

Asylum-Seeking in Europe in the 1930s and 2010 compared

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The arrival of communism in Russia in 1917 led to a sequence of events that caused over one million Russians to stream into Europe in the 1920s. Approximately seventy years later, the collapse of communism in Eastern Europe again led to large numbers seeking asylum in West Europe. Both groups, while not generally welcomed, eventually managed to settle in their countries of asylum. Despite a noticeable decrease in refugees, those seeking protection in the crisis-hit 1930s received considerably more hostile treatment from European governments than their 1920s counterparts, as states strengthened their enforcement mechanisms to restrict and expel refugees because of the financial strain and security threat they allegedly posed. Due to the increasing difficulties stemming from the economic crisis of 2008-09, governments are likely to build on restrictive advances made during the late 2000s, utilising rhetoric similar to that of the 1930s, to further restrict asylum in Europe in the 2010s. Nonetheless, this paper contends that vital distinctions and differences exist between the 1930s and the present day. Currently, pro-asylum actors ensure that asylum seekers who manage to enter European territory receive a much more hospitable and humane welcome than their unfortunate 1930s' predecessors because of pro-asylum actors' power and the growth of human rights norms in European societies since the end of the Second World War. Because of European governments' externalisation of the asylum process over recent years, however, asylum seekers who fail to enter the EU in future years may encounter similar experiences to people attempting to flee the Nazi regime of the 1930s as they wander destitute from closed border to closed border.

The Inter-War Years

The United States, which accepted approximately one million immigrants annually in the years immediately preceding 1914, introduced important immigration changes after the end of the First World War. The 1921 and 1924 U.S. Immigration Acts limited arrivals by introducing quotas for countries. Ethnic composition also became crucial, with the U.S. preferring northern Europeans to eastern and southern Europeans. Almost simultaneously, analogous developments took place across most of Europe. As the historian John Torpey chronicled, 'the booming of the guns of August 1914 brought to a sudden close the era during which foreigners were relatively free to traverse borders'.

These developments transpired just as a new wave of refugees began to arise. No longer free to migrate to North America, refugees after the First World War often consisted of large groups forced to flee to neighbouring countries. Fortunately, most of these people transferred to newly formed nation-states that welcomed them. Approximately one to two million ethnic Poles migrated to Poland; one million ethnic Germans to Germany; 300,000 ethnic Hungarians to Hungary; and the newly formed Balkan states welcomed tens of thousands of

its ethnic countrymen and women. Following the end of the Greco-Turkish Wars (1919-22), vast numbers of Turkish, Greek and Bulgarian migrants moved, often in opposing directions.

Unlike the refugee that wandered Europe in the nineteenth century, the refugee in twentieth century Europe no longer solely represented someone who defied the state. Instead refugees often comprised people escaping persecution, wars and humanitarian disasters, as the over one million Russian refugees entering Europe after the 1917 Russian Revolution, the ensuing civil war and the 1921 famine clearly exemplify. Crucially, private voluntary organisations, set up to help people in need in the late nineteenth century, supported stranded refugees. Following a meeting of organisations concerned with Russian refugees in February 1921, the International Committee of the Red Cross demanded, on behalf of all the organisations, improved conditions for refugees from the recently established League of Nations and the appointment of a League of Nations Commissioner for the Russian refugees. In response, the League of Nations appointed Fridtjof Nansen as the first High Commissioner for Russian Refugees later in the same year. Nansen's background as an accomplished explorer, scientist and aid worker, not to mention his successful repatriation of over 400,000 soldiers after the First World War, ensured the High Commission's immediate international recognition.

Nansen set about introducing documentary material that entitled the Russian refugees to a certain legal status. What became known as the Nansen Passport bestowed the right to travel to certain destinations for a twelve-month period and established the holder's Russian nationality. Identifying what legal rights refugees could attain also became a challenging goal pursued by the High Commission, again with considerable encouragement from voluntary organisations who wanted definitive rights for refugees through an international convention. The 1928 Arrangement on Russian and Armenian Refugees led the way to the establishment of the 1933 Convention relating to the International Status of Refugees, which codified many of the recommendations set out in the 1928 arrangement and contained a number of significant recommendations relating to labour conditions, industrial accidents, and welfare and education. The convention required states to treat refugees in a similar manner as their most favoured migrants. Nevertheless, the unfavourable economic climate of the 1930s jettisoned many of the positive developments made towards refugees in the 1920 and early 1930s, as even long established migrants began to encounter markedly more hostile treatment in their adopted homes as the decade progressed and the economic climate worsened. Most fundamentally of all, the 1933 convention only applied to those already termed refugees, thereby excluding people fleeing Nazi persecution from 1933 onwards.

