HUMAN RIGHTS AND MIGRATION

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Abstract

Since its creation, the world has been marked by divergent interests, in conjunction with the adequate projection of power. There have always been powerful and weak states. Moreover, through-out history there has been migration on different routes. It is a basic modality that shaped the geopolitical map of the world. During present times the migration flows are on the move from poor states, torn by war or crisis, targeting developed countries, especially from the European Union. From an analytical point of view, each type of migration has a special nature regarding the movement of social groups and the goals. The justification for the massive movement of human communities, especially from the Middle East and Northern Africa, is linked to the respect for the fundamental Human Rights. We also must state that the respect of Human Rights is put into practice in the migration destination countries, and little in the countries that generate the migration flow.

1. Historical Benchmarks on Migration

In the existence and development of civilization the projection of *interests* is most important and is accomplished in close cooperation with the power factor, widely accepted as the possibility to impose one᾽s own will on someone. The state and non-state entities have in view *"…to pile up more and more power to strengthen their security"*[1]. This is because *"just the level of power determines the rank, and increases it: nothing else"*[2]. The projection of power allows to get hold of different types of resources, to become master of what or to lead (control), assure the climate or world order. In terms of war, there are terms like *hard* (purely military), *soft* (non-military possibilities: cultural, of image, economic, etc.) and *smart* (a combination of the two mentioned above).[3] So maximizing one᾽s own power must be accepted as the unique possibility to achieve the interest of the

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[1] Tabarcia, N., *Echilibrul de putere în secolul XXI – cazul apărării antirachetă*, CTEA, Bucharest, 2014, p. 67.
[2] Nietzsche, Friedrich, *Voința de putere*, Aion, Oradea, 1999, p. 553.
[3] President Obama officially declared that the USA is the only country in the world that can project this exclusivist power [UA].

international actors.[1] The world is driven by interests, diversity, contradictions and competition. The most essential ones are considered fundamental, and can develop, harmonize or destroy the life of civilizations over ages. Civilizations have a particular evolution which can be translated in different stages: creation, development, growth, reaching its climax, fall and disappearance.[2] This point of view expressed by Samuel P. Huntington[3] in -"*The Clash of Civilizations and the Remaking of World Order*". Huntington considers that 8 civilizations (western, Orthodox, Sinica, Muslim, Hindu, Japanese, specific to Latin America and Sub-Saharan Africa) can produce conflicts in the area of contacts or between nucleus states that are part of the above mentioned civilizations. The author considers (in the future) the possibility of diminishing the expansion of the western civilization (Western Europe and North America) in spite of China's wish to become a local hegemonic power. Huntington also makes remarks regarding a future clash between Muslim and western civilizations[4]. It is possible that this point of view could contain political or ideological purposes.

Migration was and still is a continuous present phenomenon in human history. The phenomenon can be considered as "*1. Mass movement of tribes or population from one territory to another, determined by economic, social, political all natural factors...*"[5] As a result, the migration phenomenon must be attentively analyzed in a complex civilization context.

In an epistemic sense, accepted as a mobility and movement phenomenon, migration can be understood as the change of residence for a long period of time, to fulfill some form of activity.[6]   All the time the purpose of migrations was to satisfy one's needs. In the past, the priority was to satisfy the first two elements Maslow's Pyramid. The physiological primary needs and the survival of the individuals or population were decisive, being still common in regards to today's massive migration. The movement for professional purposes and to gain higher living and economic standards are linked to the two above mentioned needs.

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[1] Walt Stephe M.,*The Origins of Alliances*, Cornell University Press, New York, 1987, pp. 19-22.

[2] Zartarian, V., *Marile civilizaţii*. Editura Lider, Bucharest, 2003, p. 14.

[3] Samuel Phillips Huntington, former advisor of Precident Clinton, professor at Harward published, "*The Clash of Civilizations and the Remaking of World Order*".

[4] Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order,* Simon & Schuster (Publisher), 1996, pp. 27-45.

[5] *Dicţionarul explicativ al limbii române,* Ediţia a 2-a revăzută, Academia Română, Institutul de Lingvistică „Iorgu Iordan-Al. Rosetti", Editura Univers Enciclopedic Gold, Bucharest, 2009, p. 653.

[6] *Dictionar de sociologice*, coordonatori Zamfir, Catalin, Vlăsceanu Lazăr, Editura Babel, Bucharest, 1998, pp. 351-352.

