



TEAM SLOVENIA

YOUTH EXCHANGE: „I DON‘T
SEE ANYBORDERS. DO YOU?“

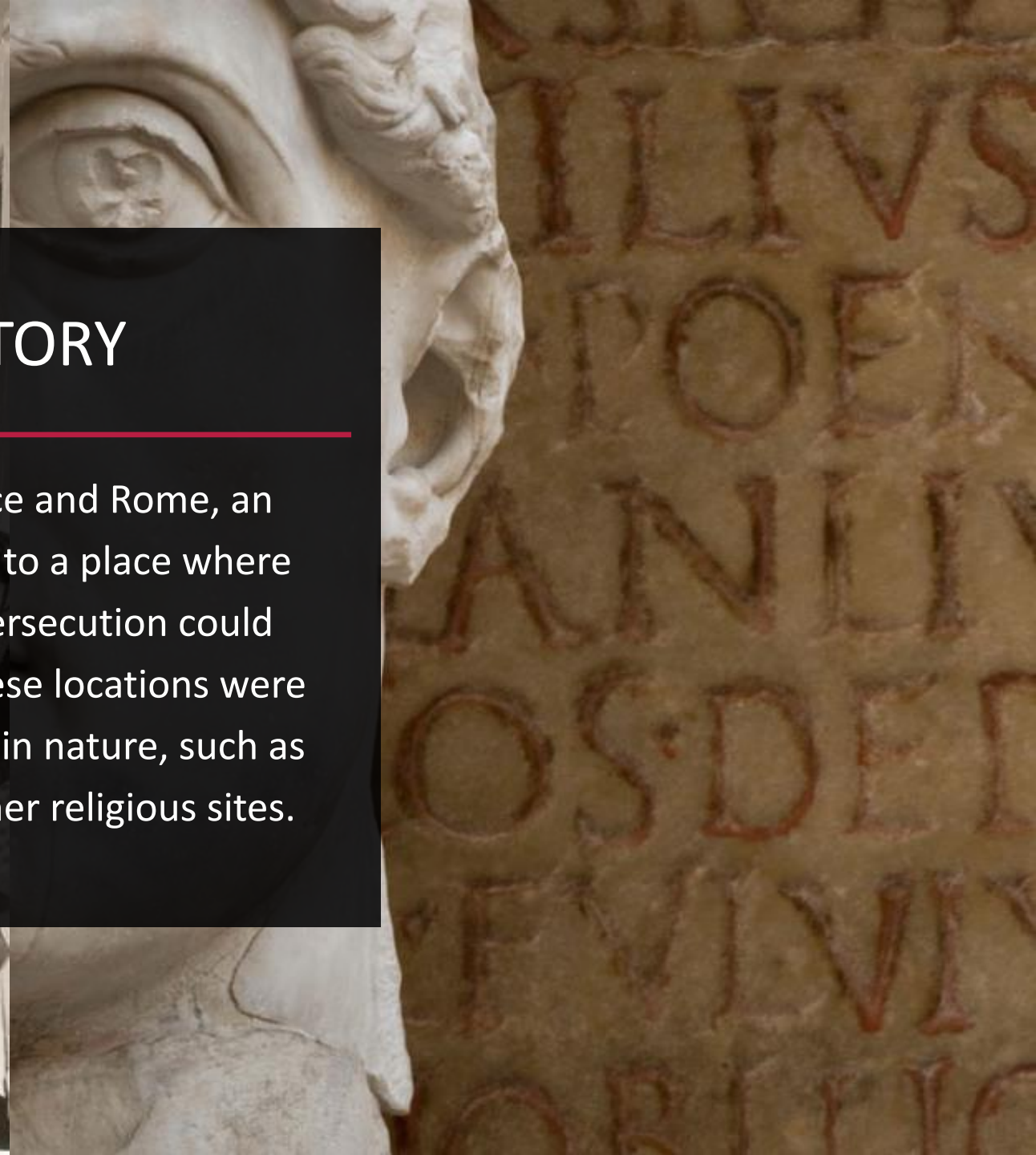
ASYLUM





HISTORY

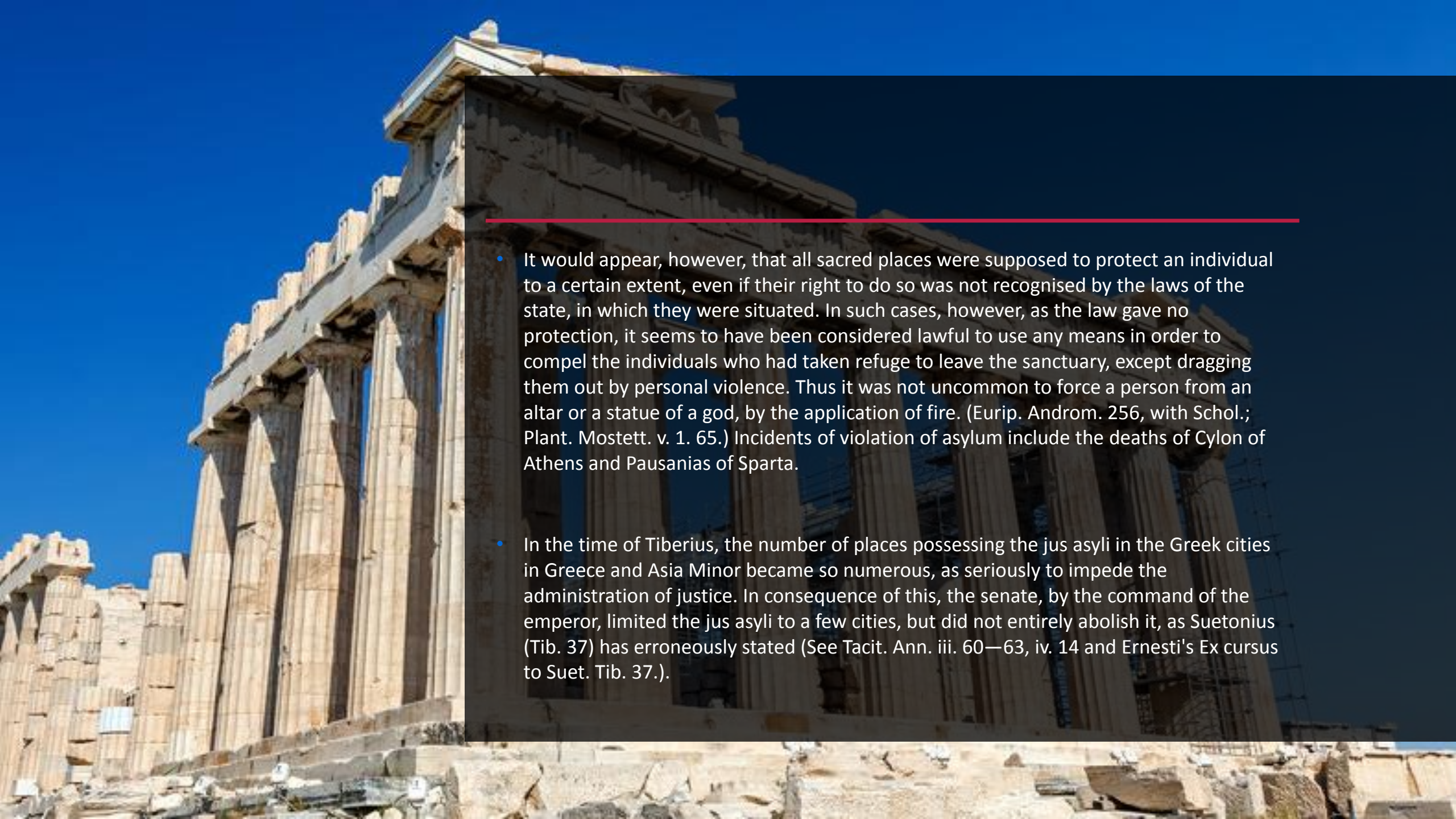
- In ancient Greece and Rome, an asylum referred to a place where people facing persecution could seek refuge. These locations were largely religious in nature, such as temples and other religious sites.



