



TPSNR

TRAINING ON PSYCHOSOCIAL NEEDS OF REFUGEES



IHAD, Turkey
iMiR, Germany
CEIPES, Italy
RESPECT Refugees Europe, Spain



TRAINING ON PSYCHOSOCIAL NEEDS OF REFUGEES

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1. INTRODUCTION

1.1 Objectives, methodology and learning target group

War, conflicts and other traumatic events have an impact on the mental health of forced migrants. In order for these populations to develop a new normal life, to be psychosocially healthy and to integrate, a number of basic needs must be met. People who undergo traumatic experiences of war and conflict usually develop special needs for understanding, emotional resolution, security, a sense of belonging and self-worth. Several factors determine how they cope with their ordeal, including the type, degree, duration and understanding of the stressful life events.

Due to the forced nature of their migration and their experiences, compared with other migrant groups, refugees will often have specific needs that should be met in order to support their integration. They will often be one of the most vulnerable groups in society while also being the most resilient. It is therefore important that the special needs of refugees are recognized in integration policies and practices within an overall policy of mainstreaming.

According to the latest statistics, there were some 42 million forcibly displaced people worldwide at the end of 2008. This includes 15.2 million refugees, 827,000 asylum-seekers (pending cases) and 26 million internally displaced persons (IDPs)¹.

This course is intended to train in a practical and easy way professionals working with migrants and refugees. An exhaustive research was made by each participating organization to find out the existing training situation in this field within their countries. The available training courses range from human rights to torture and trauma, from trans-cultural intervention to migration and mental health, from intercultural mediation to psychosocial dynamics, but still it was noticed that there is not much practical information focusing on the psychosocial needs of refugees and migrants.

Our training material can be studied online by single or group e-learners or can be taught by a teacher/trainer to a group of students. We would recommend work in small groups because it

1 UNHCR 2008 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons <http://www.unhcr.org/4a375c426.html>



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is a good way to come to an interactive exchange about the reflexion questions. Human rights activists, psychologists, psychiatrists, UN staff, civil servants, consultants working in the field of refugees and asylum, translators/interpreters, journalists, teachers, doctors, mediators (former refugees), NGO workers, lawyers, students, religious staff (priests, imams), etc. could be the learning target group for it.

The objective is to provide the target groups with training, tools and resources in order to improve the way to deal with the psychosocial needs of refugees.

After the completion of this training and having deepened it by taking use of the further readings, the learner is expected:

- to be able to recognize the psychosocial needs of refugees
- to improve his or her practical work with refugees
- to consider at what level (individual, family and community) interventions may be most appropriate and why
- consider culturally contextual intervention strategies in determining how best to support forced migrants
- acknowledge ways in which one's cultural biases may limit effectiveness
- understand how the psychosocial needs of forced migration may differ in some ways from the needs of other vulnerable populations

The methodology to be used is a practical and participative one. The course is structured in three parts: pre-flight, flight and post-flight experiences. Each part contains several case studies; key questions for group discussion and, at the end of each module, the learner can find some additional resources for further reading. This methodology was chosen because it can be interactive if the course is given by a trainer/teacher to a group of students and, also, is easy and accessible for online single or group e-learners.

The course will be available for downloading on the project's website <http://www.psychosocialneedsofrefugees.eu>

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1.2 Participating organizations

The organizations participating in this project were:



IHAD İnsan Hakları Araştırmaları Derneği, Ankara, Turkey - Coordinator

Has been founded by a group including legists, academics and human rights activists in 2006 in Ankara. As a human rights movement independent from states, governments, political and ideological groups, conducts researching, follow-up, monitoring, reporting and publication activities and projects in different areas of human rights. www.ihad.org.tr



Institut für migrations- und rassismussforschung e.V.

iMiR Institut für Migrations- und

Rassismussforschung E.V., Hamburg, Germany

iMiR mainly works in the field of science and research but also practically with/in organizing different meetings and trainings, for example with school children, university students and with teachers. iMiR organizes conferences on topics like anti discrimination, equal rights for refugees and free access to education, work and public space for migrants and refugees. www.imir.de



CEIPES - Centro Internazionale per la Promozione dell'Educazione e lo Sviluppo, Palermo, Italy

The main purpose of CEIPES is to promote the Education and Development of young people and adults through activities in education, training, culture, nonviolence, interculturality, solidarity, human rights, active citizenship, international cooperation, and promote services thus contributing to human and civil growth at individual, community and world levels. www.ceipes.org



RESPECT Refugees Europe, Barcelona, Spain

RESPECT (Refugee Education Sponsorship Programme Enhancing Communities Together) Refugiados is an NGO working to raise awareness among international youth about refugees and refugees' issues, encouraging activism and further empower refugee children and communities through letter and cultural exchange. We work also intensively in capacity building, increasing the skills and knowledge of local NGOs and volunteers in developing countries as well as in Europe, by giving online trainings. www.respectrefugiados.org



1.3 Collaborating organizations

Café Exil, Hamburg, Germany <http://www.nadir.org/nadir/initiativ/cafeexil/>

Cafe Exil is an organization working with tolerated refugees, asylum seekers and with „newcomers“.

Passage, Hamburg, Germany <http://www.passage-hamburg.de>

The organization is working in the area of labour market integration of asylum seekers according to „Bleiberechtsregelung“ in EQUAL and ESF-Projects (FLUCHTort Hamburg). Also deals with health difficulties of refugees and asylum seekers, because that influences their employability.

Haveno, Hamburg, Germany <http://www.gzstpauli.de/haveno.htm>

Haveno is a collective of psychotherapists, who fluently dominate several (around 10) different languages and furthermore have a long experience working through interpreters in psychotherapy, working mainly with refugees and other immigrants.

Hajusom, Hamburg, Germany <http://hajusom.de/>

Hajusom is a transnational art project of performance-theatre freelancers of the Hamburg art scene and under aged, unaccompanied refugees and asylum seekers. Existing since 10 years Hajusom has involved in that time more than 100 youths. They started with young, partly heavily traumatised young people from Afghanistan and West Africa (some of them child soldiers). Nowadays besides producing also professional education becomes important to integrate old group-members into the labour market e.g. as dance-teachers in schools.

IAL Sicilia, Palermo, Italy <http://www.ialsicilia.net>

IAL Sicilia is a vocational training institution promoted by the CISL which is operating since 1963 throughout the Sicily region. Over the years it has become a significant reference point for teenagers, youth, the unemployed, for the unemployed, workers employed in mobility, redundancy with the need for retraining or updating specialist for women working in rehabilitation, but also for those at risk of social exclusion to improve their social and working.



1.4 Lifelong learning programme

As the flagship European Funding programme in the field of education and training, the Lifelong Learning Programme (LLP) enables individuals at all stages of their lives to pursue stimulating learning opportunities across Europe. It is an umbrella programme integrating various educational and training initiatives. LLP is divided in four sectorial sub programmes and four so called 'transversal' programmes.

The sectorial sub programmes focus on different stages of education and training and continuing previous programmes:

- Comenius for schools
- Erasmus for higher education
- Leonardo da Vinci for vocational education and training
- Grundtvig for adult education

The transversal programmes aim to complement the sectorial sub programmes and to ensure that they achieve the best results possible. They aim to promote European cooperation in fields covering two or more of the sub-programmes. In addition they seek to promote quality and transparency of Member States' education and training systems.

Launched in 2000 and now part of the overarching Lifelong Learning Programme, Grundtvig aims to provide adults with ways to improve their knowledge and skills, keeping them mentally fit and potentially more employable.

It not only covers learners in adult education, but also the teachers, trainers, education staff and facilities that provide these services. These include relevant associations, counselling organisations, information services, policy-making bodies and others involved in lifelong learning and adult education at local, regional and national levels, such as NGOs, enterprises, voluntary groups and research centres².

2 The Education, Audiovisual and Culture Executive Agency (EACEA)
http://eacea.ec.europa.eu/llp/index_en.php



2. PRE-FLIGHT

2.1 Political and legal situation in the home country

The chosen examples are those countries where major number of refugees come from and the case study at the end of the module is reflecting the situation on another country (Democratic Republic of Congo).

AFGHANISTAN

Afghanistan is a land-locked country of 647,500 square kilometres. It shares borders of 5,529 kilometres with six neighbouring states: Pakistan (2,430 km), Tajikistan (1,206 km), Iran (936 km), Turkmenistan (744 km), Uzbekistan (137 km) and China (76 km). The country is mountainous with only 12 percent of arable land, 3 percent of land under forest cover and about 46 percent under permanent pastures³.

The country is divided into 34 provinces – with two new provinces, Panjshir and Daikundi created in 2004 – comprising 361 districts,⁴ administered as follows:

Provinces are the largest administrative units, each headed by a Governor (Waali), who is generally appointed by the President. Governors report to the Minister of Interior. At present, the only female Governor is the Governor of Bamyan, Mrs. Habiba Surabi.

Cities (mainly provincial capitals and urban areas) are administrative units headed by mayors and each consisting of several municipal wards, which in turn are headed by the municipal ward mayor. Mayors of major cities are currently appointed by the President but will ultimately be elected in accordance with the electoral and municipal law.

Districts (Woluswali) are decentralized administrative units within a province – mainly in the rural areas, headed by district administrators. District Governors are nominated by the Provincial Governors and appointed by the Minister of Interior. Pursuant to Presidential Decree No. 36, 34 provinces and 361 districts and municipal wards – including district centres without wards – are designated as electoral constituencies.⁵

3 <http://www.unhcr.org/477d162b2.html>



Villages form the basic communities within rural districts, whilst guzars (neighbourhoods) are sub-divisions of nahiyas (municipal wards).

Poverty is one of the greatest challenges currently facing Afghanistan and is both a cause and a result of the deterioration in the security situation. The population groups most affected are women, children, disabled persons, the elderly and the landless. Widespread unemployment throughout Afghanistan continues to limit the ability of a large number of Afghans to meet their basic needs. Labour migration continues to be an important source of household budget support. Many families rely on transnational networks operating between Afghanistan and its neighbouring countries to seek employment abroad.

In 2006, insecurity took a serious toll on the capacity of UN and aid organizations to provide humanitarian assistance in insurgency-affected areas, let alone pursue longer-term development programmes. Although progress has been made towards some short-term targets in the Afghanistan Compact, the achievement of a number of key benchmarks is at risk if the present levels of insecurity and insurgency continue. A report published by the AIHRC concludes that the Government of Afghanistan is currently failing to meet its minimum core obligations under the International Covenant on Economic, Social and Cultural Rights, ratified by Afghanistan in 1983.

Afghanistan's first Millennium Development Goals Report²⁸¹ states that 40 percent of the rural population is unable to count on sufficient food to satisfy its most basic needs. UN agencies report a harvest shortfall of up to 1.2 million metric tons in 2006 and a drought affecting up to 2.5 million people, half of whom are children.

The 2005 National Risk and Vulnerability Assessment Report found that some 6.6 million Afghans do not meet their minimum food requirements. In addition, around 400,000 people are seriously affected each year by natural disasters, such as droughts, floods, earthquakes and extreme weather conditions. Drought conditions in the east, south and southwest have resulted in a far smaller cereals harvest than originally expected in 2006. Fifty-four percent of children under five are stunted and 6.7 percent are wasted, while 72 percent of children under five and 48 percent of women are iron-deficient.

The average life expectancy in Afghanistan for both men and women is 42 years which is among the lowest in the world. Maternal and infant mortality rates are among the highest in the world and stand at 1600 for 100,000 births and at 210 for 1000 live births, respectively. In 2000, per 100,000 births, 1900 women died from complications in pregnancy and childbirth. 285 Less than 15 percent of deliveries are attended by trained health workers⁴.

IRAQ

There are an estimated 4.2 million uprooted people in Iraq - more than in any other country in the world. The flow of people to neighbouring states and individual governorates is becoming

4 <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486426>



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too great a burden. The northern region of Iraq has become the destination of choice for those who have little money, but entry is restricted.

The country is in a state of transition and will see more changes in 2010, including parliamentary elections early in the year. Major development and economic rehabilitation programs are helping to rebuild infrastructure, but a general lack of access to basic services and employment prevails. Some returnees and internally displaced persons (IDPs) remain in circumstances that cry out for humanitarian intervention.

More IDPs and refugees are returning to their areas of origin in Iraq, although large-scale returns have not taken place. Some 300,000 IDPs and nearly 80,000 refugees returned spontaneously in 2008 and 2009. At the same time, the majority of some 1.5 million IDPs have not found solutions to their plight. There are also occasional reports of new displacements. Within Iraq there are some 40,000 refugees, including some 16,000 of Turkish origin. Most of the more than 10,000 Palestinians in Iraq are found in Baghdad, while around 1,400 live in the Al Waleed camp close to the border with the Syrian Arab Republic.

In 2008, the Government's adoption of a national policy on displacement and the issuance of two presidential decrees laid the foundations for the return and reintegration of displaced people. The laws are in the process of being fully implemented.

Returnees in Iraq encounter, among other things, a lack of physical security, a dearth of livelihood opportunities and difficulties in availing themselves of social services. If returnees are not helped to re-establish themselves in their places of origin, tensions could flare up between them and local people. For their part, many IDPs live in dire conditions and do not have access to assistance. As their displacement proceeds, their need for humanitarian assistance increases. Since 2003, many refugees have been targeted in violent attacks. Although the direct threat has subsided, they remain vulnerable and require protection and basic assistance for their survival⁵.

ISLAMIC REPLUBLIC OF IRAN

The Islamic Republic of Iran hosts one of the largest and longest-staying refugee populations in the world. As of June 2009, the Bureau for Aliens, Foreigners and Immigrant Affairs (BAFIA) had registered some 976,500 refugees, of whom 933,500 were Afghans and 43,000 were Iraqis. The Government recognizes an estimated 4,200 Iraqi refugees on a prima facie basis, and UNHCR has registered an additional 100 mandate refugees and 1,900 asylum-seekers. The majority of refugees in the country reside in urban areas, while approximately 3 per cent live in settlements.

