THE EFFECTS OF MIGRATION ON THE SECURITY RISK

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Abstract

Migration represents a phenomenon existing along the evolution of human society, but now there is an acceleration in its dynamic, which causes significant changes in the human community. From a historical point of view, non-democratic, totalitarian governments have forced emigration as a way of managing the problems caused by political dissidents and "enemies of the state." The difference between the migrant and the refugee is due to the exercise of his will. In the first case, that person chooses unconditionally to leave the State of origin and settle in another State. In the second case, the person is forced to leave the country of origin because of the existing situation that threatens his life.

Keywords: *migration; security; refugees; United Nations*

1. General Aspects

Migration has become a global phenomenon that affects most countries of the world.[1] The refugee is defined as being the person who, *on justified reasons of being persecuted on grounds of race, religion, nationality, membership of a social group or political opinion, is outside his or her home country and can not or, because of these fears, does not want to return to that country*[2]. The emigration was the only alternative to degrading or inhuman treatment applied by the government. Here we can talk about two categories of migrants, often excluded from immigration statistics: refugees and asylum seekers.[3] Refugee status is granted individually and not to groups of people.

The category of refugees is clearly different from immigration for economic reasons, involving a specific institutional approach. Although Romania has

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[1] Daniela Dănăcică, *Caracteristici ale migrației în România*, Analele Universității "Constantin Brâncuși" din Târgu Jiu, Seria Economie, Nr.2/2010, p. 189.
[2] UN 1951 Refugee Status, Art. 1
[3] Alexandra Sarcinschi, *Migration and Security*, "Carol I" National Defense University Publishing House, Bucharest, 2008, p. 19.

integrated the European provisions at the legislative level, there are still deficiencies in the implementation of the integration programs.[1]

Displaced persons are defined as those persons who have been deported to the territory of foreign countries due to armed conflicts in their home countries. At international level, a number of conventions have been concluded to ensure the return of displaced persons.

Refugees and displaced persons have a legal regime similar to that of foreigners. More and more people are forced to be displaced as a result of war or persecution, which is worrying in itself, and the factors that endanger refugees are also multiplied, said UN High Commissioner for Refugees Filippo Grandi. "At sea, a scary number of refugees and migrants die every year; on land, people fleeing war find their way blocked by closed borders. The whole policy revolves around asylum applications in some countries. The desire of nations to work together not only for refugees but for collective human interest is what is being attempted today, and this spirit of unity must necessarily prevail. "[2]

States that have such a category of people on their territory have an imperative obligation not to return refugees to other countries where their fundamental human rights would be violated. UN established the High Commissioner for Refugees in 1951 to protect their interests.

In Romania, granting refugee status is based on reasoned requests, addressed to either a diplomatic or consular mission or to the General Police Directorate or other local authorities.

The applicant' s application may be rejected for the following reasons:

- committing offenses that affect peace or mankind;
- committing offenses against the O.N.U Charter;
- if she is part of a group that threatens national security or public order;
- if she has committed an offense punishable by imprisonment for more than 3 years;
- if he / she has acquired refugee status in another state.

Human migration, a phenomenon as old as time, has always emerged when there was a well-founded motivation for leaving. It affects all countries in the world, therefore Romania as well. Each of the three situations listed above has its own features and, in order to present them,

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[1] Dumitru Sandu Monica Alexander, *Migration and its consequences*, published in Social risks and inequities in Romania, Publirom Publishing House, Iaşi, 2009, p. 304.
[2]   http://www.unhcr.org/ro/382-rostiri2016cu-o-persoana-din-113-afectata-stramutarea-fortata-atinge-un-nivel-record-html.html

we used the descriptive method, each of them generating other challenges for national safety.

Migration has positive as well as negative effects, both with respect to the change of mentalities, and socially speaking in the country of origin and in the country of destination.[1]

The free circulation of human capital can lead to the increase of disparities between the world states and to global tension amplification, but it can also have an important contribution to attenuate disparities in the income distribution on world-wide level. But this depends on theway governments will act, on their internalisation policies, on the way they will know how to find and use means leading to benefit and not to loss on account of this phenomenon[2].

Migration is determined by a number of causes, among which we can recall: population growth in third world countries, while reducing the means of subsistence, rising inflation and unemployment, the existence of armed conflict zones, etc.

