REFUGEE PROTECTION POLICY IN THE GLOBAL WORLD: FOCUSED ON RECOGNIZING POLICY OF ASYLUM SEEKERS IN GERMANY AND THE UNITED KINGDOM

Abstract. This paper examines comparative analyze of refugee recognition system, types of statuses related to refugees in Germany and the United Kingdom. In the case of Germany were analyzed procedures of recognition, new implications in domestic policy, and revised recent changes in policy, accepting procedures, cooperation with other EU countries in the United Kingdom refugee recognition policy. As a result was provided following key resumes: critically discussed practical issues about Dublin Convention, guides on different essential statuses of asylum seekers, analyzing responsibilities of agreements made by both countries with other EU nations.
Keywords. Refugee, Germany, United Kingdom, refugee recognizing policy, domestic policy.
JEL codes: Z38, K00, Z00

Аннотация. В настоящей статье рассматривается сравнительный анализ систем признания беженцев, политика признания и предоставление статуса для лиц ищущих убежище стран Германии и Великобритании. В отношении политики признания беженцев в Германии были проанализированы процедуры признания, новые изменения во внутренней политике страны последствия новых законов, а также рассмотрены политика принятие лиц, ищущих убежище, сотрудничество с другими государствами ЕС, обновление процедур в политике Великобритании. В результате были предоставлены следующие резюме: критически обсуждался практические вопросы о Дублинской конвенции, о принципах основных статусов для лиц ищущих убежище, были анализированы обязанности по соглашениям заключенные между странами ЕС.
Ключевые слова. Беженец, Германия, Великобритания, политика признания беженца, национальная политика.
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Аңдатпа. Мақалада босқындарды тану жүйесі, тану саясаты және баспана іздеушілердің мәртебесін беру туралы тақырыпта Германия мен Ұлыбританияның саясатын салыстырмалы анализ негізінде қарастырылған. Босқындардың Германияда танылу саясатына қатысты рәсімдеу барысы, елдің ішкі саясатындағы жаңа заңдардың салдары талданады, сондай-ақ баспана іздеушілердің қабылдау саясаты, Еуропалық Одақтың басқа мемлекеттерімен ынтымақтастық туралы Ұлыбританияның саясатындағы үдерістері туралы қарастырылған. Нәтижесінде келесідей қорытындылар ұсынылды: Дублин конвенциясы, баспана іздеушілерге арналған негізгі мәртебелер қағидаттары туралы практикалық сұрақтар талқыланды және ЕО елдерімен жасалған келісімдеріндегі жауапкершілік талданды.
Тірек сөздер. Босқындар, Германия, Ұлыбритания, босқындарды тану саясаты, ұлттық саясат
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Introduction

The current civil war in the Middle East countries and the political problems of African countries are become major causes of the refugee crisis. The influx of refugee into European territory is causing global conflicts. According to the UNHCR's "Global Trends" report released on June 18, 2015, the number of refugees worldwide is growing at a rapid rate to about 60 million by the end of 2014 [12].

The migration of refugees to European countries is rapidly increasing to about 1.4 million people each year. This is the largest population movement since World War II. Millions of asylum seekers migrate to European Union to run away from threat and fear. Among refugees who had moved to Europe by 2015, 1.868 people were drowned or missing in the sea [12]. Many of them choose Germany and United Kingdom as country

of destination, that decision is not surprising. According to the statistics for 2015, the acceptance of refugees in Germany and the United Kingdom is very different. By November of 2016, Germany had received 745,545 refugees and asylum seekers [2]. Germany has embraced the largest number of refugees in the European Union. On the other hand, the United Kingdom accepted 38,900 refugees and asylum seekers by the end of the March 2015 this is the 18th place among other EU members [8]. Thus, the acceptance of refugees and asylum seekers in Germany and UK shows great difference.