The number of registered Afghan refugees opting for voluntary repatriation has declined over the last three years due to a combination of factors, including concerns about security in Afghanistan. Some 70 per cent of the Afghan and Iraqi refugees remaining in the Islamic

5 <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486426>



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Republic of Iran have lived in the country for 20 to 30 years. Half of them were born and educated in the country, and half the refugee population is female.

The Government of the Islamic Republic of Iran is calling on the international community to increase its support for voluntary repatriation and invest more in Afghanistan to sustain reintegration. Meanwhile, it has taken steps to improve the lives of Afghan refugees in the country. Of particular importance was the issuance of temporary work permits to eligible registered Afghan refugees during the re-registration exercise in 2008. All male refugees between the ages of 18 and 60 were invited to apply for a permit, while it was optional for females.

In the context of the re-registration exercise in 2009, the Government granted exemption from municipality taxes which are otherwise mandatory for urban refugees, to registered refugees deemed vulnerable or financially destitute.

In July 2009, as registered Afghan refugees in Khuzestan province, which was declared a no-go area for foreigners, were not availing themselves of relocation or repatriation options, BAFIA and UNHCR issued a statement reiterating the options while granting registered refugees a one-year extension of stay, until July 2010, provided they agree to move before the deadline expires. The refugees may remain in the Islamic Republic of Iran as refugees if they relocate to designated areas. A similar statement was issued for registered Afghan refugees in Hormozgan province after it was declared a no-go area for foreigners in July 2009.

The 80,000 formerly registered Afghan refugees in the provinces of Sistan and Baluchistan who have remained in the province despite successive deadlines for relocation or repatriation are being issued with new temporary residence permits by BAFIA. They may choose to relocate to designated areas in the Islamic Republic of Iran or voluntarily repatriate to Afghanistan.

In July 2009, the President of the Islamic Republic of Iran notified the Ministry of the Interior and Ministry of Education and Technology to treat the enrolment of all school-age children, including lawful foreign residents and registered refugees, in the same manner. However, despite a generally favourable protection environment, the living conditions of Afghan and Iraqi refugees are expected to deteriorate as a result of high inflation, rising prices and unemployment⁶.

SOMALIA

Somalia is a failed state and remains one of the most insecure places in the world, with an unprecedented humanitarian crisis. Despite the election of a moderate, former member of the Islamic Courts as President in January 2009, fighting between the Transitional Federal Government (TFG) and Islamist fundamentalist insurgents of Al Shabaab and Hizbul Islam continued unabated. In May, the fighting intensified in Mogadishu and displaced more than

6 <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486f96>



270,000 people, causing the number of internally displaced persons (IDPs) to reach 1.5 million people.

The strife in Somalia has also sent hundreds of thousands of Somalis into exile in neighbouring countries and left hundreds of thousands dead. Violence and insecurity in south and central Somalia have considerably reduced the humanitarian space and compelled UN agencies and NGOs to relocate or evacuate international humanitarian aid workers to safer places. Kidnappings of international and national aid workers, followed by ransom demands, are major obstacles to humanitarian operations in Somalia. The alternating cycles of drought and flood have destroyed crops and livestock, and hikes in food and fuel costs have worsened the crisis, sending additional people into displacement.

"Somaliland" and "Puntland" appear to be relatively calm and are host to refugees, asylum-seekers and people in the mixed migratory flows. The refugees and asylum seekers are mainly coming from the Oromiya and Ogadeni regions of Ethiopia.

Piracy in the Somali sea waters has increased dramatically as a consequence of the lack of functioning institutions and the state of lawlessness in the country. As a result, humanitarian aid vessels have been delayed or diverted, while insurance costs have skyrocketed, making it difficult to hire cargo ships to deliver aid to Somalia. Delays in the delivery of humanitarian aid have contributed to worsening the nutritional status of the Somali population already affected by conflict and natural disaster.

Case study – No home

Enzo is a writer and a poet, but has been making his living as a professional musician for several years. He left his country of origin, the Democratic Republic of Congo, due to the lack of freedom of expression. He lived through 9 days of hell that he now calls 'the most memorable days of my life' that are to remain etched in his memory forever. He was tortured and suffered from the extreme cruelty of some soldiers who acted as if they were participating in a pork butcher party. They even tore away his two golden teeth with a clamp.

"I was arrested on the basis of two motives, linked with two different events. The first event occurred a few days before the fighting that opposed the militia of Jean Pierre Bemba Gombo and the police forces of the DRC, on the 21st, 22nd, and 23rd of March, 2007. I rented my car for four days (a Honda Civic registered BC600306BC, for \$100 a day) to a high executive of the MLC party, which is the liberation movement of the Congo, without knowing that he was about to use my car for the distribution of red tracts, on which was written with black ink : 'Kabila must leave.' The second event took place on the 21st of March, when many massacres of civilians were committed by the presidential guard (called at that time Moura Bana). Those massacres gave me the idea to write a song that I called "Soldat Voyou" (Rogue Soldier). The problematic sentence was this one: Sometimes it is useful to a soldier to disobey any order that makes you a criminal. Even though 'Discipline is the mother of the army/ soldier'.



Two weeks before my arrest, my recording studio was ransacked at night by soldiers dressed as civilians. I was arrested on Wednesday the 15th of August 2007, and was put into a temporary jail on the night of the 24th of this month. One day, while I was about to be transferred to a larger prison in Katanga, my pastor was able to bribe some soldiers with a sum that ranged around 4000 dollars and they helped me to escape.

I left the DRC for Turkey on the 31st of August, 2007, after having passed through Kenya. I ended up having troubles on the Turkish border and they transferred me to Yabancılar Şube (the Foreigners' Police Office) and I was released after 78 days of detention, with a notice warning me that I had to leave the country within 15 days. It was a succession of really hard times for me. Like we say, misfortune is always followed by other misfortunes. Two weeks later, I went to Ankara to register my case with the UNHCR. I had my first interview, and until now, I've been waiting for nine months without any satisfactory response from the UNHCR, except a refusal of financial aid I had applied for. Yet, I moved in my satellite-city, Karaman, for three weeks without any money and without any housing. In Karaman I wrote my song No Home. I finally returned to Istanbul with some friends with whom I share the profession that is definitely mine: music. God never forgets his fellows. Today, I have started to play in a band with some friends. At this moment I also have already started my work on my first reggae-style solo album⁷.

Reflection questions

1. *What effects do you think it had on Enzo the treatment he received when he was arrested?*
2. *Do you think it was important for him that he could express his feelings by art? Justify your answer.*

7 http://www.hyd.org.tr/staticfiles/files/refugee_voices_spring_2009.pdf



2.2 Trauma experiences

INTRODUCTION

In general the term 'trauma' is used to describe a whole range of different 'extreme experiences' such as traffic accidents, natural disasters, violent crime, imprisonment, torture, persecution, war experiences, rape, sexual abuse of children, and it is also used for experiences resulting from subjection to mobbing, unemployment, etc. Thus the word 'trauma' is very widely used in everyday language, and risks being used in an inflationary way. Its definition has therefore been systematized in clinical language, with specification of criteria to define when an event is to be regarded as 'traumatic'.

Isolated consideration of 'trauma as an event' quickly proves to be inadequate in work with refugees and the victims of societal and political violence. This perspective fails to explain, for example, why some people develop traumatic physical and mental difficulties after extremely threatening experiences, while others do not. In addition, isolated consideration of the event as a single occurrence fails to take account of further potentially 'pathogenic' factors such as conditions during flight, loss of home and social identity, and the conditions of life in the host country. Refugees and asylum seekers are not only subject to a biographic background of extreme stress before their flight (e.g. torture, detention, rape); after a flight, which may involve equally serious problems/deprivations, they are subject to extremely destabilizing conditions of life once they arrive in the receiving country⁸.

Apart from the acute stress response (shock, paralysis, horror and withdrawal for a period of hours or weeks after the trauma), a number of long-lasting mental and physical disorders induced by traumatising are recognised internationally by the two authoritative institutions—the World Health Organisation (WHO) and the American Psychiatric Association (APA) –under the terms Post-Traumatic Stress Disorder (PTSD) and long-term personality change following extreme traumatising as disorders having the status of illness where health professionals have a mandate to intervene. Thus the criteria set out below are binding for physicians and psychologists working with refugees and asylum seekers and in the elaboration of expert reports.

POST-TRAUMATIC STRESS DISORDER

Post-traumatic stress disorder (PTSD) is characterised as follows (summary in accordance with WHO and APA criteria):

A repeated sensory reliving of the trauma, in the form of:

- intrusive images and memories (intrusions, flashbacks);
- recurrent, severely distressing dreams (nightmares);
- suddenly feeling and acting as if the trauma had returned (e.g. the feeling of living through the event again);
- intense mental distress at confrontation with events which symbolise the traumatic event or are in some way similar to it.

Ongoing of situations or 'trigger stimuli', which are similar to the original traumatic experience or which could awaken memories of the trauma. Those include:

- activities and situations which call up memories of it;
- thoughts and feelings which recall the memories;

⁸ What you should know about trauma, Caroline Dorn & Manuel Novoa: Association for the Support of Torture Victims and Persecuted Refugees, <http://mediawiki.imir.de/images/a/aa/Abouttrauma.pdf>

- inability to remember important elements of the trauma – that is a typical disturbance of memory (psychogenic amnesia).

Long-lasting symptoms of increased arousal, i.e. continuous over-stimulation, which may be expressed in sleep disturbance, irritability or outbreaks of anger, concentration disturbance, exaggerated startle response.

Restriction of general responsiveness, i.e. limitation of emotional response in the form of a constant feeling of numbness and emotional bluntness, equanimity towards other people in the form of isolation and alienation, indifference to the environment in the form of lack of interest in meaningful activities and the feeling that the future is overshadowed⁹.

Case study – Soad

Soad is a 27 year old married Somali woman with one dependent 12 year old daughter. Soad is a survivor of torture, including rape, at the hands of militia and also experienced having her father killed in front of her during the process of her kidnapping by the militia. Her husband is missing and it is not known whether he is dead or alive. She is now residing in Cairo.

“When the civil war started my life changed. I was going to get water outside the house and always there was a militia man there speaking with me but I didn’t want to tell my family about this because I thought that he would kill my father...this man later tried to do ‘something’ with me and I finally told my father and my father told me not to go outside of the house...so then he decided that I had to get married very soon and he decided that it would be to a man who lived nearby and was much older than me but had a small shop which meant he made good money.

So I got married but was still living at my father’s house when this militia man heard that I got married without even seeing him first or telling him. Afterwards when he heard about my marriage he came to my house with another man and forced their way in and they were yelling at my father and they entered my room and took me by force and my father tried to save me and he was begging them not to hurt me (she is crying quite a bit during this description of events), and then they shot my father and my mother was there just screaming.

Then they took me....we were living in the kind of place where when someone wants to just kill you there is no one around who can save you, everyone is just so afraid for themselves, for their own life and the life of their family. So then they took me to a house, and at that time I didn’t even know if my father was alive or dead. I was there for I think 2 weeks or so and they raped me, the men used to make me cook and clean all day for them and at night I was very tired but they would come at all hours, sometimes they were drunk and they would just rape me...my mother tried to find people, to contact others who might be able to assist me and finally a man came to the militia house and he was a member of the majority clan and then I was able to leave and I stayed with him for a few days.

The militia then went to my mother’s house and said that they will kill her and my sister if she doesn’t tell them where I am, so she told because she couldn’t let the whole family be killed (she is crying quite heavily at this point on and off). So then they came to where I was staying with this man and started shooting, it was some of the militia men who had raped with some others. One of them was killed and two others were shooting at us. After this the family friend who I was staying with said that he couldn’t help me any longer...but I didn’t know what to do, where to go...(voice cracking, starting to cry again)...but then after this my mother helped me

9 What you should know about trauma, Caroline Dorn & Manuel Novoa: Association for the Support of Torture Victims and Persecuted Refugees, <http://mediawiki.imir.de/images/a/aa/Abouttrauma.pdf>



to travel, to leave the country by getting money for the value of our house and she knew people in Cairo and she sent me and my neighbor's daughter, she is my adopted daughter now because she has no one...her parents were both killed by the militia's..."

Reflection questions

1. *What types of loss might this woman have experienced?*
2. *What do you think about the effects of violence?*
3. *What kind of help does she need?*

Case study – Mohamed

Mohamed is a 36 year old Palestinian male. He is married with 3 young children. His wife and children are with him in Cairo.

He was severely tortured for a prolonged period, including being sodomized/raped with various items and otherwise sexually assaulted/tortured with electrical shocks administered to his genitals, by Palestinian Authorities while in prison over a period of 3 months. Psychological torture included threats by prison authorities to harm his family members as well as forcing him to witness torture of others. He was also subjected to loud music, deprived of food and sleep, and deprived of a place to urinate or defecate.

A confession was coerced from him during the torture when authorities threatened to imprison his wife if he did not confess. The authorities suspected him of being a traitor, providing information to the Israelis after an associate of his was "discovered" to have been doing so. Mohamed maintains that he was not involved and was shocked to hear that his friend had possibly turned information over to the Israelis. He still wonders whether or not his friend was really involved or if the authorities also extracted a false confession from him under similar conditions. However, Mohamed did provide information in the confession regarding his friends' social circle which subsequently resulted in the arrest and torture of 2 other Palestinians. Mohamed feels extremely guilty about this as he felt that he had to choose between his wife's welfare or turning potentially innocent persons over to the authorities.

