

MULTICULTURALISM OR ASSIMILATION? REFUGEES AND IMMIGRANTS AS EUROPEANS

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Introduction

Recent years have been characterized by the emergence of a large migration flow in the European Union (EU), which is mainly due to the emergence of an armed civil conflict in Syria, the expansion of the self-proclaimed Islamic State and the spread of conflicts in Syria. For this reason, thousands of immigrants want to reach Europe via the Mediterranean Sea or the Balkans. In fact, migratory movements have existed since very old times and are proceeding with the process of human evolution. Migratory movements are most often caused by economic, social, cultural, political or environmental issues. This new wave of refugees has posed a number of political, economic, social and cultural challenges in European countries. Therefore, the EU has been seeking a common position to maximize the effectiveness of the refugee reception policy. This has not been possible due to the position of some states who reject the distribution program of refugees over the European continent. In this context, the Convention on the status of crises (Geneva Convention of 1951) is very important, as it provides a legal framework for the regulation of refugees' concepts and issues. The aim of this work is to discuss the legal regulations for refugees and immigrant's political situation, as well as their integration and assimilation process in different countries. This article analyses the European case, with a special emphasis on the specific situation of Portugal and Poland, concerning the issue of refugees and how integration processes work. This choice was made due to the fact that there is no common policy for the integration of refugees in Europe, and as long as the measures of each country are in compliance with international law, different policies can be adopted.

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I. How to recognize refugees?

1.1. Refugees criteria in European law

The starting point for analysing the issue of refugees' crisis is the theoretical approach to the definition of 'refugee'. In general terms, a refugee is an alien who has a well-founded fear of being persecuted due to nationality, religion, political opinion, race. They are outside of their country, stateless or outside of the country of their permanent residence. For those reasons, the person cannot or does not want to avail himself or herself of the protection of that country or return thereto¹. The main formal documents referring to the described concept are *The 1951 Refugee Convention* and the *1967 Protocol*. These international legal documents have been adopted within the framework of the United Nations and over the time, more and more countries became part of these legal instruments.

The definition of refugees contained in Article 1 A of the Convention describes them as people who fulfil some mentioned criteria. According to the literal text of the *Convention*, refugees are people who "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"². In subsequent years, this definition has been extended on the basis of new legal regulations regarding the issue of refugees such as the *UN Protocol Relating to the Status of Refugees* from 1967 or the refugee definition adopted by UNHCR in 2011, which adds to the previous definition people who are outside their country of nationality or habitual residence and unable to return there owing to serious and indiscriminate threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order. Notwithstanding, the *1951 Convention* provides a universal definition of the described term.

In order to determine the criteria that describes a refugee, it seems necessary to thoroughly analyse the individual elements of the quoted definition. At the beginning of the analysis, it seems necessary to explain the concept of the refugee who is outside the

¹ Jastram K., Achiron M. *Refugee protection: A guide to international Refugee Law*, UNHCR, p. 43.

² The 1951 Refugee Convention, Article 1A.

country of his or her nationality. This term refers to persons who have a nationality, as distinct from stateless persons, but who also allege fear of persecution in relation to the country of nationality, because, as long as they have no fear in relation to the country of nationality, they can be expected to avail themselves of that country's protection. Through the concept of "well-founded fear of being persecuted" the author emphasizes a main point of the refugee character. Fear, in this meaning, is an essential and key element for the motivation of the asylum seeker. However, fear has to be also justified by objective and rational reasons. Regarding the element of persecution, it is difficult to establish a unified concept for this issue. Based on the convention, it can be assumed that a threat to life or freedom on account of race, religion, nationality, political opinion or membership of a particular social group is always persecution. Regarding the issue of discrimination, this concept cannot be equated with the notion of persecution³.

Differences in the treatment of various groups are quite a common phenomenon in many societies. Only under certain circumstances discrimination could be compared to persecution, mainly when discriminated people are also limited in their human and social rights, such as restrictions on the right to earn livelihood, right to practise a religion, or access to normally available educational facilities. In the case of criminals who apply to become refugees, each case must be analysed thoroughly because of the fact that a person fleeing from prosecution for a common crime is not fleeing persecution. However, this same person who is accused of these crimes could be also persecuted for political or other reasons and is thus not necessarily excluded from the refugee status.

However, in most cases, the refugee is a victim or potential victim of injustice, not a fugitive from justice. An essential element determining the refugee is a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion. Racial discrimination is widely recognized as a serious violation of fundamental human rights due to a violation of human dignity. Religious persecution, which is one of the criteria determining a refugee, is at the same time a violation of the *Universal Declaration of Human Rights* and of the *Human Rights Covenant*, which provides the right to freedom of thought, conscience and religion, a right that includes the freedom to change one's religion and the freedom to manifest it in public or private, in teaching, practice, worship and observance⁴. The criterion of

³*Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*, United Nations High Commissioner for Refugees, <https://www.unhcr.org/4d93528a9.pdf> (15.11.2018).

⁴ The Universal Declaration of Human Rights (UDHR), 10 December 1948, Article 2.

persecution based on nationality may also refer to ethnic or linguistic affiliation and coincide with the concept of racial discrimination. The coexistence of several ethnic groups in one country may give rise to conflicts and opportunities for national discrimination. In case of persecution because of political opinions different from those commonly accepted, proven grounds for concern are a prerequisite for applying for refugee status.

Another category of refugees is called 'sur place' refugees. People who were not refugees when they left their country, but who became refugees at a later date. Becoming a sur place refugee is often determined by the changing political situation in the home country or as a result of their own actions⁵.

In order to analyse the described issue, it seems necessary to consider the special cases of some social groups in the context of their being considered (or not) as refugees.

Can a soldier be a refugee?

In general, a refugee is a civilian, therefore, the one who fights against his/her country of origin on the side of the country in which he/she applies for asylum cannot be considered as a refugee.

Can a war criminal be a refugee?

Persons who have participated in war crimes and massive violations of international humanitarian and human rights law – including the crime of genocide – are specifically excluded from the protection and assistance accorded to refugees.

Can a woman facing attack because she refuses to comply with social constraints be a refugee?

According to the refugee definition by UNHCR someone who is fleeing severe discrimination or other inhumane treatment – amounting to persecution – for her failure to conform to strict social codes does have grounds to be considered for refugee status. Following this sentence, a woman who fears bad treatment because of her own choices about the style of dress or choice of spouse can be considered a refugee.

