

## Refugees in Europe

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### ABSTRACT

The figure of the “modern refugee” emerged during the twentieth century. The two world wars, changes to borders, creation of new states, “forced” population exchanges, and wars of decolonization considerably increased the displacements that took place in the nineteenth century. In response, European states and intergovernmental organizations gradually institutionalized the right of asylum. Europe during the first half of the twentieth century became both a laboratory for innovation as well as a theater for displacements. It saw the emergence of international law based firstly on the political recognition of entire groups by the League of Nations (LN), and after the adoption of the Geneva Convention of 1951, on political, racial, and/or religious persecution against individuals. The convention was the subject of difficult negotiations in a Cold War context, but continues to be an instrument that defines how refugees are accepted in Europe, a land of asylum that is still sought after despite the many difficulties faced by those seeking refuge there.



Frank Meisler's memorial erected in 2006 in front of Liverpool Street Station in

London, in memory of the Kindertransport humanitarian operation that helped transfer 10,000 mostly Jewish children from Germany, Austria, and Czechoslovakia to Great Britain on the eve of the Second World War. Source : [Wikimedia Commons](#)

## Helping and Policing Refugees

The nineteenth century has been called the “century of exiles,” for that was when the phenomenon of political migration developed in Europe. The welcome that was received depended on the geographic origin of exiles, their political convictions, and the potential recognition of their status as refugees, which was in the early stages of a distinctive socio-legal categorization. However, when the functions of the state transformed and citizenship provided access to social advantages and political status, refugees were increasingly seen as a potential threat to public order. That is why host societies expressed a desire to monitor these populations. Systems of controls, such as the use of refugee depots in France, were gradually implemented to distinguish refugees from other foreigners.

However, while they were at the center of a discourse of fear—and even hate—refugees also generated sympathy and compassion. The late nineteenth century saw the emergence of a new sensitivity toward the misfortune of others, which took on unprecedented scope during the First World War. New philanthropic organizations came to the assistance of war refugees and survivors of the Armenian Genocide. Displaced children, who represented both the ultimate innocent victims of war and a symbol of hope and renewal, played a central role in the first transnational humanitarian aid programs.

## The development of international protection for refugees in the aftermath of the Great War

The legal category of refugee was not truly constructed in Europe until after the First World War, the Armenian Genocide, the deportation of other populations in the former Ottoman Empire, and the exodus of Russian refugees fleeing the Bolshevik Revolution and civil war. The First World War led to the dissolution of the major empires and the creation of new states that tightened control over both cross-border circulations and access to their national territory. Refugee status was established by the League of Nations (LN) within this broader context. The eligibility of statutory refugees was based on the political recognition of entire groups (stateless Russian and Armenian refugees, followed by Assyrian, Assyro-Chaldean, and Turkish refugees) deprived of their nationality of origin. Statutory refugees were assigned “Nansen Passports,” an identification and travel certificate named after the Norwegian diplomat Fridtjof Nansen, who was appointed as the United Nations High Commissioner for Refugees. This passport allowed refugees to travel to a third country and work there, and from 1926 onward to return to the country that had issued the certificate.

Often seen as a positive turning point in the history of protecting refugees, this innovative document provided legal status for refugees, but also helped states in identifying and monitoring them. Moreover, the High Commissioner for Refugees had limited financial and administrative means, and international law was unequally applied, resulting in considerable disparities in Europe, where ad hoc solutions often prevailed over a uniform approach. The economic crisis of the 1930s and mass unemployment exacerbated the situation, with many European countries limiting access to their labor market and reinforcing controls at their borders. In an increasingly xenophobic and anti-Semitic climate, immigrants, with whom refugees were equated, were seen as potential vectors of epidemics, an economic burden, and a threat to social and political stability. European societies refused to grant asylum to the majority of German Jewish refugees persecuted and impoverished by the policies of the Third Reich.

## Managing refugees after 1945

The Second World War led to unprecedented population movements, with over twenty million people being dispersed across Europe in 1945. The Third Reich's immense genocidal and ethnic homogenization project created a paradoxical situation, as the German population had never been as diverse as at the end of the war: prisoners of war and camp survivors rubbed shoulders with forced laborers, populations fleeing the advance of the Red Army, and millions of Germans originally from within the Reich's 1937 borders who were part of German-speaking minorities outside of the Reich. The Allies' acceptance of their massive expulsion bears witness to the normalization of uprooting as well as a logic of ethnic homogenization. Most refugees in Germany at the end of the war were quickly repatriated to their country of origin, although nearly one million people—mostly Holocaust survivors, refugees fleeing Soviet occupation, and former Nazi collaborators—refused this solution. For those who at the time were called “displaced persons,” and who claimed the status of refugee, emigration to a third country was gradually considered in a context of economic reconstruction, at the intersection of policies for asylum and migration.

The humanitarian organizations involved in managing refugees and preparing their emigration helped to expand knowledge of the traumas they suffered and diversify their missions: it was no longer simply a question of feeding, treating, and clothing refugees, but also taking their psychological needs into consideration. This “humanitarian world” was nevertheless regularly criticized by refugees, who denounced their infantilization, loss of identity, and bleak existence in the camps where they were confined. However, contrary to the stereotyped image of the passive refugee, they made these sites and their constrained living conditions into centers of political and cultural renewal. In the “abnormal” conditions of camp life, thousands of refugees rebuilt a kind of “normalcy” by forming families and redeveloping their folklore and national identities.

It was in this European context of mass displacements that state representatives and international jurists rethought the international status of refugees. The High Commissioner for Refugees was created in December 1950, although it lacked the power to intervene in the internal affairs of states, with the latter retaining sovereignty over the financing and management of asylum. After difficult negotiations between Europeans and North Americans, the Geneva Convention Relating to the Status of Refugees was adopted in July 1951, which until the adoption of a protocol in 1967 solely applied to events that had occurred in Europe prior to 1951. While it did not force signatory states to grant refugees asylum, it imposed a dual obligation on them: not to deport refugees to a territory where their life would be in danger for the reasons specified in the convention; not to impose criminal penalties for entering or remaining on their territory in irregular fashion. The convention, which was created in a Cold War context and focused on Europe, is poorly adapted to current realities, but remains the instrument that provides a legal framework for asylum in twenty-first-century Europe.

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