 2016 and took refuge in Greece when the coup attempt failed, can be shown as an example to this situation.

example of how the political attitudes are determinant on this matter. Once the migration wave started due to the civil war in Syria with the mobility of people to the foreign countries in search of asylum, the reactions in the European countries had been to enforce stricter border controls in order to prevent the war victims from entering their countries. Even though an emphasis is sometimes laid on the humanitarian tragedy, as seen in the example of the baby Aylan, the tragedy of hundreds of those war or internal conflict victims is ignored, who lost their lives in sea travels at the Aegean or Mediterranean Sea with the hope of acquiring a refugee status, and most death of which the world is unaware of.

Among those people, who are displaced due to the civil war and internal conflicts or other reasons, and therefore, are in search of asylum, especially women and children suffer from far greater difficulties. The end of over ten thousand refugee children, who are lost in Europe and most of whom were consisted of asylum seekers, is still unknown.⁹ There are some concerns as to the fact that these children were abducted by the organ mafia or within the scope of an organized crime for sexual misconduct.

⁹ See <https://www.theguardian.com/world/2016/jan/30/fears-for-missing-child-refugees> for the announcement of Europol, the EU Law Enforcement Agency, in January, 2016 with regard to 2015.

According to the data of the United Nations, the number of the refugees needing to be domiciled in another country in 2018 is announced as 1.2 million (UNHCR, 2018: 179). A big portion of this number is consisted of the Syrian refugees, and this is followed by Kongo, Central African Republic, South Sudan and Afghanistan. It is remarkable that the Muslims in Myanmar, who were the victims of Buddhist genocide and subject to forced migration because of their religious preferences, are not given a place in this report published by the United Nations.

The political and social examples of ever-increasing intolerance in the Western countries towards asylum seekers and refugees often take place in the press. The racist, xenophobic and Islamophobic discourses towards the asylum seekers, refugees and immigrants come to the fore in the slogans of extreme rightest protesters just like the countries' policies on this matter, the legal regulations violating human rights or the example of Pegida. Having been trying to keep the humanitarian tragedy asylum seekers come up against out of their national borders so that it does not cause political, economical and social problems, the Western countries abstain from granting them such human rights that they accepted thanks to the international conventions. It is observed that the EU and the USA have been exercising political and economic pressure over transit

countries and using the humanitarian values as a matter of negotiation so as to keep asylums and refugees out of their borders.

Right and left populist policies rising over xenophobia, racism and Islamophobia lie behind the attitude of the West towards asylum seekers and refugees. Having been on the rise particularly since 1980s, the extreme right started to influence the other political structures with its discourses and actions (Vural, 2005). The West heads towards a new extremism age at a fast pace. The extreme right ideas rising in the political stage of the Western countries and becoming a partner at governments started to make their influence felt even in the EU Parliament. The extreme right parties in Germany, France, Italy, Netherlands, Denmark, Sweden, Hungary, Poland, Greece and England reached a position to produce a strong effect on the political process in their country particularly after 2000, and fed populism in political arena. And the common point of the extreme right rising in the West is the consensus that the asylum seekers, refugees and immigrants at the country borders must be deported.

Today, the image of West as 'the follower of human rights and freedoms', which was featured after the two world wars, faces a new crisis. The West having rising on crises hides such crises with a prosperous life it provides in the field of economy. However, in any tiniest trauma experienced in the

field of economy, the hidden social and political crises make their effects felt deeply. As long as the economic crisis deepens in the West, the humanitarian crisis caused by this situation within the West and the non-Western world in the political and social fields becomes widespread. The rise of extreme right populism complicates the solution of asylum seeker and refugee problem at a humanitarian dimension. Asylum seekers and refugees are continued to be considered as a threat in terms of national unity, integration, economic development and national security. As a matter of fact, hate speeches found voice in the Western countries towards asylum seekers and refugees are often given a place in the social media and the visual and printed media.