Depending on certain criteria, the following types of migration are distinguished:

- according to the territorial aspect: internal migration, when the movement is made inside the borders, or international migration, which involves crossing the border;
- by time factor: permanent migration or temporary migration;
- by motivation: voluntary migration, for work or economic reasons, or forced migration from natural disasters, political, religious reasons or wars;
- by the means used: regulated or illegal migration.[3]

For the European Union, the free movement of persons is a means of creating a more efficient and flexible European labor market for the benefit of workers, employers and the Member States.[4] On the other hand, the Western European states have an aging population and the contribution of migration prevents this phenomenon. The European Commission (2017) considers that migration can be an important way to increase the sustainability of the welfare system and to ensure a sustainable growth of

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[1] Maria Stoicovici, *România ca țară de origine, de tranzit și de destinație a migranților*, Revista Română de sociologie, nr. 5-6, 2012, p. 429.

[2] Daniela Dănăcică, *op. cit.*, p. 199.

[3] http://europedirectbucuresti.ier.ro/wp-content/uploads/Brosura-ED-Politica-de-migratie-a-UE.pdf

[4] Diana Mihaela Țîrcă, *Piața muncii și migrația forței de muncă în context european*, Editura ASE, București, 2013, p. 118.

the EU economy. Chateau & Raffaelli (2016) consider that the EU aims at striking a balance between regulating legal migration and combating clandestine immigration, and at developing a uniform level of rights and obligations for legal migrants comparable to that of EU citizens.[1]

The civilian population leaving the country due to armed conflicts enjoys international protection provided by the Geneva Convention (1949) on the protection of war victims and the Additional Protocol of the Geneva Convention (1977) on the protection of victims of international armed conflicts.

Six years of conflict, 4.8 million people displaced in Lebanon, Jordan, Turkey, Egypt, Iraq, 6.3 million displaced in Syria besieged and hard to reach in time to scale up critical life-saving assistance early recovery and resilience in Syria and nearby countries to meet the daily suffering, to meet the daily despair of Syrian refugees, displaced Syrians, vulnerable Syrians. IOM is supporting Syrian communities and host communities, children and families, through emergency assistance.[2]

The effects of labor migration are very complex because, on the one hand, migrants increase the labor force of a country with the resulting consequences, and on the other hand it generates new jobs and increases the demand for a series of jobs by sectors of activity. At the level of the Community labor market, economic migration prevents growth or even reduces labor costs, thus contributing to increasing international competitiveness.[3]

2. Migration - a Major Challenge to National Security

Migration represents a security risk to the national security of the state due to the fact that among the refugees are hidden members of terrorist groups who aim to infiltrate the territory of the target state.

Relations between security and migration are indisputable. On the one hand, migration may be the result of certain threats to the security of human beings, such as human rights violations, ethnic conflict, civil war, etc. On the other hand, migration itself can be a source of risks, dangers

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[1] Dumitrescu Alina Ligia, *EU Policies on Migration*, EUROINFO Magazine, no. 2/2017, p. 62.
[2] https://www.iom.int/video/iom-syria-appeal
[3] Diana Mihaela Țîrcă, *Labor Market and Labor Migration in European Context*, ASE Publishing House, Bucharest, 2013, p. 119.

and threats, when it is not controlled, causing the accentuation of organized crime, xenophobic and racial violence, etc.[1]

The current situation, and here we are referring to the war in Syria, has generated a wave of migration from the Arab countries to Europe. Official statistics show that Syria ranks first on migration, with 13% of its population migrating each year since the start of the war.

The announcement that "Germany receives 800,000 Syrian refugees" comes after another announcement made by Germany, namely that the German state considers (unilaterally, without consulting EU Member States) "that there is no legal limit to the number of refugees, basically introducing the idea of "absolute, unlimited asylum," in a unilateral manner, thus legitimizing the idea of population exodus towards the EU.[2]

Increasing attacks on Europe over the years have shown that Islamist terrorist groups have begun the offensive against the European states they consider themselves guilty of the situation in Syria. Thus, illegal immigration is considered to pose a threat to the entire European continent and since many of the illegal immigrants can not or do not want to be identified, they pose a potential threat to terrorism and crime.[3]

Currently, the most known terrorist organizations are: Al Qaeda, Islamic Jihad, Red Brigades, Japanese Red Army, ETA, IRA, FMLN, SIKH, Sendero Luminoso, Abu Nidal etc. Terrorists recruit followers in Europe they use to commit attacks. This explains why a series of attacks have been executed by people who have the nationality of the respective states.

