THE REFUGEE CRISIS IN THE EUROPEAN UNION: THE BACKGROUND JUSPHILOSOPHICAL

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1 INTRODUCTION

Europe, almost since its inception, has been receiving a continent of immigrants and refugees. In 2015 they reached Europe almost one million refugees and migrants. To meet the challenges generated by this kind of international mobility, the European Union (EU) should have developed a common approach to immigration and a common European asylum system to protect those seeking refuge in Europe by persecution or risk serious damage to their country of origin. The lack of a common asylum policy has led each country to apply its rules. Speaking of asylum and refugee protection equivalent to vindicate the human race in which we found a strong link between human rights and human dignity (DE LUCAS, 1995, p. 23-56), understood as "the portal through which equal universal moral content of the right care." (HABERMAS, 2010, p. 111).

Responsibility with regard to the protection of refugees and of all displaced populations rests primarily with the government of the host country. The combination of a remarkable increase in the number of displaced people in the last two years mainly motivated by wars and conflicts in their countries of origin, coupled with the economic and financial crisis much of States, has caused many countries European Union, not only have refused to receive refugees but even is questioning the free movement of persons within the territory of the European Union.

In this study we will, first, to analyze the "refugee crisis" in Europe. To do this, start from the conceptual distinction migrant, refugee and asylee and discuss the two measures from Brussels, they have been proposed to try to set up a common asylum policy in the EU to respond to the flood of refugees who have come to Greek and Italian coasts between 2015 and 2016. the first measure adopted was the distribution policy of refugees in each EU country by -proposal quota has not, worked at the refusal of several countries receiving refugees; the second measure was the Agreement between the European Union (EU) and Turkey on the situation of refugees and migrants trying to reach Europe, signed in March 2016. This Agreement is extremely controversial and legally questionable: return all coming to the Greek islands back to Turkey, regardless of whether they are asylum seekers or economic migrants called, who have no legal right to stay not flee war or be life-threatening in their countries. Once we have discussed these issues, which revolve primarily on the International Law of Human Rights, we will try to expose the view of some philosophers on the question of refugees. To do this, we take two views as representative of the two extreme positions on this issue: As supporters of the refusal to open the borders with two specificities though analyze the proposals and Peter Singer Michel Walzer. Against this, the epistemologies south, de Sousa Santos, provide arguments to defend the opening of borders, which will lay the philosophical, political and legal background against which the politics of a region is based, as the European Union, relative to non-citizens and "other" (immigrants, refugees, asylees).

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2 CONCEPTUAL PRECISIONS ON MIGRANTS, REFUGEES AND ASYLUM SEEKERS

As noted by the International Federation of Red Cross and Red Crescent Societies, displaced populations leave their habitual residence in collective movements, usually due to a sudden disaster - like an earthquake or a flood - a threat or armed conflict, as a mechanism to deal with the situation and intend to return. While migration and displacement are interrelated, they should be distinguished. The situation of displaced populations, either across borders (eg, influx of refugees) or within their countries due to a disaster or armed conflict, generally requires the implementation of relief operations in conjunction with a task group focused on providing durable solutions. Migration, in turn, often requires social assistance, legal protection and support to more individualized future prospects.

The problem of refugees is closely linked to mutations that occur in the international arena. Specifically, in the twentieth century in the twenties were the Russians as a result of the Soviet revolution, in the thirties and forties, those persecuted by the Nazis and fascists; in the forties and fifties, the persecuted as a result of the Second World War; in the sixties, the decolonization process led to numerous refugees; in the eighties and nineties, there were numerous displaced by war, hunger and misery, causing displacement in many parts of the world (wars in Africa, war in Yugoslavia, conflicts in Arab countries). This situation has been exacerbated by disproportionate demographic growth in some countries and the unequal distribution of wealth, which causes increasingly wider gap between some countries and others (MARTÍN ARRIBAS, 2003, p. 26).

Immigrants and refugees are two different realities, but they share a common goal: to start a new life in a better place. However, some fleeing for political reasons and others for economic reasons. The problem is many times differentiate, especially when the country is a place of conflict and economic problems. It is therefore appropriate to clarify the difference between the terms 'refugee' and 'migrant' as they are sometimes used interchangeably, with its different concept. (PRONER; QUEIROZ BARBOZA; GUALANO GODOY, 2015) and is not about mere concepts rhetoric but because the results of the confusion between the category of each other affects the measures taken to respect (the return or expulsion of a refugee may lead to a high probability of death when you get back to the country they fled).

First, the "migrants" are those who choose to move not because of a direct threat of persecution or death, but mainly to improve their lives to find work or education, for family reunification or for other reasons. Unlike refugees who can not return home, migrants continue to receive the protection of their government (EDWARDS, 2015). An "immigrant" is a person who "immigrate", who enters another country to settle in it. Many of these -the immigrants without documentation regulations, can be deported and transported back to their country of origin. The causes of this flight can be many and varied: from poverty to joblessness or search for another future. If they choose to return will continue with the protection of their government. For governments this distinction is important. Countries treat migrants in accordance with their laws and procedures on immigration, while treating refugees applying rules on asylum and protection of refugees, which are defined both in their national legislation and international law. Countries have specific responsibilities to any person requesting asylum in its territory or at its borders.

One of the problematic issues of immigration is that sometimes occurs irregularly. There are people who enter legally with a short-term visa and then extend their stay beyond the

permitted. It can also happen that others enter and reside in a Member State of the EU without authorization, sometimes even against their will. Networks smuggling and trafficking in human beings can easily exploit people without papers. The undeclared labor market also attracts illegal immigration. To protect the most vulnerable and maintain the confidence of citizens in immigration policies must fight illegal immigration in all its forms.

In a European Union of 28 Member States, where most internal borders have been abolished and people can move freely, each country alone can not manage migration. The cooperation of the EU Member States is essential to better manage migration. At the same time, it is essential to get the most out of the external dimension of migration policy and EU mobility and strengthen cooperation with our neighbors and strategic partners.

Second, the term "refugee" describes people fleeing armed conflict or persecution. The refugee is someone who was forced to flee his native country. In this sense, refugees can seek asylum in European countries, a process that could take years and for reasons of race or religion. Until we get this status, these people are asylum seekers. Often, the situation is so dangerous and intolerable that must cross international borders to seek safety in neighboring countries and then become 'refugees' internationally recognized, with access to assistance from States, UNHCR and other organizations. They are recognized as such, precisely because it is too dangerous for them to return home and need asylum elsewhere. For these people, the denial of asylum has potentially deadly consequences.