ANCIENT GREECE



- In ancient Greece the temples, altars, sacred groves, and statues of the gods generally possessed the privileges of protecting slaves, debtors, and criminals, who fled to them for refuge. The laws, however, do not appear to have recognised the right of all such sacred places to afford the protection which was claimed, but to have confined it to a certain number of temples, or altars, which were considered in a more especial manner to have the *asylia* (Servius ad Virg. Aen. ii. 761.).
- There were several places in Athens which possessed this privilege, of which the best known was the Theseum, or temple of Theseus, in the city, which was chiefly intended for the protection of the ill-treated slaves, who could take refuge in this place, and compel their masters to sell them to some other person (Plut. Theseus, 36; Schol. ad Aristoph. Equit. 1309; Hesych. and Suidas, s.v.).
- The other places in Athens which possessed the *jus asyli* were: the Altar of Pity, in the Agora, the altar of Zeus Αἰοπυκος, the Altar of the Twelve Gods, the altar of the Eumenides on the Areopagus, the Theseum in the Piraeus, and the altar of Artemis, at Munichia (Meier, Alt. Proc. p. 404). Among the most celebrated places of asylum in other parts of Greece, we may mention the temple of Poseidon in Laconia, on Mount Taenarus (Time. i. 128, 133; Corn. Nep. Pans. c. 4); the temple of Poseidon in Calauria (Pint. Demosth. 29); and the temple of Athena Alea in Tegea (Paus. iii. 5. § 6).

