One Hundred Years of Refugees in Europe: History's Encounter with the Present

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The word "refugee" is not new in Europe. However, since 2015 refugees have been at the centre of a debate – among politicians, international organisations, non--governmental organisations and citizens – and a shared concern about how to receive and deal with the large number of refugees who have arrived in Europe, primarily from Syria, in search of safety and stability.

In fact, Europe and, more specifically, the European Union (EU) have not had to deal with a wave of refugees of this magnitude since the Second World War. Certainly the last three years cannot be compared to the 1940s nor is the context in which this new wave is occurring comparable, but the status of refugee remains essentially the same as do the causes leading to it.

This is not, however, a topic that enjoys either political or societal consensus. It is also a topic that frequently incites verbal exaggeration – with references to this flow as a "deluge", an "invasion", "swarms of people" – and even direct action such as demonstrations against the hosting of refugees and the construction of fences along borders between states. What is more, European citizens consider immigration to be the second most important issue facing the EU (European Commission, 2017, p. 4). Among their concerns are how these people, who do not share the same characteristics as they do particularly in terms of religion, can be integrated during a period of economic instability in the EU.

It is perhaps on account of the current large number of refugees – over a million – that this flow has been referred to as a "crisis" without precedent; however, this is not true as Europe has already had to deal with similar situations in the past in larger proportions and on more than one occasion. In fact, the issue of refugees has been analysed historically from a variety of perspectives. Associated with forced migrations, the massification and expansion of such movements marked the 20th century in particular, although situations of forced departures had already been recorded prior to that[1]. The literature has identified four great waves of refugees that have occurred in Europe since the end of the First World War up until the present day, as we shall see below.

The 20th century was in fact marked by various waves of forced migrations beginning with the Balkan Wars between 1912 and 1913 and, immediately afterwards, the First World War (1914-1918) when Eastern Europe saw millions of refugees

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1   Ever since the 14th century, we have been witness to forced migrations caused by people's religious non-alignment. Such is the case, for example, of the Portuguese and Spanish Jews who rejected conversion to Catholicism in the Iberian Peninsula and so were forced to leave Portugal and Spain, or of the Huguenots in France whose religion was different to the official religion determined by the monarchy and the Catholic Church. In the 19th century, Polish individuals sought refuge in France during the July Monarchy owing to the Polish conflict with Russia. In regard to this, see, for example, Noiriel (1997, pp. 34 and 36).

spreading in waves each time country boundaries were altered. However, the massive movement of refugees who fled during the 1917 Russian Revolution together with the forced displacement of over five million people between 1914 and 1922 as a result of borders being reconfigured in Eastern European countries and the conflict between Greece and Turkey that forced over 1.7 million people to migrate are considered the key moments that marked the first great wave of the inter-war wars (Bundy, 2016, p. 1). The second wave was characterised by the end of the Second World War and the migration of millions of people, with special emphasis on displaced persons located in Germany and Italy, those coming from Eastern European countries and also former prisoners of war. The end of the Soviet Bloc in 1989, wars in Iraq, Afghanistan and the former Yugoslavia, and the war on terrorism that started after 11 September 2001, all led to a mass exodus of refugees, thus representing the third European wave.

Finally, the present wave began in 2011 with the arrival in the European Union of refugees coming from countries in the Middle East (Syria, Libya and Iraq) and Afghanistan as well as from Africa (Sudan, Somalia and the Democratic Republic of the Congo). The situation grew considerably worse in 2015, the year when the number of people fleeing conflicts in their countries increased exponentially and the hosting countries started to show the first signs of collapse given that the flow of refugees was extremely intense and the refugees were very unequally distributed. They were concentrated in just a few countries, a situation that led to "overcrowding".

Political conflict, war and repression have all led to the forced displacement of millions of people, a displacement that is not confined to the European geopolitical and geographical context but is a global issue. At the end of 2011, the United Nations Refugee Agency (UNHCR) estimated the number of displaced persons in the world to be 42.5 million[2]. Of the 26.4 million people who benefited from the UNHCR's protection and assistance, only 10.4 million were refugees and covered by the Geneva Convention definition. At the end of 2016, about 65.6 million people had been forced to leave their place of origin because of different types of conflict. Of these, 22.5 million had refugee status, 40.3 million were internally displaced persons, that is, displaced within their own country, and 2.8 million had applied for refugee status[3].

