Learning about Migration and Human Rights
Refugees yesterday – refugees today

Teaching materials for schools and extracurricular educational institutions
Imprint

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Europe for Citizens’ Programme

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NETZWERK MIGRATION IN EUROPAT

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Recognising migration as a reality

Migration is a reality. And Europe is not purely a destination for migrants – many Europeans themselves make active use of the right to freedom of movement within the European Union. This universal right is embodied in Article 13 of the 1948 Universal Declaration of Human Rights. Article 14 of this same Declaration anchors the right to asylum. Granting asylum to persecutees is also one of the fundamental European values. The fact that according to UNHCR estimates more than 1,500 people drowned in the Mediterranean or were lost, considered missing, during attempts to reach Europe in the year 2011 is also a consequence of the European Union’s tighter refugee policy. This is a scandal. Protection of refugees must be improved! However, recognising migration as a reality also means respecting migrants as human beings, as individuals who are characterised by much more than simply having crossed a particular border at some time in their life. After all, which of us would like to be only ever pigeonholed by just one aspect of our multifaceted identity? Identity includes our origin, but it is also made up of culture and gender, religion and social status, interests and convictions, and much more besides.

Both migration itself and life as a migrant (or former migrant) in the new society are themes that touch on human rights. That is why it is so important that there are offerings such as the website www.migrationeducation.org with its Learning Centre on migration and human rights, and the guidelines presented here that contribute to teaching human rights. They link teaching human rights with learning about history. The materials offer teachers an opportunity to work comparatively in classrooms on how the protection of human rights developed and how refugees were and are treated in the National Socialist era and today. Accordingly the brochure tackles questions that often find no place in the curriculum. I hope that “Learning about migration and human rights. Refugees yesterday – refugees today” finds many interested readers so that protection of refugees becomes more broadly anchored in our society.

Dr. Martin Salm
Chairman of the Board of Directors of the Foundation “Remembrance, Responsibility and Future”
Learning about Migration and Human Rights
Refugees yesterday – refugees today

The manual „Learning about Migration and Human Rights“ developed by Network Migration in Europe e.V. is addressed to teachers in secondary schools and extracurricular educational institutions.

The manual is free of charge and can be downloaded at http://www.migrationeducation.org/33.0.html

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For each topic we offer teaching suggestions and work sheets for students.

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Diamond Ranking Group Work: UN Convention Relating to the Status of Refugees (Geneva, 1951)

This group is a learning module for a first introduction to the UN Convention Relating to the Status of Refugees (Geneva, 1951).

Topic 2: Are refugees considered unwelcome in Europe? Human rights protection in the past and present

A. “But why didn't they just leave?”
Thematic Group Work: Jewish emigration and flight during Nazi Germany

„But why didn't they just leave?“ This question draws on a number of complex historical issues that forestall a simple answer. The aim of this module is to convey a basic understanding of these difficulties and complexities in the absence of broad historical background knowledge.

B. A Sudanese refugee on his way to Europe.
Thematic Group Work: His experiences of human rights violations

By means of this biographical journey, students can learn about human rights contradictions in the European Union.

Tips on learning resources on migration and human rights in the past and present
Objectives of the group work

→ Discussing the terms and concepts relating to migration and human rights and how they connect by means of the following key questions: What is 'migration'? What are the main types of migration? How are these types protected by human rights? Does a human right to migrate exist in the first place?
→ Arranging and presenting the above terms and concepts on a flip chart and discussing the results.

Parameters of the group work

Time: Two sessions of 45 minutes each. Groups with a minimum of three students per group should be formed. Each group receives a stack of index cards with the relevant terms and concepts (please see the list on the right of this page).

Structure of the group work

The group work is divided into two stages:

First stage:
Each group receives the same number of index cards. Students should discuss and clarify the terms and concepts on the cards with their fellow group members (and with the help of the teacher, if necessary). The group should then arrange the terms and concepts written on the cards into a diagram that illustrates the relation between them.

Second stage:
Each group presents their diagram, explaining its structure and reflecting on the group's working process. After the presentations, the entire class should discuss and assess the possibilities and limits of protecting migrants and refugees within the framework of human rights.

Preparation and support for instructors

Label each index card with one of the terms indicated in the list below. Prepare as many bundles of index cards as there are groups. Provide each small group of students with one unsorted stack of index cards.

List of terms:
Migrant workers
Asylum seekers
Sending country
Family reunification
Voluntary migration
Refugees
UN Convention Relating to the Status of Refugees
International Labour Organization (ILO)
Irregular migrants
Mixed migration
Transit country
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
United Nations High Commissioner for Refugees (UNHCR)
Forced migration
Host country
Temporary migration
Internally displaced persons

The chart suggests a possible arrangement of the above terms. It illustrates the different types of migration, the many possible reasons behind the decision to migrate, as well as the relation between migration and human rights. Please find additional information on definitions, jurisdiction, and concepts of migration in the boxes on the next page. They may assist with the discussions and the clarification of terminologies.
Migration and Human Rights

According to The Universal Declaration of Human Rights (UDHR 1948), everyone is entitled to human rights "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (Article 2).