Germany and the United Kingdom have similarities concerned refugee and asylum seekers since long history of accepting refugees after II Word War, after crisis in Vietnam with a wave of "boat people", in 1970-80 in order to develop economic situation was accepted

southern Europe migrants, turkey labor workers, and also families from former colonies. In 1990 was civil war in the eastern part of the Europe next countries Kosovo, Albania, Yugoslavia displaced thousands of people, who were temporarily granted refugee status and accepted. Second, mass media called "refugee crisis" in Europe started since 2015during first years Germany accepted more than "million" refugees was announced. However, it also causes doubts can it be possible to grant more than to dozens of people the status of refugee? Is it true in fact? Does German domestic policy open enough to accept those people? Why United Kingdom domestic policy so strict in accepting refugees? Both countries recognition policy, especially need to mention new domestic law was implemented since 2015 in both countries, and find another process to accept and recognize and granting refugee status. Because of that it is worst to mention that both of this countries is a target destination of asylum seekers arrival and same time most simple enter and difficult to stay place.

Third, German and United Kingdom are members of international conventions, agreements and regional level agreements and memorandums which in first glance seem like a similar approach in regulating refugee rights. However, 2016 was announced exit of United Kingdom from European Union and canceling regional level documents. This situation created more question, how does will change a policy regarding refugees? How much Germany advanced on proposed "burden share" suggestion between European Union members?

The purpose of this study is to analyze the difference between refugee recognition process of refugee protection policy in Germany and the United Kingdom according to European Union Refugee protection policy. In order to analyze, was reviewed the status of the protected people according to the refugee protection policy and examined their support by government of both countries. Specifically, what are the current policies of the Germany and the United Kingdom governments regarding asylum applicants and refugees? Further, by examining refugee recognition in Germany and UK, was analyzed and compared the refugee status.

Literature Review

The refugee related topic became hot issue among scientists since Second World War. This set the scope of selectable refugee policy researchers, providing useful empirical examples related to the refugee policy formulation. In Korea, refugee research mainly studies the problems of refugee law(Ko Mun hyoung, 2009; Chan Bok Hee, 2008; Chon In Song, 2009, Lee Hoe Taek, 2008), a studies about North Korean Refugees (Chan Bok Hee, 2008; Ko Ki Bok, 2006; Kim Chol Min,

2005), and also about European refugee policy (Kim Nam Guk, 2006; Lim Tae Gun, 2006). They focus on research about refugee policy of EU countries, national refugee concept, human rights and so on topics were discussed.

In Europe refugee researchers have also been discussing focusing on law and political science. Especially after the war in Eastern Europe, the increasing number of refugees in Europe has become a major concern, thereby the expansion of the concept of refugees was discussed by (William Thomas Worster, 2014; Guy S. Goodwin-Gil, 1996; Matthew J. Gibney, 2004; Christina Doswell, 2005).

Most of the new publications concerned "refugee" was related to displacement process but with more deep classification by dividing into stages (Tom Scott-Smith, 2016; Alexander Betts, 2017), research was done by anthropological methods, observing and examining data, participating on a field works also is very popular among researchers such as (Naohiko Omata, 2017; Dawn Chatty 2017; Leila Vignal, 2017). Also, new trend to make a research, to analyze refugee situation, solve problem, to explore and deeper use theories is very important.

For example, theory of Refugee Regime which explains traveling routes of refugees and explain how does it correlated with passing through the territories of one country and receiving help in another country on the route. Alexander Betts gives his own vision on refugees traveling, especially Global Regime is divided into five main regimes, and one of them is traveling. Travel Regime is a part of global migration, and partly overlaps with other regime, which means refugee overlaps with other regime, and explains why United Kingdom can refuse refugees and what the reason of rejection is [3]. Different kinds of ideas, exploring range was found during literature, but this paper aims to male comparative analyze of recognition process after "refugee crisis" in German and United Kingdom, which is new in the research field about refugees. How does it changes and what kind of new suggestions can be given.

The term "Refugee"

The definition of term "Refugee" given in 1954 Convention Relating to the Status of Refugees: "As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of 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 [10],"

but in 1967 was adopted Protocol relating to the Status of Refugees, the reason behind of this change was because of Convention relating to the status of Refugees covers only those persons who have become refugees as a result of events occurring before 1 January 1951[16]. But the new issues in the world created more people migrating from homeland to find a safe place. Also according to the Protocol, there is no any geographical limitations, people from different place of the world, would be under the protection.