When Mohamed was young he was actively involved in politics. Especially during his time in University he was seen as somewhat of a local leader and passionate activist. However, as an adult he had become increasingly afraid of being involved in politics, seeing what happened to others who were politically active. He had thought that by focusing on his job as a mechanic and staying out of politics, he could protect himself and his family. The fact that he was arrested and detained despite not having been involved in politics for many years, appears to make him very angry at the injustice of such circumstances.

Mohamed states that he feels like he is trapped in Cairo, merely waiting for the Palestinian Authorities to find him and return him to prison where he believes he would be tortured to death. Mohamed tried to commit suicide a few weeks ago by taking a full bottle of tranquilizers. His wife discovered him, and with the help of a neighbor, rushed him to the hospital where his stomach was pumped. He has since stated that he will find a "better" way to do it next time.

Mohamed used to work as an auto mechanic, but he has not been able to work at all since being released from prison and fleeing to Cairo. He attributes his inability to work to his fear of leaving his house. The times he visits you at the agency where you work represent practically the only time he leaves his apartment and even then, the journey to see you creates a great



deal of anxiety for him. It appears that he only continues coming at the insistence of his wife.

In his own subjective reality, there is no doubt whatsoever that the Palestinian Authorities will find him if he stays in Egypt. He is quite fixated on the idea that he may be deported back to Palestine. His fear has left him not only virtually home-bound, hardly able to leave the house and incapable of working, but he is almost obsessively worried about the welfare of his oldest child who attends school. He often fights with his wife as he would prefer that his son not be allowed to go to school at all, fearing that he will be kidnapped. His wife finds her husband's behavior irrational.

Mohamed is not only afraid of the Palestinian Authorities. He is also afraid that all Palestinians, even those in Egypt, now view him as a spy and, like those who threw rocks and fired shots in his house in Palestine, he believes others are also likely to attack him in Egypt. He believes that if the Palestinian community in Egypt becomes aware that he is living in Cairo they may threaten to harm him or his family. At times he feels that others are looking at him like perhaps they may want to hurt him, for example when he buys vegetables at the local vender he wonders if the vender has already heard rumors about him, that he is a traitor to his own people. This perception as a traitor to his own people, both in his own mind, and in all likelihood in reality, given the reaction of the community in Palestine to his arrest, coupled with his fear of the authorities, leaves him frightened of all Palestinians in the area. This fear also keeps him entirely socially isolated from other Palestinians and the greater community at large. The fear also affects the lives of his wife and children, who he reports are constantly worried about his mental health and worry that they will never be able to establish any meaningful life in Cairo with Mohamed constantly fearful and virtually unable to leave the house.

Mohamed is teary-eyed whenever he meets you, and jumps easily (as you notice when the phone rings). Mohamed takes frequent smoking breaks, is generally very nervous (tapping his foot constantly), and frequently looks up at the ceiling to stop from crying. Sometimes he becomes very nostalgic for his life in Palestine...

"I am very frustrated and my morale is low since I arrived to Cairo. I am weeping daily...the food here in Cairo tastes different, the air smells different. Although our life was very hard in Palestine and the Israelis sometimes treat us like dogs, I had my mechanics shop, people in the community knew me, my children had playmates...we all had the same dreams...now I am like a dog, I am nothing, a coward. I am not even a man with my wife anymore...my life used to be full of so many things but now I am just known as traitor, and someone who was tortured and degraded, and there is nothing else to me.

I am always blaming myself for what happened. This happened to me even though I haven't been involved in politics for years! Perhaps I should just have continued as a student activist then at least my imprisonment and torture may have had some meaning, maybe then others would see me as a hero instead of a traitor and a coward.

Whenever I remember what they did to me I start crying (*actually starts crying at this point*). I have lost so much weight, I have no appetite... I can't sleep at all...I continuously worry about my life. I don't have any interest in playing with my children or interacting with my wife. My children say to me that 'before you liked me and played with me and brought me toys, now you never do anything and you never even take me out' (*he is crying again at this point*). I find Cairo is bad and getting worse all the time, because I can not get better mentally.

I think I can't even feel any emotions for my son. Since getting out of prison I can't work, I can't do anything, I don't even feel like I want to try. I have stomach aches when I remember what they did. I blame myself entirely for my family's suffering. Sometimes I make a plan to do something but then in the morning I may not even be able to go out of the house. If I talk to



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others and even try to tell them what happened, they could never understand and I worry what they would think. All the time I feel like others are hostile towards me, sometimes when I go to the shop I feel that anyone can do something uncomfortable to me, I think that no one wants to see me, I totally isolate myself 95% of the time I am just at home. I feel powerless, and I just want to be able to help my family. Sometimes I don't even feel the same sexually with my wife."

Reflection questions

1. *What are the interventions that may be appropriate in this case?*
2. *Do you think that all information is available in refugees' story?*



3. FLIGHT

3.1 Legal situation: international, EU and national level

PRELIMINARY CONSIDERATIONS

Under the international law, refugees are individuals who:

- are outside their country of nationality or habitual residence;
- have a well-founded fear of persecution because of their race, religion, nationality, membership in a particular social group or political opinion; and
- are unable or unwilling to avail themselves of the protection of that country, or to return there, for fear of persecution.”

Refugee law¹⁰ encompasses both customary law, peremptory norms, and international legal instruments. These include:

- The 1951 [United Nations Convention Relating to the Status of Refugees](#)¹¹; also referred to as the Geneva Convention;
- The 1967 Protocol relating to the Status of Refugees;
- The 1969 [OAU Convention Governing the Specific Aspects of Refugee Problems in Africa](#)¹²

EU CONTEXT

Every EU members countries accede to the 1951 Geneva Convention and to the 1967 Protocol relating to the Status of Refugees. During the last decades, many agreement focusing these themes has been finalized and signed by members states such as in Laeken in 2001 and in Dublin 2003.

The main aim of these meeting has been to elaborate and formalize a common vision and procedure on the matter of Asylum seeker and refugee. On this regard, EU Directive such as 2003/9/EC and 2004/83/EC, aim to create a preliminary framework for the future desirable harmonization of the whole matter.

10 http://en.wikipedia.org/wiki/Refugee_law

11 http://en.wikipedia.org/wiki/Convention_Relating_to_the_Status_of_Refugees

12 http://www.africa-union.org/Official_documents/Treaties_%20Conventions_%20Protocols/Refugee_Convention.pdf



Similarly the EU Council adopted Conclusions in which underline the willing to deeply strengthen the practical cooperation between the members, mostly on the procedures and practices.

EU Commission considered, then, positively the commitment of the members on the harmonization process implemented by the receipts of the European directives into their domestic legislation.

There is still a lot of work to realize a desirable “Europe of the Asylum”: while every country share the same “EU inspired Legislation”, the procedures they utilize are very different from one another and some members register a considerable delay on the harmonization process itself.

Regarding this so delicate theme, the EU Institution strengthened by the Lisbon treaty will have to face this task while having at the same time the opportunity to demonstrate their renewed capacities and competences.

Following there are the examples of Italy and Turkey regarding the refugee legislation. In the post-flight chapter it will be described the legal context of Germany and Spain also.

THE LEGAL CONTEXT IN ITALY

As many EU members, Italy doesn't have a specific and organic law, exclusively related to refugee and the Immigration law, and a specific Article of the Constitution (Art. 10), represent therefore the main normative reference at the national level.

The receipt of the EU directives on this matter has deeply increased the former Italian legal framework on the Refugees Protection. The Directive 251/2007, for instance, brought important novelties on the criteria to recognize the right to “International protection” (EU Common Definition): Art. 14- well founded fear to be sentenced to death or tortured.

In this case, Italian legal framework preview the possibility to obtain a 5 years residence permit, while the request for a resident permit for Humanitarian motivations could have a duration of 1 year.

The Directive 25/2008 bring many other novelties to the former procedures, such as the impossibility to reject the asylum request of a person merely because the application was not submitted before a specific deadline.

To conclude, the Italian Law 94/2009 know as “Security Law”, contribute to the definition of the Legal Context on this topic: “Illegal Immigration Crime” is imputable even to refugees but the process of incrimination is until suspended until the en charge Commission could analyze the possibility to assure to the Person the right of International Protection.

THE LEGAL CONTEXT IN TURKEY

Turkey is a significant centre for transition of an increasing number of refugee, immigrant and exile use. Thousands of refugee, immigrant and exile leaving their Asia, Africa Middle-East



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countries because of various reasons attempt to reach Europe from Turkey via sea or land route; however, most of them can not accomplish their aim.

The shores of Mediterranean and Aegean are important transition routes for refugee, immigrant and exiles as well as from the most risky places for safety of lives because of the fatal sea accidents which many people die.

As a result of Europe's intense struggle with disorganised immigrancy, and its restriction for the right of taking refuge, refugee, immigrant and exiles encounter with serious problems in the transition countries such as Turkey. It is tried to make Turkey as a "dam" country as a result of the changes on the policies of immigrancy and taking refugee and restrictive and negative effects of the policies in the content of "common refuge system" of the member countries of EU. Therefore, EU attempts to strenghten the immigrancy preventer role of Turkey against the illegal- immigrancy- mobility from Asia and Africa countries intensively towards Europe, taking strict precautions.

One of the policies that is dedicated by EU to prevent the flow of refugee, immigrant and exile, the acceptance centers which is a part of the financial support programme for transition countries, , are run in the content of Twining and thousands of refugees, immigrants and exiles are planned to be settled in there.

However, Turkey has claimed geographical drawback for 1951 EU International Contract on the Legal Status of Refugees it is not possible Turkey to overcome with legal and vital problems of thousands of refugees, immigrants and exiles coming from non- European countries, on its own.

In Turkey, it is a significant problem to obtain right for refuge, and UNHCR interview process and refuge applications take so long; thus, many refugees have to live in an environment of obscurity. The physical environment of refugees, immigrants and exiles detained in Foreigners' guesthouses, or living in satellite cities is insufficient in general¹³.

In Turkey, an immigrancy and refuge legislation which is regulated in international standards is not available yet. Because of Discrimination on implementation of 1967 Protocol, and insufficiency of 1994 legislation including refuge rules, Turkey has started to determine the foundations on social and economical needs of refugees. On the other hand, a serious regression is possible as a result of this legislation.

Even The National Action Plan, prepared to national refuge legislation to be made appropriate with Acquis Communautaire Documents of Participation, expects to obtain theoratical and holistic approach, it is seen devoid of standards of international refuge.

Prevention of influx of refuge and mentioning that the geographical drawback may be eliminated if some conditions are provided as EU's sharing of experiences, are topics included in National Action Plan and criticized.

13 <http://www.proasyl.de/en/index.html>



3.2 Social situation: separation, loss

Except finding new homes, escaping their old life, to find safety and shelter and food to eat and water to drink so they don't starve, refugees have also to face many kinds of problems related to their social situation.

Forced migration is not a vacation, is not coming from choices but it comes from major problems related to job and the social context of the single immigrant. Refugees suffer from various kinds of violent separation: from family, friends, from their own context. This could, of course, produce a feeling of loss and despair even cutting the former feeling of utility within the society.

The refugee condition is even more complicated: their motivation to leave their own country is exclusively linked to persecution of various kinds. This is a traumatic experience of loss and can generate many problems such as a deep sense of loss at personal and social level.

The refugee start his/her experience in the new country, facing enormous problems related to their legal situation: the procedures we quickly explained before, could be very complicate for the refugees.

Although many countries try to assist the refugee in the request for the International Protection, the feeling of loss and depression can accompany the refugee through all the asylum process.

After this step has been accomplished, social problems of the refugees just start to be evident. Social inclusion is not, as we know, an easy task to face and this even more true for the refugee. Social problems are related to the practical difficulties of integration in the society:

- Difficulties in finding employment
- Language barriers
- Economic Obstacles
- Cultural difficulties
- Exclusion on many levels
- Housing needs



3.3 Transport experiences

INTRODUCTION

People who are fleeing their country, during their journey, often encounter situations and events that add negative experiences and problems to their already difficult situation as refugees. The long experience of suffering or pain sometimes makes it very difficult to overcome these new challenges during their search for a new life.

Case study – Jalil

On the morning of 7th January 2009, Jalil, an Iranian, who had arrived at Istanbul Ataturk Airport from Tehran was intercepted while allegedly attempting to board a plane to the UK with a forged passport.

After being detained, he managed to call the UNHCR from a public phone at the "transit zone" detention facility, expressing a realistic fear of persecution if returned to Iran. Although he submitted a self-drafted asylum request to the airport police in writing, he was told that he would be sent back to Iran that same evening.

Since neither UNHCR nor NGOs are allowed any kind of physical access to the detention facility, Jalil phoned a representative of the Helsinki Citizens' Assembly to talk about his reasons for fleeing. As they spoke, Jalil became extremely distressed and scared, frequently breaking into tears and begging for help: "If they send me back, that is the end of everything."

The Helsinki Citizens' Assembly filled an urgent application before the European Court on Human Rights, requesting the adoption of an interim measure to stop the deportation. The Court granted this request, determining that it was unacceptable that an individual apprehended in the transit zone be denied access to the Turkish asylum procedure and that physical access of UNHCR and legal assistance providers should not be obstructed. The interim measure was issued around 8pm and swiftly communicated to the authorities.

Despite the Court's binding intervention, the government chose to go through with the deportation. Jalil was sent back to Tehran, probably on a plane that took off from Istanbul Ataturk Airport at 11pm that same day. He was detained upon arrival at Tehran airport¹⁴.

Reflection questions

1. *Do you think that every airport should have legal employees that can assist persons who are seeking asylum?*
2. *Was the attitude of the Turkish authorities a correct one?*

14 <http://www.ecre.org/refugeestories/page/jalil>



4. POST-FLIGHT

4.1 Legal frameworks and barriers in different countries

Legal framework: A General Introduction

International Refugee Law

Based on an article by Elisa Mason, [Published on March 5, 2009, first published on LLRX.com, July 15, 2000. Updated May 29, 2007, March 5, 2009 and July 25, 2009](#)¹⁵.