Voluntary Migration

- Migrants
  - migrant workers
  - highly qualified experts: IT-specialists, scientists, students
  - seasonal workers: strawberry picker, asparagus cutter
  - circular migrants
  - immigrant relatives

- Refugees
  - asylum seekers
  - immigrant relatives
  - internally displaced persons (IDP)
  - irregular migrants
  - climate refugees
  - economic refugees
  - war refugees

Irregular Migration

Migrants without regular residence permit status („sans papiers“)

What is the difference between refugees and migrants?

The key difference is that refugees and migrants have differing legal status. Refugees are forced to flee their home country to escape a threat to their lives. Thus, they require special international protection. In contrast, migrants choose to leave their country of origin for economic or social reasons. They can rely on the protection of their home country abroad, either through their national embassy or the respective consulate. However, a strict distinction between a refugee and a migrant has become increasingly difficult since the reasons behind forced and voluntary migration can no longer be clearly separated. To acknowledge these changes, the UNHCR coined the term ‘mixed migration flows’. This concept intends to clarify that an individual’s motives and causes for involuntary or voluntary migration are intertwined, as illustrated by the existence of economic or environmental refugees.
Who is considered a refugee?
In general, a refugee is someone who has been forced to flee his or her country because of a serious threat to her or his life on account of war, persecution, or natural disaster. Current examples of such threats are the civil war in Syria, the food crisis and famine in East Africa or the interstate violence in the Democratic Republic of Congo. Past examples include the Yugoslav wars (1991-1995) and the Rwandan genocide (1994).

Many refugees fall outside the legal definition of refugees developed in 1951 and are thus not eligible for the same form of legal protection. For example, no international convention protects those who have escaped from famine or have been forced to flee due to floods. Under the 1951 Refugee Convention, a refugee is defined as a person who was forced to flee his or her home country because of a well-founded fear of being persecuted for reasons of race, religion, nationality, sex, membership of a particular social group, or political opinion. The States Parties to the convention ensure – after the application for asylum – that those recognized as Convention refugees will enjoy basic humanitarian protection and care. In addition, refugees will be free to exercise their religious beliefs and to practice religion, they will have free access to the courts, including legal assistance, and are permitted to apply for family reunification. They will receive travel documents and are legally protected from discrimination.

Who is an asylum seeker?
The term asylum seeker applies to refugees who are in the midst of the asylum process i.e. those who have applied for asylum but whose claim is still pending. These particularly vulnerable persons seek asylum outside of their country of origin since their life at home is threatened on account of their race, religion, nationality, membership of a particular social group or political opinion (Refugee Convention, Article 2). The right to asylum is guaranteed by the 1951 Refugee Convention and its Protocol amendment in 1967. Even though the two agreements are effective in all 147 States that are parties to the Refugee Convention, their implementation differs by nation. Germany for instance, declared a number of statutory requirements that restrict the receipt and the extent of social welfare for refugees.

Who do we mean by ‘irregular migrants’?
The Global Commission for International Migration (GCIM), a Geneva-based UN initiative launched in 2003, established that: “The term ‘irregular migration’ is used to describe a number of different phenomena. It pertains to persons who have unlawfully entered or reside in a foreign country. These can be illegal migrants, people who have been smuggled across international borders, victims of human-trafficking, asylum seekers whose claim has been rejected but who refuse to depart, as well as those who bypass immigration control through marriage by convenience.”

Who are “immigrant relatives”?
Family reunification enables family members of recognized refugees to join them in the Member State in which the refugee is lawfully residing. In most cases, this directive pertains to spouses and minor children. However, depending on the immigration law of the host country, parents, grand-parents, grand-children, and in rare cases even distant relatives are eligible for family reunification. The right to family reunification of migrants is usually tied to a long-term and lawful residency status of the migrant. Refugees enjoy a restricted right to family reunification that is contingent on their status as a political refugee.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
This international agreement governs the rights of migrant workers, who are in need of protection both as employees and as human beings. The convention addresses the vulnerability of migrant workers, as they are often exposed to high risks of human rights’ violations when they leave their home country, pass through the transit country and reach their destination. For so-called irregular migrants, persons without a residency or working permit, the convention ensures a basic human rights protection. Up until today, none of the Western receiving nations have signed the UN Convention. It has been ratified by 34 states, primarily sending nations and so far, only two European nations, Bosnia and Serbia, have become parties to the convention.

Who is an ‘internally displaced person’ (IDP)?
An IDP is someone who is forced to flee to a different region within his or her home country because he or she is either unwilling or unable to cross international borders. IDP make up the largest section of ‘migrants and refugees’. The main reasons for internal displacement are internal conflicts caused by civil wars, so-called ethnic conflicts, organized crime, environmental catastrophes, or severe climate change. Additional reasons for the internal displacement of persons can be large construction projects such as reservoir dams or power plants that force people to leave their homes and land.
**Topic 1: B. What protection do refugees enjoy?**

Diamond-ranking group work: UN Convention Relating to the Status of Refugees (Geneva, 1951)

**Objectives of the group work**
- Becoming acquainted with the central statutes of the UN Refugee Convention
- Conducting discussions based on the method of diamond-ranking
- Examining and critically reflecting on the Convention's structure and content

**Parameters of the group work**
- Time: approx. two sessions of 45 minutes each.
- Have the students form small groups with four to six members each.
- Each group should be provided with a flip chart, nine index cards, scissors, and different coloured pens.

