

MASTER'S FINAL PROJECT



UCAM
UNIVERSIDAD CATÓLICA
DE MURCIA

*FACULTAD DE CIENCIAS SOCIALES Y DE LA
COMUNICACIÓN*

Master's in European Union Studies and Human Rights

An analysis on the state of
refugees in USA, Italy, and Uganda: A comparison of
guidelines and the effect on refugees.

Authors: Raffaele Scarpa, Rachel Musiime

Tutor: Professor Miriam Judit Gómez Romero

Murcia, 19 September 2022

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List of Abbreviations

BBC	British Broadcasting Company
EU	European Union
IDPs	Internally Displaced Persons
IOM	International Organisation for Migration
ILO	International Labour Organization
NGO	Non-Governmental Organization
SDGs	Sustainable Development Goals
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
UNHCR	United Nations High Commissioner for Refugees
USA	United States of America

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We want to dedicate this work to all the people who struggled to find better living conditions as refugees and asylum seekers but did not survive – you are now free in these words.

FOREWORD

I was immediately captivated by Rachel: a person with uncommon communication skills, a unique appeal to people, and a charge of positivity that affects everyone. When I asked Rachel to be my thesis partner, I had to beg her, and not a little, for her to accept my proposal. She told me that she had thought about working alone, because she had always worked alone and because working alone is easier for her. Then, in the light of my insistence, she told me that she was open to the possibility of working as a team with me, as long as I could convince her with my arguments on the advantages of working as a group and on the subject that we would eventually deal with together.

I was very happy about this opportunity and I wrote down the reasons why she should choose me as a partner for her thesis and the possible topics of the work. Certainly, among the various advantages of collaboration, there are three of greatest importance.

The first advantage is teamwork. Each of us has a particular point of view on a topic and exchanging one's point of view with another person only enriches the final perspective on the topic. Secondly, two different people have two different backgrounds so each of us can feed into our work with different personal experiences, and in our case, the strong point was based on the fact that our experiences are very different, for example, she is American and I am European. Finally, collaboration allows us to achieve more proficient and more complex results compared to working alone because twice as much energy is channelled into achieving a common final objective.

Concerning the thesis topic, we both had ideas and took turns presenting them before choosing which one was most suitable. We both wanted to write something that would make an important contribution to the world. We both wanted a topic that was sensitive to people and we both wanted to develop it originally.

The idea was to choose a topic that would help us to understand a phenomenon that affects the most vulnerable segment of the world's population and offer suggestions and possible solutions. For this reason, our choice initially focused on the topic of racism. We had planned to analyse the extent of this phenomenon and

understand its scope in America, Europe and Africa. These three continents are linked in some way to our lives and we have the advantage of knowing them and this allows us to have a direct perception of empiric reality. The comparison allows us to identify common problems, but also particular solutions, and to see whether or not some of these can be adapted to problems on a different continent. The idea seemed good, original, and could be of benefit to the people, but it remained too generalised for concrete development.

At this point, consultation with our lecturer, Professor Gómez Romero, was crucial. Right from the start, the professor liked our idea of a comparative thesis, based on the fact that we came from experiences and geographical locations where we could access information and direct experience. Professor Romero wisely suggested that we focus our research on a topic that would allow us to better concentrate on comparisons with objective elements, such as laws. In particular, a topical issue that affects all three continents such as immigration, asks us to look specifically at our home states: Italy, Uganda, and the United States.

Curiously, it was reflected that these three countries have something in common – the fact that they are hubs of international migration for different reasons. Italy because of its geographic location in the centre of the Mediterranean, Uganda because it hosts one of the largest number of refugees in the world, and the United States because of its economic power.

This is where this work stems from: it stems from the desire to analyse problems to try to build an efficient immigration model that can provide true hospitality. A model able to make people feel safe, especially those who have fled their homelands in desperate conditions and have abandoned their possessions in search of a future that may be better. - **Raffaele**

“Once they left their homeland they remained homeless, once they left their state they became stateless; once they were deprived of their human rights they were rightless, the scum of the earth.” Hannah Arendt

INTRODUCTION

Immigration is a phenomenon that has affected Western societies very closely in recent decades, often becoming the subject of election campaigns or television talk shows. Being a hotly debated topic, the subject of immigration, especially illegal immigration, has recently become populist jargon. Each party adopts this godchild to use it for propaganda purposes, spending words for the benefit or otherwise of reception, only to put it back in the box until needed later. It is a hot topic in politics and must be handled with care if one wants to win support from the people. But how many take this phenomenon to heart in politics, seeing it as a human necessity for more dignified living conditions?

One can agree or disagree on how governments should act to take control of immigration and how to manage it best. However, the point on which everyone must unanimously agree is the need for political and, in particular, Western governments to intervene to provide assistance to asylum seekers. The question must be asked: do Western countries have an effective reception system?

An effective reception system minimizes the risks of illegal immigration. Illegal immigration, in addition to fuelling a feeling of insecurity within Western societies, profits criminal organisations millions of dollars every year and throws desperate people into the hands of traffickers who often have no scruples for making huge money. Can we do anything concrete to stop the illegal trafficking of clandestine migrants?

The measures taken by Western governments sometimes seems inadequate to cope with the impact of immigration and the consequences it brings. Sometimes immigration laws are not updated often and are out of date while laws needed to fight organized crime are always up-to-date, evolving, and are embedded in a highly efficient illegal system.

The objective of this work is to show, in a basic and clear way, regulations and measures of reception belonging to three different countries, which are particularly affected by the phenomenon of immigration for different reasons and are particularly close to the authors of the work: Italy, Uganda and the USA.

Comparative work can compare the strengths and weaknesses of each regulatory model, highlighting the effective aspects of each that can serve as an example to others or measures that should be modified because they have limited

effectiveness. As difficult as it is to take systems belonging to three different continents out of their context, we are confident that something positive and hopefully improvable can always emerge from this comparison. This is why we wish to make an important contribution to optimizing the tools of governments so that they can implement more effective reception policies.

Our research aims to answer the following questions in chronological order: What is the state of refugees in these three continents - North America, Europe, and Africa? What are the guidelines in the USA, Italy, and Uganda about refugee resettlement? Which country is doing better and which country seems to be lagging? Is the Western government's system able to effectively counteract smuggling? What could be improved?

METHODOLOGY

In addition to the scrupulous consultation of literature and reference sources, indispensable at least in the normative sphere, through academic articles, sectorial periodicals, and divulgation texts, we chose to give this work a more empirical slant, also giving space to experts in the sector through some interviews retrieved online, as in the case of the treatment of the theme of smuggling.

Due to our main focus on human rights issues, we decided to consult the official pages of international governmental and non-governmental organizations working in direct involvement in the refugee relief sector. In contrast, when dealing with the topic of international protection, it seemed significant to us to report the contribution of a relevant figure in the field of law, who could provide interesting anecdotes related to the cases dealt with. For this reason, we requested an interview with a prosecutor belonging to the international protection office of the Milan Public Prosecutor's Office. The interview enriches the present work by giving a word to an important source of information such as a judicial authority on the subject of rights.

This work is not meant to be an in-depth study and scrutiny of the policies of refugees in the United States, Italy, and Uganda rather, it focuses on just four key important areas in a refugee's life. In particular, the comparison of refugee status focuses on four important parameters, which have been selected because in our view they embody significant values that provide access to a life that can be considered dignified: health, education, housing, and justice. These four factors are considered

so essential for measuring the quality of life, that they are the same ones adopted by the Global Gender Gap to carry out gender inequality analyses.

In the case of migrants, we believe that a person in need of appropriate assistance must necessarily be supported by taking into account these four vital criteria, such as access to medical care, access to education, assistance in finding housing, and legal assistance. It is no coincidence that these four factors are common services in the support provided by the various NGOs involved in assisting refugees.

STRUCTURE

Starting in the first chapter with a brief description providing a general overview of the refugee situation in each of the three continents examined (North America, Europe, and Africa) and more detailed analysis of immigration policies in the chosen national contexts (USA, Italy and Uganda) is provided in the second chapter. The third chapter develops an analysis of the theme of illegal immigration and smuggling, first providing some general notions and then addressing specific cases related to each of the countries taken into consideration. The fourth and final chapter is dedicated to a direct comparison of the measures adopted by each of the three countries in the field of immigration, highlighting aspects that can be emulated in each of the areas examined (health, education, housing, and justice). Our research then concludes with a summary of our main findings, highlighting the best practices that would otherwise be best to implement in all countries.

The following chapters were written by Raffaele Scarpa: Foreword, Glossary, Introduction, Chapter 1, Chapter 3 and the Conclusion. The following chapters were written by Rachel Musiime: Chapter 2, Chapter 4, the Bibliography, and editing.

GLOSSARY

TERMS USED IN MIGRATION

In many countries around the world, there are many disputes about international migration in talk shows or within leaders' debates focused on political, national, and public policies and laws. As this topic has become more prominent in the last few decades, the words to specify the different legal terms that define a migrant vary a lot.

Naturalised Citizen: When an immigrant is established in a different country with a permanent residence, he or she has the opportunity to ask to be naturalised as a citizen, and in this way, he or she can achieve the rights and the duties of every inhabitant of the selected country. In the case of Spain, for instance, an immigrant can get citizenship after ten years of permanent residence. In the case of a person with the status of refugee the years required by the national law to get Spanish citizenship are reduced to five (Bolter, 2019). In Spain, as in other European countries, it does not apply the *ius soli*. It means that it's not enough to be born inside the national borders' to acquire the country's citizenship, although it prevails the *ius sanguinis*. This principle of Roman law determines that a child born from a Spanish couple has conventionally the Spanish citizenship.

Permanent Resident: A permanent resident of a country is a person who is legally living in the new country, even if without the new citizenship. A person can acquire permanent residence, commonly after some years, through work, family relations or other ways. Mostly this step is necessary to apply as a naturalised citizen. Permanent residence usually does not cease, but not all the people then reach the status of naturalised citizens. For instance, in the United States the permanent residents have the so-called green card and they are called lawful.

Refugee or Asylee: A refugee (or an asylee) is a person obliged to leave because he or she cannot count on the protection of the home-country government. As mentioned previously, the unwillingness to go back to the country of origin has to be motivated with the fear of being persecuted due to race, religion, ethnicity, political beliefs or membership of a particular social group. A refugee and an asylum seeker have similar rights, but the difference between those statuses is in the time of the recognition of the status itself (Chin & Cortes, 2015). An asylum seeker is a person

that has arrived in the new country asking to obtain the refugee status, while a refugee obtains this title before his or her arrival in another country.

Twilight Statuses: An irregular immigrant on the territory of a country could be prevented from deportation to his or her origin country with a work permission for a temporary period. In this kind of situation, immigrants need to respect some characteristics such as being in the country for a certain time and being charged with not more than one minor infraction. This status is valid commonly for temporary protection programs in case of adult people or for non-permanent children protection, waiting for the definitive custody.

Unauthorised: In this category are all the immigrants that are basically not included in the other statuses and are irregular on the territory of a country. As unauthorised, this means they do not have regular documents therefore it is against the national immigration law. Unauthorized immigrants are very often called clandestine, undocumented or just illegal. For the most part an immigrant can get inside a country in an unlawful way or just remain overtime and stay beyond their visa time period. Usually irregular migrants on the territory of Western countries can have basic access to healthcare and education for children.

According to the Migration Policy Institute the most simple definition of an immigrant is: "*A person living in a country other than that of his or her birth*" (Bolter, 2019). With this definition, it doesn't really matter if the immigrant took the nationality of the new country or married a native citizen or served in the national army - he or she will remain an international immigrant.

CHAPTER 1: ANALYSIS OF CONTINENTS

HISTORICAL BACKGROUND

During the 21st century, the globalisation of markets and the huge gap between the economies of the so-called First World states compared to Third World nations contributed to an acceleration of mass migration which eventually became one of the most relevant issues for the European Union to this day.

There have been various mass migratory phenomena in history, think of the most ancient ones of Eastern Europeans to America in the early 1900s or of phenomena closer in history such as migration from South America to the United States, phenomena that inevitably attract organised crime; the origin of these phenomena is the enormous economic gap between the migrants' countries of origin and the much desired countries of arrival, very often seen through a streak of idealisation, as often reported by the migrants themselves (Lieber & Weisberg, 2002).

Focusing our attention on the victims of trafficking in persons (described in more details in the third chapter), we cannot fail to notice how, within phenomena characterised by such structural complexity, the fundamental rights of the individual are violated and these individuals are being deprived of a minimum of protection.

Today in North Africa and especially Libya, there are serious violations of fundamental human rights such as detentions in so-called 'Libyan lagers' where migrants in detention are subjected to inhuman and degrading treatment, often becoming victims of torture and deprived of the most basic right to life and physical integrity (Savona et al., 2022).

Human migration is an anthropological phenomenon that basically implies a transfer of an individual or a group of people, from a place to another one. An anthropological fact means that it has ancestral origin. In fact, since the origin of humankind, migration was a common transfer of a group of people, in order to find better resources in a different area. Since the origin of migration, this concept has been mutating. Commonly, people still move with the purpose to find better conditions of life. However, the reason for the movement makes the main distinction among the different kinds of migrations.

Migration can be classified into immigration and emigration whereby immigration is the movement of people inside a country while emigration is the movement of people outside a country.

REASONS FOR MIGRATION

From a theoretical point of view, sociologists have divided the reasons behind the cause of the migration phenomenon into two categories: on the one hand there are the so called 'push factors': the reasons why people decide to leave their homes, and they refer to situations that put their lives or social well-being at risk as: wars, environmental disasters, invasions, hunger, disease, discrimination, political instability and the lack of jobs, the lack of freedom of religious or freedom of sexual orientation (Urbanski, 2022).

On the other hand, there are the 'pull factors' which represent those that attract people to another geographical area. In other words, the pull factors represent the full part of the glass: more job opportunities, freedom, security, food, education and better living conditions. Recently, even the decisions of states can also be found among the reasons that attract migrant flows, as was the decision of the German government in 2015 to receive on its national territory a large proportion of Syrian refugees (Funk, 2016).

The difference between a hospitable or hostile country lies in exactly these mentioned factors: a host country (or continent) is characterised by pull factors and a hostile one by push factors. This concept is often simplified as a wealthy or poor country, and therefore, a place to migrate in or a place to migrate out.

The crucial contrast and the most important difference about the migration is depending on if it is a voluntary or a forced leaving (Britannica, 2021). Relying on this conception we can distinguish two different figures: the economic migrant and the refugee.

An economic migrant is a person who voluntarily leaves his or her country of origin in search of a better life generally and better work conditions in particular. Unlike a refugee, he or she cannot return to his or her country of origin safely because he or she is being persecuted.

DEFINITION OF A REFUGEE

According to the UN Refugee Agency, the 1951 Refugee Geneva Convention that recognizes the universal status of a refugee in article 1(A)(2) defines the term refugee as anyone 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 nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it" (United Nations High Commissioner for Refugees, n.d.).

This primary definition shows us immediately the conditions for which a refugee flees from his or her country and so, the reasons for which he or she can be recognized as refugee, in case of proved discrimination about race, religion or ethnicity (etc.). The persecution (or the absence of protection) by the government, by the society or whatever organisation is a crucial condition for the permanence of this status.

