

LEGAL CHALLENGES OF SOLITARY AND JOINT COMMITMENTS OF THE EUROPEAN UNION MEMBER STATES TOWARD THE REFUGEES AND IMMIGRANTS

DESAFIOS LEGAIS DOS COMPROMISSOS SOLITÁRIOS E CONJUNTOS DOS ESTADOS-MEMBROS DA UNIÃO EUROPEIA EM RELAÇÃO AOS REFUGIADOS E IMIGRANTES

Abbas Kadkhodaei¹Soraya Rostami²**Abstract**

European immigration laws are more subjected to domestic law than the European system. Rules like Dublin Regulation lost their efficiency in the Refugees crisis. According to Direct Effect Rule, If the EU legislate immigration rules, member states are obliged to comply with it. Legally, the EU's outsourcing policy (transference the immigrants to countries of origin or third parties due to readmission contract) and providing the needed manpower by the blue card system are against the humanitarian rules and conventions on refugees. In this theoretical paper; we've used describing-analytical method and with the attributive- bibliothecal technique attempted to answer the question of the impacts of the refugees crisis on legal commitments of the EU's member states. So, through legal differences between concepts of immigrant, refugee and asylum seeker we tried to verify the theory "because of the unevenness in legal commitments of the European states and the lack of dynamism in European approaches, the existing laws are ineffective and not competence of handling this situation". In order to conformity to international conventions, the EU must classify the refugees, based on international criterions with the priority of Syrian refugees, and take an appropriate approach, also pass joint rules about this subject, and try to bold the role of European laws in managing the immigration field and create more effective legal system too. That is necessary from the humanitarian point of view and also for the maintenance of European institutions effectiveness and existence.

Keywords: The European Union; The Refugee Crisis; The European Laws; The Refugee Convention; Reassignment

Resumo

As leis europeias de imigração estão mais sujeitas à legislação nacional do que o sistema europeu. Regras como *Dublin Regulation* perderam sua eficiência na crise dos refugiados. De acordo com a Regra de Efeito Direto, se a UE legislar as regras de imigração, os Estados membros são obrigados a cumpri-las. Legalmente, a política de terceirização da UE (transferência de imigrantes para países de origem ou de terceiros devido a contrato de readmissão) e fornecer a mão-de-obra necessária pelo sistema de cartão azul são contra as regras e convenções humanitárias sobre refugiados. Neste artigo teórico, usamos o método analítico descritivo e com a técnica bibliográfica atributiva tentou-se responder a questão dos

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impactos da crise dos refugiados sobre os compromissos legais dos Estados membros da UE. Assim, através de diferenças legais entre os conceitos de imigrante, refugiado e requerente de asilo, tentamos verificar a teoria "por causa da desigualdade nos compromissos legais dos estados europeus e da falta de dinamismo nas abordagens europeias, as leis existentes são ineficazes e não a competência de lidar com esta situação". Para a conformidade com as convenções internacionais, a UE deve classificar os refugiados, com base em critérios internacionais com a prioridade dos refugiados sírios, e adotar uma abordagem apropriada, também aprovar regras comuns sobre este assunto e tentar enfatizar o papel das leis europeias em gerenciar o campo da imigração e criar um sistema jurídico mais efetivo também. Isso é necessário do ponto de vista humanitário e também para a manutenção da eficácia e da existência das instituições europeias.

Palavras-chave: União Européia, Crise dos Refugiados, Leis Européias, Convenção dos Refugiados, Reatribuição

INTRODUCTION

The immigrants have changed European societies in all fields drastically, including the laws and regulations, the political rights, the employments, the welfare regulations, the educations, the health services and the social securities. However, the Europeans are ought to accept the immigrants. The consequences of the negative population growth and the social aging on economic growth in Europe make the immigration one of the ways to deal with the economic crisis. To avoid social conflicts, the immigration management is one of the most significant challenges in Europe in the twenty-first century. Previously, due to lack of competence of the EU legislation, the EU used to do the asylum policy management through the consensus of the Council of Ministers. The national governments had a major role, and they applied the immigration restrictions by security approaches. Schengen treaty made the EU pay attention to the integration of the immigration policy, and it restricted the illegal immigrations. Some people named it as the "Europeanization of the immigration policy". The inefficiency of the national institutions caused Europe to move gradually towards adopting a common immigration policy including the Commission on Europe's follow-up since 1985, the Edinburgh summit in 1992 to adopt a comprehensive approach to European immigration policy, the Vienna Declaration in 1998 and the Finland Declaration in 1999. The developments by the Europeans cooperation gave some legal aspects to immigrations. Being afraid of the consequences of the labours' immigration, the European governments also needed labours. This issue made Europe has a selective approach to the immigrants, that is, the European governments admitted the immigrants who had a lot of experiences and proficiencies. Others in