**Preparation and support for instructors**

Each student receives a short introductory text about the Convention as well as a work sheet containing a random selection of eleven Articles included in the Convention. The Articles should not be in the original order and should not be numbered. From the Articles on the work sheet, each group of students should determine which nine out of the eleven they deem most important and should agree which of them are of marginal importance and can be eliminated. Subsequently, the group should present the nine remaining Articles in a diamond-shaped diagram: The paramount Article is placed at the top, two less but equally important Articles are placed underneath it in the second row, three Articles feature in the middle row, two minor statements in the fourth row, and the least important Article is at the bottom (see diagram below).

**Structure of the group work**

This exercise consists of three stages:

**First stage:** approx. 10 minutes.
Each student should spend this time reading the introductory text as well as the work sheet.

**Second stage:** approx. 45 minutes.
After completing their individual readings, the students should discuss the Articles and the importance of their claims with their fellow group members. They are asked to rank the eleven Articles presented at random on the work sheet from “not important” to “very important”. At the same time, they should decide which paragraphs are least important and eliminate them. After this collective decision making process, the groups will render their respective rankings of the Convention’s Articles into a diamond-ranking model. Whilst it is important that the students adhere to the diamond shape of the diagram, everything else can be left entirely to their imagination.

**Third stage:** approx. 35 minutes.
The groups will present their results to each other and explain their particular “diamond”. Each group will appoint a presenter. It is important that he or she elaborates on the group’s decision-making process in particular and on the issues that arose along the way. At the end of the presentations, some time should be reserved for comparing and contrasting the groups’ findings and for reflecting on them together.
Diamond-Ranking Group Work: The Refugee Convention

Instructions for students

Please read work sheets 1 and 2. (This should take you approx. 10 minutes)

Talk about the Articles with the other group members. Discuss the meaning of each particular Article and decide together, which nine of the eleven Articles should be used in the diamond-ranking and arrange them in a model similar to the one below.

Method of the Diamond-Ranking

Please prepare a short presentation of your group work on the flip chart. Try to be creative and include all group members in the presentation. Use the following outline to structure your presentation:

(a) Brief introduction of the Refugee Convention including a summary of its text
(b) Presentation of your group’s individual diamond-ranking, where the following questions should act as guidance:
   - Why did you agree on this particular selection and arrangement of the Articles?
   - How did your group’s discussion proceed?

1. Work Sheet: Introductory Text about the Refugee Convention (1951)

The UN Convention Relating to the Status of Refugees (CRSR) was adopted on July 28, 1951. To this day, it is the most important international document for the protection of refugees. The convention defines who is a refugee and sets out the legal protection, assistance and social rights he or she enjoys. Moreover, the CRSR determines the duties bestowed upon a refugee and excludes certain groups – e.g. war criminals – from obtaining refugee status. Initially, the Refugee Convention came into effect to protect European refugees after the Second World War. But with the signing into power of the 1967 Protocol, the scope of the Convention was expanded to a global level. The total number of contracting states to the CRSR and the Protocol is 147. However, in states that have refused to become party to the Convention or the Protocol, the legal protection of refugees is not guaranteed. As a consequence, asylum seekers in these countries will not receive the required legal status but are provided with provisional or temporary protection or are interned in “closed” refugee camps, where their basic human rights are often compromised. More specifically, they cannot exercise the rights conferred on them by the Convention, such as access to medical treatment, elementary education and social welfare.

As the global situation of migrants changes, the Convention, as a viable instrument governing the protection of vulnerable persons, has been called into question and existing protection measures have been gutted. In particular the richer States Parties have increasingly watered down the key principles of the Convention (e.g. Non-refoulement). One of these devaluations is the so-called Dublin-II-Regulation of the European Union, in which EU member countries are permitted to return asylum seekers at the border if they entered via a so-called “safe third-country”. Currently, the safe third-country notion applies to all EU member states plus Norway and Switzerland. But all nations can potentially attain the status of a “safe third-country” as long as they comply with both the Refugee Convention and the Universal Declaration of Human Rights. This means de facto that the EU state, which the asylum seeker enters first is irrevocably responsible for the examination of his or her application.

Many signatory countries favor this strict reading of the Convention as they lack the political will to interpret it in a more liberal, progressive light. In the eyes of the UNHCR, the Refugee Convention has not lost any of its actuality, provided the current categories assigned to “victims of conflict” would also fall under its protection.