Introduction

The 1951 Convention relating to the Status of Refugees is now over 50 years old. What impact has this instrument had on resolving refugee problems and how effective has it been as the principal standard for the international protection of refugees? Although the total refugee and asylum-seeking population has dipped since the early 1990s, over 30 million “persons of concern to the UN High Commissioner for Refugees” can still be counted in the world today. Moreover, debates continue regarding the nature of the protection that refugees should be granted, the role of the international community, and the obligations of receiving countries towards refugees.

This guide directs readers to some of the key texts and resources available on the Web that can help shed light on, and provide a context for, many of the issues currently being deliberated in the refugee law arena.

International instruments - Universal

Two principal conventions govern international refugee law matters: the [1951 Convention relating to the Status of Refugees, and its 1967 Protocol](#)¹⁶. The Convention sets out the rights of refugees and the standards for their treatment in the countries that receive them. It defines "refugee" in Article 1A(2) as,

...[A]ny person who...owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his [or her] nationality and is unable or, owing to such fear, is unwilling to avail himself [or herself] of the protection of that country... .

15 <http://www.llrx.com/features/refugee.htm>

16 <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>



Because the definition requires that a person be outside his or her country, it effectively excludes [internally displaced persons](#)¹⁷ from receiving international protection. Moreover, because it focuses on individualized persecution, it does not recognize situations of generalized violence (such as wars), natural disasters, and large-scale development projects as legitimate causes of flight.

The Protocol was drafted to remove the geographic and time limitations of the earlier instrument, the incorporation of which reflected the post-World War 2 context in which the Convention was framed. Otherwise, it retains the same language as that used in the Convention.

It is important to note that neither instrument makes any direct reference to the concept of asylum; lawful admission, and the conditions under which it is granted, remains the discretion of States. Instead, the Convention provides for the principle of *non-refoulement*, found in Article 33, which stipulates that "No Contracting State shall expel or return (**refouler**) a refugee in any manner whatsoever to...territories where his (or her) life or freedom would be threatened... ."

International instruments - Regional

Two regional instruments, the [1969 Organization for African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa](#)¹⁸ and the [1984 Cartagena Declaration on Refugees](#)¹⁹, reaffirmed the basic principles of the Convention and Protocol, but expanded the definition of refugee to more realistically account for contemporary root causes of flight, i.e., war, internal conflict, massive human rights abuses, etc.

Human Rights and Humanitarian Law

The plight of refugees is fundamentally a human rights issue. Human rights treaties are therefore effective tools to use in the international protection of refugees, particularly the [1984 Convention against Torture](#)²⁰, which provides for the principle of *non-refoulement* in Article 3. Similarly, prohibitions against torture in the [1966 International Covenant on Civil and Political Rights](#)²¹ (Article 5) and the [1950 European Convention for the Protection of Human Rights and Fundamental Freedoms](#)²² (Article 3) have been invoked to protect refugees from being *refouled*. Elsewhere, the [1969 American Convention on Human Rights](#)²³ promotes the right to seek and be granted asylum in Article 22(7).

International Bodies

United Nations High Commissioner for Refugees (UNHCR)

17 <http://www.unhcr.org/pages/49c3646c146.html>

18 <http://www.unhcr.org/refworld/category,LEGAL,OAU,,,3ae6b36018,0.html>

19 <http://www.unhcr.org/refworld/publisher,AMERICAS,,,3ae6b36ec,0.html>

20 <http://www2.ohchr.org/english/law/cat.htm>

21 <http://www2.ohchr.org/english/law/ccpr.htm>

22 <http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm>

23 <http://www.oas.org/juridico/english/treaties/b-32.html>



UNHCR is the principal UN agency mandated to provide assistance and international protection to refugees and other persons of concern, and to find solutions to their plight. Traditionally, these solutions have taken the form of asylum, resettlement, and voluntary repatriation. UNHCR's [Statute](#)²⁴ includes a very similar definition of "refugee" as the 1951 Convention. However, over time, UNHCR's mandate has been expanded by the UN [General Assembly](#)²⁵ and Economic and Social Council to cover other groups in "refugee-like" situations that normally would not fall within the office's competence (including some internally displaced persons).

UNHCR's Department of International Protection publishes a variety of materials that provide guidance on and analysis of legal issues relating to refugees and asylum. Most are available on the organization's [Web site](#)²⁶.

Executive Committee of the High Commissioner's Programme (EXCOM)²⁷

Gaps in refugee protection have been addressed largely through the Executive Committee of the UN High Commissioner for Refugees (EXCOM), a body comprised of 76 governments that meets annually in Geneva. Each year, members discuss a variety of issues relating to international protection and adopt conclusions. While these conclusions lack the force of law, they carry some weight because they represent a consensus reached in an international forum. Key [documents](#)²⁸ that emanate from EXCOM meetings include the [Conclusions on International Protection](#)²⁹, annual Notes on International Protection, and background papers prepared by the Executive Committee's [Standing Committee](#)³⁰.

United Nations Relief and Works Agency (UNRWA)

The 1951 Convention includes a clause stipulating that its provisions do not extend to persons already being assisted by other UN organs. Therefore, a separate legal machinery has evolved to address the situation of Palestinian refugees, as they fall under the mandate of UNRWA. For more information, visit UNRWA's [Web site](#)³¹.

National Legislation

[States parties](#)³² to the 1951 Convention and 1967 Protocol implement the treaties' provisions in their national laws. Usually, these texts are supplemented by more detailed administrative procedures that spell out the process for seeking asylum, i.e., interviewing, providing evidence, appealing a negative decision, etc. The main resource for relevant national legislation and regulations on asylum and refugees is UNHCR's [legislation database](#)³³ (under "Type," select "National Legislation"). Alternatively, researchers can go directly to government immigration

24 <http://www.unhcr.org/protect/PROTECTION/3b66c39e1.pdf>

25 <http://www.unhcr.org/pages/49e455386.html>

26 <http://www.unhcr.org/cgi-bin/tehis/vtx/home>

27 <http://www.unhcr.org/pages/49c3646c83.html>

28 <http://www.unhcr.org/pages/49ddba106.html>

29 <http://www.unhcr.org/pages/49e6e6dd6.html>

30 <http://www.unhcr.org/pages/49ddba246.html>

31 <http://www.unrwa.org/>

32 <http://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf>

33 <http://www.unhcr.org/refworld/category,LEGAL,,,,,0.html>



web sites³⁴, which often include links to legislation and a description of asylum procedures.

Case Law

The five enumerated grounds of the refugee definition as set out in the 1951 Convention and 1967 Protocol are often the subject of great debate; this in turn has led to different interpretations across jurisdictions. Legal researchers can access relevant case law either via [Refworld's Legal Collection](#)³⁵ or the [Refugee Caselaw](#)³⁶ site. Decisions originate from 45 national jurisdictions in the former and from 28 countries in the latter.

Recently, calls have been made for "gender" to be included as a sixth ground in the refugee definition. Visit the [Center for Gender and Refugee Studies](#)³⁷ for texts of gender-related asylum case law.

Further readings

Courses/Self-Study

Audiovisual Library of International Law, Lecture Series on "International Migration Law" (video lectures by Prof. Guy Goodwin-Gill) http://untreaty.un.org/cod/avl/ls/Goodwin-Gill_IML.html

Byrne, R., ed., The Refugee Law Reader: Cases, Documents and Materials, LARC, 5th ed., 2008 <http://www.refugeelawreader.org/>

European Legal Network on Asylum (ELENA http://www.ecre.org/about_us/elena) (offers courses for legal practitioners in refugee and asylum law)

International Institute of Humanitarian Law (IIHL <http://www.iihl.org>) (offers courses in refugee, human rights and humanitarian law)

Odysseus Network <http://www.ulb.ac.be/assoc/odysseus/index2.html> (offers courses in EU immigration and asylum law)

UNHCR Training Materials

<http://www.unhcr.org/refworld/category,REFERENCE,UNHCR,TRAININGMANUAL,,,0.html>

(includes self-study modules for human rights and refugee protection, refugee status determination, and an introduction to international protection)

Key Texts

Goodwin-Gill, G., The Refugee in International Law, 3rd ed., Oxford University Press, March 2007 <http://www.oup.com/uk/booksites/content/9780199207633/>

Hathaway, J.C. The Rights of Refugees under International Law, Cambridge University Press, 2005 http://books.google.com/books?id=a_2IMjXRn8C

Musalo, K., J. Moore, and R.A. Boswell, Refugee Law and Policy: A Comparative and International Approach, 3rd ed., Carolina Academic Press, 2007 <http://www.cap-press.com/books/1606>

34 <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=links&skip=0&reftype=GOVT>

35 <http://www.unhcr.org/refworld/category,LEGAL,,,,,0.html>

36 <http://www.refugeecaselaw.org/>

37 <http://cgrs.uchastings.edu/>



Legal Framework and Barriers in Germany

The following information is taken from the following publication: Parusel, Bernd (2010): Working Paper 30: The Granting of Non-EU Harmonised Protection. Statuses in Germany³⁸, published 2010, German National EMN Contact Point and Research Section of the Federal Office. Project financed by the European Commission Research Study II/2009 in the framework of the European Migration Network (EMN).

You can find there detailed information about the overall spectrum of forms of protection in Germany and about the legal situation of refugees.

The existence of the basic right to asylum in accordance with Article 16a, GG

This basic right to asylum in accordance with Article 16a of the German Basic Constitutional Law (GG), sees Germany adopting a special position in comparison with many other countries. Whereas in most countries, the right to asylum is regulated by means of legal entitlements or discretionary provisions under standard legislation, in Germany it is formulated as a fundamental right of the individual. The reasons for this are primarily historical. In providing this right to asylum, the Parliamentary Council that approved the GG in 1949 was reacting to the political persecution that took place during the time of the National Socialists. Article 16, Paragraph 2, Sentence 2, GG (old version) therefore granted every foreigner who referred to political persecution a temporary right of residence as a matter of principle, effected by means of the anticipatory effect of the basic right to asylum. He or she would be entitled to have his/her asylum application examined; this also applied to obviously unpromising course of actions during the administrative proceedings and, if applicable, in the Court proceedings following.

During the public debate in the nineties, there was much vigorous discussion of the basic right to asylum, which was eventually altered in 1993 by means of a revision. Up to this point in time, the basic right to asylum had been granted without any reservation; now, however, it was linked to the extent to which the person desiring asylum is in need of protection, as set out in the paragraphs following Article 16a, Paragraph 1, GG, and thus limited by the so-called third country regulation and the regulation concerning safe countries of origin. Consequently, over the following years, it was rare for asylum applicants to be recognised as being entitled to asylum in the sense of Article 16a, GG. It was now considerably more common for refugee status to be awarded in accordance with the Geneva Convention (GRC) – in other words, what was then known as the “little asylum”. However, this too was interpreted in a manner that was fairly restrictive in comparison with the situation today. Until today the alteration of the basic right of asylum is being criticized by NGOs and human right activists.

The Immigration Act

With the coming into force of the Immigration Act on 1 January 2005, a change occurred in Germany, with control of immigration shifting over to a more strongly normative basis. The background to this law was on the one hand, the opinion that the Federal Republic had, over the course of recent decades, become a country of immigration without the applicable laws having been provided with sufficient provisions for controlling flows of migration. On the other hand, on the EU level, the beginnings of a common approach to certain aspects of immigration policy were becoming apparent – including those expressed in the Qualification Directive adopted by the Council of the EU on 29 April 2004 – which needed to be implemented within

³⁸http://www.bamf.de/clin_170/SharedDocs/Anlagen/EN/Migration/Publikationen/Forschung/WorkingPapers/wp30-schutzgewaehrung-in-deutschland,templateld=raw,property=publicationFile.pdf/wp30-schutzgewaehrung-in-deutschland.pdf



Germany. Since the coming into force of the Immigration Act, the core component of German immigration law has been the Residence Act (Aufenthaltsgesetz, AufenthG), which superseded the previously applicable Foreigners Act (Ausländergesetz, AuslG).

The Residence Act recognises five purposes for residence: education or training (Chapter 2, Part 3, AufenthG), employment (Chapter 2, Part 4, AufenthG), residence for reasons of international law or for humanitarian or political reasons (Chapter 2, Part 5, AufenthG), residence for family reasons (Chapter 2, Part 6, AufenthG) and special rights of residence (e.g. former German citizens, Chapter 2, Part 7, AufenthG).

From a quantitative perspective, residence for reasons of international law or for humanitarian or political reasons is one of the most significant purposes for residence in Germany.

Asylum Procedure Act (Asylverfahrensgesetz - AsylVfG)

The Asylum Procedure Act applies to foreigners who apply for protection as persons politically persecuted in accordance with Article 16a para. 1 of the Basic Law or for protection against deportation or other repatriation to a state in which they are at risk from the dangers referred to in section 60 subs. 1 of the Residence Act.

Asylum seekers must submit their claims in accordance with the procedures specified in the Asylum Procedure Act. The Federal Office for Migration and Refugees (BAMF), which lies within the remit of the Federal Ministry of the Interior, is responsible for processing all asylum claims.

Beyond administrative procedures the act specifies procedures which have impact on the daily life of refugees applying for asylum in Germany, as the so called residential obligation ("Residenzpflicht") which requires that any move outside of the District where the aliens authority in charge resides needs to be approved. If refugees want to leave the defined area, e.g. to visit relatives, they must ask for a written permit. Violations of the residential obligation are fined, in case of repeated breaches a criminal procedure is imminent. For many years, refugee organisations have been calling for the residential obligation to be abolished.

