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INTEGRATION AND INCLUSION AS FORMS OF PROTECTION OF THE CORPS OF RIGHTS AND FREEDOMS OF MIGRANTS

Abstract:

The challenges, policies and global impacts that characterize migration movements, as well as their management, are a process that is not at all easy and simple. Migration, as a ubiquitous aspect of human history, is evolving into a phenomenon that has rapid growth, the implications of which are founded on economic, political, environmental and social factors. Its understanding and effective management are imperative in the era of globalization processes.

The paper describes the state of migration movements, with a special focus on the policies that governments, international organizations and non-governmental organizations operating at the international level adopt and implement in the field of integration and inclusion of different categories of migrants. In the further elaboration, the author will address the international regulation, policies and instruments in migration management that the governments of the countries of final destination implement through border control measures, to integration policies and humanitarian approaches. A special aspect of this paper will be the analysis of the approaches of governments and international actors in order to determine the balance between the protection of national interests and the corpus of fundamental rights and freedoms of migrants. In this context, integration as a reversible process, its definition and existence in the legislation in Western European countries, as well as its applicability will be examined.

Keywords: *Migration, migration movements, integration, inclusion of migrants, migration and integration policies of migrants.*

INTRODUCTION

Migration, as a perennial aspect of human existence, is already in an era in which all the processes that take place around this phenomenon are of unprecedented complexity and scale. As migratory movements increase in scale, resulting from various factors such as the search for improved economic prospects, political stability and environmental security, migration management emerges as a critical global challenge¹.

¹ Zamocci, S., and Miller, M.J. (2009). *The Age of Migration: International Population Movements in the Modern World*. Palgrave Macmillan

In the modern way of life, a huge number of factors, including economic disparities, political unrest, climate change and armed conflicts, influence migration and migratory movements across borders. The increase in conflict situations is correlated with the enormous growth of forced migration. It was a segment of refugee crises that represented a mosaic of illegal migration, economic migration and internally displaced persons, which further complicated the situation faced by national governments and international organizations.

Forced migration, including refugees and internally displaced persons, requires a different approach to management. Humanitarian crises require a rapid and coordinated response from States and international migration bodies to provide health care, shelter and basic needs to people who have been forced to flee their countries of origin. Such migration crises have reinforced the need for international cooperation, a strong legal framework and equitable burden-sharing mechanisms to address the challenges of forced migration².

The human rights perspective subsumes non-discrimination, inherent dignity and rights of migrants and asylum seekers, as well as the process of creating policies that are consistent with the ethical imperatives of human rights.

The establishment of effective integration and inclusion policies is of fundamental importance for countries with a large influx of refugees and migrants. The successful integration and inclusion of this category of migrants in a country depends to a large extent on the broad support of public opinion and the recognition of the benefits of diversity in society by its citizens³. Preventing racism, intolerance and discrimination against refugees and migrants is closely linked to the development and adoption of integration strategies and policies at the government level, as well as the involvement of civil society in preventing extremist policies from exploiting these migrants for political validation in times of crisis. By distancing themselves from such political acts of violence, governments can prevent situations that can lead to the undermining of democratic processes, the disregard for human rights, the compromise of social cohesion and the rule of law.

1. INTEGRATION AND SOCIAL INCLUSION OF MIGRANTS AS FACTORS IN THE PROTECTION OF THE HUMAN RIGHTS OF MIGRANTS

Migration as a global phenomenon is part of the way of life of many people at some point in their lives and thus has significant implications for the categories of migrants in their countries of origin, transit and final destination. In this context, its management is essential for the implications it can have in the countries of origin and destination. Namely, it can cause negative repercussions if the governments of the destination countries handle migration policies poorly, or have positive repercussions if the inclusiveness in the social milieu of migrants in these countries is recognizable⁴. The acceptance of integration

2 UNHCR. (2019). *Global trends in forced displacement 2018*, from: <https://reliefweb.int/report/world/unhcr-global-trends-forced-displacement-2018> 0?gad_source=1&gclid=EAIaIqobChMIn6CZileJhAMVsZ2FEMEAAwPDGFEEWL00

3 *Democratization and Autocratization: IPSA 75th Anniversary Conference*: Joana Vidal Lopes, Ph.D., *Integration and Inclusion of Refugees and Migrants: Challenges and New Directions in Democracies*, Lisbon, 11-13 September 2024.

4 Mattia Giampaolo and Aurora Ianni: *Social inclusion of migrants in the EU*, Centro Studi Politica Internazionale (CeSPI), with the coordination of Andrea Stocchiero (Focsiv).

policies and inclusion can improve economic and social conditions in local communities both in the countries of origin and in the countries of final destination of migrants.