Even though Germany comes to the fore as being one of the countries accepting the largest number of refugees in Europe, hate speeches and actions towards refugees are often witnessed there. The extreme rightist politic movement being anti-Muslim and anti-immigrant, which begun in Dresden on October 20, 2014 for the first time with nearly 300 supporters, started to make demonstrations with its supporters reaching ten thousand people by getting increased every year. The German Pegida movement, meaning of which is "Patriotic Europeans Against the Islamization of the West", started to expand to the other European countries. Despite the decline in the Christian

Democrats led by the (FORMER) Chancellor A. Merkel and the other parties taking part in the coalition government, the rise of the extreme rightist party 'Alternative for Germany' (AfD) draws attention. The fact that the racist parties in Europe have risen and become a government partner plays an important role in the rise of hate speeches towards Islam, foreigners, immigrants and refugees, and in that it turns partly into aggressive actions.

In spite of not being in power, the Front National (FN), one of the extreme rightist parties in France, which is led by Marine Le Pen, feeds populism that is determinant in the political arena by means of its ideas. Hateful speeches were often spoken out towards the immigrants and refugees during the Presidency period of N. Sarkozy (2007-2012), and in case they were involved in a criminal, some threatening statements were used as such that their punishment would not be limited with the current laws, plus they would be denationalized and deported even though they acquired a French citizenship (Anık, 2012: 167 - 168). Although the current President E. Macron uses some positive statements towards the immigrants before the election, he tends to harshen his country's laws of refugee acceptance.

The 'Freedom Party' (PVV), which is racist, extreme rightist and anti-Islam and was established in Netherlands in 2006 under the leadership of Geert Wilders, reached the main

opposition level in the parliament in a very short period of time with its main discourse built on Islamophobia. The Freedom Party led by Wilders defining the refugee influx to Europe and Netherlands as an invasion of Islam and calling people to uprising against refugees and, has been fighting for closing the borders to asylum seekers and refugees, and increasing his public support day by day. It has been found out in the survey made by the Jean Jaures Foundation in seven countries in Europe that, among the European countries, anti-refugeeism is most common in Netherlands. The Netherlanders declare that they do not want Muslim asylum seekers, and also that they want the already existing ones to be sent back to their countries as soon as possible. According to this survey, it is seen that most of the Netherlanders do not lean to help asylum seekers and shelter them in their countries. Two out of every three Netherlanders state that they are against refugees, and nine of every ten Netherlanders state that the asylum seekers have to be sent back to their countries as soon as possible. Another reflection of this extreme rightist attitude in becoming a dominant factor on this matter is that a limited number of those politicians, who argue for the protection of refugees, are exposed to threats and violence.¹⁰

¹⁰ See https://www.bbc.com/turkce/haberler/2015/10/151028_yusuf_multeci for detailed information on this matter.

Another European country indicating an apparent negative approach towards asylum seekers and refugees is Hungary. The FIDESZ, a conservative, nationalist and right populist party in Hungary under the leadership of V. Orban, who had wire fences built at the borders to prevent asylum seekers from entering the country, has been in power since 2010. In the country, where reactions against asylum seekers are often spoken out in recent years, the Hungarian camerawoman Petra László, who was working for the television channel N1TV known with its close ties to an extreme rightist Hungarian Jobbik Party, was taped while causing a Syrian father and daughter to fall down, who were trying to enter Hungary from the Serbian border, by tripping up them and kicking an asylum girl begging for help. This went down in history as a symbol of the wide-spreading hate and violence against refugees as such that even a press member, who was there for making news and has to be impartial as a part of her job, was involved in such a disgraceful act.

The fact that Z. Kovacs, spokesman of the Hungarian government, said that they would be electrifying the wire fences built at the borders to prevent the asylum seekers from border crossing demonstrates how dramatic the problem became in a humanistic manner. Coming to the forefront in Europe with its harsh measures against asylum

seekers, Hungary sent extra security personnel to the border area with by means of the supports from Poland, Czechia and Slovakia. Serbia and Croatia resorted to increasing the punishments for illegal border crossings as well as announcing a state of emergency in these regions by building barbed wires in their border regions. One of the legal regulations adopted on this matter is the requirement for keeping the asylum seekers, including the children, in the camps to be built in the border regions while their applications are being evaluated so as to be accepted as a refugee. Thanks to the new tax law, it was decided to levy a special refugee tax of 25% over the revenues and properties of such institutions organizing campaigns for refugees, and stated that the wire fences were electrified. It was also brought forward by many non-governmental organizations that the security forces in Hungary committed violence against asylum seekers trying to enter from the country's borders, and forced them to go back to Serbia. Hungary did not back down from its attitude about the asylum seekers, and refused to comply with the quota system suggested by the EU for solving the asylum seekers crisis.¹¹ Except Hungary, Poland and Czechia stood against the plans of the EU about asylum seekers, and declared that they would not