The security crisis will be triggered when the wave of peaceful refugees is transformed (by refusing to remain in the countries allocated according to the mandatory EU migrant quotas ordered by the EU or by refusing to comply with the regulations, rules, legislation of the countries where they enter) in turbulent, displaced or insubstantial turmoil, which risks leading to civil unrest and to the internal and constitutional order of the state in which it enters massively.[4]

Due to the destabilization of spheres of influence caused by the collapse of communism in the former USSR's satellite countries, a series of criminal

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[1] Alexandra Sarcinschi, *Migration and Security*, "Carol I" National Defense University Publishing House, Bucharest, 2008, p. 5.

[2] Antonescu Madalina Virginia, *Romania's Position on Immigrant Crisis: Some Comments*, in Policy Paper Magazine no. 18, Bucharest, 2015, p. 15

[3] http://www.euractiv.com/sections/eu-priorities-2020/italian-ambassador-illegal-immigration-poses-security-threat-europe

[4] Antonescu Madalina Virginia, Pozitia *României în problema crizei imigrantilor: câteva comentarii*, în Revista Policy Paper nr. 18, Bucureşti, 2015, p. 9.

organizations such as the mujahedin of Afghanistan, the Syrian State of Syria, which combines terrorism with political battle, occupy the territories and governmental forces can't succeed in managing them.

In the destination countries, refugees can create security problems by engaging in opposition movements against governments of countries of origin or even transnational terrorist networks. It is obvious that, from this perspective, correlations can also be made between the military dimension of security and international migration, also in terms of refugees and asylum seekers. The implications of migration on the political dimension can easily become its effects on the military dimension of security, the tensions between the country of origin and the country of destination, and the actions of the terrorist networks, which can attract prominent military characteristics. Moreover, armed conflicts are a major cause of refugee flows, in particular, as well as asylum seekers. At the same time, forced migration can also be induced in order to weaken the human resources of the parties involved in the armed conflict.[1]

At present, Europe faces a recurrence of terrorism, as evidenced by the numerous attacks under ISIS. The Syrian state is the stakes and the main victim in a geopolitical conflict that aims at the supremacy of exploiting fuel resources and market outlets. The conflict was generated by massive fuel resources discovered in the Persian Gulf. Many countries, as well as many local political groups, have been involved. The fuel conflict has been doubled by civil war, terrorist activities and the involvement of influential states.[2]

The war in Syria has led to an increase in terrorist activity across the European territory. The conflict in Syria has evolved in intensity generating *the world's biggest humanitarian and security catastrophe*.[3]

The dilemma faced by European leaders today is the following: do we give aid to refugees in Syria or do we forbid them access to the European territory? The first is based on the protection of human rights, with negative consequences on the regional security climate. In other words, by allowing Syrian citizens to enter Europe, we enable Syrian terrorists to infiltrate and engage in subversive activities that affect both the state and

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[1] Alexandra Sarcinschi, *Migration and Security*, "Carol I" National Defense University Publishing House, Bucharest, 2008, p. 24

[2] Marinela Gîtlan, *Războiul din Siria și lupta pentru resurse* în Annals of the „Constantin Brâncuși" University of Târgu Jiu, Letter and Social Science Series, Supplement 2/2016,p. 156.

[3] Commission européenne, *Crise syrienne*, p. 1, http://ec.europa.eu/echo/files/aid/countries/factsheets/syria_fr.pdf, accesat la data 20.10.2017.

its population. Moreover, it was found that in the terrorist activity there were also citizens of the respective state, which poses a serious security risk. Allowing Syrian refugees to enter the European territory is based on humanitarian considerations. The second option concerns the ban on the entry of Syrian citizens into the European territory, a measure taken to stop the terrorist phenomenon, but violating the human rights that we mentioned earlier.

The social goal in its universality is to preserve a social order, the need to live in order already exists when the human individual realizes that he has a certain interest and defines this interest[1].

The formal elements of the social goal are social order and justice, social order representing the body of social purpose, and justice the means to defend the purpose, the bond between the two entities being the individual.

