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Echoes of Colour Discrimination in Refugee Protection Regime: The Experience of Africans Fleeing the Russia-Ukrainian War

Sunday Israel Oyebamiji¹, Olumide Oyewole Oyebade², Jeffrey H. Cohen³, and Abraham David Okechukwu⁴

Abstract

After 71 years of commitment to the principles of the Refugee Convention and an obligation to protection; the international system faces challenges as socio-political, economic and security concerns become alibis that betray fidelity to the treaty and are manifest in discrimination and expulsions of asylum-seekers, migrants and refugees. Our paper examines this collapse and highlights themes of covert colour politics and discrimination vis-a-vis the Russia-Ukrainian war. Our methodology combines interviews, narratives and critical analyses as we document the ugly experiences of Africans fleeing the war zone and the denials of protection they face based on their skin colour. Our discussion raises concerns that cannot be ignored as conflicts escalate globally. Rather than embracing the hardline hostility confronting migrants and refugees, we argue for a reappraisal of the movers and their status not as a migration problem to be solved but as victims of a faulty international system that deserve attention.

Keywords: Colour; Discrimination; UNHCR Refugee Convention; Russia-Ukrainian War; Asylum

Introduction

The United Nations High Commission for Refugees (UNHCR) – the principal international organisation for refugee assistance – celebrated the 70th anniversary of the Refugee Convention in July 2021. The spirit of the UNHCR's Refugee Convention and the interventions that followed have been critical in the creation of a more humane world for millions including asylum-seekers, displaced peoples and refugees (Loescher, 2017; Triggs & Wall, 2020). Nevertheless, the humanitarian goals of the convention face an endemic challenge of colour discrimination that threatens to erode decades of gains (see by Benabib, 2020; Çorabatır & Özen, 2021; Kirişci, 2020).

As WWII was drawing to a close, the Allies formed the United Nations Relief and Reconstruction Agency (UNRRA, 1944–47) and then the International Refugee Organisation (IRO, 1948) to provide relief and logistical support to over 30 million people displaced by the war and unable to return to their home countries.

Originally established for three years, the UNHCR became permanent as new conflicts and new waves of refugees, including about 200,000 Hungarians who fled to Austria after the 1956 uprising (Grandi, 2020) and Algerians who sought refuge in Tunisia (Rahal & White, 2022).

¹ Sunday Israel Oyebamiji, PhD. School of Built Environment and Development Studies, University of KwaZulu-Natal, South Africa. E-mail: Oyebamijis@ukzn.ac.za

² Olumide Oyewole Oyebade, PhD. Department of Philosophy, University of Lagos, Nigeria. E-mail: woleoyebade@gmail.com

³ Jeffrey H. Cohen, PhD. Department of Anthropology The Ohio State University, Columbus, Ohio, USA. E-mail: Cohen.319@osu.edu

⁴ Abraham David Okechukwu, National University of Political Studies and Public Administration (SNSPA) E-mail: newnigwithdavid@gmail.com



Year by year, continent by continent, UNHCR was called upon to help people forced to flee their homelands (Crisp, 2020; Grandi, 2020). Today, the UNHCR is the largest humanitarian agency in the world (Todd, 2022) offering assistance in at least 135 countries.

The UNHCR's anniversary captures a fundamental challenge for an international system that condones conflicts and wars and, in turn, tries to pacify victims (and see critique in Crisp, 2017). Curiously, the "world that swore to embark on an era of peace has proved very good at picking fights but not so adept at solving them" (Grandi, 2020). Not only has the number of vulnerable persons in need of assistance and protection ballooned, the failure of states to keep to their obligations under international laws regarding asylum and the principle of non-refoulement are disturbingly common (Tubakovic, 2019: 195; Zieck, 2009) as war and violence are used as instruments of persecution to eliminate, repress and/or target groups on account of their colour, ethnicity, religion or other affiliations (UNHCR, 1999:3).

Discrimination against and the persecution of displaced persons and refugees continues to worsen and is evident in the ongoing Russia-Ukrainian crisis. Our paper captures the voices of those who are caught in this crisis and discriminated against due to their colour as well as their African origins. The insecurity and prejudice these refugees and displaced persons face is in direct contrast to the spirits of the UNHCR's conventions and a guarantee of protection from persecution. Our discussion highlights refugee protection regimes; colour based discrimination around the Russia-Ukrainian conflict; and recommendations to better respond to the needs of refugees and the displaced in times of war.