International law defines and protects refugees. International legal instruments have been several. In response to the atrocities of World War II, the Universal Declaration of Human Rights (1948) it makes a plea to asylum Article 14 by maintaining that "in case of persecution, everyone has the right to seek and enjoy asylum it, in any country", a right that can be invoked against legal action arising from nonpolitical crimes or contrary to the purposes and principles of the United Nations acts. In the same vein the Convention relating to the Status of Refugees, adopted in Geneva on 28 July 1951 and the Protocol Relating to the Status of Refugees, signed in New York on January 31, 1967, are the two reference provisions at the international level regarding the right of asylum. Also the OAU Convention on the Specific Aspects of Refugee Problems in Africa of 1969, or the Cartagena Declaration on Refugees of 1984 are regulated, they remain the cornerstone of modern refugee protection. The legal principles that have permeated encompass innumerable laws and international, regional and national customs. All these provisions have one thing in common: to protect the persecuted, giving it legal instruments that protect him.

The Geneva Convention of 1951 defines who is a refugee and outlines the basic rights that States must guarantee refugees. One of the fundamental principles established in international law is that refugees should not be expelled or returned to situations where their lives and freedom are at risk.

2.1 ARTICLE 1 DEFINITION OF THE TERM "REFUGEE"

For the purposes of this Convention, the term "refugee" shall apply to any person: as a result of events occurring before 1 January 1951 and because 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 seek the

protection of that country; or who, not having a nationality and being, as a result of such events, outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.[2]

Third, by "asylum" can be understood a form of international protection granted to people fleeing their home countries because of a fear of persecution based. Protection is also granted to persons who are at real risk of suffering serious harm if they return to their country of origin. The essential basis of the right of asylum is usually of a political nature and physical survival. Instead, on immigration they are more present the connotations of an economic nature inequalities between countries of origin and receiver.

The principle of non-refoulement - non refoulement - is the basis for the institution of asylum as presented by the Geneva Convention, Article 33, which precludes the expulsion or return of a refugee to the frontiers of territories where his life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinions, except in cases where the refugee poses a risk to national security or a threat to the community in case of crime serious.

According to the Geneva Convention (in its Article 32 and 33.2) in the event that the individual who poses a threat to security or public order meets the requirements to be considered a refugee weighting can be performed that should be the very pronounced threat can justify the return to the country of origin of the refugee. Instead such return is not possible when the subject in question meets the requirements to be covered by subsidiary protection, at least when there is a real risk that the affected person be subjected to torture or inhuman or degrading treatment.

In European states, from the beginning of this third millennium, it had revealed that a large number of economic migrants seeking asylum[3] because it was more advantageous in Europe, which had generated the phenomenon called "abuse of asylum ". This name was coined as a result of that, in practice, many European citizens trying to avoid a complicated bureaucratic process, plus raffled limitations or restrictions imposed by European states essentially economic reasons (MARTIN ARRIBAS, 2003, p. 30).

In short, as noted by Professor Mariño, although the evolution of current international law can go in the direction of recognizing an international subjective right to asylum, the fact is that currently such exercisable right is not recognized against a particular State (MARIÑO MENÉNDEZ , 1996, p. 505-526).

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[2] We must also take into consideration two rules adopted by the Council of the Union: i) COMMON POSITION of 4 March 1996 defined by the Council on the basis of Article K.3 of the Maastricht Treaty on the harmonized application the definition of 'refugee' under Article 1 of the Geneva Convention of 28 July 1951 relating to the Status of Refugees (96/196 / JHA) (CONSEJO DE LA UNIÓN EUROPEA, 1996); ii) Council Resolution of 20 June 1995 on minimum guarantees for asylum procedures (EUROPEAN UNION LAW, 1996).

[03] Directive 2004/83 / EC of the Council of 29 April, establishes minimum rules concerning the requirements for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (EUROPEAN UNION LAW, 2004). This directive is what defines the conditions for refugee status and the status of beneficiary of international protection; Directive 2005/85 / EC of the Council of 1 December on minimum standards for procedures in Member States for granting and withdrawing refugee status (UNIÓN EUROPEA, 2005), and Chapter V of Directive 2003/86 / EC of the Council of 22 September on the right to family reunification on refugees (UNIÓN EUROPEA, 2003).

3 THE ASYLUM POLICY IN THE EUROPEAN UNION

From a technical legal perspective, should not confuse refugees with asylum seekers. Refugee in international law, means any person who seeks refuge or protection against persecution or physical danger, at the embassy or in the territory of a State different to that of which it is subject. Usually it involves a temporary protection immediate danger, leading to distinguish recognition of asylum because it involves the ultimate protection.

In response to the humanitarian tragedy that swooped down over the Mediterranean before the arrival of thousands of people, the Commission adopted in May 2015, a European Agenda for Migration aimed at strengthening the common asylum policy. To this must be added that the Common European Asylum System (SECA) (COMISIÓN EUROPEA, 2014) follows a certain stages of processing and relies on a specific Directives are as follows:

a) The asylum application process is now similar throughout the European Union (EU). Directive 2005/85 / EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status. This revised directive on asylum procedures intended to facilitate the adoption of fairer, faster decisions. Asylum seekers with special needs receive the necessary assistance to provide explanations supporting its claim; the protection of unaccompanied minors will intensify and victims of torture.[4]

b) The fingerprints of each applicant are sent to a database called Eurodac (Eurodac Regulation). The revised Eurodac Regulation[5] will provide security forces access to the database of fingerprints of asylum seekers in strictly limited circumstances and in order to prevent, detect or investigate the most serious crimes such as murder or terrorism. These data are used, along with other criteria, to determine the responsible for processing the asylum application (Dublin Regulation) Asylum seekers benefit from a number

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[4] This Directive must bear in mind the judgment of the Court (Grand Chamber) of 6 May 2008, Case C 133/06, European Parliament v Council of the European Union, which states: "Cancel Articles 29, paragraphs 1 and 2 and 36, paragraph 3 of Directive 2005/85 / EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status." (EUROPEAN UNION LAW, 2008).