Despite the fact that in the 1930s, refugees numbered far less than in the 1920s – roughly 150,000 refugees fled Germany from 1933 to the start of 1938 compared to over one million Russians in the 1920s - governments' asylum policies became strikingly more restrictive as the economic crisis continued. Sir Neill Malcolm, the League of Nations High Commissioner for German Refugees from 1936 (his predecessor in the role, James MacDonald, resigned in protest at the 'intransigence of the international community' in facing up to the German refugee problem) did manage to bring together representatives from fifteen countries in late 1936 for a conference focused on the German refugee question. States, although supportive of potential measures to alleviate the suffering of German refugees within their territories, remained particularly hesitant to commit to helping potential future arrivals from Germany. Romania noted that it had already reached its capacity for receiving refugees apart from those travelling through the country. The Netherlands wanted to retain its power to allow or disallow refugees from entering its territory. Switzerland repeatedly drew attention to the

problem of clandestine refugees and underlined the problems caused by their continued entry at a time of economic depression, stating its preference to 'aid the refugee coming from Germany to settle elsewhere' rather than allow them settle in its territory. Resembling recent asylum debates, Belgium thought countries should be allowed to ask refugees to return to the country in which they found first asylum. Nevertheless, all of these countries, with the exception of Romania, adopted the provisional non-binding arrangement set out in the conference with various amendments, in addition to the UK, France, Norway and Denmark. Further efforts by the High Commissioner for German Refugees to attain states' acquiescence to more authoritative rules defining their treatment of German refugees proved mostly futile, however. Only two countries, the UK and Belgium (and France in 1945) ratified the later Convention concerning the Status of Refugees coming from Germany, completed in February 1938 as restrictive measures against rising numbers of refugees from Germany and Austria became more widespread.

Twenty-nine governments came together in the small French town of Evian in July 1938 to discuss the problem of refugees fleeing Nazism. Evian's negligible recommendations – the highlight involved setting up the ineffective Intergovernmental Committee on Refugees – clearly demonstrated states' reservations in helping refugees escape Nazi persecution. In the historian Michael Marrus's words, 'Evian simply underscored the unwillingness of the Western countries to receive Jewish refugees' with 'one delegate after another read[ing] statements into the record, justifying existing restrictive policies and congratulating themselves on how much had already been accomplished for refugees'. Soon after the Evian conference, Hungary and Yugoslavia closed their frontiers, Italy announced its 1938 anti-Jewish decrees, and Holland, Belgium and Switzerland reinforced their borders to restrict the entry of refugees.

The annexation of Austria in March 1938 and Kristallnacht in Germany in November of the same year turned, in the words of historian Claudena Skran, 'a manageable refugee flow into an uncontrollable flood'. To make matters worse, the 1938 Nazi laws forbidding Jews fleeing from taking their belongings and savings caused many European countries to step up their restrictions against the entry and stay of Jews. Previously, Jews brought certain economic advantages to host states because they arrived with significant financial resources but from 1938 onwards Jews frequently arrived penniless at a time of serious economic recession. Between early 1936 and mid 1938 private organisations and individuals drew the High Commissioner's attention to approximately 5,000 cases where German refugees received expulsion orders from countries of asylum, leading to the High Commissioner's intervention to halt 'unauthorised measures of expulsion taken by the police or minor officials'. But the cessation of the High Commissioner's office on the 1st of January 1939 closed off this avenue despite the marked augmentation of refugees from Nazism and Fascist Spain. By the outbreak of war in September 1939, the number of people that escaped Nazism since 1933 reached approximately 400,000. More would have left except for the increasingly restrictive immigration policies of European countries caused by anti-Semitism, labour shortages and refugees' destitution.

Asylum Seeking Post-1989

Western states never intended to provide non-Europeans, especially those hailing from non-communist regimes, with the privileges granted to communist defectors from Soviet Europe. Their arrival consequently caused various degrees of confusion and anxiety amongst western

states. To check such a development, states began to set up the first signs of a recognisable “asylum” system to decide whether to confer refugee status upon these people, as well as all the rights that came with it. While awaiting the outcome of these deliberations, states increasingly termed these people “asylum seekers” rather than “spontaneous refugees” because, for the first time since 1951, governments cast doubt over whether these people deserved the tag of refugees. The collapse of communism and the further globalisation of asylum-seeking led to an enormous rise in applications for protection in Europe from the late 1980s into the 1990s - a period referred to by the UN High Commissioner at the time as ‘the turbulent decade’ on account of violence in Iraq, Afghanistan, the former Yugoslavia, Haiti, Rwanda, Sierra Leone, Ethiopia and Eritrea.