Another detail that is easy to notice from the Convention's definition is the repetition of the word 'Fear' (three times). The reiteration of this concept in the sentence makes clear the idea of how much this feeling is prevailing among these people. It is very important to consider that refugees are persons escaping from oppression or war, so international law should be the shield that protects them from the situations in which personal dignity or freedom are in danger.

NORTH AMERICA: OPPORTUNITIES AND CHALLENGES

The United States and in general North America is one of the most preferred places in the world that people want to settle in. This is because of the good and stable economy, the international privilege of the US passport that grants citizens access to 186 countries (Armstrong, 2022), the abundance of jobs from blue collar to white collar jobs, and the opportunity to live the "American Dream" of owning a nice house, children attending good schools and driving nice cars, that is often showcased in western films and pop culture.

In addition, Canada has one of the highest levels of quality of life recorded, an innovative and dynamic economic ecosystem, and a multiculturalism to be considered

an excellence in the world. It is the host country of choice for many foreign skilled workers and it still offers very good life conditions to the migrants.

In order to simplify our analysis about immigration, we report the immigration data referring to the US which resettles over 10,000 refugees a year (National Immigration Forum, 2020).

General Overview of the State of Refugees in United States of America

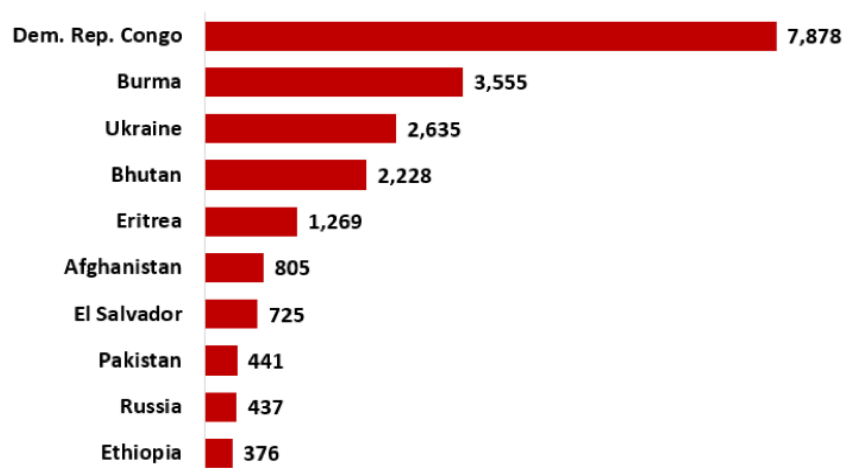
The United States of America is home to over 3 million refugees from different parts of the world. As mentioned earlier, a refugee is defined as a person who has been persecuted or is living in fear for persecution of their religious beliefs, sexual orientation, race, nationality, etc. and has fled their country to seek refuge and protection in another.

The United States has been one of the leaders in taking in refugees worldwide ever since it began its refugee resettlement program referred to as the Refugee Act of 1980. The highest number of refugees that the US has resettled to date was 142,000 in 1993 which was as a result of the Balkan wars (Monin et al., 2021). Ever since then, the numbers have continued to fluctuate and drop.

Below are the top 10 countries that have had the highest number of refugees in the US in 2018.

Figure 1

Top 10 origin countries of refugees resettled in the United States in 2018



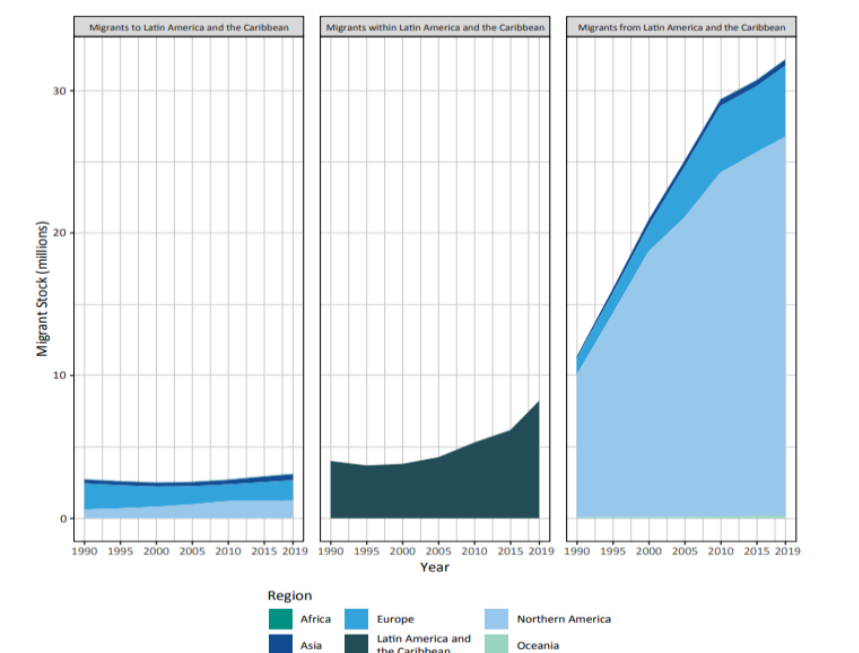
Note: This image was retrieved from National Immigration Forum (2020).

During President Donald Trump's administration, those figures dropped to an all-time low and the refugee ceiling was reduced to 15,000 refugees. Under the new presidential leadership of President Joe Biden, he has pledged to increase the refugee threshold to 125,000 in 2022.

The immigration to the US and Canada is a high point in Southern and Central America. In 2019, more than 26 million people migrated to North America and established themselves there. The figure below shows this trend: the number of population originally from the Caribbean and Latin America has increased remarkably over the years from about 10 million in 1990 and 25.5 million in the year 2015 to 26.6 million during the year 2019. The numbers of the migration route from South to North America are constantly higher compared to the numbers of Latin immigrants moving to Europe which are only 5 million. The number of South American and Caribbean migrants that moved to Europe has quadrupled since 1990. In Asia and Oceania, the numbers of Latinos are smaller: in 2019, there were 400,000 in Asia and 200,000 in Oceania.

Figure 2

Migrants to, within, and from Latin America and Caribbean, 1990 - 2019



Note: This image was retrieved from World Migration Report 2020, IOM.

THE REFUGEE PROCESS

Coming to the United States as a refugee is a methodical process that has steps and criteria that one needs to follow. In order to start the process, you need to receive a referral from the U.S. Refugee Admissions Program (USRAP) then be assigned to work with someone who will help you to fill out your application process. For an individual to be considered a refugee in the US, they need to be eligible in the following criteria (U.S. Citizenship and Immigration Services, n.d.):

- Located outside of the United States
- Of special humanitarian concern to the United States
- Demonstrate that they were persecuted or fear persecution due to race, religion, nationality, political opinion, or membership in a particular social group
- Not firmly resettled in another country
- Admissible to the United States

OPPORTUNITIES OFFERED TO REFUGEES

Contrary to popular belief and widespread news in the media about the United States' recent fluctuating stance towards refugees, there are an abundant number of ways in which the US is doing good as it copes with the increased number of refugees in the world.

1. The US allows refugees to relocate with their families.

It is possible for refugees who are already in the US to apply for their family members to join them. The criteria is that they must either be a spouse or an unmarried child below the age of 21. In order to start the process, the refugee will have to fill in the Form I-730, Refugee/Asylee Relative Petition, within the two years of arrival in the States.

It is also possible for refugees in the US to apply for their close relatives as well to claim refugee/asylum status. In order to do so, they need to fill out an Affidavit of Relationship. This document contains information about the refugee's relatives, their contact information, nature of relation, etc.

2. Refugees have the permission to work.

Refugees are allowed to work as soon as they get to the US. There is a form they are required to fill in before they get started which is the Form I-765, Application for Employment Authorization, which is necessary for them to receive their Employment Authorization Document (EAD). But as their EAD is being processed, they can submit their Arrival - Departure record, and Form I-94 which has a refugee admission stamp as proof to their employers that they are eligible to work in the country.

3. Refugees can file for a permanent resident card/citizenship

Filing for residency as a refugee in the US is free to the applicant, and they do not have to pay for fingerprinting fees. They have to apply for the US green card one year after coming to the country. The form required for permanent residency is the Form I-485, Application to Register Permanent Residence, and alternatively, it is also referred to as adjustment of status - the process of applying for lawful permanent residency (U.S. Citizenship and Immigration Services, n.d.).

4. Refugees have the freedom to travel abroad.

As a refugee, you have to follow special protocol and fill out the Refugee Travel Document in the event that you want to travel outside the country. Failure to do so might result in denial upon arrival back to the US.

CHALLENGES IN RESETTLING REFUGEES

1. High level of bureaucracy

The high level of bureaucracy is time consuming and this rigorous process makes refugees stay in limbo as it takes a long time for them to get to safety and yet they need immediate assistance.

For example, refugees are referred to the US through the United Nations High Commissioner for Refugees (UNHCR), a US embassy abroad, or an approved humanitarian aid organisation. UNHCR determines which families are of highest priority in terms of relocation/resettlement. But considering all this, the person in question must be declared a refugee as stated by the United Nations.

Refugees are also vetted through a series of screenings that include biometric and biographic data. These tests are run through different intelligence sources to make

sure that the person entering the country is not a threat. This procedure takes a series of months, averaging 18-24 months (HIAS, n.d.).

With all these levels of verification they have to go through, refugees are sometimes left hopeless, exhausted, and confused on how long it will take for them to move on with their lives.

2. Limited number of resettlement agencies

After a refugee has been cleared with the security checks, they are then resettled in the United States, through nine of the resettlement agencies in the country (UNHCR, 2020). They are:

1. Church World Service
2. World Relief
3. HIAS
4. International Rescue Committee
5. United States Conference of Catholic Bishops
6. U.S. Committee for Refugees and Immigrants
7. Episcopal Migration Ministries
8. Ethiopian Community Development Council
9. Lutheran Immigration & Refugee Service

These nine organisations work with over 350 local affiliate organisations throughout the country to help the refugees resettle and get comfortable in their new states/homes.

In 2020, an estimated 1.4 million refugees were estimated to be in need of resettlement, but only slightly more than 2 percent (34,400) were relocated for protection in a new country (Solf & Rehberg, 2021).

With so many refugees around the world pending resettlement, there is a need for many more organisations within the United States to step up and aid the smooth flow of resettlement of refugees throughout the country so that it takes a shorter amount of time for people to get settled.

EUROPE: MIGRATION, UKRAINE, AND SYRIA

Europe has had to cope with substantial migration flows, especially from the 16th century after the discovery of America when, due to oppressive regimes and poverty, tens of millions of people chose the path to the New World. These migratory flows have continued thereafter with the movement of people within the continent until the period of the two world wars when they slowly began to decline.

A single piece of data, relating to Italy, can give the measure of the consistency of these flows. It is estimated, in fact, that between 1876 and 1915 about 7.5 million Italians emigrated to the Americas, first especially to Argentina and Brazil and then mainly to the United States. An average of 130,000 Italians entered the latter country between 1896 and 1905 per year, which became 300,000 in 1905 and 376,000 in 1913 (Sanfilippo, 2011). Just as it happens today in the Mediterranean, even then, people travelled in difficult conditions in boats overloaded with men, women, children and the elderly.

GENERAL OVERVIEW OF MIGRATION

In the last decade of the 20th century, Europe has become a continent of immigration thanks to the benefits of globalisation, losing its previous push factors and gaining pull ones. Economic growth has attracted more and more people from Asia and North Africa who are facing economic hardships, dictatorial regimes and armed conflicts. The result has been a significant growth in the flow of migrants arriving in Europe - more than 5 million in the 1980s, almost 10 million in the 1990s, about 19 million in the first decade of the 21st century - which has caused disorientation and strong xenophobic impulses (Koser & Lutz, 1998).

This growth in migratory flows towards Europe even though it experienced a decline in 2008 due to the economic crisis, has picked up again in recent years with the new arrival of migrants fleeing war mainly from the Middle East and Africa.

Before becoming a land of immigration, Europe experienced an even more massive emigration flow mainly to the American continent and Australia. Indeed, between 1880 and 1914, more than 40 million Europeans chose the route to the "New World".

At the same time, intense intra-continent migration flows were recorded, especially from Mediterranean countries such as Italy, Spain, Portugal, Greece,

Turkey to Northern Europe: Belgium, Netherlands, Luxembourg, Germany, Switzerland. They were all economic migrants driven abroad by severe poverty and attracted to better life conditions. These people were usually employed in agriculture and industry as low-skilled workers (Gould, 2010).

Even now, low-skilled economic migrants occupy some jobs left vacant by the native population in Europe. This is the case, for example, with the migration of Eastern European women since the 2000s working in the domestic care sector (Sigrid et al., 2008). However, not all economic migrants are low-skilled. Also notable is the migration of highly skilled people who have created the phenomenon known as 'brain drain'. They have been mainly employed in the technology and IT sector and are considered an important resource for the host country's economy due to their skills.

CAUSES OF FORCED MIGRATION

A state's internal conflicts are closely linked to its political and institutional vulnerability. Violence, institutional weakness, political instability and economic collapse foster armed conflicts and instability at the social level. They thus become weak states as they also face another risk: contagion, like the expansion of conflicts in a certain geographical region. A weak state also has weak borders that favour the insertion of armed groups, rebels or non-state actors.

Rebels or non-state actors are capable of threatening or overthrowing power. This is the case, for example, on the African continent where numerous groups have taken control of part of the territory by expanding more and more. For example, more than ten states are involved in different armed conflicts: Egypt, Libya, Mali, Mozambique, Nigeria, the Central African Republic, the Democratic Republic of Congo, Somalia, Sudan and South Sudan are the battleground for dozens of terrorist and separatist groups, militias and rebels (Akokpari, 2000).

These movements have a strong impact on populations and forced migration to neighbouring countries. Refugees are the first indication of vulnerability of a state and violations of fundamental human rights. People who are victims of persecution and find themselves unable to live in their homes or in their communities are unable to obtain the means to survive and are often forced to cross national borders by seeking safety in other countries.

Historically, whenever there has been war or persecution on the territory of a state, a large part of the population has always left the country of origin. Starting from

the Holocaust to the War of Terror and continuing with recent internal conflicts in Middle Eastern and African countries, refugees have been a natural consequence of every significant armed conflict in history and every despotic regime.

THE CASE OF UKRAINE

As global mass media has reported, on 24th February 2022, the invasion of Ukraine by Russian military units started the war. The ideological justification for the military operation, which saw the attack deployed from the North (via Belarus), from the East (via separatist Donbass and Russia) and from the South (via Crimea and the Black Sea), was provided by President Vladimir Putin in a speech to the nation on 21 February (Green et al., 2022).

On that occasion, the President of the Russian Federation announced the recognition of the DNR (Donetsk People's Republic) and LNR (Lugansk People's Republic). In the run-up to the invasion, the Russian president had the full support of Lukashenko's Belarus. Along the Belarus-Ukraine border, which stretches over 500 kilometres, Moscow's invasion force gradually deployed and made its way towards the capital Kiev.

As reported by UNHCR official data, since the beginning of the hostilities almost 9 million refugees from Ukraine have crossed into neighbouring countries in search of safety since 24 February. A further 8 million people are internally displaced within Ukraine. An estimated 15 million people are in urgent need of protection and humanitarian assistance (UNHCR, n.d.).

THE CASE OF SYRIA

Another example is the case of Syria. A country ravaged by civil war that has been responsible for more than 5 million refugees and 8 million internally displaced persons since 2011. Their migration is not by choice but based on the impossibility of continuing their lives in a country that is now more than 70% physically destroyed.