Concerning foreign juveniles, according to the Asylum Procedure Act they are considered as adults at the age of 16 unlike German young people who reach adulthood at the age of 18. This has the effect that they do not receive any accommodation and care appropriate for their age. They are put together with other adults in dormitories and asylum camps. Moreover, they do not receive a public guardian, who protects their rights, but have to rely on their own to get and enforce their rights in the asylum procedure.

"Duldung" (Toleration) – a German speciality

Most of the refugees who arrive in Germany are not granted asylum. Only about five per cent were given legal recognition for asylum in the past year. If they are not granted recognition, refugees are required to leave the country without delay. But if deportation is not possible at the time in question, for humanitarian reasons, they are given a provisional status of 'Duldung'. This 'Duldung' is not a right to stay, but a time-limited suspension of deportation. It is granted for a short period only, and has to be extended repeatedly. Within this uncertain status people live in fear of being deported. This status is always limited to between a few days or 6 months.

In the event of changes in the circumstances in the country of origin, this suspension of deportation can be cancelled, so that the foreigner will then be deported. This situation, known as 'Kettenduldung' (chain toleration), excludes people from all integration programmes



and from the labour market for many years, and leaves them no alternative but to live on social benefits.

People living with a 'Duldung' are according to the Residence Act subject to the so-called residential obligation ("Residenzpflicht"), that is people who want to leave the the area of the federal state, e.g. to visit relatives, must ask for a written permit.

The work permit examination – more hurdles

In theory, access to the labour market is possible after one year, but the principle of subsidiary treatment for work permits means that a work permit is granted only if there is no German or priority foreigner who comes into consideration for the training place or employment in question. The consequence is, that they are in fact excluded from education and labour market. On top of the lists is the sheer time required by a procedure: scarcely any employer can afford to wait for the immigration authority and perhaps the employment agency to issue a decision when they want to hire someone. Especially when nobody knows whether the application for a permit will only take a few weeks or will take months. Employment agencies are obligated within the framework of the aforementioned "priority review" to place persons with a higher priority status in vacant positions notified to the employment agency. In many cases this means that a company receives many applications and has to submit a detailed justification if it ultimately decides to hire a person who has filed an application for a work permit. This procedure constitutes a major deterrent especially for small and medium-scale enterprises.

Restrictions result from the aliens legislation and from the legal status which refugees have where their right to stay has not been secured – they normally live with a temporary residence permit ("Aufenthalts-gestattung") pursuant to Section 55 Asylum Procedure Act (AsylVfG), a temporary right to stay ("Duldung") pursuant to S. 60a Right of Residence Act (AufenthG) or a long-term residence permit ("Aufenthalts-erlaubnis") pursuant to S. 25, paras. 3 to 5 of the Right of Residence Act. There are numerous other regulations which have the effect of further exclusion – accommodation in refugee camps, restrictions to freedom of movement, under provision of health care, low level of social provisions under the Asylum Seekers Act (reduced social security benefits), provision in the form of goods in kind rather than cash payments (food and clothing vouchers, food packets).

Paradigm change in government and public authorities?

With the reform of law governing immigration in July 2007, the door to the labour market and real opportunities have been opened for refugees who are staying in Germany, some of them for a very long time. One of the reasons of paradigm change in policy is that the needs of the German economy for labour power and skilled labour will increase as a result of demographic trends. Policy makers are going to see: "all the potential which we have had in our country for years should be taken advantage of. This also goes for the language skills, cultural knowledge, vocational skills and academic knowledge possessed by asylum seekers and tolerated refugees" (Maria Böhmer, Memorandum, Berlin 2007).

Arrangements with respect to residence rights (Bleiberechtsregelung):

The situation has changed for a minority of the rejected asylum seekers and refugees, following a change in rights of stay for those who have had 'tolerated' status for a long period. Anyone who has been living in Germany for eight (or in some cases six) years in July 2007, and can earn their own living, will receive a residence permit, limited initially to two years.



Initial allocation of asylum seekers - the EASY system

The EASY system is an IT application for the initial distribution of asylum applicants among the Federal Länder. The asylum applicants are hence spread in quantitative terms over the individual Federal Länder (in accordance with section 45 of the Asylum Procedure Act). The distribution takes place according to quotas using the so-called "Königstein key".

The Königstein key is calculated on an annual basis by the bureau of the Federation-Länder Commission. The Königstein key for the respective budget year is based on the tax revenue and the population number of the previous year.

The EASY system uses the Königstein key which was published in the Federal Gazette for the previous calendar year.

(http://www.bamf.de/clin_170/nn_432882/SharedDocs/Glossar/EN/DasBAMF/E/easy_easy-asyl.html?_nnn=true)

In practice, because of the EASY system asylum seekers often need to move to far distance areas although just arrived in Germany. The system recognizes hardly a device to circumvent the distribution according to EASY which might be important in cases of traumatization of refugees.

Further readings

EASY (English):

http://www.bamf.de/clin_170/nn_432882/EN/Asyl/Asylverfahren/Verfahrensablauf/verfahrens-ablauf-01-verteilung.html?_nnn=true

Asylum Procedure Act - AsylVerfG (English): <http://www.iuscomp.org/gla/statutes/AsylVfG.htm>

Duldung (English): http://www.fremdenfreundlichkeit-sachsen.de/st_eng-status/st_eng-stat-f.html



Legal Framework and Barriers in Spain

INTRODUCTION

The first asylum law in Spain was promulgated in 1984 and later modified in 1994. Previously, mainly in the '70s, Spain was receiving people persecuted by the dictatorships of Cuba, Argentina, Chile and Uruguay, under a more favourable legislation for people coming from Latin America.

In 1978, Spain signed the Geneva Convention (1951) and the New York Protocol (1967). In the 1978 Constitution the asylum right was recognized, but it was not until 1984 that a specific legislation in this matter was approved.

At European level, Spain is one of the countries with the lowest number of asylum requests, just behind Czech Republic, Rumania, Luxembourg and Slovenia. Spain has reformed its asylum law in order to harmonize the national legislation with the European laws on this topic. Last year a new law on asylum was approved - Law 12/2009, 30th of October, regulating the right to asylum and subsidiary protection. This new law gathers some of the points included in the European legislation.

Asylum procedure

The asylum application can be presented:

- At a Spanish embassy abroad
- At any border (airport, port, border control, etc.)
- In the Spanish territory: Office of Asylum and Refuge (Madrid) and in any Foreigners' Office or Police station

The Office of Asylum and Refuge (OAR), under the Interior Ministry, is the authority in charge to study all the international protection requests presented in Spanish territory. Once this Office studies a case, it sends his proposal to the Inter-ministerial Commission of Asylum and Refuge (CIAR).

The Inter-ministerial Commission of Asylum and Refuge is an assigned associated organ to the Interior Ministry, formed by representatives of: politics, foreign policy, justice and immigration. Also, UNHCR attends this Commission but no vote. Its function is to examine and to dictate the resolution of the cases, which finally signs, the Minister of the Interior.

According to the new Asylum Law, the application will have to be presented within a period of maximum one month since the entrance in Spanish territory.

The procedure finishes with a resolution which can be:

- Concession of the refugee status
- Concession of some other type of international protection: subsidiary protection
- Application refusal
- If the application is refused, like the non-admission, a recourse can be interposed in the courts of justice

One of the new points of the new Asylum Law is the reduction of the procedure terms. The decision whether an asylum application is admitted or not has to be taken within one month from the presentation of the application (or 4 to 10 days supposing that the request was made at a border control).

The final decision on the case will have to be taken within 6 months from the application presentation (ordinary procedure) or within 3 months (emergency procedure).



The previous legislation determined a term of 6 months to study a case. Nevertheless, in practice, the asylum procedure lasts about one year and a half and many cases also surpass the 3 years of duration.

The yellow card is the document that identifies a person like an international protection applicant and that authorizes him/her to remain provisionally in Spain while its request is being processed. The Spanish authorities send the yellow card once the application is accepted for processing. Has a validity of 6 months and it is automatically prorogued until the resolution of the case. After 6 months the yellow card includes a work permit.

The right to the subsidiary protection is given to a person who, in spite of not meeting the requirements to be recognized like a refugee, shows founded reasons to think that if returned to his/her country of origin or the one of the previous habitual residence, would face a real risk to suffer some serious damage (like for example, serious threats against the life or physical integrity, indiscriminate violence in conflict situations, cruel or degrading treatments, etc.).

Rights and obligations of asylum seekers

Rights and obligations of asylum applicants in Spain: According to the new Asylum Law, the rights of asylum applicants are the following:

- To have a documentation as a person seeking international protection
- Free legal aid, translation and interpreting services and health care
- To communicate the request to the UNHCR
- Suspension of any repatriation, expulsion or extradition process that may affect the applicant (non-refoulement)
- To know the content of their application file at any time (all the documentation on the case held by the Office of Asylum and Refuge)
- To receive specific social benefits

The obligations of the international protection applicants are:

- Cooperate with the Spanish authorities in the procedure for granting international protection
- File as soon as possible all those elements that, together with their statement, could contribute to substantiate the application. The applicant may submit documentation regarding the age, background, identity, nationality, place of previous residence, previous applications for international protection, travel itineraries, travel documents, the reasons for seeking protection, etc
- Provide fingerprints, allowing to be photographed and to have recorded their statements, prior communication of this fact
- Inform the authorities about their residence in Spain and any changes about it
- Show up before the authorities whenever they are asked to do so

Rights and obligations of persons with refugee status in Spain: Granting the right to asylum or any other forms of international protection will imply the recognition of the following rights:

- Non-refoulement, no beneficiary of international protection may be returned to their home country or country of residence
- Access to information regarding the rights and obligations related to the content of international protection granted
- Residence and work permit
- To have identity and travel documents



- To benefit from social services, education and health services provided by government directly or via NGOs, as well as refugee integration programs, always within the budget available
- A refugee can apply for Spanish nationality, upon completion of the period of legal residence and other requirements of the Civil Code

Asylum refusal

The asylum refusal will be accompanied by the compulsory expulsion from the Spanish territory within 15 days, unless the requirements to remain in Spain are fulfilled. The refusal can be appealed by the contentious-administrative. Also a review of the case can be requested if there are new evidence in support of the application.

Temporary protection of displaced persons

Temporary protection can be granted to those groups of people who, even they are not considered refugees under the Geneva Convention, have fled their country due to political conflicts, ethnic or religious groups, and also to those who are allowed to stay in Spain for humanitarian reasons or because of government's commitment or agreement.

The temporary protection has the following effects:

- The non-refoulement to the country of origin until ends the situation which caused the flight
- The granting of a temporary residence permit
- The possibility of obtaining a work permit
- The possibility to benefit from the reception and integration programs available to refugees

Social programs for asylum seekers

- Accommodation in reception centres: the reception centres are temporary shelters with primary care and have the aim of enhancing the integration of its residents in Spanish society. The main areas of intervention are social, psychological, health guidance, training activities, vocational guidance and employment support, institutional cooperation and occupations and recreational activities. Besides this centres there are flats managed by NGOs in various provinces of Spain with reception programs.
- Financial support for accommodation and meals: are granted exceptionally and are aimed at individuals or families who have not had access to temporary shelters and lack of economic resources
- Health care: for asylum seekers and refugees who do not already have access to the Social Security
- Legal counselling: legal assistance to asylum seekers, refugees and displaced persons with their application
- Interpreting and translation services: for issues relating to the asylum application (offered at the OAR and the Barajas airport - Madrid)
- Return or resettlement: aid to pay for the return ticket of asylum seekers whose applications have been rejected
- Other aids: are issued for specific needs: deposits and rent payments, childbirth, infant feeding costs, etc.



Social programs for persons with refugee status

- Social integration: aid to facilitate access to housing (payment of bonds, rents, etc.), vocational training and self-employment. Placement agency functions under the Horizon Programme
- Educational and vocational training: support for professional orientation, scholarships, tuition and teaching materials, transportation, etc.
- Emergency aid: addressed to the most vulnerable refugees who need additional support which cannot be provided by other social services
- Elderly and disabled: a monthly aid
- Family reunification: support for travel of first-degree relatives
- Return and Resettlement: aid to return to the country of origin or to resettle in third countries

Legal barriers

The EU immigration and asylum policies have become in the last years authentic barriers that make difficult or prevent that many people who flee from serious violations of human rights, could arrive to Europe and be granted international protection.

Spain is a clear example of this restrictive tendency by this new Asylum Law. The transfer of the responsibility on the migratory control to countries like Morocco, Mauritania or Senegal and the hardening of the policies of migratory control, in the South border (Canary Islands, Ceuta, Melilla), has especially led that many people who try to arrive in Spain fleeing from violations of human rights have not been able to arrive here and to request asylum or they have not been identified like persons in need of international protection. In addition, it increases the risk that the victims undergo new violations of human rights during the trip, in the transit countries or at the border.

Some of the legal barriers that the asylum seekers face once they arrive in Spanish territory or want to apply for asylum here are:

- The bilateral agreements that Spain maintains with several African countries are used to justify the arbitrary arrest, detention and/or possible repatriation of immigrants and asylum seekers
- The obligation to have a visa to enter in Spain (European Union)
- Sometimes are not offered with a interpreter or translation services when presenting the asylum application at the police station or the airport premises, and the legal help is unable or unwilling to act on applicant's behalf or to provide information necessary to access the asylum system (even though Spanish law and international standards on asylum procedures require the provision of legal services, translation and interpretation to be provided to the applicant)

Also, under the new Asylum Law:

- The EU citizens don't have the right to seek asylum, contrary to the Geneva Convention for violating the universality of this right
- The procedure for asylum application at a Spanish embassy is more difficult
- The "safe third country" concept as non-admission cause of the asylum application, which violates the obligation referred in the Geneva Convention, to consider each case individually, as well as the principle of non-discrimination on grounds of nationality under Article 3 of the same Convention
- The extension of the detention duration at the border up to a maximum of 10 days, as



well as the disappearance of the guarantee according to which the asylum seeker's repatriation is suspended if UNHCR issues a favourable report so that an asylum request will be admitted.

