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REFUGEES AND MIGRANTS AS A SUBJECT OF RIGHTS ACCORDING TO INTERNATIONAL LAW AND ORGANIZATIONS

Abstract: The paper tries to portray refugees as a very important problem in international law, a problem, which can create profits and losses for involved countries in many areas. For example, the expenses for refugees are rising, but human capital is also growing. It depends on the policy of a given country whether it can effectively use the human capital or whether only the social costs for the country are created. Sometimes international law obligation is not enough to convince society that accepting refugees is right decision. The article will focus on how and with which legislation tools it can be done and whether it is effective or not, as well as how the united world helps people who are in danger. Are those supportive organs doing it correctly or not, whether enough is being done or whether it should be done in a different way. The paper is focused more on the European Union administration than on other places. The paper consists of the following sections: who is a refugee — a legal description, non-governmental organizations, international administration — UNHCR, EU administration created to help refugees, the Treaty of Lisbon and refugee policy. Those chapters attempt to explain the legal basis of the refugee protection system in the Western world. The practice of refugee policy and the execution of this law is a completely different thing.

Keywords: refugee, international law, migration, international organizations, UN

WHO IS A REFUGEE: LEGAL DESCRIPTION

The definition of refugees of the United Nations Refugee Agency (UNHCR), says that they are “persons who are outside their country of origin for reasons of feared persecution, conflict, generalized violence, or other circumstances that have seriously disturbed public order and, as a result, require international protection.”¹ Early classics, who worked in the political science area of the refugee subject, were

¹ Cited in G. Goodwin-Gill, J. McAdam, *The Refugee in International Law*, Oxford 2007, pp. 7–13.

focused on the Refugee Convention of 1951 and its history,² more contemporary views can be found in the bibliography. Today refugee protection is governed by a combination of international law, human rights, regional agreements and national laws. The actors include individual persons, states, international organizations, non-governmental organizations (NGOs), companies and smugglers.³ The term “nationality” according to the Geneva Conventions also refers to ethnic or linguistic groups. Persecution of this kind may consist in hostile attitudes towards such minorities. The term “specific social group” usually includes people of similar origin, customs or social status. In addition, the fear of persecution for this reason often combines with fear of persecution for other reasons, such as race or religion. To sum up, the fear of persecution must be justified and because of this fear, the person cannot or does not want to take advantage of the protection offered by his country of origin, to be able to obtain refugee status. This inability may be caused by civil war, riots or refusal of the state to provide protection to such a person. The third condition mentioned above is the lack of exclusion clauses against the person applying for the refugee status.⁴

This refugee definition can be found in the 1951 Convention Relating to the Status of Refugees of the UN, in regional refugee instruments and also in the statute of the UNHCR, the UN refugee agency. As it was mentioned, refugees are a specifically defined and protected group in international law. They cross national borders to look for safety in nearby countries. They are internationally recognized as refugees with access to assistance from states, UNHCR, and organizations. It is dangerous for them to return to their homeland, because they return they can meet deadly consequences. Article 14 of the Universal Declaration of Human Rights establishes the right for everyone to seek and receive asylum. However, the definition wasn't so understandable and it's contents are not very clear. The provisions of the 1951 Convention include the basic international norm in respect of which all measures for the protection and treatment of refugees are assessed. According to this principle, refugees cannot be expelled or returned to situations in which their life or freedom would be threatened. States have the primary responsibility for this protection. UNHCR works closely with governments to help them and assist with solving the problem. The 1951 Convention and its 1967 Protocol was the legal base for saving millions of lives but this law is not perfect and sometimes fails.⁵

The Fourth Geneva Convention protects civilians, including those in occupied territory. At the time, it was concerned with combatants only, not with civilians.

² See especially P. Weis, *The Refugee Convention 1951: The Travaux Préparatoires Analysed with a Commentary*, Cambridge 1995; N. Robinson, *Convention Relating to the Status of Refugees: Its History, Contents and Interpretation; A Commentary*, New York 1953; A. Grahl-Madsen, *The Status of Refugees in International Law*, Leiden 1972.