Whether in a context of economic crisis or prosperity, conflict, repressive political regimes or climate change, forced migrations have been a part of the 20th century

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2   See UNHCR (United Nations Refugee Agency). *Une année de crises, Tendances mondiales 2011*. Available at http://www.unhcr.org/fr/statistics/unhcrstats/501145f39/tendances-mondiales-2011-refugies-demandeurs-dasile-rapatries-personnes.html [Accessed 2 August 2017]

3   See UNHCR. *Estatísticas*. Available at http://www.acnur.org/portugues/recursos/estatisticas/ [Accessed 13 September 2017].

and the present day, and both our understanding of them and their resolution have become increasingly complexified and diversified. Refugees have been progressively provided with a framework and orientation that is specifically related to forced migrations and distinct from other types of migration (such as for work) in order to provide a concerted response because, in addition to the urgently needed intervention of humanitarian aid, their reception and permanent settlement in the various countries must also be considered (Kévonian, 2005, pp. 95-97). Hence, understanding the phenomenon both as a whole and in its specifics requires a position taken from various perspectives and on various levels, ranging from the international body to the nation state, the individual to the intermediary, the local sphere to the international.

At this point it becomes necessary to distinguish between a migrant, a refugee and a political asylum seeker. For the first category, first Europe and then the European Union have been an attractive destination for both intra- and extra-European emigration flows, especially for those motivated by economic factors and seeking to improve their living conditions (fleeing from poverty), and for centuries the Mediterranean Sea has been the main route for migrants coming from Africa and the Middle East. The political asylum seeker, a term that comes from the legal figure of a person expressing their right to asylum, relates to an individual persecuted by their own country of origin for expressing their political or religious opinions, or because of their race or ethnicity, with each case being examined on an individual basis. This does not happen in the case of refugees given the enormity of these flows. Moreover, the concept of refugee has a somewhat restricted scope, being applied to people who have been forced to flee their country owing to persecution, war or violence on the grounds of race or religion, nationality policies and/or for belonging to a certain ethnic or social group. Based on the above categories and taking International Law as the reference, each individual (or group of individuals) is received according to different legal parameters depending on whether they are fleeing from poverty, from political or ideological persecution, or from armed conflict.

The issue of forced migration has been analysed from various different perspectives. First of all, the position of the international community towards refugees has been questioned (Weiss and Wilkinson, 2014). The absolute necessity of their involvement has not been ignored by studies on refugees that deal with the progressive construction of a global public space around forced migrations, deconstructing and reconstructing this space. The massification of such people's mobility since the end of the First World War together with the absence of a status allowing this mobility to be framed and defined has led to this whole question becoming a matter for international bodies. International governance has a fundamental role to play in determining categories of migrants and in seeking the homogenisation of

norms and refugee management practices, particularly when it comes to formulating their status and organising humanitarian management, protection and aid.

Secondly, the methods used by states themselves to manage the forced displacement of these populations as well as their reception and settlement conditions and public opinion are also points for academic reflection. Whereas the international dynamic has played a fundamental role in regulating these flows, the main purpose of these norms is to provide a global response to the challenges raised by these displacements. However, the literature has revealed the mismatch between international intention and the effective national and local application of these norms since each country is sovereign and answers to a logic and to migratory priorities specific to itself (circulation of people and border control, identification and administrative management of foreigners, economic and social inclusion in the hosting society). Over the years, states have remained free to define and execute rules and administrative procedures associated to the identification and hosting of refugees, delaying or hindering application of the legal norms defined by the Convention and thus subjecting refugees to the country's sovereignty and national interests (Noiriel, 1997, pp. 48-53).

However, according to Catherine Wihtol de Wenden, the actual globalisation of these migrations calls into question the pertinence of action in the name of national sovereignty given that border management at a European level is now controlled at a distance, for example, in the context of the Schengen Area. Furthermore, the migratory dynamic highlights the role of transnational actors in detriment to nation states, which have ceased to be the "base community of the international system" and the "most significant internal political framework in more cosmopolitan societies". In their turn, migrations have also led to a questioning of the concept of citizenship and human rights by introducing values that go beyond the national; hence the importance of the current accountability of international governance in the definition of global citizenship (Wenden, 2010, p. 15).