the form of readmission agreements had to return to their homelands. From the international human rights and humanitarian laws point of view, It is violation of Conventions. (Including the Convention in 1951 of the refugee rights and the Geneva conventions on the protection of the victims of armed conflicts). On one hand, the security issues affect both the humanitarian and the human right challenges, which European countries face with, and on the other hand, This issue is linked with the international humanitarian laws. The human dimensions such as the refugees' problems and their disasters are involved with different reactions. The consequence of this issue is either the stability of the European Union or the collapses and the disintegrations. The academic literature about the Europe Union, immigration and asylum is highly regarded both in terms of quality and in terms of quantity. The importance of the recent phenomenon and the related fields get the writers to analyze them. This crisis can change to a chance for the immigrants to benefit from the productive life by an appropriate and intelligent response. Moreover, It can enhance the economic and social foundations of the countries that are involved with such a problem. Due to the obtained data from the European states, we will analyze legitimacy or illegitimacy of their actions based on the European national and international laws. So we can predict the future of the crisis and put forward some suggestions. Prior to the debate, we should note two essential points. First, in this study we focus on the center of the crisis of 2015 and after that. In political literature, It is known as the refugees' crisis. Most of them are the Syrians who fled to Europe, because of the insecurity and the instability caused by the civil war, and we will talk about it in this study. Second, The concept of refugees and immigrants are not the same. An immigrant is someone who moves from one country to another because of the limited arbitrary conditions of the economic and social growth. In this sense the refugee resettlement is in common with the immigrants in the geographical relocations; however, abandoning the country for a refugee is usually involuntary. The international laws, which support the refugees, do not include the immigrants. We can say that immigration is a generic concept, and it includes people who go to another country for both economic and non-economic reason. Next phase for a asylum-seeker is becoming refugee. It means that the target state (government) accepts the refugee, and then he/she can get the residence permission.

THE CONTENT ANALYSIS AND THE RESULTS

Immigration, refuge and the international humanitarian laws

According to the literal definition, an immigrant is a person who emigrates from his homeland and he lives in another land (Dehkhoda, 1998). The asylum-seeker is a person who can not live in his homeland because of the political, religious and social reasons. Or because of the fear of the death, And he has to live in another country (Saljoughi, 1998). Due to the legal definition in terms of the Geneva Convention in 1951, which is the main source of the asylum – seekers’ rights in the international laws and the Protocol 1967, The word “asylum-seeker” is a person who he/she may be bothered because of races, religion, nationalities, and memberships in a particular social group or because of the political opinions. And is unable to return to his/her homeland because of that fear, therefore, Another country supports him/her. The international obligations (of the States) under the Convention, which are the asylum-seekers’ right, are as follows: “The non-discrimination”, “The freedom of religion”, “The exemption from reciprocity”, “The employment income”, “Housing and public education” and “Welfares” (*The 1951 Convention on refugee rights*).

The term “Inability” or “intending not to be supported by the government (state)” is confirmed by the first report convention Special Committee on” Statelessness”. The term “Inability” mainly refers to the stateless asylum-seekers; however, the word “Unwillingness” means that asylum-seekers do not tend to be supported by that state. In other words, this inability refers to the events that the asylum-seekers have no controls over them such as the civil armed conflicts, whereas “Unwillingness” is because of this fear. The experts interpret this principle in the asylum literature as “The lack of the governments’ support”, and they can compensate it by the replacement of the international protection instead of the national support (Keyhanlo, 2010)

The word “Foreign refugees” (the asylum-seekers) refers to the people who cannot securely live in their own country because of some reasons such as wars, the civil conflicts or natural disasters. However, they haven’t received the new citizenship from the country of asylum, then the international laws force the governments (states) not to dismiss the asylum-seekers to their life-threatening homelands. We call these international obligations as “non refoulment” (*The 1951 Convention on refugee rights*). These international obligations require the governments not to punish the asylum-seekers who illegally enter their territories if the asylum-seekers upon their arrivals follow the authoritative officials. Moreover, the asylum-

seekers need to support their ideas of why they want to get asylum. These states are also responsible to impose only necessary restrictions on the asylum-seekers traffic.