In recent years, it is a trend to define refugees in a various ways. However, this is because the 1951 Refugee Convention and the 1967 Refugee Protocol failed to accommodate future changes in the international situation. Today, the international community has not sufficiently addressed the refugee problem in the international order of globalization.

Nowadays, the refugee problem is due to civil war and armed conflicts. Currently, about 40 countries on the planet are involved in domestic conflicts. As a result, there is a countless group of refugees. The most serious problem of refugees is that the people of many countries are becoming internally displaced people in their own country, and if the situation is not improving they move abroad under the status of asylum seeker.

Here is the list of statuses that can be hold by asylum seeker: refugee, displaced person, illegal immigration, semi refugee, humanitarian refugee, excluder, deportee, domestic refugee, an economic refugee, environmental refugee, dispersed families, refugee ship, refugee sur place, de facto refugees, visa verified refugee, temporary refugee, North Korean defender, refugee under protection of UNHCR, child refugee, women refugee, labor refugee [12]and etc.

Asylum seekers since 1990s were adopted under different statuses. Receiving states adopts asylum seekers as a temporary protected person or tolerated by government person, and other statuses, due to refugee definition is not clear, and gives chance to the government of accepting countries make a another rules for accepting people.

International and domestic organizations related to refugees since 1950 are Africa, South America, Arab region countries cooperation and international law on refugees was enacted centering on UNHCR.

In the African continent, after the end of the colonial period, is happening civil war. Organization of African Unity, (OAU) has considered the special situation of the refugee problem facing this continent since 1963 and as a result regional refugee convention was needed. Summing up, in 1969The Organization of African Unity (OAU) prepared Convention Governing Specific Aspects of Refugee Problem in Africa and was adopted [1]. In addition to refugee definitions under the 1951 Refugee Convention respectively was created new definition for African Continent, to protect people migrating inside of the African countries. African people were protected under this statement: "some or all of the country of origin or nationality may be subject to external aggression, occupation of the applicant's country of origin or public order, which have to leave the residence where have been resided to seek shelter in another area in where everyone is" [1]. This is a sufficient to risk persecution. Persons with fears, those who escape violence and war have a right to claim the status of refugees. South American part of the world also adopted declaration towards refugees, to describe more clearly the term 'refugee'. In 1984, UNHCR convened a specialist council composed of government representatives and Latin American legal scholars in Cartagena, Colombia, and adopted the "Cartagena Declaration on Refugee" (1984). The Convention defines refugees as "refugees who have escaped the country because of generalized violence, external aggression, domestic disturbance, mass human rights violations, or other circumstances that seriously undermine public order" [4]. This term help to save life's of million people and provide help on time and by law.

Recognizing policy

This section study comparative analyze between two countries refugee recognition policy, granting statuses, and agreements at regional levels. Germany and the United Kingdom change domestic law onto more strict rules after 'refugee crises' since 2015. It reflects on the fact the process of establishing "strict" regulation was part of national security.

Germany and the United Kingdom have common points and differences in recognizing procedure of asylum seekers and holding refugee or other statuses. First, both country use 'refugee' term from domestic policy definition, which was adopted from 1967 Protocol related to refugee status. Still they have difference in understanding who is the 'refugee', German and the UK government accepts people who migrate from Syria and Palestinians, because of situation in their country. However, people from Afghanistan granted a refugee status rarely in German, the reason behind it is German government send army to the Afghanistan, and now they classify Afghanistan as safe country.

Second, both of those countries made a change in a domestic refugee protection policy, as well as refugee recognition policy. Both countries not following Dublin regulation[5] after refugee crisis since 2015, in this case if German government decided to accept asylum seekers

even with fingerprint registration in first arrived country[11], the United Kingdom decided to refuse accepting asylum seekers who came by his own until the territory of United Kingdom. In other words, according to Dublin regulation (2008) the responsible Member State will be the state through which the asylum seeker first entered the EU. If asylum seeker first registered fingerprints in one of the Member State of EU, he need to wait for decision of this country, and can't move into other ones. But Germany started to accept people with fingerprints in other MS's, while the United Kingdom refused to accept the people even without of any fingerprint in MS, explaining it with their domestic law.