Emerging Trends in Refugee Protection Regime

Several endogenous factors influence the rise of xenophobia and the discrimination that confronts contemporary refugees (see Achiume, 2013). Four in particular are critical, the record explosion in the number of refugees destined for Western nations and in particular Europe; the destabilising effect of warfare, violence and territorial tension in host and destination states; and the xenophobic politics of pushbacks that violate the ethos and spirit of the UNHCR's Refugee Conventions. Finally, to this list, we can add a fear that a refugee presence threatens whether we are focused on the pandemic and COVID-19 in the present or HIV and Tuberculosis in the past.

A stark reality that confronts researchers is that the number of global refugees is increasing rapidly. In the first half of 2022, more than 100 million people were displaced worldwide as a result of escalated persecution, conflict, violence or human rights violations and includes a record 26.6 million refugees in the world; 50.9 million internally displaced persons; and 4.4 million asylum-seekers (UNHCR, 2022). Remarkably, 68 per cent of the people displaced across borders are from five countries: Syria (13.5 million), Venezuela, Afghanistan, South Sudan and Myanmar.

Sub-Saharan Africa hosted nearly five million refugees at the end of 2021 (UNHCR, 2022), about 20 per cent of the global refugee population for the year (and see Franssen & de Haas, 2022: 101) including more than 2.1 million South Sudanese refugees, with 95 per cent of them hosted in Uganda, Sudan, Ethiopia and Kenya. Central America shared a similar pattern as the regions has experienced a dramatic escalation in violence by organised criminal groups. Turkey continued to be the world's largest refugee-hosting country and home to more than 3.7 million refugees.



The arrival of summer and favourable weather conditions during the second quarter of 2021, coupled with the relaxation of COVID-19 measures prompted increased movements within and between countries. This is not unconnected with the mass migration from countries like Tunisia, Algeria, Afghanistan, Bangladesh, Côte d'Ivoire, the Democratic Republic of Congo, Egypt, Iran, Iraq, Pakistan, and Syria. In this period, no fewer than 55,800 new arrivals (including young and unaccompanied children) were recorded in Greece, Italy, Bulgaria, Serbia, Bosnia and Herzegovina, and Montenegro (UNICEF, 2021: 2-3).

In many countries that are hard-pressed by the devastating effects of COVID-19, forced migration and displacement overstretches social infrastructure, generating overcrowded conditions in reception facilities, with limited or no access to basic services such as healthcare, security, adequate sanitation, hygiene and education (and see Balakrishnan, 2021). All through the pandemic months and until the second quarter of 2022, adherence to public health protocols, including restrictions and quarantine measures, were an additional burden for all including migrants, refugees and IDPs who were also exposed, with their families, to psychosocial stress and trauma, abuses and violence. This, in turn, exacerbated refugee-induced tensions in the host states and communities that were asked to share resources (Lisher, 2017; Braithwaite *et al*, 2019).

The influx of refugees can strain a host's resources as much as it does the international donors' commitments (Lisher, 2017: 86). Host governments that struggle to meet the needs of the refugees often fear a loss of power due to popular anger over economic hardship and social pressures that are often blamed on refugees, asylees and immigrants (Hameleers, 2019). Refugee crises can exacerbate existing political, ethnic, or religious tensions within the host state or between the host and sending states (Lisher, 2017; Braithwaite *et al*, 2019; Oberman, 2020; Georgi, 2019). For example, in Germany, the influx of refugees *elicited* weekly protests by Patriotic Europeans Against the Islamisation of the Occident (PEGIDA) and the rise of the Alternative for Germany (AfD), a right-wing, populist political party that earned 12.6 per cent of the vote in September 2017 election and became the third-strongest party in the Bundestag. Their win is associated with violence against migrants, people of colour and more than 1000 attacks on refugee homes (Georgi, 2019: 97).

There are also fears of criminals and terrorists hiding under the guise of refugees, While there is no evidence connecting crime to migrants (see for example Light, He & Robey, 2020), the myth is used to stoke violence and threaten stability. Keeping up with humanitarian needs in the face of public resentment from citizens is always a challenge. "In the worst-case scenario, destabilisation of the host state and threats to refugee protection can exacerbate civil and international conflict" (Lisher, 2017: 86). In such a situation, the security of the host state soon becomes diametrically opposed to that of the refugees, displaced and asylum-seekers, with policymakers condemned to choose between the legality of migrants' protection and citizen's security.