⁵ https://ec.europa.eu/home-affairs/content/refugee-sur-place_en, 15.02.2019.

Can a person who fears persecution because of sexual orientation be a refugee?

Homosexuals can apply for refugee status because of persecution due to their sexual orientation. This is the position that UNHCR has addressed to people struggling with inhuman treatment and serious discrimination⁶.

1.2. Refugee status determination procedures – main principles

Anyone who decides to run away from their country for fear of persecution is a refugee. Receiving refugee status only confirms this fact. The right of refugees to protection has its justification in the international human rights system. In 1948, the General Assembly of the United Nations approved the *Universal Declaration of Human Rights*⁷, stating in Article 14 that everyone has the right to seek and enjoy in other countries asylum from persecution.⁸ Asylum is a form of international protection given by a state on its territory, it is a fundamental right and granting it is an international obligation, stemming from the 1951 Geneva Convention on the protection of refugees. Due to the fact that each European country has its own asylum procedures, it was necessary to create legal acts harmonizing the basic asylum principles. This was the reason for the creation of the EU Common European Asylum System (CEAS). It is a set of EU laws, completed in 2005. The main role of this document is to ensure uniform standards and asylum principles in all European countries. The main legal act defining the basic principles of the asylum procedure is the Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013.

The main necessary requirement for all the countries that have adopted the Directive is to ensure access to asylum procedures for anyone who applies, while the remaining procedural matters are the responsibility of the Member States. Even though, according to the *Dublin regulation*, all EU members can return asylum seekers to the country of their first entry – if there is a good asylum system working there – asylum seekers do not have the legal duty to claim asylum in the first EU state they reach.

⁶ Jastram K., Achiron M. *Refugee protection: A guide to international Refugee Law*, UNHCR, p. 44.

⁷ Universal Declaration of Human Rights, adopted by GA Res, 217 A (III) (1948). In United Nations, *A compilation of International instruments* (1994), i, Part 1, 1,

⁸ Alston, P., M.R. Bustelo, and J. Heenan, *The EU and human rights*. Vol. 1. 1999: Oxford University Press Oxford, p. 363.

1.2.1. Universal rules on asylum procedures

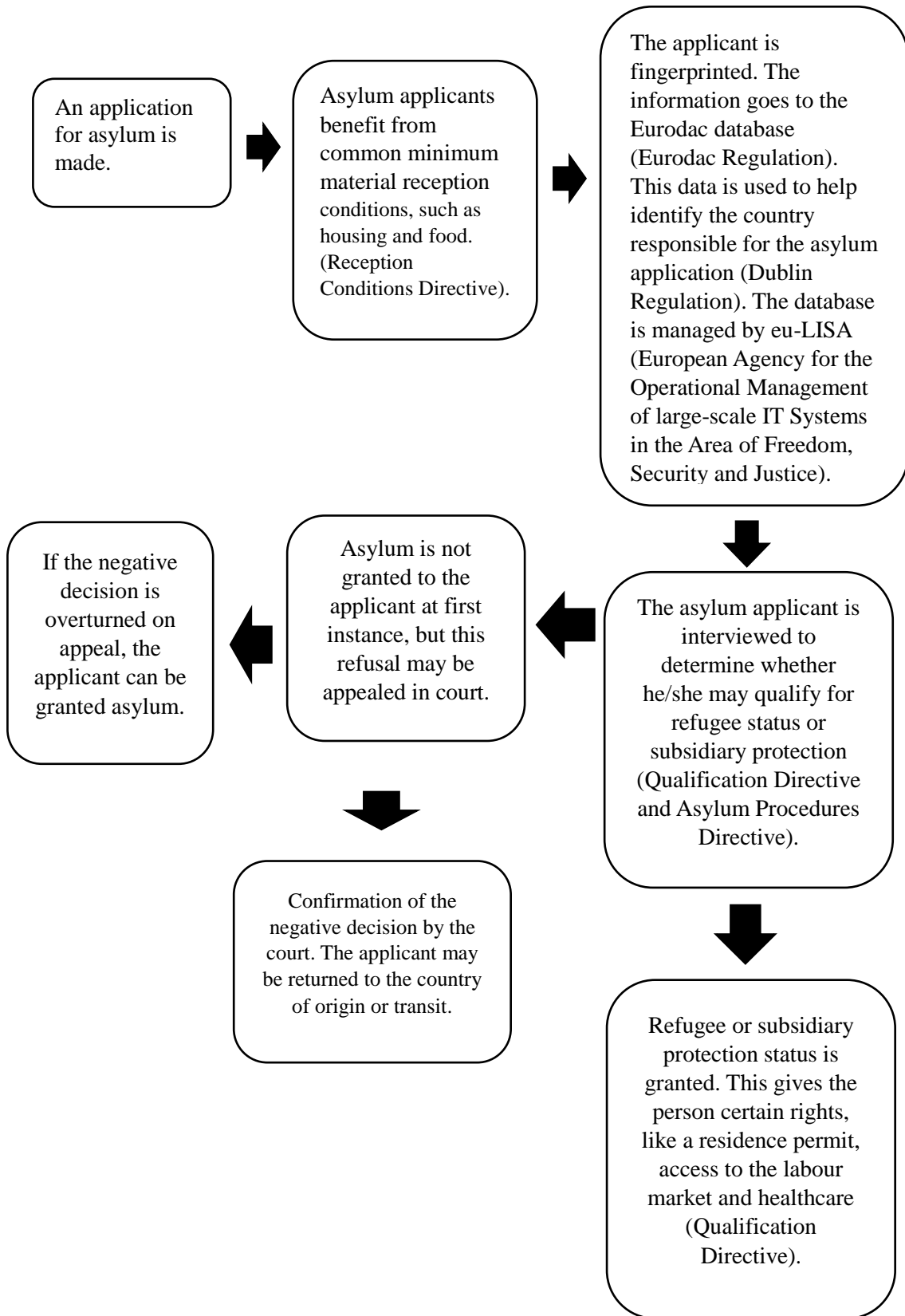


Fig. 1. General asylum procedure scheme.

