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WORKING WITH REFUGEE: A SOCIAL WORK PERSPECTIVES



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ABSTRACT

This paper is prepared on the base of review. For this researcher has collected articles and other project reports form the various departments. A refugee is a temporary settlement built to receive refugees. Hundreds of thousands of people may live in any one single camp. Internationally, refugee protection has largely been provided under the umbrella of the 1951 Refugee Convention and 1967 Protocol, translated by nation-states into national laws. Refugees are victims of gross human rights violations. They are a distinct group of individuals without protection of National State. The linkage between human rights and refugees is clear in the sense that while gross violation of human rights makes it possible for refugees to return home safely. Thus, the state is bound to protect life and liberty of every human being be it a citizen or Refugee So State Governments must act impartially and carry out its legal obligations to safeguard several aspects of Refugee's everyday life such as – Right to work and non-discrimination; Right to education, employment on wages and salaries; Right to public assistance; Right to social security; Right to travel to courts since they are not in a position to use their own national passport; Right to life, business, such as agriculture, art, cottage industry; Right to health and wellbeing; Right to choose their place of residence and to move freely within territory; The Right not to charge taxes of any description higher than those which are or may be levied on their Nationals in similar situations; Right not to impose penalties on refugees who have illegally entered into their territories without authorization; Right not to expect a refugee lawfully in their territory or on grounds of National Security or Public Order; Right to marriage and self-help; Right to acquire both movable and immovable property; Right to form association which must be nonpolitical and Non-profitable; Right to

enjoy asylum and Right to return to their own country. The causes are most often found in combination with each other. Ethnic cleansing leads to war; human rights violations lead to poverty; etc.

KEYWORDS :Refugees, Rights, Constitutions and Settlement.

INTRODUCTION

A refugee is a temporary settlement built to receive refugees. Hundreds of thousands of people may live in any one single camp. Usually they are built and run by a government, the United Nations, or international organizations, (such as the Red Cross) or NGOs. Refugee camps are generally set up in an impromptu fashion and designed to meet basic human needs for only a short time. Some refugee camps are dirty and unhygienic.

A refugee camp is a place where people, who flee their country to escape persecution, armed conflict, or political violence, can (in principle) live in safety. Over thirty-nine million people worldwide live as refugees or internally displaced persons (IDP). Not all of them gather in camps. Some are settled among the local population, and some try to seek asylum in other countries. However, the majority of the world's refugee population finds an immediate, if temporary, protection in camps.

Refugee camps are usually close to borders of the country in which the refugees originate and are established by host countries or an international organization, such as the United Nations High Commissioner for Refugees (UNHCR) or the International Committee of the Red Cross (ICRC). Some camps are carefully planned, but others emerge spontaneously, out of necessity, despair, and destitution, without taking fundamental considerations such as geography, resources, policy, or economy into account.

Camps are an essential element of the humanitarian response to refugees. They are a temporary solution to a crisis, and they allow most refugees to remain in safety until it is possible for them to go back to their homes or move on to more permanent resettlement. Unfortunately, certain camps take on a permanent character, and some refugee populations are born, live out their lives, and die in their camp. This is the case of Palestinian refugees.

MEANING:

People who are forced to flee their homes due to persecution, whether on an individual basis or as part of a mass exodus due to political, religious, military or other problems, are known as refugees. The definition of a refugee has varied according to time and place, but increased international concern for the plight of refugees has led to a general consensus.

‘Refugee’ is an internationally accepted legal term to describe someone needing protection from another country because they are being targeted by authorities or other groups involved in an organized violence campaign in their own country. It cannot be applied to people seeking to escape random violations of their rights, escaping violence in a civil conflict, fleeing natural disasters, or escaping starvation.

DEFINITIONS:

United Nations Convention Relating to the Status of Refugees (the Refugee Convention 1951): a refugee is defined as a 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 country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the

protection of that country or return there because there is a fear of persecution."