Syria is currently the main provider of terrorists, but not the only one. The situation in this country is particularly complex. We must also note that all terrorist attacks on European soil have been orchestrated and coordinated by European citizens, which reflects a failure to co-opt these young people for the benefit of society, not against it; a number of public policies need to be rethought in several Member States with large immigrant and segregated communities, and the example of the closed areas in Paris and Brussels, which have been widely reported in the wake of the attacks, should be carefully considered by future policy makers. At the same time, new security measures to prevent attacks must be thought out; European security forces have failed to cooperate with each other, more than even national security forces, as is the case with Belgian policy, and one of the sources of terrorism in Europe is rather internal and it stems from the failure of integration policies of some Member States for second- and third-generation European immigrants. In the current global context, hybrid terrorism is unluckyly correlated with new geopolitical tensions and the refugee crisis[2].

Removing the security risk to Europe can only be done if European countries are no longer perceived by ISIS as an enemy. This can be done in several ways.International bodies are unable to act because of the position adopted by the Member States. Thus: *The United Nations Security Council is paralyzed on the issue of conflict. Russia and China have expressed their veto three*

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[1] Dan Claudiu Dănişor, *Constitutional Law and Political Institutions*, Scientific Publishing House, Bucharest, 1998, p. 56.
[2] Claudia Postelnicescu, "*Migration crisis unfortunately correlates with the hybrid terrorism crisis*" *(12/04/2015) available online at:* http://epochtimes-romania.com/video/claudia-postelnicescu-criza-migratiei-se-coreleaza-nefericit-cu-crizaterorismului-hibrid---1173.

times against an intervention resolution. In May 2014 they opposed a proposal to request the International Criminal Court an assessment of the crisis. With the intervention in Lebanon fresh in mind, Russia rejected intervention in the Syrian conflict and so the United Nations could not influence the course of the events very much. The only question that has been agreed is that all states that are involved in the conflict should help the civilian population.[1]

The actors involved in the Syrian conflict are the following: the Syrian army faithful to the Bashar-al-Assad regime, the militia supporting the Bashar-al-Assad regime, the Russian army, the Iranian army, the rebels and the Al-Nosra Front, the rebel group Jaysh al- the Southern Front Alliance, the Islamic State, the Kurds, and the International Coalition. The multitude of forces involved in the Syrian conflict deepened the crisis, making it difficult to resolve the dispute.

Following the terrorist attacks of March 2016, European Commission President Jean-Claude Juncker said that the EU needs to become deeper because "We need an alliance for energy, capital markets, economy, monetary union, but we believe we also need a security alliance."[2] The international community has been involved in mitigating the effects of the humanitarian disaster that Syria faces, but a political solution is also needed to put an end to the civil war that grinds the country and people's lives.[3]

At State level, the objectives pursued by terrorists are mainly: the formation of new states where leadership is ensured by them, the change of the political regime in certain states, the eradication of foreign influence. These are also added to individual interests, ranging from getting privileges and going down to causing a fear among the population.

Terrorist aims are described as any of the following: seriously intimidating a population; unduly compelling a government or an international organisation to perform or abstain from performing any act; seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.[4]

At European level, the vision of migration differs both from state to state and from government to government.

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[1] https://www.historia.ro/sectiune/general/articol/conflictul-din-siria-lipsa-de-solutii-si-dezastru-umanitar

[2] Gabriel Grosu, Peter Kopecký, The *Crisis of Syrian Refugees or the Reorganization of the Priorities of Europe's Security* ?, Transilvania Magazine, no.7 / 2016, p. 83.

[3] Mihaiela Buşe, *Conflict in Syria and its Humanitarian Implications*, Bulletin of the National Defense University Carol I, no. 4/2014, p. 169.

[4]   http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1412582464618&uri= LEGISSUM:4322328

Islam is widely considered Europe's fastest growing religion, with immigration and above average birth rates leading to a rapid increase in the Muslim population. The exact number of Muslims is difficult to establish however, as census figures are often questioned and many countries choose not to compile such information anyway.[1] Thus, the population of the European states was indulging in the migration phenomenon until March 11th, 2004 attacks in Madrid (Spain), after which it realized the potential danger to which the states are exposeds, modifying their perception and pushing towards stopping asylum for people come from outside Europe.