Efforts to push back on the safety and rights of refugees and migrants undermine the spirit of the UNHCR's convention. Nevertheless, governmental reactions and programs to criminalize refugees and migrants in Italy, Hungary, the United Kingdom and the USA, to name just a few, have raised concerns for the growing number of people reaching their borders (Berti, 2021; Hernández, 2021, Kržalić, Korajlić & Dinarević, 2019; Provine & Doty, 2011; Slack, Martínez, Heyman & Woodhouse, 2018; Udvarhelyi, 2014). In Britain this includes about 29,000 small boats that attempted to cross the English Channel in 2021 (*The*

Economist 2022^a: 10) in 2018. Further complicating the situation for refugees and displaced persons who are fleeing violence in their homelands, the UK government signed a memorandum of understanding with Rwanda to ship detained asylum-seekers to the African country in April 2022 (Ibid). The British government said the move would serve as deterrent against refugees who might otherwise risk fleeing their war-torn and poverty-stricken home countries. Rwanda will get cash for the swap, with an upfront payment of \$188 million to cover resettlement and integration. The intrinsic criminalisation as well as the commoditisation of migrants (and in particular, migrants of colour) in the now tabled five-year deal threatened to reimagine the inherent dangers that refugees pose, limit their ability to engage and assimilate in their new home communities and foreclose the possibility of a secure future (Balaguera, 2018; Kohnert, 2022). Complicating the process further, we must note that Rwanda, a country with its own history of human rights abuses, would have had the authority to decide whether to grant asylum to the deported if the program had come to pass (see critique in Nair, 2022; Sen, *et al.*, 2022).

Hardline politics of refugee-swap-for-cash and as a tool of international negotiation are not new. Denmark's parliament passed a law allowing the nation to relocate asylum-seekers outside of Europe despite criticism from human rights groups and the United Nations (Akal, 2021). Before the British *cum* Danish episode, the Australian government processed asylum claimants offshore, interning boat people in Nauru and Papua New Guinea. Offshore processing is still being funded (Taylor, 2021).

There is no doubt that the realities are dire for 21st Century refugees and asylum-seekers globally. Host states' fears, displacement-induced tension and the urge to pushback cannot be overlooked. It is clear that the European refugee *cum* migration crisis of 2015/2016 – when, within one year, more than one million people claimed asylum in the EU – was exploited by right-wing populists to successfully push for a more repressive EU refugee policy (Georgi, 2019:98).

A Different Stroke for the Russian-Ukrainian War Refugees

Europe's handling of refugees is discriminatory (Hellgren & Bereményi, 2022; Hine, Keaton & Small 2009). In this section, we examine the European disposition toward refugees before the 2022 Ukraine crisis. Second we explore European reactions to Ukrainian migrants and refugees during the crisis, and finally, the voices of Africans caught in the conflict to understand the challenges that face non-European refugees.

The 2015-2016 flows of Syrians and North Africans to Europe was popularly labeled the European Refugee Crisis as the asylum-seeking population spiked from an average of 250,000 to over one million. Politicians and the media targeted the refugees as a problem that threatened to disrupt daily life through Europe (Georgi, 2019: 97), and in response, the EU established a restrictive migration policy. In April 2015, the world was shocked when about 800 asylum-seekers drowned near the Italian island of Lampedusa. Many migrants shifted to crossing the Aegean Sea between Turkey and Greece and new arrivals spiked from 18,000 in May to 108,000 in August 2015 (IOM, 2017: 9). In August bodies of 71 suffocated refugees were found in Austria and days later, refugees gathered in Budapest to protest and embarked on the 'March on Hope' (Georgi, 2019: 98). Then, on 03 September disturbing images of the remains of Aylan Kuri, a three-year-old Syrian refugee washed up on a beach near the Turkish



town of Bodrum. Finally, a series of dialogues concerning treatment, responsibility and accountability began.

Germany subsequently welcomed migrants from Syria, Iraq, and Afghanistan, among others, on the Balkan route, even as Austrian citizens in solidarity welcomed refugees arriving at train stations (Ibid). More people found refuge in Greece, with 147,000 and 211,000 arriving in September and October, (IOM 2017: 9).