a) Application for international protection

The first step in the asylum procedure is to submit an appropriate application to the authority designated by the Member State. In some countries, including Poland and Portugal, the institutions authorized to receive such applications are law enforcement agencies, such as border guards and police. In the case of other countries, the application should be submitted to a designated place, such as the centre for receiving applications or the headquarters of the authority dealing with applications. Third-country nationals and stateless persons detained at the border or in detention centres who want to receive international protection are entitled to interpreting services. The application should be registered within three working days. In most European legal systems, it is the right of the applicant to stay in the country of asylum until the decision about the application is reached. Member States shall ensure that the decisions of the responsible authority on applications for international protection are taken in an objective and impartial manner and after appropriate consideration by qualified specialists⁹.

b) Interrogation

Before the authority's decision, the applicant has the right to be questioned on his/her application for international protection, which is carried out by the competent person to conduct such hearings under national law. The hearing on the substantive content of the application for international protection is carried out by the staff of the conclusive body. The hearing is a necessary element of the procedure, however, some countries allow the possibility of omitting it if the relevant authorities have already met with the applicant to help complete the application. Member States must carry out hearings under conditions that allow applicants to provide a full explanation of the reasons for their submission. The Directive requires Member States to complete the application procedure as soon as possible. Usually the time to issue a decision is strictly determined in each Member State. For example, in Portugal this period is 2,6 months, but, in comparison, in Poland is 6 months. After the hearing, the relevant authorities draw up a report containing all relevant elements and information obtained from the hearing.

⁹ Government of the Netherlands, " Asylum procedure", <https://www.government.nl/topics/asylum-policy/asylum-procedure>, 06.12.2018r.

c) Medical examination

In some cases, medical examinations are carried out to examine signs of persecution. The consent of the applicant is necessary to carry out medical examination. Medical examinations are carried out by qualified medical personnel, and their results shall be communicated to the determining authority as soon as possible. Usually, the result of the application is based on the examination results.

d) Withdrawal asylum claim

Asylum seekers are entitled to withdraw their asylum claims. When the applicant expressly withdraws his/her request for international protection, Member States shall ensure that the determining authority decides to discontinue the process or to reject the application. When there is reasonable cause to consider that an applicant has implicitly withdrawn or abandoned his or her application, applications may be treated as withdrawn or abandoned. The state, however, needs to take a decision either to discontinue the examination and record the action taken or reject the application.

e) Decision

The final decision regarding the application should be taken as soon as possible but at least within 6 months after the application was submitted. In some situations there is a possibility to extend this term for another 15 months. The asylum seeker must be informed about every delay in decision making. The written decision must necessarily include information about the manner and timing of appeals against it. The authorities are also required to avoid excessively long delays in deciding asylum claims.

f) Appeal against the authority's decision.

Every asylum seeker should have the real possibility of making an effective appeal not only against a refusal of asylum but also against any other complaint alleging a breach of human rights. The right to an effective solution and to a fair trial is provided by EU law, Article 47 of the *EU Charter of Fundamental Right* and also by the *European Convention on Human Rights* which state the right to an “effective remedy before a national authority”. According to the UE law, EU member states are obliged to let applicants stay in their country until the end of the time to lodge an appeal as well as while pending the outcome of an appeal.

g) Legal assistance in asylum procedures

The Asylum Procedures Directive provides asylum seekers the right to consultation with a legal adviser, especially in the case when their application faced a negative decision, but free legal assistance cannot be provided to those appeals that have no tangible prospects of success. Member States must ensure free legal assistance and representation in case of an appeal or a review. Legal advisers should have the possibility to obtain all necessary information concerning the asylum seeker¹⁰.

1.3. Differences between immigrants and refugees

Despite the fact that the concept of refugee and immigrant are often confused and used interchangeably, there is a clear difference between them. In order to thoroughly analyse the differences between the concept of immigrant and refugee, it is necessary to present a legal definition of the 'immigrant' term. An immigrant is a person who, for private reasons, leaves his/her country of origin and settles in another country. Migration is caused only by a voluntary decision of that person and is not related to such factors as war or persecution. The most common reason for these migrations are earning goals¹¹.

Refugees do not choose to leave their country, they are forced to do so and this is the main difference between them and immigrants. Migrants are definitely not eligible as refugees. They cannot prove that they are persecuted in their own country. They cross borders most often for profit. Transit countries are not obliged to accept such persons, and those crossing the border illegally may be expelled from the country. When it comes to the legal status of immigrants and refugees, refugees are protected by special legal acts such as the 1951 Convention or the 1967 Protocol, whereas immigrants can move to a country after due Government or embassy paperwork and have to abide by the laws of that country. The difference is also in their resettlement, because refugees most often stay in refugee camps where they can get help, and immigrants move out of their countries by their own decision and need to deal with resettlement options on their own. Refugees should be surrounded with care from the asylum country. The key difference between economic migrants and refugees is that economic migrants enjoy the protection of their home countries, and refugees do not. Economic migrants do not fall

¹⁰ Fribergh, E., Kjaerum, M., *Handbook on European law relating to asylum, borders and immigration*, European Union Agency for Fundamental Rights, 2014 Council of Europe, 2014, page 97-114.

¹¹ "Who is a migrant?", <https://www.iom.int/who-is-a-migrant>, 12.02.2019r.

within the criteria for refugee status and are therefore not entitled to benefit from international protection as refugees¹².

1.4. Immigrants and refugees' rights and obligations

Rights	Obligations
<ul style="list-style-type: none"> – Non-refoulement (States have the obligation not to refoul refugees to the frontiers of territories where their life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion)¹³. – Freedom of movement and asylum seeking¹⁴ – Right to liberty and security in the context of good asylum seekers treatment within the intended country of refuge. – Right to family life (the family is seen as the “natural and fundamental group unit of society and is entitled to protection by society and the State.”)¹⁵. – Right to be informed by the State of origin, employment or transit of “the conditions of their admission, their rights and obligations under the law and practice”¹⁶. – Respect for the human rights of all migrants, irrespective of migratory status and non-discrimination¹⁷. – Right be recognized as a person before the law to the same extent as nationals¹⁸ 	<ul style="list-style-type: none"> – Observe the laws and regulations of the host countries²⁰. – It might be mandatory to register with the concerned authorities and be subsequently responsible for renewing visa/permit. – Respect integration related obligations, such as mandatory integration programmes. This is connected with the obligation to respect the cultural identity of the inhabitants of host countries reflected in the Migrant Workers Convention. – Collaborate with the state authorities concerning return, in case of illegal stay and return decision.