The reasons that were at the origin of the movements were specific to each wave of migrations. That is why we can structure migrations as follows:

The primitive migrations. They took place in order for people to save themselves from the destructive incidence of natural or human forces, leading to the extermination of the respective population. Specific aspects show the movement of whole communities living on wide areas (tribes). The results were the formation of new populations in the new area of destination, the creation of state entities and assimilation (extermination) of natives. We can refer to the migrations that had horrendous repercussions during ancient times (the most tough being the fall of the Eastern Roman Empire in 476 B.C.) and during the Middle Ages (also, the possible peak of migration and one of the consequences that led to the disappearance of the Eastern Roman Empire in 1453). The movement of the population modified the map of the world, especially because of the pressure on the natives through hatred, cruelty, killings, extermination, taking over their territory and resources.[1]

Were Human Rights respected during ancient times or Middle Ages? Not at all. *The deliberate migrations*, specific to the great geographic discoveries, brought about the movement of millions of people, who had a higher level of civilization than the natives, and generated a defining conflict with the locals. The extermination of natives by the newcomers was followed by the introduction of the way of life and overcame those of the migrant generation structures (for example USA and Canada). *The forced migrations,* cover up masses of humans moved by state authorities. For example, the slave commerce from Africa to America (approx. 20 millions), the British deportation of convicts to Australia (approx. 15.000), millions of deported people from Germany (ordered by Hitler) or in Siberia (ordered by Stalin). The respective migrations were synonymous to extermination. Most of the time, Human Rights were not respected. *The mass migration* is specific to the XIXth century, witnessing intercontinental movements. During the first part of the century, over 60 million Europeans left the old continent to reach America. Presently the maximum impact migration is represented by people from the Middle East and Africa to Central Europe especially Germany, France, Great Britain and Belgium, in terms of over 1 million migrants every year[2]. The arrival states respect the Human Rights but inside the enclaves formed the situation is debatable.

Migrations decisively modified the world's geopolitical map. The arrival population created its own form of organization, leadership and civilization. Of course, there are other systems to classify that can be used.

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[1] Stoicovici, Maria, *Migrația populațiilor şi perspectiva sa socială şi lingvistică*, NDU"Carol I", Bucharest, 2013, pp. 18, 24-25.
[2] *Ibidem*, pp.19-21, 26-27.

2. Causes and Evolution of Migration

As we understand, the angle from which we analyze migration can show types of opportunities given to the individuals or social group, the dimension of the challenge for the developments and also the profound implications in regards to security[1]. From the analytical point of view of Human Rights, it is widely recognized that poverty does not facilitate Human Rights. Without any shadow of doubt a priority represents the way Human Rights are taken into account in the internal laws and are really respected. Moreover, we have to add the institutional organization, the application mechanisms of the legal provisions and the existence of an adequate level of education of the social groups.

The notion of state mandatorily includes also the ones regarding the frontier and the territory. It is considered that the frontier defines the territory of an independent state, offering the state the possibility to exert full and exclusive sovereignty. [2] Today there is a tendency that migration understates the notion of frontier.

The causes of a massive movement have to be analyzed from different angles. Among the conditions that leave a mark on the migratory flows, we can bring into attention the demographic potential (specific to the moving population), the high difference between wages in the origin and destination states, the level of civilization from the destination states, aspects regarding the security of the individuals or the group. The analysis can refer to the origin, transit and final destination states. In some situations there are no transit states. There are also two aspects regarding migration. The term *"migrant"* refers to people *"…that leave the homeland to stay (temporarily or permanently) in another country"*[3] and the term *"immigrant"* refers to people who arrive in a foreign country with the intent to settle there. [4] These two terms are very much interconnected.

3. The Problem of Respecting the Human Rights

As a principal rule, respecting Human Rights has a social origin, but parts of the actions that are taken are of political nature. As a basic element of wellbeing, progress and level of civilization which is a reference point for democracy and state of law, but by neglecting major aspects can lead to the destruction of stability or of the equilibrium, quite fragile, in the target areas.

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[1] Sarcinschi, Alexandra, *Migrația ca problemă de securitate. Studiu de caz: România,* NDU"Carol I", Bucharest, 2014, p. 7.

[2] Pereş, Gabriel, *Dreptul frontierei de stat,* Sitech, Craiova, 2015, p. 84.

[3] *Dicționarul explicativ al limbii române, op.cit*, p. 351.

[4] *Ibidem*, p.492.

The Universal Declaration of Human Rights, the first international document that has a universal calling, creates a unitary way of seeing things regarding the fundamental rights and freedoms of the human being. Based on this document, the UN General Assembly has issued the *"International Pact regarding social and political rights"* and the *"International Pact regarding economic, social and cultural rights"*, both being adopted on the 16-th of December 1966. Based on the guidance for action afterwards were adopted a series of rules regarding the problem of Human Rights.