[5] Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention. The Eurodac system is regulated by the Regulation establishing a system for comparing the fingerprints of asylum seekers and some categories of illegal immigrants is created. This system will facilitate the implementation of the Dublin II Regulation, which determines which country of the European Union (EU) is responsible for examining an asylum application. The 'Eurodac' allows countries of the European Union (EU) to help identify asylum seekers and persons apprehended in connection with the irregular crossing of the external borders of the Union. By comparing fingerprints, the EU can check whether an asylum seeker or an alien found illegally present within its territory has applied for asylum in another EU country or whether an asylum seeker has irregularly entered the territory of the Union . It consists of a central unit managed by the European Commission of a central database of fingerprint data, and electronic means of transmission between EU countries and the central database. In addition to fingerprints, data transmitted by EU countries include: i) the EU country of origin; ii) the sex of the person; iii) the place and date of the asylum application or interception of the person; iv) the reference number; v) the date of fingerprinting; vi) the date of transmission of data to the central unit. details of any person over 14 years old are taken and sent to the central unit via national access points. Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the member State responsible for examining an application for international protection lodged in one of the member States by a third country national or a stateless person, and requests for comparison set with EURODAC data by security services and Europol Member States for the purposes of law enforcement, and Regulation (EU) No. 1077/2011 amending establishing a European agency is created for the operational management of large scale IT systems in the area of freedom, security and justice (recast) (applicable since 20 July 2015).

of material reception conditions such as accommodation and food country. The revised directive on reception conditions guarantees the existence of material reception conditions (eg lodging) for humanitarian asylum seekers throughout the EU and full respect of fundamental rights of those concerned.[6] It also ensures that detention measures are only applied as a last resort. Directive 2013/33 / EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) (applicable since July 21, 2015) are adopted.

c) With the help of an interpreter, asylum seekers are interviewed by an agent with the EU legal training to determine if they meet the necessary steps to enroll in the category of refugees or receiving subsidiary protection conditions. (Requirements Directive and Asylum Procedures Directive); Here are two possibilities: a) may be granted to interested either refugee status, either subsidiary protection afforded to the party concerned certain rights such as access to a residence permit, the labor market and health care (Requirements Directive; b) no asylum is granted to the applicant 'first instance', but such refusal may be appealed to the courts. Here, in turn, there are two other options: Confirmation by the court of the rejection decision of "first instance", after which the applicant can be returned to their country of origin or transit. Or Revoked by the court of the decision to reject 'in the first instance ". In addition to the 1951 Convention and the 1967 Protocol and the Statute of the Office of the United Nations High Commissioner for Refugees, together with the European regional level, a number of agreements, conventions and other regional instruments concerning refugees , especially in Africa, America and Europe. These regional instruments deal with issues such as the granting of asylum, travel documents and travel facilities, etc. Some also contain a definition of the term "refugee" or persons entitled to invoke asylum.

4 REFUGEES AND ASYLUM SEEKERS IN EUROPE: CURRENT STATE OF AFFAIRS

Europe is experiencing the worst immigration crisis since the end of World War II. In the summer of 2015, the number of immigrants and asylum seekers had exceeded 350,000 people.

Beneficiaries of international protection enjoy a minimum set of rights such as the right to non-refoulement (which means they will not be repatriated to a place where they risk being persecuted), a residence permit and travel in and out their country of residence. These people must also have access to employment, social welfare, health care and education, and to all programs that can facilitate their integration in the country of residence.[7] However, depending on national

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[6] The DESC Committee has expressed concern in cases of those still held in detention centers pending expulsion in overcrowded conditions without access to information and to adequate social, medical or legal assistance. So, regarding Spain, the Committee urges the Spanish State "to give full effect to the new rules to improve living conditions in detention centers for foreigners pending deportation, especially in terms of their access to adequate services health, social, legal and medical "care (EUROPEAN COURT REPORTS, 2008).

[7] The Fund Asylum, Migration and Integration (FAMI) (2014-2020) will contribute to support and enhance the efforts of EU countries to implement the CEAS fully and adequately. Member States should assign to the Fund Asylum, Migration and Integration 20% of the resources available to achieve this goal. One of the main activities that should receive funding is the provision of adequate reception conditions for displaced persons and for applicants and beneficiaries of international protection. The role of the European Asylum Support Office (EASO) will be expanded, especially in regard to cooperation with countries outside the EU.

rules, beneficiaries of subsidiary protection may receive less favorable treatment in certain cases, such as access to social assistance.

There are two distinct types of measures in EU policy in relation to asylum between 2015 and 2016. In a first phase, we proceeded to establish refugee reception fees for each EU country; the second measure, since it has not been feasible in practice, the distribution of quotas, together with the resistance of some countries to receive them, are the signed an agreement with Turkey. We will briefly discuss each of these two phases.

With a system that concentrates 72% of asylum applications in four countries-a third of the total falls in Germany, Brussels has decided to act in two ways. Immediately, he activated the emergency system provided for in the treaties as "a sudden influx" of foreigners from a third country is detected. This mechanism will allow distribution of asylum seekers "with a fair and balanced participation" of all Member States. And permanently, Brussels has introduced a new standard to distribute immigrants "mandatory and automatically" when there is a massive influx of foreigners. The EU Commission has proposed that foreign flows will be distributed "mandatory and automatically" when there is a mass influx. Spain should accommodate 14,931 people, an amount which is the third highest in the EU, behind Germany (31,443 refugees) and France (24,031). Brussels calculation is based on four criteria of distribution: population, GDP, unemployment and previous efforts host country.

Despite his reputation as unsupportive, Germany is the EU country most asylum applications hosted (one million in 2015) (followed by Switzerland) and most aid provides for the integration of refugees. In late 2015, the government of Angela Merkel showed an open and generous attitude towards refugees.[8]

However, these purposes were changed soon. The Dublin Agreement,[9] which establishes the principle that is due to host in the country of entrance, could not implement. Italy and Greece, were overwhelmed by the massive influx of refugees arriving on its shores, and did not have the structure or necessary to record the entry of such a large number of refugees organization. And on the other hand, the refugees were put up immediately, through the Union, highlighting the weakness of EU border policy. The free movement of persons Treaty allowing Schenguen Agreement[10] can not be maintained if the external borders are not controlled. In these external borders

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[8] In addition to providing roof, maintenance, sanitation and clothing, refugees arriving in Germany receive 143 euros a month in cash for living expenses. This situation, which guarantees the Asylum Act, continues for three months, after which they are provided with learning the German language and vocational training to enable them to integrate into the labor market. During this second period and until independent from the German state, they come under protection of another law, known as Hartz IV, and receive monthly between 287 and 359 euros per person depending on the situation of each one, plus 84 euros monthly per child and the cost of accommodation, medicine and other basic necessities, including heating, until they begin to work and fend for themselves. These costs, combined with the extraordinary personnel costs for paperwork, active programs of job search and security costs of the shelters, because they are increasing violent attacks, add an amount to December 10,000 million euros in one year.