¹²"Immigrant vs. Refugee", https://www.diffen.com/difference/Immigrant_vs_Refugee, 12.02.2019r.

¹³1951 Convention relating to the Status of Refugees, art. 33(1).

¹⁴International Covenant on Civil and Political Rights, art. 12.

¹⁵Op.Cit., art 23(1).

¹⁶1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention).

¹⁷The New York Declaration for Refugees and Migrants, 19 September 2016.

¹⁸ The International Covenant on Civil and Political Rights (ICCPR), 23 March 1976, article 16.

²⁰ Op.Cit., para. 39.

<p>– Right to due process of law and procedural protection in all procedures, including those related to immigration, emigration, criminal charges, detention, expulsion or deportation. In this respect, migrants shall be equal before courts and tribunals regardless of the nature of the proceedings and without discrimination, and their right to a fair trial must be secured and respected¹⁹</p>	
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II. Theoretical approach of integration and assimilation

2.1. Analysis of the concepts of integration and assimilation

Integration is the process through which foreigners establish permanent relationships with members of the host society and participate in different areas of their life. At the same time, they do not resign from their national identity. Integration mainly concerns social relations. It refers to the functioning of an individual in a social environment. This stage consists of the individual's striving to become part of a given society, which is impossible without the help from that same society. Integration requires a social environment that welcomes and enables emigrants to live in a new environment. Integration assumes an active role in the inclusion of immigrants into host society.

Another way that immigrants can enter a new society is through assimilation. This is a process in which, as a result of contacts with another cultural group, the behaviour of a minority group changes and they embrace the culture of another group. Over time, immigrants cease to distinguish themselves culturally and socially from the host society, by becoming part of the host country. The disappearance of differences between these social groups is related to the will to change identity and to the acceptance of this change by the host society. The ultimate aim of assimilation is to include people from a minority into the host society²¹.

¹⁹ Op.cit., article 14.

²¹ Budyta-Budzyńska, M., *Adaptacja, integracja, asymilacja – próba ujęcia teoretycznego*, <http://migracje.civitas.edu.pl/migracje/images/pdfy/Adaptacja%20integracja%20asymilacja.pdf>, 15.11.2018r.

2.2. Economic, political, cultural and identity dimensions of the integration process

The integration of refugees is a complex and multidimensional construct, referring to integration into the economic, health, educational and social contexts. The above-described ways for immigrants to enter the host environment are divided into different aspects: economic, cultural, social-political and identity. The economic aspect is related to the labour market; the cultural aspect with language and cultural competences; the social-political dimension with social interactions and political activity; and identity is related to a sense of community and national identity.

Economic aspects refer to the immigrants' ability to enter the labour market, which means that they are able to provide a material existence for them and their family through work, instead of social benefits and help from non-governmental entities. Through a professional activity, members of social minorities have better opportunities to improve their language skills²².

When it comes to the cultural aspect of integration, the main concern is the impact on the foreign culture. As a result of this, members of the foreign culture become assimilated, partially or completely, in the patterns of the host culture. They adopt their symbolic codes, moral practices and lifestyle. Such influence of a foreign culture on a particular individual may lead to a situation where the individual does not feel attached to any culture, so both the culture of origin and the culture of assimilation are foreign to him/her. In some situations, the immigrant begins to combine the elements of his/her immigrant culture with the culture of the majority, and, as a result, begins to function in a specific mixed culture. This is the most desirable state because it combines the elements of the majority culture, while cultivating family traditions from the immigrant culture. Other possible scenario is the total rejection of the immigrant's cultural identity and the appropriation of the culture of the host society. This situation helps the minority to get rid of the doubts related to ethnic and cultural diversity²³.

In the social-political aspect of the integration of minorities, the focus is on social relations and the place an immigrant has within the State. This refers to the immigrant's functions in a new social environment and his/her entering into specific

²² Robila, M., *Refugees and Social Integration in Europe* , United Nations Expert Group Meeting New York, page 11.

²³ Algan, J., Bisin, A., Verdier, T., *Perspectives on Cultural Integration of Immigrants: An Introduction* , <http://econ.sciences-po.fr/sites/default/files/file/yann%20algan/Introduction.pdf>, 30.12.2018r.

social roles. The political aspect concerns the immigrant's use of political rights – including citizenship –, political activity, and efforts to actively participate in public life.

The identity aspect is associated with changes to one's sense of national identity. In many countries, when applying for citizenship, it is required to know not only the language, but also the history and culture of the host country. The emotional aspect is associated with declarations of national belonging, expressed in statements and displays of feelings towards a particular nation. The behavioural aspect is combined with various activities that bear witness to the commitment to a specific national group²⁴.

The situation in which refugees and migrants find themselves is often referred to as 'suspension'. It is an effect of a transitional state in which cultural relations have not yet appeared in the host environment, but have already been broken with the previous environment of origin. The individual is excluded from the community of origin, but at the same time has not fully embraced the new cultural patterns of the community of settlement. The matter of identity in emigration is a choice and depends on the policies of the host country and on the country of origin. The national identity of a person in exile may change over the course of life, it is fluid.

2.3. Factors that facilitate the assimilation of foreigners

When refugees are in their host country or even when they make it to their final and desired destination, their integration into the country's society, culture, and educational system is a very difficult and challenging task. The assimilation of immigrants into the receiving society is influenced by many different factors, whose weight and intensity change over time, but they affect directly or indirectly the individual and the whole community. They are related to the characteristics of the host society, the nature of the sending society, and the characteristics of the immigrants.

