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CANADA'S PERIODICAL ON REFUGEES

# REFUGEE

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## Special Issue on Refugees from the CIS and Eastern Europe

### The Plight of East European Refugees

Nationalism has become a destructive force throughout the former Soviet Union and Eastern Europe. Masses of people have become uprooted as a result of border clashes between people of newly independent states and discriminatory—at times genocidal—policies that their governments pursue. Most of these people flee to neighbouring regions of what used to be their country. Relatively few manage to escape to the West. The number of those who are accepted by Western countries is even smaller. Certainly not everyone wants to flee to the West, but even those who do are held back by barriers erected by receiving countries to prevent massive refugee inflows.

European and North American governments' immigration policies have become more restrictive as a result of at least three factors. First, broad anti-Communist, pro-market reforms in the former Soviet bloc countries produced euphoria in the West that blurred the vision of Western countries and made them close their eyes to human rights abuse by these seemingly "democratic" states. As a result, several asylum and

refugee-receiving countries have adopted policies that disqualify Soviet and Eastern Europe refugees from being recognized as such and at times from even claiming refugee status. In Canada, for instance, as of September 1990, the Designated Class category for self-exiled persons from Soviet and Eastern European countries was removed. The Designated Class category applies to those displaced people who do not fit the strict UN Convention's refugee definition under which a claimant needs to prove a well-founded fear of persecution. It is expected that in

September 1992 the Lautenberg Amendment, which exempts certain categories of Soviet applicants from establishing a well-founded fear of persecution, will be lifted in the United States. In 1990, both France and Switzerland announced that they would cease accepting asylum applications from nationals of Poland, Czechoslovakia and Hungary.

Second, the economic recession has contributed to deficiencies in the budget for immigration process and resettlement on the one hand, and xenophobic sentiments among the host population on the other. In the United States the

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quota for Soviet Jews was not met. In November 1990 and April 1991 Austrian government regulations were issued to limit assistance to several categories of asylum seekers, including Romanians, Bulgarians and most other East European refugees.

Xenophobic anti-immigrant sentiments are rampant throughout Europe. The Freedom Party in Austria has experienced substantial gains in several provincial elections in the fall of 1991 on an anti-immigrant platform. Right-wing, anti-immigrant parties showed dramatic gains in local elections in Bremen and Lower Saxony in Germany. Germany has also witnessed widespread attacks on asylum seekers and other foreigners. In France, the National Front, headed by Jean-Marie Le Pen, is at the forefront of xenophobic appeals to limit immigration. There is significant backlash against immigrants in Sweden and Switzerland. Several refugee reception centres have been vandalized there. Anti-immigrant political parties have gained popularity in both countries.

Third, the unprecedented increase in the number of people seeking asylum in the United States, Canada and Europe

has caused serious preoccupation among the governments of these countries. In response they adopted stricter measures to control and regulate the flow. In Canada on June 16, 1992 a new bill was introduced to Parliament. The proposed changes include eliminating one of two existing status determination hearings in order to speed up the process of refugee status determination; fingerprinting all refugee claimants in order to detect and deport criminals; and granting more power to immigration officers at the border, enabling them to reject refugee claims.

In an effort to make control more efficient, several European countries, including France, Germany and the Benelux countries have attempted to standardize visa requirements and entry criteria by signing the Schengen Agreement in June 1990. Since then Italy, Spain and Portugal have also signed. The agreement determines which country is responsible for adjudicating asylum claims and sets procedures for exchanging information on asylum seekers. The agreement includes a provision levying sanctions on carriers transporting undocumented aliens, as

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*Errata:* The acknowledgements in the May issue should have included the Association for Soviet Jewry. B'nai B'rith should have been listed as the Institute for International Affairs of B'nai B'rith Canada.

well as provisions on security and law enforcement.

Whether signatories to the Schengen Agreement or not, most European countries have maintained and introduced tough measures aimed at curbing immigration and refugee flows. In Austria the asylum law of April 1990 precludes foreigners from applying for asylum at the border. It also prevents passengers from disembarking from stopover flights transiting through Austria. At the same time, the law makes it easier for border guards to make on-the-spot decisions about turning away undocumented asylum claimants. A new and stricter refugee law went into effect in Belgium on October 1, 1991. In Italy new legislation introduced in 1991 includes legal authority to reject asylum seekers at the border if they arrive via third countries that have signed the Refugee Convention. But asylum seekers could be repatriated from Italy even if they do not travel via another country, as clearly shown in the case of the thousands of Albanians, who arrived on Italian shores by boat in March and August of 1991. This is discussed by Campani in this issue. Similarly, in the United Kingdom new tough measures were recently introduced to curb the number of asylum seekers and those accepted.

While Poland, Czechoslovakia and Hungary have been crossed off the list of refugee-producing countries by several Western states, they have turned into asylum countries. While open to refugees from the former Soviet Union and Romania, Poland nevertheless takes measures to prevent a mass influx of people from these countries. It imposed entry restrictions on Romanians and fortified its eastern border force. Hungary has given a very warm reception to thousands of ethnic Hungarians from Romania (see Noelte in this volume). Thousands of uprooted people fleeing ethnic violence in former Yugoslavia have received temporary asylum in Hungary, but the authorities do not wish any of them to apply for refugee status.

Measures taken to help two million Bosnians displaced by the brutal "ethnic



cleansing" in Bosnia and Herzegovina, as can be seen above, will test the humanitarianism of not only Western European countries and of the three new host countries but also of the former Yugoslavia's newly independent states. So far, Germany has proven to be the most generous by committing itself to receiving 200,000 refugees from this region. Sweden and Switzerland have provided asylum to 45,000 and 17,000 refugees from Yugoslavia respectively. Austria and Italy have accepted two trainloads of Muslim Bosnian refugees, but they insisted that this should not be viewed as a precedent. Hungary, which

has already hosted 60,000 refugees from Yugoslavia, is reluctant to accept more. Similarly, Croatia and Slovenia refuse to take more refugees.

It is unfortunate that the eruption of refugee crisis in Eastern Europe and the former Soviet Union coincides with the political and economic climate in which many refugee-receiving countries are revising their liberal refugee policies and introducing tough control measures against refugees. The only hope for these refugees, under these conditions, lies in the early resolution of the conflict in their home countries. ■

Tanya Basok, Guest Editor