¹¹ See <http://www.haber7.com/dunya/haber/2662610-abye-resti-cekti-kabul-etmeyecegiz> for detailed information on this matter.

accept any asylum seeker. The UK, another country coming to the fore on this matter, did not accept the application of fifteen thousand refugees waiting in the Calais camp of France for entering the UK, and started to build walls on its borders to prevent their crossings. The UK refused the proposal of the EU for accepting three thousand children.

Italy is brought to agenda with human rights violations against asylum seekers and refugees. The 5 Star Movement, which was born in 2009 as a reaction to the corruption, the political system and the refugee influxes in Italy, has become the largest party of the parliament thanks to either its anti-immigrant or anti-refugee populist discourses, and formed the government with the extreme rightist Lig party, voters of which consider immigration as the biggest problem. When the rescue vessel named Aquarius carrying 629 asylum seekers was not accepted by Italy and Malta, one of the humanitarian tragedies occurred in the Mediterranean in June, 2018, which had been a death place of numerous people in search of asylum. The crisis that the people on-board encountered starvation was overcome when Spain opened its doors to Aquarius.

Other crises similar to Aquarius continue to be experienced too often. In the period when the said crisis was encountered, the rescue vessel named MV Lifeline was also refused by Malta and Italy again. This vessel carrying 226

asylum seekers caused a crisis among the EU countries. Following the decision of Mateo Salvini, Interior Minister of Italy, who is an extreme rightist and anti-immigration, as to fact that the rescue ships would not be accepted to the Italian ports, Italy's announcement that it would not accept the vessel named "Sea Watch 3" carrying about 800 people saved in the Mediterranean brought the crisis within the EU to the light. Having said that Germany, Netherlands, Malta and France were indifferent in relation to the acceptance of immigrants carried with such vessels, and that they canalized these immigrants to Italy, and that this was not acceptable, Salvini revealed the crisis experienced in the West about asylum seekers and refugees by stating that they would not allow Europe to be transformed into a refugee camp.¹² These practices clearly show that the Western countries tend to the restrictive security policies and value their economic and social interests above everything by leaving the refugee law and human rights aside.

The fact that more than 300 people died off the coast of Lampedusa in the southern part of Italy in October, 2013 subsequent to the sink of a boat carrying 500 asylum seekers made the strict refugee policies of the EU countries more controversial. After the events occurred in the North African

¹² See <https://www.bbc.com/turkce/haberler-dunya-44437881> for the details of developments on this matter.

countries and the military intervention in Egypt, the number of asylum seekers, who wanted to reach Europe over Lampedusa has increased. When considering the statements made by the EU authorities, more than 20 thousand people have died between Africa and Lampedusa since 1990.¹³ All these experiences show that the responsibilities, and particularly the Human Rights mentality, imposed by the international law towards asylum seekers and refugees are not implemented at the level of national states and regional unions.

The Austrian Freedom Party (FPÖ), a populist extreme rightist party in Austria, started to rise by adopting the slogan of "First Austria" with its anti-refugee, anti-immigrant and anti-foreigner discourses, and came to power by forming an alliance with the Conservative Peoples Party (ÖVP). It is also seen that the governments that are against accepting asylum seekers and refugees in Poland, Slovenia and Czechia are in power. The extreme rightist Golden Dawn Party, which draws attention with its anti-immigrant activities in Greece, entered in the Parliament. It is seen that some of the refugee boats trying to reach the Aegean Islands were sunk by the Greek security forces, and that some of them were turned back with their unsafe boats and sent to

¹³ See <https://www.amerikaninsesi.com/a/lampedusa-faciasi-abs-karistirdi/1765375.html> on this matter.

death, and that the asylum seekers in camps were badly treated so that they would return to their countries, and that the asylum seekers were forced to live in starvation, misery and sickness under the inhuman conditions of camps.

