MIGRANT AND REFUGEE CRISIS IN EUROPE: WAS PANDORA'S BOX OPEN?

Angelina Stanojoska, PhD*

Faculty of Law, University St. Clement of Ohrid - Bitola, Republic of Macedonia
angiest22[at]gmail.com
angelina.stanojoska[at]jur.lu.se

Movement has been part of human history; it is and has been integrated inside every human, becoming active as a result of various factors which at a moment are more or less dominant in one's life. It is like a code written down in everyone's DNA, making humans unable or better said "hungry" to be free and always look for better. Starting in March 2010, the Arab Spring opened a door for the biggest migration flow in modern history. Such as conflicts were crossing borders from one state to another in the fight for democracy and freedom from regimes, as domino effect migration did the same. Numbers increased every day and during 2015, in time of Syrian crisis, we were witnessing a mayor migration flow to Europe since the European colonization and the Transatlantic Slave Trade.

Mentioning the theory of push and pull factors as a starting point, although it has been used to explain the everyday movement of people, victims of human trafficking, towards rich countries which at the end become their countries of destination in the labyrinth of exploitation, lured by stories of well-paid jobs and good life, it can also be discussed in the context of migration movements during the 2015 and the beginning of 2016.

Pushed by terror and war and pulled by the possibilities for a better life, a chance to stay alive, hundreds of thousands of people have fled their countries of origin and moving through the Balkan migration route are already inside or in front of the European Union's doors. Moving through Turkey, Greece, Macedonia, Serbia to Croatia, Slovenia, Austria or Germany; or to Hungary, Austria, Germany or Sweden (or other EU Member State), some of them managed to get at the end of their destination, some of them were smuggled, some trafficked, unfortunately some ended their journeys among the waves of the Mediterranean Sea or some stayed into metal fences "hugs".

During this global movement with so wide framework, several categories of people were put in the same basket, not even making an effort to draw a line between migrants and refugees. And it was the first important step for additional solutions. Instead of being practical, the EU became an ignorant and selfish entity, lost in its quarrels between member states. Some started opening their borders wide, not thinking of tomorrow and others started building fences, locking up people and feeding them in a way even animals should not be fed. Was this the Union which arose from the ashes of the bloodiest war in human history? Or every atom of humanity was lost in the games of political intrigues and different interests?

The protection of refugees has many aspects. It includes safety from being returned to the dangers they have fled; access to asylum procedures that are fair and efficient; and measures to ensure that their basic human rights are respected to allow them to live in dignity and safety while helping them to find a longer-term solution. States bear the primary responsibility for this protection. UNHCR therefore works closely with governments, advising and supporting them as needed to implement their responsibilities (UNHCR 2016). Migrants choose to move not because of a direct threat of persecution or death, but mainly to improve their lives by finding work, or in some cases for education, family reunion, or other reasons. Unlike refugees who cannot safely return home, migrants face no such impediment to return. If they choose to return home, they will continue to receive the protection of their government. For individual governments, this distinction is important. Countries deal with migrants under their own immigration laws and processes, but countries deal with refugees through norms of refugee protection and asylum that are defined in both national legislation and international law (UNHCR 2016).

Starting with Lombroso's *homo criminalis* where immigrants were part of the analyzed possible criminals, through the Chicago School, whose conclusions were that foreigners have powerful criminal tendencies, immigration has always been connected to crime, trying to divide societies into "us' and "them", leave newcomers at the margins, exclude them and if possible, try to push them away. And today, the word *immigrant,* although being a bit wide (all foreigners with no importance of their ethnic, social, economic or professional background), always is narrowed into a direction in which it points out to those non - citizens who are not white, are poor, have no working skills, are coming from non - developed or developing countries, they will just steal our jobs or will be begging on the streets, and in worst cases will bring diseases etc. It is a picture of threatening asylum seekers, Muslim terrorists, Balkan "barbarians", criminal immigrants who will only destroy what we have worked for centuries (Stanojoska 2016).

It is a modern fear wrapped in classical paper, that fear from strangers explained through sociological perspectives or as Garland (2001) says that all those others are endangering what we have and that our society should protect itself from their "vicious" attacks, rather than to think what to do afterwards in the need to rehabilitate everything they'll destroy. It starts with Durkheim's theory of anomie and his opinion of strengthening bonds and solidarity among individuals in the society and ends with Merton's strain theory. Namely, in his works, Emilie Durkheim speaks about punishment seen as an element or mechanism which helps into building and maintaining social solidarity and structure, so using it the community will try to push aside and suffocate all those foreign elements trying to threat local ones. Using such measures excludes immigrants who cannot "put their hands" onto cultural goals with their "*instrumentum operandi*", so being at the edge of survivor, their changing their "*modus operandi*" using different, in most cases unaccepted cultural means (Stanojoska 2016).