The cases of Somalia and Syria are not unique. Worldwide, 29 countries face numerous conflicts, violence and civil wars that have a highly negative impact on the indigenous populations. However, power struggles between different groups followed by deep economic crises only partly explain the mass migration that Europe has to manage.

Since 2011 Europe has received 429,000 applications of asylum by Syrian nationals escaping the conflict (United Nations High Commissioner for Refugees, 2015). Syria remains the world's worst crisis in terms of the number of people forced to flee. Syria's neighbouring countries host the majority of refugees. Lebanon alone, for example, hosts about 1 million and Turkey almost 3 million - the largest number of Syrian refugees in one single country.

AFRICA: THE DRAMATIC ATTEMPT TO REACH EUROPE

Most of the authors on this topic seem to agree that Africa has always been considered as “a continent perpetually on the move”. Humanity’s origin itself describes that movement started from here onto the rest of the world. Indeed, the African people have been moving more than the rest of the countries of the world. Substantially, the displacements are intra and inter-continental spatial moves.

As stressed by Aderanti Adepoju in *The Migration Experience in Africa*, the reasons for those movements of people across or outside Africa are mainly: *“Response to political, economic, religious, and security situations, and demographic factors, have been recorded from early times”* (Baker & Aina, 1995).

Definitely this phenomenon has constantly evolved during times of complexity and due to the social changes in the rest of the world and also in Africa.

GENERAL OVERVIEW OF MIGRATION

According to data from the annual UNHCR report, Africa hosts far more refugees than European countries. Referring to the study, in recent years there has been a sharp increase in migrants to sub-Saharan Africa, where refugees have increased by 1.1 million (+22%) (UNHCR, 2018). And there is the case of Uganda, which alone hosts more refugees than arrive in Europe from the Mediterranean. Among the other reasons, recently new world challenges have added to this phenomena.

“In 2021, a sobering pattern came into ever sharper relief: the interconnectedness of climate change, poverty, food insecurity, conflict and displacement. More and more people – invariably those who contribute least to climate change and are least equipped to adapt to it – are searching for safety and security in the face of climate-related threats” (UNHCR, n.d.).

While the management of migrant flows and border control threaten the cohesion of the European Union which is increasingly shaken by internal political tensions caused by anti-European parties, in Africa, the flow of refugees and asylum seekers certainly has much larger numbers than in Europe, although this may come as a surprise to the West. As certified by the latest Global Trends, published by UNHCR, the United Nations refugee agency, which (in addition to Bangladesh, where hundreds of thousands of Rohingya refugees from Myanmar have fled), identifies the endemic crisis in the Democratic Republic of Congo and the inter-ethnic war in South Sudan among the top three emergencies globally.

As reported by studies, within the African continent in 2021 there was a particular increase in refugees in sub-Saharan Africa to a remarkable figure of 8.4 million. Moreover, five of the ten nations that according to UNHCR have produced the largest number of people forced to flee are in Africa: Burundi, Central African Republic, South Sudan, Sudan and Democratic Republic of Congo.

In the latter country, over the same period, the conflict has spread, forcing millions of civilians, mainly residing in the provinces of North and South Kivu, Tanganyika, Haut-Katanga and the Kasai region, to abandon their homes. An exodus in the Republic of Congo has resulted in the doubling of the number of internally displaced persons from 2.2 million to 4.4 million, concentrated particularly in North Kivu, from where 1.1 million people have fled. While 620,800 Congolese have found asylum in other African countries and 136,400 have applied for asylum and are still waiting to be granted refugee status. At the same time, Congo continues to host 537,100 foreign refugees mainly from the Central African Republic, South Sudan, Rwanda and Burundi.

The UNHCR's annual report also highlights that most people fleeing armed conflicts and human rights violations come from Central and East Africa, particularly from the Central African Republic, Congo, Burundi, Eritrea, Sudan, Nigeria, Mali and Somalia. In recent years, the civil war in Central Africa has produced some 110,500 new refugees in the region, almost all of whom have fled to the DRC (75,600) and Cameroon (34,000). The 94,200 refugees fleeing armed violence in Congo were hosted in Uganda (52,600), Angola (32,800) and Rwanda (8,800); while 36,200 new refugees fleeing Burundi were hosted in Tanzania (22,300), Rwanda (7,300) and DRC (6,600).

During the past year, 19,800 Eritreans were recognised as *prima facie* refugees, and are now mainly in Ethiopia. *Prima facie* is a way to give the status of refugee directly to an ethnic or religious group, based on a declaration. It is an easier procedure based on the fact that entire groups of people escape from terrible conditions in their home countries due to bloody conflicts or systematic violations of human rights.

While 18,500 IDPs were received in Sudan, mainly from South Sudan (15,700) and Ethiopia (2,100), and most of the 13,900 refugees who were forced to leave Nigeria last year were hosted in Niger (7,600), Cameroon (5,300) and Chad (1,000). In addition, the majority of the 9,200 displaced persons who fled Somalia in 2017 were mainly in Ethiopia (6,700) and Yemen (2,200); while the majority of the 9,100 new refugees from Mali were hosted in Mauritania (4,300), Niger (3,800) and Burkina Faso (900). It should also be noted that Nigeria has made commendable efforts to bring home some of the more than 1.7 million IDPs (Shimeles, 2010).

THE NORTH AFRICAN SPACE, GATEWAY TO SOUTHERN EUROPE

The Maghreb is slowly changing its identity, from a region of emigration to a transit and destination area for many migrants from sub-Saharan Africa. However, such movements are not a new phenomenon in the region: trade, wars, pilgrimages and religious education already generated strong demographic mobility in pre-colonial times shaping the demographic and migratory dynamics. These movements were interrupted with the imposition of colonial borders, however, resuming vigour since independence and developing in new forms (Saddiki, 2021).

Since the second half of the 20th century, Southern Europe has become one of the favourite destinations for African migrants both because of its geographical proximity and for the life prospects it can offer. Since the early 1990s, thousands of people from different African countries have attempted the crossing of the Mediterranean to reach the European continent via Spain or Italy. The Strait of Gibraltar has been renamed the 'Rio Grande of Europe'. Despite increased border controls, every year tens of hundreds of people from African countries manage to enter Europe. Spain is only 14 km from the Moroccan coast and the enclaves of Ceuta and Melilla on the northern coast of Morocco literally represent 'Europe in Africa'. As we have seen in the last weeks, a large number of desperate people tried to reach Ceuta by swimming from Morocco territory.

According to the International Organisation for Migration (IOM) every year between 65,000 and 120,000 sub-Saharanans enter the Maghreb region (Morocco, Tunisia, Algeria, Mauritania and Libya), of which around 70% would migrate to Libya and 30% to Algeria and then to Morocco (De Haas, 2008). Finally, about tens of thousands among them would try to cross the Mediterranean by boats.

Those who consider North Africa as the main destination or who fail in their attempt to reach Europe, gather in communities in increasing numbers in North African countries. Although analysts have repeatedly attempted to determine the figures of these new migratory dynamics, estimates vary considerably mainly due to the difficulty of retrieving exact data. According to a report by the International Labour Organisation (ILO) in 2009, around 170,000 foreign nationals were living in Morocco. A another report by the Institute for Public Policy Research (IPPR) published in June 2013 indicated the presence - before the uprisings in the Arab countries of about 100,000 sub-Saharan migrants in Mauritania and Algeria, around one million lived in Libya and between two and four million, mainly Sudanese, lived in Egypt (Castagnone et al., 2013).

WEST AFRICA: MIGRANTS DESTINATION AFTER COLONISATION

Towards the end of the 19th century and the first half of the 20th century, the colonisation of North and West Africa by the French and the British led to radical changes in interregional migratory movements. In addition to the decline of the trans-Saharan trade, pre-modern migration in West Africa took on the character of economic migration. The development of cocoa, palm oil and peanut farms (generally in the coastal areas of Côte d'Ivoire, Ghana, Senegal and Gambia) as well as the implementation of roads and other infrastructure and the development of cities such as Accra, Lagos, Ibadan, Abidjan, Lomé, Dakar and Cotonou pushed farm laborers and agricultural workers to migrate to rural areas and skilled and unskilled laborers to urban areas. In addition to the increased demand for labour by small landowners and in colonial centres, the introduction of taxes and the recruitment for organized and regular employment have been mentioned as other factors that stimulated migration from rural economies of subsistence to urban sectors of paid work (Huillery, 2014).

At the end of the 1980s new destinations began to develop, not only in Africa but also in Europe: the main destinations were Germany, the United Kingdom, the Netherlands and Italy, mainly through the asylum seeking route. This decade

represents an important shift point with the substantial transformation of the Western African migration from intra-continental to inter-continental. The process of urbanisation that West Africa was experiencing attracted large numbers of people from rural areas, but the labour market in the big cities was not able to absorb the entire migrant population who began to think about a new European destination. Until the 1980s, only a limited number of students and skilled labour from West Africa migrated to Europe and North America, mainly following the linguistic francophone and anglophone colonial partitions. This migration was very limited, especially compared to the migration of unskilled labour from the Maghreb and headed for Europe (Gordon, 1995).

THE DRAMATIC ATTEMPT TO REACH EUROPE

Usually African migrations develop in stages, migrants from the poorer countries first move to a richer neighbour, as is the case of migration from Niger and Mali to Algeria or Libya (Beauchemin & Bocquier, 2004).

This trend is confirmed when comparing current figures: the three countries with the highest number of migrants to Europe - Nigeria, Senegal and Ghana - are at the same time among the first reception centres of sub-regional migration systems in West Africa.

Indeed, the UNHCR report shows that 85% of refugees are hosted in developing countries, such as those in Africa. However, when speaking of African forced migration, much attention must also be paid to the tens of thousands of people fleeing for Europe. This is currently one of the most critical elements, given the increasing number of people who die at sea trying to reach European shores.

This worrying number of refugees and displaced persons is the consequence of the failure of the international community to find solutions to conflicts, violence, poverty, climate change and environmental degradation, inequality and exclusion. It also demonstrates the inherent difficulties of international cooperation. As stressed by Carlotta Sami and Cristina Franchini, financing projects in Africa and supporting African host countries with equipment and structure would save a large number of lives in the Mediterranean Sea (Sami & Franchini, 2019).

A huge sacrifice in terms of human lives, which should be accompanied by more attention for intra-African refugee flows, but some of UNHCR's most important campaigns in favour of these flows are markedly underfunded, making the situation

even more difficult. According to UNHCR, African countries are stepping up the challenge with more offers of asylum and refugee protection, despite the serious socio-economic and political problems they face. At the same time, several host countries are keeping their borders open, protecting refugees and developing strategies to adequately manage the increasing influx (UNHCR, 2019).

As in the case of Uganda, as we will see in the next chapter, which alone hosts more migrants than all those arriving in Europe from the Mediterranean (third globally, with 1.4 million refugees) and does so by adopting an efficient reception model based on full respect for refugees' individual freedoms (Ahimbisibwe, 2018).

It is easy to imagine that instead of investing money to create the 'Fortress Europe' : building walls or imposing strict laws to protect the borders, the implementation of funds for strengthening models as Uganda would be more effective to help African refugees in their own continent.

CHAPTER 2: ANALYSIS OF COUNTRIES

THE STATE OF REFUGEES: USA, ITALY, UGANDA

The United States of America

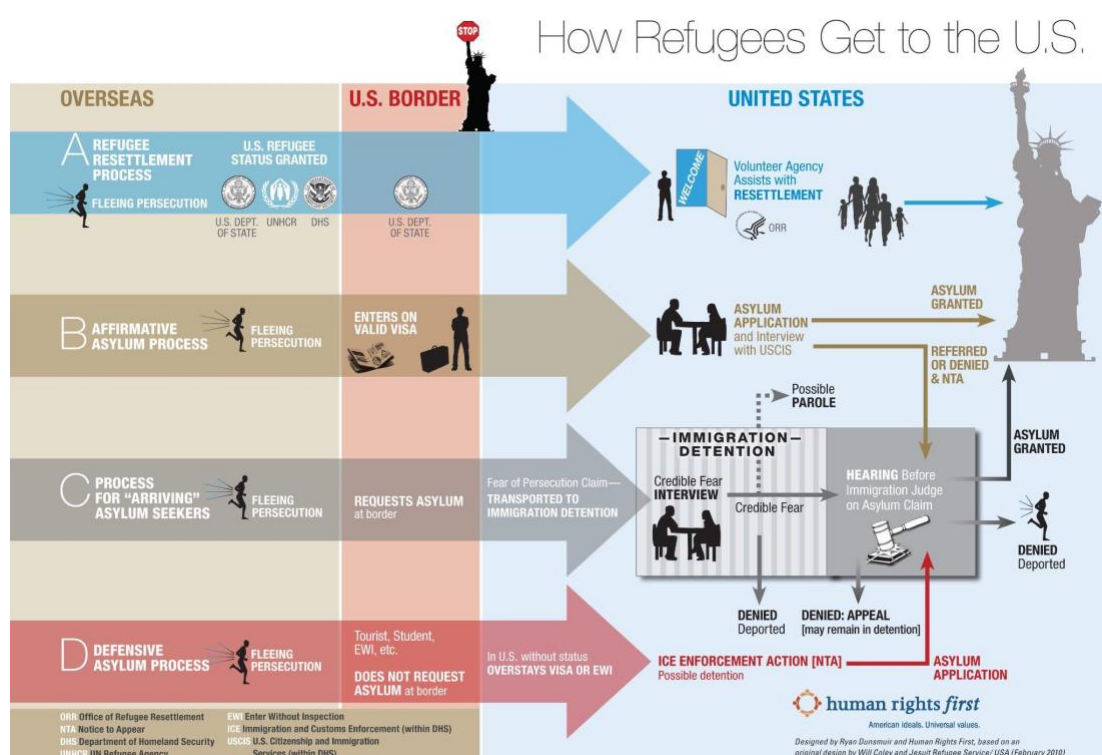
The USA is home to several refugees and has done its best and continues to do so to welcome refugees. Depending on the presidency/laws enacted in a given period, the number of refugees accepted in the country changes.

Even though the United States is one of the most advanced countries in the world, it also struggles and falls short of perfectly taking care of refugees, just like any other nation does.

Here is a graphic showing a summary of the tedious and lengthy steps taken by refugees to get asylum in the USA.

Figure 3

How Refugees Get to the USA



Note: This image was retrieved from Human Rights First (2014).

What next for Refugees in the USA?

After refugees have gone through the process of applying for asylum and have been accepted, they are offered a number of services to help them get settled into their new country. Before they enter the country, they go through a medical check-up to assess their health, then they are helped with their travel plans, and are offered a loan to help with their expenses. After they are settled, they then get cash assistance, and are eligible for access to medical services.

They are also legally permitted to file for asylum for their family members to join them after they have been settled into the country. In the meantime, they are eligible to begin work within the country after resettlement, provided that they have the right documentation filled out to show their employers.

In the event that a refugee's asylum application is rejected, they can request the immigration court to reconsider their plea and if rejected, appeals can be made all the way to the highest immigration court in the US system, which is the Board of Immigration Appeals (BIA) or the federal court. But if you are further denied, then they may get deported.

Italy

In 2020, Italy received over 40% of the arrivals that came to Europe, of which an estimated 4,700 of them who travelled by sea were children (International Rescue Committee, n.d.). Its proximity to Africa, especially African states that have a high level of political instability, is an incentive for many to cross the Mediterranean in search of greener pastures.