³ G. Goodwin-Gill, J. McAdam, op. cit., pp. 5–8.

⁴ B. Kowalczyk, *Polish Asylum System*, Wrocław 2014, pp. 214–217.

⁵ <http://www.unhcr.org/en-us/news/latest/2016/3/56e95c676/refugees-migrants-frequently-asked-questions-faqs.html> (accessed: 3.01.2018).

The events of World War II showed the disastrous consequences of the fact that civilians were not protected by the convention. The Convention adopted in 1949 takes into account the experiences of World War II. It contains a short section concerning the general protection of civilians in war. It was very important for civilians in occupied territory.⁶

In the Geneva Convention Relative to The Protection of Civilian Persons in time of War (adopted 12 August 1949) in part III (Status and Treatment of Protected Persons), in section II (Aliens in the Territory of a Party to the Conflict), in Article 44 (called VII. Refugees) it says that: “In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality *de jure* of an enemy State, refugees who do not, in fact, enjoy the protection of any government.”⁷

Another very important definition connected with migration is migrant. There is no legal and universal definition but some international organizations, media and authorities create, understand and use this word. Migrants are persons who seek better life conditions in another place, but they have no possibility of retreating back to the homeland. They are usually seeking asylum and better economic situation in new places. The domain of the UN, says that: “We need to ensure that the human rights of migrants are respected. At the same time, we also need to provide an appropriate legal and operational response for refugees, because of their particular predicament and to avoid diluting state responsibilities towards them.”⁸ UNHCR always describes refugees and migrants separately, to show clearly the causes and character of refugee movements. This is necessary because of obligations owed to refugees under international law. The factors leading people to move can be complex. Often the causes are multi-faceted. Migrants may move to improve their lives by finding work or in some cases for education, family reunion, or other reasons. People who leave their countries for these reasons would not usually be considered refugees under international law. Another very important difference between migrants and refugees is that migrants are protected by international human rights law, which is connected with ordinary protection for human beings. Human rights are very important for migrants, as they protects foreigners in a lot of areas. Another term connected with the movement of people is forced migration. Sometimes used by social scientists as a general term, which describes many kinds of movement, both across international borders and within a single country. In the past, the term was used to describe people, who had been displaced

⁶ <https://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm> (accessed: 3.01.2018).

⁷ Geneva Convention Relative to The Protection of Civilian Persons in time of War (adopted 12 August 1949, entered into force 21 October 1950), 75 UNTS 287.

⁸ <https://www.unhcr.org/protection.html> (accessed: 3.01.2018).

by environmental disasters, conflict or development projects. Forced migration is not a legal definition.⁹

We can also describe asylum-seekers as a people who “have sought international protection and whose claims for refugee status have not yet been determined, irrespective of when they may have been lodged.”¹⁰ As internally displaced persons we can describe people or groups of individuals who “have been forced to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights, or natural or man-made disasters, and who have not crossed an international border. For the purposes of UNHCR’s statistics, this population only includes conflict-generated IDPs to whom the Office extends protection and/or assistance.”¹¹ Returned refugees are former refugees who “have returned to their country of origin spontaneously or in an organized fashion but are yet to be fully integrated. Such return would normally only take place in conditions of safety and dignity.” And finally, stateless persons are defined under international law as persons “who are not considered as nationals by any State under the operation of its law. In other words, they do not possess the nationality of any State. UNHCR statistics refer to persons who fall under the agency’s statelessness mandate because they are stateless according to this international definition, but data from some countries may also include persons with undetermined nationality.”¹²

The data published by UNHCR this year shows the highest levels of displacement on record in 2017. About 65.6 million people around the world have been forced from their homes. Among this number, there are nearly 22.5 million refugees, half of them are under the age of 18. There are also about 10 million stateless people, who have been denied a nationality and access to basic rights, such as education, healthcare, employment and freedom of movement. In 2017, nearly 20 people were being forcibly displaced every minute as a result of conflict or persecution. These statistics show that there is a lot to do to help people in need. The main reason for the movement of refugees is armed conflicts in the world and political crises and also undemocratic governments. These data were created by full-time statisticians in UNHCR’s Field Information and Coordination Section. They track the number of people forced to escape from homes when a major displacement crisis erupts. This is very important because public opinion gets to know this and is able to predict how many people need help. The staff of the Field Information and Coordination Section employs 10,966 workers, around 87% are working in the field. They work in 130 countries, with staff based in a mixture of regional and branch offices and sub and field offices. They work to help the displaced, specializing in a wide range of