Oxford dictionary: a person who has been forced to leave their country in order to escape war, persecution, or natural disaster.

The Organization of African Unity (OAU): Any person compelled to leave his/her country owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality.

The Status of Refugees in India:

Internationally, refugee protection has largely been provided under the umbrella of the 1951 Refugee Convention and 1967 Protocol, translated by nation-states into national laws. The rights and obligations under the Convention have thus been adopted into a variety of political and geographical contexts.

Saxena also states that India recognized article 26 of the 1951 Convention, given that refugees have the right to choose their place of residence and move freely within the territory, along with article 21 concerning the freedom of housing, stating that refugees do not need to stay in camps. He also states that India provides refugees Identity Card (conforming to article 27), applies towards its refugees a policy of nondiscrimination (article 3) and freedom of religion (article 4) as well as free access to court (article 16) and public education (article 22) (Singh 2014: 39; OHCHR 1996-2014b).

The Rights and Protection of Refugees in India

Refugees are victims of gross human rights violations. They are a distinct group of individuals without protection of National State. The linkage between human rights and refugees is clear in the sense that while gross violation of human rights makes it possible for refugees to return home safely. So the problems of refugees are of international character because of the involvement of two or more states in the sense that they flee from one state to another state. So their problem cannot be sorted without international co-operation. India is a country governed by a rule of law. Our Constitution confers certain rights on every human being and certain other rights on citizens. Every person is entitled to equality before law and equal protection of law. So also, no person can be deprived of his life and personal liberty except according to procedure established by law. Thus, the state is bound to protect life and liberty of every human being be it a citizen or Refugee So State Governments must act impartially and carry out its legal obligations to safeguard several aspects of Refugee's everyday life such as – Right to work and non-discrimination; Right to education, employment on wages and salaries; Right to public assistance; Right to social security; Right to travel to courts since they are not in a position to use their own national passport; Right to life, business, such as agriculture, art, cottage industry; Right to health and wellbeing; Right to choose their place of residence and to move freely within territory; The Right not to charge taxes of any description higher than those which are or may be levied on their Nationals in similar situations; Right not to impose penalties on refugees who have illegally entered into their territories without authorization; Right not to expect a refugee lawfully in their territory or on grounds of National Security or Public Order; Right to marriage and self-help; Right to acquire both movable and immovable property; Right to form association which must be nonpolitical and Non-profitable; Right to enjoy asylum and Right to return to their own country.

The executive policy with respect to refugees in India is prima facie far more favourable in comparison to their statutory position. The State currently allows for the issuance of longterm visas as well as work permits renewable annually for refugees. There are also no general restrictions on them

accessing government-funded healthcare as well as government schools. However, within this general umbrella, rights to healthcare and to education remain specific issues such as accessing scholarships, higher education, procuring employment, disability benefits, etc. which may be unavailable or, due to procedural requirements, inaccessible to the refugee population. This adversely affects the quality of life afforded to them. This report aims to highlight these discrepancies.

The main rights to refugees in India:

1. Access to education
2. Access to healthcare
3. Access to social benefits and welfare schemes
4. Access to criminal justice system, safety and security
5. The visa regime for refugees

Causes of Refugee:

People who decide to leave everything they have ever known, fleeing with what they can carry to begin an unknown future in a new country, usually make the decision only when there seems to be no other option for survival, or when the kind of survival they would experience at home is unbelievably brutal and stark. The presence of refugees and immigrants anywhere in the world indicates that something has gone seriously wrong, and it is important for us to understand why people are forced into the desperate decision to flee their homelands.

That decision is usually caused by internal conditions that make life unbearable in the home country. However, where these conditions exist, external conditions may also contribute to the decision to leave, such as rumors about the availability of a better life elsewhere.

Among the most common causes of refugee and immigration movements are: war, poverty, human rights violations, and mistreatment of minorities. These causes are most often found in combination with each other. Ethnic cleansing leads to war; human rights violations lead to poverty; etc.