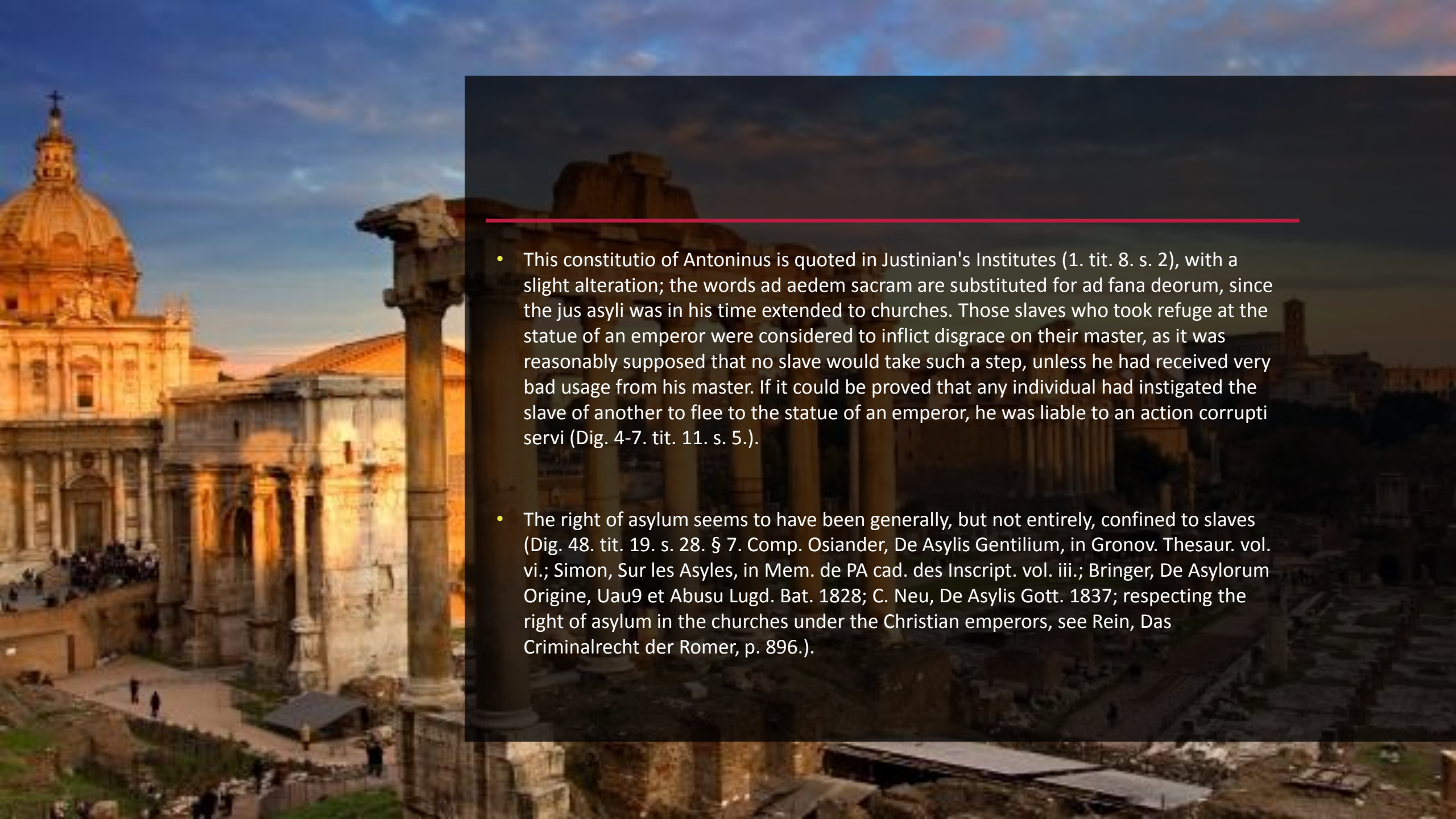


- It would appear, however, that all sacred places were supposed to protect an individual to a certain extent, even if their right to do so was not recognised by the laws of the state, in which they were situated. In such cases, however, as the law gave no protection, it seems to have been considered lawful to use any means in order to compel the individuals who had taken refuge to leave the sanctuary, except dragging them out by personal violence. Thus it was not uncommon to force a person from an altar or a statue of a god, by the application of fire. (Eurip. *Androm.* 256, with Schol.; *Plant. Mostett.* v. 1. 65.) Incidents of violation of asylum include the deaths of Cylon of Athens and Pausanias of Sparta.
- In the time of Tiberius, the number of places possessing the *jus asyli* in the Greek cities in Greece and Asia Minor became so numerous, as seriously to impede the administration of justice. In consequence of this, the senate, by the command of the emperor, limited the *jus asyli* to a few cities, but did not entirely abolish it, as Suetonius (*Tib.* 37) has erroneously stated (See *Tacit. Ann.* iii. 60—63, iv. 14 and Ernesti's *Ex cursus* to *Suet. Tib.* 37.).

ANCIENT ROME

- The asylum (temple of the god Asylaeus) that Romulus is said to have opened at Rome on the Capitoline Hill, between its two summits, in order to increase the population of the city (Liv. i. 8; Veil. Pat. i. 8; Dionys. ii. 15), was, according to the legend, a place of refuge for the inhabitants of other states, rather than a sanctuary for those who had violated the laws of the city. In the republican and early imperial times, a right of asylum, such as existed in the Greek states, does not appear to have been recognised by the Roman law.
- Livy seems to speak of the right (xxxv. 51) as peculiar to the Greeks:—*Temphim esi Apollinis Delium— eo jure sancto quo sunt templa quae asyla Graeci ap pellant.* By a constitutio of Antoninus Pius, it was decreed that, if a slave in a province fled to the temples of the gods or the statues of the emperors, to avoid the ill-usage of his master, the praeses could compel the master to sell the slave (Gains, i. 53); and the slave was not regarded by the law as a runaway—*fugitivus*.