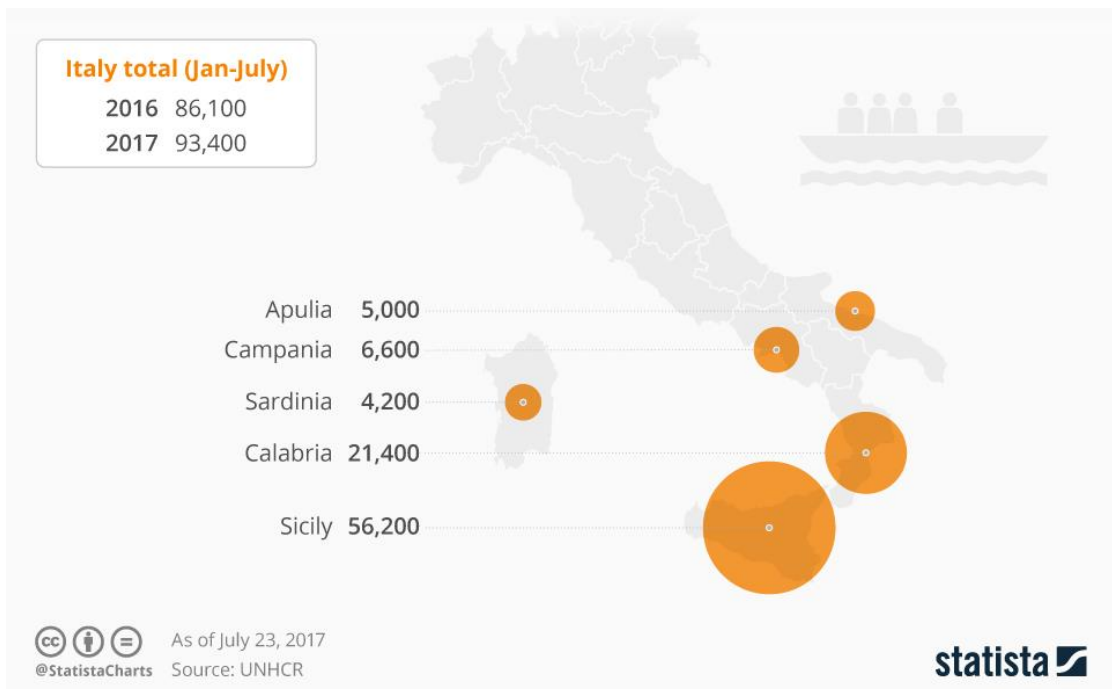
"The Central Mediterranean continued to be the most used path to Europe for the second year in a row in 2021 as 67,724 migrants were detected on this route. This is a 90% increase from the previous year and accounts for 23% (or roughly one quarter) of all reported illegal border-crossings at the external borders." (Frontex, n.d.)

Italy is forced and overwhelmed by this large number of people and this has had a significant impact not only for the country but for the fleeing immigrants too.

According to a UNICEF report, "Between 2014 and 2018, more than 70,000 unaccompanied and separated refugees and migrant children arrived in Italy by sea, 90% of whom were between ages 15 and 17." (UNICEF, 2019).

Figure 4

Where Refugees Arrive in Italy



Note: This image was retrieved from [Statista](#) (Loesche, 2017)

In 2021, the number of migrants that entered Italy was 63,063 (EuroMed Rights n.d.), and the country continues to host the largest number of people crossing the Mediterranean Sea by use of smugglers (International Rescue Committee, n.d.). There is not sufficient support from other European Union countries and this has made it difficult for Italy to cope.

So how do refugees end up staying in Italy?

If the asylum seeker is granted refugee status by the competent authorities, the applicant is issued a residency permit that is valid for five years and is renewable (See Annex A).

Italy is also bound by the Dublin Regulation rules, which states that the member state has the obligation to look at the asylum seeker's application and this is usually in relation to the first EU country that the asylum seeker arrives in.

The Dublin Regulation is an EU law that applies to all EU member states and Liechtenstein, Switzerland, Iceland, and Norway. With this regulation in force, this

means that the number of refugees coming to Italy and staying there is high because the law states that as their first point of entry, they can legally claim asylum there. Secondly, this regulation may not be favourable, especially for European states that are way further from the African continent, where most EU refugees originate from.

According to a BBC article (2016), “Applications for asylum in Italy have been steadily rising month by month, according to the EU's statistical agency. Over 85,000 applied as refugees between January and September - more than any other EU country except Germany. But only a tiny fraction of those are likely to obtain formal refugee status - Italy granted just 20 people such status in 2015.”

UGANDA

Uganda is one of the top five countries in the world that hosts the largest numbers of refugees. It ranks as third after Turkey and Colombia, hosting approximately 1.5 million refugees as of April 2022 (UNHCR, 2022). The refugees in Uganda come from different neighbouring countries with 61.3% of them coming from South Sudan (Uganda Comprehensive Refugee Response Portal, 2022). Other countries of origin are: the Democratic Republic of Congo, Somalia, Ethiopia, Eritrea, Burundi, and Rwanda, and many more.

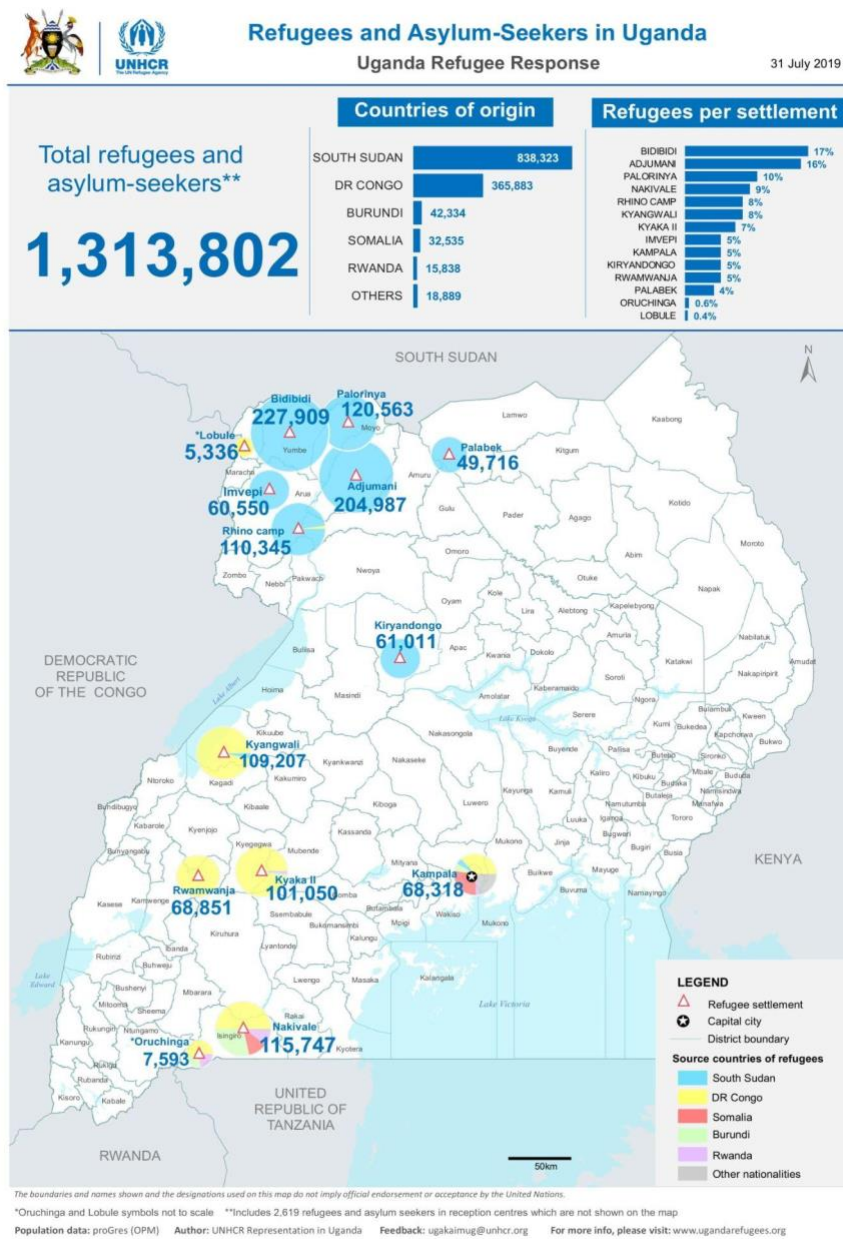
Unfortunately, Uganda, which is a developing nation, has its own state of affairs that it is also trying to cope with such as poverty, education, gender inequality, rising cost of living especially after COVID-19, and a struggling health care system, which is going to be my focus of analysis.

The refugees coming in from other neighbouring countries consist of pregnant women, people with disabilities, and other vulnerable groups. Safe and high quality delivery for pregnant women is very vital to ensuring the livelihood of both mother and child.

There is a large number of Congolese refugees settled in Uganda and the map below shows the refugees settled in Uganda and the location of Congolese refugees. The migration of Congolese populations into Uganda has been consistent since 2012, but recent armed conflict in the eastern DRC region of Ituri has displaced even more people. As of 2018, Uganda hosted the largest Congolese refugee population (over 316,000) which constituted 21.1% of all refugees in this resource-strapped country (UNHCR and Government of Uganda 2018).

Figure 5

Refugees and asylum seekers in Uganda



Note: This image was retrieved from Operational Data Portal (2019)

REFUGEE CONDITIONS: ACCESS TO HEALTH, HOUSING, EDUCATION, JUSTICE

ACCESS TO HEALTH

United States of America

In the United States, health insurance is one of the most crucial elements that a person needs due to the high level of health prices in the country.

“Americans pay almost four times as much for pharmaceutical drugs as citizens of other developed countries. Hospitals, doctors, and nurses all charge more in the U.S. than in other countries, with hospital costs increasing much faster than professional salaries. In other countries, prices for drugs and healthcare are at least partially controlled by the government. In the U.S. prices depend on market forces” (The Investopedia Team, 2022).

In most cases, people get health insurance through their employers or if people are self-employed or unemployed, they get their own private insurance. So how do some refugees survive in America without insurance? At the moment, refugees qualify for eight month health insurance called Refugee Medical Assistance (RMA) (Office of Refugee Resettlement, 2019), but what do they do and how do they survive when it's done? And honestly, eight month insurance is a pretty short window for a new resident who has just arrived into the country under trying, exhausting, and traumatising experiences.

Some of the refugees who are resettled come in as adolescents and as they transition within a new country, adopting a new sense of identity, can become difficult, especially as you continue to lose touch with your former culture as time flies by. Assimilation into a new culture and the difficulties with that - the sadness of coming to terms that you may never go back home - language.

Italy

Countries in Europe such as Greece and Slovenia have a health care system for migrants, refugees and immigrants that is run through a central administration - much of which is provided by Non-Governmental Organisations (NGOs) - while Italy's health care to its migrants and refugees is regional (Lebano, A et al., 2020). So this means that their health care professionals are appointed by the Ministry of Health, and

some of them have not been properly trained, which results in poor administration of health services.

A comparative study underlined the challenges faced by Greece, Italy and Slovenia. The study reported on insufficient training courses in transcultural competencies for health and social care professionals in Italy (Lebano, A et al., 2020).

Italy was also one of the most hard hit countries at the start of the COVID-19 pandemic. This also put many refugees and asylum seeker's lives at stake. Access to information may have been hard due to the language barrier. Also during the lockdown, migrants and refugees workers were impacted by COVID-19 measures which made it difficult for them to stay afloat especially since their line of work is "food-to-mouth." Some migrants were laid off real fast and yet when COVID-19 measures were put into effect, they were among the last to receive vaccination. (Coppola, 2022).

Uganda

The health sector in Uganda has for so long been characterised by inadequate health facilities, and limited training of health professionals, even in urban centres. This means that in refugee resettlement areas, the problem is more than likely to slip through. With insufficient funding, shortage of medical supplies, etc.

This can be particularly challenging especially for pregnant women in refugee areas. In the Nakivale refugee resettlement in Western Uganda, where several Congolese refugees have been resettled, a physician at the facility stated that there are only two delivery beds even though over 100 women deliver at the facility each month (Nara, R et al., 2020).

International standards prioritise the provision of respectful maternity care (RMC) (World Health Organisation 2016; IAWG 2018b) and Ugandan legislative provisions state that refugees have several rights, including access to Ugandan social services such as healthcare and education (Government of Uganda 2006, 2010).

As explained by a physician at the Nakivale Refugee Settlement, "[The recommended] clinician-patient ratio per day, for UNHCR, it's 1 to 50...But you will find in Nakivale, you have 1 to 80 per day, 1 to 100 per day" (Nara, R et al., 2020).

Due to the limited number of medical personnel in these humanitarian settings, some of the women resort to helping each other because without this, life could be lost. But offering such high level aid to people who are not skilled is no way to go about

this and can instead result in more harm such as spread of diseases or even death of the patient to unskilled workers/aid assistants.

HOUSING

United States of America

Refugees living in the USA consist of large families but unfortunately, the housing facilities are smaller compared to the family size. Many of these families also originate from areas where the number of children in a family is large. As a solution, they share the rooms and this proved to be a problem during COVID-19 and led to increased transmission of the disease. Unfortunately, it also makes it less safe for vulnerable groups, women, children and girls as they can become targets of sexual exploitation.

Refugees and asylum seekers also compete with native-born US citizens for housing, which makes the process more competitive. Several people in the States do not buy their homes in cash, but rather opt for mortgages due to the high price of homes. This puts refugees at a disadvantage because in order to qualify to buy these homes, they don't have a strong financial track record like an average American who has a job, has been working, and therefore has a higher chance of receiving a mortgage from the bank.

Several of the homes and apartments where refugees live are in neighbourhoods where the rate of livelihood is average. How can these children thrive if they are living in conditions that expose them to drugs, crime, and poverty? The environment that one stays in has a significant impact on their upbringing so if refugees were resettled in more safe and admirable neighbourhoods, their children could aspire to more successful and inspiring lifestyles.

Italy

Given the large number of refugees who flock to resettle in Italy, lamentably, the number and availability of resettlement facilities is limited. In 2012, Italy had only five reception centres for asylum seekers (Brekke & Brochmann, 2015). These reception centres are places where asylum seekers stay after they have been registered after entering the country. The length of stay in this place varies from two months to several years.

And after someone has attained refugee status, they are able to stay in secondary reception centres where they stay till they hear back on the final decision about their protection request. These centres provide training, education, acclimation with the culture, etc, and involve partnerships with NGOs, local government, local initiatives, etc.

“In 2012, the national initiative SPRAR (Sistema di Protezione per Richiedenti Asilo e Rifugiati) estimated a need for 30,000 spaces for such secondary reception support, yet only 3,000 were at their disposal, according to our informants (Brekke & Brochmann, 2015)”

Uganda

In Uganda, after a migrant has achieved refugee status, they are given a piece of land so that they can become self-sustainable and continue making progress with their new life. This gives them a sense of purpose, and an opportunity to lift themselves out of poverty.

In Northern Uganda, “Local farmers there share their land with refugees, land that would otherwise remain unattended. The refugees cultivate it, take what they need for themselves and sell the rest. Half of the profits goes to the farmers” (DW, n.d.).