The civil and political rights are considered to be the *"first generation rights"*, including legal measures that must be taken by the state, in accordance with its own political system. - These are parts of the universal identity of the human being because all citizens (from the judicial point of view) must be considered both as human being and also as member of a group distinctively protected. We can wrap up that this integrates the civilian and political rights, social rights and political ones. [1] The Universal Declaration of Human Rights includes multiple contents such as: right to life, interdiction of torture, of slavery, of forced labor, equality before the law, the assumption of being not guilty, the right to avouch human personality, respect of personal and family life, freedom of association, of thinking and religion, right to associate or take part in peaceful gatherings, the right to make a family, freedom of movement, right to lead public activities etc.[2]

The economic, social and cultural rights are considered as being *"second generation rights"*. These are still individual rights, but in order to make possible for the citizen to really make use of them the states must reach a certain level of evolution.[3] These include the right to freely select or accept work, the right to equitable and favourable working conditions, equality in regards to economic, social and cultural rights between men and women, the right to join in syndicates, the right to make strikes, right to social security, family right to receive assistance, right to education, right to physical and mental healthcare, right to take part in social activities, etc.

The Human Rights from the *"third generation"*, which are newly invoked contain the so called *"right for solidarity"*, promoting the common interests of the world countries and international community, and can be found in the generous context of Human Rights. Some of these are: the right to progress (by granting full access of nations to essential resources and equal development), the right to a natural and healthy environment (due to the

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[1] Suian, Pavel, *Drepturile omului*, ROSPRINT, Cluj-Napoca, 2007, pp. 253-254.
[2] Vida, Ioan, *Drepturile omului în reglementări internaționale,* Editura Lumina Lex, Bucharest, 1999, p. 19.
[3] Suian, Pavel, *op. cit.*, p. 254.

worsening level of pollution from different sources), the right to an adequate social environment (combatting terrorism, uproot criminality, drugs, etc.), right to peace and security (exuding arms conflicts, the disappearance of threats to state security). These rights go beyond the individual level, becoming a link between groups, nations at regional and global level.

These three categories of rights are complementary, imposing concurrent efforts at state and social level. Of course the beneficiaries are at the level of the peaceful individual. [1]

We can even talk about the rights that are specific for *"the fourth generation"*, that refer to women (in regards to sexual violence, right to give birth, right to asylum, rights regarding slavery and other practices linked to slavery). [2] There are five method of applying the Human Rights: file a complaint to international organizations (including special tribunals) by individuals, investigations at the scene by international or neutral experts, file claims shown to international organizations that have a mandate to deal with the problem or complete reports made by states on certain criteria, put pressure by political leaders or diplomats (notes of protest, declarations, initiatives and resolutions, bilateral and multilateral meetings, etc.). Regarding the use of Human Rights, it is recognized that there are some *ideological* obstacles (which induce differently the perception of Human Rights, analyzed from the point of view of the relation between the individual and the society and between the individual and the group) *economic* obstacles(the individual basic needs - a place to live, food, water, clothes, heat, etc. are not assured in many countries) and *technical ones* (the sizeable number of international conventions in the field, state reserves and their ratification and the lack of efficient procedures and mechanisms for their application). [3]

In studying migration, a possible starting point can be the Universal Declaration of Human Rights, in which we find the following "*1. Any person has the right to travel freely and to choose his residence inside the borders of a state. 2. Any person has the right to leave any country including its own, and to return to it.*"[4] The complex aspect of Human Rights should be normally

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[1] Vida, Ioan, *op.cit,* pp. 20-21.

[2] Coomaraswamy, Radhika, *Reinvesting International Law: Women's Rights and the International Community*, Human Rights Programme, Harvard Law School, Cambridge, 1997, p. 20.

[3] Suian, Pavel, *op. cit.,* pp. 256-258,

[4]Articolul nr.13 din *Declaraţia Universală a Drepturilor Omului,* adoptată de Adunarea Generală a Organizaţiei Naţiunilor Unite la 10 decembrie 1948 [NA].

found in the context of ensuring by states of other fundamental rights of human beings.

The way migration takes place has to be in accordance with the sovereignty of the states that are part of the subject in discussion and also with the national borders. The causes of immigration can be objective (caused by being forced to leave the living areas to assure the survival – because of war or a national phenomenon), or subjective (migrants wish to improve the living standards). In essence, poverty can be a critical obstacle to assure Human Rights[1], and also the main motif in generating migration.