Robin Cohen (1994, 189) called this groups "third world immigrant" or "helots"; that is those immigrants who, in addition to being deprived of many rights enjoyed by citizens - principally, the right to vote and be elected - are in much worse situation than other foreigners in a given receiving country because they belong to an ethnic minority, are unskilled, and are poor. The difference between foreigners coming from poor and rich countries is also manifested in the enforcement of controls over borders: states do not distribute burden evenly.

Foreigners coming from different parts of the globe are treated differently concerning formal and informal practices - visa requirements, restrictions on the right to entry and stay, enjoyment of civil rights, and judicial and extrajudicial treatment (Aliverti 2013).

And at the end there is always a difference between "crimmigrants" or those seen as a danger, undocumented, maybe terrorists, people with criminal background) and "travelers (*bona fide*) or people who are privileged and can move without problems (Franko Aas 2011). The word "crimmigrant" is coinage and as a term originates from the words criminal and immigrant, and is used in purpose to describe the perception of immigrants and today, refugees coming from Arab countries, as potential criminals (Stanojoska 2016).

The migration route is a path which moves on the same steps as the one of organized crime. A migration flow is like an open market for smugglers who can sell their products (in this case the possibility to get out of conflict zones and then get in the EU). Smuggling of migrants, but also trafficking in human beings is out there, on those paths, living among people's destinies, becoming their everyday life.

As the European Union Member States acted on the rivers of people, their path changed into the quest of salvation. In 2012, Greece finished its fence on the border land with Turkey, migrants and refugees started moving using Bulgaria (from Turkey). When, in 2014, Bulgaria finished its fence on the border with Turkey, people started using the Eastern Mediterranean Route to get to European land (from Izmir and Bodrum to Kos and Lesbos) and afterwards the Western Balkan Route to EU. After this path became alive, some Member States started building fences on their borders. At first Hungary built fence on its border with Serbia which moved migrants and refugees to Croatia (and then Hungary). Making such step was an alarm for Hungarian authorities who continued building fences, this time on the border with Croatia, which influenced another change of paths towards Slovenia. During the period of free movement towards EU countries, mostly Germany and Sweden, there were times of barriers on the borders between Croatia and Slovenia, which eventually culminated with barriers between Austria and Slovenia. Closing of the Western Balkan Route, without having another effective solution just opened another routes for such organized crime groups, which continued to use another path towards EU. Possible alternative routes are those from Greece towards Italy after crossing the Mediterranean Sea, or from Greece to Albania crossing the Adriatic Sea, or from Egypt towards Lampedusa in Italy or even from Turkey crossing the Black Sea towards Bulgaria or Romania.

In other words, it would be something as the British ex-prime minister Mrs.Thatcher once bluntly put it, "we joined Europe to have free movement of goods (…) I did not join Europe to have free movement of terrorists, criminals, drugs, plant and animal diseases and rabies and illegal immigrants" (Eriksen 2007).

Criminal networks are typically composed of several key individuals. The organizer or leader of the network is usually located in a key migration hub and is responsible for the overall coordination within the network. Members of migrant smuggling networks typically work autonomously with a number of lower-level contacts who are part of their personal network. Low-level contacts are used as drivers, crew members, scouts, or recruiting agents. These contacts typically operate as part of a network only for a limited time and are exchanged regularly. Migrant smuggling networks are flexible and adapt to changing business demands by relying on auxiliary members as necessary.

These auxiliary members act as money handlers, guarantors or forgers. These individuals provide services to the network, but do not form part of networks' core memberships (Europol 2015).

March 18 the will be known as one of the days when the EU once again has shown its two faced game in this migration flow to its territories. Although Germany was the loudest promoter of giving shelter to refugees inside EU, at the end this whole charade of one for all, 28 for themselves, ended with an EU - Turkey Agreement, which should end migratory movements to EU. The two most important points accented with this Agreement should help the Union to stop movement towards its territories. Namely, every irregular migrant crossing from Turkey to Greece or found on Greek territory will be returned back to Turkey and for every returned migrant with Syrian origin, the EU will accept another Syrian who is in Turkey. Seen through prism of humanity, we do not get a solution, because the Agreement will just worsen things up, which is already happening with people living in tents in subhuman conditions on the Greek - Macedonian border and of course, with an increased number of asylum applications in Greece which stops the returning of irregular migrants. Is this the Europe we all dreamed off? Or is it just a dream, as it is for refugees and immigrants?