The assimilation of refugees in a country with a large and established culture and tradition is different from that of a country whose identity and common history are not yet well established. It is important to know whether the host society has experienced multiculturalism, because such an experience shows a higher degree of tolerance. However, tolerance and social acceptance towards mixing with strangers does not come only from tradition and history, but also, and above all, from the political situation. The state of the economy and labour market are also important factors which affect the

²⁴ Budyta-Budzyńska, M., *Adaptacja, integracja, asymilacja – próba ujęcia teoretycznego*, <http://migracje.civitas.edu.pl/migracje/images/pdfy/Adaptacja%20integracja%20asymilacja.pdf>, 15.11.2018r.

integration of refugees. The economic state of the country determines whether immigrants are perceived as needed employees or as individuals that only bring costs. And finally, the immigration policy of the receiving country, resulting from all the above-mentioned factors, is also worth mentioning. Another factor that may affect the speed of integration are the rules for granting citizenship to foreigners. In European countries – but not exclusively – citizenship is not a condition for political participation. Residents have the right to vote for local elections, even though they are not formally citizens. This kind of legal relationship between an individual and the state is known as “denizenship”. It consists of the fact that persons who have the right to permanent residence in the host country, enjoy a number of rights related to work, benefits, medical care and the right to vote in local elections. This is a kind of resident citizenship. Most of the immigrants do not have citizenship and, therefore, have no right to vote in parliamentary elections. However, they are encouraged to join the activities of associations, take part in municipal elections, and are subject to medical and social care as citizens. It is important to distinguish the official policy contained in declarations, documents and statements of politicians, from the unofficial policy of executive orders, as well as from the attitude of local authorities and the real activity of institutions. Sometimes these two policies are different, they are not complementary – the official policy of admission of immigrants is not accompanied by the involvement of government officials in supporting immigrants. The specificity of the immigrant group’s country of origin is another important factor worth mentioning. The cultural similarity of immigrants to the host society significantly facilitates the process of assimilation. It is obvious that immigrants from the same linguistic and cultural group as the host society are quicker to “assimilate”. The geographical distance of the home country from the new location of settlement is also important. If the communication problems are significant, immigrants are condemned to long periods of life among strangers and can assimilate faster. It is also easier if foreigners have experienced multiculturalism in their own society. If immigrants had previous contacts with other cultures and communities, establishing new social relations is generally easier. The existence of émigré traditions in the society of origin is also significant. If a family member traditionally emigrates in every generation, then everyone will have a family member or friend abroad. This affects not only the size of the émigré stream and its direction, but also the speed of exploration of the country of settlement. The last group of factors that affects the migrants’ ability to fit themselves into a new social environment is the size of the group – a small group is more difficult to keep separate from the majority than a larger one. A

very large immigration group can be almost self-sufficient, its members can work only for the benefit of other members of their own group²⁵, without contacting with the rest (the majority) of the host society. In the process of finding oneself in a foreign society, demographic and social factors are also important, such as: education (the better educated); the age (faster for younger people); the composition in terms of sex (it is easier for women to adapt, generally). The habitus of individual immigrants and of the whole group, as well as their socialization skills under new conditions, are also important.

2.4. Barriers to assimilation

Despite the huge variety of definitions of the phenomenon of assimilation, the common assumption is the gradual disappearance of the social and cultural diversity of ethnic groups. There are a number of reasons why new immigrants, and the country they are coming to, have issues with integration or fitting in. First of all, there is the language barrier. The vast majority of refugees and immigrants does not speak the native language of the host country, which causes many problems in terms of communication and assimilation. Immigrants often speak their own language among themselves and do not learn the host country's language. However, if immigrant children are raised together with other children of the country, they will grow up speaking like a native. Another problem in assimilation is religion. If the immigrant has a different faith (or lack thereof) as the country he/she is trying to go to, there will be tensions. Also, it is an issue of whether or not the immigrants' religion conflicts with the secular countries' ideals, norms or principles. Sometimes social or civil values cause a lot of problems. Countries want citizens to share the same social values they have and if that does not happen, there can be problems while integrating a person into society. Another example that is important to point out is the person's physical appearance or race. Refugees can stand out more easily because they look different (facial features, skin colour, etc.) from the people of the country they are trying to assimilate into. In big multicultural cities, this is not as big an issue, if it is an issue at all. There are also other cultural differences,

²⁵ *FACILITATORS AND BARRIERS, Refugee Integration in Austria* , UNHCR The UN Refugee Agency, <https://www.refworld.org/pdfid/5278dc644.pdf>, 18.12.2018r.

such as food, clothing, customs and etiquette that might cause tensions with people when immigrants arrive²⁶.

III. Benefits and losses of the assimilation.

3.1. Advantages and benefits of becoming a European citizen

In the era of the migration crisis, the integration process plays a key role in the international agenda. This means the implementation of a program to promote peaceful and inclusive societies for sustainable development, ensuring access to justice for all and creating effective, responsible and inclusive institutions at all levels²⁷. Refugees' integration is a two-way process depending on how resourceful is the individual and how open is the society. When considering assimilation, it is worth paying attention to its positive and negative impact on refugees and immigrants. Starting from the advantages of this process, it should be emphasized that it has a big impact on the security of minority members. When refugees assimilate with a new culture, they abandon in some sense their own expectations and beliefs in favour of the values desired in their new home. In this way, they do not cause negative reactions in the host society and ensure themselves safety. Additionally, it offers protection to those who need it. Assimilation makes it possible for people to seek asylum or political protection when there are safety concerns at home. By proving they know what is required to assimilate into a new culture, immigrants (legal or otherwise) provide evidence that they will provide a positive impact to the overall society²⁸.

Assimilation also creates many new job opportunities for refugees. Most of them are forced to work hard to maintain themselves and their families, often in low-paid jobs, non-accordant with their qualifications. The situation is changing in relation to immigrants who speak the language of the host country and adhere to its customs. They have more employment opportunities, which reduces the risk of poverty, improves educational opportunities, and helps them establish a firm foundation for growth²⁹.

²⁶ Dougalis, A., *Achieving the cultural and educational integration of refugees into new societies*, <https://www.dsamun.gr/preparation/241-social-humanitarian-and-cultural-committee-achieving-the-cultural-and-educational-integration-of-refugees-into-new-societies/file>, 15.02.2019r.

²⁷ <https://sustainabledevelopment.un.org/sdg16>

²⁸ Ayres, C., *19 Biggest Pros and Cons of Assimilation*, <https://connectusfund.org/19-biggest-pros-and-cons-of-assimilation>, 02.02.2019r.

²⁹ Durkin, J., T., *Immigration, Assimilation and Growth*, *Journal of Population Economics* Vol. 11, No. 2 (May, 1998), pp. 273-291 .