For the key document to refugee protection plus the text of the Protocol, which removed a deadline and geographical restrictions from the Convention, see.
http://www.unhcr.org/pages/49daoe466.html
2. Work Sheet: Selected and shortened articles of the Refugee Convention (1951)

<table>
<thead>
<tr>
<th>Topic 1: Who is a migrant – Who is a refugee?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Welfare services</td>
</tr>
<tr>
<td>Governments and inter-governmental bodies need to facilitate, encourage and sustain the efforts of properly qualified organizations to offer refugees suitable welfare services.</td>
</tr>
<tr>
<td>Freedom of movement</td>
</tr>
<tr>
<td>Each Contracting State shall accord to refugees lawfully in its territory the rights to choose their place of residence to move freely within its territory, subject to any regulations applicable to aliens.</td>
</tr>
<tr>
<td>Housing</td>
</tr>
<tr>
<td>As regards housing, the Contracting States shall accord to refugees lawfully staying in their territory treatment as favourable as possible and not less favourable than that accorded to aliens.</td>
</tr>
<tr>
<td>Definition of the term “refugee”</td>
</tr>
<tr>
<td>A person which is 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 as a result of such events, is unable or, owing to such fear, is unwilling to return to it.</td>
</tr>
<tr>
<td>Prohibition of expulsion or return (&quot;refoulement&quot;)</td>
</tr>
<tr>
<td>No Contracting State shall expel or return (&quot;refouler&quot;) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.</td>
</tr>
<tr>
<td>Personal status</td>
</tr>
<tr>
<td>The personal status of a refugee shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.</td>
</tr>
<tr>
<td>Access to courts</td>
</tr>
<tr>
<td>A refugee shall have free access to the courts of law on the territory of all Contracting States.</td>
</tr>
<tr>
<td>General obligations</td>
</tr>
<tr>
<td>Every refugee has the duty to conform to the country’s laws and regulations as well as to measures taken for the maintenance of public order.</td>
</tr>
<tr>
<td>Wage-earning employment</td>
</tr>
<tr>
<td>The Contracting State shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country, as regards the right to engage in wage-earning employment.</td>
</tr>
<tr>
<td>Public education</td>
</tr>
<tr>
<td>The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.</td>
</tr>
<tr>
<td>Refugees unlawfully in the country of refugee</td>
</tr>
<tr>
<td>The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened (article 1), enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.</td>
</tr>
</tbody>
</table>
Topic 2: „But why didn't they just leave?”

Thematic group work: Jewish emigration and flight during Nazi Germany

This question draws on a number of complex historical issues that forestall a simple answer. The aim of this module is to convey a basic understanding of these difficulties and complexities in the absence of broad historical background knowledge.

Objectives of the group work

→ Grasping and visualizing a particular historical “flight-issue” in its complexity.
→ Learning to ask important fundamental questions regarding this topic and identifying and understanding the related historical contexts.

Parameters of the group work

Time: two sessions of 45 minutes each
Size of groups: Five groups with 3-5 students each

Methods employed

Brainstorming / Collecting questions / Working in large and small groups / Visualization of issues by use of a mind map

Preparation and support for instructors

You will need a stack of index cards and a medium-sized pin board to create a mind-map. Write down the terms FLIGHT | EMIGRATION on one large index card and the words WHY, WHO, WHEN, WHERE, and HOW on five other, smaller cards. The diagram below is one example of how the findings can be visualized with the help of a pin board and mind-map. In addition, prepare a flip-chart for the subsequent work in smaller groups. The information boxes on this page provide background material, which you may find helpful for leading the discussions and for answering students’ questions.

Structure of the group work

First stage: approx. 10-15 minutes. Working in one large group.
Explaining the difference between forced migration i.e. flight and emigration. The students should consider and discuss what differences and what commonalities exist between these two concepts. Their findings should be documented in bullet points on a flip chart.

Second stage: approx. 20-30 minutes. Working in small groups.
The class of students should be divided into five small groups to brainstorm about the following aspects of (forced) migration: WHO is involved (social structure of refugees), WHY are they involved (motivation), WHEN are they involved, WHERE will they go (receiving countries), and HOW they migrate (organization). A flip-chart with the guiding questions listed below should be set up, visible to everyone. Each small group should document their answers in bullet points on index cards. If it seems relevant and depending on the target group of students, a particularly pertinent issue can be discussed with the entire class of students. Afterwards, the students should continue to work on all other points and questions in their respective smaller groups.

Guiding questions for work in small groups:
Who can emigrate?
What personal, what external conditions need to be satisfied?
What are reasons against forced migration or emigration?
Who or what will be left behind?
Who or what decides when is the right time to emigrate?
What hurdles need to be overcome?
What do they require to emigrate?
What are the criteria for deciding on a potential host country?
What are the requirements for a successful visa application?
How can the travel or flight be organized?

Third stage: approx. 30-45 minutes. Presentation and discussion
Attach the big index card with the title FLIGHT | EMIGRATION at the center of the pin board and arrange the five other cards with the questions around it like flower petals. While each small group presents their results, they will pin their index cards with the answers underneath the corresponding question on the board. The resulting mind map will serve as basis for a final group discussion and perhaps even for further work on the following questions: What are the conceptual differences between flight and emigration? Are some aspects of these differences more significant than others? What aspects are mutually dependent on each other? What questions remain unanswered? What aspects of this issue should be examined in more detail?
Possible variations of this exercise

This module can be adjusted i.e. abridged or expanded, depending on the target group of students. Some aspects may be examined in more depth subsequent to the group work by e.g. individual research tasks, individually prepared presentations, or by the teacher’s own contributions. Alternatively, one might want to consult readings such as “When Hitler Stole Pink Rabbit” or “The Diary of a Young Girl” by Anne Frank, online-documentation or videos with witnesses of the time, to examine specific case studies on this issue. Furthermore, current problems of emigration or forced migration might be another valuable angle from which to discuss the fundamental questions about flight and emigration addressed in this assignment.

