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Refugees: Integration of refugees in host countries

– The Case of Portugal

Universidade Fernando Pessoa

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Integration of refugees in host countries: Portugal

Assinatura

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Projeto de Graduação apresentado à Faculdade de Ciências Humanas e Sociais da Universidade Fernando Pessoa, como parte dos requisitos necessários para a obtenção do grau de Licenciatura do curso de Criminologia sob a orientação do Professor Doutor João Casqueira.

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Resumo

Milhares de pessoas abandonam as suas casas e as suas famílias em busca de uma proteção e de um refúgio que tanto lhes é prometido. Todos os dias chegam milhares de requerentes de asilo a território europeu, países como a Grécia e a Itália estão sobrelotadas e precisam de toda a ajuda possível. Portugal não é o país de eleição, mas foi considerado um dos países europeus que melhor acolhe refugiados. A integração de requerentes de asilo e o impacto que o processo na saúde mental dos mesmos é algo que é necessário debater, o assunto é recente e todos os dias surgem novas vulnerabilidades que são necessárias resolver. O presente trabalho incide sobre a temática de integração em Portugal e sobre o impacto que a mesma tem na saúde mental dos requerentes de asilo.

Palavras-chave: Refugiados; Requerentes de asilo; legislação; Direitos Humanos, integração; Portugal; saúde mental.

ABSTRACT

Thousands of people are leaving their homes and families, searching for the protection and refuge they have been promised. Every day thousands of asylum seekers arrive in Europe; countries like Greece and Italy are overcrowded and need all the help they can get. Portugal is not the country of choice, but it has been considered one of the European countries that best welcomes refugees.

The integration of asylum seekers and the impact that the process has on their mental health is something that needs to be discussed, the subject is recent, and every single day new vulnerabilities arise that need to be addressed. The present work focuses on the theme of integration in Portugal and its impact on asylum seekers' mental health.

Keywords: Refugees; asylum seekers; laws; human rights; integration; Portugal; mental health.

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LIST OF ABBREVIATIONS AND ACRONYMS

AIDA – Asylum Information Database

AIMA – Agency for Integration, Migration and Asylum

AMMR – Asylum and Migration Management Regulation

CEAS – Common European Asylum System

CJEU – Court of Justice of the European Union

COM – European Commission

CPR – Portuguese Council for Refugees

UDHR – Universal Declaration of Human Rights

EC – European Commission

ECHR – European Court of Human Rights

ECRE – European Council on Refugees and Exiles

EU – European Union

EUAA – European Union Agency for Asylum

EUCO – European Council

MS – Member State

NIF – Tax Identification Number

NISS – Social Security Identification Number

SEF – Immigration and Border Service

UN – United Nations

UNHCR – United Nations High Commissioner for Refugees

UNICEF – United Nations Children's Fund

*You broke the ocean
in half to be here.
Only to meet nothing
that wants you.*

Nayyirah Waheed

INTRODUCTION

Since the 2015 crisis, refugees have been the subject of a wide range of news, studies and conversations. The fact that a person subjects himself to cross the sea or land, leaving everything he knew behind, is not an act of courage but an act of survival. They flee for various reasons, whether persecution, war or humanitarian crises, all of which should be listened to and helped.

We are all familiar with the original slogan of living the American dream. Is it right to say that Europe is the America of these asylum seekers? The truth is that Europe has become, in recent years, a point of attraction for those seeking protection or just for those who want better living conditions. Being the leading destination for asylum seekers raises serious concerns that have been worked on over the years.

The present work will be written in English, as it is possible to reach more people interested in the theme of refugees and fulfil a personal goal: to enter a master's degree at a foreign university.

The method used for the project was the research base in libraries, internet on web pages such as Google Scholar, Portuguese Council for Refugees, Foreigners and Borders Service, Convention on the Rights of the Child, the United Nations Refugee Agency and other methods to complete the information in the best possible way.

Therefore, the project focuses on how these people are integrated into Portugal. My curricular internship took place at the Portuguese Council for Refugees. Therefore, addressing the integration issue and reflecting on what could be better is an added value.

In the first part, I address key concepts such as the definition of refugee, migrant and asylum seeker, briefly describe the history of refugees and address the legal framework of asylum, both nationally and internationally. I also describe the different stages of the asylum process in Portugal and the various institutions involved in it.

In the second part, I focus on integration in Portugal, from the health system to the bureaucracies necessary for asylum seekers to work in the national territory. In addition,

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I describe the consequences that the problems of the asylum process in Portugal can cause to applicants and the importance of speeding up the whole process.

It is essential to realise the vulnerability of refugee children, and consequently, the third chapter will address critical concepts necessary to understand the examples of case law discussed later. It is not enough to know how the process works in Portugal, as we are inserted, and obligatorily, congested to European policies, so it is essential to understand what jurisprudence cases exist, why they exist and how they were resolved.

The project will end with a brief conclusion of what was taken throughout its development, always considering the curricular internship and the fundamentals learnt in the Criminology course, following the project's bibliography.

CHAPTER I - THEORETICAL FRAMEWORK

Key concepts

1.1. Refugee definition

According to the Oxford Dictionary, a refugee is a person who has been forced to leave their country either for political or religious reasons, because of the war the country is facing, or because of the lack of food (Oxford Dictionary, 2000).

The truth is that a refugee is a person who has been forced to flee their country to protect their own life. According to the 1951 Convention and Protocol relating to the Status of Refugees (UNHCR, 2010) the term refugee is applied to a person who, due to a set of events, has developed a sense of fear of being persecuted for reasons of race, religion, nationality, membership of a particular social or political group, which leads them to flee their origin country and find themselves in a situation where they cannot return home.

Leaving his country behind, his friends, his home, his community, and everything he knows is a heavy, thoughtful, and considered decision. From the moment refugees leave their country, the protection of their government no longer covers them. Is it worth leaving the place they have always known in search of a supposed asylum that international governments give? It is. It is worth it when the lives of these citizens are at risk, which is why the international community has such an essential role in giving them asylum, rights, and protection.

In the following topic, we will address the refugee issue from the moment it became an international concern until today.

At this point, and focusing on the 1951 Convention Relating to the Status of Refugees, I will elaborate on the meaning of each part of the definition.

Article 1 (A) of the 1951 Convention mentions statutory refugees, and according to the Convention, it applies to a person who:

" A. For the purposes of the present Convention, the term 'refugee' shall apply to any person:

1) Who has been considered a refugee under the terms of the Adjustments of 12 May 1926 and 30 June 1928, or the Conventions of 28 October 1933 and 10 February 1938 and the Protocol of 14 September 1939, or the Constitution of the International Refugee Organization" (UNHCR, 2019).

The term refugees already existed before there was the Convention, and so the need arises to understand whether or not those who had previously been considered refugees would be given the same status. A holder of the "Nansen Passport" (a valid document issued to refugees through the pre-World War II instruments) or a holder of the "Certificate of Eligibility" (published by the International Refugee Organization) continue, under the 1951 Convention, to be considered refugees (UNHCR, 2019).