At government level, policy was based on human rights guarantees, which led to the acceptance of migration from the Arab states. Governments are currently reluctant to receive such asylums in their territories.

From a political point of view, it explains why the radical governments in Europe have started gaining power, opposing to migration, trying to guarantee the security of the population in this way. The fact that a large number of immigrants, most of them claiming to be refugees and, therefore, asylum seekers, entered the EU without being able to check their antecedents, created the possibility for some of them to be criminals, even members of cross-border organized crime networks and for others to be members of terrorist groups and networks, especially Daesh-ISIS, deliberately infiltrating European countries to prepare for terrorist attacks, possibly in cooperation with local pre-existing cores and terrorist organizations.

The violent incidents that took place in the New Year's Eve 2017, especially against women in several German localities, only confirm this assumption. Added to this are the threats launched by Daesh-ISIS leaders against Europe to send 50,000 members of this terrorist group to commit attacks aimed at destroying the Western civilization.[2]

In open opposition to the European Union's policy of distributing migrants to the territory of the Member States were Hungary, Poland and the Czech Republic, which attracted their referral to the Court of Justice of the EU.

According to a study, 9 out of 10 refugees choose to go to the most developed countries, and Antonio Gutteres, the former UN High Commissioner for Refugees, argues that the best way to fight against

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[1] http://news.bbc.co.uk/2/hi/europe/4385768.stm
[2] Teodor Frunzeti, *Priorities of European Security*, Magazine of the Academy of Sciences of National Security, no. 1, 2017, p. 13.

people who want instability, traffickers, terrorists, is finding the best legal solutions to welcome refugees[1].

At the UN international level, migration has been adopted. A treaty, which will be concluded under the umbrella of the UN at the end of 2018 to regulate global migration, is under negotiation.

The Caracas Convention (1954) on Territorial Asylum confers on States the right to "allow in their territory persons deemed admissible, without exercising this right, causing the dissatisfaction of another State."[2]

The States can grant the right of asylum, which is "perfect", because a nation is free to act as it wishes, as long as its acts do not affect the rights of other nations[3].

In the current context, where illegal immigration is increasingly difficult to control and the right to asylum is an inalienable right of the individual, there are preconditions for active terrorist organizations to gradually use immigration and asylum channels to penetrate territories of interest.[4]

Christian Joppke argued why liberal democracies accept de facto migrants they do not want.[5] According to his theory, the states themselves allow migrants to be established on their territory by virtue of exercising the protection of human rights. The current crisis of migrants is a test for the European Union, which will decisively influence its future.

3. Conclusions

Europe has recently been confronted with a complex problem that has taken on a large scale, generating strong adverse reactions. This is the massive influx of Syrian migrants who have fled the war. To limit this phenomenon, the EU has taken a number of measures, on the one hand to address the causes that led to the crisis, and on the other hand it helped people in need of humanitarian assistance.

One of the first freedoms of citizens recognized in the European Union is the free movement of workers. Through migration policies, there is a

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[1] http://tempsreel.nouvelobs.com/societe/20150618.AFP1230/croissance-exponentielle-des-deplaces-et-refugies-avec-60-millions-fin-2014.html

[2] Caracas Convention on Territorial Asylum of 1954, Article 1.

[3] Gheorghe Iancu, Right to asylum. Comparative view of the legal status of the refugee, AllBeck Publishing House, Bucharest, 2002, p. 32.

[4] Viorel Vasile, The phenomenon of illegal immigration and asylum. Associated terrorist risks, in the Review of the Academy of Sciences of National Security, no. 1, 2017, p. 118.

[5] Christian Joppke (1998). Why Liberal States Accept Unwanted Immigration. World Politics, 50, pp. 266-293.

tendency to limit the exercise of this right. The current migration crisis will have a negative impact on other freedoms; in several European countries, privacy and privacy protection cyber laws are being discussed, as well as profiling measures in the new EU Counter-Terrorism Strategy after the January 2015 events.[1]

Currently, EU migration policy is intertwined with anti-terrorism strategy, promoting both the eradication of the causes of the crisis and the protection of migrants. The migration from Syria represent a security risk for the European Union, due to the fact that Syrian terrorists can enter its territory under the guise of simple migrants.

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