In some cases, assimilation leads to the improvement of refugees' health. For example, some refugee families follow their original traditions and customs which are inherently unhealthy, like for instance female genital mutilation. This is a wide-spread practice eliminated due to the requirements of assimilation. There are numerous societies where a preference for sons is so deeply-rooted that daughters are abandoned, left uneducated, or simply murdered. Early marriage is a tradition abandoned through assimilation as well. This advantage also concerns the improvement of perinatal health, which requires modern medical practices instead of traditional techniques. This improves perinatal health while decreasing maternal and infant mortality rates.

Another advantage of this process is the development of tourism in the host countries. Assimilated foreigners create new opportunities to promote tourism for the rest of the world. Families and friends of those who immigrate are encouraged to visit them in their new country. At the same time, the changes experienced by the family who embraced the new culture create changes in their close family and friends that impact local communities across the globe as well. Assimilation enables the integration in society at a large scale, and helps people overcome their natural differences. When a society decides to embrace assimilation, they are encouraging people to integrate a community which functions only when everyone works together. It's a practice which shows people that they are better together, when compared to when they are working by themselves. This is also an easy way to experience cultural differences, which provides a sense of unity to everyone involved. This positively affects the individuals who function more effectively as part of the whole.

3.2. Disadvantages of assimilation

Apart from many advantages, the assimilation process also has many adverse effects for refugees. The most important negative effect is the loss of the family traditions of minorities. Although immigrant families remain intact, there is no guarantee that they will cultivate their habits in the new environment. In fact, it is very difficult for minority families to cultivate their traditions in extremely different societies. This process also negatively affects social diversity because assimilation assumes "sameness" as its greatest strength, so it works to limit alternative perspectives. In some cases, refugees are somehow forced to change their identity through the assimilation process. Some people are forced to change who they are because they want to give their children a better life. Another drawback is the fact that assimilation can

threaten some individuals. This process requires individuals to leave their cultural traditions to accept new ones: for some, this may mean benefits but for others this may cause risks. What is suitable for one family is not always suitable for others, even during the establishment of a new cultural identity. Without some measure of safety involved, the practice may be as harmful as it is helpful at the individual level. Analysing the above described advantages and disadvantages of assimilation, it should be recognized that this is both a positive and a negative process. The biggest pros and cons of assimilation look at the needs of the individual balanced by the needs of society, but whether one decides to accept a new culture or not is a personal choice. That is something we must not forget³⁰.

3.3. Government policies regarding the integration of foreigners

There is not a uniform concept of migrants' integration in the European receiving societies. Integration concepts can vary considerably in relation to different legal and social systems and the provision of access to language training, accommodation, education, labour market and social security. Integration concepts can differ in the roles attributed to the government and to immigrants throughout the integration process. The roles and responsibilities of immigrants in relation to their participation in society may also vary. Most European countries have a well-functioning refugee integration system. Although they differ from each other, they are based on similar assumptions.

According to the German integration model, refugees and immigrants were considered temporary guests, which excluded full social and economic integration while ensuring good wages and permanent employment. In this country, integration focuses on adapting the minorities to German conditions. At the same time, emphasis is placed on the active participation of immigrants in this process and their acceptance of the basic values and principles enshrined in the German constitution. In addition, knowledge of German, abstention from excessive nationalistic and religious behaviour, and participation in the education system and the labour market are considered essential. On the other side, foreigners living in Germany may legitimately expect the host society to be tolerant.

³⁰ Ayres, C., *19 Biggest Pros and Cons of Assimilation*, <https://connectusfund.org/19-biggest-pros-and-cons-of-assimilation>, 02.02.2019r.

French integration policy assumes the inclusion of immigrants into the French society. Its main assumption is to grant minorities the same rights as the citizens of France and to give them equal opportunities. In the French model, ethnic and cultural differences have no meaning. Migrants should be strongly included in societies with a strong national identity. They should have the same opportunities as nationals in the social and economic fields, provided they respect the basic values of the host society. Immigrants are supposed to show their different religious and cultural adherence only in the private sphere.

In the UK, the process of assimilation focuses on giving equal opportunities to minorities regardless of their skin colour or ethnic origin. Much emphasis is placed on mutual tolerance. This model is occasionally referred to as “multicultural” or “pluralistic integration”.

In Norway, Norwegians and foreigners have the same rights granted by law with some exceptions: only nationals can vote in general elections, become members of Parliament or do military service. Since 1983, immigrants have the right to vote in local elections after a residence period of three years.

The Dutch integration model is similar to the English. Different foreign national identities are protected. In Italy, there is no coherent integration system. The general approach to the topic favours the preservation of the culture of the refugees’ country of origin. This attitude is underlined by the granting of equal rights to non-EU nationals and Italians in terms of access to social security, health services, education system and housing. The cultural identity of immigrants is preserved. Other countries, such as Sweden, have adopted multicultural policies allowing immigrants to keep their way of life.

IV. The refugee crisis in the Polish and Portuguese cases

4.1. The refugee crisis in Portugal

This section will focus on the issue of strategy, positioning and integration of refugees adopted by the Portuguese government, which assumed a favourable position towards the integration of refugees in Portuguese society. The purpose of this section is to analyse the reception program of refugees in the Portuguese state, as well as the

integration strategies adopted to ensure the participation of refugees in Portuguese society.

Under current Portuguese law, foreigners who obtain refugee status have the same rights and obligations than other foreigners living in Portugal. It is worth emphasizing that the current government is very open to receiving as many refugees as possible. However, the number of refugees who want to come to Portugal exceeds the readiness of the country to receive them. In Portugal, the Portuguese Refugee Council is the entity responsible for the refugee integration process, in direct partnership with the Office of the High Commissioner for Migrations. Its purpose is the reception and integration of refugees, the promotion of humanitarian and sustainable asylum, training and awareness for this issue and for human rights in general³¹.

Portugal is currently in the 2nd position among 38 European countries in terms of the best integration policy, according to the Migration Policy Group, in its 2007 Index of Migration Policies (IMP). In Portugal immigrants can be considered illegal if they are in an irregular situation. Portugal accepts refugees in accordance with the principles of equality, hospitality, citizenship, shared responsibility, participation, interculturality and consensus. The geographical location of this country, as well as the social and financial conditions associated to the refugee status when compared to other countries, put Portugal at the end of the list of refugees' preferences.