- The establishment of different procedures of the asylum request process. This diversity of procedures reduces the applicant's guarantee to be granted asylum based on the place where he/she asks for international protection (for example, the asylum applicants at the border will have major difficulties to secure the condition of refugee).
- The disappearance of the resolution review. When a application has been rejected and new elements have been obtained that would allow to review the resolution

The new Asylum Law also includes some positive aspects as the incorporation of the persecution by gender or sexual orientation reasons and Spain's participation in the refugee resettlement programs.

Further readings

Law 5/1984, 26 of March, which regulates asylum right and the refugee status
http://noticias.juridicas.com/base_datos/Derogadas/r1-l5-1984.html#

Law 12/2009, 30 of October, regulating the right to asylum and subsidiary protection
<http://www.boe.es/boe/dias/2009/10/31/pdfs/BOE-A-2009-17242.pdf>

UNHCR Spain: http://www.acnur.org/index.php?id_pag=1435

Spanish Interior Ministry – Asylum and refuge:
http://www.mir.es/SGACAVT/extranje/asilo_refugio/

Foreigner's Web – Inmigracion y Extranjeria:
<http://www.intermigra.info/extranjeria/modules.php?name=News&file=article&sid=1954>



4.2 Temporary accommodation

INTRODUCTION

Reception conditions constitute the material support offered to asylum seekers while they await a decision on their applications. Such support usually includes food, housing, education, health care, language training and access to employment.

Asylum seekers may have recently escaped from traumatic experiences, sometimes involving the disappearance or death of family members and friends, torture or armed conflicts. Upon arrival they generally need rest, space and respect. Reception facilities should therefore seek to meet these needs. Adequate conditions of reception are also essential to the functioning of a fair and efficient procedure, as they allow asylum seekers to have a dignified standard of living while they are awaiting a decision on their applications³⁹.

In January 2003, the European Union adopted a Directive laying down minimum standards for the reception of asylum seekers in the Member States⁴⁰. This Directive has contributed to strengthening the legal framework of national reception practices, particularly in those countries with und

Case Study: Confrontation with authorities
Authorities have an essential function in the procedure of asylum seeking. Beginning with the entry in the new country, the application for asylum to the final ruling as well as for social services and accommodation, refugees are confronted with several institutions. Not only are juridical basis and procedures not easy to understand for refugees. Furthermore, they face structural racism, which realises in laws and regulations as well as in the behaviour of the clerks. Another aspect is that refugees may be further traumatized by the confrontation with authorities and the experiences they face there.

Case study – Maia

In order to find a safe place to bring up her son, Maia fled westwards from Ukraine in 2001 together with her son. The quickest and easiest visa to obtain was a Spanish one. However, instead of going to Spain the family travelled to the Netherlands - a place they had always liked and admired - to find protection and try to make a future for themselves there.

Maia learned Dutch and had already found herself some voluntary work by the time the family was forced to leave the Netherlands. Under the EU procedure known as the Dublin Regulation⁴¹, which determines the state responsible for an asylum claim, the family was required to return to the first EU country they had arrived in. The family had been in the Netherlands for two years when they were transferred without warning in August 2003.

Once in Spain, Maia suddenly found herself alone with her son in an alien culture. They spoke no Spanish and could not find anyone to help them who could speak Russian, Dutch or English.

The help and attention the family needed began to arrive in the form of housing and training courses. On applying for asylum, Maia and her son had a year's access to free accommodation and food at the CAR Centro de Acogida al Refugiado (Refugee Reception Centre), as well as free Spanish language courses and the opportunity to train for a new job. Maia's son started school

39 ECRE, Refugee Stories Project http://www.ecre.org/refugeestories/about_the_project

40 Official Journal of the European Union, COUNCIL DIRECTIVE 2003/9/EC of 27 January 2003
http://eur-lex.europa.eu/LexUriServ/site/en/oj/2003/l_031/l_03120030206en00180025.pdf

41 Official Journal of the European Union, Council Regulation (EC) No 343/2003 of 18 February 2003,
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R0343:EN:HTML>



immediately and to his mother's relief, settled in quickly, learning to speak Spanish within the first few months and making plenty of new friends.

For a year, conditions were good. Maia and her son were lucky enough to have a room to themselves with a private bathroom and they were regularly given clean linen and basic toiletry supplies.

Relieved of the day to day worries like finding somewhere to live, Maia could start thinking about having a productive life in Spain, with support from CAR (Centro de Acogida al Refugiado), "they were of big help because I could study without worries for 9 months, not thinking I am going back to the street... it's very good that they give you the opportunity to change your career, to integrate and to find a good job".

Maia was a trained accountant in Ukraine, but had little hope of following this career in Spain, so she took evening waitering jobs, to support her family while she considered a new career.

Living and working through the red tape Maia was given permanent residence status in Spain for humanitarian reasons. Now armed with a residence card and a pile of papers as proof of her work permit, Maia began searching for a job that would offer her more than a survival wage. But job seeking proved difficult as Maia regularly encountered hesitation from would-be employers when she presented all her documents: "people are scared because I always have to show the card and along with the card I have a lot of papers which are the working permit." Employers never want any trouble with the legal system, with the result that Maia has found it harder than most to find a good job, "they don't want to speak with you, they say we'll call you, and of course nobody is going to call me. That is a problem because I've had so many interviews."

Besides this, Maia's documents are not permanent and need renewing regularly. This too causes problems as each renewal means painstaking applications, stamps, fingerprinting, visits to lawyers and delays up to several months long. In the meantime, Maia must try to persuade potential employers that all is in order and that she has legal status in Spain⁴².

Reflection questions:

1. *Compare the reception conditions from this case study with the ones provided in your country. Do you think that these might have an effect on the future integration of the person seeking asylum?*
2. *Describe how you might facilitate the cultural integration of newly arrived asylum seekers?*
3. *How do you think that the reluctance of employers towards the persons that were granted asylum can be avoided? What actions can you take?*
4. *What are the objectives of the Dublin Regulation?*

Further readings:

Dublin Regulation

http://ec.europa.eu/justice_home/fsj/asylum/criteria/fsj_asylum_criteria_en.htm
http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_person

42 Maia was interviewed in spring 2006 by ACCEM, <http://www.accem.es>. ECRE, Refugee Stories Project



TRAINING ON PSYCHOSOCIAL NEEDS OF REFUGEES

[s_asylum_immigration/l33153_en.htm](#)

EURODAC Regulation

http://ec.europa.eu/justice_home/fsj/asylum/identification/fsj_asylum_identification_en.htm

http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/l33081_en.htm



4.3 Encounter with authorities

INTRODUCTION

Authorities have an essential function in the procedure of asylum seeking. Beginning with the entry in the new country, the application for asylum to the final ruling as well as for social services and accommodation, refugees are confronted with several institutions. Not only are juridical basis and procedures not easy to understand for refugees. Furthermore, they face structural racism, which realises in laws and regulations as well as in the behaviour of the clerks. Another aspect is that refugees may be further traumatized by the confrontation with authorities and the experiences they face there.

Case study – Mili

Mili flew from her native hamlet in Mali as her father decided to get her married as the third wife with a man much older than her. In Mopti, near the capital Bamako, she found work in the house of a German man, who took her with him. Arrived in Germany, he shut her up in the apartment until the day she succeeded to escape and go to the police.

After telling her story the police registered Mili as an illegal person and brought her to the registration office for foreigners. She was fingerprinted, a photo was taken and she was asked what her demand in Germany was. Mili told her story again, but the foreigner office was mainly interested in her age. By law, there is a difference between minor and adult refugees, i.e. minors receive some special treatment in relation to adults like they get some special social assistance as a legal guardian for the asylum procedure or accommodation with other minors under educational attendance. That means also that minor refugees cause more costs for social services than adults. Whereas Germans are of full age with the age of 18, refugees from the age of 16 are considered as full of age,

As Mili didn't know her age and had no identity documents, the next day she had to go to a hospital in order to determine her age by an examination. In addition to a female doctor, a masculine clerk and an interpreter were present at the examination. Mili was x-rayed for her wrists, jawbone and clavicles, and the hair-growth of her vulva was documented in order to declare her physical age. She wasn't examined for sexual abuse or physical or psychological effects of the slavery by the man. Because of long waiting periods, the whole procedure took several hours. The doctor estimated finally her age between 18 and 21.

Immediately after the examination she had an interview back at the foreigner office. Mili had to tell her story again while she was crying and trembling. She was frightened of the man who shut her up and of getting sent back to Mali to her father. She felt lonely and ashamed of telling her story several times to strangers. Accidentally she had met before two volunteers from an independent NGO in the aliens department who tried to help her. Although they tried to intervene, the interview continued without break. Finally the clerks told her that she had to apply for asylum and she signed the application, although she had mentioned before that she could neither read nor write and she didn't understand what's meant by "asylum".

As being declared for adult, Mili had to face the usual procedure for asylum seekers in Germany which includes that they don't stay in the place of the first registration, but are distributed to reception centres all over the country according to rates. In Mili's case, she had to move to a place about 300 km away, where she had to arrive the same day. She got a low-cost train ticket for slow regional trains and because of that she had to face several changes and would have arrived during the night.



Reflection questions

1. *What do you think about the behaviour of the police? Compare the treatment of Mili with the supposed treatment of a resident woman going to the police to report her imprisonment/slavery by a man.*
2. *In your opinion, what does a person in a situation like the one mentioned above expect from the authorities? What might the person expect about their right on this situation?*
3. *What can you do to support the refugee in contact with the authorities in order to get their right?*

Further readings:

Structural racism http://en.wikipedia.org/wiki/Institutional_racism



4.4 Settling

INTRODUCTION

When settling to a new country refugees may encounter social, legal and/or cultural difficulties, but they have to adapt to their new life and to integrate in the host society. Integration of refugees is a dynamic two-way process. It begins from the day a refugee arrives within the new host society. The approach that governments choose determines the outcome of integration efforts and services and will ultimately influence integration for individual refugees. Refugee integration therefore places demands both on receiving societies and on the individuals and communities concerned.

Case study – The “invisibility” of the refugee

One of the greatest difficulties refugees face daily is their “invisibility” and the feeling of being ignored by a large part of the host society. The labelling of the refugees as immigrants is very frequent, in spite of not entering in this category. This comes not only from part of the population of the host country, but also from the public administration, who does not have the necessary tools to deal with the problem of asylum seekers and the refugees. “The government does everything possible to blur the difference constantly, not only talking about them as ‘false asylum seekers’, but also describing them frequently as ‘economic migrants’, ‘illegal immigrants’ or ‘parasites of the system’”. (Dummett, M. - *Sobre Inmigración y Refugiados*, 2004) We can say then that the figure of the refugee is “immigrationised” administratively as well as publicly. Ultimately, the one who pays the price is the refugee, who encounters a series of problems deriving from it:

1. Difficulties to register in the city council: a great part of the civil servants are not aware of the documents that an asylum applicant needs to prove his status. In many cases the asylum seekers encounters difficulties or total impediment to register.
2. Difficulties when opening a bank account: the banks’ employees do not know the accrediting document of an asylum applicant and for this reason many refuse to facilitate the access a bank account.
3. Employment contract: once asylum seekers obtain a work permit, we return to the same situation mentioned in points 1 and 2. The contractors or companies are not aware of this document and in many cases they are reluctant to hire a person in this situation.
4. Renting an apartment: real estate companies as well as individuals, show distrust when dealing with asylum seeker applicants. This is the reason why in many cases they decide not to rent an apartment to a refugee.

These deficiencies cause that refugees become “invisible” to the society in which they live increasing their insecurity and malaise that already accompanied them from their original country. Therefore it would be necessary to create specific resources for this group that go beyond the services offered by the Refugee Reception Centres⁴³.

Best practices – Participation through art

Refugees nearly have no chance to step out of this state of invisibility actively and open the eyes of the society for their specific situation by public presence. An innovative form of undermining this voicelessness is to work with refugees in the field of art where public

43 Laura Guijarro Edo - La invisibilidad del refugiado (The invisibility of the refugee)



presentation – beyond the artistic process itself – is the most important part of a project.

In Hamburg since 1999 there exists such a project called "Hajusom": in their own working-space and in cooperation with various social and therapeutic institutions, juvenile and young adult refugees from the most diverse countries work together with a team of artists with residence in Hamburg and various international guests.

By activating their individual cultural resources in their role as artists the young refugees recreate their own experiences and present them in various formats: mostly in theatre performances, also in video-works, CD productions, space installations and texts, all performed on big renowned stages in Hamburg and other cities in Germany. In their artistic work Hajusom's protagonists develop their own language that can transport their special experiences, their knowledge and their dreams. By being participants of the cultural life they get the chance to free themselves of social exclusion and make migration visible as a central force for social change.

Reflection questions

1. *What can be done in order to make the civil society more aware to the refugees' difficulties in integrating?*
2. *What mechanisms can be put in place?*



4.5 Health/Social services/Trauma treatment

INTRODUCTION

The introduction is based on the brochure „[What you should know about trauma](#)“⁴⁴ by Caroline Dorn & Manuel Novoa: Association for the Support of Torture Victims and Persecuted Refugees.