In regards to Human Rights, we bring to light two analytical models. The first is the European one that puts an accent on the individual and on the respect of its rights. The individual has a central place inducing the diminishing of the general effort, the fragmentation of the groups and dividing the national interest. In the second one, the Asian model (*"Asian Values"*) there is a respect for the rights of the groups, the individual being placed on the second place, being liable for subordinating itself to the main requests of the group[2]. There are authorized voices that, without strongly denying the second model concept, appreciate that the social virtues generate more efficiently social prosperity than respecting the actual systems regarding Human Rights. The economic success of the *"Asian tigers"* in the last decades, which strongly used this model, is a powerful argument for success[3]. Obviously, specialists and experts in the field deny or do not admit the other model.

4. Possible Hybrid War?

The generic structure of the conflict can be attained through 3 general types of confrontations: symmetrical, asymmetrical and hybrid.

The symmetrical confrontation is specific to international actors with comparable potential, that respect the war habits and the rules of war (international rights and Human Rights). It is the type that uses rough force, targeting the opponent's center of gravity. This implies actions of the armed forces of state A against similar entities of state B. In case of a great confrontation victory can be achieved and the winner takes over the territory and resources and gains full rights upon the looser. It is possible that the loosing state be wiped from the map. As examples, the are confrontations in world history including the two WW.

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[1] Patten, Chris, *East and West*, Macmillan, London, 1998, p. 25.
[2] Suian, Pavel, *op.cit,* p. 257.
[3] Fukuyama, Francis, *Trust: The Social Virtues and the Creation of Prosperity,* The Free Press, New York, 1995,pp. 21-27.

The asymmetric confrontation is specific to participants that have an uneven potential. The weak actor does not obey the rules of war and uses isolated, subversive and synchronized hits. The actor with modest potential will use camouflage its advantage to create the syndrome of unseen and volatile adversary to the opponent, and as a rule it will target governmental elements (avoiding the center of gravity, respectively the armed forces that can rapidly crush the adversary's resistance). It is a long duration confrontation, harassing permanently to wear the possibilities of the strong actor and finally make it quit. In this respect, examples are the partisan confrontations, the guerilla wars and the wars in Iraq (2003) and Afghanistan. [1]

The hybrid confrontation comprises aspects from the two above. The aim is to destabilize the target society, finally affecting the government and the armed forces. The main effort falls on the non-military means, while propaganda and mass-media help and amplify the psychological effects. The part of the society which is on the side of the strong actor will support the destabilizing actions and measures. The continuous media offensive will be for a long period of time, based on gross news fakes, splitting the society, bringing hate between social groups and antagonizing the target population. The annihilation of governance and affecting the armed forces will be achieved in a coordinated manner, by social militia groups, loyal to the aggressor, backed-up by advisors and massively empowered by Special Forces specialists and *Intelligence*, the groups receiving massively sophisticated weaponry to achieve their missions[2].

We consider that massive migration can assure the conditions for a confrontation in the hybrid domain. The areas inhabited by some ethnics or hard core religious adepts, can become focal points of interests and actions to isolate themselves. By developing actions with the help of the above mentioned specialists and technology, the combating force can strengthen and enlarge the area and affect the authorities' activity in the field of national security. The radicalization forces can expend on large areas, where they can impose their own proper set of conduct rules. The states from the migration origin area and also other interested state will widely support the newcomer's cause, with the possibility of destroying the democracy and the state of law in the destination states, in essence of European civilization.

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[1] Bogdan, Al.C, Bogdan, V., *Contracararea afectării teroriste la adresa intereselor NATO şi Uniunii Europene,* CTEA, Bucharest, 2017, p. 52.

[2] Kříž, Zdeněk, Bechná,Zinaida, Števkov, Peter, *Hibrid warfare: its concept, potential and how to fight it,* in Hibrid Warfare: A New Phenomenon in Europe's Security Environment (2nd edition), Praha, Ostrava, Jagello 2000 for NATO Information Center in Prague, 2016, pp. 10-11.

The migration flows are also powerfully linked to organized crime, terrorism, different types of delinquency, drugs and person trafficking. Through a common effort can be achieved hybrid purposes or finalities. In this sense, the hybrid implications of the Russian Federation in Chechenia[1], Georgia (2008)[2] and Eastern Ukraine (2014-2015)[3] are well-known.

What will come next? And how? History will demonstrate.