These restrictions are valid as long as the asylum-seekers' conditions are specified in the host country (*The 1951 Convention on refugee rights*). We should note that this support is temporary and international laws emphasize on the principle of "Return" if the situations get much better. (Assembly, 1948)

Due to the domestic or foreign issues, Societies should generally support the displaced people in terms of the humanitarian laws, and this support is more about accommodation. They ought to stay there as long as the officials get their asylum conditions finalized. In terms of the international humanitarian laws, the victims of the international conflict, whether displaced or not, should be supported against the harmful effects of civil wars by the international organizations. The victims of conflicts ought to benefit from the humanitarian assistances. We can identify the major part of the humanitarian regulations in the framework of the Quartet Geneva Conventions and the additional protocols in 1977. According to the Additional Protocol, the first and third Geneva Conventions could cover the displaced people' conditions. Thus, the term "asylum-seeker" referred to the cases that were not in the interpretation of the Convention in 1951 and the Additional Protocol. In 1994, the UN High Commissioner for Refugees invited all governments to adopt some measures to support the rights of refugees due to the vacuum of the international items. All those, who were in need of the international protection, had to be supported (The concept of the temporary protection). Thus, it required an appropriate legal basis that could complement the 1951 Convention (or a part of it.). The 13th paragraph of the Vienna Conference declaration in 1993 about the case of the third-generation of the human rights entitled "solidarity rights" explicitly explained the rights of refugees. The World Conference on Human Rights emphasizes, "If any person who is persecuted, he has the legal rights to seek an asylum in any country without any discrimination or can return to his own country." According to the UN Charter, the conference emphasized that a comprehensive approach by the international community is essential due to the complexity of the refugee crisis. The international community should resolve the problem in coordination with the relevant countries under the authority of the High Commissioner for refugees. (Parvizi, 2015)

The performance of the UN High Commissioner for refugees is a new movement with new dimensions in the international protection of the refugees. It is fundamentally different from the traditional trends. This new approach includes the expansion of the concept of the temporary support (the first: ensuring the international protection), and the protection of the

refugees in the internal conflict by article 3 in the quadruple-Geneva conventions. Moreover, it includes the Protocol II (the second dimension: the strengthening of the in-country support). Another aspect of this approach is the voluntary returning of the refugees to their country securely. (The third dimension: Finding durable solutions) (Momtaz, 2003). The 1951 Convention can resolve only a part of the refugee issues around the world. The definition of refugee in the Convention is the most fundamental problems. This Convention does not include any article about the refugee status determination, and its emphasis on the temporary admission is insufficient; the most important one, this convention provides permanent resettlement for the refugees in the host country, and it itself can raise the concern of these countries. One of the difficulties to manage the current crisis is the sharp rise in the number of the asylum seekers, besides; the ability to identify the refugees than the non-refugees is getting hard. It is difficult to investigate case by case when there is an influx of refugees in mass.

According to the emergent situations, all applicants can provisionally be accepted as the eligible asylum-seeker until officials can check their documents and papers.

This issue has gotten the phenomenon of “the mixed population” become a common practice (Yousef Molayee, 2002). In relation to the issue of "criteria", we can also say the convention generally defines a series of lines; however, their implementation in each country depends on the interests of their national sovereignty. In addition, there are no effective international enforcements in the case of refugees except blaming of the international public opinions and the introducing a country as a adversative of the international laws. (Yousef Molayee, 2016)

Both International Humans rights law and immigration laws are very important. The rules, the mechanisms and the procedures for the human rights require the migration policies both to protect the human integrity and to ensure the fair procedures, and any program or legislation in this regard must respect the human rights. There is no doubt that the international human rights, particularly in the area of judicial guarantees, have helped to develop humanitarian laws. On the other hand, officials apply the humanitarian laws when there are strong political tensions; moreover, the humanitarian laws help us to understand or even extend the main core of the international human rights.