Not creating humanistic solutions about asylum seekers gives rise to countless humanitarian tragedies in this process. The death of 71 people with Syrian, Iraqi and Afghan origin in a truck haulage because of airlessness, which was left on roadside on the Neusiedl highway in Austria, was one of those tragedies. Humanitarian tragedies occurring in the Mediterranean are quite a lot. The tragic news reflected in the media, for instance, 48 asylum seekers lost their lives as a result of a boat overturn off the eastern coasts of Tunisia, 34 people died as a result of a wooden boat overturn in the Mediterranean carrying the asylum seekers, and the aftermath of hundreds of people on the boat is unknown, a boat carrying about 150 asylum seekers off the coasts of Northern Cyprus sank, 19 people died, and 25 people are missing, are only some of them.

Despite being exposed to a refugee influx, it is seen among the EU countries that Spain has been trying to consider the humanitarian dimension of the problem. Pedro Sanchez, Prime Minister of Spain, draws attention first to the fact that it is required that the problem's dimension out of the EU be discussed, and that the source and transit countries be

socially, economically and democratically restored, in other words, the problem be solved at the source. Sanchez states that it is required that the border controls be strengthened, and that the problems about immigrants within the EU be solved and dealt with as a secondary problem. F. Grande-Marlaska, Ministry of Interior of Spain, drew attention to the fact that the EU countries must find a humanitarian solution to this problem about asylum seekers and immigrants while trying to protect their own citizens. Grande said "We have to make a choice between humanity and security. We should not lose our humanity while implementing restrictive security policies", and criticized the dominant approach to the problem within the EU.¹⁴ The humanitarian approach that Spain indicated towards asylum seekers and refugees sets an exceptional example in the West. However, it is a subject of study behind this approach required to be worked on whether there is an interest relationship resulting from the population decrease in Spain.

The attitude of Europe against asylum seekers and refugees ignoring the international law and human rights is also indicated by the USA under the administration of D. Trump. "Zero tolerance", "zero tolerance at border" policies cause not only irregular immigrants, but also asylum seekers and

¹⁴ See <https://bianet.org/bianet/goc/198363-ab-ortak-gocmen-politikasi-uretemiyor> on this matter.

refugees to be exposed to inhumane treatments. The request of the USA for building a wall on the Mexican border and charging its cost to Mexico, and otherwise, the warning that the military troops will be sent to the border, is an indicator of a restrictive security attitude assumed against asylum seekers and refugees. The political instability and conflicts occurred after the coup in Honduras caused many people to become a refugee. These refugees head out to America over Guatemala and Mexico. The USA administration put pressure on Mexico, and asked that these refugees be stopped, and offered an economic aid in return for that. This attitude of the USA provides a basis for the fact that asylum seekers and refugees are overlooked to live under inhumane conditions in Guatemala and Mexico, and that those asylum seekers being exposed to violence at borders die or fall into the hands of human traffickers while they look for an illegal entrance to the country.

The US administration indicates that whoever arrives at their borders will find the military in front of them, and this situation reminds of a one-sided war. One practice that was put into effect by the USA in 2018 about asylum seekers has been a unique example in terms of human rights violations. Approximately 2.000 children, who were pulled apart from their families were put in the wire cages in Texas. Pulling the children apart from their parents and putting them in the

unhealthy camps hundred of kilometers away had not only resulted in family breakdowns, but also led to trauma both on the children and their parents. The reflection of this event in the press and the reactions coming from national and international arena partially enabled the USA to take a step back from this application to a certain extent. It has been observed that the US administration, which enters into the election process, defines the refugee influx coming from the Central America as a threat, and tries to manipulate the public opinion on this matter. Instead of producing solutions for refugees and the conditions creating refugees, asylum seekers and refugees are shown as a threat, and are made a domestic policy material.