- This constitutio of Antoninus is quoted in Justinian's Institutes (1. tit. 8. s. 2), with a slight alteration; the words *ad aedem sacram* are substituted for *ad fana deorum*, since the *jus asyli* was in his time extended to churches. Those slaves who took refuge at the statue of an emperor were considered to inflict disgrace on their master, as it was reasonably supposed that no slave would take such a step, unless he had received very bad usage from his master. If it could be proved that any individual had instigated the slave of another to flee to the statue of an emperor, he was liable to an action *corrupti servi* (Dig. 4-7. tit. 11. s. 5.).
- The right of asylum seems to have been generally, but not entirely, confined to slaves (Dig. 48. tit. 19. s. 28. § 7. Comp. Osiander, *De Asyilis Gentilium*, in Gronov. Thesaur. vol. vi.; Simon, *Sur les Asyles*, in Mem. de PA cad. des Inscript. vol. iii.; Bringer, *De Asylorum Origine, Uau9 et Abusu Lugd. Bat.* 1828; C. Neu, *De Asyilis Gott.* 1837; respecting the right of asylum in the churches under the Christian emperors, see Rein, *Das Criminalrecht der Romer*, p. 896.).

THE RIGHT OF ASYLUM

- The right of asylum (sometimes called right of political asylum, from the ancient Greek word ἄσυλον[1][2]) is an ancient juridical concept, under which a person persecuted by their own country may be protected by another sovereign authority, such as another country or church official, who in medieval times could offer sanctuary. This right was already recognized by the Egyptians, the Greeks, and the Hebrews, from whom it was adopted into Western tradition. René Descartes fled to the Netherlands, Voltaire to England, and Thomas Hobbes to France, because each state offered protection to persecuted foreigners.

ASYLUM
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- The Egyptians, Greeks, and Hebrews recognized a religious "right of asylum," protecting criminals (or those accused of crime) from legal action to some extent.[3][4] This principle was later adopted by the established Christian church, and various rules were developed that detailed how to qualify for protection and what degree of protection one would receive

EUROPEAN UNION

- Asylum in European Union Member States formed over a half-century by application of the Geneva Convention of 28 July 1951 on the Status of Refugees. Common policies appeared in the 1990s in connection with the Schengen Agreement (which suppressed internal borders) so that asylum seekers unsuccessful in one Member State would not reapply in another. The common policy began with the Dublin Convention in 1990. It continued with the implementation of Eurodac and the Dublin Regulation in 2003, and the October 2009 adoption of two proposals by the European Commission.


ASYLUM SEEKER

- noun
- plural noun: asylum seekers
- a person who has left their home country as a political refugee and is seeking asylum in another.
- "only asylum seekers who are granted refugee status are allowed to work in the country"



AN ASYLUM SEEKER

- An asylum seeker (also rarely called an asylee) is a person who flees his or her home country, 'spontaneously' enters another country and applies for asylum, i.e. the right to international protection, in this other country. An asylum seeker may be a refugee, a displaced person or a migrant, such as an economic migrant. A person becomes an asylum seeker by making a formal application for the right to remain in another country and keeps that status until the application has been concluded. The relevant immigration authorities of the country of asylum determine whether the asylum seeker will be granted protection and becomes an officially recognised refugee or whether asylum is refused and the person becomes an illegal immigrant who has to leave the country again and may even be deported. The asylum seeker may be recognised as a refugee and given refugee status if the person's circumstances fall into the definition of "refugee" according to the 1951 Refugee Convention or other refugee laws, such as the European Convention on Human Rights – if asylum is claimed within the European Union. However signatories to the refugee convention create their own policies for assessing the protection status of asylum seekers, and the proportion of asylum applicants who are rejected varies from country to country and year to year.