Links for further online research and to videos of contemporary witnesses:

- http://www.zeitzeugengeschichte.de
- http://www.akens.org/akens/texte/info/33/333411.html
- http://www.lettertothestars.at
- http://golm.rz.uni-potsdam.de/Seghers/index.html
- http://www.uni-due.de/~gev020/courses/course-stuff/kinderD5.html
- http://www.exil-club.de
General information

The estimate of the total number of Jews who emigrated from Germany is 280,000. The majority of the approximately 500,000 Jews living in Germany at the time did however initially keep their faith in the ethical and constitutional pillars of democracy, even after the seizure of power by the Nazis in 1933. Strong emotional and cultural ties to their home country, a lack of foreign language skills or of professional qualifications, as well as the global economic depression and high unemployment were factors that weighed against a potential decision to emigrate.

75% of Jews who remained in Germany were older than forty. Until 1939, 80% of children and adolescents under the age of 24 had fled. Overall, more men than women emigrated since men under the age of forty stood the highest chance of being granted an immigration visa. In many cases, the daughters stayed behind and cared for their elderly parents. The majority of emigrants were middle class.

Children

Until 1939, more than 18,000 children and adolescents left Germany without their parents. After the pogroms in November 1938, the British government agreed to absorb young Jewish kids as refugees. Subsequently, over 20,000 children and adolescents were 'taken in' by British families in the course of the 'Refugee Children Movement' (RCM). More so-called Kindertransporte went to The Netherlands, Belgium, Sweden, France, and the USA. Between 1933 and 1939, about 9000 children were rescued and resettled to Palestine by 'Youth Aliyha', an initiative of Jewish aid organizations. Most of these children never saw their parents again.

Phases of Emigration

The phases of emigration align with the gradual disfranchisement and persecution of the Jewish population.

<table>
<thead>
<tr>
<th>Year</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1933</td>
<td>seizure of power, Reichstag fire, Nazi boycott of Jewish businesses (April 1st, 1933), Civil Service Law, occupational bans</td>
</tr>
<tr>
<td>1935</td>
<td>Nuremberg laws</td>
</tr>
<tr>
<td>1938</td>
<td>Annexation (Anschluss) of Austria, occupation and invasion of Czechoslovakia, November pogrom</td>
</tr>
<tr>
<td>October 1941</td>
<td>Ban on emigration</td>
</tr>
<tr>
<td>1933</td>
<td>approx. 37,000 Jews, in particular those politically exposed or in personal danger, left the country</td>
</tr>
<tr>
<td>1934</td>
<td>approx. 23,000</td>
</tr>
<tr>
<td>1935</td>
<td>approx. 21,000</td>
</tr>
<tr>
<td>1936</td>
<td>approx. 25,000</td>
</tr>
<tr>
<td>1937</td>
<td>approx. 23,000</td>
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<tr>
<td>1938</td>
<td>approx. 40,000</td>
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<tr>
<td>1939</td>
<td>approx. 80,000</td>
</tr>
<tr>
<td>1940</td>
<td>approx. 15,000</td>
</tr>
<tr>
<td>1941</td>
<td>approx. 8,000</td>
</tr>
<tr>
<td>1942-1945</td>
<td>approx. 8,500</td>
</tr>
</tbody>
</table>

Immigration regulation

At first, the main destination for Jewish emigrants were the countries bordering Germany. As their safety could no longer be warranted in these nations, many tried to continue their journey abroad. However, barriers and costs of leaving were gradually increasing: immigration visa, exit permits, and transit permits, financial guarantees and securities had to be raised and organized.

Following the annexation of Austria (Anschluss) in March 1938, many of the potential receiving countries tightened their regulation on immigration and their border controls. Switzerland, Sweden, Norway and The Netherlands introduced a visa requirement for holders of 'Jewish' passports. In addition, The Netherlands demanded proof of a minimum of 10,000 guilders in funds as „cash for entry“ (Vorzeigegeld). Emigrants or refugees who already resided in The Netherlands could, from Mai 1938 onwards, be expelled as „unwelcome foreigners“. Many Central and Latin American states followed suit.
Visa policies (examples of countries)

Switzerland
Switzerland considered itself a strict transit country and pursued a restrictive immigration policy since the spring of 1933. Emigrants were granted a residency permit of a mere three months.

Palestine
Immigration regulation in Palestine was administered by the British and was subject to a system of immigration categorizations: categories A1-A5 for 'immigrants with adequate private funds', category B1-B3 for 'immigrants with livelihood security', category C for 'immigrants with the prospect of regular employment', category D1-D2 for 'immigrants by solicitation'. Only immigrants within category A i.e. in possession of at least 1000 pounds Sterling, were not regimented by quotas. To accommodate the increasing opposition against Jewish immigrants by the Arab population, Great Britain prohibited the further immigration of Jews to Palestine in 1939.