When considered as a whole, it is possible to see the most striking examples of the problematic attitude of the West towards asylum seekers and refugees in their reactions to the Palestinian and Arakanian refugees. The first Crusade embarked on the Palestinian lands under the rulership of Muslims in 1099 resulted in that thousands of Muslims were killed, and also that thousands of them were obliged to leave their lands. One of the milestones in the Palestine problem is the alteration of the political and social fabric of the region with unnatural methods as a result of the occupation that occurred once the Ottomans withdrew from the region in 1918. The Jewish migrations to the Palestine region started to

gain momentum as from the first quarter of the 20th century, and these migrations had not only changed the demographic structure of the region, but also the fact that some Jewish terrorist organizations came into play and started a systematical genocide when this demographic change was not found sufficient (Dağ, 2016: 17). Subsequent to the declaration of Israel as a state on May 1, 1948, almost $\frac{3}{4}$ of the Palestinian lands were included within the Israel borders, and more than half of the Palestinians were displaced. This situation is one of the milestones concerning the issue of Palestinian refugees, and there has been no progress with regard to the solution of this 70-year-old problem along with the ever-growing Jewish settlements. The Palestinians, who were first left landless in their own countries, were also left stateless after the Arab-Israel war, and had to spread over to different points of the world as refugees.

It is seen that the attitude of the West towards the Palestinian refugees is not independently shaped from the Israeli policies putting them in a refugee position. The aids made through international organizations are only useful for stopping the Palestinian refugees to be a problem for Israel. As the West does not provide financial aids on such a scale that will enable the Palestinian refugees to live under humane living conditions, it also does not make any attempt

that will enable them to return to their homelands. The UN states that the conflicts and wars occurred in Palestine in the last 70 years put more than 5 million Palestinians in a refugee position.¹⁵ Even though it is stated in the instruments of international law applying to refugees that the people with the refugee status have the right to return to their homelands, the West does not have any attempt in that regard.

The Muslims in Rohingya in the coastal area of Arakan live a similar version of the tragedy that the Palestinians have been exposed to. The Muslims in Rohingya were exposed to the destruction of their settlements, the demolition and burning of their prayer rooms, and gang rapes and massacres. It was indicated in the statement made by the UN in August, 2018 that the Myanmar general have to be put on trial with the charge of attempted genocide.¹⁶ The Arakanian Muslims were denationalized in 1982 in Myanmar, where 135 ethnic groups live, and 500 thousand Muslims were killed in the last 35 years, and more than 2 million of them were expatriated. Despite the fact that more than half of the 2.5 million Arakanian Muslims on the world are put in a refugee

¹⁵ See <https://www.aa.com.tr/tr/dunya/filistin-nufusunun-yaklasik-yarisi-multeci-durumunda/1179855> and <http://arsiv.ntv.com.tr/news/143477.asp> on this matter.

¹⁶ See <https://www.reuters.com/article/us-myanmar-rohingya-un/u-n-calls-for-myanmar-generals-to-be-tried-for-genocide-blames-facebook-for-incitement-idUSKCN1LC0KN> on this matter.

position, no intervention has been made except some of the reactions shown at the level of statements. When the genocide process was carried out in 2017, this tragedy was ignored, and no international intervention was made, and some political statements were made stating that what happened there was a genocide for soothing the international criticism coming after this humanitarian tragedy and as an attempt to ease their conscience.¹⁷ Lastly, the House of Representatives of the USA adopted a bill as to what happened there in 2017 was a genocide. Even though some of the statements made against the criticism increasing in the international arena and the adopted genocide bills are late positive developments on this matter, not taking back the Nobel peace price granted to the Myanmar President, who was the responsible one for the genocide experienced, even as a symbolic reaction is an indicator of the disingenuity on this matter.