According to a survey conducted in 30 refugee resettlements in Uganda, there are shelter/housing challenges among refugees - “23% of households reported shelter damage such as damage to roof, wall material, and floor. 29% of the households reported having sometimes, often or always visible wastewater in the vicinity (30 metres or less) of their accommodation in the 30 days prior to data collection, while% also reported not being able to conduct repairs for reasons such as: no money for repair or waiting on the landlord to repair, and 20% of both females and males in the same study said they did not feel safe in their shelters.” (UNHCR, 2019).

This shows that providing housing is not necessarily a one-time done deal, it involves making sure that there is a plan to ensure that the facility is constantly being maintained, and that the newly resettled refugees are feeling comfortable enough and well settled into their new homes.

EDUCATION

United States of America

In the US, refugees are provided with opportunities to advance in higher education so that they can accelerate forward, break down barriers, and realise their dreams. If a refugee would like to continue their education in the United States or get a professional license for work, or even get a job, the system provides opportunities to get this verification. Some of the organisations that provide these kinds of services are Educational Credential Evaluators (ECE) ECE Aid, Educational Records Evaluation Services (ERES), and World Education Services (WES). These organisations help vulnerable groups and non-US citizens who have been educated to continue their path of education.

Italy

According to the Italian constitution (article 34), “the school is open to all” and separate educational tracks or institutions for children with special needs do not exist in Italy (Grigt, 2017).

In Italy, refugees and asylum seekers have the provision to attend school while they wait for a response for the approval of their asylum application. But in order for them to graduate, they need to have been granted refugee status.

Regrettably, “there is not a specific monitoring process at national or even local level concerning the access to education of these children and no detailed data is available concerning the type of institution they are enrolled in, their gender/age breakdown, etc” (Grigt, 2017).

Uganda

UNICEF is highly active in Uganda and during the COVID-19 pandemic, they worked with the ministry of Education and Sports to provide distance learning to refugee students as schools were closed and other lock down measures were in place.

“UNICEF enabled distance learning for 2.5 million boys and girls, including 368,048 refugees from March to December 2020” (UNICEF, 2021).

But unfortunately, refugee children have different kinds of barriers in Uganda’s education system such as language barrier. This is because they originate from different countries such as DRC, South Sudan, Burundi, etc.

Another challenge that makes it difficult for them to assimilate is the lack of documentation and certification from their countries of origin. Some of the schools are also way more highly populated than the facilities can accommodate and this affects the quality of education.

Some of these highly overcrowded schools have an average student to teacher ratio of 85:1 which is extreme when compared to the already high national average of 43:1 and more than 500,000 children and youths in the districts hosting refugees have no access to education at all (Schulte & Kasirye, 2019).

ACCESS TO JUSTICE

United States of America

According to a survey conducted by Refugees International on refugees in the United States from May – August 2021, 50% of them felt confident in their ability to get legal assistance in the country (Escajeda, 2022), which shows their confidence in the legal system of the country.

On the reverse side, the justice system is not working perfectly. According to the Immigrant Justice Center, “The U.S. has a disturbing history of forcing asylum seekers onto ill-equipped nations, rather than abide by its obligation to process them under domestic and international law. This includes pushing asylum seekers back to Mexico and Central American nations” (National Immigrant Justice Center, n.d.). The U.S. policy concerning refugee resettlement says that if an asylum seeker is within its borders and has applied for asylum or help, then they will be protected. Unfortunately, this is not being clearly reflected across its borders, and this has left many lives at risk.

In addition to this downside of the justice system, some refugees who get their paperwork are still not employed, leaving their potential untapped.

“The reality is that I think it’s really hard for people to realise we’ve got a lot of this talent already in the United States and we’re just not tapping into that talent, because it doesn’t present itself in a way that we’re used to,” said Jina Krause-Vilmar, CEO of Upwardly Global, a non-profit that helps immigrants and refugees rebuild their careers in the U.S. (Ali, 2022).

Many of these refugees not having the typical paperwork or having had the same skills training, different accent, different background etc, may make them more likely to be passed aside for a more “suitable” candidate who conforms to the looks and standards of a regular American.

For example, the labour shortages of nurses could probably be filled by refugees and immigrants. “Unfortunately, failure to tap into these resources leads to “brain waste” that costs the U.S. close to \$10 billion in tax revenue” (Ali, 2022).

Since the U.S. pulled its forces from Afghanistan in August 2021 and resulted in over 70,000 Afghan refugees being brought to the U.S Krause-Vilmar estimated skills of about 20 to 30 percent of those recent Afghan refugees to be underutilised.

“According to researchers from Cornell, refugees were being told to take on lower paying jobs and this drastic and unfortunate encouragement was leading to the waste of manpower and resources that could otherwise have been utilised to drive the economy forward” (Ali, 2022).

This could easily be argued that probably they do not have the proper paperwork or credentials that could match the US system. Many of these refugees and asylum seekers flee their countries and are forced to leave behind valuable information that otherwise would have propelled them forward in their new home. While for some, to continue their practice in their new home, USA, such as doctors or lawyers, their certification just wouldn’t suffice for the new environment.

But despite what the reason is, what can the government do to make sure that these individuals are not laying aside their life’s purpose just because the system isn’t prepared to handle/cheer them on/celebrate their unique contributions?

Italy

When an asylum seeker arrives in Italy, the country has the right to protect them and in case of assault, rape or robbery, they can contact the police for help and guidance. But if the asylum seeker commits a crime, they can lose their protection status because they are required to respect and obey the law of the country they are in. In addition, when they get the refugee status, they also have the right to a travel document, employment, and the privilege to enjoy the same treatment provided to Italian citizens (See Annex A).

Unfortunately though, when refugees arrive in Italy, they are forced to take their fingerprints under forced conditions at point of entry and these conditions sometimes undermine their value and worth. Taking fingerprints is a form of identification, referred to as Eurodac, that helps to determine which member state is in charge of taking on the asylum seeker. Another important aspect about Eurodac is that the fingerprints obtained are also compared with Europol to compare fingerprints that may be linked

to criminal investigations (Thales, 2022). So all in all, the fingerprints process serves a very good purpose.

“No informed consent is required to use Eurodac, and border officials are authorised, if necessary, to use physical or psychological coercion to obtain fingerprints from adult migrants” (Buoncompagni, 2022).

Everyone has a right to be treated fairly and just, and coercion wouldn't be a true definition of justice in this case.

In August 2020, the government of Italy created a regulation program to solve issues relating to migrant and refugee struggles such as long waiting times, difficulty in renewal of documents and other bureaucratic things.

According to the organisers, two years after its introduction, the program has ended up as an empty promise (Coppola, 2022).

“In summer 2020, over 200,000 requests were passed in to the immigration offices, two years later, over 110,000 migrants are still waiting for their papers,” organisers explain. “Only an urgent administrative intervention can guarantee that they can emerge from irregularity and restore dignity and justice to those who live and work in Italy. ” (Coppola, 2022)

In addition, the government also created policies to regularise those who were unauthorised in the agricultural industry and domestic workers.

“In particular, the scheme they adopted in May 2020 aimed to provide work and residence permits to undocumented migrants already present in Italy and working in the agri-food and domestic work sectors” (PICUM, 2021).

Unfortunately, this wasn't logical and well-planned because this policy was enacted on May 19 and they required people to submit their applications from 1 June to 15 August. This short notice and quick turnaround of events clearly did not favour the everyday migrant worker.

Uganda

There is a food shortage in refugee areas, and sometimes the food is not enough, or the refugees are served little. This can lead to malnutrition as they do not have enough food to eat.

The right to food is recognized in the 1948 Universal Declaration of Human Rights as part of the right to an adequate standard of living, and is enshrined in the 1966 International Covenant on Economic, Social and Cultural Rights (OHCHR, n.d.).

In April 2020, the World Food Programme (WFP) announced that there would be a reduction in the food ration for all refugees in Uganda. The ration would be cut from 12kg to 8kg (World Vision, 2020).

Some of the refugees who were finding it hard to make ends meet due to COVID-19 resorted to eating mangoes. For example, at the Bidibidi Refugee Resettlement located in north-western Uganda and the second largest refugee resettlement in the world after the Rohingya Camp in Bangladesh (Strochlic, 2019), the host community is known for its mango trees which usually are harvested during season and are used as a source of income. These big trees are also a source of shade in the scorching sun. Because the refugees are not native to the area, they do not have mango trees of their own therefore, the “fight for mangoes” has created friction between the refugees and some members of the host community (World Vision, 2020).

The World Food Program was struggling with a shortfall of USD 137 million in funding against USD 219 million it needed for the refugee response in Uganda for the year 2020 (Strochlic, 2019).

Therefore, if international aid dwindles and especially currently during this energy crisis, refugees are at risk of going to bed hungry, and succumbing to diseases related to poor nutrition.

“If the right to adequate food is not realized by everyone as an individual or in community with others, other human rights like the right to life, right to health, right to dignity, among others will be equally violated” (Nkasiima, 2021)

CHAPTER 3: SMUGGLING AND HUMAN TRAFFICKING

Smuggling means illegal migration of people over the national countries due to economic profits. Smuggling is used sometimes as a synonym of human trafficking, but this one can include a variety of other different crimes such as sex slavery and forced labor. So human trafficking is, more in general: the use of force or fraud on people with the intention of using them for business. In addition, victims of smuggling are people who, due to poverty, hunger, war, persecution or other reasons, rely on an illegal route to leave their country (See Annex B).

As it was said, one of the most common ways to enter a country is illegally crossing the national borders, more than overstaying after a regular permission. This is the way generally used by the hopeless people that cannot ask even for a short-term visa. The massive international immigration of the last decades due to strict economic conditions, interethnic conflicts and bad future prospect in poor countries is sustaining illegal immigration. The international criminal associations, attracted by the high profit, take advantage of this desperate situation. The final result is a creation of a proper market of human beings trafficking with fixed fares of trip, depending on the risk and so, depending on the origin and on the destination of the travel (ReAct, 2016).

In order to seek and receive asylum, individuals travel from their countries of origin which is often difficult, passing through other countries on the route in an 'invisible way.' These individuals are almost always willing to do anything, even pay exorbitant sums of money that they can't afford, risking their lives. It is obvious why the demand for migrant smuggling is rising sharply. Never before have human traffickers increasingly had asylum seekers among their clients, a new source of profit. Fleeing with the traffickers means having some chance of life, staying can mean certain death. In recent years the high profits combined with the desperation of migrants has made this criminal business increasing, but here is what the international law considers criminal activity.

According to the resolution 55/25 of the General Assembly of the United Nations Convention against Transnational Organized Crime:

"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the

consent of a person having control over another person, for the purpose of exploitation.” (United Nations Office on Drugs and Crime, UNODC, Annex II: The definition of trafficking in persons and the mandate for the Global Report)

According to the official data of UNODC, the most important two routes of illegal immigration: from Africa to Europe and from South to North America put in criminal groups' pockets about 6.75 billion of dollars per year (United Nations Office on Drugs and Crime UNODC, *Transnational organized crime: let's put them out of business*). This kind of illegal activity is destined to grow in the measure of its affairs, because the profit is way more than the drug market, since a single person can be sold more than one time. Furthermore, if a smuggler is arrested has a less severe punishment than a drug dealer (Aronowitz, 2001).

This circumstance is fuelled by a common inadequacy of general perception of the problem, but also inadequate legal system or deficient cooperation among origin, transitional and destination countries. The effect of this awful structure is the exposition of the migrants to maltreatment and persecution. In this kind of “Desperate trips” for better conditions of life, the safety of the people is constantly in danger. The migrants could die asphyxiated in containers, crossing for weeks in desert areas or drowning in the sea being traded as goods by smugglers in pursuit of profit.

As reported by the BBC during an interview of a smuggler, trafficking is nowadays more complex than before due to the variety of services offered by the criminals. Apparently before the system was more simple: an elementary organization was moving a person from place to place, but now the affairs have expanded and the technologies as well. So smuggling is not limited to moving people. For instance, it also includes very efficient document fraud, sometimes with the partnership of local governments. This collaboration makes targeting very difficult (BBC, 2015).

There is a main reason if the heads of the criminal network of human trafficking can be very difficult to target and it's because of a wrong assumption behind it.

According to the Italian Journalist Muscemi that studied the phenomenon deeply, interviewing traffickers, the problem is the wrong belief that the smuggler is still a pilot or a fisherman on board. This informal structure could have been possible at the starting point, when the business was at the beginning, but now as he said: “They are clever. Think of a smuggler as someone who never sleeps and spends 24 hours a day thinking about how to break into Europe. They read newspapers, study

European laws, study what Frontex is doing - they will probably even read this piece" (BBC, 2015).

As reported by the Italian journalist, usually pilots on boats are migrants as well, fisherman or not, that can drive a boat and get this trip for free or with a lower fee than the other passengers. So, the role of the pilot is kind of captain, as a kind of coordinator of the trip saying to the people where to sit, what to do or not to try to keep security on board. Often, it happens that when a boat reaches the Italian coast of Sicily, the passengers of the boat blame the pilot for being the smuggler and he gets arrested by the Italian police (BBC, 2022).

THE STRUCTURE OF THE CRIMINAL ORGANISATION

The crucial concepts to understand the structure that traffickers give themselves are: network and trust. And the more one talks to them, the more one understands that it is a choice, dictated by environmental stresses, the speed of the criminal business, the long distances to be covered, the continually changing *modus operandi* and the fact that they offer a service in which trust is everything and the same ethnic and cultural ties are important.

The network is therefore the business model used by the traffickers. The network is made up of people. The more people stay in touch, collaborate and talk to each other, the more the network works. Adaptability, speed of reaction and change, tenuous ties between members make it a flexible organizational scheme that is at the same time resistant to interception, less vulnerable to police and judicial action. Roles are easily replaceable; the network can be quickly modified and restructured. It is the same smuggling activities that presuppose elasticity, openness to novelty, the ability to exploit new opportunities. The more the business model is fast, mobile, able to respond quickly to new environmental stresses by changing rapidly, the more the more suitable it will be. The network responds to these needs. The ethnic connection and the support of other reliable people in different States allow the business to work properly (Campana, 2020).

Each operator has a specific role for example, the first knows the second, but the third does not know the first. The organizer is not known by all the operators and nobody knows his real name. A question of security and survival of the organization itself. The pilot, then, knows almost nothing. It is a bit like a social network.

The base of the connections inside the network is always trust. Indeed, trust is also the base of the relationship between the customer and the smuggler. Whoever leaves must find the right person to trust. Trust in this case means having good expectations of the quality of the services of the smugglers. Whoever decides to trust a smuggler must believe in him. He must know that he will lead him to his destination without excessive risks. Usually his reputation is based on the feedback of others. It depends on the number of travels that succeeded and the number of people that lost their lives.

Sometimes trust comes through clan, tribal ties, which in some regions of the world are often very strong (from North Africa to Afghanistan). Betraying tribal relations, breaking trust means destroying the rules of business and putting a whole system into crisis (Licastro, 2014).

SMUGGLING TO USA

As we said before, the USA can be one of the most desired destinations for migrants, in order to try their chance and live the so-called 'American dream'. Among the different populations of the Latin American countries that desire to reach North America, it is worth focusing on one of the most famous catchment areas: Mexico.

The emigration from Mexico to the United States, is one of the largest movements of people from one country to another in the last fifty years. Since 1965, more than 16 million people have left Mexico to cross the Northern border. Mexican migration is mainly fuelled by the demand for manual labour in the US.