Solidarity was short-lived. Protests by conservative forces and public opinions that had been critical of EU's migration policy pushed for a halt to the open-arm policy and demanded the deportation of refugees (and see Zacarradelli & Cohen 2021 on Italy). Right-wing forces labelled refugees 'Islamic terrorists' in response to the November 2015 terror attacks in Paris (Georgi, 2019: 99) and further biased narratives against refugees.

A deal between the EU and Turkey to block the Aegean and Balkan routes and tighten the EU's border regime, brought the 'party' to an end in March 2016. What was left of the UNHCR's policy was a condition where sanctuary seekers had to enter Europe illegally and then request asylum with no guarantees (Hatton, 2020). Georgi remarked that though the number of arrivals dropped significantly, racist rhetoric among many Europeans did not disappear (2019). Amnesty International reviewed the intervention stating: "This reckless European strategy is in fact exposing refugees and migrants to even greater risks at sea and, when intercepted, to disembarkation back in Libya, where they face horrific conditions in detention, torture and rape" (Amnesty International, 2017: 5).

Europe has effectively pushed back on migrants, slashing refugee quotas since 2015. For example, there are 13.5 million displaced Syrian, representing more than half of the country's population (Dunmore, 2022), yet in 2021, EU member countries could not agree on what to do with these refugees. A Majority of the EU, including Austria, Hungary, and Italy, hoped to avoid another mass exodus through programs to support Iran, Pakistan & Turkey where the majority of displaced Afghan take refuge (Seferiadis, 2021). There is also an effort to shift resettlement policies and push refugees to countries closer to their homelands.

The UN High Commissioner for Refugees Filippo Grandi, raised the alarm over these changes in February 2022, stating violence, ill-treatment and pushbacks continued:

We are alarmed by recurrent and consistent reports coming from Greece's land and sea borders with Turkey, where UNHCR has recorded almost 540 reported incidents of informal returns by Greece since the beginning of 2020. Disturbing incidents are also reported in Central and South-eastern Europe at the borders with EU Member States... Equally horrific practices are frequently reported at land borders, with consistent testimonies of people being stripped and brutally pushed back in harsh weather conditions (Grandi, 2022).

Within days of Grandi's statement, Russia invaded Ukraine and a humanitarian crisis ensued as people fled the fighting. Russian violence and shelling led to casualties and infrastructure failures and displaced millions. Between February and June, more than 13 million Ukrainians fled their homes with 7.7 million crossing into neighbouring countries and 3.4 million registering for temporary protection. The unprecedented influx would not have been possible or manageable without a decisive response by the EU. In less than a month of the crisis's start, the EU opened *en masse*, granting Ukrainians the right to stay and work throughout its 27 member nations for up to three years.

The EU's "temporary protection" scheme dated to the 1990s and the break-up of Yugoslavia. Evacuation missions were activated to ferry millions of Ukrainian to live with friends, families or relatives to find safety in reception centres. They were given food and medical care and support for onward travel. They were also entitled to social welfare payments and access to housing, medical treatment and schools. Poland has taken the highest number of refugees, and Moldova, which has the largest concentration of refugees by population, has asked for support. Estimates are that the surge may include up to 10 million individuals. It was perhaps one of those rare times the regional bloc had demonstrated both "generosity and pragmatism" toward refugees (*The Economist*, 2022^b:46) and sharply contrasted with the experiences of Syrians and Afghans who found themselves in similar straits.

Echoes of Colour Discrimination of Africans Fleeing Russia-Ukrainian War

The feel-good humanitarian gesture to Ukrainian refugees contrasts with the treatment of refugees of colour during the Russia-Ukrainian crisis. Ukraine is a European country with thousands of Africans pursuing education and working in tourism. This is not new, Africans have traveled to Ukraine in pursuit of their educational goals since the 1920s. Then a part of the Soviet Union, Ukrainian schools formally recruited Africans to attend college and professional programs (Ray, 2022). Before the crisis, there were over 16,000 Africans studying in Ukraine, accounting for more than 20 per cent of the country's international student body (Ibid).

The Russian invasion has complicated the situation and led to a great deal of insecurity (see Teke Lloyd & Sirkeci, 2022). Barely had the invasion and war started when social media was inundated by reports showing acts of discrimination and violence against African, Asian and Caribbean citizens while fleeing Ukrainian cities and cross international borders (Akinwotu & Strzyzyska, 2022). Official records show that all the displaced in Ukraine, irrespective of nationality, passport, mode of identification and validity, are welcome as refugees into European countries, including Poland, Hungary and Romania. Nevertheless, the welcome was lacking as recounted by eye-witness reports by those facing red tapes and discrimination.