[9] Regulation (EU) No. 604/2013, known as the Dublin Regulation III.

[10] The Schengen area and cooperation are based on the Schengen Treaty of 1985. The Schengen area represents a territory where the free movement of persons is guaranteed. States that signed the Treaty have abolished all internal borders and instead have established a single external border. Within this common standards and procedures regarding visas for short stays, asylum requests and border controls apply. At the same time, they have intensified cooperation and coordination between law enforcement and judicial authorities to ensure security within the Schengen area. The Schengen cooperation was integrated into the European Union law by the Treaty of Amsterdam in 1997. However, all countries participating in the Schengen cooperation are not members of the Schengen space either because they did not want to abolish controls at their borders, because they do not yet meet the required conditions for applying the Schengen acquis. The main rules adopted within the Schengen framework include: i) the abolition of controls at internal borders; ii) a set of common rules applicable to persons crossing the external borders of the EU Member States; iii) harmonization

it is where it must have identification systems established to enforce the international regulation of the right of asylum. But the identification points have been set up late and have not come to work.

The voices against the reception of these refugees have been heard: from those who claim that mixed with the refugees will arrive Islamic terrorists and supporters of the Caliphate, to propagate their doctrine and to carry out attacks, to argue that Europe it has yet recovered from the economic crisis, with drastic reduction of social rights that it has granted and with consequent difficulties in accessing the labor market, so it is not able to receive thousands of people who should be give all kinds of coverage (education, health, housing).[11] The images that reproduce the media (families with children walking in inclement winter Macedonia and Hungary, border police preventing them from entering the country) are criticized for trying to move to a demagogic sentimentality.

Unlike those who open their doors to migrants, others begin to build walls to stop their advance. The big winners of the last enlargement of Europe (Poland, Slovakia and Hungary)[12] have been reluctant to quota policy. Also, while initially Austria had opened its border to allow passage to Germany of tens of thousands of refugees during 2015 and criticize the decision of Hungary to build a fence against migrants, the Austrian Government has turned his speech in recent months, partly in an attempt to respond to progress in surveys of the extreme right, which calls for a complete closure of the country. Austria recorded 90,000 asylum applications last year. In April 2016 it has decided drastic measures to stop new flows of migrants and reduce requests for asylum. After setting an annual limit to host applications and reinforced with a fence along its border with Slovenia -the first step in closing the so-called Balkans route, Parliament has voted a tough reform of the asylum law which provides, among other issues, the possibility that the government decreed a

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of the conditions of entry and visas for short stays; iv) improving police cooperation (including rights of cross-border surveillance and hot pursuit); v) the strengthening of judicial cooperation through a faster extradition system and better transfer of enforcement of criminal judgments; vi) the creation of the Schengen Information System (SIS) (EUROPEAN UNION LAW, 2016).

[11] The controversy over which decision regarding immigrants (not so much with regard to refugees) has been one of the points that have encouraged voters in the referendum in England, held on June 23, 2016, to ask England leave the EU. Brexit is the term that has been coined with often allude to a hypothetical exit of the United Kingdom of the European Union. It is an acronym formed by the union of Britain (Great Britain, and by extension the United Kingdom) and exit (exit). British Prime Minister David Cameron announced, in early 2013, holding this consultation if he won the general election of 2015. Cameron did in response to pressure from parliamentarians from his party and members of UKIP (Party Independence from the UK), who argued that the British were unable to pronounce the query from 1975 in which they voted for-67% of sufragios- to stay in the bloc. Throughout these years, it has been increasing the number of Britons who complained that England admitted many immigrants, that the free movement of workers within the EU space caused high number of non-nationals English, and England not he could make their own decisions as a sovereign state, having to rely on the government of Brussels. Eurosceptics and unapologetic anti-Europeans have raised the banner of immigration control and strengthening borders. In general, the pro-European camp speaks of economy and Eurosceptic talk about immigration. A citizen when asked about it, he replied: "There is too much immigration and there is room for everyone [...] Immigrants contribute to this country. But now there are too many Poles, Romanians, Hungarians. I do not think you have to stop immigration, just control it. " The question of the referendum ballot was: "Should the UK remain a member of the European Union or should leave the European Union?". "Referédum on Brexit" (EL PAÍS, 2016). Voters had to choose between staying or leaving. Finally, the British, by 51.9% against 48.1% of the votes, have decided to leave the European Union. This referendum was historic because largely determined the future not only in the UK, also of the European Union and its project, under construction for more than 50 years. The fact that it has won Britain should leave the EU has set a precedent for other countries also want to leave (Scotland has already requested that carry out a referendum on independence). The Labour Party has had, or has failed to respond to the arguments Dar fear of immigration among the working classes, that the referendum has emerged as one of the most important social conflicts in the country. "Referendum stay in the EU UK votes to leave the European Union." (GUIMÓN; PÉREZ, 2016).

[12] Refugees, over 2015 thronged the borders of countries like Hungary, which did not let them move to Germany, as it sealed the border and criminalized the illegal entry of migrants. Hungarian Prime Minister Viktor Orban announced a referendum on refugee quotas because "could redraw the religious and cultural identity of Europe". This means that is used as an argument that the influx of refugees, many of them Muslims, poses a threat to the Christian identity of Europe.

state of "emergency" that allows you to reject potential refugees at the border. In addition, the reform also sets limits on family reunification and converts the persecuted in makeshift refugee for three years, after which the situation will be reviewed in their home countries and not extend or stay in Austria.

To resolve tensions and disagreements that had assumed the policy of quotas of refugees, a second measure by which Europe and Turkey have agreed to a radical change in managing the refugee crisis, given the enormous difficulties for distribution was carried out through dues.