In the 2016 Global Slavery Index report, Mexico tops the list of the American continent with the highest number of trafficking victims. This is no coincidence according to the NGO Polaris, which, together with the International Organization for Migration (IOM), has just published a comprehensive report on the phenomenon in Mexico itself (Barrios, 2013).

Partly because so many Mexicans (and Central Americans) have moved without proper papers to the United States, immigration is an issue for all administrations in Washington. President Joe Biden, for example, is under pressure to extend 'Title 42', a measure introduced by Donald Trump that bans non-essential travel to limit the risk of contagion. This policy, in theory adopted in response to the pandemic, allows US officials to turn away migrants at the border, including asylum

seekers till the emergency lasts. Mexican migration is strictly dependent on the demand for manual labour in the US.

According to the data of the NGOs and the ILO, trafficking mainly concerns laborers in the agro-industry and domestic work sectors. The victims come mainly from indigenous communities, children and the migrant population. Labour mobility programmes between Mexico and the US such as the H2A visa that regulates the entry of workers in the agricultural sector and the H2B that does the same in the service sector create a huge pool of cheap labour that moves from Mexico or Central America to the US.

The border between the United States and Mexico has always been quite porous, although the period of mass migration northward began in 1964, when the closure of the *Bracero* seasonal labour programme in the United States prompted many Mexicans to cross the border. The number of migrants increased in the 1980s and skyrocketed in the 1990s and early 2000s.

Mexican migration is mainly fuelled by the demand for manual labour in the United States, explains Jorge Durand of the University of Guadalajara. According to one estimate, 68 % of California's agricultural workers are Mexican. The price asked for a standard trip by the smugglers is now around 7.000 American dollars to reach the opposite side of the river in Texas. Not so many years ago the fee was around 5.500 and ten years ago it was 4.000 dollars. The increase of the cost depends on the tightening up of immigration laws by the USA. As much a trip is risky for the smuggler the more it will cost to the immigrant. As stated by the academic: they find out that the effect of strong laws against immigration in recent years has produced a decrease in legal immigration and a drastic increase of illegal one, with crazy costs (Durand & Massey, 2006).

In recent years, there have been many organizations that have documented the lack of protection and assistance that these workers experience during the recruitment and contracting process, reporting various abusive practices. Considering that the employer uses a chain of both formal and informal recruiters on both sides of the border, fraud and abuse are common phenomena. In this succession of intermediaries, extortion of money in exchange for promised work visas is common and responsibility is difficult to define. Very often there are no written contracts and the working conditions that are promised are completely disregarded and violate fundamental human rights: inadequate housing, threats and confiscation of identity

documents are among the most common practices. In the most serious cases, the worker becomes a victim of labour trafficking threatened with debt that makes him a slave to his employers. In some cases, people are controlled day and night without being able to communicate with the outside world. The traffickers are easy to find in the Mexican villages at the border with the USA if you can pay the trip. They are called '*Polleros*' and they are famous for being without mercy with their customers. They often kill or abandon migrants who do not pay, while urging families to mortgage their homes or invest more money.

According to the Report by Polaris and the International Organisation for Migration (IOM), there are two population groups most exposed to the phenomenon of human trafficking, the so-called *jornaleros*: seasonal workers who very often come from indigenous communities, and even more frequently are exposed to the vulnerability of poverty but also illiteracy, many of them do not know Spanish, let alone English, and are unaware of their rights and contractual conditions (Palacios, 2010). Then there is the category of domestic workers, all too often victims of abuses of different kinds: in an irregular migratory situation, they face a very high risk of abuse, including sexual abuse, but reports continue to be scarce precisely because of the fear of repatriation.

As shown, the lack of a proper legislation involves the agricultural sector in the USA as in Italy, opening a grey zone in which the smuggler has the possibility to feed this illegal business.

SMUGGLING TO EUROPE AND ITALY

The favourable geographic position of Italy in the centre of Mediterranean sea, the low distance of the Sicilian South islands to the North African coast made this a prime route to reach Europe. Smuggling people for the purpose of prostitution and aiding illegal immigration is prohibited by law but despite this, it continues to exist and put people's livelihoods at risk (See Annex B).

The journalist Giampaolo Musumeci and the academic professor Andrea Di Nicola studied deeply the phenomenon of human trafficking, analysing the situation and proposing some possible solutions to try to arrest this crime.

The two Italian experts about smuggling describe it as the world's largest criminal travel agency, helping customers cross otherwise closed borders. Smuggling business revolves around 10 billion euro Worldwide according to UNHCR. It is the first

criminal business after drug dealing, but more proficient because a human person can be sold more than one time despite the drug. We are talking about a business of 600 million Euro coming only from the Mediterranean sea. A single Smuggler can gain between 5 or 6 million per year. Frontex, the European Agency that controls the border of the EU spends on patrols about 80-85 million euro per year (European Union, n.d.). In order to understand the reason for this large amount, some prices of the trips: from Afghanistan to UK 25.000 euro, from China to UK 40.000 euro and from North Korea to South Korea 6.000 Euro. The Turkish smugglers said that depending on how much the customer can spend, they ask between 4 and 8 thousand euro for each passenger. Italy is often one of the main destinations for migrants, but very often it is not the last destination, just a lobby to get across Europe. For instance, the two investigators interviewed this Russian skipper in the jail that was working for a Turkish trafficker association. The smart method, discovered by chance by the Italian police border control, was based on an unsuspecting luxury yacht to make the trip. The yacht was shipping with a normal family on board as a normal cruise, but in the below deck were traveling hidden in a little space, tens of migrants (Verona In, 2018).

The writers report the story of an about forty years smuggler: El Douly. This man is Egyptian, intelligent and reads international newspapers every day. He collaborates with a Libyan network that brings its clients to Italy. "Who is the biggest in your organization?" they asked him. "You have understood nothing, here we are all nodes in the network, everything is based on trust, like a chain, where one fails to arrive, the other arrives".

It is for this reason that it is difficult to intercept them, the networks are fluid, they are flexible, they reform and escape the international enquiries of the commissions of justice. They move huge amounts of capital just with a call, that can then be reinvested in other criminal activities.

A big operator like El Douly has collaborators in every little village in Egypt. For example, a young Egyptian who wants to go to Spain will contact an agent of El Douly in his village and he will put them in touch with each other to negotiate the amount and the conditions of the trip. El Douli will make it possible for him to cross the border between Egypt and Libya, he will guarantee contact with the Libyan smuggler who will permit him to get to Lampedusa (The most Southern little Island of Sicily). He said that he has a good reputation due to all the successful trips he has managed. The people

come to him because of his reputation: they trust him and the quality of his service, otherwise they will not put their lives and their savings in his hands.

The Italian journalist reports a case of another smuggler interviewed that knew Italian law well enough to manipulate it. For instance, he explained that a policy supports agriculture for seasonal work in the field. Due to this law, landlords were allowed to easily hire a person during the summertime in order to pick fruits and vegetables in the field. So the trafficker just needed the right contact to corrupt a landlord to ask to have a worker, a specific person from Pakistan that has paid the smuggler to migrate to Italy. In this way, thanks to the law known as '*Legge Martelli*', this Pakistani man could go to the Italian embassy in Pakistan obtaining a regular permission to fly comfortably to Italy. Once in Italy, the man of *Pashtun* etnie, coming from a little village at the border with Afghanistan, so speaking perfectly Afghan, could have gone to any asylum house. He could have pretended to be an Afghan national, introducing himself dirty, desperate and with a story about a long trip in the sea inside a container in order to obtain the status of Asylum seeker (for Afghan people) and moving to other countries of Europe (Di Nicola, 2016).

In the case of a big boat drowning not far from the Italian coast with 700 Lybic persons on board, the mass media asked how it was possible for the smuggler to organize a trip with all these people without any interference. A Lybic smuggler answered this question saying that there were two collaborations needed for the organization of this kind of trip. The first one is easy to get for anyone and the second one is more complicated and you need to be an important smuggler. The first step is buying a big boat in Egypt and it's enough to be a Libyan person and have 100.000 dollars and 10.000 for the delivery to spend. The second step is more difficult. It consists of having the support of the local authorities. As he claimed, it would be impossible to board 700 people without the backing of the Lybic police. The case of Libya is different from all the others, because it is the door that connects Africa and Europe. Most of the people coming from Africa start their journey there. The people who arrive there are in such desperate conditions that demand for migration becomes very high. For this reason there is no care in the service. These people have no alternative but to leave. In this way the trip is arranged with no particular attention and that's why it can become very risky (YouTube, 2015).

SMUGGLING THROUGH AFRICA & UGANDA

At the end of 2021, as stated by UNHCR Uganda was hosting 1.56 of refugees, the highest number of refugees in Africa. Since October 2021, the UNHCR is doing a profiling of the people to assist them in their needs. The largest part of these people come from countries such as South Sudan, Democratic Republic of Congo, Somalia, Eritrea, Rwanda and Burundi. In addition to be a receiving country for refugees, the African country represents also a station and a corridor for human trafficking. Sometimes the people that are smuggled in Uganda are cheated by the promise of getting a status of refugee. The human trafficking in Uganda hits indistinctly: the refugees and the local communities. The refugees passing by there are often directed to East African countries and outside Africa. The continuous regional tensions and clashes are fuelling the smuggling in both sectors. The women and the children are often victims of forced work or prostitution.

As a special report made by the US government says, the domestic people is more often exploited abroad: "Ugandan children as young as seven are exploited in forced labour in agriculture, fishing, forestry, cattle herding, mining, stone quarrying, brick making, carpentry, steel manufacturing, street vending, bars, restaurants, gold mining, and domestic service. Traffickers exploit children in commercial sex"(U.S. Department of State, 2021). The effect of the pandemic with the limitation of travels and the closure of frontiers caused an average of the child abuse inside the country. The smugglers pointed 13 years old young girls for local sex exploitation. It is estimated by a local NGO, that only in 2020, between 7.000 and 12.000 children were abused in sex trafficking in Uganda (Barasa et.al., 2022).

The main problem of the country is the big lack of work opportunity, proper education or adequate social services. This condition makes the young population of the country (15.9 years old average), especially the ones that live in remote and isolated zones, an easy victim of exploitation. The most lucky of them emigrate to the US to find better conditions of life, but very often in the sector of construction or other untrained jobs, they find exploiting work conditions. As stressed by the International organisations, the system in Uganda is not sufficiently adapted to contrast international abuses such as trafficking. A 2021 "Trafficking in Persons report" by the trafficking monitor office of US government recognizes that a step forward has been made by the government of the African country to fight the smuggling with the involvement of

special investigation sectors of Ugandan police and army, the upgrade of the anti-trafficking law and the use of modern resources. Eventually, it stresses that the road is still long and there is still a lot to do, for example using new technologies to screen the people and collaborate with NGOs (U.S. Department of State, 2021). Right now, the measures that the government should adopt to contrast more efficiently the trafficking of human lives in Uganda are different and consist of: accurate investigations with modern devices and prosecution of the traffickers with an *ad hoc* judicial system. On the assistance side, it would be important improving the support to the people who escaped and giving higher funds to the NGOs that work on protection of refugees or people exploited (Eckstein, 2022). The role of the NGOs and the International associations can be vital in scenarios like the Ugandan one, because they are usually more present in the territory, close to the necessities of people and don't have to face all the bureaucracy of the government. Sometimes the role of the NGOs is so important that they can substitute the government itself. For instance, it is reported a case in which the UN agency IOM (International Organization for Migration) helped five children to come back home. As the association claims, those kids with an age between 10 and 16 years were forced to sell things in the street in Juba, the capital of South Sudan. They were working from the early morning till the late evening, making the packages in the night. The cooperation between the office of the association based in South Sudan and the one in Uganda made it possible to return those young kids to their home country (International Organization for Migration, 2013).

SOLUTIONS TO FIGHT SMUGGLING

In the end, after the analysis of the documents, smuggling appears more as a human phenomenon that cannot be stopped, due to its dimension, but, as stressed by the experts, it should be controlled or at least managed by the competent authorities. It is necessary a smarter use of resources and technologies to go to the heart of the problem. If a government closes a route or makes punishments more severe for smuggling, the effect is just a raising of the cost of the travel for the migrants on the specific route. They need to follow money laundering and money transactions to get to the head of the problems. A way to contrast efficiently the illegal immigration it would be making easier procedure for asylum seekers from the national governments as stated by the agency UNCHR. As the BBC noted in an investigation, the energy of justice should not focus on the pilot of the boat, mostly an immigrant as well or in any

case not an important player of the criminal organization, the one that can be more easily replaced. Another point would give more space to EUROJUST, the European Union Agency for Criminal Justice Cooperation. It would be very hard for a single public prosecutor to investigate an international criminal organization without any cooperation from the other countries. Eventually, as the prosecutor interviewed suggested, the investigation should focus on second activities used for money laundering and search for the controllers. We need to fight this phenomenon by trying to reduce each of the two reasons that straighten it: the desperation of refugees and the high profits of the business, which combined creates an unmanageable problem. What the decision makers should understand is that: "When governments shut routes the business just becomes richer, because the journey is longer and more dangerous. You can't stop it, you just have to manage it" (BBC, 2015).

PRICES OF SMUGGLING TRIPS

- Afghanistan-UK 25.000 USD
- Afghanistan-Iran 700 USD
- Sub Sahara Africa-North Africa 2500 USD
- Asia-Europe 3.000-10.000 USD
- Asia-USA 25.000 USD
- Bangladesh-Brazil 10.000 USD
- Brazil-USA 13.000-17.000 USD
- China-USA 40.000-70.000 USD
- China-UK 41.800 USD
- China-Italy 15.000 USD
- North Korea - South Korea 6000 USD
- Cuba-USA 10.000 USD
- Guatemala-USA 7000 USD
- Iraq-UK 10.500 USD
- Iraq-Germany 7.000-14.000 USD
- Mexico-USA 1.000-4000 USD
- North Africa-Italy 1500-3000 USD
- Pakistan-USA 22.000 USD
- Somalia-USA 10.000 USD
- South America - USA 8500 USD

– Turkey-Italy 2500-5000 USD

– Vietnam-Europe 28.500 USD

Source: (Nicola & Musumeci, 2019)

CHAPTER 4: COMPARISON OF BEST AND WORST POLICIES

Based on our research on USA, Italy, and Uganda, we compiled a list of the best and least favourable guidelines in relation to refugee resettlement based on the four parameters: access to health, housing, education, and justice. Highlighted below is what we concluded.

ACCESS TO HEALTH

As previously stated, Italy is bound by the Dublin Regulations which states that a refugee belongs or gains refugee status through their first country of entry. In a country like Italy, this means that once you become a member of the country and once an asylee is granted status, they officially become also part of the National Health Services system and they now have access to health services just like an Italian national does.

Compared to the United States and Uganda, if a refugee enters their respective continents and steps into these countries first, it does not necessarily guarantee that they will officially be granted asylum status. For the United States alone, many refugees live there illegally and to this day, do not have the right to health care. While in Uganda, the health system is not well insulated countrywide. Most of the health services that people in Uganda subscribe to are with private companies. And since refugees enter the country in a helpless state, there is no governance structure that is left to carry them on their shoulders.

Based on this analysis, Italy has the most favourable medical and health care system when it comes to welcoming refugees while Uganda has the least favourable to the three countries.