Thirdly, the role played by solidarity structures within the context of forced migrations has been brought to the fore[4]. These organisations intervene when the official (state) structures do not have a suitable framework available for certain situations and/or do not provide one. As intermediaries, they seek to be representatives and defenders of the rights of the refugees *in situ* in everyday life, but also before national, European and international government bodies. These solidarity structures are analysed through the activities they carry out to organise protection, humanitarian aid and medical assistance, notably in a variety of social and geographical spaces, and through the support they provide to facilitate the process of

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4   See, for example, Hinger (2016, pp. 78-88); Jönsson and Tallberg (2010).

the socio-professional integration of refugees in the hosting societies. These organisations are presented, moreover, as defenders of human rights and as key actors when it comes to denouncing illegal situations of exploitation and abuse, particularly in reception, detention and/or internment centres, both past and present (Clocher, Gastaut and Schor, 2004, pp. 19-20). Besides analysing their functions, various studies question the ambiguity of their representativeness in society and in the corridors of power as well as their capacity to maintain their autonomy and independence before national and international bodies owing to their role as interlocutor between states, international bodies and the refugee (David, 2014; Rosales Pena, 2016).

Finally, we must also mention individual and collective motivations as well as the strategies used to ensure the displacement and survival of the refugees. Although this population movement is associated to forced movement, it is also very closely linked to a network involving intermediaries who facilitate this mobility at different levels. Both in the past and nowadays, these intermediaries have always been indicated as being the main agents responsible for maintaining and increasing forced mobility as well as for the human tragedies associated to this and the situations of vulnerability that refugees find themselves in. However, further theoretical and empirical reflection on their role is justified, looking at it not only as "exploitative" or as "profiteering" from these people but also as "facilitating" mobility in situations involving daily repression.

The complexity of defining the category of refugee requires a historical retrospective in order to understand the process behind its construction with special emphasis placed on the weight of national and international situations. In fact, its construction is closely related to the historical contexts of forced migration since the definition of refugee and the means to set it within a framework evolved as a result of unprecedented situations of forced migration that states and international bodies have been confronted with over the years.

The refugee was a figure that already existed in the 19th century, but the presence of refugees in the hosting society was an isolated occurrence with little media visibility, and the conditions governing their residence were dealt with on a case by case basis at a national level. It was only after the end of the First World War, with the Russian Revolution and the reconfiguration of the borders of Eastern European countries, that forced migrations massified and refugee collectives emerged. A definition of the figure of refugee was formed within the international legal framework of the League of Nations in order to guide national states as well as to make available the means to receive and host these individuals and to aid their economic integration. This definition was initially applied to those individuals who could not enjoy the diplomatic protection of their state of origin, or who had lost their nationality of origin – the latter being known as stateless persons. This legal

framework gave birth to the Nansen Passport, for example, which was issued by the League of Nations between 1922 and 1938 and granted rights to stateless refugees (Torpey, 2000, pp. 155-180).

During the inter-war period, the refugee situation was not governed individually but collectively, sectoriallly and when necessary, with the base criteria for determining the type of intervention being the nationality of the refugees. The scheme that was set up led to discretionary situations arising between groups and caused difficulties in understanding, aggregating and managing the new realities of forced migrations on account of the fact that the system was incomplete. This made it impossible to manage the issue globally and permanently. The literature therefore regularly refers to the paradox of regulations in the face of the different categories of situations and refugees that appeared.

One of the most emblematic and frequently mentioned cases concerns Russian and Armenian refugees from the first migratory wave in the 1920s, who, having lost their nationality or been denied diplomatic protection by their country of origin, received a framework specific to their situation. This later served as a point of reference for managing other refugee groups. Nevertheless, the fact that these regulations were not always appropriate or suitable was confirmed in situations with different characteristics. By way of example, the international legal framework covering protection and assistance was not appropriate for Germans fleeing the Nazi regime during the 1930s and 1940s (Lochak, 2013, p. 38) since they retained their nationality of origin or they were not officially denied diplomatic protection.