⁹ <http://www.unhcr.org/en-us/news/latest/2016/3/56e95c676/refugees-migrants-frequently-asked-questions-faqs.html>; (03.01.2018).

¹⁰ <http://popstats.unhcr.org/en/overview> (accessed: 3.01.2018).

¹¹ Ibid.

¹² <http://popstats.unhcr.org/en/overview> (accessed: 3.01.2018).

disciplines, including legal protection, administration, community services, public affairs and health. These actions are funded by voluntary contributions, with 87% from governments and the European Union. Three percent comes from other inter-governmental organizations and pooled funding mechanisms, while a further 9% is from the private sector, including foundations, corporations and the public. Additionally, they receive a limited subsidy from the UN budget for administrative costs, and accept in-kind contributions, including items such as tents, medicines and trucks. UNHCR was launched with an annual budget of US\$ 300,000 in 1950. The annual budget rose to more than US\$ 1 billion in the early 1990s and reached a new annual high of US\$ 7.7 billion in 2017. UNHCR has programs that support continuing operations and supplementary programs to cover emergencies, for example in the Syrian crisis of recent years. We can always say that the budget is not big enough, but it's still a lot. Another problem is that a lot of cost are created by administration. Data resources are used by all partners to respond to the needs of refugee populations. UNHCR's Statistics Database "provides data, reports and other information essential for field operations. It also carries statistical reports on people of concern — refugees, asylum seekers, returned refugees, the internally displaced and stateless people. Detailed information on country of asylum, place of origin, gender, age, location and legal status of refugees is available."¹³

INTERNATIONAL ADMINISTRATION: UNHCR

The basic regulation in refugee matters is an agreement and adaptation of the Geneva Convention (1950). The UN had a three-year mandate for the implementation of specific tasks, after which it was to be terminated. The mandate was prolonged many times. Then the UN General Assembly abolished the requirement to renew the mandate every few years. The statute specifies the basic functions and tasks of the High Commissioner and the rules of the organization of the Office. The High Commissioner is responsible for the management and supervision of UNHCR offices. He is in charge of the work of the agenda with the help of Deputy High Commissioner. The catalog of EU administration tasks is broad and usually defined in a non-exhaustive way. The UNHCR structure also includes regional offices, representative offices, branches and regional offices. UNHCR's activities in individual countries are directed by Representatives of the High Commissioner. There are also Regional Representatives of the High Commissioner, who are responsible for coordinating activities in a specific region, including several countries (e.g., Central Europe). From 1959, the Commissioner has been assisted by an advisory body — Executive Committee of the Office of the UN High Commissioner for Refugees Affairs. The office of the UN High Commissioner for Refu-

¹³ <http://www.unhcr.org/figures-at-a-glance.html> (accessed: 3.01.2018)

gees is involved directly in the protection of refugees and as a leading and coordinating subject. There are various activities in the main areas related to a permanent solution to the problem, such as resettlements, integration in the host country and voluntary returns of refugees. They also cooperate with various entities: states, organizations (international and regional), non-governmental organizations. It has control competences in the application of the Geneva Convention, which gives a wide range of powers: consultations on draft acts, issuing soft-law acts after legally guaranteed participation, in individual procedures granting refugees status. UNHCR is entitled to undertake various activities listed in § 8 of the Statute, including contributing to the process of concluding and ratifying international conventions to supervise their implementation, concluding special agreements to improve the situation of refugees and limit their number, information activities and cooperation with governments. Pursuant to § 6 of the Statute, the powers of the High Commissioner fall under the so-called historical refugees and mandatorial refugees. The UN has expanded the UNHCR's mandate and the responsibilities of this organization by obliging to protect different groups of people not covered by the provisions of binding international acts. The acts established in 1957 by the Committee have a similar effect. The term "internal refugee" is in practice applied to people who were forced to leave their country of origin due to civil war or natural disasters, as well as people who left their place of residence, but still remain in the territory of the country.