With effect from the day March 20, 2016, all migrants illegally entering Greece from Turkey across the Aegean will be returned to this country. For every Syrian who returned to Turkey the EU undertakes to accept another and reposition in its territory, but up to a limit of 72,000, based on the current European commitment of settlement and outplacement. States that each case be treated separately and all asylum seekers may appeal decisions. 40,000 currently trapped in Greece will not be returned and will be entitled to be relocated in the EU, but it seems that under the quota of 72,000. In exchange for accepting back migrants and seal the route Aegean Turkey receives a series of concessions: open a new chapter in the accession negotiations to the EU, a commitment to pay six billion euros and an offer visa exemption for their citizens to travel to Europe from June. With the agreement is intended to discourage the crossing of the Aegean, hinder the work of the traffickers and reward those who apply for entry in an orderly manner.

International law, the Geneva Convention stipulates that whoever reaches a territory may seek asylum, and can not be expelled or deported until his case was resolved. But the European Directive, under Article 33, allows a country to reject a request for asylum if the person comes from a safe country. And this is what has been used in the EU since as Turkey is a "safe country" and there is no war, could technically be returned taking advantage of bilateral agreements between countries, including Greece and Turkey.[13] In addition, to discourage travel to Greece, the gateway to Europe from Syria, has agreed to be deported and will at the end of the list to be relocated,

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[13] Legally this agreement poses several problems. To understand should be applicable from the basic rules which summarized as follows: 1) art. 4 of the Fourth Protocol of the European Convention on Human Rights, which literally says "Collective expulsion of aliens is prohibited." This is because collective expulsions prevent appreciate the personal circumstances of foreigners, especially in relation to their possible right to asylum depriving them of any recourse to the effect, which puts them in danger of death or torture if returned to their country or other third party. They are also deprived of recourse against any infringements of their rights that may have occurred in the process of this expulsion. In this sense ECtHR case law is very clear, as shown in the Sharifi and Others v cases. Italy and Greece (2014) or Hirsi Jamaa and Others v. Italy (2012); 2) art. 33.1 of the Geneva Convention of 1951 relating to the Status of Refugees, which states that "No Contracting State shall expel or return in any manner whatsoever to a refugee at the frontiers of territories where his life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion "; 3) art. Dublin III Regulation 3.3 states that "Tout État membre le droit d'envoyer keep one demandeur vers un pays tiers sûr, sous réserve des règles et garanties fixées dans la directive [2013/32]"; 4) art. 38 of Directive 2013/32, on the concept of safe country, which states that: "1. Member States may only apply the concept of safe third country if the competent authorities are satisfied that the applicant for international protection receive the third country be treated in accordance with the following principles: a) life and liberty are not threatened by account of race, religion, nationality, membership of a particular social group or political opinion; b) there is no risk of serious harm as defined in Directive 2011/95 / EU; c) the principle of non-refoulement in accordance with the Geneva Convention is respected; d) the prohibition of removal is respected in case of violation of the right not to be subjected to torture or to cruel, inhuman or degrading treatment as laid down in international law; e) the possibility exists to request refugee status and, if a refugee, to receive protection under the Geneva Convention." Of these four articles cited, it should be noted that despite the categorical tenor of the first two items, the last two enshrine an exception that can be an easy way to escape their apparent rigor. When a Syrian refugee applies for asylum in Greece individually, alleging political or religious persecution, danger of death or torture, etc., the European authorities do not have to go into the merits whether to apply the art. 38 of Directive 2013/32, that is, if it comes from a country "safe" and will be returned to that "safe" country. A refugee may appeal the decision, but we must take it that the lost.

"There's the essence: those who decide to spend thousands of euros to cross the sea risking their lives also will be 'punished', being relegated to the list which will be relocated directly in States of the Union to claimants (CONSEJO EUROPEO; CONSEJO DE LA UNIÓN EUROPEA, 2016).

The assessment of this Agreement has been varied, from those who consider it an important step to overcome the crisis of refugees to those who negatively qualify as "almost human trafficking", stressing that the European Union concludes its attack against refugees through an agreement of mass expulsion to Turkey (INICIATIVA DEBATE, 2016). To critics, this agreement is the largest antirrefugiados agreement recent decades (ACNUR, 2016), an agreement that not only violates the "European values" and the Charter of Fundamental Rights but also the European Convention on Human Rights, the Universal Declaration of Human Rights, the Geneva Convention on Refugees and the Convention on the Rights of the Child. The agreement is part of a "Fortress Europe".[14]

5 WHERE HAVE BEEN THE FOUNDING VALUES OF THE EUROPEAN UNION?

The legislation applicable to asylum, border management and immigration under the law of the European Union (EU) and the European Convention on Human Rights (ECHR) is complex. To get an idea, it is sufficient to consider that the EU law provides twenty different categories of nationals of third countries, each of which has different rights which vary from the bonds of union with the Member States of the EU, or derived from their need for special protection. In some cases, such as asylum seekers, the EU law contains a comprehensive set of rules.[15]

Article 2 of the Maastricht Treaty states that:

> The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men.[16]

Therefore, the EU part of that respect for human rights is one of the values on which it is based. However, on the issue we are discussing, neither the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights of the European Union provide a definition of the term "asylum" and "refugee".[17] Both instruments refer specifically to the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967. The EU policy on asylum aims to harmonize asylum procedures in Member States by establishing a common asylum system, with a view to offering appropriate status to any national of a third country requiring international protection and ensure respect for the principle of non-refoulement.

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[14] In recent Olympics they have just been held during the month of August 2016, in Rio de Janeiro, the delegation ten refugees athletes, consisting of two Syrian swimmers, two Congolese judokas, a distance runner from Ethiopia and five riders Sudan south, it was the subject of a standing ovation. Notably, the story is behind each of them (GARCÍA, 2016).
[15] Manual of European law on asylum, immigration borders. Agency for Fundamental Rights of the European Union, 2014 (AGENCIA DE LOS DERECHOS FUNDAMENTALES DE LA UNIÓN EUROPEA, 2014).
[16] Maastricht Treaty. Consolidated version (UNIÓN EUROPEA, 2010).
[17] The legal basis can be found in: i) Article 67, paragraph 2 and Article 78 of the Treaty on the Functioning of the European Union; ii) Article 18 of the Charter of Fundamental Rights of the European Unión.