After the Second World War, a significant change came about with the signing of the Convention Relating to the Status of Refugees, "the founding text of contemporary political asylum" (Cohen, 2000, pp. 56-78), in Geneva in July 1951. This provided the universal definition of the category of refugee adopted by the United Nations. Article 2 determined that a refugee was someone who "as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it"[5]. This article sought to provide an abstract and universal definition, influenced by the context of the Cold War, so it could be applied to any individual in the world in a situation of persecution, yet leaving states the freedom to interpret the Convention in their own way. In addition, respect was also sought for indi-

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5   See UNHCR, 1951. Convention and Protocol relating to the Status of Refugees. Available at http://www.unhcr.org/3b66c2aa10.pdf [Accessed 21 November 2017].

vidual freedoms, thus breaking with the practices of the inter-war period by granting this status neither arbitrarily nor to collectives but to individuals subjugated by political persecution before 1 January 1951 within the European space. In 1967, the New York Protocol put an end to the geographical and temporal restrictions for applying the Convention. The right to asylum was therefore shaped after the Second World War not according to the diversification of the refugees' profile, but in accordance with the rules of the Convention that determined who could benefit from this status. Thus the right to asylum was defined according to the national and international scenario as the Cold War showed (since whoever fled a communist country was considered a refugee).

From the 1970s on, with the closing of borders to work migrants and the creation of the Schengen Area, the "side-slipping of categories" (Wenden, 2004, pp. 193-195) increased with the category of refugee becoming confused with the category of economic migrant. This became clear from the way cases of economic migration and asylum were managed together by the same European bodies. Definition of the rules for granting political asylum was the result of power relations between states and the restrictive immigration policies implemented in the 1970s. This then impacted on the directives regulating the conditions required to be granted asylum and on administrative practices in the 1980s (Legoux, 2004, pp. 9-22[6]; Spire, 2004, pp. 13-38). The fall of the Berlin Wall in 1989 was also an important milestone when it came to changing the concept of refugee as it put an end to the Cold War.

Given the diversity of situations of forced migration, the definition of refugee remained the same but the conditions required to obtain asylum were altered. The 1990 Dublin Convention, first applied in 1997 and then replaced by the 2003 Dublin Regulation[7], was characterised by restrictive policies on asylum. It drafted measures to make it difficult (through dissuasion, contention, *refoulement* or rejection of applications, among other means) for refugees to come and settle permanently in Europe in order to reduce the number of refugees applying for asylum although, according to the Geneva Convention, they were fully within their rights to do so.

From 2004 onward, Brussels determined three types of protection for refugees. While retaining asylum according to the precepts of the Geneva Convention – which are no longer adapted to the current migratory reality – a subsidiary protec-

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6 On the French government's attitude to the different methods of integrating refugees into the national labour market and the similarities in the case of economic immigrants, see Spire (2004, pp. 13-38).

7 Regulation (EC) no. 343/2003 of the Council of 18 February 2003, which establishes the criteria and mechanisms to determine which Member State is responsible for analysing an asylum application lodged in one of the Member States by a third-country national. Available at http://eur-lex.europa.eu/legal-content/PT/TXT/?uri=celex:32003R0343. [Accessed 21 November 2017].

tion of one year was allowed for individuals who could not make use of the protection granted by the Convention but for whom there was a strong suspicion they were in danger in their country of origin; it also became possible to grant asylum in the country of origin. The differentiated management of refugees led to diversification in the way they were categorised. This meant that the number of those categorised as internally displaced persons (IDPs) was greater than those who could benefit from the status of refugee under the Geneva Convention. Held in the country of persecution in a territorial space delimited and controlled by the UNHCR, these IDPs are, in theory, protected from threats from their own country (Lochak, 2013, pp. 33-47).

Another specific element of the Dublin Regulation[8] is one which determines that the country where the refugee first entered is obliged to initiate their case there. This overburdens the "border countries" since refugees are concentrated there. Considering that cases can sometimes take two years, there must be more solidarity from Member States in the hosting and distribution of refugees even though some countries have adopted certain antagonistic attitudes. Austria, for example, passed a new law last April restricting asylum rights in that country.