War:

A culture of violence is escalating around the world, and the resulting wars provoke major population shifts. People flee because their part of the country has become a battle zone and they need to seek safety. Two significant characteristics of wars today are that they are waged within countries (with very few exceptions) and they have a considerable number of civilian deaths.

The phenomenon of global militarization is evident in the vast manufacture of, and international trade in, arms and in escalating military expenditures worldwide. Millions of antipersonnel mines are produced every year, and the widespread dissemination of these mines has rendered huge areas of agricultural land uninhabitable, contributing further to displacement.

Poverty:

In many developing countries, grinding poverty is an overwhelming reality, and land is a major source of the problem. In many areas, the bulk of the good land belongs to a handful of owners. Even where peasants have combined land to form cooperatives, or have cleared formerly unoccupied areas, their tenure can be abruptly ended. International businesses that work with local entrepreneurs in turning land to cash crops or exploiting mineral wealth generally deal with whoever controls the land.

They rarely consult or provide for the welfare of the poor who have been displaced.

Embargos on food and medicine which start out as attempts to change the political leadership of a country can also result in causing the flight of many of the poor of that country. They often have such a devastating effect on the economy that thousands of people risk their lives to flee, while at the same time they have no effect on changing the political leadership of the country. Some developing countries spend more money to engage in conflict with their own citizens or to prevent internal security problems than on economic and social programs to help their citizens. A major part of the Third World debt results from military or internal security spending.

Human Rights Violations:

When issues in a country reach a crisis, there are often resulting human rights violations. Sometimes poor people become active in trying to change their situation. When those in power try to protect their own interests (i.e. their privileges, their wealth, and their power), they all too often disregard even human life. Imprisonment, torture, and disappearances can be documented in country after country around the world.

Human rights violations also often surface and cause a refugee exodus after a conflict has ended and a new government comes to power. Occasionally, there is brutal and generalized retribution against those who previously had privilege and were perceived as oppressors. Human rights violations, either during or after a social/political upheaval, vary considerably in severity. The worst offenders tolerate no difference of opinion and prohibit action or organizing by those who oppose the government. It is, of course, the severe cases that produce large refugee movements.

Mistreatment of Minorities:

Both the attempt to preserve the status quo of privilege and the attempt to forge a more egalitarian society that eliminates privilege are especially dangerous for minority groups ethnic, religious, or political. In times of crisis, people in power often look for easily identifiable minorities who can be blamed. Participation by even a few persons from the minority group in anti-government activity can single the whole group out for harassment. Sometimes such a minority suffers so severely that there is massive ethnic cleansing.

About 40% of the world's countries have five or more different ethnic groups. Often, ethnic tensions that have been simmering for generations are kept in check by political forces within or outside the country. When those political forces change, a blood bath is often let loose causing refugees to flee. The Cold War kept the lid on many conflicts around the world, but with the end of the Cold War, many minority groups became the object of ethnic cleansing.

Pull Factors:

Besides the pressures they experience where they are, refugees sometimes finally gain the courage to leave home because they have heard rumors (or facts) that make the possibility sound attractive. If there is little opportunity for a better diet, for social services, and for education at home, but food, health care and schooling are all available outside the country in a refugee camp; leaving for the refugee camp may seem logical. When young men see the families of others who have immigrated being supported by the money sent back from another country, they also decide to try their fortune by crossing a border. Relatives and friends who left earlier and send glowing reports back home are often the strongest pull factor

Psychological consequences of the refugee experience:

Refugees react and cope with trauma differently. Not all develop post-trauma symptoms. Some may only experience the impact of trauma at a later time, as a result of additional stresses. Common reactions after traumatic life events include:

1. Anxiety
2. Panic Attacks; Startle Responses
3. Flashbacks
4. Depression
5. Grief Reactions
6. Dissociation Or Numbing
7. Sleeping Problems Irritability Or Aggressiveness
8. Emotional Stress
9. Eating Disorders
10. Psycho-Sexual Problems
11. Inability To Plan For The Future;
12. Pre-occupation with the past.