So far, our asylum policy a defective and incomplete conformed everything. The striking differences in the results of asylum applications in the whole EU, the material conditions in which applicants and procedural rights granted to them is welcomed, affected the credibility and effectiveness of our asylum system. This is unfair to both asylum seekers and the countries that host them, and is one of the main reasons why a small number of our Member States receive a total of applicants disproportionately large share: 70 percent of the applications are made in only five Member States, including some of the greats, such as France, Germany and the UK, but also the smaller, like Belgium and Sweden (MALMSTRÖM, 2016).

The Treaty of Lisbon, 2007, has brought some innovations (UNIÓN EUROPEA 2007), since the measures becomes common policy on asylum. Its goal is not only the establishment of minimum standards, but also the creation of a common system that includes laws and uniform procedures. This system must include the following elements: i) a uniform asylum status; ii) a uniform status of subsidiary protection; iii) a common system of temporary protection; iv) common procedures for granting and withdrawing of uniform asylum or subsidiary protection status; v) criteria and mechanisms for determining the Member State responsible for examining an application; vi) rules on reception conditions; vii) partnership and cooperation with third countries.

The refugee crisis has been felt its effects on the EU. The founding values of the EU, which relied on the defense of human rights, such as solidarity, dignity and freedom, have already been put into question. The massive influx of refugees to some Member States has revealed the fragility of their welfare societies that had already been hit by the economic crisis and the austerity policies imposed by the Government of Brussels. More and more voices are raised calling for a revision of the Dublin Convention and the Schengen Treaty. However, it is noted that these updates should not be at the expense of the obligations that European countries have in international refugee protection regime nor the free movement of European citizens (ONGHENA, 2015, p. 5-7).

This situation must be added two other areas where the crisis has conditioned the external action of the EU: EU foreign policy and Turkey's role, drawing on the European weakness, it has been presented as a new partner. The refugees have gone from being a burden to be a diplomatic instrument to realize the wishes expressed by Turkey for some time regarding EU membership.

The European response to those who enter Europe-immigrants-refugees and has been let countries with external borders to build fences or use other means. Thus, in the Spanish case, it has reinforced the fence of Melilla, Spanish enclave in northern Morocco (FIBLA, 2016, p. 35)[18] and have carried out so-called "hot returns" – immediate expulsion of the migrants trying to cross time and without applying the protections of the Danish Aliens legislation.

Increasingly initiatives border closures and restrictive immigration policies, accompanied by a strong right-wing populism arise. Austerity policies have fueled anti-European populist speeches. To this we must add "social alarm of Islamist terrorism, which seeks to link the Muslim identity with excessive immigration because precisely the opening of borders." (ONGHENA, 20015, p. 8). Fear of foreigners, fearing an alleged loss of European identity, the rise of populist extremist parties just translating into a xenophobic and racist Europe.

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[18] Between 2007 and 2013, Europe spent 4,000 million euros in immigration and refuge, of which only 17% was used in response to asylum. In the case of Spain, there is a clear contrast between the budget spent on protecting borders rather than people: 290.000 million for borders and 9,000 million euros for the care of people refugees. Installation and maintenance of fences in Ceuta and Melilla has been a good part of that budget.

6 THE JUSPHILOSOPHICAL BACKGROUND OF THE REFUGEE CRISIS IN THE EUROPEAN UNION

The placement of refugees through asylum is not an easy matter to elucidate. Not enough to differentiate between two options, supporters accept everyone, not violate human dignity or violate the human rights treaties and supporters of closing the borders and deny entry abroad, applying the right of return. The first possibility, in practice, is not feasible since no financial means and organizational structures (education, health) that can respond to these massive demands. But one can not adopt a purely negative response because, besides that asylum seekers have a human rights recognized by various texts and treaties, the European Union has as one of its foundations recognition and guarantee of human rights, which tantamount to denying its own principles. Getting to an intermediate step between the two possibilities of wider acceptance or rejection is generalized so difficult. There have been few moral philosophers who have dealt with the issue of refugees. Just think of the work of Rawls, A Theory of Justice, where justice is exclusively within a society, without thinking of "those outside". Some philosophers have expressed regarding the influx of refugees and to the great question of how to resolve this humanitarian crisis.

Peter Singer, Australian philosopher says that we can not blame people for wanting to leave a place of conflict. In your situation, we would do the same, "muses convinced that" there must be a better way to respond to their needs. "Singer, who has dedicated to migrants and refugees nine, chapter" Insiders and outsiders "from his *Ethics practice*, he criticized those who advocate a world with open borders and maintains the thesis that some arguments" ignore the tendency to xenophobia humans, evidenced with all the clarity with the rise of far-right parties in Europe." (SINGER, 1995, p. 312-314).

Singer stresses that "it is interesting that the principle of asylum is widely supported, whereas the obligation to accept refugees is not" (SINGER, 1995, p. 317). According to Singer, "the current number of refugees received can dramatically increase before any of the consequences occur" negative who also studies in his book. "However, the status quo is the result of a system of national self-interest and political expediency, and not a studied attempt to establish the moral obligations of developed countries in the world with 15 million refugees." (SINGER, 1995 p. 327). The philosopher urges the rich to create refugee camps in less prosperous states to absorb the volume of asylum seekers that nobody wants to host countries. It is a short-term solution, he says, would disappear traffickers and deaths in transit. "It may not be the best solution, but it is the most pragmatic. And it looks much better than the chaos and tragedy that refugees are facing now."

Also, the American philosopher Michael Walzer, begins its work *The areas of justice*, 1993, with a chapter entitled "Membership and distribution," which defends the right of every country to close its borders to potential immigrants, because if not so there can not be differentiated communities. Though not to accept any general obligation on the part of rich countries to take in refugees, it does support the principle of asylum. It affirms that States are morally obliged to open the doors of his country, at least to certain groups that have a certain ethnic or national affinity at least. Concerning refugees, Walzer supports the principle of asylum that "any refugee that manages to reach the shores of another country can claim asylum and can not be deported to a country where they may face persecution on account of race, religion, nationality or political ideas." Possibly, the different solution given to each of these two situations can be depending on the "proximity principle": the strongest support for asylum can be found in the difference between an

act (deport a refugee who has arrived) and omission (not provide for a refugee site is in a remote camp). It may also depend on the number: is very low the number of those who actually manage to arrive and apply for asylum than refugees seeking asylum know (WALZER 1993).