Akinwotu & Strzyzyska (2022), recount the experiences of Samuel George, a 22-year-old Nigerian software engineering student, along with four of his friends who are also students from Nigeria and South Africa studying in Ukraine. To evade danger, the group of five drove from Kyiv to the Polish border to meet a 31 mile (50 km) long line of cars fleeing the violence. When some men in the queue noticed they were Africans, their car was stopped. "When they realised we weren't Ukrainians they stopped it. They told us we couldn't move forward and wouldn't let us join the queue," George said. While the students tried to proceed toward the Polish border, the men attacked and vandalised their windscreen. "They demanded \$500 – we begged and negotiated to pay \$100. We had to leave the car and trek. We walked for almost five hours to the border with Poland. One of us was sick. The temperature was freezing, and it was so tough." When they eventually made it to the border, Ukrainian officials "showed racist acts" and attempted to force them to the end of the queue. George noted, "So many of us are still stuck there facing challenges. Some of them went to the borders but were sent back and are still trying to leave."

Emily, a 24-year-old medical student from Kenya, had a similar experience. She spent hours waiting for Ukrainian border guards to let her enter Poland choosing to prioritise Ukrainian nationals. "We had to wait five hours, but we were lucky: we met some people there who had



spent days waiting in the foreign national queue," she said. Eventually entering Poland, she boarded a free bus to a hotel near Warsaw that offered free boarding to Ukrainian refugees. However, the hotel refused to welcome her and her Kenyan friends. While such responses are contrary to official declarations by the Ukraine and Polish governments, they speak to the difficulty confronting non-Ukrainian, non-European and phenotypically "other." Emily was clear, her treatment was not equal to that of Ukrainians at the border, stating, "The staff said: 'Sorry, we can't admit you because this was meant only for Ukrainians'". Emily was further denied service even after offering to pay. Finally, both George and Emily were given entry into Poland, however, their stays were limited to 15 days even as the fighting has continued for months (Akinwotu & Strzyzowska, 2022).

Bamidele, a 33-year-old Nigerian postgraduate medical student, offers a third example of the discrimination Africans face as they flee the violence. She lived in Dnipro, a city between Kyiv and Kharkiv that came under heavy bombardment in February 2022. On February 28 she left her home of six years for the city's train station and to verify social media reports that fleeing Africans, Asians and Indians faced discrimination and were not being allowed onto the trains (see, Ovuorie, 2022). "When I got there, there were a lot of people. I met some people who said they had been there for 12 hours and they were not allowed to enter the train." She saw a person of colour smash a train window in frustration, and a fight ensued. The next day, Bamidele returned to the train station and found some of the foreigners she had seen the previous day still waiting (Ibid).

Kouadio Simeon, a recent graduate from the Ivory Coast who studied in the heavily bombed northeastern city of Kharkiv, told *DW* (Deutsche Welle) that he and his friends had travelled more than 1,000 kilometers (620 miles) west through the country to the Ukrainian city of Lviv, about 75 kilometers from the Polish border. From there, he said, they managed to get on a bus, but it only drove them about a dozen kilometers out of town, forcing them to walk over 65 kilometres in chilling conditions (Zander M, *et al.*, 2022). At the border they faced additional barriers. "The situation near the Polish border is tough," Simeon said. "We arrived today, but foreigners are not allowed to cross the border, meaning we will stay here in the cold," he added.

Moustapha Bagui Sylla, a student from Guinea, told the French media outfit, *France24*, that students faced discrimination as they tried to leave the country and flee the war. "They (security at border post) stopped us at the border and told us that Blacks were not allowed. But we could see White people going through" (Chebil, 2022). Sylla fled his university residence in Kharkiv as soon as the bombing began. Like thousands of others scrambling for the border, the young Guinean said he walked for hours in freezing temperatures heading for the Polish frontier village of Medyka – only to be ordered to turn back (Ibid).

Michael, another student from Nigeria, described similar scenes at the border. He said his group, which included women, was shut out of the border post even as White people were let through. "They won't let Africans in," Michael said, "Blacks without European passports cannot cross the border. They're pushing us back just because we're Black! We're all human. They should not discriminate against us because of the colour of our skin." (ibid).