The 1951 Convention's general definition, present in the second paragraph of Article 1(A), states that the term "refugee" applies to any person:

(2) "who, as a result of events occurring before 1 January 1951 and fearing persecution for reasons of race, religion, nationality, social group or political opinions, 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, if he has no nationality and is outside the country in which he had his habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it." (UNHCR, 2019).

While analyzing the definition, some terms require special attention, including the well-founded fear of persecution, being outside the country of nationality, or even when the person has no nationality. Of the many lines in the definition, these are the ones we need to understand more deeply.

When we hear the term refugees, we automatically think of war, flight, persecution, and fear. The truth is that these characteristics, created by society, are not very different from reality. The "well-founded fear of persecution" is crucial for attributing or not the refugee status. To assess this expression accurately, we must follow two paths: first, consider the subjective and right after the objective element (UNHCR, 2019).

Dividing the sentence "well-founded fear of persecution," we have the word fear. Here we have the subjective part, which means we need to analyze the statements made by the beneficiary of international protection. It is essential to consider not only the personality but also the psychological reactions of the individual, verifying the credibility of the statements if necessary (UNHCR, 2019).

On the other hand, the term "well-founded" underlines the idea that it is not enough to assess the applicant's state of mind; it is necessary to analyze the statements by placing them in a specific context and considering some antecedents that may be regarded as relevant. It is also essential to assume that the expression "fear" does not only apply to those who have already been persecuted but also to those who may become victims of persecution (UNHCR, 2019).

Discussing and defining persecution is difficult, but the 1951 Convention sheds light. Persecution can mean a threat to life or liberty, taking into account race, religion, nationality, and also public opinion, and of course, not forget severe violations of human rights can and should be seen as persecution.

However, it should be noted that the applicant may not have suffered persecution directly. Still, the combination of several adverse factors may culminate in a state of mind that justifies a well-founded fear of persecution (UNHCR, 2019).

But, be careful; it is essential not to confuse discrimination with persecution; although discriminatory measures may generate a well-founded fear of justifiable persecution and, in some cases, may even become persecution, a person who receives less favourable treatment because of their differences cannot be considered a victim of persecution. The same applies to punishment; a refugee is someone who flees because of injustices, not someone who flees from justice (UNHCR, 2019).

However, it is necessary to remember that the punishments may be excessive for the type of crime committed. Then, we may or may not associate or call the behaviour persecution. This topic is more sensitive because we need to pay attention to the country's laws, which often do not follow Human Rights values. On the one hand, the law itself may not be discriminatory, but its application, on the other, is (UNHCR, 2019).

The agents of persecution may be the authorities of the country of origin or the population of that country. When the acts perpetrated by the people are accepted or ignored by the competent authorities, the person is a victim of persecution (UNHCR, 2019).

In the definition, we have the term "nationality," which is much more than legal nationality or citizenship. The 1951 Convention wanted to go further and included nationality as belonging to an ethnic or linguistic group. In addition, the fact of belonging to a minority may be enough to substantiate the fear of persecution (UNHCR, 2019).

One of the main conditions for the recognition of refugee status is that they are outside their country of nationality because if they ask for international protection, it means that they cannot, for various reasons, enjoy the protection of their country. Therefore, it is a sole criterion, without any exception, that individuals are outside their country of nationality (1951 Convention and Protocol relating to the Status of Refugees). If you are wondering about dual nationality, then you are wondering well. National protection must always

prevail over international (1951 Convention and Protocol relating to the Status of Refugees). As a general rule, dual nationality does not interfere with refugee status; however, it is always necessary to assess the circumstances, on the one hand, to verify which country the asylum seeker claims to have a well-founded fear of persecution and, on the other hand, to ascertain whether there has been a refusal by the second country of nationality to offer protection (UNHCR, 2019).

Let us imagine a situation in which a person leaves his country of nationality freely, works, and lives outside it for several years. However, due to some event, he asks for international protection. According to the 1951 Convention, we are dealing with "Sur Place Refugees," who were not refugees when they left their country, but due to circumstances that arose either in their country of origin or due to their own actions, led the person to seek asylum.

With this brief explanation of some important points present in the 1951 Convention's definition of a refugee, the question that haunts everyone connected in any way with the refugee issue is: will they be refugees forever, or can they cease to be?

More or less, 70 years ago, the 1951 Convention answered all these questions. There are a set of "cessation clauses" in Article 1(C) (1) to (6) of the 1951 Convention that tells us what the reasons are for a person to cease to have Refugee status; it may be because the person has voluntarily returned to live in the country for which they allegedly had a well-founded fear of persecution, or because the person's country of origin is already able to offer national protection to its citizen, or because the person has acquired a new nationality, thus benefiting from the national protection of their new country (UNHCR, 2019).

Furthermore, Article 1(F) of the 1951 Convention foresees that persons who may have committed a crime against peace, a crime against humanity, or are guilty of an act that does not accord with the principles of the United Nations, are not considered worthy of international protection (UNHCR, 2019).

Before finishing the analysis of the refugee definition it is essential to talk about the family. The Universal Declaration of Human Rights (United Nations, 2017) speaks of the term family. It defines it as "the natural and fundamental group unit of society" and further states that "it is entitled to protection by society and the State." The basis of the 1951 Convention is the Universal Declaration of Human Rights. Still, it does not mention families, and it is only in the Final Act of the Conference that adopted the 1951 Convention that it is recommended that Governments protect refugee families, ensuring on the one hand that, if the head of the family has managed to meet the requirements for admission to a particular country then his family remains with him, or in the case of unaccompanied minors there must be special protection and accompaniment (UNHCR, 2010).

1.2. Timeline – Refugee History

The history of refugees goes back to ancient times when people were forced to flee their homes because of armed conflict, persecution, or natural disasters. It is not possible to determine the first people to flee their country or even think of possible reasons, but the truth is that contrary to most analyses, there are remarkable moments that go back to ancient times. In the Bible, for example, there are stories of people who became migrants, such as Abraham, who was forced to leave his homeland and go to an unknown place (Dube, 2016).

History speaks for itself, wars, crusades, discoveries, colonies, and occupation. The truth is that over the years, many people have been forced to flee their country, whether for reasons of race, religion, or even political beliefs (International Organization for Migration, 2022).

Very few studies existed before World War II (Fiddian-Qasmiyeh *et al.*, 2014). Still, officially, given the data and the reasons that we can easily access, the historical mark of the beginning of the refugee movement may or may not have started in the First World War. Mind you, this hypothesis is wrong. Although the

evidence is limited, and the events in memory are those marked as the beginning of the refugees, the truth is that people moved countless times for countless reasons. There were many migrants, that is for sure, but most were fleeing in search of protection they did not have.

However, with the great wars, the significant flows of people fleeing violence, persecution, and perhaps death begin.

The international community is forced to respond to these movements, and that is how the 1951 United Nations Convention on the Status of Refugees emerged, establishing for the first time a set of rights and obligations in relation to refugees (UNHCR, 2010).