In sum, in the 20th century in the wake of the First and the Second World Wars and as a result of ethnic cleansing and genocide, Europe witnessed some of the largest waves of refugees and, at the same time, some of the most violent forced migrations in the history of Humanity. And now, more than seventy years later, Europe has witnessed a new wave of refugees starting in the summer of 2015 as a result of the civil war in Syria and political instability in Iraq, Afghanistan, Libya and Eritrea. This has driven huge numbers of people to flee, first to neighbouring countries such as Jordan, Lebanon and Turkey, and then to Europe.

The EU has been attentive to this specific situation, encompassing it within the general context of migrations. In May 2015 it presented the European Agenda on Migration (European Commission, 2015), which referred specifically to the need for the EU to adopt a comprehensive approach to managing migration. Since then, various measures have been introduced, notably the adoption of two emergency mechanisms to relocate in other Member States over 160 thousand people needing international protection who found themselves in the two Member States most affected by this flow, namely Italy and Greece. Even then, and despite this Emer-

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8   In its current version: Regulation (EU) No. 604/2013 of the European Parliament and the Council of 26 June 2013, which establishes the criteria and mechanisms to determine which Member State is responsible for analysing an application for international protection lodged in one of the Member States by a third-country national or by a stateless person (reformulation). Available at http://www.jrsportugal.pt/wp-content/uploads/pdf/glossario/Regulamento-Dublin-III.pdf. [Accessed 21 November 2017].

gency Relocation Mechanism[9], the refugees themselves have tried to take control of their own situation, mainly by "disappearing" from countries where they were placed and heading towards economically richer countries with generous social benefits – Germany, Sweden and Norway – and ethnic communities similar to their own, or where they already had family ties or friends. In this respect, Portugal is an illustrative example since about 40% of the refugees received abandoned the country (Dib, 2017) soon after their arrival. This is nothing new, however, as the same happened during the Second World War when Portugal was merely a country of passage with refugees heading for a better final destination, especially the United States of America.

Preferences apart, the position of Member States on this matter is not consensual. On one side there is Germany, which leads the position that is favourable to hosting – and in fact comes first in terms of hosting since it is the country with the highest number of settled refugees – while on the other side there is Hungary, which has adopted an anti-refugee stance proved by building a barbed wire fence along its border with Serbia and even with Croatia, a fellow EU Member State. However, in regard to the latter, the EU was clear when it stated categorically that "it will not finance fences or barriers on external borders" (Lusa, 2017) despite the Schengen Area being under pressure, particularly in terms of security on its external, and even internal, borders. Consequently, there have been various temporary suspensions in applying the Schengen Agreements and a return to some internal border controls.

Not only has this wave of refugees shown up some Member States' lack of solidarity but in others – for example, France and the Netherlands – it has fuelled a resurgence of political parties of the extreme right and their anti-immigration agendas or has led to their becoming more visible. However, we cannot talk about a real refugee crisis in Europe today if we are considering only one million refugees since, on a European scale, this number can be hosted within the European Union. The EU has a demographic deficit and needs a labour force, especially to fill those jobs not wanted by European citizens.

On the other hand, after the EU-Turkey Statement[10] of March 2016, the flow of refugees (and other migrants) coming from Turkey across the Aegean Sea decreased

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9   Read, in particular: Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece. Available at http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016D1754. [Accessed 21 November 2017].

10 Council of the European Union, 2016. Press Release, 144/16. EU-Turkey statement. 18 March. Available at http://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/pdf [Accessed 23 November 2017].

significantly with less than 100 people a day arriving in Greece on average. However, getting to the EU after a long or relatively short journey, and risking their lives to varying degrees, is only part of the refugees' trajectory. Following their arrival, issues of identification, accommodation and definitive settlement are discussed, which involve national institutions, community agencies and non-governmental organisations. The work of the NGOs though has not been free of criticism, including that of taking economic advantage (McKernan, 2017) of this migratory flow.