EU ADMINISTRATION CREATED TO HELP REFUGEES

The broad definition of administration, which is to ensure the implementation of law and the implementation of policies adopted at the level of the European Union, is defined as a set of various institutions and bodies, consisting of national and EU components.¹⁴ Thus, one can speak about two general principles characterizing the administration: separateness and cooperation. The principle of separateness defines the structure of the European administrative order, and the principle of cooperation — its functional aspect. Another act which protects refugees is also provided by regional government organizations. One of the first regional organizations undertaking activities for refugees and regulating their legal situation is the Council of Europe established in 1949. The issue of refugees appeared on the forum of this organization already at the first session of the Parliamentary Assembly in 1949. It is worth mentioning that the Council of Europe was the only European organization that undertook initiatives for the harmonization of asylum policies and practices until the mid-1970s. Almost all major regional organizations

¹⁴ M. Dyl, A. Paczkowska-Tomaszewska, R. Stankiewicz, M. Wierzbowski, "Outline of the system of entities acting in the European Union", [in:] *Administrative entities*, Warsaw 2011, pp. 558–668.

have since created specialized institutions dealing with the problem of refugees. The Council of Europe established the following institutions:¹⁵

— Ministerial Conference of Migration — these meetings serve to develop direct contacts between interested ministers from Member States and the development of the organization's direction in next 2–3 years.

— Committee of Migration, Refugees and Demography of the Parliamentary Assembly — the Committee presents reports, which serve as a basis for the adoption of resolutions and recommendations by the Parliamentary Assembly, it also organizes thematic meetings for representatives of the Council of Europe;

— The European Committee of Migration (CDMG) is the main intergovernmental body responsible for migration issues, including refugees. The Committee conducts research, implements special programs, organizes conferences. It is responsible for organizing meetings of ministers responsible for migrations.

— Ad hoc Committee of Experts on Legal Aspects of Territorial Asylum, Refugees and Stateless Persons (CAHAR) — it has important legislative functions, preparing draft legal acts (resolutions and conventions) submitted then to the Committee of Ministers of the Council of Europe.

In practice, organs of the European Union and the Council of Europe have created a big program for helping refugees, who come from Middle East and African countries. The program was created to implement it in all European Union countries but after the “crisis”, some countries have refused to accept refugees and participate in the program, which shook the common policy. Another important fact was that most of so-called “first contact countries”, were not prepared for such a big number of refugees, such as Italy and Greece. Most of the refugees want to live in rich Western countries, which can support them through social help. For that reason Germany takes in a lot of refugees, France too. New countries such as Poland, Hungary, Bulgaria don't want to help refugees because of a lot of reasons, mostly because of economic and internal security problems.

In addition, the European Committee on Migration (CDMG) aims to harmonize legal provisions and practices in the Member States in the field of asylum policy. It also gathers information on the influx of refugees in different states. Member States of the Committee (CDMG) twice a year organize meetings of representatives of states for the purpose of working out a common position on refugee issues and justice in respect of fundamental rights and the various legal systems and traditions of the Member States “and in the context of this provision should be interpreted, in particular as regards the depth of interference of EU regulation into Member States legislation. Although the measures are to lead to a ‘common policy’ in the field of asylum, based on solidarity between Member States and fair to third-country nationals, it must be remembered that matters in the area of freedom, security and justice are

¹⁵ <https://www.coe.int/en/web/portal/-/council-of-europe-action-plan-on-protecting-refugees-and-migrant-children-and-high-level-meetings> (accessed: 3.01.2018).