USA
Immigration in the US was regulated by a system of quotas and was governed by the principle that all aliens likely to 'become a public charge' should be prevented from entering. The higher the age of the applicant for a visa, the higher were the economic means that needed vouching to proof one's livelihood security. One type of proof were financial guarantees by third parties (affidavits of support). The bureaucratic path was long-winded; the quota restricting German immigrants was never met.

Canada
In the context of the depression, Canada restricted admission of immigrants to agriculturalists with the necessary economic means. Exceptions were made for emigrants who could display a minimum of 10,000 Canadian Dollars in funds per person i.e. 15,000 Canadian Dollars per family.

Emigration policy

Even though the Nazis politically encouraged the emigration of Jews, their 'politics of immiserization' (Verelendungspolitik) exasperated the possibility of leaving the country: the Jewish population became increasingly impoverished as a consequence of the Nazi's systemic expropriation and employment bans. Not only did they lack the travel funds, fees, and the 'Reich Flight Tax' (Reichsfluchtsteuer) to exit Germany, they were also unable to procure the “cash for entry” funds required by many receiving countries.

Reich Flight Tax
This special tax was introduced in 1931 as a reaction to the Great Depression, aiming to deter the ensuing capital flight. When intending to transfer one's place of residence abroad, 25% of the potential emigrant's fiscal wealth had to be payed to the state, or else an arrest-warrant was issued for tax evasion.

Customs and Foreign Exchange Legislation
From 1934 onwards, emigrants were permitted to export the equivalent of 10 Reichsmark only in foreign currencies. All remaining wealth, after the transfer of the Reich Flight Tax, had to be deposited into a so-called Sperrmark account. The sale of any foreign currency from this account was subject to authorization and usually entailed a loss on exchange of up to 50%.

"It wasn't the greatest tragedy to forfeit my career and my possessions, for I had never been very attached to material belongings. I had to suffer greater losses. My roots lay deeply embedded in German soil, language, art and German thinking, I was as German as an oak. And one can't just tell a German oak: “From this day on, you will no longer be a German oak! Pull your roots out of our ground and depart!”


"Those who were leaving Germany at the time because the new laws had stripped them of the possibility of existence, were given a pitiful smile by most Jews in Berlin. How could this panic get the better of them! Likewise, my parents considered the idea to emigrate absurd. “After all, I am a Prussian civil servant, who cannot just abandon everything”. […] The hope that everything would turn around again in the near future did certainly not fade. Above all, the Jews in Germany were susceptible to habituation. One simply gets accustomed to the fact that one is discriminated against as a Jew.”

Topic 2: B. A Sudanese refugee on his way to Europe.
Thematic Group Work: His experiences of human rights violations

Objectives of the group work

→ Group discussion about existing human rights protection and the human rights violations experienced by the refugee Tomas.
→ Exchange of ideas in the group, how might the future turn out for Tomas and which possibilities and boundaries will open up.

General framework
Time: two 45 minute sessions (one double lesson).
Work is done in groups consisting of three to four pupils each.

Assignments for students
Please read the following text and note down which human rights violations Tomas experienced in his view. Develop a list with the human rights you think Tomas is entitled to demand. Afterwards, discuss your position with the other members of the group. What possibilities does Tomas have to improve his situation in the future?

Group work structure
Each student reads the different stages of the refugee Tomas’ story.
The teacher moderates the group work and the plenary discussion.

Source: Statement of “Tomas,” a 24-year-old Eritrean
Interviewed in a shelter in Rome, May 20, 2009,
1. "In July 2006, I went from Khartoum to Libya. (...) We were left stranded in the Sahara desert with no food or water. The original agreement was to pay the smugglers [US]$250 to go from Khartoum to Kufra. But in the middle of the desert, the Sudanese turned us over to the Libyans and they told us we had to pay another [US]$300 or they would abandon us in the Sahara before we reached Libya. About 75 percent of us were able to pay. We paid for the other 25 percent, so no one was left. I spent the next year and a half in Tripoli. I had no chance of a job in Tripoli. (...) We were always afraid to walk on the street. People were always trying to take our money, and we had to run away from them. There was an Italian Roman Catholic church. I hid there sometimes. The church was in the middle of the city. There were always foreigners there, so they wouldn’t do bad things to you in front of the foreigners. The church was safe. I was not just sitting there all that time. I tried to leave Libya four times.”

According to the Geneva Convention, a refugee is defined as a person who
“owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his 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 as a result of such events, is unable or, owing to such fear, is unwilling to return to it”. This definition gives the impression that the fear of the applicant is decisive for determining a refugee. But most of the asylum states apply objective criteria: the applicant has to be in danger in the case of return if he wants to qualify for the refugee status. There is consensus amongst the asylum states that a danger for life, physical and psychical integrity, or the danger of unlawful imprisonment can amount to persecution.