Thus there are multiple actors and areas of action surrounding the refugee issue today as there were in the past. Academia has also contributed over the years to the observation, reflection and analysis of this subject in various scientific areas. The importance of this question for academia is further reflected in the *International Journal of Refugee Law,* first published in 1989, and in the creation of research centres dedicated exclusively to this topic as is the case of the University of Oxford's Refugee Studies Centre. This current thematic issue forms part of this academic concern by dealing precisely with the refugee issue from both a past and a present perspective. To do so, it has brought together two groups of texts: the first group presents case studies relating to refugees in the context of the Spanish Civil War and the Second World War; the second brings together research on the Syrian Civil War, Community legislation on migration aid and the integration of refugees into the labour market. Lastly, the final text presents the view of a UNHCR expert currently working in the field.

In the first group, in *Dear Matilde: Letters from the Camps*, Sofia Rodríguez Serrador describes the mechanisms used for survival and resistance in internment camps during the Spanish Civil War through an analysis of letters written by Spanish refugees to humanitarian organisations. In addition, Serrador highlights the role of humanitarian organisations in the protection of Spanish refugees in France in the 1930s, showing the importance of the protagonism of those in charge, particularly the women, when it came to strengthening defence of the rights of refugees in various social and political spaces in both the country of origin and the host country.

In the context of the Second World War, Luiza Iordache Cárstea's article scrutinises the action undertaken by the International Red Cross through the Joint Aid Commission, whose objective was to help civilian populations, especially women and children, in different European countries. Through a case study of the humanitarian aid provided by this Commission in France between 1940 and 1945, Cárstea reflects on the difficulties, the importance and the need for humanitarian policies and means to help the more vulnerable groups during armed conflicts.

In his turn, Ansgar Schaefer speaks of an "invasion of the undesired". He analyses the historical reality of refugee migrants, in particular Jews fleeing Central and Eastern Europe in the 1930s and during the Second World War, who headed for

Portugal trying to find a way to reach America. In this article, he identifies Portuguese diplomatic and police administrative practices and mechanisms when managing visa applications after the annexation of Austria, showing the Portuguese government's intention to not facilitate the granting of visas.

In the second group, Andrzej Podraza's article describes the origins of the Syrian crisis from a historical and geopolitical perspective. By leading us from the formation of nation states by the imperial powers in 1916 to the refugee crisis, passing through the Cold War, the post-Cold War period – the Iran-Iraq War, September 11, and the process to legitimate American intervention in Afghanistan and Iraq – and the Arab Spring, Podraza highlights the power plays (by the USA, Russia and later the EU) as well as the divisions, the alliances and the failed attempts to organise democracies. In addition, he explains the impact this had on strengthening Islamic State's presence internationally and on creating interethnic conflicts. According to Podraza, the current Syrian situation can be explained as having been caused primarily by the great powers' failure to assert themselves on the international scene when faced with the rise of Islamic State.

The fight against illegal immigration in the EU, considered a threat to the stability and prosperity of Member States, has been going on now for over a decade. In relation to this, Lucia Della Torre focuses her analysis on the implementation of Council Directive 2002/90/CE which defines facilitating assistance for unauthorised entry, transit or residence and can, at the outside, even criminally penalise the provision of humanitarian aid. This Directive has become a sensitive legal instrument whose application has been sporadic and lacking in transparency. Even so, it has enabled some states to resist receiving and integrating refugees.

Finally, Asya Pisarevskaya's article questions the current processes for integrating refugees into the labour market. Taking a comparative and European perspective, Pisarevskaya compares various realities in European countries, giving particular emphasis to Greece, the United Kingdom and Norway, and shows how much differentiation in integration exists in terms of hiring, job quality and qualifications. In all the Member States analysed, the unemployment rate is always highest among refugees even when compared to immigrant unemployment.

Outside these two groups, but reflecting the view of someone who has actually been working in the field, the last article of this thematic issue by Periklis Kortsaris shows both the magnitude and the complexity of the Syrian crisis. Its main focus, though, is on the resettlement of Syrian refugees in the European area but it does not overlook the role played by the United Nations Refugee Agency in this context or the need for international cooperation and solidarity as well as multi-stakeholder intervention.

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