shared competences with the Member States” (Article 4(2)(j), Treaty on the Functioning of the European Union (TFEU)). Implemented policies must comply with the principles of subsidiarity and proportionality. In relation to the wording of the Treaty establishing the European Community (TEC) after the Amsterdam reform, significant changes are visible in the current Treaty bases. Article 78 § 1 of TFEU stresses the desire to pursue a “common policy” in the field of asylum, subsidiary protection and temporary protection, the aim of which is to grant an appropriate status to every third-country national who requires international protection. The obligation to comply with the principle of non-refoulement gained the nature of a commitment under the Treaty, not only from international obligations of states or customary law. Moreover, this principle of refugee law covers all forms of protection, and not only the status regulated by the Geneva Convention. The convention will continue to form the basis and pattern of compatibility of the common EU policy. In addition, art. 78 § 1 refers to “other relevant treaties”, among which the European Convention, the Convention against Torture of 1984 and the Convention on the Rights of the Child of 1989 are mentioned. Adoption of secondary law instruments in this field respects the so-understood international refugee law, which at the same time sets limits for EU regulations. The subjective scope of treaty regulation includes, as before, “third country nationals”, i.e. persons who are not citizens of the EU within the meaning of art. 20 § 1 of TFEU. Citizens of EU Member States may enjoy protection in other Member States only on the principles set out in the Protocol on the right of asylum for citizens of the Member States of the European Union, attached to the EC Treaty of Nice, and now to the TFEU.

“According to the United Nations High Commissioner for Refugees, the number of refugees and internally displaced people has reached its highest point since World War II in 2015 with over 60 million refugees.”¹⁶ A large percentage of them flee from Syria. Almost 11 million Syrians have left their homes since the outbreak of war in March 2011. Now, in the sixth year of the war, about 13.5 million need humanitarian aid inside the country.¹⁷

The structure of the administration involved in foreigners protection is multi-leveled and complicated. For example, the EU administration specialized in matters of asylum was developing gradually, mainly from the need to support and coordinate the activities of EU Members. Main reason of its existence is monitoring progress in implementing law. Refugee law is also created by the international administration (global) — UN High Commissioner for Refugees. Formal organizations internationally belong to the global administration and sometimes they are commissioned to carry out some administrative and non-administrative tasks. Between the different authorities there are different legal dependencies operating

¹⁶ <https://www.raptim.org/focus-on-ngos-27-organizations-that-help-refugees/> (accessed: 3.01.2018).

¹⁷ <http://www.unhcr.org/non-governmental-organizations.html> (accessed: 3.01.2018); <https://www.raptim.org/focus-on-ngos-27-organizations-that-help-refugees/> (accessed: 3.01.2018).

on these levels, mainly of a functional nature: cooperation, coordination, control and supervision.

THE TREATY OF LISBON AND REFUGEE POLICY

At its meeting in Brussels on 17–18 June 2004, the European Council expressed its conviction that it was time to start the next stage in the process of creating an “area of freedom, security and justice” and obliged the Commission to prepare proposals for a new program for the coming years. Already in 2000 the Commission drew attention to the fact that such an ambitious program, that is the construction of the second stage of Common European Asylum System (WESA), cannot be implemented on the basis of art. 63 Treaty of European Community. The legal basis for the second stage was to become the new Constitutional Treaty. Finally, the activities undertaken to build the next, second stage of WESA (completion was planned for the end of 2012) are based on the Treaty on the Functioning of the European Union (TFEU). The political assumptions of the second stage were included in the Hague Program of 2004, the European Pact on Immigration and Asylum, adopted by the European Council on 17 October 2008 and the Stockholm Program of 2009. The legal basis is art. 78 TFEU. It is included in chapter 2 (“Policies on border control, asylum and immigration”) of title V (“Area of Freedom, Security and Justice”) of part III of the TFEU. It is an extension of art. 67 TFEU, stating that “the Union is an area of freedom and security. In the light of the Treaty (and the political documents mentioned), the EU’s overall policy on the creation of WESA now has two dimensions. The first — internal — boils down to further harmonizing and/or harmonizing the laws of the Member States in the field of asylum and solidary cooperation between states in this regard. As regards the scope of harmonized law in the internal dimension of WESA, it should be stated that it encompasses competence, material law and procedural matter. In these areas, the EU now has the basis to harmonize national law at its chosen level, it is not limited — as before — to setting minimum standards. Authorizations to take legislative action are included in art. 78 § 2 points a–f TFEU: “The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, adopt measures concerning the Common European Asylum System covering: (a) a uniform status of asylum for third-country nationals, valid throughout the Union; (b) a uniform status of subsidiary protection for third-country nationals who, without being granted European asylum, need international protection; (c) a common system of temporary protection for displaced persons, in the event of a massive inflow; (d) common procedures for the granting and withdrawal of a uniform status of asylum or subsidiary protection; (e) criteria and mechanisms for determining the Member State responsible for examining a request for asylum or subsidiary protection; (f) standards concerning the conditions