The life situation of traumatised refugees and asylum seekers is characterised by at least a double stress background – the biographical experience of extreme stress before or during flight, and the considerable restriction in their conditions of life where there is insufficient life perspective or no life perspective at all in Germany as the receiving country. In a phase in which traumatized refugees need to build up a new life with social assurance and stability to recover from trauma, the tightly stipulated legal framework and the social exclusion due to official regulations produces lack of security, stability and social integration, lack of capability for the creation of meaning with respect to present and future, lack of creation of perspectives and lack of experience of competence and self-effectiveness. Every new experience of helplessness, incapacity and exclusion can easily reinforce and fix the individual conviction of the victims that they „can exercise no influence on their own lives“. This is subjectively experienced as a continuation of never-ending persecution. In this way framework conditions for refugees and asylum seekers increase the risk of chronification and re-traumatisation. Even the asylum procedure itself and its enquiries which often demand deeply outrageous and offending moments of the asylum seeker can generate new deep trauma.

Traumatised refugees need measures, activities and contacts which open up scope for decision and action and thus enable them at least to some degree to have the following experiences: the experience of own effective activity, i.e. the experience of being „competent and useful“; the experience of control due to own activity and initiative; the possibility of establishing a positive identity by having access to skills and resources; the experience of social belonging through participation and recognition and the possibility of creating meaningfulness for the present and the future.

In addition traumatized refugees urgently need trauma treatment. For many reasons refugees often fail in finding their way to a psychologist or psychiatrist. Traumatized refugees often suffer from the lack of a basic sense of trust in other people, from feelings of shame and the perception that their life is irrevocably destroyed. Although conveying that they suffer a lot, many of them have difficulties in saying clearly what they actually suffer from. This might be one reason why many traumatized refugees first call on physicians for different physical symptoms. Many of them even miss a trauma treatment because they get caught in somatic medicine. Because physical treatment does not heal their symptoms, they often jump from general practitioners to internists, from there to orthopedists, gynecologists or dermatologists. As in some cultures and societies resistance and prejudice against psychiatry and psychology are huge, the referral to a psychologist or psychiatrist requires some experience and tact by the referring physician.

Physical pain and vegetative symptoms that may indicate underlying traumatising are long-lasting headaches, migraine, pain in the body and limbs, circulation problems, gynaecological complaints, trembling, respiratory complaints, heart palpitations, heart pain. Other symptoms are intrusions, nightmares, extreme sleep disturbances, states of absent-mindedness, concentration disturbances, memory and recall disturbances, hyper-arousal, being in a state of inner pressure and restlessness, extreme liability to exaggerated startle response, extreme mood fluctuations, fear of „no longer being normal“, extreme mistrustfulness and a sense of

44 <http://www.gla.ac.uk/rg/etraum03.pdf>



isolation, brooding, lethargy and apathy.

Case study – Ozan

Ozan is a Kurd who had fled with his family from his home country. Because he had been suspected to belong to a resistance-group he had previously been arrested and tortured several times. A social worker in Hamburg, who was alarmed by the insinuations of "bad things" that had befallen Ozan and who also felt the depth of their gloom, convinced Ozan - with gentle persuasion - to turn to a therapy-center for torture victims.

During the therapy Ozan disclosed more and more details of his suffering. One day after he had already told of many horrifying particulars of his torture, he said he wanted to talk about something he had never talked about to anyone before. Almost all of the torments inflicted to him in torture, he began to tell, his soul had survived. At one time, however, when the torturers had hung him by the arms, flogged him who was naked, scorned him and his family as Kurds, laughing loudly again and again, something had broken inside him. Since then he was having nightmares every night during which the laughter of the torturers was robbing him of his sleep.

After this talk Ozan kept absent from the therapy sessions a few times. Then when he continued the therapy it could be successfully completed within two years.

Case study – Abdulah

Abdulah is from the present-day Bosnia-Herzegovina. He belonged to a Bosnian-Muslim part of the population that fought with the Croatian Catholic side against the Serbian army for some time. By the end of these battles, in which the Serb forces had been beaten, in Abdulah's home district the conflicts between Moslems and Catholics were hardening and finally ended in war. As a result Abdulah became a prisoner in a Croatian camp.

Abdulah had left his homeland four years after the outbreak of war in former Yugoslavia. A year later in the new home he got to know his wife and they had a son together. In the first two years after his flight he had felt at ease because he had escaped from the "hell" of war and the Croatian camp. But then it became to be a burden on him more and more that he could not find any work, that he felt useless and „being cared for“ by his wife. He became moody, got rage attacks, sometimes beat his wife and isolated himself from his surroundings. Having to deal with him also became difficult, because the only subject he was talking about were the events in his former home-country.

Abdulah repelled the idea of betaking himself to a therapy, for he was "not crazy". But his wife "forced him" to do so, for she told him that she would not stand the marriage any longer if he did not at least make some efforts to change himself. Abdulah was very attached to his wife and son and so he got convinced to „make an attempt“.

Case study – Melissa

Melissa is an about 30-year-old woman of Latin American origin. She was in a general medical treatment for lumbar back pain without clear organic genesis. She was considered as a very difficult patient, because she often expressed her dissatisfaction with the inefficiency of the



treatment intemperately and loudly.

After Melissa had been referred to a psychotherapy, it was revealed that Melissa had fought in a guerrilla group in her homeland for several years, and afterwards she had continued the political work in the legal party of her group. This work was also dangerous, as Melissa was exposed to constant death threats coming from paramilitary groups. One day Melissa was kidnapped, blindfolded and locked in a barrack. When she heard that they were marching outside the barrack and shouting commands, she assumed to be in a military base. For about three weeks she was mistreated daily and raped brutally by several men. Then they threw her lifeless body in a garbage dump. There she was found; fellow party members attended her for months until she was healthy again and brought her and her 5-year-old daughter out of the country.

In the course of the therapy her asylum application was finally rejected, what made the treatment even more difficult. In the rejection-notice it said that the description of her background was disbelieved, and it also said that even if her description was true, the criminal acts committed by individual soldiers would be no reason to grant her asylum.

Reflection questions

1. *What are the similarities of those three stories?*
2. *Which effects do the treatments have?*

Further readings

[What you should know about trauma](#), Caroline Dorn & Manuel Novoa: Association for the Support of Torture Victims and Persecuted Refugees. The brochure, „[What you should know about trauma](#)“ was created by the Gesellschaft zur Unterstützung von Gefolterten und Verfolgten E.V. (Association for the Support of Torture Victims and Persecuted Refugees) financed by the Leonardo da Vinci project “Mainstreaming Vocational Guidance for Refugees, Asylum-seekers and Migrants”; project promoter: University of Glasgow, Department of Adult and Continuing Education, Faculty of Education. Email: P.Clayton@educ.gla.ac.uk; more materials: www.gla.ac.uk
<http://mediawiki.imir.de/images/a/aa/Abouttrauma.pdf>
<http://www.gla.ac.uk/rg/etraum03.pdf>

Wikipedia: Psychological Trauma

http://en.wikipedia.org/wiki/Psychological_trauma

TRAUMA TREATMENT MANUAL

http://park.org/Guests/Stream/trauma_manual.htm

Schauer, Elisabeth: Trauma Treatment for Children in War : build-up of an evidence-based large-scale Mental Health Intervention in North-Eastern Sri Lanka

http://psydok.sulb.uni-saarland.de/frontdoor.php?source_opus=2028&la=de



4.6 Economic survival

INTRODUCTION

To find work, to strive for economic independence is the basis for participation in the society of the receiving country. Formal qualifications acquired outside the European Union are frequently not officially recognised. Even when they are, they are not necessarily accepted by employers. In the case of refugees in particular, the relevant documents may be missing. As for non-accredited competences, these are rarely recognised or valued. This is partly because in many cases refugee's abilities are still undervalued; partly from a lack of appreciation of the potential of immigrants or refugees; and partly because many refugees themselves do not recognise the value of their skills, abilities and experience. This lack of recognition by refugees themselves may be because they may not have been valued in their country of origin; they may not have received vocational guidance in the host country; and they may suffer low self-esteem as a result of their experience of immigration.

One cause of a negative self-image is that very few refugees find that they can get a job at the same level as they had in their own country, or that is commensurate with their qualifications. In Germany, immigrants, refugees and women in particular, especially if they have children, find it hard to get work. Those who do tend to be employed in low-paid sectors such as personal services, hotels and catering and the care industry.

The following question is relevant with respect to integration in vocational training and labour market of refugees: how far is it possible to give this group the necessary resources and skills so that it can contribute added value to society, particularly in view of the resources it provides, such as mastery of a number of languages, plus a range of skills and vocational abilities? Participating in training and labour market experiments are aimed at re-establishing their employability for use in Germany, or in their country of origin, or in a third country; it is linked with a vital opportunity for the future, enabling them to live their life with recognised status and earn their own living.

There is hardly any member state of the European Union where educational, social and employment policy is as restrictive as it is in Germany. An important aspect in consideration of the reality of life for refugees in Germany is directed at the legal and social mechanisms of exclusion. The characteristic structural problems in Germany are various. Young people in particular suffer from discrimination in their social and legal situation.

Case study – Orhan

Orhan flew with his parents and two brothers from Afghanistan and came to Germany in 1998. He had 7 years of schooling in Afghanistan.

After arriving Hamburg he had one year of preparation class and then he attended the „Realschule“ (Junior High School). After two years he obtained the Realschule certificate. Then he attended a „Gymnasium“ (Senior High School) and obtained a specialist Abitur certificate. He was already 21 years old at that time – older than German young people who have the chance to go directly through the educational system.

For the next two years he applied for training places and got offers for two training places – successful. But as a ‘tolerated’ refugee Orhan could not get a work permit, so he was not able to start the training. Orhan was one of the participants in the European project FLUCHTort Hamburg – Hamburg as a Safe Haven – Vocational Training for Refugees. With the aid of the activities of the EQUAL project a deportation could be stopped and a training placement in a



restaurant could be found. That's why Orhan could start his training. "That placement enabled me to show how motivated and committed I am. The General Manager offered me a training place starting on 1 August 2006. For the first time, I had the opportunity to do what I wanted, and to show what I can do. My results at school and at work are good, and everyone is satisfied with me. The only difficult point is that I do not get vocational training support like the young Germans. Vocational training support is a government top-up to training remuneration, which is a very small amount." (Orhan)

Orhan had completed his two year training as an assistant cook in 2008 and is continuing (2009) his training for another year in order to take his exam as a cook. His plans for the future: "I would like to open my own restaurant – together with my brothers. My older brother will then cook, my younger brother will work in service, and I can manage the restaurant".

Assessments by business companies of the aptitude of refugees for training are the best proof of their high motivation, their resilience, and their ability to work on their own initiative. The opinions of business representatives on educational experience with refugees are the best evidence of the latter's aptitude of education and training: "We live from the influences that the different people bring with them – from their origins, and from their own experience. We need young people coming in, because in the past few years we have simply kept our heads above water by using untrained personnel" (Andersen, Manager and Trainer of a refugee, statement in television interview in Hamburg).

"Refugees are of interest to us because they have a very interesting personal history, and some of them are much more motivated and focused than German applicants. These are people who decided at a very young age to follow their own path. In some cases they have had to take the initiative in making their own way in life, and they have become familiar with life in Germany, and have learnt German here. All of these are characteristics and skills that are very interesting to us and for our environment at the airport" (Schwedler, Manager and Trainer at a refugee, statement at press conference 2006 in Hamburg).

Reflection questions

1. *What does it imply, if refugees are pressed by governmental guidelines to live on social welfare, instead of participating in education and the job market?*
2. *How can I support a refugee, who has been traumatized, to participate in education and job-qualification? Which options of support can be provided?*

Further readings:

Project information

Access to education for "tolerated" young people and refugees FLUCHTort Hamburg – Hamburg as a Safe Haven – Vocational Training for Refugees, read more www.fluchtort-hamburg.de

http://mediawiki.imir.de/images/4/49/Fluchtorthh_newsletter_engl_04_ol.pdf

Voice of an employee: Opportunities for companies. By Götz Diederichs, Manager Junges Hotel Hamburg

http://mediawiki.imir.de/images/3/3d/Götz_Diederichs.pdf

FLUCHTort Hamburg was one of the development partnerships approved in Germany (2005-2007); the Community Initiative Programme EQUAL was the first labour market programme in



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Germany that includes asylum seekers and refugees. Access to the labour market – that is the greatest challenge for German refugee policy, was addressed by the project FLUCHTort Hamburg. Its focus included the area where the barriers were the highest for this group. Read more about legal barriers and experiences in Germany

http://mediawiki.imir.de/images/d/d7/071128_Memorandum_englisch.pdf

Teaching materials

EQUAL LANGUAGE: Manual on Second Language Training with Asylum seekers and Refugees, by Iris Beckmann-Schulz e.a., September 2007, published by the Transnational Partnership AwareNet - Working for social inclusion in Europe, consisting of the following partners: FLUCHTort Hamburg - Berufliche Qualifizierung für Flüchtlinge, Hamburg; Transition Supports Project, Dublin; integrarsi, Rome; progres, Ljubljana

http://mediawiki.imir.de/images/f/ff/EQUAL_Language.pdf

Background information

Maren Gag: Moving systems. Equal programmes for refugees and asylum seekers in Germany: the role of the development partnerships

http://mediawiki.imir.de/images/6/60/Maren_Gag_Moving_englisch.pdf



4.7 Education

INTRODUCTION

When arriving to a new country a refugee must be provided, apart from the necessary assistance, with language and cultural orientation courses. These courses can be given, by governmental institutions, but are often given by NGOs and other organizations. In parallel, they can be provided with professional training and career orientation. Only by providing the education, orientation and support, refugees can become self-sufficient members of the society in which they will live and integrate.

Also, special attention needs to be given to gender issues. Often women seeking asylum have not only training deficiencies for certain jobs, but, in addition, a culture that, in their countries of origin, doesn't give them a chance to work or forbids them to do certain activities.