The focal point of the integration project is the free availability of Portuguese language and cultural courses to facilitate the integration process but, taking into account the actual differences of each reality, the learning process is time-consuming and long, creating a series of barriers to integration. The settling of refugees in Portugal is centralized by the Portuguese Refugee Board and by the Jesuit Refugee Service (SJR). During the first six months, refugees are accommodated in these institutions and then transferred to various municipalities and institutions involved in the refugee reception process. The central location of CPR and SJR services in Lisbon determines the mobility of refugees who remain in nearby areas to benefit from direct support from these institutions³².

The integration process implemented in Portugal includes an intensive Portuguese language course, which covers a total of 300 hours of study, and all refugee children are included in the public education system. Initial support also includes

³¹ Narey Stephane, M., O., *The refugee crisis: effects and challenges*, Católica Porto Business School, April 2017, p. 30.

³² Ferreira Costa, B., *A POLÍTICA DE ACOLHIMENTO DE REFUGIADOS – CONSIDERAÇÕES SOBRE O CASO PORTUGUÊS*, <http://www.scielo.br/pdf/remhu/v25n51/1980-8585-remhu-25-51-029.pdf>, 17.02.2019r.

financial support for food, transport and personal expenses, as well as access to health services and psychological support when it is required. The integration process is determined on the basis of Integration (PIP), applied to all refugees in the initial phase of integration. This plan is aimed at outlining the integration strategy, both in the personal and social sphere, as well as in the professional sphere, guaranteeing the path towards autonomy in the integration process. The national integration strategy is based on the participation of non-governmental organizations in the process and on professional support provided at the first stage of integration, as well as on the involvement of society in the whole process.³³

It should be noted that the level of unemployment registered in Portugal, above the Community average, is one of the obstacles to full integration. One of the biggest problems in the refugee integration process in Portugal is the availability of housing. This is aggravated by the increase in tourism in Porto and Lisbon and, consequently, the increase in the average cost of housing. In order to remedy this, the government is trying to place refugees in other regions of the country where the availability of housing is relatively larger.

The main assumption of integration is the involvement of refugees in the national community and avoiding social segregation. The situation of refugees in Portugal is improved by the lack of extreme right-wing political forces and groups opposed to immigrant inflows. This enables political entities to develop integration programs that benefit the majority of the population. On the other hand, in the integration scenario, it is important to ensure that refugees are included in the Portuguese labour market after the initial integration period, so as to confirm the skills and training of each refugee in order to maximize their contribution to the Portuguese economy. In addition, the level of security in Portugal and the absence of a terrorist threat avoid the negative link between refugee inflows and security conditions.

In conclusion, Portugal is at the forefront of the European countries most susceptible to receiving refugees. However, the relatively low interest of refugees to stay in this country remains, as they prefer the countries of Northern and Central Europe, with recognized refugee communities and a more orderly set of integrative valences. Given the shortage of manpower in various sectors and current birth rates, the influx of refugees and immigration can be an opportunity for future generations, in

³³ Sobre esta análise ver: <<http://www.resettlement.eu/country/portugal>>. Acesso em: 21.02.2019

particular in countries where prejudice and discrimination against foreigners are not visible in the defence of multiculturalism and multi-ethnic societies³⁴.

4.2. Ukrainian refugees in Poland

Poland is now primarily a country of emigration. The number of people who leave this country, among other reasons, in search for a job, in the educational field, career development, connection with family/partner, or looking for better conditions for investment or life, still exceeds the number of people who come into Poland with the same goal. At the same time, dynamic political and economic changes, as well as the accelerated modernization of national economy, have created conditions for the inflow of foreign workers to Poland and an increase in the attractiveness of our country among various groups of immigrants, both from neighbouring and distant countries, such as the Middle and Far East. Thus, Poland is slowly ceasing to be only a country of emigration or a transit area and becoming an important destination country for a growing number of foreigners.

While Europe is struggling with refugees from Syria, in Poland, the largest number of immigrants are citizens from Ukraine. Ukrainian immigrants have been present in Poland since the early 90s, but the real increase of migration occurred in 2015, when about 1.5 million people came to Poland. The obvious cause of this phenomenon was the complicated political situation in this country, the annexation of Crimea by Russia, and the civil war that has continued since then in Eastern Ukraine. The bad political situation in Ukraine brought a new kind of migrants to Poland. A controversial issue is the designation of Ukrainian citizens coming to Poland for various reasons: are they refugees or rather economic immigrants?

According to statistics, in 2016, over half a million Ukrainians received visas permitting residence in Poland, and about 65,000 received the right to stay. Four thousand applications for asylum have been lodged while most applications for asylum were rejected. Therefore, people who come to Poland, work legally, study, pay taxes and to some extent contribute to the development of the Polish economy are not refugees. They have not received such a status and therefore do not receive any social assistance. So, the majority of immigrants from Ukraine cannot be called refugees: it is a new

³⁴ Ferreira Costa, B., A POLÍTICA DE ACOLHIMENTO DE REFUGIADOS – CONSIDERAÇÕES SOBRE O CASO PORTUGUÊS, <http://www.scielo.br/pdf/remhu/v25n51/1980-8585-remhu-25-51-029.pdf>, 17.02.2019r.

group of immigrants who emerged after the events in Ukraine in 2014³⁵. Despite the impact of these events on the increase of Ukrainians' migration to Poland, refugees from Ukraine in Poland still constitute a smaller percentage than economic migrants.

The vast majority of Ukrainians coming to work in Poland are well-educated people. A total of 37.7% have a university degree, and 53.94% have secondary education. Only 8.4% have vocational or lower education. Younger migrants are better educated. Most Ukrainians are escaping unemployment, looking for decent working conditions in Poland and for the possibility of living according to European standards. The vast majority of migrants residing in Poland are working people. Half of them have a permanent job, and the rest works in a casual way. Only a small percentage are Ukrainians running their own business. The vast majority came based on the employer's declaration of willingness to guarantee them a job, so they should be guaranteed work for their period of stay in Poland. However, migrants do not always take up employment with the employer who made the statement, or this is not their only job. Therefore, despite a fully legal form of arrival in Poland, they often undertake work not in a fully legal way. In the structure of employment of migrants, the largest part is constituted by people working in the household services sector. The second largest group is the sector of renovation and construction services, and the third is the agricultural sector. It is also worth pointing out tourism, gastronomy and trade as important sectors of employment. Women from Ukraine also look after children, people with disabilities and chronic patients³⁶.