Ironic or not, the number of refugees has been increasing over the years. The question remains: 70 years after the 1951 Convention, why is the number of refugees greater (International Organization for Migration, 2022) than the attempts to stop human rights violations, armed conflicts, or threats that haunt so many people and fundamental freedoms?

1.3. Refugees, migrants, and asylum seekers

When we read news about refugees, we often encounter the terms migrant or asylum seeker. The truth is that these terms often need clarification, and although the person leaves their country of origin in both cases, the reasons for doing so are different.

According to Amnesty International (2016), unlike refugees or asylum seekers, migrants leave their country by choice, often searching for a better life. On the other hand, refugees have left their own countries because they were subject to a severe violation of their rights as human beings. Keep in mind that in most cases, the situation they are exposed to is super dangerous and intolerable, and

the only way they have to fight for their own lives is to seek help, asylum, and protection across borders. (Edwards, 2022).

Besides that, an asylum seeker is a person who has left their country in search of protection, and there is a commonality with refugees, both fleeing the country due to human rights violations. However, these people have yet to be formally known as refugees and, therefore, must wait to find out whether or not they can enter the country (Amnesty International, 2019).

To avoid confusing the two terms, we can assume that refugees are all asylum seekers; however, not all asylum seekers are recognised as refugees.

1.4. Country of origin, hosting and transit

To move forward in this work, it is also necessary to differentiate terms such as "country of origin", transit, destination and reception. According to Directive 2011/95/EU, the country of origin represents the country or countries of nationality of the asylum seeker, or in the case of persons without nationality, their former country of residence (European Parliament and the Council of the European Union, 2011, p. 14).

In addition to the country of origin, another widely used expression is the "third-country national", which means, according to Article 20 (1) TFEU, any person who is neither a citizen of the European Union (EU) nor a national of a state participating in this regulation (European Parliament and the Council of the European, 2013, p. 35).

Before arriving in the destination country, the asylum seeker passes through the transit country. According to European Commission, the transit country is the one where migration flows, whether regularly or not. These countries are not the countries of origin or destination, but rather those through which the applicant has to pass in order to reach their final destination (COM, 2023).

On the other hand, the country of destination is the one to which the migratory flow intends to arrive.

1.5. Refugee Law and Portuguese Law

a. Refugee Law

Today, we are familiar with the 1951 Convention and the 1967 Protocol (UNHCR, 2010). Still, it is equally important to consider the legal framework for asylum claims, whether at the European or national level. While the term asylum was already used in ancient times, words such as refugees, temporary protection, and subsidiary protection appeared only in the twentieth century (Carvalho, 2016).

Regarding the issue of refugees, in the 50s, the 1951 Geneva Convention was established as the first universal instrument to protect the rights of these people who lived in particular vulnerability (Silva, 2012).

Law is a science that lives according to the needs of humanity, and in the 50s, Europe hoped that the subject of "refugees" would be a one-off and not require significant concerns. This hope leads to the fact that the first definition of a refugee is incomplete and restricted, both in space and time (Oliveira, 2020).

Seventeen years is the time that passes until the New York Protocol is drafted. New refugee situations emerged, and the geographical limitation provided in the 1951 Convention failed to respond to these new refugees (UNHCR, 2019). Therefore, in January 1967, the United Nations General Assembly drafted the Protocol concerning the Status of Refugees, allowing States to be able to apply the same criteria present in the 1951 Convention, only now there was no 1951 date limit, thus becoming more global and preventing the emergence of new categories (Oliveira, 2020).

According to the UNHCR, one hundred and forty-seven countries have signed the 1967 Convention and Protocol. Portugal signed the Convention in 1960 (UN, 1954) and the Protocol in 1976 (UN, 1976). It is important to note that states that have signed are not obliged to give asylum to refugees, however according to Article 33 of the 1951 Convention (UNHCR, 2010, p.30), they must abide by the principle of "nonrefoulement", which means that states that have signed are prohibited from returning a refugee to their country of origin where, allegedly, their life or freedom is threatened (European Parliament, 2023).

These two instruments consist of a set of rights that refugees have in host countries. In the 1951 Convention, the right to education is provided for in Article 22, the right to access to justice in Article 16, the right to have an identity, civil and travel document in Articles 12, 27 and 28 and, among other essential rights like the right to housing, land and property (Articles 13, 14 and 21) (UNHCR, 2010, pp. 20 - 28).

It was mentioned earlier that not all asylum seekers are refugees but that all refugees were once asylum seekers. When we analyse this sentence and based on the legal framework, we can understand that refugee status is internationally recognised and protected by International and European Law. On the other hand, an asylum seeker is protected not only by the same laws but also by the national law of the country where they requested asylum (Carvalho, 2016). In addition, it is essential to mention that although they do not meet the refugee requirements, this does not mean they do not need asylum. The first obstacles to international protection arise because the Convention and the Protocol do not cover these forms of protection; however, they are designed and projected into European Law.

Temporary protection, as provided for in Directive 2001/55/EC of 20 July, defines the term as an exceptional procedure that ensures immediate temporary protection in the event of a mass influx of displaced persons from third countries who are unable to return to their country of origin (Carvalho, 2016). This

procedure allows the asylum system to function assertively (EUCO, 2001, pp. 12-23).

Another type of protection is subsidiary protection, provided for in Directive 2004/83/EC of 29 April (EUCO, 2004, pp. 12-23) and which involves the recognition by a Member State (MS) of a third-country national who cannot be considered a refugee. However, it is possible to identify significant reasons leading to believe that if he returns to his country of origin, he would be at risk of life. In addition, a pivotal point in this type of protection is that due to circumstances, the citizen cannot, or does not want to, request protection from his country (Carvalho, 2016).

With this, we understand that the EU has an active, attentive and concerned position on the issue.

Rewinding to the year 1999, the European Council (EUCO) at the Tampere European Council committed to work to have a Common European Asylum System, better known as CEAS (European Parliament and the Council of the European Union, 2013, pp. 31-32).

CEAS sets the minimum standards for fair and efficient treatment of all asylum seekers throughout European territory. The EU adopts several legislative instruments to keep its word, including:

1. Asylum Procedures Directive, or Directive 2013/32/EU (European Parliament and The Council of the European Union, 2013, pp. 60-95)

In another topic, the different methods still used by Member States in the refugee issue and the inconvenience caused to refugees will be addressed. However, these methods have been more diverse in the past, and currently, this directive establishes the standard procedures for granting or withdrawing international protection. It is also through this directive that the protection of unaccompanied minors and victims of torture is ensured.

2. Eurodac Regulation or Regulation (EU) No 603/2013 (European Parliament and The Council of the European Union, 2013, pp. 1 - 30).

The main objective of this regulation is to support the determination of which MS is responsible for examining an application for international protection. This determination is achieved due to the fingerprinting of a third-country national when they enter a European country. The Eurodac Central System, to which all Member States have access, makes it possible to check which country processed the asylum seeker's fingerprints first. It enables compliance with the Dublin Regulation and assists law enforcement authorities in preventing, detecting or investigating possible crimes.