The analyses prepared from a geopolitical point of view indicate an increase in ethnic and social conflicts and wars, which in turn will have repercussions on the growth of migration movements. Such a trend, primarily as a result of populist policies and nationalist narratives, will lead to the implementation of strategies and policies of tightening security measures at the borders by the governments of the transition and final destination countries, which will undoubtedly negatively affect the freedoms and rights of citizens. The Mediterranean refugee crisis has raised many questions regarding migration policy, which relate to the gaps in the legislation, policies and mechanisms designed by the European Union. In the process of managing the migration crisis, the Union has shown weaknesses in dealing with the migratory movements of different categories of migrants, who were part of economic and forced migration, who came to the European land and sea borders. The emergence of an increasing number of illiberal regimes in the Union has resulted in the emergence of a trend of anti-migration movements, supported by far-right political parties, recognizable in the countries of Eastern Europe, the United Kingdom, and some of the countries of the European Union⁵. The constant pressure of migrants and refugees from Syria, Afghanistan, Yemen, Libya and Pakistan, as part of the Mediterranean crisis, was the basis for adopting measures aimed at reducing and limiting migration flows, as a result of potential security threats from terrorist acts and transnational crime, especially in the countries of final destination. Such policies and the lack of interest of certain Member States in sharing migrants negatively reflected on the very process of integration and inclusion of refugees, economic migrants and migrants who were forced to leave their countries of origin as a result of military actions or to protect their own lives and the lives of their families.

1.1. Integration Policies

The concept of integration does not have a generally accepted understanding. It is not a clear term. According to the documents of the Council of Europe, the foundation of social integration refers to the protection of human dignity, non-discrimination and participation in the societies of the host countries⁶. According to Resolution 2176 (2017), of the Parliamentary Assembly of the Council of Europe (PACE), integration is seen as an ongoing process, which depends on the constructive tripartite engagement of the government of the country of final destination, the non-governmental sector and refugees, focusing primarily on the responsibilities of the receiving state, rather than on the categories of migrants⁷. Unlike the Parliamentary Assembly, the Committee of Ministers of the Council of Europe places greater focus on integration policies that respect the cultural diversity of society and always avoid stigmatizing migrants and people of immigrant background⁸.

5 *Democratization and Autocratization: IPSA 75th Anniversary Conference*, Joana Vidal Lopes, Ph.D., *Integration and Inclusion of Refugees and Migrants: Challenges and New Directions in Democracies*, Lisbon, 11-13 September 2024.

6 Council of Europe, *White Paper on "Intercultural dialogue: living together as equals in dignity"*, Council of Europe Ministers of Foreign Affairs, Strasbourg, 7 May 2008.

7 See PACE, "Integration of refugees in times of critical pressure: learning from recent experience and examples of best practice", Resolution 2176 (2017), 28 June 2017.

8 Council of Europe Special Representative of the Secretary General on migration and refugees: *Human rights aspects of immigrant and refugee integration policies*, Issue Paper, Council of Europe, March 2019

Integration policy subsumes several components, one of the essential ones being knowledge of the language of the host country in which migrants reside, as well as policies that enable family reunification and permanent residence by migrants and third-country nationals, including access to employment, social benefits and social assistance. It must be emphasized that some of these components may not always be easily achievable due to the measures and mechanisms that the countries of final destination of migrants establish.

Integration policies are not universal, as are their approaches, which are above all variable, and move depending on the polarization between assimilation and multiculturalism⁹. It must be noted that the differences in the segmentation of integration and social cohesion policies also depend on the type, duration or purpose of migration. It is an undeniable fact that integration is a process that contributes to stable and inclusive societies, regardless of whether it is temporary or permanent migration. The absence of policies for the integration and inclusion of migrants will have negative financial repercussions that will far exceed the initial investments to support this process.

Developing effective integration measures undoubtedly requires political, social and financial investments to achieve long-term benefits for all, in particular the positive fiscal contribution of migrants, which results from their integration into the labour market and timely access to education. Promoting integration and social cohesion policies only facilitates access to healthcare, education and employment, ensuring the social and economic inclusion of migrants. The effectiveness of integration policies depends on a whole-of-community approach, as well as on a clear confirmation of expectations and commitments from all parties involved, migrants, the state apparatus at local, regional and national levels of the host country. The aspiration of host countries to make access to basic services available should be correlated with the readiness of local communities to receive migrants, the identification of common values between migrants and citizens of the host country, and the creation of preconditions for the active participation of migrants in the life of the receiving country. The success of the integration of migrants depends on several factors such as the reasons for migration, the length of stay, their socio-economic status, the political climate, as well as the prevailing attitudes and opinions about migrants in the countries of their final destination.

1.2. Social inclusion as a component within the framework of ensuring the human rights of migrants

Migration as a phenomenon brings many challenges, but also opportunities for sustainable development in local communities. Recently, the European economic crisis reflects measures that host countries are taking and are reflected in growing inequality between citizens and migrants, which in turn contribute to the emergence of social tensions and intolerance towards the inclusion of migrants. In this context, the main challenges that European countries need to face are determining policies and measures that will prevent the spread of Islamophobia, ghettoization and social exclusion. It is evident that favoring legal and socio-economic aspects, without neglecting other dimensions, are the most important, because the full integration and inclusion of migrants within the host countries depends on the time that the system allocates to the procedures that recognize legal status, educational degrees, social needs, as well as the time to secure employment. Slow procedures for securing legal status for migrants and the lack of recognition of educational

9 IOM, *Essentials of Migration Management: "Integration of Migrants"* vol. 3.6

diplomas are essential factors for the growth of the informal economy where migrants have to work without employment contracts and with low financial performance for the nature of the work they do.