Source: http://www.unhcr.org/pages/49da0e466.html

2. "I first tried to leave in October 2006. We were a group of 108. The smugglers told us they had a good boat, but it was a small fishing boat and after we saw it, we said we would not sail on this. Once I saw that boat, I knew I would die if I went on it. They forced two people on the boat and the rest of us began fighting them. (...) The smugglers had an agreement with navy forces to take our money. They put us directly into the navy port office. (...) We tried to scatter. Two of our group escaped and ran away. But the others were caught and put in detention. I am one of those who went in detention. (...) We were in the same room with 160 others - all in one room. It was like a parking garage with only small holes for windows at the top. We had to urinate in plastic bottles to throw away in the evening. We were only allowed to use the toilet once a day. Many people had skin problems. There was no soap. They gave us water in a jar to drink. Many of us had stomach problems. We had to beg the guards to take sick people to the toilet. (...) I’m okay now. There was no permanent damage, but the prison was very severe for me. It goes to your identity of who you are. They see you as inferior and you feel inferior to them, physically and spiritually.”

Amnesty International and PRO ASYL object to measures that increase seclusion against refugees in countries of transit and origin as contained in the „Stockholm Programme.” The EU must not delegate its ‘doorman duties’ at the entrance to the ‘European fortress’ to countries of transit. States like Libya or Mauritania are no shelter for refugees because these states themselves display a rather problematic human rights record.

Source: www.proasyl.de
“Kufra is the border place for deportation. They just let you go from there because there is no other place to go. There are always three nationalities there: Sudanese, Eritreans, and Ethiopians. They cast you back to your country at Kufra. They don’t actually take you to the border, they just let you go.

But the smugglers have an agreement with the prison commander. When they let us go, we are ready for market. The drivers wait for us outside the Kufra prison and make deals to take us to Tripoli. The drivers say that they have paid money to get us out of prison. They then take us out of the city to a place in the open bush. The drivers told us we had to pay them money since they had paid to get us released from prison. We had either to pay the 40 dinar bribe to get us out of prison or [US]$400 to get to Tripoli. The only way to do that is to call your family to have them send money. My family sent money and I went back to Tripoli.”

The United Nations Protocol Against the Smuggling of Migrants by Land, Sea and Air was introduced in 2000 as an international treaty to specifically target the transnational crime of the migrant smuggling. UN High Commissioner for Refugees (UNHCR) shares the concerns raised by many States that criminal and organized smuggling of migrants, on a large scale, may lead to the misuse of national asylum or immigration procedures. However, given an increasing number of obstacles to access safety, asylum-seekers are often compelled to resort to smugglers.

The Office welcomes the adoption of a saving clause in both Protocols, designed to safeguard the rights of asylum-seekers and refugees under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, in particular in relation to the principle of non-refoulement.

On my fourth attempt to leave Libya, I won the journey. We left out of Garabuli, Tripoli. There were 64 people on a Zodiac boat that is pumped full of air. When the Libyans pushed us to sea, they said that a Liberian guy was supposed to drive the boat, but Nigerians drove it to Italy. We traveled for 16 hours. The motor was stuck and the battery of the phone died, but before that happened we called the Italian coast guard. The next day, a helicopter came. When we started the journey, there were four Zodiac boats. Two were filled with Nigerians. When we got to Lampedusa, we learned that they were all lost at sea. The Italian navy rescued us. They treated us very kindly. They brought us to Italy on October 4, 2007. They brought us to Lampedusa. We spent one week there. We had no problems. From there, I went to Caltanesetta. I was there for one month and 27 days. The only problem was that we had to pay money for documents. We had to make an official payment of €50. I applied for asylum. I was given humanitarian status. I didn’t appeal. When they released me from Caltanesetta, they just left me in the middle of the street. I went to Rome.

Article 31 of the 1951 Convention relating to the Status of Refugees says about the illegal entry:
The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

Source: http://unhcr.de/mandat/genfer-flüchtlingskonvention.html

What does it mean to have humanitarian status?
It refers to persons who are formally (i.e. by national law) permitted to reside in a country on humanitarian grounds. It may include persons who do not qualify for refugee status. Humanitarian protection is either based on legal obligation or legal discretion. In practice this means that the provision of humanitarian protection differs greatly depending on the country of residence and its asylum practice.

Source: http://www.asylumlaw.org, see „Are you a refugee?”

Then I travelled to Sweden. I asked for asylum in Sweden. But the Swedes said that I had been in Italy. They had my fingerprints. They brought me back to Italy on a plane. The Italian police didn’t do anything; they just took my fingerprints again. And now I’m living at via Romanina in Anagnina [a big squatters building where many Africans live illegally]. I have lived there the whole time.
I have no chance to work or study in Italy. Even to renew my [humanitarian status] documents takes many months.
I have pain in my arms and bones. For me, in this life I have paid more than what I should pay.
I believe someone with a similar name as mine did some crime. Normally, when the police check my documents they immediately take me to the police station. Anytime the police see my name they arrest me like I am a big-time criminal. I spend a day in jail and then they check my fingerprints and release me.

The Dublin II Agreement from 2003 states that the country, through which the asylum seeker initially entered the Schengen area is exclusively responsible for the asylum procedure. This regulation aims to prevent “asylum-shopping” while ensuring that the sole responsibility for a particular asylum seeker lies with one state only. Leading human rights organizations have accused the EU of violating international law as its border management agency FRONTEX push back protection seekers on the open sea. According to the European Human Rights Convention, apprehended asylum seekers have a right to full access to an asylum procedure in the EU.