Case study – Hedja

When Hedja's father found he could not return to Iran from Germany, where he was visiting relatives with his three children, he applied for asylum. As the family had entered Europe on a Spanish visa they were transferred to Spain according to the EU's Dublin procedure for allocating responsibility for asylum seekers to the first country of entry.

Stuck in Spain with no contacts and unable to speak any Spanish, all the family could do was apply for asylum and then wait. As the eldest of the children, 19 year old Hedja was overwhelmed by the responsibilities of looking after her increasingly ill father and 2 younger brothers, but her studies for entry to university at least gave her a horizon to focus on.

The family waited five years for a response to their asylum application and during this time Hedja's father's health deteriorated dramatically. As asylum seekers, Hedja and her father in theory had the right to work but needed a job offer to secure a work permit. Hedja's father was too ill to battle for a job, while Hedja's attempts met reluctance on the part of employers to deal with the bureaucracy of employing an asylum seeker.

Hedja had to adapt fast to life in Spain if she was to continue with her studies. At 19, she had a place at university in Iran which she would have taken up on return from the family holiday. In Spain, Hedja had to start from scratch to learn the language well enough to qualify for university entrance. Having followed the basic language course offered by NGOs, Hedja enrolled in advanced courses to ensure she could pass the university entrance exam to study dentistry.

She had no special help as a foreigner in preparing for the exam and is proud that she managed to pass the exam on her own after only one year. Not only did she pass, she did well enough to earn a government scholarship without which, she says, she would never have been able to afford a university education. "But that was because of my own achievements, not because I was an asylum seeker."

All this while, Hedja tried to look after her family and see her father through his illnesses. She accompanied him to hospital and acted as the family interpreter and even transferred her studies to a university closer to home, so she could help her father recover from surgery for two heart bypasses. "I help in the house, I work during the holidays... the truth is I don't have much fun, I never have fun, sometimes I go to the park..., but I am grateful, that's it."

Of all the hardships Hedja and her family have faced, Hedja says the endless days of waiting for a decision on their asylum applications has caused the greatest distress. When they received a decision after a five year wait, Hedja was thankful that at least the uncertainty was over, even



though she and her brother were denied refugee status. Hedja's father and youngest brother were granted refugee status, but Hedja herself and her other brother were only given temporary residence permits. Now with her dentistry studies nearing completion, Hedja is optimistic about finding work as employment opportunities for dentists are good. But she cannot plan her future since she does not know if she will be allowed to remain in Spain. After five years anguished waiting, Hedja can only look forward to stability for one year at a time.

Unsurprisingly, it is not easy to integrate in such circumstances, although she says she feels close enough to how Spanish people think and behave to feel more or less at home.

"I don't feel all that stable because I wasn't granted asylum, so I have to renew my residence card every year. And let's say one year they don't want to renew my card, what will happen with me?"⁴⁵.

Reflection questions

1. *What effects do you think an extended asylum procedure might have on the person seeking asylum?*
2. *What other actions can be taken in order to help in the education process of young refugees?*

45 Hedja was interviewed in 2006 by ACCEM <http://www.accem.es>, ECRE, Refugee Stories Project



4.8 Resettlement

INTRODUCTION

Resettlement is defined as the transfer of refugees from a State in which they have sought asylum to a third state that has previously agreed to admit them as refugees and grant them a form of legal status, with the possibility of acquiring future citizenship.

If a refugee cannot locally integrate in the country where he or she has sought asylum and there is no prospect of repatriation in the foreseeable future, resettlement becomes the only possible durable solution. Resettlement is an important international protection tool to meet the needs of refugees whose life, liberty, safety, health and other fundamental human rights are at risk.

Resettlement is also a tangible demonstration of international solidarity and responsibility sharing with the mostly poor countries hosting the majority of the worlds' refugees.

Case study – Carlos

Carlos is a Colombian who was living as a refugee in Ecuador when his persecutors from Colombia found him and beat him. He ended up in hospital, with three broken ribs, unable to talk, and almost blind. The UN Refugee Agency (UNHCR) asked him to resettle in Spain, or in Canada. He chose Spain because of the language, and soon found himself on a plane to Madrid.

When he arrived at the airport, the police told him, 'You have a valid passport, you can go'. But he had nowhere to go. From there began his struggle to find a new life for himself in Spain. With the help of NGOs he was assigned a flat with some asylum seekers - not recognised refugees like himself in Gerona. Here he lived with people from all over the world and experienced at first hand the uncertainty in which they were living while they were waiting for their claims to be processed. One of his flatmates - a young man from Chechnya - committed suicide and another one from Senegal could not wait to flee to another country.

He is now living in his own flat. He is grateful for the support of the governments and NGOs, but still feels vulnerable.

Reflexion questions

1. *How do you think Carlos would have felt if he would have been resettled to a country to which he had no language or cultural ties?*
2. *Do you think that that language or cultural ties should be taken into consideration when resettling a person to a third state?*
3. *What are some of the benefits of becoming knowledgeable of the traditional beliefs and approaches of other cultures?*



5. CONCLUSION

This course presents in a practical way an overview of the refugees' situation throughout the whole fleeing process and during their search for a safe and stable life. We believe that working with case studies, examples and reflexion questions the learner becomes more aware, can understand better this complex reality and can be more prepared to help this vulnerable group.

Working with refugees' psychosocial adjustment is a very complex process, needing a consideration of multiple factors that go far beyond traditional training. Social workers, trainers or counsellors must acquire different skills and abilities that should go beyond Western-based counselling, developing far greater awareness, understanding, knowledge and skills to effectively work with the refugees.

When working with refugees it is essential to have a thorough knowledge and understanding of cross-cultural perspectives as they directly apply to the refugees, which includes a knowledge and awareness of their specific cultural roots and backgrounds as well as the dynamics of working in a trans-cultural process. It is also important to be aware of the fact that our own cultural values may differ from the values a migrant brings. A framework for interventions with refugees should have human rights and social justice as a base of action.

This course not only touches upon some important problems that could be encountered by practitioners or human rights activists who are trying to help the refugee population, but also highlights some possible ways that could be followed to overcome the difficulties in dealing with their psychosocial needs.

The training could also serve as an example for similar training courses and practices and could contribute to the efforts in providing a basis for further projects. Thus, it could be used by practitioners and human rights activists as a sample tool for their relevant actions. All in all, shedding light on the forthcoming humanitarian works and projects in this field would be the long term impact of this training.



6. FURTHER READINGS⁴⁶

Psychosocial Working Group Papers

- <http://www.forcedmigration.org/psychosocial/papers/PWGpapers.htm>
- <http://www.forcedmigration.org/psychosocial/papers/WiderPapers/Widerpapers.htm>

Psychosocial support – Community based psychosocial support

- <http://www.ifrc.org/what/health/psycholog/manual.asp>
- <http://www.rsc.ox.ac.uk/PDFs/workingpaper16.pdf>

Maryanne Loughry, Carola Eyber - Psychosocial Concepts in Humanitarian Work with Children: A Review of the Concepts and Related Literature

Tania Ghanem - When Forced Migrants Return 'Home': The Psychosocial Difficulties Returnees Encounter in the Reintegration Process

World Health Organization (2001), Rapid Assessment of Mental Health Needs of Refugees, Displaced and Other Populations Affected by Conflict and Post-Conflict Situations and Available Resources (includes very useful tools and assessment questionnaires):
<http://www.who.int/hac/techguidance/pht/7405.pdf>

International Organization for Migration (IOM) (2008), Assessment on Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon, Survey Report (a very good example of an assessment report on this issue):
http://www.iom.int/jahia/webdav/shared/shared/mainsite/published_docs/brochures_and_info_sheets/report_psy_assessment.pdf

Miller, Kenneth E. / Rasco, Lisa M. (2004), The Mental Health of Refugees:
<http://books.google.com/books?id=B5X9XNprIQwC&dq=%22The+mental+health+of+refugees:+ecological+approaches+to+healing+and+adaptation%22&printsec=frontcover&source=bn&hl=tr&ei=at3ZS6Jjh8T5Bq7->

46 Recommendations for further readings can also be found at the end of each module



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[tNAN&sa=X&oi=book_result&ct=result&resnum=4&ved=0CBYQ6AEwAw#v=onepage&q&f=false](#)

Marsella, Anthony J. (Ed) / Bornemann, Thomas (Ed) / Ekblad, Solvig (Ed) / Orley, John (Ed) (1994), *Amidst peril and pain: The mental health and well-being of the world's refugees* (includes very important articles, 20 in total): <http://psycnet.apa.org/books/10147/>

UNHCR's publications on refugee issues: <http://www.unhcr.org/pages/49c3646c4b8.html>



7. COURSE EVALUATION

GENERAL INFORMATION ABOUT LEARNER

Gender:

Age:

Occupation:

Country:

COURSE EVALUATION

1. How do you rate the quality of the training course in general?

(1) Very good (2) Good (3) Average (4) Poor (5) Very Poor

2. How do you rate the degree of the difficulty of the training course?

(1) Very difficult (2) Difficult (3) Normal (4) Easy (5) Very easy

3. The learning objectives of the training course were clear enough.

(1) Strongly Agree (2) Agree (3) Neutral (4) Disagree (5) Strongly Disagree

4. The logical flow of the content of the course was consistent enough for the learning objectives of the training.

(1) Strongly Agree (2) Agree (3) Neutral (4) Disagree (5) Strongly Disagree

5. The content of the case studies presented were relevant enough for the learning objectives of the training course.

(1) Strongly Agree (2) Agree (3) Neutral (4) Disagree (5) Strongly Disagree

6. The content of the reflection questions asked were relevant enough for the learning objectives of the training course.



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(1) Strongly Agree (2) Agree (3) Neutral (4) Disagree (5) Strongly Disagree

7. The training activities and the methods of instruction were appropriate enough for the learning objectives of the training course.

(1) Strongly Agree (2) Agree (3) Neutral (4) Disagree (5) Strongly Disagree

8. Further reading materials referred to throughout the training course are relevant and appropriate enough for the learning objectives of the training course.

(1) Strongly Agree (2) Agree (3) Neutral (4) Disagree (5) Strongly Disagree

9. The level of interaction during the training course was sufficient enough.

(1) Strongly Agree (2) Agree (3) Neutral (4) Disagree (5) Strongly Disagree

10. The instructors provided sufficient feedback on progress.

(1) Strongly Agree (2) Agree (3) Neutral (4) Disagree (5) Strongly Disagree

11. The content of the training course and the attitude of the instructors were sensitive to individual differences such as gender, ethnic origin, race, religion, etc.

(1) Strongly Agree (2) Agree (3) Neutral (4) Disagree (5) Strongly Disagree

12. In your opinion, what is/are the specific strength(s) of the training course?

13. In your opinion, what is/are the specific weakness(es) of the training course (if any)?

14. What are your suggestions for improvement of the training course?



PERSONAL EVALUATION

The learner can use this personal evaluation for self assessment, to find out about the knowledge acquired during the study of this training material.

1. After this training, how would you rate your knowledge on the psychosocial needs on forced migrants, refugees or asylum seekers, in general?

(1) Very good (2) Good (3) Average (4) Poor (5) Very Poor

2. After this training, how would you rate your knowledge on the basic concepts and terminology ('refugee', 'asylum seeker', 'trauma', 'post traumatic stress disorder', etc.) in this field?

(1) Very good (2) Good (3) Average (4) Poor (5) Very Poor

3. After this training, how would you rate your knowledge on what causes possible psychosocial traumas of forced migrants, refugees or asylum seekers?

(1) Very good (2) Good (3) Average (4) Poor (5) Very Poor

4. After this training, how would you rate your knowledge on culturally contextual intervention strategies in determining how best to support forced migrants, refugees or asylum seekers?

(1) Very good (2) Good (3) Average (4) Poor (5) Very Poor

5. After this training, how would you rate your knowledge on how to meet possible psychosocial and economic needs of forced migrants, refugees or asylum seekers?

(1) Very good (2) Good (3) Average (4) Poor (5) Very Poor

6. After this training, how would you rate your knowledge on international instruments that could be used for protecting human rights and meeting possible needs of forced migrants, refugees or asylum seekers?

(1) Very good (2) Good (3) Average (4) Poor (5) Very Poor

7. After this training, how would you rate your knowledge on legal barriers, general problems or shortcomings that you may encounter when meeting psycho-social and economic needs of forced migrants, refugees or asylum seekers?

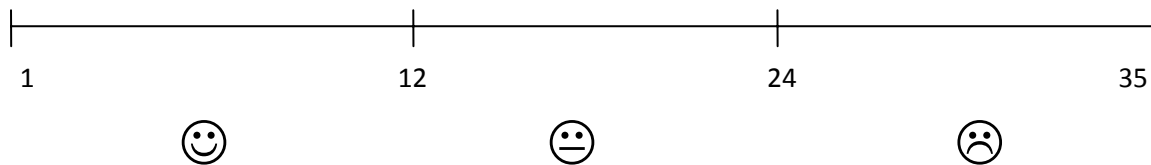


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(1) Very good (2) Good (3) Average (4) Poor (5) Very Poor

Evaluation score:

1.	
2.	
3.	
4.	
5.	
6.	
7.	
Total	

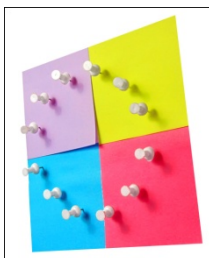


If you have scored:

- Between 1-12 - Congratulations, you have successfully completed the course objectives
- Between 12-24 - Well done, but you can revise some of the modules and maybe go deeper into the further readings material
- Between 24-35 - Not sufficient, maybe you should redo the course and revise again all the training material



www.psycho-socialneedsofrefugees.eu



IHAD, Turkey
iMiR, Germany
CEIPES, Italy
RESPECT Refugees Europe, Spain