The study of the effects of the immigration rights and policies of the European governments on the approaches to the asylum seekers

In late 2014, a large crowd arrived to the borders of Europe. No one paid attention to them before the advent of them to the gates of Europe and no one knew where they came from. From January to July 2015, more than 340.000 people went to Europe illegally, and in 2016 more than 625.000 people applied for the asylum in the territory of the European Union. Most of these requests were for Germany, Austria and the Scandinavian countries particularly Sweden. European Union has been trying to adopt some specific plans so that they can build a fortress against the refugees. In fact, this solution is based on the operational and technical measures. Between 2007 and 2013, Europe spent almost 2.000.000.000 dollars to protect its own borders, and allocated a lot of finance to the related entities such as the reception, the centers of the asylum seekers in the non-member countries to control immigration. (In the form of initiatives such as Mare Nostrum and Traytnv)

Only 17 percent of this amount (700 million euros) was dedicated to solve the problem of the refugees (El Hassan, 2016). In Appendix II of the Vienna Declaration in 1993, the Heads of states and government of the members of the Council of Europe said, "The phenomena associated with the intolerance threaten our democratic societies." They also condemned the racism in all forms, the xenophobia, the intolerance and all forms of religious discriminations. The immigration growth, which has made the intolerance and xenophobia in Europe, leads into the adoption of the various documents to support the refugees and the development of relations between cultures (Parvizi, 2015). In this regard, "the Declaration of the Intolerance on 14 May 1981" and the plan in November in 1993 for opposition to the racism, the xenophobia and the intolerance, which European Commission founded it to challenge with intolerance, are very noteworthy (Sarcoma, 2007).

In November 2004, European Commission suggested some common basic principles (CBP) which planned a common framework for the single European immigration policy. The framework suggested some criteria to evaluate the European cohesion policies that were applicable to the present and the future time. Anyway, they did not ultimately approve the statement. The Superior Council of Europe issued the European guidelines on immigration on 23 April 2015. This instruction includes some tools, which could manage the mass of immigration in the framework of the EU Action Plan for Europe.

These criteria could complete the immigration aspects of the European neighborhood policies, There are generally two approaches in Europe to the Syrian refugees. Due to the values of the human rights, a group of people tries to emphasize it that they should respect and

welcome the people who are in search of the international supports. The second approach concerns the opponents including two groups. One group insists that Syrians have been coming because they want to have more prosperity and a better life. As a matter of fact, they are the immigrants who tend to progress economically. A person who seeks the international support, he/she applies for the asylum in the first safe place as soon as he/she gets out of Syria. However, they want to go to Germany and elsewhere that have favorable conditions. The second group believes that the immigrants can be a social threat for their country because of the recent terrorist events in Europe (Parvizi, 2015). The Western and Northern European countries including particularly Germany, Sweden, and Austria have accepted the highest rate of immigrants. The context of the social integration in Germany is ethnic and culture-based, Germans believes the immigration is a temporary phenomenon and migrants eventually must return to their homelands. Thus, the German attitude towards the immigrants is involved with tolerance. Besides the humanitarian reasons, the structure of the German population requires the presence of the immigrants.

In this case, Germany can solve its problems of the labour force and its population problems by immigrants; moreover, this approach can guarantee its superpower in the international arena. In France, it is the government, which makes a decision about immigration. The decisions about the asylum seekers (especially immigrants from Syria) by the French government have some historical reasons. In terms of the foreign policy, France has always been willing to intervene in some areas which has political vital benefits, and in this regard, France considers the foreign policies as well. By reforming some laws in 2006, the government of France implemented the numerous immigration and tax laws for immigrants who want to stay in France more than ten years. In the recent crisis, the French government has been reluctant to accept the immigrants. Two factors could influence the matter; one of them was the African refugees in the port of Calais (the camp known as the Jungle), and another one was the terrorist attacks which the extremist groups did in France. The political parties in England support the restrictions on immigration mass. Keeping Britain away from the immigration techniques of the European Union is one of the U K policies. In the framework of this strategy, England has tried to solve the problem through either the serious refusal to accept the illegal asylum-seekers or admitting a small number of the asylum seekers legally. Keeping itself away from the policy of the distribution of the asylum-seekers of the European Union, England does not define any commitments to the institutional changes to face with the crisis. According to the research results of the Economic and the Political Science School of London, The immigrants

have neither reduced the wages, nor risen the unemployment. Receiving more welfare and paying more taxes by the immigrants have caused an economic boom and increased in GDP in recent years (Wadsworth, Dhingra, Ottaviano, & Van Reenen, 2016).