for the reception of applicants for asylum or subsidiary protection.” As pointed out by S. Peers, despite the use of the word “common”, “uniform” in the TFEU, the EU is not obliged to fully harmonize the law in the field of asylum. These provisions should be interpreted in such a way that the EU institutions still have the option (no longer obliged) to continue the harmonization of the law at the level of minimum standards, although in this context the possibility of determining more favorable regulations by the state becomes another.¹⁸

NON-GOVERNMENTAL ORGANIZATIONS

As it was mentioned before, there is a lot of international organizations, especially non-governmental, which are helping refugees, such as The UN, Red Cross, Red Crescent, etc. Non-governmental organizations (NGOs) are entities that are independent of public administration and their activity is not for profit. They operate in the form of associations or foundations. They are registered in special registers, from which one can find out who is on the board and when the organization was established. Informal groups are groups of people who share a common goal, acting for specific people. Such organizations arise quite spontaneously, often in response to a specific problem, socio-political situation. Informal initiatives are not registered. In fact, non-governmental organizations play a key role in helping migrants, refugees in the procedure, and recognized refugees. NGOs provide foreigners with psychological, legal and translation assistance, organize language courses, and integration activities. International organization which support refugees in this areas are for example:¹⁹ Syrian American, Medical Society, Karam Foundation, Sunrise USA, Islamic Relief USA, Project Amal Ou Salaam. NGOs are often coordinating and supporting refugees with UN cooperation.

In addition, they conduct advocacy activities; try to bring about changes in the law to improve the situation of some social groups. They are, for example, monitoring the applicable law and its application by the central and local government administration. Organizations are often a first-aid point for refugees. For foreigners, going to another country can be difficult. Organizations are places where newcomers can go to get help in their refugee procedure, talk to a psychologist and find out how to find a job or an apartment. Organizations themselves also go out to the needy, for example by organizing projects and meetings in refugee centers. Organizations should, in principle, complement the activities of the government administration, in practice, however, many of the duties that fall

¹⁸ S. Peers, *EU Justice and Home Affairs Law*, 3rd ed., Oxford 2011.

¹⁹ https://www.huffingtonpost.com/yasmin-nouh/syrian-refugee-relief-organizations_b_8142492.html (accessed: 3.01.2018); <https://www.raptim.org/focus-on-ngos-27-organizations-that-help-refugees/> (accessed: 3.01.2018).

under the responsibility of the government, fall on the third sector. Unfortunately, despite the activities that are necessary to provide refugees with a minimal sense of security, the organizations themselves do not get virtually any help from the state.

CONCLUSIONS

The paper tried to describe how the Western world is helping refugees in practice. It is a very important problem in international law. Sometimes international law obligation is not enough to convince society that accepting refugees is the right decision, and then problems with society dissatisfaction may appear. The disquisition was focused mostly on institutions which serve to help the refugees. The article was focused on how countries and organizations use legislation tools. It should be emphasized that this is a very important problem and the Western world does a lot for refugees. We can see that, especially in the amount of the budget of the UN responsible for helping refugees. It is very important and hopeful. There is always a lot to do, because some processes are not perfect and maybe the support is going sometimes in the wrong place or is not as big as needed but we should support it as a human being. But it is really important that the international community is trying to do a lot for people who suffer and need help. Some countries don't want to help because they are afraid about internal security and economical problems but most developed countries support refugees and it's a very good fact for humanity.