Uganda has the least favourable conditions for refugees because the health sector in the country has inadequate facilities, especially for underrepresented people or marginalized people like refugees. Insufficient funding and shortage of medical supplies makes it challenging for refugees with underlying medical conditions and pregnant mothers.

So what needs to be changed or addressed differently? There needs to be increased partnership between neighbouring countries. In the case of Italy, it is bound by the Dublin Regulation, which in several ways provides a partnership and responsibility among the EU states and Liechtenstein, Switzerland, Iceland, and

Norway. When countries partner with others, the weight of a burden is lifted, and the shared responsibility favours progress - in this case, better health care and livelihoods of refugees and asylum seekers.

The United States could do a better job and partner with its neighbours - Mexico and Canada. They can create a shared policy so that the responsibility of taking care of refugees and setting regulations for them is not dependent on the USA alone.

This shared partnership could extend to even more than just regulation to training professionals across borders on how to treat and take care of refugees. In many cases, the refugees who enter these destination countries come from completely different climates and cultures so having medical practitioners with a wide and vast array of experience will be and is highly beneficial.

The three countries can also partner together and with all their neighbouring countries to develop a secure vetting process for refugees who were medical professionals already. Just because someone is a refugee does not in any way mean that their previous background and knowledge should be put on the side, especially when there is a great need for their services. So recognizing the previous experience of such practitioners and creating a fast track program to accelerate and give them additional training in the health field of the new country they are in could prove to be highly beneficial.

HOUSING

When addressing housing for refugees and asylum seekers, Uganda has the most favourable policies in administering its rules that benefit refugees. For example, as previously stated, refugees are provided with land to cultivate so that they can lift themselves out of poverty and make a livelihood for themselves. The land offered to them is land that would have remained idle and unattended to. This practice and policy is one that aligns with promoting the United Nations Sustainable Development Goals (SDGs).

In particular, this policy promotes the following SDGs:

SDG 1: No poverty - Refugees can make a living by selling their produce.

SDG 2: Zero Hunger - They now have food to eat.

SDG 13: Climate Action - Land that otherwise would be left bare and exposed to soil erosion is used to plant crops that act as a carbon sink and contribute to

slowing down the rate of climate change. Even though this may be a minor contribution, a little progress is better than no progress at all.

Right now, due to the war between Russia and Ukraine, there is a massive shortage of food supply in the world and providing this opportunity to refugees can positively address the economic and food shortage issue.

On the other hand, the country that has the least favourable housing policy is Italy. As previously stated, they have a low number of shelters for asylum seekers and there were only five reception centres for them back in 2012 which are: The Marcone Emergency Centres (established in 2008), CARAS (Centri accoglienza per richiedenti asilo, reception centres; established in 2008), SPRAR (Sistema di protezione per richiedenti asilo e rifugiati, housing and vocational training; established in 2005), and Local and Non-governmental organization (NGO) reception centres (Brekke & Brochmann, 2015).

As mentioned before, if we as countries are going to create and implement shock-proof policies that will withstand future crises, we need to start developing systems that will be ready to address these issues. In the case of Italy, more reception centres are needed because the number of asylum seekers and refugees who will need them in the future may likely keep going up. And generally as a whole, countries can gain inspiration for each other. Even though Italy has a few reception centres, they do really well when it comes to their secondary reception centres where refugees wait to hear back on their states. They are provided with training that keeps them from being idle and these are able to empower them as they find their footing in a new country.

USA's housing policies are not favourable either because the housing prices of houses in coastal areas such as California also makes resettlement agencies redirect their resettlement efforts of refugees to more inland cities, where housing is more affordable. Because of this, refugees miss out on staying in larger coastal cities such as New York city where several of their fellow country citizens are living, and are redirected to cities that do not have as many of the people from their home countries such as Omaha, Nebraska, which makes their transition period a little more difficult. Staying in close proximity to people who speak and talk like you makes ones transition period easier and the absence of this is felt when such an opportunity is not available.

Generally, when it comes to housing, countries should keep in mind and be aware that it's not just about providing facilities to refugees. These facilities are their new temporary shelters till they figure out/till the system figures out what next. Just like we would personally want to be treated in a good accommodation when we travel to a new country or location, we need to do the same for these refugees and asylum seekers. They are human beings too, with desires, and tastes and a desire to call their new place home. So let us treat these shelters with optimal care and constant upkeep and maintenance to show the inhabitants the respect and dignity they deserve.

EDUCATION

The country with the most favourable education policy for refugees is the United States. It has organisations that are set in place to help vulnerable groups of people to access education. This gives them an added advantage and enables them to flourish together with their national counterparts. They also provide services to their students to help them recover from trauma, and equip them with the ability to thrive in their new environment.

Italy's education policy is also very commendable because as a country, they have a policy guaranteeing education to asylum seekers. This shows that they see that value in investing in their future which can lead to the creation of jobs, opening of new businesses and providing employment, which overall leads to the betterment and development of the country. Italy also provides opportunities for the education of persons with disabilities, which reduces discrimination and creates positive role models as others will be inspired by their success and will then be motivated to join the job market, which prevents poverty and empowers the country as a whole.

The country with the least favourable education policy compared to all three countries is Uganda. The overcrowded nature of the schools makes it difficult for students to concentrate and obtain quality education needed in order to excel at a global scale. Already, the quality of education in Uganda is not as high when compared to Italy and USA. Also, some of the districts that have hosted refugees have no access to education - of which, a little progress in this area would have been better than no progress at all.

In general, there are a couple of things that can be changed when it comes to access to education for refugees and one of them is the high cost of education fees in order to attend well rounded institutions. Already, refugees are getting back on their

feet and it is challenging for them to come up with high costs for application fees, tuition fees, room and board costs, etc. Scholarships exist for them but sometimes, these may not be adequate for the total number of refugees present.

Another thing that can be changed in the education system is that teachers have to be taught and skilled to learn how to deal with multicultural students so that their students can confidently and comfortably be themselves and advance like their fellow counterparts. They also need to help refugee students to address the reality that getting an education for them may not immediately skyrocket into overnight success due to their social background and history.

“Teachers have to be wary of the “false hope” that being successful in school will translate equally into livelihood opportunities for all students, according to a new paper by international education policy expert Sarah Dryden-Peterson and doctoral student Celia Reddick” (Dryden-Peterson & Reddick, 2017).

Therefore, refugee students need to be taught the reality of some of the challenges they will encounter going forward. This is not to discourage them, but to help them make realistic expectations and plot out goals that will help them not to lose hope in spite of their social situation. Some graduate from high school with dreams and aspirations to become doctors, nurses, pilots, but unfortunately succumb to the reality that they have to take care of their parents, siblings, grandparents, etc and this makes them lag behind compared to their fellow classmates who have received a similar education and excelled at a high level as they have too.

ACCESS TO JUSTICE

The country with the most favourable policy for justice for refugees is Italy because when an asylum seeker arrives in Italy, the country has the right to protect them and in case of assault, rape or robbery, they can contact the police for help and guidance. But if the asylum seeker commits a crime, they can lose their protection status because they are required to respect and obey the law of the country they are in.

The country with the least favourable justice policy is the United States. As was seen in the news for a couple of years, asylum seekers were often pushed back to their countries of unsafety, putting their lives at risk. According to the Immigrant Justice Center, “The U.S. has a disturbing history of forcing asylum seekers onto ill-equipped nations, rather than abide by its obligation to process them under domestic and

international law. This includes pushing asylum seekers back to Mexico and Central American nations” (National Immigrant Justice Center, n.d.). The U.S. policy concerning refugee resettlement says that if an asylum seeker is within its borders and has applied for asylum or help, then they will be protected. Unfortunately, this is not being clearly reflected across its borders, and this has left many lives at risk.

Uganda’s justice policy is not as favourable either because there is shortage of equal division of food in refugee camps. In addition to an adequate supply of food, there are no well-established law centres in refugee camps to address the legal issues going on. As previously stated, several refugees in Uganda originate from the Democratic Republic of Congo, where rape is used as a weapon of war, ranking DRC as one of the dangerous places to be as a woman (Heuler, 2013). Fortunately, UNHCR intervened to set up mobile courts so that conflict can be resettled but even then, the number of people who need help is way more than what is available (Heuler, 2013).

CONCLUSION

This study sought to answer first the question: What is the situation of refugees in these three continents - North America, Europe, and Africa?

To shed light on the current situation regarding the reception and management of refugees on three very different continents, it is interesting to highlight the first divergence that emerged from our research. While the other two continents: North America and Africa, are rather stable in their trend, the former maintaining a role as an immigration destination country and the latter a place from where emigration tends to originate, Europe, in less than a century, has been an origin of emigration (in the period coinciding with or immediately following the economic-social crisis caused by the two World Wars) and an immigration destination in recent modern history, which sees it as an object of desire for people from so-called Third World countries. Exactly this wide gap between Third World and First World countries is the factor that has triggered the strong wave of immigration to Western countries in recent years.

The current situation within North America and the USA in particular sees a large number of refugees who often have to contend with daunting obstacles such as the complicated bureaucracy that characterizes the USA. A rigid reception system and laws that limit legal immigration as much as possible are conditions that are mainly due to a succession of presidencies with different ideas in recent years, which have tried to cope with strong waves of immigration often thinking that circumscribing the phenomenon was the most appropriate response, only to find themselves fighting illegal immigration.

A similar situation is experienced on the European continent, which, despite having more welcoming laws than the US in terms of immigration, sometimes shows a lack of suitable structures and tools to provide adequate assistance to refugees. An example of this reality is the emergency that has characterized Syria recently and Ukraine at present, causing the migration of numerous refugees fleeing war, who have found refuge in a Europe that is struggling to control the emergency. This difficulty is much more evident in the management of migration routes in the Mediterranean Sea. Every day there are reports of boats from African coasts, sunk or in difficulty in Mediterranean waters.

The refugee situation in Africa is certainly one of the dire among those analysed in our research. The African continent is the object of internal but above all external

migration of people fleeing desperate conditions in which they are victims of abuse, violence, and harassment. One beacon of hope on the continent is Uganda, home to the highest number of refugees in Africa with all the difficulties this entails.

The central question we asked ourselves at the beginning of the research is: What are the guidelines in the USA, Italy, and Uganda about refugee resettlement? Which country is doing better and which country seems to be lagging behind?

The analysis in our discussion is based on four different parameters, which in our opinion, can give a relevant index to understand the quality of care that countries offer to refugees, namely: health, housing, education, and justice. The result of our analysis are, as follow:

Starting with the first parameter: health, we analysed which of the three countries provided the best health care service. Our study showed that the country offering the best health care is Italy, because a person with refugee status enjoys full health care free of charge, exactly as if he or she were an Italian citizen. In a different way, in the US a refugee may receive basic health care, limited in time to a period of less than one year. In contrast, Uganda, the African country does not have the resources to provide full and sustained care to immigrants, so it is limited to providing initial and basic medical care.

On the issue of housing, we found that the best service to immigrants is offered by Uganda. The African country's government, in line with the United Nations Sustainable Development Goals (SDGs), assigns asylum seekers, in addition to accommodation, a plot of arable land so that they are potentially self-sufficient. The US offers a decent service of housing for immigrants, but we do not consider it very efficient, because due to reason of the high cost of house rent, the people are usually resettled in inland areas, distant from each other and with no opportunity of socialization among them. The worst situation, however, has been recorded in Italy because the available housing facilities are unable to provide accommodation for all asylum seekers arriving in the European country.

On the education front, however, the USA performs the best educational function thanks to the many welfare associations in the country that provide training for immigrants to integrate them appropriately into the American social context. In Italy, the situation regarding education is also quite good. There is good education assistance for immigrants with the project of education about language and specific job training as well. We selected the USA as the best service of education because

they showed particular attention to vulnerable people in their program. For example, they have a specific assistance program for people traumatized followed by therapists and experts in the sector. The situation in Uganda, on the other hand, with overcrowded classrooms and an already poor and under-resourced education system, makes it more difficult to provide adequate educational assistance to migrants.

On the subject of justice, we have considered in our analysis mostly the access to legal assistance, that is, the ease of access to legal institutions for a person with refugee status. The country that provides the best assistance from this point of view is Italy: the screening that people undergo as soon as they enter the country and the immediate contact with the public authorities guarantee an adequate level of control and therefore security in cooperation with supranational bodies such as Europol. This system also makes it possible to instill better security in citizens and thus favours reception policies in the long term. On the contrary, the USA has an incredibly deficient system in terms of legal assistance and this obviously does not help the national perception of security and thus a positive predisposition to reception. Eventually, Uganda does not offer an effective prior service of law assistance in the refugee centres, evidently due to a lack of adequate resources and structures.

On the subject of smuggling, we asked ourselves at the beginning of the thesis: Is the Western government's system able to effectively counteract smuggling? What could be improved?

The answer from experts on this issue in the international arena is unanimously agreed that the preparedness of governments is inadequate to deal with the challenges posed by criminal organizations in the area of smuggling. The more leaders try to harshen laws, close routes, and build walls to prevent mass immigration, the more the effect is the opposite. Research on the issue of smuggling has revealed that smugglers are clever and well-trained individuals, on average underestimated by governments, and that closing the main route only makes the victims of this crime worse off, as they will have to pay a higher price for their journey and face many more risks. An appropriate response to restrain smuggling and target criminal organizations could be to extend and speed up the requirements for granting refugee status, guaranteeing wide-ranging international protection. A migrant who can migrate legally certainly does not pay an exploiter to do so illegally. In addition to this, international security experts such as the US Department of Immigration, which every year measures the level of adequacy of the instruments used by states to combat illegal

immigration, explain that more adequate and modern resources are needed to achieve efficient results in combating human trafficking, especially referring to the Ugandan government. Finally, as an expert on international crime suggests, it is advisable to unearth the large amounts of money laundered in secondary legal activities and to track cash flows to the leaders of organisations, and to do so requires close international cooperation among governments.

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ANNEXES

Annex A

INTERVIEW WITH MAGISTRATE, MRS. ELENA MASETTI ZANNINI

Mrs Elena Masetti Zannini is a magistrate at the public prosecutor's office in Milan. She is currently working as a civil judge at the International Protection Section of the Court of Milan at the 'Immigration Section'

1. Who can apply for international protection?

Article 2(h), QD (recast) - Qualification Directive (2011/95/EU, implemented by Legislative Decree no. 14/2018) defines an "application for international protection" as a request for protection addressed to a Member State by a third-country national or a stateless person who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request a different kind of protection not covered by the scope of this Directive and which can be applied for by the separate application.

It is clear from this definition and from the definition of "applicant" in Article 2(i) of the same Directive that "applicant" means a third-country national or stateless person.

2. Who is in charge of approving international protection and what should be taken into consideration?

Rather than "approving international protection" I would use the term "verifying the existence of the prerequisites for being granted refugee or subsidiary protection status. "It should be noted that "international protection" means refugee status and subsidiary protection status as defined in Article 2 (e) and (g) of the so-called "Qualification Directive" (recast) (Directive 2011/95/EU). A request for recognition of one of these statuses constitutes an application for international protection as defined in Article 2(h) of the Qualification Directive (recast).