The British Government might accept only 20 thousand Syrian refugees over 5 years. Since the UK is not a member of the Schengen Treaty, They can prevent the illegal entry to the country during the post-Brexit by the strict border controls. Despite this fact, the majority of british people voted to the withdrawal from the European Union due to the both exploitation of the opposition and the fear of immigration. This issue would hurt the Europe's leaders and the political officials. The Great Britain's withdrawal from the EU can activate the centrifugal forces in the Union. Exerting a lot of pressure on England, the European's leaders try hard to persuade other countries not to follow such a policy. A movement, which reflects the European leaders' fear, may cause the members of the confederation to be separatists. The Eastern-European countries have neither desires nor needs to admit the asylum seekers due to its infrastructure and the historical reasons arising from the period of Ottoman era and the economic backwardness of the Former Soviet Union. The Eastern-European countries were places for the temporary accommodations of the asylum seekers as long as they were the transit zone to the West Europe. When the Western European governments announced that they would deport the asylum seekers, these governments closed their borders to the immigrants one after another. As a result, those who came later, were either caught in the Greek limbo or nomadic in Turkey. Germany and Austria have tried to impose the other European countries to participate and to have quotas in the meetings of the Council of Ministers to consider accommodations for refugees and to reduce the crisis in other European countries. The Eastern European countries as well as England strongly opposed to such a decision. Europe has tried to get the outsourcing policy and the process of "reintegration" with the failure of such a strategy. The "reintegration" approach, which is done in agreements with the non-members, dismiss the asylum-seekers to the other countries by using the mechanisms of rewards and punishments. In this case, those countries are in charge of managing and controlling the flow of immigrants. Such a policy, entitled "European Outsourcing", can both protect the external borders of the Union and made them irresponsible for the human rights violations. European Outsourcing is an approach to manage and control the immigration by the re-admission contract.

This policy would readmit and outsource all development aids, the economic cooperation and trades (Parvizi, 2015). In 2009, the European scouting organization rejected these agreements. These agreements could be dangerous due to the violation of the

fundamental rights referred to third item of the European Convention on the Human Rights. These agreements were opposed to the principle of "Non refoulment" which was especially emphasized in the 1951 Geneva Convention " (Parvizi, 2015). In other words, The Europe transfers the subject of supporting the asylum-seekers to other countries in which have neither basic institutions nor the human rights standards. Applying these agreements makes asylum-seekers illegal especially, Those who have no visa, and their applications are excluded from the review process.

In addition to the Amsterdam Treaty, the legal basis cited by European Union on the subject of "readmission" is the article 79 of the Treaty of Lisbon. The article 3 of the Treaty stipulates that Union might conclude the agreements with third states to readmit their immigrants whom can not enter or stay in Europe. In the current crisis, EU signed such an agreement with the Turkish government. It has various strategic reasons. Turkey host 2.5 million Syrian refugees. Many of them tend to go to European countries. In addition, Turkey is in the midst of the crisis, and it could play an effective role in the developments in Syria. Turkey has been an applicant to enter the European Union since 1963, and it has been closer to becoming a member in the Customs Union since 1995. Turkey can not achieve it due to many economic, social and immigration barriers. The concessions, which Turkish government has been able to achieve, are requesting hundreds of millions of dollars to support the refugees, traveling to Europe without a visa for Turks, The resumption of the negotiations for joining the EU. The Turkey has took two billion euros from the EU to manage the immigrants' affairs. Some members of the European parliament and many human rights activists believe that such an agreement violates the principles of the international laws and the human rights of the asylum seekers. The Amnesty International organization believes that such an agreement is a mortal blow to the rights of the asylum seekers, and MSF considers it as an inhuman act. UN High Commissioner for Human Rights urged the Europe Union to reconsider the agreement with Turkey on the issue of the refugees (Archick, 2017).