Singer warns that the moderately liberal governments, willing to pay attention to some humanitarian feelings, act in a similar way to that described Walzer and that "the admission of those in need is an act ex gratia." (SINGER, 2002, p. 314). It seems that the final decision is made to rest on the right of the community to determine who may belong to it. However, a consequentialist argue that immigration policy should be based on the interests of those affected and the most pressing, that would take precedence over less fundamental, would be refugees. The next most affected group would be the residents of the host country. They will be affected depending on the economic level of the recipient country, some residents will be most affected because they have to compete with refugees for a job, or live in a neighborhood where there will be no or a high number of refugees, etc. (SINGER, 1995, p. 324).

Meanwhile, Noam Chomsky complains that some countries have just limited to close its borders. He affirms that the EU governance is efficient to impose severe austerity measures to devastate the poorest countries and benefit the northern banks. "But it has broken almost completely when attempting to take control of this humanitarian catastrophe," says American philosopher, comparing the agreement between the EU and Turkey with the United States and Mexico. "Europe is trying to induce Turkey to keep away misery its borders, just as the United States does pressuring Mexico."

One-philosophers sociologists who most clearly expressed on the question has been Boaventura Sousa Santos. It tells what happens in the various Souths of the world, geographical locations, but "anti-imperialist epistemic" places inhabited by the refugees and migrants, those that do not consider "as human as we are," but also the "second European": Greeks, Portuguese and Spaniards, many of whom, however, give back to those fleeing war and poverty. Indifference result of a very deep separation line. "Our abyssal thinking divides us a whole person, their suffering is not the same as ours." (SOUSA SANTOS, 2010, p. 32).

Denunciation of absences created by the hegemonic discourses. That hide what exists, but it is "occurred as absence" colonialism, exclusion, others condemning the "sub-humanity". This mechanism, according to De Sousa, has enabled Europe to create a "romantic myth" that became a place of defense of human rights. A myth that was possible because "Europe after the war had control of people who wanted to work. Now refugees is no longer possible to control, is too many people. Then all the treaties that the EU should fulfill, become wet paper."

The axes of the theory of Boaventura are epistemologies South and sociology of absences. South epistemologies are a project to assess and validate the knowledge born of the struggle of social groups that have systematically suffered injustices, discrimination, exclusion of capitalism, colonialism and patriarchy. Normally our knowledge, valued, for example, by universities, are the victors. Our story, which is told in the schools, is told by the victors. The vanquished never told the story. South epistemologies purporting to show that understanding the world is much broader than Western and Western thought was an abyssal line that divided between metropolitan societies, visible, and colonial, which do not count, invisible. This led to a whole vast field of absences occurred. Refugees are subhuman, have no rights. We do not feel, say, very horrified by what happens to them because, basically, on the other side of the line. They are not as human as we

are. They have more duties than rights. We always become a part of humanity inferior. There is no concept of humanity without inhumanity. Women have been victims of this; Also, workers; and obviously colonized peoples, Gypsies, Jews. The refugees have ended up becoming that kind of category that are forgotten. According to Boaventura, the refugee crisis has come to unmask an EU with still a big "colonial prejudice." (ANDAMIOS JURÍDICOS, 2014).

With regard to the EU-Turkey Agreement, it states that the refugee crisis is a cruel mirror of what Europe as a colonial power. Europe, when it can not solve their problems, always finds satellites that can help you. It is always the same way to quickly create invisibility. A Turkey for a long time he was told he could not enter the EU because it was Muslim and had Christian values in Europe. Now the time can make the service of creating a vast reservoir of refugees, and to prevent those on the other side of the line crossing the border that divides being (European) shall not be permitted to Turks go to be European, if they keep locked in his country not to be refugees. An abyssal line that excludes them is created.

For many centuries Europe was able to improve the lives of their workers and their wives, but with what? With all the revenues coming from the colonies, the looting of natural resources. At the beginning of the nineteenth century Europe emerged a labor law that protected workers. At the same moment, on the other side of the line, in the colonies, it was criminal law, forced labor. This duality is so abysmal that people do not see it, it seems that our human rights are universal, but they are in effect only here. On the other side of the line, no. So I work for a post-abyssal thinking that seeks to incorporate all. Europe after the war had control of people who wanted to work. Now refugees is no longer possible to control, is too many people. Then all treaties that the EU should play, turning the wet paper. Asylum treaties say that there should never be a collective deportation, and being deported. All this makes you claim to be in favor of open borders for refugees (ANDAMIOS JURÍDICOS, 2014).

Boaventura has shown the kind of wear that seems to characterize the old continent. And it is not remarkable that consists of countries aging population, depleted natural resources, and low self-determination against international financial institutions. Boaventura compares what brought Europe in the past, offering a series of ordenadoras ideas in the world since the seventeenth century. Europe is represented as a solution to the south of the world was represented as a problem. Europe's proposals to fix those problems South Boaventura – He laments were only sought solutions that ensure the domain that existed on the south and the expansion of global capitalism (ANDAMIOS JURÍDICOS, 2014).

Unlike those earlier times, today the continent seems not only unable to find ideas that solve the problems of the south, but can not find solutions for itself. Earlier in Europe is even dangerous ideas proposed, as some philosophers like Spinoza. Boaventura difference between the epistemology of the global north -in which the European Union and South epistemology be found. This is not a geographical differentiation but of culture, knowledge and imposition. While Europe is a geographical reference, the description of their inability to teach is applicable to the global north. The so-called global north is a reference to some prospect of organizing the world that may be present in the northern countries world, but also in certain elite living in southern countries. It is characterized by a split between subject and object, by the oppositions between nature and human being, civilization and barbarism, mind and matter and collective and individual.

The global north corresponds the existence of a global South. A definition that refers to prospects that have been geopolitically excluded. The proposition that there is an epistemology of the south stands or stresses that have existed throughout history a set of knowledge practices that were born in the struggle of those who have been exploited, discriminated against, violated, segregated from the most multiple ways. South epistemology is justified by the existence of understandings of broader conception Western world. They have always existed and are now emerging. At the injustice of knowledge, epistemology south, Boaventura poses an ecology of knowledge that does not reject the knowledge of the global north but places it in a position of equality nuda.