Upon the fact that tens of thousands of people were killed, and that millions of people were displaced and put in a position of asylum seekers and refugees, the Independent International Fact-Finding Mission on Myanmar established on March 23, 2017 by the UN published a report following an 18-month examination suggesting that the Myanmar

¹⁷ See <https://medium.com/oradaydik/dunyanin-en-hizli-buyuyen-multeci-krizi-bangladesteki-rohingyalar-f6dd209cb096> on this matter.

army (Tatmadaw) carried out the genocide on the Arakanian Muslims, and that the responsible people had to be put on trial before the International Criminal Court (ICC) with the charge of genocide. This violence, to which the Arakanian Muslims were exposed, is called as "ethnic cleansing" and "genocide". Even though it was revealed out with this report that the Myanmar military and the fanatic Buddhists violated the human rights with the attacks mostly in the form of arbitrary detentions, tortures, rapes and murders of the Arakanian Muslims, there has been taken no serious step by the West for preventing this problem.¹⁸¹⁹ It is also seen that the Arakanian Muslims are not accepted by the Western countries as asylum seekers or refugees. This is a clear indication that the human rights stay at the level of statements when the individuals and societies defined as "others" for the developed countries are at stake. When those individuals, administrators and states that the Western countries are in a relationship with, are at stake, it can be seen in this example how they stay blind, deaf and mute against the violation of the international law or the human rights. The fact that the West does not take any steps despite all the experiences shows that the human rights discourses

¹⁸ See <https://www.haberturk.com/avrupa-rohingya-konseyi-nden-adalet-cagrisi-1910571> on this matter.

¹⁹ See <http://www.hurriyet.com.tr/dunya/son-dakika-bmden-soykirim-aciklamasi-40938099> on this matter.

do not lead to any kind of actions for those defined as “far” and “others” or such people and geographies who/that are not beneficial to the West.²⁰

Another example of the desensitization of the Western countries about asylum seekers and refugees is the introduction of limitations for relief activities. Despite the increasing international reactions subsequent to the US' decision for recognizing Jerusalem as the capital of Israel and carrying its embassy from Tel Aviv to here, the USA took a decision to stop all the financial aids to the UNRWA- "United Nations Relief and Works Agency for Palestine Refugees", which was established in 1949, as a new initiative for punishing the Palestinians, and caused over 5 million Palestinian refugees to stuck in a difficult situation in the camps located in the countries, such as Jordan, Lebanon and Syria, and this humanitarian tragedy was totally ignored. ²¹ And the fact that the USA and Hungary are not included in the "Global Compact On Refugees", which was tried to build up at the UN, assuming that all the states share the burden of refugees and displaced people and that they all share the responsibilities, shows how far they are away from a

²⁰ See also Grover, S. C. (2018) for assessments on this matter.

²¹ See <https://tr.euronews.com/2018/09/03/urdun-abd-nin-unrwa-kararina-tepkili> on this matter.

humanitarian attitude against the asylum seeker and refugee problems.

Conclusion

The legal acquis of the West on the human rights and freedoms have broken down in the face of irregular immigrants and refugees. While, at the beginning, asylum applications of individuals or those coming from non-Muslim geographies could be solved somehow, once the asylum seekers reached a collective dimension and especially when they had a Muslim identity, they were started to be considered people as a threat by the Western. It is seen that the Western countries adopt policy, economy and security-centered approaches by moving away from the human rights perspective about asylum seekers and refugees, who are massified by getting out of individual scale. The criminalization of asylum seekers as irregular immigrants or undocumented immigrants gives rise to the negligence of this problem's human dimension.

As the Western countries do not position asylum seekers and refugees within the framework of the human rights, and do not offer them the humane living conditions, they also do not take any initiative for ending the events putting them in a position of asylum seekers or refugees or finding a solution to these problems by going beyond the rhetoric. The political

and economic problems producing asylum seekers or refugees in Africa, Middle East, Far East and South America are ignored unless they produce problems in the political and economic sphere of influence of the West, and such problems are deepened as long as they consolidate the dependency relations. The cultural, political and economic biases and interests at the national and regional level bring about the negligence of the basic human rights of individuals and the responsibilities of the states within this framework.

The violent actions against asylum seekers and refugees in or out of the country, the quotas applied in the acceptance of refugees, or the policies for stopping the refugees in the first countries all show that the problem is not handled with a universal human rights dimension, but the economic concerns. The criteria used by the Western countries accepting a limited number of refugees in the acceptance of asylum seekers or refugees show that socio-cultural and economic-political expectations are the determinants rather than the human rights.