The legal analysis of the legitimacy or illegitimacy of the European Approaches within the framework of the EU laws

The EU treaties are the EU constitution, and the rule of law in Union deprived of it, therefore the Union laws are different from the member's laws. The Union law sources are as follows:

Member states' legislation (The main and sub treaties). The Union institutions legislation (regulations, directives, decisions, recommendations, opinions and judgments of the European Court of Justice), The general principles of laws and agreements with third countries. In the decision-making process of the Union, fundamentally, the commission proposes the new legislation. The adoption of this proposal is the duty of the Council, and the Parliament has some authorities in some cases. According to the legal principles, the European Union's rights are superior to the local governments rights. (Direct Effect), and people can sue when they violate EU rules in national courts. The European Court of Justice has emphasized this issue in several opinions. The superiority includes all the original treaties, the union legislations and agreements with third parties, and the date of approval is ineffective. The direct applicability means that EU can do the regulation in the union, besides it is unnecessary to pass the laws in the national parliaments again. In addition, the competent authorities of the member states must already define the regulations with such features. This requirement has horizontal (both the governments and the citizens) and vertical direct effect (only for the citizens). The acceleration of the Europe Union's activities rose in the field of immigrations and asylums in 2008 by the Council of Europe entitled "European Pact for Immigration and Asylum". The goal of the alliance is the increasing transnational influence of the European Union on the foreign policies of the governments about immigrations and asylums at the national levels. The first priority of the treaty, which is to regulate immigrations, emphasizes that immigration must be the agreement of the origin countries and the host countries, and it is the host government, which must determine all conditions and the number of the immigrants (Archick, 2017).

Overcoming the crisis, The Union must undertake the responsibility for the economic issues and the future population by the new immigration policies as well. Advancing the process of the Europeanization, The EU needs to create a new concept to form the European citizenship. Changing the European nation-states to the multicultural communities has caused the major changes in the geopolitical and the demographic dimensions, and it has redefined the European identity (Vaezi, 2016). In the legal terms, any response to asylums and immigrations in countries belonged to the EU must be done by the rules of Schengen and the Dublin Regulation. The EU supervises each asylum policy in Europe, Subsequently; The free movement of people, goods and the capitals are preserved. Unfortunately, the Dublin Regulation's framework is not

largely consistent with the reality due to the unexpected increase in the number of the refugees (Fusheh & Razie, 2014).

In addition to the European internal mechanisms, these countries must also commit themselves to the Geneva Conventions of 1951. Due to the procedure referred to article 308 of the Treaty on the Establishment of European Union and the article 2 of the EU Treaty, The maintenance and development of the Union as a safe and free area must be with justice which people's transportation with due respect to external borders, immigration and refugee freely and respectfully guarantees. Thus, if immigration and asylum policies in Europe lead to the violation of the third generation of the human rights such as the right to development or the right to the peace, then the European Union violate the human rights. The immigration issue has challenged the EU institutions in four areas. The first area is the impacts on the free movement of the people emphasized in the Schengen Agreement and the Treaty of Amsterdam. The second area is the loss of the intergovernmental cooperation on the issue of immigration and asylum including the Dublin Regulation. The third area is the violation of the Dublin Regulation voluntarily in the case of the Syrian refugees, and reviews their requests in any country where they reside. The fourth area is the disruption of the social decision-making system by more powerful states due to the lack of association of small countries based on the quantity and the quality of the refugees crisis. (The mechanism of sharing the asylum-seekers among the member states based on percentage. The severe immigration policies that countries in the north adopt as a response to this situation undermine the traditional principles of the international refugee protection and the human rights. At the same time, this policy has not only reduced the rate of immigrations but also increased the number of refugees especially from the developing countries recently.

The vast majority of asylum-seekers can cause the opportunities and challenges for Europe. We have outlined the most important of them as follows:

1. The opportunities: Hiring the skillful labors, the intensification of an adoption an unified approach in the field of immigration and asylum, an opportunity for European countries to show their norms and the humanistic approach
2. The challenges: the intensification of the divergences, the weakening of the convergences, the suspensions of the Schengen Treaty, making a gap among the union members, the economic insecurity and the social crisis, the threat of the terrorisms, the challenges of social security system, the challenges of the integration and racism, the

changing demographics, the development of the ultra-nationalist parties (Ahmadi Lafurak, 2010).

Facing with these challenges along with exploiting of the opportunities by EU can play an important role for the convergence processes and the intensification of the divergence processes

It is the intelligence of the agencies and the Union officials to exploit the available opportunities to guide the citizens 'opinions. The EU's policies for immigration try to follow the domestic laws of the member states rather than the determinations in Brussels due to the direct impacts on the investment of the economy and the security. According to the Direct Effect rule of legislative process of the Union, If the Union institutions approve the immigration laws, All countries have to respect them. The difficult part of it is to make the representatives of the member states in the European institutions get along with each other; besides, persuading and satisfying the governments is another challenge. This issue instead of being legal, seems more political. Unfortunately, destiny of immigrations depends on the political negotiations and the governments' benefits.