3. Dublin Regulation, or Regulation (EU) No. 604/2013 (European Parliament and The Council of the European Union, 2013, pp. 31-59)

When we talk about asylum policy, it is completely necessary to know the Dublin Regulation. We are all familiar with the immense bureaucracies that exist between various countries. Despite being part of the EU, many countries have their own way of dealing with refugee issues. The Dublin Regulation defines the criteria and mechanisms necessary for determining the MS responsible for assessing the asylum procedure to clarify the rules governing relations between states.

4. Reception Conditions Directive or Directive 2013/33/EU (European Parliament and The Council of the European Union, 2013, pp. 96-116)

The Charter of Fundamental Rights is one of the foundations of the 1951 Convention, and it is always under these two legal mechanisms that the EU establishes on its own.

This Directive ensures, throughout the European territory, decent reception conditions, making mention of housing, food, healthcare and access to education and employment.

5. Qualification Directive, or Directive 2011/95/EU (European Parliament and The Council of the European Union, 2011, pp. 9-26)

As the name indicates, this Directive clarifies to the Member States the essential grounds that a third-country national seeking asylum must meet to be eligible for international protection.

Unfortunately, we all remember the 2015 refugee crisis and the poor response given by the EU Member States. And it is precisely at this time that questions begin to be raised about the effectiveness of the Migration Policy, from its integration to the economic demands of a Europe that was in evident demographic decline (EC, 2015).

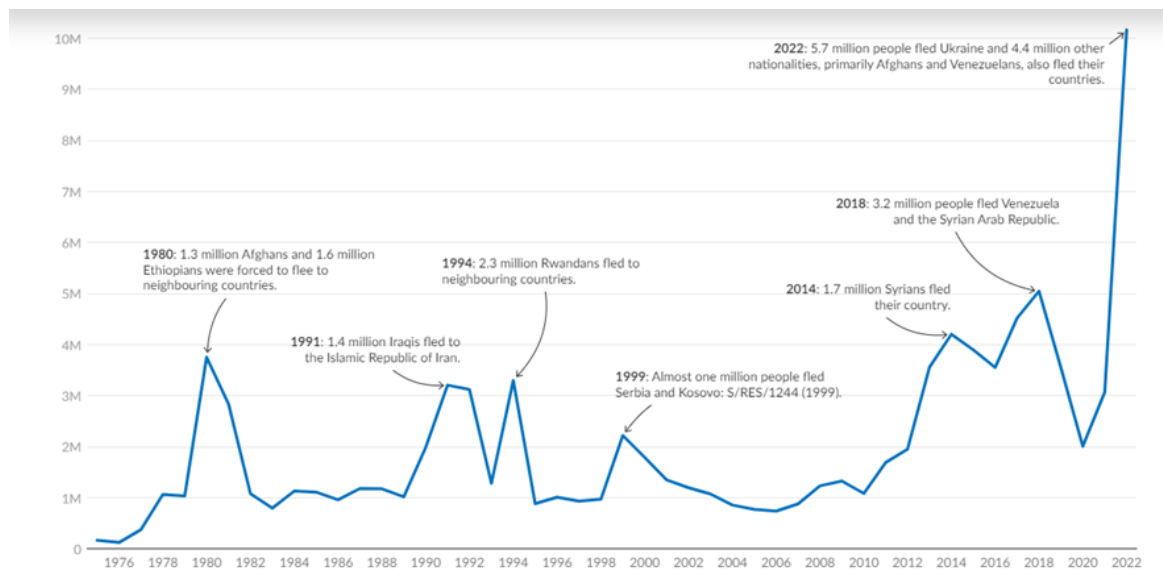
These unexpected flows led the European Commission (EC) to adopt, in May 2015, the European Agenda for Migration (COM, 2015). This agenda defines four levels of action, fair, solid, and realistic, to allow a quick and assertive response by the Member States (EC, 2015).

Times change and society evolves, but unfortunately, some situations are timeless. This Agenda's main objective is to allow Europe to manage possible solutions in the best possible way, whether short, medium, or long-term. However, remember that for these solutions to work long-term, Member States need teamwork and cooperation as never before (EC, 2015).

The number of refugees and asylum seekers has been increasing over the years, as shown in Figure 1. Although in 2015 measures were taken to recast the EU asylum rules, the truth is that the number of refugees started to increase again after 2020. As is public knowledge, the year 2020 was marked by the COVID-19 pandemic that led to the closure of several borders of European territory, thus explaining the low number obtained that year (UNHCR, 2022).

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Figure 1 Refugees, asylum-seekers, and others in need of international protection displaced during each year | 1975 – 2022



Source: UNHCR, 2022, p. 8.

The question is: Is Europe's asylum system prepared to continue receiving millions of refugees annually? Or is a new reform of the rules necessary?

The issue of refugees is entirely unpredictable, and this is a challenging job for society. When we try to respond to a problem that has arisen, and when we have it stable, new ones will emerge, and we cannot simply ignore or delay them because it is people's lives we are talking about.

With the same thought, the EC decided, in September 2020, to propose a new pact on migration and asylum (European Commission, 2020).

This pact aims to balance responsibility and solidarity between the Member States. To this end, the proposal relies on creating a comprehensive common European framework for managing migration and asylum, including several legislative proposals (EUCO, 2023).

On the one hand, this pact intends to reformulate the CEAS, making the system more efficient and resilient, thus eliminating pull factors and possible secondary movements. On the other hand, this common European framework aims to combat abuse and further support affected Member States (EUCO, 2023).

Therefore, the main legislative proposals under discussion aim to:

1. Creating an Asylum and Migration Management Regulation (AMMR) that will replace the current Dublin Regulation.

The main objective is to have a simple, predictable, workable solidarity mechanism. Furthermore, it is intended that the whole process will be faster and simpler (EUCO, 2023). For example, the process of returning the applicant to the responsible MS is very complex and will soon be replaced by a simple notification of return (EUCO, 2023).

On 8 June 2023, the Council reached an agreement on the AMMR, and now the only opinion missing is the one of the European Parliament (EUCO, 2023).

2. In this second proposal, temporary and extraordinary measures have been envisaged in order to respond to possible exceptional situations of mass influx or situations of force majeure, as was the case with the COVID-19 pandemic. One of the measures included in this proposal is the creation of a new immediate protection status for those fleeing armed conflict in crises (EUCO, 2023).
3. Recast the Eurodac Regulation, improving the system so that more data, such as facial images, can be collected. In addition, it is intended not only to simplify access to it but also to extend its application to third-country nationals who are illegally present in the EU and who have not applied for asylum.

In June 2022, the Council adopted a mandate for negotiations with the European Parliament on this proposal (EUCO, 2023).