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- The terms asylum seeker and refugee are often confused: an asylum-seeker is someone who says he or she is a refugee, but whose claim has not yet been definitively evaluated. On average, about 1 million people seek asylum on an individual basis every year

MAKING AN APPLICATION

- Some countries offer "asylum visas" which are a safe and legal way to reach the country where asylum will be claimed. Many countries don't offer that, which is why many people take large risks for entering these countries. In many countries asylum can only be claimed on arrival in the country:
- When seeking admission at a port of entry (air- or seaports) when they first arrive, i.e. before passing through immigration control.
- In-country applicants apply for asylum onshore after passing through immigration control. Some governments are tolerant and accepting of onshore asylum claims; other governments arrest or detain those who attempt to seek asylum; sometimes while processing their claims.[4]
- After making an unauthorized arrival and bypassing immigration control.
- After making a legal entry but then having lost the right to stay or remain, such as after having overstayed a Visa.
- As a response to being detained or apprehended by immigration enforcement.



DIFFERENT TYPES OF ASYLUM AND PROTECTION

- Asylum as an institution is not restricted to the category of individuals who qualify for refugee status. Rather on the contrary, this institution predates the birth of the international regime for the protection of refugees.
- As at 1 July 2013, there were 145 parties to the 1951 Refugee Convention and 146 to the 1967 Protocol. These states are bound by an obligation under international law to grant asylum to people who fall within the definition of Convention and Protocol.[5] The refugee definitions of 1951 and 1967 are the strictest and most exclusive and persons who fall within this definition are called Convention refugees and their status is called Convention refugee status. Persons who do not fall within this definition may still be granted complementary forms of protection, if they fall within other refugee definitions.
- The practical determination of whether a person is a refugee or not is most often left to certain government agencies within the host country. In some countries the refugee status determination (RSD) is done by the UNHCR. The burden of substantiating an asylum claim lies with the claimant, who must establish that they qualify for protection.
- In many countries, Country of Origin information is used by migration officials as part of the assessment of asylum claims, and governments commission research into the accuracy of their country reports. Some countries have studied the rejection rates of their migration officials making decisions, finding that individuals reject more applicants than others assessing similar cases - and migration officials are required to standardise the reasons for accepting or rejecting claims, so that the decision of one adjudicator is consistent with what their colleagues decide.



COMPLEMENTARY FORMS OF PROTECTION

- The refugee definition of the 1951 Convention is universally binding, but there are many other definitions according to which protection may be offered to people who do not fall within this definition.
- **Subsidiary protection status**
 - Subsidiary protection is an international protection for persons seeking asylum, but do not qualify as refugees. It is an option to get asylum for those who do not have a well founded fear of persecution (which is required for refugee status according to the 1951 Convention), but do indeed have a substantial risk to be subjected to torture or to a serious harm if they are returned to their country of origin, for reasons that include war, violence, conflict and massive violations of human rights. The Universal Declaration of Human Rights and European Union law have a broader definition of who is entitled to asylum.
- **Temporary protection visa**
 - Temporary protection visas are used to persons in Australia who applied for refugee status after making an unauthorised arrival. It is the main type of visa issued to refugees when released from Australian immigration detention facilities and they are required to reapply for it every three years.



DEPORTATION

- Refugees cannot be deported or otherwise forced to go back to their country of origin as this would be refoulement, which is against international law. But in many cases failed asylum seekers, i.e. who failed to be considered as refugees, are equally vulnerable and may face significant risks when going back, voluntarily or not.
- If asylum seekers have serious medical problems or it is not safe for them to return to their country of origin it is against international law to deport them. However, sometimes they are deported even though they face risks there and it is not safe for them to return. UK authorities have been accused of paying insufficient attention to medical evidence of torture in some cases.
- Deportees may be separated from their families who can temporarily or permanently continue to remain in the country; younger persons may not have been to their country of origin for most of their lives, may not even be able to speak the language, don't know anyone and have no connection whatsoever with that country, apart from the formality of having been born there; they may be traumatised through experiences made in detention; they may be detained again as soon as they enter their country of origin; they may even be persecuted. For example, many failed asylum seekers who were returned to Congo (DRC) in 2011 were imprisoned, tortured, forced to pay a ransom, raped or subjected to sexual harassment after their return.



LET'S TALK... WHAT IS YOUR
OPINION?

ARE WE
REFUGEES