Alexander Somto Orah, 25, was among thousands of people at Kyiv's train station hoping to flee Ukraine for safety at the Polish border (Adams & Essamua *et al.*, 2022). He said he and his friends were barred from leaving because of their colour – black. "I was like, 'You are

picking only white people!" Orah said. He and his friends briefly made it onto a second train bound for Poland but were quickly kicked off, with officials telling them "Ukrainians only." "I said: 'You say Ukrainians only, but I don't see you checking passports. I see you picking white people only.' The train was not filled before they left, but they never picked us" (Ibid). Orah detailed the harrowing journey to the Polish border. He and his friends tried to get on the train after train and were able to board one only after they begged. "The train was already leaving; we jumped in and were holding the door and told them, 'you either open the door or we die on the road,'" Orah recalled of an exchange with a Ukrainian official. "He finally opened the door. We were the only three Africans in that particular train. And the train was not full" (Ibid).

Rashawn Ray of the *Brookings Institute* sums up the experience of people of colour concisely:

This journey has proved to be particularly challenging for Black people who, even during a life-and-death situation, have found themselves running into racist barriers to their safety and freedom. There are many reports of Black people being refused at border crossings in favour of white Ukrainians, leaving them stuck at borders for days in brutal conditions. Ukraine stated they would first allow women and children on trains and transport out of the country to flee the Russian invasion. However, it seems they meant Ukrainian and European women and children. Videos show Black people being pushed off trains and Black drivers being reprimanded and stalled by Ukrainians as they try to flee. There are even reports of animals being allowed on trains before Africans (Ray, 2022).

Analysis of Colour Discrimination in Refugee Protection Regime

Discrimination in whatever guise is *ab initio* alien to the UNHCR's Refugee Convention and the UN's Universal Declaration of Human Rights. The Convention is "both a status and rights-based instrument and is underpinned by a number of fundamental principles, most notably non-discrimination, non-penalisation and non-refoulement" (UNHCR, 2011: 3). The Convention reflects Article 1 of the United Nations Convention on the Elimination of All Forms of Racial Discrimination and recognises that no one shall be discriminated against on the grounds of sex, age, disability, sexuality, country of origin or other prohibited grounds of discrimination. It is imperative to note that the Convention cum Protocol is not only an international instrument for refugees; it is also a legal test to press for and recognize the rights of the refugees regardless of the situation (UNHCR, 1999:3).

We have noted that accounts of asylum-seekers show European nations are often in violation of the international protocol against discrimination. All the interviewees' note discrimination and mentioning skin-colour (Black), Africans ancestry and their foreigner status. Five of the seven examples detailed above recount colour profiling at the Polish Border, and two experienced racial profiling as they accessed train services that were denied despite the availability of open seats. Finally, there was a mention of the rejection of 'foreigners' at a Polish Hotel in violation of the UNHCR's convention.

The accounts by George, Emily, Bamidele, Simeon, Michael, Sylla, and Orah point to several important challenges. First, Europe has two refugee protocols – one for European nationals and the other for non-Europeans. Second, the difference in aid offered European and non-European refugees is self-evident in the speed and equanimity at which the EU opened its borders to the displaced fleeing Ukraine and the reluctance that greeted the displaced fleeing Syria and Afghanistan on the one hand and people of colour fleeing Ukraine on the other. Third, all respondents felt discriminated against due to the colour of their skin. Fourth, displaced people of colour fleeing Ukraine are fleeing from danger



just like their European counterparts. They deserve refugee status, yet they are typically described as economic migrants an identity that lacks special UNHCR protections.

The contrast between a fortress for European refugees and hell for non-Europeans exposes the double standard in the EU's approach to refugees, and the difference between Europeans and people of colour is not difficult to follow. Ukrainians blend into Europe and cross borders with little concern. They "look" and "act" European. African nationals do not fit, are not white (Mäenpää, 2022: 17) and are regularly othered. Venturi & Vallianatou (2022) note that geographical proximity and shared histories must be considered in Europe's skewed response to the war and the safety of non-European refugees. "Eastern European and Baltic countries share a post-Soviet history and fear of Russian aggression, and Ukrainians already enjoyed 90 days of visa-free travel in the EU – with a large diaspora, many have established networks across Europe" (Ibid). It is critical to note that the Ukrainians in question are neighbours, not foreign refugees. Poland was home to more than a million Ukrainians before the crisis and is a magnet today (Grzymala-Kazłowska & Brzozowska 2017). There is no language barrier between the countries, no visa requirement for Ukrainians visiting Poland and when a crisis does occur EU and Ukrainian government provided security.