Also, being in the prism of interest, but also happening, terrorism is a phenomenon directly connected to ISIS and Islamic State in Syria and Iraq. Penetrating in Turkey, through the shape of the Kurdish Workers' Party, terrorism has never been more alive and breathing at the doorstep of the European Union. Fear is associated with opinions declaring that using refugees many ISIS members will enter the Union, many sleeper cells among Europe will be awaken and will commit terrorist attacks in European metropolitan areas as revenge and part of the Holy War against infidels. Paris and Brussels will always be engraved in our memories as examples of how long can ISIS's hands be, and which consequences the so called "zombie" politics can suffer common European citizens.

REFERENCES

1. Aas, Katja Franko. 2007. *Globalization and crime.* Los Angeles, London, New Delhi and Singapore: SAGE Publications;

2. Aas, Katja Franko. 2013. *The Ordered and the Bordered Society: Migration Control, Citizenship and the Northern Penal State.* In K.Franko Aas & M.Bosworth (Eds.) *The Borders of Punishment: Migration, Citizenship and Social Exclusion (pp.21 - 39).* Oxford, England: Oxford University Press;

3. Aker, Ronald L. 1997. *Criminological Theories: Introduction and Evaluation.* Los Angeles: Roxbury Publishing Company;

4. Aliverti, Ana. 2013. *Crimes of Mobility: Criminal Law and the Regulation of Immigration.* London, England: Routledge;

5. Bowling, Ben. 2013. *Epilogue: The Borders of Punishment: Towards a Criminology of Mobility.* In K.Franko Aas & M.Bosworth (Eds.) *The Borders of Punishment: Migration, Citizenship and Social Exclusion (pp.291 - 306).* Oxford, England: Oxford University Press;

6. Eriksen, Hylland T. 2007. *Globalization: Key Concepts.* New York, USA: Berg;

7. Europol. 2016. *Migrant smuggling in the EU*. Europol Public Information;

8. Jones, Stephen. 2013. *Criminology.* Oxford, England: Oxford University Press;

9. Lombroso, Cezare. 2006. *Criminal Man (translated by Mary Gibson and Nicole Hahn Rafter).* Durham and London: Duke University Press;

10. Melossi, Dario. 2013. *People on the Move: From the Countryside to the Factory/Prison.* In K.Franko Aas & M.Bosworth (Eds.) *The Borders of Punishment: Migration, Citizenship and Social Exclusion (pp.273 - 290).* Oxford, England: Oxford University Press;

11. Melossi, Dario. 2015. *Crime, Punishment and Migration.* London, England: SAGE Publications;

12. Melossi, Dario. 2013. *The Borders of the European Union and the processes of Criminalization of Migrants. The Routledge Handbook of European Criminology. (pp.499 - 513).* London, England: Routledge;

13. Mijalkovic, Sasa, Milan Zarkovic. 2012. *Ilegalne migracija i trgovina ljudima.* Beograd: Kriminalisticko - policijska akademija;

14. Novotny, Vit. 2012. *Opening the door? Immigration and integration in the European Union.* Brussels: Centre for European Studies;

15. Stanojoska, Angelina. 2016. *Lost lives along border lines: Mobility, crimmigration law and punishment.* Belgrade: Archilbald Reiss Days.

16. Stanojoska, Angelina. 2016. *"Deviant" states or deviant migrants: Between the discourse of "crimmigrants" and closed borders in times of refugees' crisis.* Ohrid: Faculty of Security Conference.

*About the Guest Editor:

Angelina Stanojoska graduated at the Police Academy - Skopje (2008), received her MSc in Criminology and Criminalistics at the Faculty of Security - Skopje (2011) and her PhD in Security Sciences also at the Faculty of Security - Skopje (2014). At the moment she is an Assistant Professor at the Faculty of Law, University "St. Clement of Ohrid" - Bitola, Republic of Macedonia. She has written a significant number of articles, has been part of many scientific conferences and international courses. During 2016 she used the Erasmus Basileus staff exchange scholarship at the Faculty of Law, University of Lund, Sweden. Her main interest is in the area of criminology, especially the intersection between migration and crime, and human trafficking.