4. One of the proposals of this new pact aimed to create an EU Agency for Asylum (EUAA)¹, having as its primary objective to improve the functioning of CEAS. On 9 December 2021, the Council adopted the regulation transforming the former European Asylum Support Office into a fully-fledged EU agency. Moreover, since January 2022, the European Asylum Support Office has been replaced by the EUAA (EUCO, 2021).
5. The Council adopted the following proposal on 22 June 2022 and is now negotiating with the European Parliament (EUCO, 2022).

This proposal consists of the creation of mandatory pre-entry screening, which will not only consist of identification, health and security checks but also of fingerprinting and subsequent registration in the Eurodac database. This screening will be carried out near the external borders for a maximum period of five days. At the end of it, the persons will thus be directed to the most appropriate procedure, be it asylum or return to their country of origin. However, there needs to be surveillance to respect fundamental rights and the principle of non refoulement (EUCO, 2023).

6. The Asylum Procedures Directive is common to all MS; however, there is still much work to do. The proposal is to innovate the regulation by introducing mandatory border procedures, quickly and accurately assessing whether applications are unfounded or not, setting standards for asylum seekers rights, as well as creating adequate capacity for MS.

Like the first proposal mentioned above, the Council also accepted this one in June 2023 (EUCO, 2023).

7. It is public knowledge that a couple of MS receives more asylum applications than others. We may justify this fact with the geographical

¹ Available at: <https://euaa.europa.eu/>

location; however, this factor falls apart in the case of Germany, for example. The truth is that, depending on the country, asylum seekers are treated differently, which is reflected in the number of asylum applications.

This seventh proposal aims to ensure that all asylum seekers are treated in the same way in all Member States. For this purpose, some criteria are defined to identify persons in need of international protection and common rights are created for these persons, which will be applied equally in all MS. (EUCO, 2023).

Negotiations with the Parliament on this issue started in 2017 (EUCO, 2017).

8. Following the same line as the previous proposal, this one aims to ensure that asylum seekers will benefit from better living conditions by guaranteeing that the same conditions are ensured independently of the country of reception. To keep his word, a common definition of reception conditions will be established for all applicants, as well as the right to work, education, and to appoint guardians for unaccompanied minors. In addition, and to decrease secondary movements, rules will be defined restricting the access to reception conditions only to the MS responsible for processing the asylum application and limiting the issuing of travel documents. This allows MS to limit the applicant's presence to a specific geographical area (EUCO, 2023). Like the previous one, this one is also at an advanced stage of negotiations (EUCO, 2017).
9. On the last topic, the European Commission thus suggests creating a permanent EU resettlement framework. This framework will provide legal and safe pathways to EU territory, provide common standards for resettlement and humanitarian admission, contribute to resettlement initiatives and support third countries hosting large numbers of displaced

persons in need of international protection. Among other relevant issues, the plan comprises global geographical priorities, the maximum number of persons to be admitted and the Member States' contribution to that number (EUCO, 2023).

It is also at an advanced stage of negotiations with the parliament since 2017 (EUCO, 2017).

b. Portuguese Law

The aim of this paper is to look at the integration process in Portugal and for a better assessment, it is also necessary to know the legal framework that exists in our country. Despite being part of the EU, European countries have legislation that has sometimes been unclear.

As mentioned above, it was in 1960 that Portugal signed the 1951 Convention. However, it was only after the 1975 revolution did the Constitution of the Republic mention the right to asylum for the first time (Assembleia Constituinte, 1976, p. 5).

We are all aware of the colonies' existence and subsequent independence, so it is easy to think that in the 70s and 80s, people arriving in Portugal came mainly from the colonies in search of better living conditions (Sousa & Costa, 2016).

Law advances and evolves according to what society needs, and at that time it was necessary to respond to these people who emerged and asked for asylum. The question that haunted this time was whether these people were really worthy of refugee status or whether their testimonies were false and they were only and exclusively trying to have a better life.

Despite being a small country, the political change affected everyone around us and it was in 1977 that the UNHCR opened its first delegation in Portugal, and

in 1978 it signed the first cooperation agreement with the Portuguese Government (Sousa & Costa, 2016).

Without any legislation, the UNHCR had the power to grant refugee status for three years, but more was needed. There were many gaps in the legislation of this process, and it was then, in 1980, that the first asylum law appeared: Law No. 38/80 (Assembleia da República, 1980). Not only do we have a law on asylum for the first time, but it also covers asylum for humanitarian and political reasons. In addition, deadlines, terms such as provisional residence authorisation and the entities responsible for the process are introduced (Sousa & Costa, 2016).

The law was amended in November 1983 by Decree-Law No. 415/83 (Ministérios da Administração Interna e da Justiça, 1983). This revision focuses mainly on procedural issues, such as the duration of the Provisional Residence Authorisation and the difference between those who entered Portuguese territory irregularly and those who were legally in the country (Sousa & Costa, 2016).

As the story goes, in the 90s an armed conflict began in the region of Bosnia and Herzegovina, and as a consequence or not, the number of requests for international protection in Portugal increased (Sousa & Costa, 2016).

In order to respond to this problem, Portugal approved the new asylum law: Law No. 70/93 of 29 September (Assembleia da República, 1993). This law includes the principles arising from Portugal's signature of the Dublin Convention (Presidência da República, 1992, p. 5824) and the Schengen Agreement² (Presidência da República, 1993, p 6538).

² The Schengen Agreement, or the Schengen Area, defines a common external border for the 27 countries that are part of it, allowing free movement within the territory without any border control (EUCO, 2023).

Despite appearing thirteen years later, this law goes back in time and removes the possibility of granting asylum to those who seek it for humanitarian reasons. However, there are positive points: For the first time, there is not only the possibility of supporting refugee resettlement applications under the UNHCR mandate but also a chapter dedicated to social support for accommodation and food for asylum seekers who are in economic difficulties (Sousa & Costa, 2016).

Over the years, and comparing the numbers with other European countries, Portugal has never been one of the first choices for asylum seekers or refugees. However, Portugal is part of the European Union, and they were constantly suggesting, regulating and trying to solve new problems that arose. Therefore, the asylum legal regime in Portugal was constantly subject to changes to always be in accordance with European legislation (Sousa & Costa, 2016).

With this, Law No. 15/98 of 26 March 1998 was approved. This Law changes the previously known reality, not only applicants for international protection are entitled to social support, but also to legal support, medical and medicinal assistance, means of subsistence, right to work and access to education for applicants of school age. Besides that, international protection on humanitarian grounds is regulated again (Assembleia da República, 1998).

From 2003, Law No. 67/2003 of 23 August 2003 regulates temporary protection (Assembleia da República, 2003), and years later, Law No. 27/2008 of 30 June 2008 transposed three European Directives: Directive No. 2003/9/EC, Directive No. 2004/83/EC and Directive No. 2005/85/EC. Subsequently, in 2014, Law No. 27/2008 was amended by Law No. 26/2014 of 5 May, which provides a more explicit definition of the responsibility for social support to be provided to asylum seekers (Branco, 2023).