The flexibility in Europe's "political will and the capacity to host refugees" that was denied earlier asylum-seekers is now denied people of colour fleeing the war zone created by Russia's invasion of Ukraine (Ibid). The denial of support exposes the discriminatory undercurrent of the offshore migration policy of the likes of UK, Australia and Denmark (Georgi 2019; Hagelund, 2020; Ray 2022; Yalor, 2021). Evidence abounds of discrimination and bias (racial, religious and colour based) against refugees and asylum-seekers including plans to fence in asylum-seekers in concentration camps, or to banish refugees offshore (see Schwarz, 2016). Such policy leads to the empowerment of already powerful nations and to "allow them to offload, back to poorer countries, unwanted migrants, especially those who come from outside of Europe. At the same, they give those richer nations a political and economic foothold in regions of interest" (Nair, 2022).

Conclusion and Recommendations

It is regrettable that the refugee community has grown rapidly, yet there is no reason to blame the displaced for the situation. We can do better. And while it may be difficult to welcome refugees, worse is to promise sanctuary when discrimination replaces humanitarian efforts. A double standard surrounds the treatment of refugees and is dependent on their ethnicity, nationality and colour. European governments should be commended for their quick and decisive support for Europeans fleeing Ukraine. Nevertheless, we cannot excuse the continued harassment of non-Europeans regardless of place. The Greek coastguard continues to illegally push back asylum-seekers crossing from Turkey, Spanish police forcefully repel those who dare jump the fence in Melilla and migrant children await reunification in the US. Discriminatory, xenophobic policies are not effective solutions to the mounting refugee crisis. Rich countries shutting doors to the displaced and asylum-seekers will only inspire desperation and further fuel crises.

We offer two recommendations in response. They leverage fidelity to the UNHCR's Convention and place a premium on conflict resolution. Europe, as a thriving regional bloc, offers a way forward as the EU confronts the Ukrainian refugee crisis with strong regional agreements that include clear guidelines and goals. This contrasts with European admission

of Syria and Afghan refugees that was disproportionately burdened on a few countries. In 2016, Germany granted asylum to 70% of Iraqi applicants; Hungary just 30%. Switzerland granted asylum to 89.4% of Afghans; Norway 30% (Oberman, 2020). The imbalance drove xenophobic rhetoric critical of humanitarianism. When countries deal with a problem collectively, complaints are lessened, and the resulting interventions are more effective. The regional unity that Europe demonstrates when focused on Ukrainian refugees must motivate global effort to address broader refugee problems.

Discrimination against refugees comes from noncompliance with, or the narrow application of, the existing treaties and agreements (UNHCR, 1999:5). We agree with the UN's Humanitarian Commission: the prime need today is for a uniform, liberal and positive application of existing refugee instruments (Ibid). It is imperative for political leaders to hold themselves and their colleagues accountable for actions that damage protections, including discrimination along colour lines. Leaders must lead by example and "challenge the deeply damaging idea that governments can decide whether or not to uphold the Convention's standards and the Court's judgments on the basis of the political, electoral and sometimes personal interest of those in charge" (Mijatovic, 2020).

It is time to reappraise refugees and their status and move away from a focus on the xenophobic assumptions of nationalists concerned with "excess" people (Lisher, 2017: 86). These assumptions fuel anti-refugee campaigns, discrimination against migrants and people of colour and disincentivize fidelity to the UNHCR's conventions. If we cannot shift our discussion, the people who have little to no part in decision-making will continue to be impacted and left insecure (see discussion in Cohen & Sirkeci, 2011). In fleeing crises, existential threats, deaths and starvation, refugees deserve to be accorded protection.

Closing borders, offshore offloading of migrants, disproportionate admission of refugees and discrimination against colours are not sustainable solutions. Grandi noted, "if the factors driving mass displacement were resolved in just half a dozen countries, millions of refugees could go home, as could millions more internally displaced people. That would be a very good start and something we could all really celebrate" (2020). Nobody wants to be displaced or be "offshored".

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