SOCIAL WORK PROFESSION AND REFUGEES:

The social work profession is committed to maximizing the wellbeing of individuals and society. We consider that individual and societal wellbeing is underpinned by socially inclusive communities that emphasize principles of social justice and respect for human dignity and human rights, including the right to be part of a caring and understanding family. The social work profession supports and enacts the Convention Relating to the Status of Refugees and the United Nations Declaration on the Rights of the Child.

Social workers will undoubtedly encounter immigrants and their children in schools, health and mental health care, child welfare, and other human service-related settings. Social workers not only need to be aware of the special needs of this population but also need to understand the dynamics of migration as well as the interface between immigration and immigrant policies.

The various settings and fields of practice include:

- Commonwealth departments of Human Services: Immigration and Border Protection: and Social Services
- Refugee resettlement services and Migrant Resource Centres
- Services for the treatment and rehabilitation of torture and trauma survivors
- Services for asylum seekers living in the community
- Advocacy services for refugees and asylum seekers
- Services for refugees and asylum seekers in detention both onshore and offshore
- Health, education, legal and family support services
- Policy and program officer roles within state government departmental multicultural units
- Research and academia and teaching

The scope of social work practice with refugees and asylum seekers includes:

- Strengths-based comprehensive psychosocial assessments
- Strengths-based community assessments

- Building empathic relationships and working with refugees and asylum seekers in an ethical, respectful, client-centered and strengths-focused manner
- Working with groups, Organisations and communities to respond to shared goals
- Linking of individuals and families to community networks
- Facilitating coordination and cooperation across health, welfare and other systems to ensure good outcomes and assist client aspirations
- Advocacy for services and education within the Australian welfare and health systems
- Socio-legal and ethical decision making within complex legal frameworks
- Advocacy in relation to the rights of refugees and asylum seekers
- Utilizing advanced interpersonal skills that involve professional use of interpreters and a respectful inquisitiveness as well as having an awareness of the broader historical and political context
- Specialist culturally sensitive counseling with regard to loss and grief, torture and trauma, and in suicide prevention
- Addressing the particular psychosocial needs of asylum seekers who typically experience long periods of uncertainty and may eventually not be deemed to be refugees
- Educating other service providers and professionals about the cultural, ethnic, and faith-based gender issues specific to the individual or group
- Developing policy and programs for refugees and asylum seekers
- Engaging in research and publishing in peer reviewed journals.

CONCLUSION:

A myriad of specialized and regional human rights instruments have sprung from the foundation of International bill of human rights. So Article – 51 A has cast on every citizen the duty to promote harmony among all the people of India to have compassion for living creatures and to develop humanism and abjure violence. Thus humanitarian legality and concern for refugees' status is writ large in Indian Ethos. So legal, socio-economic medical, psychological, educational, vocational protection is the need of the hour.

With their human rights based practice and multi-systemic approach that integrates the physical, social, political, economic, spiritual and cultural, social workers offer a unique role when working with refugees and asylum seekers. They make valuable contributions by directly assisting refugees and asylum seekers in the task of negotiating new and complex systems, dealing with grief and loss and the effects of torture and trauma, and resettling into a new society. Due to their skills in communication and advocacy social workers are often valued as key educators of other service providers about refugees and asylum seeker needs. Furthermore, their community development expertise helps ensure the needs and strengths of asylum seekers and refugees are understood in a communal context.

Through the years, India has managed its migration flows by deciding to deal with them through administrative policy rather than as a legal requirement. In fact, though India has been a signatory to diverse international treaties and covenants pertaining to issues related to refugees, it is not a party to the Refugee Convention and the Protocol, and has not implemented any lawful statute for asylum seekers and refugees within its territory.

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