Currently, in Portugal, the legal regime on asylum and refugees is defined in Law No. 18/2022 of 25 August, which is the second amendment to Law No. 27/2008. The current Law, in order to promote the applicants for international protection integration into society, tries to break down the existing barriers that

they have to deal with when they try to work in Portugal (Assembleia da República, 2022).

It is also important to be aware of the entities responsible for the asylum process in Portugal. The Ministry of Internal Affairs is the department of the Portuguese Government responsible for immigration and asylum. Integrated into this department, we have the Foreigners and Borders Service (SEF), which as a criminal police agency, acts in the asylum process, being the central competent entity for analysing asylum applications and resettling asylum seekers in Portugal. Whenever a citizen enters Portugal and requests asylum, SEF must be informed of this request, and all steps will thus be taken, from the individual interview to compliance with the Dublin Regulation (SEF, 2023).

Subsequently, considering the decisions, the Administrative Courts, and the Supreme Court, can and should be called to intervene in the process (AIDA, 2023).

We also have other entities, which through a Cooperation Protocol, support SEF in order to allow the best possible integration for applicants. These entities are the CPR, the Social Security Institute, the Employment and Vocational Training Institute, the Holy House of Mercy and the High Commissioner for Migration (CPR, 2023).

Recently, Decree-Law no. 41/2023 of 2 June (Presidência do Conselho de Ministros, 2023) foresees the creation of an Agency for Integration, Migration and Asylum (AIMA), which will assume the administrative functions of SEF, as well as the functions of the High Commissioner for Migration. Thus, Article 10 of the current Asylum Law (Assembleia da República, 2023, p.7), which will enter into force on 28 October this year, states that AIMA will be responsible for assessing applications for international protection.

c. Host Organisations in Portugal

When we talk about refugees, we immediately think of the refugee camps that exist around the globe. Some are already over 10 years old, and more than half are not in Europe.

With more financial means, European countries create so-called "Reception Centres". We all know the reality of the refugee camps, or at least the one documented in the media, and the European purpose is to give these people, who seek international asylum, better living conditions and, above all, a life with dignity.

Portugal is no exception and created, in 1981, the Passadiço Centre in Lisbon, which was intended only to receive asylum seekers living in precarious situations. Years later, in 1984, citizens who already had a Provisional Residence Permit, or who already had the status of Refugee, started to live, if they so needed, in the Centre in Tercena (Branco, 2023).

The Portuguese Council for Refugees (CPR) is currently the primary reception centre for asylum seekers, whether they are adults, unaccompanied minors or households. To welcome people in the best way, there are three centres: the CPR Reception Centre in Bobadela (CAR 1), which is directed to receive adult asylum seekers who are in the admissibility phase, the CPR Reception Centre in São João da Talha (CAR 2), which works with applicants coming from the relocation and resettlement programmes, and the CPR Reception Centre for Refugee Children, located in Bela Vista, which is intended to receive unaccompanied minors (Branco, 2023).

d. National Protection Procedure

After knowing the Portuguese legal framework on asylum and knowing which institutions are involved in it, it is time to look at how the asylum process is carried out.

The foreigner or stateless person who enters the national territory must apply to SEF or another Portuguese police authority. When the application is made, there are some factors that must be done, including the identification of the applicant, the taking of fingerprints in accordance with the Eurodac Regulation and the existence of a brief conversation about the reasons that led him to request international protection (Assembleia da República, 2023, p. 9). Under Article 13 (Assembleia da República, 2023, p.8) the AIMA³ must immediately inform the UNHCR representative and the CPR.

Days after the application for international protection, a Declaration of Proof of Submission of the Application for International Protection is issued by SEF, valid until the decision of the application. This Declaration gives them access to medical assistance and medication (Assembleia da República, 2023, p.22), legal and social support, access to the labour market and to employment and vocational training programmes and measures (Assembleia da República, 2023, p.23).

The CPR will host the asylum seeker during the admissibility phase, providing him/her with legal, social and financial support and accommodation. This admissibility phase ends when a decision is issued. This decision, according to Article 20 (Assembleia da República, 2023, p. 12), should be issued within 30 days and communicated to the applicant, the UNHCR representative and the CPR within two days. Now, unfortunately, and taking into account my curricular internship that took place at the CPR, it is possible to affirm that these deadlines

³ From October this year, AIMA will take over the administrative functions of SEF.

are not met by SEF, which causes anxiety, stress and despair to these people who wait days, weeks, and, in some cases, months without obtaining a single information from SEF and feeling adrift in a country they do not know. The question is: Will the creation of a new entity solve this lack of accountability of SEF? And, will deadlines now be respected?

Moving on, and assuming that the decision has been taken, if it is positive, it is time for the Social Security Institute to step forward and take all necessary steps to provide accommodation, financial and social support. According to Article 27 (Assembleia da República, 2023, p.14), it is up to AIMA to issue a Provisional Residence Authorisation, which is valid for six months and is also renewable until the final decision.

On the other hand, if the decision is negative, then the Santa Casa da Misericórdia de Lisboa must assume all the functions once assumed by the CPR, except legal support. According to Article 21 (Assembleia da República, 2023, p.12), the applicant has 20 days to leave the country. However, under Article 22 (Assembleia da República, 2023, p.12) and within the first eight days of being notified, he/she can appeal the decision to the Administrative Courts. During this process, if there are new data relevant to the process, which may change the decision previously taken by the responsible entity, the asylum seeker may, under Article 33 (Assembleia da República, 2023, p.15), submit a subsequent application. When this happens, the applicant returns to the initial phase: the admissibility phase.

When the final decision is positive, then we have two options: either the applicant is recognised as a refugee, or he/she is given subsidiary protection. Although both are positive and have access to travel documents allowing them to travel outside the national territory, they are different. On the one hand, the beneficiary of refugee status is issued a residence permit valid for an initial period of five years, renewable for equal periods. On the other hand, the beneficiary of subsidiary protection status is issued a residence permit valid for three years, which is also renewable. In both cases, as well as asylum seekers,

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everyone has the right to access health, school and the labour market (Assembleia da República, 2023, pp. 25-26).

CHAPTER II – THE PROCESS OF INTEGRATION OF ASYLUM SEEKERS

2. How the integration works

2.1. Health System

These people who, for various reasons, are forced to flee their country leave their health behind, both mental and physical. When they arrive in the host country, there must be a concern and assurance on the part of the host country in providing health care to these people, whether they are asylum seekers or refugees.

In Portugal, the Ministry of Internal Administration and Health ensures medical assistance and medication during all stages of the asylum process (Ministérios da Administração Interna e da Saúde, 2001), as well as access to the National Health Service for asylum seekers and their families (Ministérios da Administração Interna e da Saúde, 2008).