The average income per citizen of Ukraine in Poland is 2,105 PLN. Foreigners working in the renovation and construction sector earn the most money (2,729 PLN), and the least income is for those providing household services (PLN 1,826). Although the average earning of migrants, about 2,105 PLN per month, are close to the average earning in Polish economy, which is net 2,300, the results indicate that in order to achieve such income, they must work much more than a normal full-time job in Poland. On average, a working immigrant worked 54 hours a week, which is half the time more than working full-time Poles. Most of the money earned in Poland is spent by immigrants on housing, food, shopping or transport. The possibility of relatively low spending while living in Poland is largely related to the widespread phenomenon that immigrants receive additional benefits from the employer, for example in the form of

³⁵ Chmielewska, I., Dobroczycki, G., Panuciak, A., *Obywatele Ukrainy pracujący w Polsce –raport z badania*, Departament Statystyki NBP Warszawa, 2018r., 7-10.

³⁶ <https://pl.aleteia.org/2017/06/22/ukraincy-w-polsce-uchodzacy-czy-migranci-ekonomiczni/>, 19.02.2019r.

accommodation, food or transport to/from work, which makes it easier to save a significant part of the income.

In addition to refugees and economic migrants, a large group of Ukrainians in Poland are students and their amount is still rising. Ukrainian students are also working in Poland at the same time. It is important to keep in mind the costs associated with studies (payment of tuitions, housing, meals, etc.). For most students, income from work is the main source of income in Poland, so for a large number of people, work is a must. The labour market should take into account the future plans of the students from Ukraine: a large part would like to stay in Poland permanently, and a further part would like to remain associated with Poland. Other students plan to migrate to another country in the future. Only a small percentage would like to return to Ukraine in the future. Ukrainian students make up 54% of the total number of foreign students in Poland.

Over half of the immigrants from Ukraine send money earned in Poland for their families in Ukraine. As for the method of transferring funds, Ukrainians usually take them to the family in person or transfer them through trusted persons. Trust and security are the main reasons for choosing this form of transfer. Less important for the transferors are aspects related to the cost of transferring³⁷.

The benefits of Ukrainian citizens working in Poland are primarily due to Polish employers. Nowadays, the Polish labour market is full of employees with excessive financial expectations. Ukrainian employees do not excuse/require such favourable working conditions and pay as Poles. While the average wage in Ukraine is PLN 300-500, in Poland, citizens from this country can earn up to PLN 2000, so it is not surprising that many of them are capable of reaching higher positions after some time. An employee from Ukraine usually wants to work for as long as possible. They are hard-working and efficient employees, which is why they are so desired by Polish employers. Workers from Ukraine coming to work in Poland are far from their family homes. For them, working in different places is not a problem, and they do not get attached to working in a specific region of Poland. The employer is not forced to take employees to a specific place on weekends: they can be left at their place of work or transported from place to place, because this is not a problem for them. Their work is profitable for the entire national economy. They send part of the money to their families but, still, most of the money they earn is spent in Poland. Many Ukrainians decide to stay permanently in Poland and establish families here. By reproducing, in a sense, they

³⁷ Baganha, M., I., Fonseca M., L., *New Waves: Migration from Eastern to Southern Europe*, Metropolis Portugal, Lisbon 2004, 11-23.

help to solve Poland's demographic problems. As Ukraine is a close neighbour of Poland, cultures and religions are similar. Ukrainians assimilate in Poland, take over the habits, their descendants use the Polish language and cultivate Polish traditions, so this is not a cultural problem when compared to the Syrian refugees, for instance. Arriving in Poland for several generations, they become Poles without any harm to the host culture. In addition, they work and feed Poland's budget.

On the other hand, the majority of Polish employees are not satisfied with the presence of a Ukrainian cheap labour force in the Polish labour market. Due to the fact that Ukrainians agree to work for much lower wages than Poles, Poles do not have the opportunity to negotiate better wages because the employer will have a better alternative. They occupy a large part of the workplaces which affects the negative attitude of Poles towards immigrants and causes a lot of conflicts. However, there is a worse side of Ukrainian labour in Poland: the illegal work of Ukrainians which is harmful to the Polish economy due to non-payment of taxes and lack of insurance.

Ukrainian citizens often struggle with the symptoms of racism of Polish citizens, and they are treated as an inferior social category due to the material situation of the country they come from. They are also often cheated by employers, working several hours a day in restaurants, hotels, bars, pubs, kitchens, and construction sites. Everyone dreams of staying permanently, they do not want to return to Ukraine. However, it is not easy for them to stay. To obtain a residence card they must have a legal employment contract with a rate above the minimum wage. This limit is impossible for many to overcome. Few Polish employers pay according to the established minimum and give a contract for foreign workers. The second difficulty in obtaining a residence card is the need to have a flat rental agreement. This is difficult to obtain, because most apartments are rented illegally, so that Polish owners avoid paying taxes. The Temporary Stay Card costs a Ukrainian 450 PLN for the application, plus 50 for the card itself. They have to pay but do not know if they will receive it. They often have to come to the foreigners' office several times and put in a pile of different documents. They cannot apply for asylum because they know that they will not get it and this may hinder their objectives, as they can be deported eventually, without the right to return. They do not want to return to Ukraine, because there is a war there, poverty prevails, there are no prospects and the country is ruled by oligarchs. Therefore, they prefer to earn pennies in Poland, working day and night, instead of coming back to Ukraine. Are they immigrants? Are they refugees? They do not know.

Conclusions

The present article aims to contribute to the understanding of the refugee and immigrant crisis in Europe. Through research in books, scientific articles, and informative websites, we first traced the refugees profile and then we analysed the process of integration in different countries, focusing especially on the cases of Poland and Portugal, since there are no common policies between the European countries.

The main conclusions that can be drawn from this research are the following: refugees usually contribute to the generation of benefits at different levels in the host countries. Host countries could contribute to their better integration by developing effective methods to improve their quality of life. Thanks to the host country society's efforts in the integration processes, it is possible to improve the efficiency of the entire country, because society functions better as a whole. This fact should be widely promoted in all European countries. It is important that the refugees that get to resettle, have the opportunity to integrate into their new culture. They should be able to adapt to new cultural norms, and still keep their cultural traditions. They should be able to learn new languages and still practice their native language. Host societies should help them to go through this process, which is very significant, because refugees deserve an education, a voice and the chance to be integrated.

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