THE SUGGESTIONS AND THE RESULTS

This study focuses on the impact of the refugee crisis on the mutual commitments of the states of the Union. Despite the regulations of the Direct Effect, it is believed that the member states are not willing to the convergences, And they prefer to ignore their obligations towards the EU laws due to the domestic laws and their policies. The crisis reveals the layers of disputes and the discrepancies along with the irregularities of the Union's structures; moreover, It clearly shows the Europe's inability and its weakness in the various crisis. To a lesser extent, we could already see it in euro crisis. The European Union behaviors in this regard can approve the theory that European countries have a selective and profit-driven approach towards the immigrations, the European countries try to meet their labor market needs by choosing the professional immigrants. They will readmit other refugees later. (The EU quotes it "Readmission"). They are unable to resolve the diversity and the complexity of the refugee problems by the individual efforts. The only thing, which is necessary to resolve this problem, is a comprehensive approach toward the refugees which must unify all variety of causes along with the emergency responses to support the solution. Which is the protection of the refugees, the internal displaced people and the returnees to home. In addition; they search for some

solutions to both solve and prevent the refugee problems. It includes the expansion of the refugees rights, The concepts and the principles of the human rights and the humanitarian laws. To manage the problems of the immigrations, we need both the European and global cooperation. As a first step, the Syrian immigrants should be automatically counted as refugees. For this purpose, immigrants should be identified, registered and verified. The priority must be with asylum –seekers. When they are still in Turkey, Jordan and Lebanon, they attempt to announce themselves as the asylum-seekers, and they can be dispatched to the countries where they like. Granting social benefits and services should be much stricter in order to prevent the economic immigrants from traveling to Europe. These immigrants should be immediately identified and be returned to their home countries (Fal, 2007). The second step is to help refugees in neighboring countries to integrate into the labor markets through the creation of jobs by providing financial resources and accessing to the European markets to sell products. Such a strategy cannot only benefit refugees but also the aforementioned states. Another contributing factor is due to the bases of the crisis. The definitive solution to balance the Syrian crisis is the long-term cooperation between neighboring states and the EU in order to stand out against the radical Islamist groups like ISIS and ANF. To achieve the sustainable peace with the civil oppositions, they need to use a diplomatic strategy.

In this case, it can provide a safe environment for the displaced Syrians to return to their homelands; however, it is necessary to make a legitimate government. The internal crisis in Syria is horrible; moreover, even if they agree to make peace, it takes a long time to reconstruct it. The human rights organizations and the international charities must provide the facilities for the citizens. They should not only maintain but also expand their efforts. From the spiritual view, the Syrian people's hope to achieve peace is little and impossible. It is essential to provide counseling and psychological supports. In a short term, if European countries insist on outsourcing and resettlements, governments in the Persian Gulf can play an important role. Due to the similar cultural and linguistic affinity between these countries and the refugees, they can be a good place for refugees to settle temporarily; However, none of these countries are members of the 1951 Convention. Thus, the asylum-seekers into these countries can not be counted as refugees. Nevertheless, there is a belief by Arab citizens that their governments did not adequately play a positive role to defend the displaced Syrians and the Iraqis. Europe can use both the mental preparation and atmosphere vigilantly. These countries, unlike the Turkish government, have no extensive demands from the Europe; Most of their requests are likely the military aids and support of their regional equations. The European immigration laws along with

the EU immigration policy need to change and such an immigration policy does too. The final solution and the last practical issue require the extensive changes in the legislation and policy approach of the Union. The Europe Union should make a rational collective decision to manage the migration crisis. The long-term solution ought to support not only the benefit of the Union and the States but also the immigrants' rights. The European countries should change their domestic laws to conform to the laws of European Union as well. They must follow the collective decisions. They need to changes both the national laws and the structure in the EU by the catalyst treaties. The European politicians must manage the citizens' fears that extremists abuse them as a technique. Furthermore, they must reassure their citizens that they are able to live with immigrants peacefully. If they tend to convert the divergences affecting the identity and the existence of the Union to convergences.

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