5. Today's Migration in Europe

The European Convention on Human Rights[4] grants humans a number of 13 rights and fundamental freedoms: right to life (art. 2), interdiction of slavery (art.4), right to liberty and security (art.5), right to have a fair trial (art. 6), punishments only according to the law (art. 7), right to have a private life and family (art. 8), freedom of thought, consciousness and religion (art. 9), freedom of speech (art.10), freedom to gather and associate (art.11), right to get married (art.12), right to make an appeal (art.13) and interdiction of discrimination (art.14). Through protocols to the Convention were added protection of propriety , right to get education and right for free elections[5], interdicts the arrest for debts, freedom of movement, interdiction to expel its own citizens, or collective groups of foreigners[6], abolishment of the death penalty[7], the Convention assures procedural guarantees in case of expelling of foreigners, the right not to be judged or punished two times for the same activity, equality between spouses[8], interdiction of generation of discrimination[9], the effort being followed by news sets and signing of other protocols.

The EU fundamental Charter has 7 chapters, with a total of 54 articles and its existence was made possible by the signing in Rome on the 29-th of October 2004, of the Treaty that became Europe's new Constitution. The *Carta* is in the second part of the Constitution.[10]

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[1] William J. Nemeth, *Future War and Chechnya: A Case for Hybrid Warfare,* Monterey CA, Naval Postgraduate School, 2002.

[2] *Ibidem.*

[3] *Ibidem.*

[4] The document was signed in Rome on 4-th of November 1950 and had effect from 3-rd September 1950 [NA].

[5] Through the 1-st Protocol signed in Paris on 20-th of March [NA].

[6] Through the 4-th Protocol, signed in Strasbourg on 16-th of September 1963 [NA].

[7] Through the 6-th Protocol, signed in Strasbourg on 28-rd of April 1983 [NA].

[8] Through the 7-th Protocol, signed in Strasbourg on 22 November 1984 [NA].

[9] Through the 12 Protocol, signed at Rome on 4-th of November 200 [NA].

[10] Preduca, Grigoriana Manuela, *Drepturile omului - valențe juridice și canonice,* Editura C.H. Beck, Bucharest, 2011, p. 40.

Regarding the illegal stay, the destination states can assure refugees the right to stay for a definite period of time (temporarily or for a long term) or permanent. The approval for legal stay is usually the Identity Card, which assures the owner including the right to work and to benefit from social assistance. On a case by case basis, the refugees' right to stay for a determined period of time can expire after 3 or 5 years, but also can be followed by a permanent stay. [1]

The problem of Human Rights covers the migrant situation in the European Union. The asylum seekers in the EU are part of the global migration, due to political and multiple social-economical causes. In 1992, were registered 672.000 requests (the EU having 15 member states), most of them coming from the Former Yugoslavia. In 2001 were registered 424.000 requests (EU having 27 member states). During the following years, the number of requests dropped slightly, the annual number being under 200.000. Between 2006 and 2012 the number increased progressively, and after 2012 (the EU having 27 member states), came a rapid growth of requests: 431.000 in 2013 and 627.000 in 2014. After 2014, the rhythm of request went skyrocket with 1,3 million in 2015 (1,26 - million representing the first asylum request) and also 1,3 million in 2016 (1,2 million for the first asylum request). Regarding the European Union states on the first place is Germany with 442.000 asylum requests in 2015 (with a growth of 35% compared to the previous year) and 772.000 requests in 2016 (with a growth of 60% compared to 2015). Obviously the figures are very high.

The asylum requests boomed after 2006. Details are given in table 1.

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[1] *Drepturile şi practicile de integrare privind refugiaţii recunoscuţi în ţările Europei Centrale*, UNHCR, Europe Office, Geneva, 2000, pp. 1-3.

Table regarding the asylum requests in the European Union 2006 – 2016

(*Thousands of persons, the EU having 28 member states)*[1]
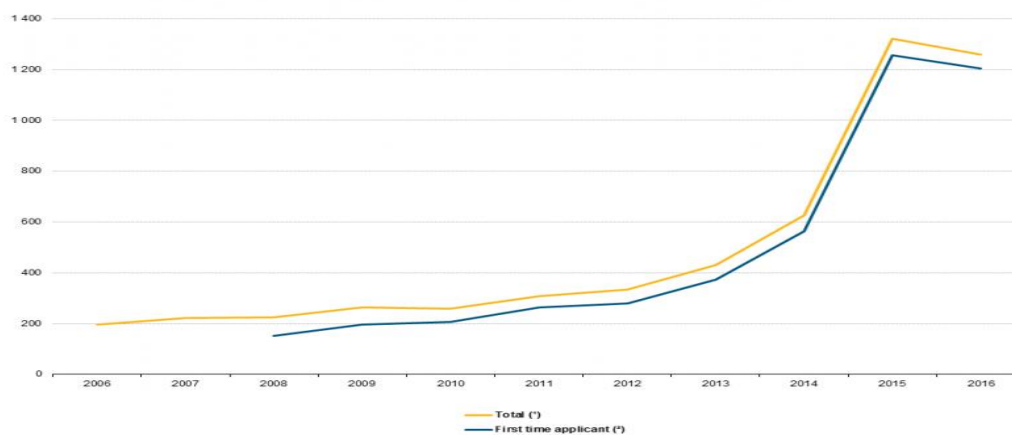