Following, there are similarities between Germany and United Kingdom in granting statuses for newly arrived asylum seeker. While accepting asylum seekers, not everyone can be accepted as a refugee. People can be granted another statuses, in order to receive permission to stay in the country, but doesn't have any protection and benefits, that can be used being a refugee. Both countries use temporary protection statuses, conventional refugee's statuses, subsidiary protection and other statuses to give temporal permission to stay.

In particular, it is important to note that even the process of examining applications for refugee status has changed. In the case of Germany, some of the nationalities, for instance syrians and iraq citizens, were identified as special and received a status with a short application review period[11], and the rest of the nationalities had to wait longer and have doubts that they would be given refugee status.

On the other hand, United Kingdom government has reached readmission agreements with specific countries. Under the agreement signed with Greece and Italy in 2015. In January 2015 UK Government established Vulnerable Person Resettlement Scheme in cooperation with UNHCR. The programme aims to relocate 20,000 individuals during 2015 to 2020 period [7].

Germany and UK have been also creating and updating safe third countries list, which are larger from year to year. As shows statistic specific national targeted to send back, UK is not exception, such nations as Eritrea applicants, Nigeria, Pakistan, Iran, Afghanistan ethnics have been targeted first to remove from country [13]. Germany also add Ghana, Senegal, Serbia, Albania, Kosovo as safe countries. But the question is, by international law asylum seekers apply for refugee status indivualy, with private problem or due to individual situation. Some countries as Morocco, which is also in the safe countries list imprison people who identify themself as a homosexual. In other words, the

person receive personel persecution due to his own believe and orientation, how it is possbile to judge whole country, and be sure it is safe for him to stay.

Furthermore, after your application was accepted, the period of examination also vary from country to country. German and the United Kingdom had a problem with number of centers where asylum seekers could apply, they had a problem with sending information inside of the country, because of large number of asylum seekers a queue was created, and etc. This kind of problems influenced created new issues insufficient number of civil servants, lack of qualifes experts, lack of translators (interpreters). The interview process took long time, due to detailed observation of each case, as a result the process of recognition increased from two months to twelve months, depending on the case. While person is waiting for examination of his application in German, he is living in the camp, and receives financial support from the government. However, United Kingdom gives you freedom, while your application under the examination, you need to find a place to live by yourself, and live for your own money.

Obviously, the United Kingdom more strict on recognition process, while German government were more open after the head of the country gave a promise to help all asylum seekers. But it was situation where all the weak and strong points were seen clearly.

Recognizing refugee status it is a chance to give a life and safety to individual person, facts as mentiond above should be considered, and decision on every person should be justified with evidence.

Conclusion

This paper examined refugee system of refugee recognition, types of statuses related to refugees in Germany and UK. In the case of Germany, it was possible to create a controllable database, and the UK revised the refugee related system through developing asylum application model. This system had made it easier to recognize refugees and solve the problem of time and comparatively complicated process. The study results states that German refugee recognition policy has been recently became easier than the UK. In the case of the UK, it is subjected to a more rigorous screening process. As a result, the refugee recognition process in both countries proceeds rapidly but the examination level became low. In some cases, refugee status was recognized as other statuses, for example, temporarily protection, prohibition of deportation, and the status of tolerance. There were also find a differences in both countries by following refugee related regional law. For instance, the Dublin Convention regulations were

refused to follow by UK, by did not accepting refugees from other EU member countries. In the case of Germany, it was not possible to return refugees to the first country of arrival as written in Dublin Convention.

In terms of international and regional cooperation, both of the countries had completed some agreements directly with countries from where migrated large number of asylum seekers. Germany have bilateral agreement with Afghanistan, Turkey, Syrian and other European countries. United Kingdom also made bilateral cooperation with Syria, Greece and Italy to receive Syrian refugees each year in a small number. Those kinds of agreements are questionable and instead of improving the situation encourage us to rethink about eligibility of refugee protection. The biggest problem of such a dispute is that it is difficult to find a solution.

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