The process of inclusion involves three dimensions: a) legal or political, b) socio-economic and c) cultural or religious. Migrant inclusion policies usually distinguish between those that aim to “assimilate” migrants through demands for acceptance of certain characteristics of the host society; and policies that focus on promoting non-discrimination and fostering diversity or multiculturalism¹⁰.

In the New York Declaration, States, reaffirming the principles and purposes of the UN Charter, undertook, through respect for international law and international human rights law, to fully protect the corpus of fundamental rights and freedoms of refugees and various categories of migrants, regardless of their status. Such an affirmation was the foundation for the negotiations on the Global Compact for Safe, Regular and Orderly Migration. In that spirit, the United Nations Sustainable Development Goals (SDGs) 16 refer to the creation of policies to promote peaceful and inclusive societies, ensuring access to justice for all and building efficient, accountable and inclusive institutions at all levels. In this regard, it is of great importance to build mechanisms that will prevent forms of violence, which in turn will reflect a sense of safe living, regardless of their ethnic and religious affiliation, status or sexual orientation. In accordance with these goals, states are obliged to build efficient, accountable and inclusive institutions at all levels, measures for good migration management and policy-making, which are founded on social inclusion of all stakeholders, based on the equal dignity and rights provided by the Charter of the United Nations and the Universal Declaration of Human Rights¹¹.

It cannot be overlooked that policymakers and their inclusion strategies implicitly include a deficit discourse, suggesting that the insufficient qualifications of migrants represent one of the obstacles to their social inclusion, which can be remedied by attending educational institutions that will shape their further qualifications¹². Such activities do not represent ambivalence towards the environment, on the contrary they are accepted by migrants as an opportunity to develop a sense of belonging. Other less informal practices essential for their integration, learning and inclusion are the various sports activities that enable encounters between people and are fundamental for developing relationships, which in turn allows for the creation of belonging as a kind of “special community”.

CONCLUSION

Integration policies should facilitate life, family reunification and inclusiveness in the countries of final destination of migrants. In this regard, their aim should be to take measures to affirm the security of migrants and third-country nationals, as well as to restrict migration control measures in the integration policies of the countries of their final destination. The length

10 Mattia Giampaolo and Aurora Ianni: *Social inclusion of migrants in the EU*, Centro Studi Politica Internazionale (CeSPI), with the coordination of Andrea Stocchiero (Focsiv).

11 *Global Coalition on Migration Human Rights and Dignity for All: Ensuring Human Rights of All Migrants, Social Inclusion and Non-Discrimination in the Global Compact*

12 Linda Morrice, Hongxia Shan & Annette Sprung: *Migration, adult education and learning*, *Studies in the Education of Adults*, 49:2, 129-135, DOI: 10.1080/02660830.2018.1470280, <https://doi.org/10.1080/02660830.2018.1470280>

of a person's stay in a country is proportional to the strength of the correlative relationship with that country, which means that destination countries should stimulate integration policies over those oriented towards migration control. What is essential for governments of destination countries is that they should pay greater attention to the accessibility of the services they provide to all citizens regardless of citizenship status, and these relate to the rights to health services, guaranteed access to housing, as well as to a dignified quality of life for immigrants and refugees. It is essential that policies for inclusion in the labor market are realistic, taking into account the specific characteristics of candidates, and that they are designed to encourage participation at all levels of education and skills, with a special focus on gender equality.



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INTEGRACIJA I INKLUZIJA KAO OBLICI ZAŠTITE KORPUSA PRAVA I SLOBODE MIGRANATA

Apstrakt:

Izazovi, politike i globalni uticaji koji karakterišu migracione pokrete i njihovo upravljanje nisu lak ni jednostavan proces. Migracija, kao sveprisutni aspekt ljudske istorije, evoluirala je u brzo rastući fenomen čije su implikacije zasnovane na ekonomskim, političkim, ekološkim i društvenim faktorima. Njeno razumevanje i efikasno upravljanje su imperativ u eri procesa globalizacije.

Rad opisuje stanje migracionih kretanja, sa posebnim osvrtom na politike koje vlade, međunarodne organizacije i nevladine organizacije koje deluju na međunarodnom nivou usvajaju i sprovode u oblasti integracije i inkluzije različitih kategorija migranata. U daljoj razradi, autor će se osvrnuti na međunarodnu regulativu, politike i instrumente u upravljanju migracijama koje vlade zemalja konačnog odredišta sprovode kroz mere kontrole granica, do integracionih politika i humanitarnih pristupa. Poseban aspekt ovog rada biće analiza pristupa vlada i međunarodnih aktera kako bi se utvrdila ravnoteža između zaštite nacionalnih interesa i korpusa osnovnih prava i sloboda migranata. U tom kontekstu, biće razmotrena integracija kao reverzibilan proces, njena definicija i postojanje u zakonodavstvu zapadnoevropskih zemalja, kao i njena primenljivost.

Ključne reči: *Migracija, migraciona kretanja, integracija, inkluzija migranata, politike o migraciji i integraciji migranata.*

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