(*) 2006 and 2007: EU-27 and extra-EU-27.
(*) 2006 and 2007: not available.
Source: Eurostat (online data codes: migr_asyctz and migr_asyappctza)

Table 1. The dynamic of asylum seekers

During the last 2 years (2015-2016) the migration phenomenon was generated in conflict areas such as Syria, Afghanistan, Iraq and Pakistan) and also in states that struggle with long internal crisis, in which there is little or no stability, social convulsions, unsafeness and famine (Albania, Kosovo, Nigeria and Iran). Details are provided in table 2.

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[1]http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Asylum_applications_(non-EU)_in_the_EU-28_Member_States,_2006%E2%80%932016_(thousands)_YB17.png

The world major migrations that took place between 2015-2016[1]
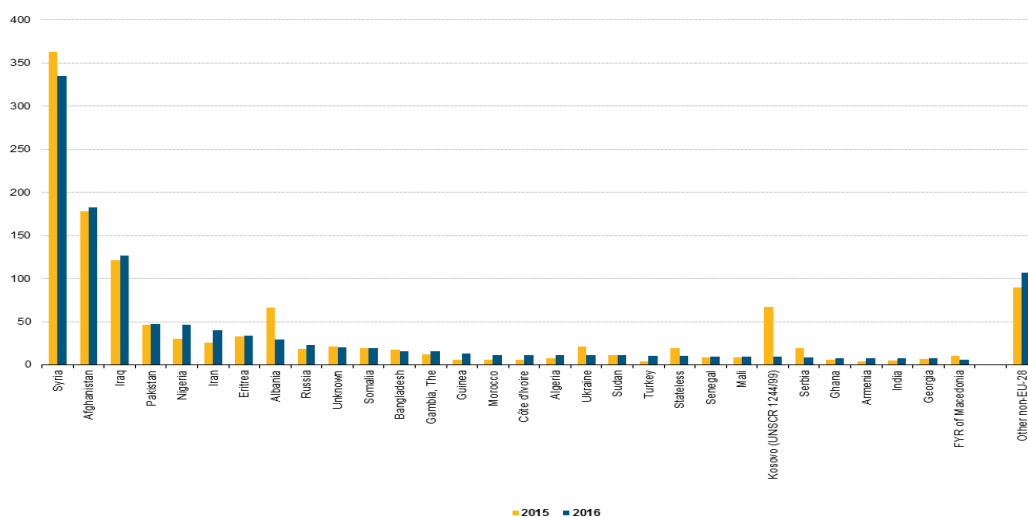
Source: Eurostat (online data code: migr_asyappctza)

Table 2. Major migrations in the past years

With regards to the global framework which refers to migration, we can refer to the 1951 Geneva Convention that relates to the refugee status, modified by the 1967 New York Protocol. At the European Union level, the phenomenon was brought under attention in the Hague Program, signed by state and government leaders on 05.11.2004 which established common working procedures and a Unitarian platform to address the asylum problem. The 2008 program has as goals to harmonize the protection standards regarding asylum, effective cooperation and multiple support and to enhance the responsibility and solidarity amongst member states of the European Union.

The 4 significant documents are: EU Directive 2011/95 regarding the conditions for international protection, EU Directive 2013/32 regarding procedures, EU Directive 2013/33 regarding the conditions, EU Dublin Rule Book 604/2013. The adaptation of the rules to the migration reality

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[1]http://ec.europa.eu/eurostat/statistics-explained/images/0/01/Countries_of_origin_of_%28non-EU%29_asylum_seekers_in_the_EU-28_Member_States%2C_2015_and_2016_%28thousands_of_first_time_applicants%29_YB17.png

was done in 2016 through communicates, reform packages, sets of proposals and so on. [1]

Details regarding 2016 are provided in table 3.