For many European countries without established recognisable refugee or asylum systems, economic factors such as unemployment rates and economic growth played considerable roles in asylum debates, largely due to the fusion of asylum and immigration issues in Europe, thereby resembling what had transpired in the 1930s. With asylum seekers entitled, in some countries, to relatively generous welfare provisions and housing, political, media and public hostility towards asylum seekers began to rise. References highlighting the large use of taxpayer money and welfare funds spent on asylum seekers by sceptical political figures and media groups often met with receptive public audiences who called for further restrictions. Other – more prejudiced – attitudes towards asylum seekers also developed relating to their perceived cultural and racial differences from the host population, a development that also highlighted asylum seekers’ more diverse background after the end of the Cold War.

The growth of anti-immigration parties in Europe throughout the 1990s instigated an explosion of political discussion on asylum and immigration. The success of anti-immigrant parties caused many mainstream political parties to adopt more hard-line attitudes to asylum and immigration to offset the loss of traditional supporters and to attract potentially new voters. Mainstream politicians and large sections of the media saw asylum seekers as more legitimate targets for criticism than economic migrants because they often required state aid, offered little by way of visible economic benefits to the host state, and arrived uninvited. Correspondingly, governing political parties also inclined towards the formation of more restrictive asylum policies. But there remained a sizeable gap between the rhetoric utilised by governing politicians and the policies they tried to execute in the 1990s and early 2000s. This occurred because actors sympathetic to people in search of protection, such as NGOs, religious organisations, opposition political parties and small but organised sections of the public and the media successfully adapted several measures to hamper governments’ execution of more restrictive asylum policies. Their methods included utilising international and domestic law, referencing countries’ migration histories and memories, humanitarian and religious traditions, and moral consciousnesses to attract empathy from actors often opposed to asylum seekers, such as large sections of voters and the media.

The inherent human rights principles enshrined in states’ laws and constitutions after the Second World War had the potential to scupper many governments’ asylum policies, unlike what transpired in the 1930s. When it came to new asylum legislation in the 1990s, NGOs and human rights lawyers repeatedly called upon judiciaries to decide the legality of changes. Deportation provided a perfect example of well-meaning idealists’ effectiveness. Despite governments’ vows to deport those whose applications for refugee status the state had refused, most rejected asylum seekers continued to reside in Western European countries in large numbers during the 1990s and 2000s. As a consequence, most asylum seekers

successfully remained in the countries in which they sought asylum in the 1990s and early 2000s. Though they faced constant problems in their new countries relating to employment, accommodation and integration, they ultimately received an asylum of sorts.

Acknowledging the difficulty that governments faced when attempting to deport asylum seekers in the 1990s, the latter years of the 2000s sparked strident moves to block pro-asylum actors' avenues to affect asylum policies. The Europeanization of asylum policy in the 2000s also served to further restrict asylum policy, whereby EU countries tackled asylum in a more cohesive manner than previously. The aim of many EU states was to stop asylum seekers from applying for refugee status in their countries in the first place. Governments also attempted to close off appeals to national courts, amended legal loopholes, improved their deportation arrangements by instigating agreements with sender states and began to process asylum claims more rapidly, thereby diminishing asylum seekers' chances to integrate into host societies during the processing of their applications.

References to countries' histories of humanitarianism, emigration and offering asylum by pro-asylum actors became less effective as compassion fatigue for asylum seekers became more widespread. As the expert Niklas Steiner noted, references to the past repeatedly fade over time as if 'some kind of statute of limitations on moral guilt had run out'. The current economic stagnation and recession is likely to accelerate this trend further. Indeed if one were to agree with a 1997 European Commission survey on racism and xenophobia, which concluded that people dissatisfied with their life circumstances, who fear unemployment, remain insecure about their futures and hold little confidence in public authorities are most likely to support xenophobic views, future asylum seekers are in for a difficult time in the 2010s. Nonetheless, asylum seekers that manage to apply for asylum in European states are still likely to receive access to a host of rights that their 1930s' forerunners had to do without because of pro-asylum actors' continued support and advocacy.

Conclusion

The real challenge facing pro-asylum actors in the 2010s will be to safeguard asylum seekers unable to reach Europe to apply for protection. Governments are making it increasingly difficult for potential asylum seekers to ever seek refuge in their countries in the first place by externalising the asylum process. Instead of European states having to deal with asylum seekers, states close to conflict areas have to bear a heavier burden. As reaching the EU to apply for asylum becomes more difficult to achieve, many potential asylum seekers will rely more and more on human traffickers in order to enter western states. This will lead to perilous journeys across seas in rarely seaworthy boats or concealed travel in truck and ship cargoes. United against Racism estimated in July 2009 that over 13,250 people died trying to enter Europe since 1993; the majority of these deaths came in the 2000s. Though many governments will defend these policy changes by saying they merely want to stem the number of "bogus asylum seekers" and "economic refugees" arriving, continued efforts to externalise asylum will affect all asylum seekers in equal measure. The challenge for pro-asylum actors in the 2010s is to adapt to offset such a development.

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