> [Epistemologies South] are a set of epistemologies, not one, that part of this premise, and a South that is not geographical, but metaphorically: South anti-imperial. Metaphor is the systematic suffering caused by capitalism and colonialism, as well as other forms that have relied on them as, for example, patriarchy. It is also the South that exists in the north, which used to call the third or fourth world inner world: the oppressed, marginalized, Europe and North America. There is also a global North and South; They are the local elites who benefit from global capitalism. Therefore we speak of a South anti-imperial. (SOUSA SANTOS, 2009, p. 16).

Boaventura what tactics or strategies are questions would be appropriate to strengthen South epistemology and how should act so that these different approaches to knowledge of the global north can be claimed without being assimilated. To this end, it highlights three lines: The first is to work on a sociology of absences. The second line of work is the sociology of emergences. The last line of action is intercultural translation. It notes that dignity can be the key that brings together claims.

7 BY WAY OF CONCLUSION

Globalization, natural disasters and famine had left somewhat obsolete the refugee concept articulated by the Geneva Convention, as it no longer emigrates only for fear of political persecution. For years it has been calling for a common EU immigration policy (and now asylum) because the idea of "Fortress Europe" was cracking at the increasingly numerous arrival of immigrants. As it was a problem that affected almost exclusively input countries in Europe, the southern countries (Greece, Italy and Spain), the EU was concerned to establish this common European policy.

With the massive influx of refugees in 2015, European institutions have had to adopt measures in a hasty manner, controversial and in no way guarantees the success nor is guarantor with respect to refugee status. The historic decision taken by the United Kingdom, after passing through referendum held on June 23, 2016 departure of the European Union, makes awareness that the European Union is not an irreversible process is taken. The issue of immigration, which has greatly influenced the decision of the British to limit the movement of people and regain control of its borders, reveals the suspicion that there regarding flows of immigrants from own EU and, especially, non-EU. It is still early to make judgments but not augur errant common EU policy on asylum has been adopted to resolve as complex as currently presented for now, and EU-27 situation.

The EU has failed in its immigration policy, leaving it for years in the hands of the mafias. Therefore, it is a structural problem that remains seriously addressed. The EU-Turkey Agreement

has shown its weakness when just writing these pages, during the failed coup in Turkey, on the night of July 16, 2016. This has led to wonder how you can rely on proper management of refugees as fragile as the Turkish government.

All this shows that the free movement of people is a pipe dream. There is no such right to freedom of movement. Moreover, the movement of people is mainly a political decision. The when, the how and why it all depends on the regulations established by a particular government (and its ideology). The refugee can not rely on a right to be received by a recipient country does not meet the conditions and requirements that the state regulations set shift. Neither the international rules apply if a State closed its borders to the influx of refugees.

As rightly pointed Boaventura, now the ideas produced by harmless -within academic institutions are Universitys are no longer dangerous. It stresses that, in fact, dangerous ideas have never come from the universities. Europe not only goes through an economic and political crisis, but a deeper crisis. "The problem is strengthened if one takes into account not only the continent that has nothing to teach, but has an inability to learn from its colonial prejudice against the south." (ANDAMIOS JURÍDICOS, 2014). Universities humanist who once were compendia of knowledge, with academics who are ahead of their time with groundbreaking ideas, even risking their lives to defend their knowledge, it is a kind of consensual silence on the issue of refugees. Few academic voices have been raised to provide a reasoned opinion to-be for or against. Admittedly it is not easy analysis of the situation of the displaced. Not just a simpleton humanism or a mere abstract recourse to the theory of human rights. On the one hand, this situation has led to a rising tide of racism and xenophobia, to a transfer of votes to the extreme right, who defend the idea of "Fortress Europe". On the other hand, are populist political parties and NGOs and organizations that denounced the lack of solidarity that involves deny asylum to refugees. Sousa argues that "if we assume our historic responsibility, [Europe] should open its borders."

We can not share the proposal of Boaventura because, on the one hand, you can not ignore the tendency to xenophobia human beings, what has been revealed as clearly with the rise of far-right parties in Europe. Moreover, the problem is not solved by opening the borders, which would be a "factor" and would exacerbate the problem. Perhaps Singer's proposal, although it may seem hard, prove the most pragmatic short term. The philosopher urges the rich to create refugee camps in less prosperous states to absorb the volume of asylum seekers that nobody wants to host countries. It is a short-term solution, he says, would disappear traffickers and deaths in transit. "It may not be the best solution, but it is the most pragmatic. And it looks much better than the chaos and tragedy that refugees are facing now." Even this solution would be complex to articulate because the operation of refugee camps, even in some European countries, is proving difficult, giving rise to numerous complaints from refugees regarding the conditions in which they find themselves.

On the other hand, plenty of politics can not be separated from some of the causes of this situation: "We need to make the West to take responsibility for the areas of disaster that they helped create, such as Libya and Iraq. We must pressure our governments to do more to resolve situations that force humans to escape."

Stefano Rodotà says that "today the battlefield is citizenship. Who does include who exclude? How Based on what criteria?" This serves to highlight the need for a legal and policy advances and setbacks of migration policies and asylum review, from a critical and constructive

reflection on the need to articulate coherent policies and policy strategies with unifying principles of the State of law and the international system of protection of human rights. The international human rights system fails to give the answer you would expect in order to a real and effective recognition of human rights, which has been one of the keys on which is built the EU, as shown in the agreement with Turkey, which, having just overcome the failed coup of July 2016, is carrying out a purge of officials and attempts to rescue the death penalty, practices that are quite contradictory to the defense of human rights which it has characterized the EU. In fact, consideration of Turkey as a "safe country" to be responsible for the reception of refugees, it is increasingly questionable.

False empathy with the refugees must be overcome. We hope that the proposals and ideas of the great legal philosophers that we now have in Europe -Gianni Vattimo, Luiggi Ferrajoli, Stefano Rodotà in the context Italian, Pérez Luño. Prieto Sanchís, De Lucas, in the context Spanish- and many others who, in the field of the European Union they have been great champions of the defense and guarantee of human rights continue piquing both European citizens and primarily the EU politicians on refugee policy in order to be able to recognize the dignity inherent in them and prevent violation of rights of which easily can be.

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