Table regarding asylum requests in 2016[2]

Belgium			Bulgaria			Czech Republic			Denmark	
Syria	2 235		Afghanistan	8 645		Ukraine	355		Syria	1 255
Afghanistan	2 225		Iraq	5 240		Iraq	140		Afghanistan	1 110
Iraq	760		Syria	2 585		Cuba	80		Stateless	490
Somalia	725		Pakistan	1 775		Syria	65		Iraq	435
Guinea	720		Iran	440		China (including Hong Kong)	65		Morocco	325
Other	7 585		Other	305		Other	495		Other	2 440

Germany			Estonia (¹)			Ireland			Greece	
Syria	266 250		Syria	45		Syria	245		Syria	26 630
Afghanistan	127 010		Iraq	20		Pakistan	235		Iraq	4 770
Iraq	96 115		Albania	10		Albania	220		Pakistan	4 420
Iran	26 425		Iran	10		Zimbabwe	190		Afghanistan	4 295
Eritrea	18 855		Palestine	10		Nigeria	175		Albania	1 300
Other	187 610		Other	55		Other	1 170		Other	8 460

Spain			France			Croatia			Italy	
Venezuela	3 960		Albania	6 850		Afghanistan	685		Nigeria	26 550
Syria	2 920		Afghanistan	6 065		Syria	335		Pakistan	13 470
Ukraine	2 550		Sudan	6 055		Iraq	335		Gambia, The	8 845
Algeria	725		Haiti	5 145		Pakistan	180		Senegal	7 550
Colombia	610		Syria	4 670		Iran	140		Côte d'Ivoire	7 435
Other	4 805		Other	47 205		Other	475		Other	57 335

Cyprus			Latvia			Lithuania			Luxembourg	
Syria	1 165		Syria	150		Syria	165		Syria	330
Somalia	225		Afghanistan	35		Russia	50		Albania	220
Pakistan	205		Russia	25		Iraq	40		Kosovo (UNSCR 1244/99)	195
India	200		India	20		Ukraine	30		Iraq	180
Vietnam	150		Pakistan	20		Afghanistan	30		Serbia	150
Other	895		Other	95		Other	95		Other	990

Hungary			Malta			Netherlands			Austria	
Afghanistan	10 775		Libya	655		Syria	2 865		Afghanistan	11 500
Syria	4 875		Syria	285		Eritrea	1 865		Syria	8 730
Pakistan	3 650		Eritrea	255		Albania	1 665		Iraq	2 735
Iraq	3 355		Somalia	225		Morocco	1 270		Pakistan	2 410
Iran	1 250		Ukraine	85		Afghanistan	1 025		Iran	2 410
Other	4 310		Other	230		Other	10 595		Other	12 075

Poland			Portugal			Romania (²)			Slovenia	
Russia	7 435		Ukraine	140		Syria	805		Afghanistan	410
Tajikistan	830		Congo	50		Iraq	460		Syria	270
Ukraine	595		Guinea	50		Pakistan	95		Iraq	115
Armenia	320		DR Congo	40		Afghanistan	75		Pakistan	105
Vietnam	70		Iraq	35		Eritrea	45		Iran	75
Other	530		Other	395		Other	375		Other	290

Slovakia			Finland			Sweden			United Kingdom	
Pakistan	15		Iraq	1 080		Syria	4 710		Iran	4 780
Ukraine	15		Afghanistan	685		Afghanistan	2 145		Pakistan	3 700
Syria	10		Syria	600		Iraq	2 045		Iraq	3 645
Afghanistan	10		Somalia	425		Somalia	1 280		Afghanistan	3 100
Iraq	10		Eritrea	275		Stateless	985		Bangladesh	2 225
Other	40		Other	2 210		Other	11 165		Other	20 840

Iceland			Liechtenstein (³)			Norway			Switzerland	
FYR of Macedonia	460		Serbia	15		Eritrea	545		Eritrea	5 040
Albania	230		Ukraine	10		Syria	540		Afghanistan	3 185
Iraq	75		China (including Hong Kong)	5		Afghanistan	365		Syria	2 040
Georgia	40		Albania	5		Iraq	205		Somalia	1 530
Syria	35		Belarus	5		Ethiopia	155		Sri Lanka	1 315
Other	265		Other	35		Other	1 430		Other	12 710

(¹) Russia: also 10.
(²) Stateless: also 45.
(³) Eritrea, Georgia, Somalia and Syria: also 5.
Source: Eurostat (online data code: migr_asyappctza)

Table 3. Asylum requests in 2016

In accordance with different information sources, alongside refuges that do not have law problems, there is a pretty large sample of people who are involved in trans-border organized crime, terrorist activities, drug smuggling or other illicit activities. For the destination countries the number of refuges is not highly important. Important are the nature and flexibility of the behaviours of the new comers, specialties, how open they are to the socio-economic framework of the destination state. Very important is the capacity of the destination state to integrate the new comers. The social compact groups of migrants must not limit itself to getting the social welfare money (pretty consistent in the developed countries) and to solving the demographic decline of these states. The top priority is to identify working places, effectively take part in social activities, respecting the internal legal framework of the adopting state, show respect for democracy and state.