It is seen that the principle suggesting that refugees cannot be sent to such a country, where their lives and freedoms will be under threat, is overcome on the grounds, such as secured third country and first asylum country, and that refugees are tried to be kept out of the West. The agreements made by the USA with Mexico and by the EU with Turkey

and Libya came to existence within this framework. "The Global Compact On Refugees" of the UN, which aims at fair sharing of the responsibilities and liabilities about refugees, can be regarded as the product of such an effort that keeps refugees away from the West.

Having been evaluating individual asylum requests within the framework of immigration, the West defines collective asylum requests as an irregular migration based on economic reasons. Those refugees, who can be absorbed by the system at an individual scale, lead to crises when it reaches a collective scale. Coups or wars disrupting the political and social order all of a sudden cause the sudden collapse of social order and result in the occurrence of mass refugee influx. The role of the Western countries in the destabilization of the non-western societies is never brought to agenda. The West, which advocates for the rights of asylum seekers and refugees when they can be integrated to the system, started to look at the problem not from a humanitarian perspective, but a social, political, economic and security one when this problem gets massified or the mass refugee influxes start.

Defining asylum seekers and refugees as illegal immigrants and criminalizing them, and considering them as a threat within the national and regional borders gives rise to tightening of the practices and the legislative regulations

against refugees and making the national reactions widespread. Those administrators seeing and showing the refugees, and particularly asylum seekers, as a threat to the national unity tend to the persuasive deterrent policies, and as a result of these policies, oblige asylum seekers to the inhumane living conditions in camps, and light the fuse of xenophobia in the society. The Western countries put forward the policy of "setting up camps in neighboring countries" instead of providing a minimum life standard to asylum seekers and refugees within the framework of human rights. And they ignore the inhumane conditions and the tragedies experienced at camps. The refugee crisis showed us again how fast the humanitarian values advocated by the West are left behind once the economic welfare is in the shade of crises. The West revealed with its inhumane treatments against asylum seekers and refugees that its humanitarian values are eroded. As a solution to this problem, the international human rights law must be firstly taken as a basis, and then the international conventions on asylum seekers and refugees must be considered within this scope. Unless this problem is handled from a humanitarian dimension, it will continue to produce new humanitarian tragedies, and leave disgraces in the history of humanity.

Sometimes, tension runs high among the member states of the EU concerning the acceptance of asylum seekers and

refugees. Adopting legislative regulations is planned in order to prevent the free movement of immigrants, asylum seekers and refugees within the EU. It is seen that the countries being exposed to a direct refugee influx tightened their refugee policies, and the other ones abstained from sharing the responsibility. Xenophobia, which started to arouse inside the masses that could not find what they expected within the EU, and the statements of right-wing politicians, which are fed from this hostility and also growing it, gives rise to the increase of anger and reactions against immigrants and asylum seekers. Two people urinating on a refugee woman, who were begging around on the Sant'Angelo Bridge in Rome, and the humiliation of beggars by throwing coins and goading them into doing push-ups in Madrid can be seen as a reflection of this anger.

The attitude of tightening the EU border security as a reflection of its restrictive security policies brings the approach of stopping asylum seekers in transit countries and considering their applications in these countries, as is in the way of those agreements signed with Libya and Turkey, into the forefront. It is observed in this approach that a selective, elitist and pragmatist attitude is indicated in the acceptance of asylum applications. While the applications of the individuals with good economic opportunities or high educational levels are accepted, the ones of others are not

accepted and continued to be kept at camps with a limited aid. And this situation is an indication that the humanitarian dimension of this problem is neglected in this approach.

As asylum is grounded not as a human right that an individual owns, but such a right that is granted by a state, the international decisions hang in the air. This problem will continue unless asylum is recognized as a human right, and the refusal of asylum right is accepted as a violation of human rights by the states. The fact that asylum seekers and refugees are considered within the context of the human rights will put the states under some obligations and responsibilities. However, as long as it continues to be considered within the context of sovereignty understanding of states, it will be continued to witness many human rights violations and humanitarian tragedies as encountered today.

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