It is important to note, however, that even though this monitoring is provided for by law, public services still need to prepare to respond to the increase in the number of beneficiaries of international protection. On the one hand, they cannot quickly provide the Portuguese health user number, and without it, these people cannot obtain medical assistance. On the other hand, the staff of this institution usually use the fact that they speak a different language as an excuse for not helping these people and, even worse, they are often unaware that with the Declaration of Proof of Claim for International Protection, asylum seekers are entitled to use the Portuguese public health service like any other national citizen.

2.2. The right to work according to Portuguese Law

a. How they obtain NISS and NIF

Working in Portugal is one of the main goals that asylum seekers set when they arrive in our country. Suppose these people try to inform themselves through SEF or searching online. In that case, the information given is that the first document that the asylum seeker obtains when applying for international protection is completely valid for them to start working immediately.

However, many bureaucracies are required, among them the Tax Identification Number (NIF), the Social Security Identification Number (NISS) and the opening of a bank account. For us Portuguese citizens, this is something familiar in our day, but we must not forget that these people come from different countries with different cultures and often do not even know what a bank card is.

The lack of information that does not reach these people is alarming.

Since the change in the law (Assembleia da República, 2022), beneficiaries of international protection who are still in the admissibility phase, meaning that they only have the Declaration of Proof of Application for International Protection, can work in Portugal. Which means they have every right to obtain the social security number or the financial identification number in Portugal. However, the constant failures of the services are enormous.

Several asylum seekers go to public services, and unfortunately, only a few left with the number they requested. Unfortunately, many of them complain that the staff at these services either refuse to assist them because they do not speak the language but also fail to find a solution; or claim that the document they present is invalid.

This reveals a lack of preparation on the part of the services and, worse, a lack of information about the law which regulates this type of situation.

How these numbers are requested also varies numerous times, never being constant and confusing not only asylum seekers but also the workers of the most varied refugee support institutions (Social Security, 2023 and Administrative Modernization Agency, 2023).

b. Can they open a bank account?

Yes, asylum seekers can open a bank account (Banco Comercial Português, S.A., 2023). However, they cannot open an account due to the lack of the numbers that were mentioned above. On the other hand, those who can obtain the numbers are unfortunately not helped in opening an account, claiming that the people working there do not allow them to open accounts. The main question remains: Why are the services not acting according to the law? Is it a lack of training? Lack of information? Or just prejudgement?

2.3. One of the possible solutions

Taking into account what I have seen on the ground, from the delay in the response from the services to their inconsistency, my suggestion would be to create a one-stop service.

In other words, why not create a one-stop service where only asylum seekers' issues are dealt with? This service would be able to assign the social security number and the tax identification number and also, in partnership with Portuguese banks, open a bank account. This would not only free Portuguese public services from overwork but also make the whole process more agile and peaceful.

2.4. Consequences

Refugees and Crime. Many studies prove they are not linked, but many coffee conversations believe they are. The truth is that there are isolated cases of refugees committing crimes, often involving the death of another person. We have the recent case in Lisbon, in the Ismaelite Centre and the case in France that took place in a playground. Two men, refugees, one of Syrian nationality and the other Afghan.

Many were the news that invaded the media, and a lot of hatred was spread on social networks, but the truth is that no one questions the traumas that these people go through to simply try to have a better life. Experiences of war, violence, death, torture, loss of loved ones and the difficulty of getting to a new country are all factors that increase the risk of an applicant, perhaps a future refugee, developing a mental illness (Goosen, 2014).

A person's mental health develops quickly and without us realising it. It is a subject still to be worked on in Portugal, yet it is a subject never before spoken of in the Middle East. It is urgent to realise that the lack of response, or even the delay, leads to anxiety crises, frustration and despair on the part of a person who does not know how to channel these feelings. Support from psychologists is often rejected because they do not realise the importance of talking about it.

Still, without official information about what happened in the cases mentioned above, some media claim it was a psychotic break. Portugal and the EU must understand the importance of monitoring and quick response to this type of population. It is necessary to create conditions so that the most varied vulnerabilities are accompanied by the importance they need. In Portugal, there is no daily follow-up for people with psychological illnesses who depend on medication, leaving them wholly abandoned and on their own. These people, who already have mental problems and who take their medication as they wish, not as they should, are more likely to commit a crime. We must prevent it by

providing follow-up and trying to streamline services so that responses are quick and assertive.

Of course, all this applies to children too, who often suffer doubly from their own problems and those of their parents (Goosen, 2014). However, with children, we have positive factors, including friends and school support, which is why integration is so important at any age. When they leave their homes, they are looking for nothing more than to be helpful to a country that has opened its doors to them. To be recognised, to be helpful, to be integrated, to be someone without being afraid to run away, that is all these people ask for, and they cannot always do it alone, and that is where the host country and the EU, intervene, or at least should intervene.

CHAPTER III – SPECIFICITY OF CHILDREN

3. KEY CONCEPTS

3.1. Children definition and Law

When we talk about refugees, we never think about refugee children, or maybe we do. However, it is so painful to imagine children, completely defenceless, being the main character in a painful and traumatising journey that society ignores their existence to protect itself from shame.

Men, women, elderly, adults, children and babies, this is the cycle of life, and like everywhere else, the refugee population is also affected by it. In 2022, about 43.3 million of the forcibly displaced people were children under 18 and about 1.9 million were born as refugees (UNHCR, 2023). These are shocking but actual numbers.

Going back in time and looking at the legal framework of what it is to be a child, we come across, almost as mandatory, the Convention on the Rights of the Child, which Portugal ratified on 21 September 1990 (Oliveira, 2020), where a child is defined as "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier" (UN, 1989, p.1).

In Portugal, Article 122 of the Civil Code states that "a minor is anyone who has not yet reached eighteen years of age" (Civil Code, 2017), while in the field of asylum, Law 27/2008 of 30 June defines a minor as a third-country national or stateless person under 18 years of age (Assembleia da República, 2023, p. 4).

Innocent, defenceless, immature and inexperienced are not synonyms, but all are used to adjectivise a child. They are fragile human beings who perhaps need protection and special attention more than anyone else, but if this is the case,

how can they cross kilometres of ocean and land to Europe completely alone? How is there no psychological help to help with the traumas these children may have experienced?

With the training I have obtained on the course, it is possible to identify numerous risk factors, from exposure to violence, through the often traumatising journey, which is more alarming when they do it entirely alone, to the adaptation of a new country, with a totally different culture, all are risk factors that can lead to the child having post-traumatic stress disorder or, perhaps, going into the world of crime. Moreover, in these risky situations, they are likely exposed to various forms of abuse, trafficking or exploitation (Oliveira, 2020).

It is necessary to understand that children are not only the target of protection. They also have rights like the right to freedom of expression, thought, conscience and religion. Regarding protection, it is the parent's primary responsibility to educate the child, and the State must help them exercise this responsibility best. In addition, the State must protect the child against all forms of ill-treatment by the person responsible for the child by establishing social programmes to prevent abuse and treat victims (UN, 1989, pp.3-5).