Article 3(1) of the Asylum Procedures Directive 2013/32/EU further defines the territorial scope in which an application for international protection may be made: the application must be made "in the territory, including at the border, in the territorial waters or in the transit zones of the Member States"

The Legislative Decree no. 25/2008 implements the Directive 2005/85/EC on "minimum standards on procedures in Member States for granting and withdrawing refugee status" (the first Asylum Procedures Directive, the last instrument of the so-called "first phase" of the creation of the Common European Asylum System - CEAS). The application for international protection is submitted in person by the applicant at the border police office upon entry into the national territory or at the office of the competent police headquarters based on the place of residence of the applicant". Similar provisions are set out in Art. 26 d. lvo. 25/2008

The application is examined by the competent Territorial Commission (Art. 27 d. lvo. cit.). If rejected, in case of appeal by the asylum seeker, the competent authority for examination is the judicial one.

The Territorial Commission takes its decision after an interview with the asylum applicant (art. 27 paragraph 2 ff. d. lvo. cit.).

The Commission must assess the existence of the conditions for the recognition of refugee status.

Article 2 (d) QD (recast) defines the term 'refugee' as follows a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person who is outside the country of former habitual residence for the same reasons as mentioned above and is unable or, owing to such fear, is unwilling to return to it, and to whom Article 12 does not apply.

This definition essentially corresponds to the definition of the term "refugee" in Article 1A(2) of the Refugee Convention: According to Article 1A(2) of the Refugee Convention and the 1967 Protocol thereto, the term "refugee" is applicable to any person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the State of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that State; or to anyone who, being stateless and being outside his or her State of domicile as a result of such events, is unable or, owing to such fear, does not wish to return there.

A further constituent element of the concept of 'refugee' that must be assessed is that of persecution.

The Refugee Convention does not give a definition of the term 'being persecuted', but a definition is provided in EU legislation and specifically in Article 9(1) of the Qualification Directive which states:

"1. Acts of persecution within the meaning of Article 1A of the Geneva Convention [on refugees] are acts which:

(a) are, by their nature or frequency, sufficiently serious to constitute a severe violation of fundamental human rights, in particular, the rights from which derogation is excluded under Article 15(2) of the [ECHR]; or

(b) constitute the sum of several measures, including violations of human rights, the impact of which is sufficiently serious to have an effect on the person similar to that referred to in (a)".

On subsidiary protection, see question 6.

3. How long does international protection last and what happens once that time has passed?

If the asylum seeker is granted refugee status by the competent authorities (Art. 11 of legislative decree n° 251/2007), the applicant is issued a residency permit that is valid for five years and is renewable (Art. 23 par. 1 of legislative decree n° 251/2007).

Similarly, holders of subsidiary protection status are issued a residency permit for subsidiary protection that is valid for five years and is renewable upon verification of the permanence of the conditions that allowed for the recognition of subsidiary protection. This residency permit allows access to work and study and is convertible for employment purposes, provided that the requirements are met (Art. 23, § 2, Law Decree n° 251/2007).

4. What rights does a person who receives this status benefit from?

What rights does a person who receives this status benefit from Chapter V of Legislative Decree no. 251/2007 (Art. 19-30) regulates the "content of international protection". Among the recognised rights, in addition to the right to a residence permit provided for in Art. 23, the following rights are regulated: the right to a travel document (Art. 24), the right to access to employment (Art. 25 - in particular, the legislator has provided for the right to enjoy the same treatment as that provided for Italian citizens with regard to employment, self-employment, enrolment in professional registers,

professional training, including refresher courses, etc.), the right of access to education (art. 26), health and social assistance (art. 27).

Article 29 D. Finally, the above-mentioned Legislative Decree regulates in an articulate manner the right to free movement within the national territory and the right to integration through the promotion of "any appropriate initiative to overcome the condition of disadvantage caused by the loss of protection in the country of origin and to remove the obstacles that in fact prevent full integration."

5. What is subsidiary protection and who is entitled to it?

As far as subsidiary protection is concerned, the use of the term "subsidiary" and the wording of Article 2(f) of the Qualification Directive (which refers to a person "who does not qualify as a refugee") indicate that subsidiary protection status is intended for third country nationals or stateless persons who do not qualify for refugee status.

As emphasised by the case law of the CJEU, an application for subsidiary protection status must not, in principle, be examined before the competent authority has reached the conclusion that the applicant for international protection does not qualify for refugee status. Moreover, as emphasised by the CJEU, since the applicant for international protection is not always able to determine which type of protection is appropriate to his or her application, it is up to the authorities of the Member States to determine the status most appropriate to that applicant's situation. It is up to the applicant to make the application, but it is the determining authority of the Member State that must then decide whether the applicant can be granted refugee status or, if the conditions are not met, subsidiary protection status, thereby qualifying his or her application.

In order to be granted refugee status, there must be reasonable grounds for believing that, in the event of return, the person would run a real risk of suffering serious harm, which is substantiated by the following (Art. 14 Legislative Decree no. 251/2007)

- a. Conviction to death or execution of the death penalty;
- b. Torture or other form of inhuman or degrading punishment or treatment
- c. Serious and individual threat to the life or person of a civilian resulting from indiscriminate violence in situations of internal or international armed conflict

Lastly, a clarification is necessary: when assessing the existence of the conditions for granting refugee status or subsidiary protection status, the competent authority (be it the administrative authority or the judicial authority following the rejection of the application at the administrative stage) must assess, pursuant to art. 5 of Legislative Decree no. 251/2007 who the perpetrators of the persecution or serious harm are: according to this provision they must be a) the State b) parties or organisations controlling the State or a substantial part of its territory; c) non-State actors, if the perpetrators referred to in points a) and b) are unable or unwilling to provide protection within the meaning of art. 6 para. 2 against persecution or serious harm.

It must also assess, pursuant to art. 6 of Legislative Decree no. 251/2007, whether there are, in the country of origin, actors of protection, and indicate that the possibility of protection by a) the State; b) parties or organisations, including international organisations, controlling the State or a substantial part of its territory, provided they are willing and able to offer protection in accordance with paragraph 2, must be assessed when examining the application for international protection.

6. In your opinion, could be extending the parameters for granting international protection to certain categories of people be a successful move to curb human trafficking?

The phenomenon of human trafficking is complex and unfortunately deeply rooted both in the countries of origin of asylum seekers (especially in Nigeria) and in Italy. Victims of trafficking, if the indicators of trafficking according to the UNHCR guidelines exist, and if there is a risk, in the event of repatriation, of falling into the same network of exploiters or - in any case - into another network (so-called "trafficking or re-trafficking risk"), are not subject to the same risk. risk of trafficking or re-trafficking), they are entitled to the recognition of refugee status; where this risk does not exist, the Court of Milan has, on several occasions, recognised special protection under Article 19.1.1. of Legislative Decree no. 286/1998 (the so-called Consolidated Immigration Act). The instruments for the protection of victims are widely provided for in the regulations on international protection; therefore, a concrete application of these regulations is required, as well as the utmost care and sensitivity in the assessment of the applications made by trafficking victims. It is clear that a superficial, hasty and careless conduct of the procedure (administrative or judicial) - leading to the rejection

of the application for international protection - especially when dealing with persons defined as vulnerable ex lege (art. 2 paragraph 1 lett. h bis of Legislative Decree no. 25/2008) would be a source of irreparable harm to the asylum seeker. To deny a form of protection to the victim of trafficking is not only contrary to the jurisprudence of the European Court of Human Rights, but also to the discipline of European and national directives.

7. What could be done to improve the international protection system?

In my opinion, the current legal framework on which international protection is based (international conventions, European Directives, Protocols, UNHCR Guidelines, national regulations, in conjunction with the jurisprudence of the European Courts - the Court of Justice and the European Court of Human Rights) provide a solid basis for the recognition of international protection. What must be opposed are national legislative and/or interpretative drifts of Italian jurisprudence that could undermine the Common European System (CEAS) and the joint efforts made by the European legislator to achieve the widest and most widespread protection of fundamental human rights.

In other words, an interpretation of the legislation that has a European basis, by the Italian courts and the Supreme Court, which does not take into account (and, indeed, stands in stark contrast to) the common European system and the constantly evolving European jurisprudence for the benefit of the protection of the fundamental rights of asylum seekers, causes a serious and irreparable harm both to the asylum seeker and to the protection of human rights. The instruments of protection are there, they must be used in the best possible way, carefully, seriously and to their fullest extent.

8. Interesting anecdotes concerning cases you have dealt with in the field of international protection.

I think the most interesting anecdotes occur when I conduct the hearings of the applicants: it is a privileged observatory for the judge and the trainees, as one comes into contact with the applicant or the applicant and with his or her whole world. A world full of emotions, studded - at the same time - with wounds and hope for a future in which what is also (but not only) foreseen in the Preamble of the Charter of Fundamental Rights of the European Union can be put into practice: 'The peoples of

Europe, in creating an ever closer union among them, have decided to share a peaceful future based on common values. Conscious of its spiritual and moral heritage, the Union is founded on the indivisible and universal values of human dignity, freedom, equality and solidarity; it is based on the principle of democracy and the rule of law. It places the individual at the heart of its action by establishing the citizenship of the Union and by creating an area of freedom, security and justice'.

Let us not forget that Article 1 of the Charter protects the 'right to live in dignity', to human dignity: 'Human dignity is inviolable. It must be respected and protected'.

One of the most interesting anecdotes concerns the application for protection of an applicant from an African country, he was a political opponent: his application had been rejected by the Territorial Commission that did not believe his story. During the judicial hearing, he answered with punctuality and precision to the additional questions I asked, he wanted to expose in detail the political history of his country (as a demonstration of his militancy), he told me that he had fled to Russia where he had learnt the language and continued his studies before opting to apply for asylum in Italy. I was struck by the serenity that accompanied the most atrocious stories he had had to endure, a serenity that was founded in the family he had rebuilt in Italy, and in the total trust he had placed in the country from which he had sought protection, ours. In Italy, he had found a humble job and devoted himself to it with passion, despite the high professional qualification and wealthy life he had been forced to leave behind in his country of origin. At the end of the trial, after the College's decision had been made, drafted by the judge rapporteur and communicated to the parties (positive outcome, i.e. recognition of refugee status), he had insisted with his defence counsel to visit me in my office to thank me and introduce me to his family (his one-and-a-half-year-old daughter and her companion).

A gesture of profound humanity, among the many that I often have the good fortune to experience while dealing with this beautiful matter.

Annex B

INTERVIEW WITH PUBLIC PROSECUTOR, MR. PIETRO CACCIALANZA

Mr Pietro Caccialanza, public persecutor in charge at Immigration office at the Court of Milan. He has been a magistrate since February 1984 (with effective duties since June 1985). From June 1985 to May 1988, he was a magistrate in Abbiategrasso. From June 1988 to December 2015 he was a criminal judge, first at the Court of Milan and then at the Court of Appeal. From January 2016 to December 2019 he was an advisor at the Court of Appeal of Milan, Juvenile Section. Since January 2020, he has been serving at the Immigration Section of the Court of Milan.

1. Good morning, who are you, what do you do and for how long?

I am Pietro Caccialanza, a magistrate since 1984: I served until 2016 in various criminal sections of the Court and the Court of Appeal of Milan; between 2016 and 2020 I was a judge at the Juvenile Section of the same Court of Appeal and from 2020 I returned to the Court, as a judge in the specialized Section (according to Law Decree 13/2017 converted into Law 46/2017) for Immigration.

2. What is an offence of international trafficking in human beings and what is aiding and abetting illegal immigration?

Trafficking for the purpose of prostitution has been punished since Law No. 75 of 20 February 1958, in respect of which there is a vast body of case law that can also be easily found on Google with keywords (prostitution or trafficking). In the criminal code, the offences referred to in Articles 601 et seq. are examined; a good annotated criminal code (updated as far as possible and in any case not prior to 2014) is in my opinion the best tool for a more thorough search of doctrinal and jurisprudential sources.

The crime of aiding and abetting illegal immigration, on the other hand, is punished by Article 12 D. Lgs. 286/1998 (subject to repeated amendments up to 2020 and interventions of the Constitutional Court. With sentence no. 33708 of 25/06/2021 (filed on 10/09/2021) the Court of Cassation, sec. I, affirmed that "*The crime of aiding and abetting the entry into the territory of the State of a non-EU foreigner remains absorbed in the crime of trafficking in persons if it is carried out in order to commit the latter crime, since the reservation clause "unless the fact constitutes a more serious*

offence" referred to in the provision for the crime of aiding and abetting clandestine entry entails the application of the legislation on trafficking, a more serious crime" (massima 281791).

3. What offence is generally charged against a smuggler?

Victims of smuggling are people who, due to poverty, hunger, war, persecution or other reasons, rely on this illegal route to leave their country. According to the Additional Protocol to the United Nations Convention against Transnational Organised Crime (2000), the phenomenon of smuggling of migrants consists of procuring, for economic or material gain, the illegal entry of a person or persons into a state in which this or these persons are not citizens or permanent residents. Distinct and more serious is the crime of trafficking in human beings for the purpose of their subsequent exploitation (trafficking in human beings), which violates the fundamental rights of individuals, mostly women and children, who are victims of violent forms of coercion, abduction and deception (Article 3 of the Additional Protocol).

For the rest, I refer to my answer under 2), considering, in particular, the offences referred to in Articles 601 and 603 bis of the Criminal Code.

4. In order to better understand the phenomenon of trafficking in human beings, how many cases were handled by the Milan Public Prosecutor's Office alone last year?

Since I have not worked in the criminal sector for years (and in any case I have never worked at the Milan Public Prosecutor's Office) I am not in a position to give you an answer. You can access the public prosecutor's office website to look for a contact person or otherwise wait for the opening of the judicial year (at the end of January) when the relevant data will also appear in the media.

5. What are the penalties for a human trafficker? Do you generally consider them sufficiently harsh? Are they more afflictive than the penalties for a drug or arms trafficker?

It finds the answer by examining for trafficking Articles 601 et seq. of the Criminal Code (which also establish aggravating and mitigating circumstances, accessory penalties, confiscation) and for drug trafficking Article 74 of Presidential Decree 309/1990 (association for the purpose of trafficking drugs); as regards 'arms trafficking', the law in question is Law No 895 of 2 October 1967, extensively amended

by Law No 497/1974. The term 'trafficking' may be relevant in the case of criminal association (Article 416 of the Criminal Code) aimed at the possession or carrying of weapons, offences which may well coexist.

6. Why is human trafficking considered more profitable than drug or arms trafficking?

I don't know how to answer that; I think it is a question of profiles pertaining to legislative choices (assuming it is true that it is more 'advantageous', i.e. that it brings more profit, one or the other crime

7. What are the most common ways smugglers smuggle immigrants into Europe and Italy?

In my section, which deals with applications for international protection (refugee ex art. 7 et seq. D. Lgs. 251/2007, subsidiary protection ex art. 14 ff. D. Lgs. 251/2007, special protection ex art. 19 D. Lgs. 286/1998) we assess the applications of the victims of the "smugglers" (if you are interested, there is a nice book by Carlotta Sami, entitled RI-FU-GIA-TI, in the bookshops, where you can find useful information).

8. What, in your opinion, could be improved to effectively counter this illegal system and curb the phenomenon of illegal immigration in Europe?

9. Interesting anecdotes concerning cases dealt with illegal immigration.

10. Final considerations, if any.

8), 9) and 10) I put them together and it is not easy to answer them; after so many years of work, I realise more and more that every process has its own facets; the subject of immigration demonstrates this more clearly than ever because of the multiplicity and diversity of the countries of origin and the narratives that each individual refugee makes, on whose credibility it is good to always reread the evaluation criteria established by Art. 3 D. Lgs. 251/2007.