BIBLIOGRAPHY

- Dyl M., Paczkowska-Tomaszewska A., Stankiewicz R., Wierzbowski M., "Outline of the system of entities acting in the European Union", [in:] *Podmioty administrujące*, eds. R. Hauser, Z. Niewiadomski, A. Wróbel, "System Prawa Administracyjnego" vol. 6, Warszawa 2011.
- Geneva Convention Relative to The Protection of Civilian Persons in time of War (adopted 12 August 1949, entered into force 21 October 1950), 75 UNTS 287.
- Goodwin-Gill G., McAdam J., *The Refugee in International Law*, 3rd ed., Oxford 2007.
- Grahl-Madsen A., *The Status of Refugees in International Law*, Leiden 1972.
- Hathaway J., *The Rights of Refugees under International Law*, Cambridge 2005.
- Kowalczyk B., *Polish Asylum System*, Wrocław 2014.
- Peers S., *EU Justice and Home Affairs Law*, 3rd ed., Oxford 2011.
- Robinson N., *Convention Relating to the Status of Refugees: Its History, Contents and Interpretation; A Commentary*, New York 1953.
- Vedsted-Hansen J., ed., *The Refugee Law Reader: Cases, Documents and Materials*, 7th ed., Budapest 2015.
- Weis P., *The Refugee Convention 1951: The Travaux Préparatoires Analysed with a Commentary*, Cambridge 1995.
- Zimmermann A., ed., *The 1951 Convention Relating to the Status of Refugees and Its 1967 Protocol: A Commentary*, Oxford 2011.

ONLINE SOURCES

- <http://popstats.unhcr.org/en/overview> (accessed: 3.01.2018).
- <https://www.coe.int/en/web/portal/-/council-of-europe-action-plan-on-protecting-refugee-and-migrant-children-and-high-level-meetings> (accessed: 3.01.2018).
- https://www.huffingtonpost.com/yasmin-nouh/syrian-refugee-relief-organizations_b_8142492.html (accessed: 3.01.2018).
- <https://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm> (accessed: 3.01.2018).
- <http://www.ijrcenter.org/refugee-law/> (accessed: 3.01.2018).
- <https://www.raptim.org/focus-on-ngos-27-organizations-that-help-refugees/> (accessed: 3.01.2018).
- <http://www.unhcr.org/en-us/news/latest/2016/3/56e95c676/refugees-migrants-frequently-asked-questions-faqs.html> (accessed: 3.01.2018).
- <http://www.unhcr.org/figures-at-a-glance.html> (accessed: 3.01.2018).
- <http://www.unhcr.org/non-governmental-organizations.html> (accessed: 3.01.2018).

UCHODŹCY I MIGRANCI JAKO PODMIOTY PRAWA MIĘDZYNARODOWEGO

Streszczenie

Praca podejmuje próbę ukazania problemu uchodźców i osób migrujących, jako ważny aspekt prawa międzynarodowego, który wpływa na sytuację społeczną, polityczną i ekonomiczną państw. Może to generować zyski i straty dla państw uczestniczących w procesie na różnych płaszczyznach. Razem z imigracją rosną wydatki związane z procesem administracyjnym, ale rośnie także potencjalny kapitał ludzki. Zależy to od polityki państwa — czy potrafi wykorzystać zaistniały potencjał i czy jest to możliwe ze względu na kulturę lub wykształcenie. Czasami zobowiązanie wynikające z prawa międzynarodowego nie wystarcza, aby przekonać społeczeństwo, że przyjmowanie uchodźców jest słuszne. Migracja między państwami jest niejako naturalnym procesem. Jest ona generowana przez różne czynniki. Prawo międzynarodowe pozwala je uporządkować i sklasyfikować tak, aby jednostki, które we własnym kraju napotykały poważne problemy, mogły spróbować żyć gdzie indziej.

Słowa kluczowe: uchodźcy, bezpieczeństwa, migracja, prawo międzynarodowe, organizacje międzynarodowe, ONZ