In Portugal, the Law for the Protection of Children and Young People in Danger (Assembleia da República, 2003) aims to promote the rights and protect children and young people in danger, thus ensuring their well-being and development. This Law assumes, in Article 3, that a child or young person is in danger when he or she is abandoned, when he or she suffers physical or psychological abuse, or when he or she is subjected, directly or indirectly, to behaviour that seriously affects his or her health, safety, training, education or development (Assembleia da República, 2003, p. 2).

Intervention to protect and promote children's rights is in their best interest, even more so when they are refugees who have fallen into this country by

parachute, without being able to dream of tomorrow and whose only concern is survival.

3.2. European Courts

The primary purpose of the European Courts is to ensure that EU primary and secondary law is correctly informed and applied. There are two essential courts: The Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECHR).

The CJEU deals with a wide range of legal actions; however, the number of cases concerning children's rights in which the court has ruled are few, with the only rulings being on free movement and EU citizenship (Agência dos Direitos Fundamentais da União Europeia e Conselho da Europa, 2015, pp. 29-30).

On the other hand, the ECHR has extensive case law on children's rights, focussing mainly on the right to protection from inhuman or degrading treatment or the right to a fair trial (Agência dos Direitos Fundamentais da União Europeia e Conselho da Europa, 2015, pp. 31-32).

However, it is essential to consider the different cases and the importance that the Convention on the Rights of the Child has in the different cases. It should also be emphasised that there was once a database called "Theseus", which contained all the case law of the Court of Justice on children's rights, making it easier to access and consult the cases. Without any justification or replacement, the platform is no longer available. In my opinion, the Theseus database is a huge loss because now all cases are mixed up, whether they are adults or not, making the whole process slower and more time-consuming.

CHAPTER IV – PROBLEMS OF REFUGEES

4.1. Cases

The Grand Chamber comprises a group of ECHR judges who meet in exceptional cases. This process can be convened by referral or resignation.

There are several cases of Chamber trials, but here we will briefly analyse two to understand the importance of this type of trial, whether in relation to adults or children.

The first case is *Osman v. Denmark*, which concerns a refusal to renew the residence permit of a girl of Somali nationality who grew up with her family in Denmark. She left for two years, allegedly against her will, to take care of her grandmother, who was in a refugee camp in Kenya. In short, Sahro Osman was born in Somalia in 1987 and moved to Kenya in 1991, where she stayed until 1995. In 1994, Sahro obtained a Danish residence permit as her father and sister had been granted asylum. Aged seven, he moved to Denmark, where she stayed until she was 15. She spoke Danish, attended school and made friends in Denmark (ECHR, 2011).

At 15, supposedly against her will, her father sent her back to Kenya to look after her paternal grandmother in the Hagadera refugee camp, where she stayed for more than two years. At 17, Sahro was still considered a minor, so she applied to be reunited with her family in Denmark. A year later, the Danish Immigration Service rejected her application as they not only found that her residence permit had already expired but also claimed that she was over 18, that her parents had agreed to send her back to Kenya, and that she could stay with her grandmother perfectly well (ECHR, 2011).

The complaint brought before the Court was related to the rejection of the renewal of her residence permit. The court ruled that refusing to renew the permit interfered with the complainant's private and family life. Furthermore,

they stated that she was still a minor when she made the application and that, since she had not started a family, her family life should not be taken away. Besides, the fact that she could speak Danish, had attended school in Denmark and had social, cultural and family connections there, are all positive points. The final decision of the court was that there had been a violation of the law because Sahro's interests had not been taken into account and therefore, it considered that Denmark had to compensate the applicant financially (ECHR, 2011).

Another interesting case is the case of Shikhsaitov v. Slovakia, which goes along with the many reports linking refugees and terrorism, even when studies prove that there is no such link.

Hamzat Shikasaitov, a Russian born in 1982, lives in Alvesta, Sweden (ECHR, 2020).

In 2007, the court in Russia issued an international arrest warrant. Hamzat is alleged to have committed acts of terrorism (ECHR, 2020).

In 2011, the applicant travelled from Ukraine to Sweden, where he was granted asylum. Years later, in 2015, the applicant was arrested in Slovakia for being on the Interpol list. Hamzat was placed in pre-trial detention pending extradition to Russia. An interlocutory appeal was lodged by the applicant, but it was dismissed by the Supreme Court. As the applicant was wanted for a serious criminal offence, then he does not automatically benefit from immunity from prosecution and the case was therefore referred to a lower court to determine whether the applicant would be excluded from refugee status or not. In 2016, the Supreme Court ordered the release of the applicant, whereupon the border police expelled him back to Sweden (ECHR, 2020).

The applicant complained that his detention in Slovakia had violated his right to liberty. Allegedly, Russia did not request his detention, and as he had refugee status in Sweden, his preliminary detention and extradition request should not have been issued immediately (ECHR, 2020).

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The Court found that the preliminary detention of the applicant had been lawful, as there was no way for the Slovak authorities to know about Hamzat's status in Sweden (ECHR, 2020).

Furthermore, the detention of the applicant was justified by the need to keep him in Slovakia to determine whether there were legal impediments to the extradition of the applicant. However, Hamzat's detention lasted more than a year and a half, and according to the Court, the authorities had not acted with diligence as they could. In other words, they could have responded to the extradition request much earlier than they did (ECHR, 2020).

In the end, Hamzat was financially rewarded by Slovakia (ECHR, 2020).

CONCLUSION

Criminology is a challenging area at all levels. That is why it is so interesting to have the opportunity to graduate in this area, especially with a project that addresses such an important issue as refugees.

Throughout the work, I emphasised the importance of taking more measures, meeting deadlines, and streamlining processes to prevent more traumas. However, the truth is that we are experiencing difficult days. Europe receives thousands of people a day seeking refuge, and laws, countries and the European Union itself are not ready to help in the best way they can, culminating in exaggerated border controls, delay in response and an overload of public services.

Persistent and increasing numbers of armed conflicts, persecution and environmental disasters mean that displacement of people is on the rise, and investing in protection and the provision of primary health and hygiene services is crucial.

There is an urgent need to address the issue of mental health more thoroughly. Follow-up and preventive measures must be implemented to avoid possible psychotic attacks with unwanted endings. Evaluate the vulnerabilities of asylum seekers and create means to support them so as not to overburden reception institutions. Suppose we create a single bank to streamline the whole process of entering the labour market, thus having the authority to assign the necessary identification numbers; everything would be more accessible, agile and faster. These are examples of urgent measures that affect the mental health not only of asylum seekers but also of workers in the most diverse institutions.

Crossing an ocean in search of a life that may never exist is something that we neither choose nor want. These people had a life, a profession, a home, family and friends, and then they arrived in a new country, with a new culture and a different language, without knowing whom to trust and what to do. The

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intervention starts here, from the very first moment. Talking, accompanying, and guidance are all points that should be reinforced in integrating refugees in Portugal.

Last but not least, the motto adopted by the UN on Refugee Day was "Hope far from home. A world where refugees are always included". After all, life is not about what we earn but what we give. Refugees can give a lot to our country; we just need to integrate and support them.

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