6. Affecting the Social Security

Integration is the most difficult problem. We showed above the Asian model. Well, the Asian model which is very good in the origin states, can be counterproductive in European Union destination countries. The Islamic contingencies can refrain to the integration in the socio-economic framework of the destination states.

Besides continuing to practice religious rituals (nobody opposes, the newcomers are free to practice), there are situations when they subordinate only to religious leaders, the legal measures and instruments not being taken into account.

On the sovereign territory of the EU, western states can crop-up exclusive zones, created basically on ethnicity, in which law and order forces can't enter and in which there is no law spirit. Another effect of migration is the destabilization of the national security of the target states by possibly losing the national identity. The universal right regarding social security comes from Article 22 in the Universal Declaration of Human Rights. So, the social security will define the scale on which large human groups in the target state are able to maintain the traditional moral dimension and communitarian ancestral identity. [1]

By the middle of the century, the Islamic entities will become major in all the industrial countries of Europe (Germany, Great Britain, France, etc.). In the future, the already existent enclaves can make a hybrid effort expand

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[1] Bucur, Corina, *Securitatea societală și fenomenul migrației,* în Infosfera, Revistă de studii de securitate și informații pentru apărare, Anul VII nr.3/ 2015, DGIA, pp. 78-79.

and strengthen. Of course, we refer to geopolitical spaces. It is necessary to avoid turning the destination areas into enclaves for the migrant contingencies and to integrate the immigrant flow. Social security will put the migration problem under focus.[1] The major willingness to continue the flow of immigrants to the wealthy areas of the Old Continent stands by the decision and will of politicians from destination states for the massive Islamic migration. It is desirable to keep unchanged the society identity in its own space.

7. Conclusion

Especially after 1990, Eastern and Central European States, including Romania, find themselves in all 3 hypotheses of the migration phenomenon: states of origin, of transit and destination.

As States of origin, we have to mention the situation of the totalitarian period, - during which the oppressive regimes imposed major restrictions in reference to definitely leaving the communist countries, by diminishing the chances to get hold of a passport, marginalizing the families of the refugees, tough persecutions against the ones willing or managing to leave the home country. Migration was considered an isolated phenomenon, even accidental.[2] The situation changed dramatically after 1990.

As destination States, these offer immigration conditions to persons of different nationalities, most of them from the East (Republic of Moldova, Turkey, China, Russian Federation, India etc.).[3] The low level of development weakens the appetite of Asian massive migration to get in precarious economical level states, including Romania.

As transit countries, the ex-communist countries can be found on the access corridors to strong economic countries from the western and northern European Union. We are taking into account the Southern corridor (Italy and Greece) or from the East coming down from North.

In the European Union destination states, the economic level is pretty high, and the Human Rights are respected. These are the main motives for which a huge wave of refugees use any route or opportunity to get to the industrialized West. The United Nations High Representative for Refugees is consistently making efforts to unify and make more efficient efforts to support the migrants from different parts of the world. Essentially

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[1]*Ibidem*, p. 80.
[2] Sarcinschi, Alexandra, *Migrația ca problemă de securitate. Studiu de caz: România,* NDU"Carol I", Bucharest, 2014, pp.37-39.
[3]Ibidem, pp.39-41.

migration depends on the existing state of law for integration, the social and economic rights and the permissive regime regarding the right to settle which is of utmost importance.

The social and economic rights must create the possibility to work in equal conditions as the citizens of the destination country. This must take place in a short period of time in which it should be verified the legal conditions regarding the fulfillment of mandatory requests.

To apply the integration policies and programs, all government authorities and pinpointed NGO-s need to cooperate. Special attention will be given to the unity and reunification of the family, the possibility to go to lower and higher grade learning facilities. Also assuring living quarters compatible for the refugees, through distinct programs led especially by NGO-s.

To assure working places must be taken into account the existing difficulties in the destination states such as: insufficient knowledge of the language, high level of unemployment, the high prices of houses in comparison with the low level of individual refugee allowances, migrant lack of qualification and training.[1]

Solving the difficult problems of migration implies a great deal of effort to handle the massive exodus of population to the target countries. It is equally necessary to assure progressive living conditions and assure Human Rights in the migration generating states, which leads to the stop of massive migration flows. In this respect, it is much cheaper and profitable to assure some form of social assistance in the countries in which crises develop or poverty and famine are major problems.

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[1]UNHR, Biroul pentru Europa, Geneva, *Drepturile şi practicile de integrare privind refugiații recunoscuți în țările Europei Centrale,* Cavallioti, Bucharest, 2000, pp. 349-358.

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