The story of „Tomas“, aged 24
Tips on learning resources on migration and human rights in the past and present

**Amnesty International: Learn about human rights**
In this section educators, youth leaders, and human rights activists can find information on the human rights situation in more than 150 countries and on Amnesty International’s other key areas of work such as refugees and migrants. See: [http://www.amnesty.org/en/refugees-and-migrants/rights-of-refugees-and-migrants](http://www.amnesty.org/en/refugees-and-migrants/rights-of-refugees-and-migrants)

This manual aspires to be a global tool for human rights education, including legal texts, theoretical background on human rights and other key issues on human equality and dignity. “Compass” provides young leaders, teachers, and other educator with concrete ideas and practical activities to engage, involve, and motivate young people to form positive awareness. See: [http://eycb.coe.int/compass/en/pdf/compass_2012_inside_FINAL.pdf](http://eycb.coe.int/compass/en/pdf/compass_2012_inside_FINAL.pdf)

**Comasipo - Manual on Human Rights Education for Children**
It is a starting point for educators, teachers and trainers who want to provide human rights education to children between 7 and 13 years. The book familiarizes the reader with the key concepts of human rights and children's rights, and provides substantial theoretical background to 13 key human rights issues, such as democracy, citizenship, gender equality, environment, media, poverty, and violence. See: [http://eycb.coe.int/compasito/chapter_0/3_int.html](http://eycb.coe.int/compasito/chapter_0/3_int.html)

**HREA Learning Centre**
Human Rights Education Associates (HREA) is an international non-governmental organisation that supports human rights learning. HREA offers short online professional development courses. They combine text with rich multimedia, including videos and podcasts. Learners pass assessments throughout. The courses currently available are: Humanity in War; Human Rights in Europe; Rights of Refugees and Displaced Persons; and Rights of the Child. See: [http://www.hrea.org/index.php?doc_id=418#intro](http://www.hrea.org/index.php?doc_id=418#intro)

**MIGRATION CITIZENSHIP EDUCATION**
is a powerful, user-friendly information and service platform developed by Network Migration in Europe e.V. which provides free online access to learning resources on migration and human rights in European Citizenship Education on an European and national level. It focuses on current discourses (e.g. migration and asylum, human rights protection, migration and religion, migration and gender, postcolonial migration, diversity, labour migration) in the past and present. Furthermore it offers a Migration and Human Rights Learning Center. It provides learning modules on today's challenges and historical (dis-)continuities of human rights protection of refugees and migrants. See: [www.migrationeducation.org](http://www.migrationeducation.org)

**MIGRATION AND HUMAN RIGHTS LEARNING CENTRE**
is a portal for human rights education in the field of forced migration in the context of European immigration societies. It provides 1. learning modules on today's challenges and historical (dis-)continuities of human rights protection of refugees and migrants. 2. Learning resources of human rights education activities in the framework of European citizenship education and life long learning projects. See: [http://migrationeducation.de/33.0.html](http://migrationeducation.de/33.0.html)

**Refugee Studies Centre, Oxford Department of International Development, University of Oxford**
The centre provides information materials and background papers for advanced trainers and learners in the field of refugees and human rights. Its purpose is to build knowledge and understanding of the causes and effects of forced migration in order to help improve the lives of some of the world’s most vulnerable people. The aims are achieved by pursuing three interrelated activities: research, teaching and dissemination. See: [http://www.rsc.ox.ac.uk/study menschenrechtsbildung/unterrichtsmaterialien/unterrichtsmaterialien-fuer-schulen.html](http://www.rsc.ox.ac.uk/study menschenrechtsbildung/unterrichtsmaterialien/unterrichtsmaterialien-fuer-schulen.html)

**United States Holocaust Memorial Museum**
The museum has many resources for teachers striving to help students learn the history of the Holocaust and reflect upon the moral and ethical questions raised by this history. A very important topic is refugees under the Nazi regime. See: [http://www.ushmm.org/education/](http://www.ushmm.org/education/)

**UNHCR – Educational materials for teachers**
Education is vital to UNHCR's work. This section of UNHCR's website provides a wide selection of educational materials, ranging from publications and posters to DVDs. These are ideal materials to help children and young adults learn more about refugee issues. There is also a section on Lesson Modules. These are specifically designed materials to help teachers everywhere integrate refugee issues into the classroom in innovative and exciting ways. See: [http://www.unhcr.org/pages/4ab346796.html](http://www.unhcr.org/pages/4ab346796.html)

**Youth for Human Rights - Educational Programs**
The Youth for Human Rights educational programs and activities - including contests, projects, campaigns and events - are inspiring young people and catalyzing group working for human rights education throughout the world. At no charge to educator, Youth for Human Rights International provides a complete package of teaching tools - including a teacher's guide, booklets, and videos that can be used in any classroom globally. See: [http://www.youthforhumanrights.org/educators/educator-programs.html](http://www.youthforhumanrights.org/educators/educator-programs.html)