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REPORT*

“Legal Challenges of the Refugee and Migration Flows in the BSEC Region”

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I. INTRODUCTION

1. The legal challenges associated with refugee and migration flows are multifaceted and have become increasingly topical in international discussions. The Black Sea region has experienced significant migration and refugee flows, particularly due to geopolitical tensions, conflicts, and economic challenges. Ongoing conflicts, such as the war in Ukraine, have led to large numbers of displaced persons, increasing smuggling activities, and sometimes violence against migrants and refugees. The Black Sea countries frequently face challenges in managing their borders effectively, leading to increased illegal crossings and spontaneous migration flows. The region is also a transit point for human trafficking. Sudden and unexpected influxes of refugees and migrants severely test host countries, placing enormous strain on public services. Uncertainty of migration processes creates social tensions, unrest and violence. However, if managed effectively, the arrival of migrants and refugees can stimulate economic activities and economic growth. Addressing all these issues requires cooperation among the countries, civil society and international organizations, as well as elaboration of necessary legislation, to develop comprehensive policies that ensure the rights and well-being of migrants and refugees while also considering the concerns of host countries.

2. Given this topical concern the PABSEC Committee for Legal Affairs and International Cooperation decided to focus on the topic “Legal Challenges of the Refugee and Migration Flows in the BSEC Region” at its 64th Meeting, organized in Greece, on 29 October 2024.

3. The Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC) has already stated its concern over the refugee and migration flow problems in its previous Reports and Recommendations on “Social Impact of Refugee Crisis in the BSEC Member States” (187/2022), on “Problems of Refugees, Displaced Persons and Irregular Migrants in the BSEC Member States – Social Aspects” (151/2016), on “Problems of Refugees, Displaced Persons and Irregular Migrants in the BSEC Member States – Political Aspects,” (150/2016), on “Problems of Refugees, Displaced Persons and Irregular Migrants in the BSEC Member States – Economic Aspects,” (149/2016), on “Migration in the BSEC Member States – Legal Aspects” (108/2009) on “Rights and Social Protection of Refugees and Displaced Persons” (21/1997), where the Assembly has emphasized serious legal challenges and consequences.

4. The present Report uses the contributions of the following national delegations: the Republic of Albania, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Bulgaria, the Hellenic Republic, the Republic of Moldova, Romania, the Republic of Serbia, the Republic of Türkiye and Ukraine. At the same time, the reference material was obtained from various online sources and official sites of international organisations.

II. LEGAL CHALLENGES OF THE REFUGEE AND MIGRATION FLOWS IN THE BSEC REGION

5. Migration and refugee flows have caused significant challenges globally in the recent years because increased geopolitical conflicts, economic disparities, food scarcity, and environmental and climate changes force people to search for more appropriate conditions in other countries. A huge number of migrants and displaced people in the world are in need of protection and assistance. According to the United Nations High Commissioner for Refugees (UNHCR), over 110 million people worldwide have been forcibly displaced by the end of 2023, including refugees, asylum-seekers, and internally displaced persons (IDPs). This means that throughout the world in every 75 people there is one refugee. In the Black Sea region in every 35 people there is one refugee.

6. According to UNHCR, more than 35 million people were classified as refugees by 2023, while 4.4 million were asylum seekers. Most refugees originate from conflict-ridden countries. Compared to a decade ago, the total number of refugees globally has tripled. Today, constantly increasing number of refugees come from Afghanistan and Syria, both with 6.4 million each, and together equivalent to one-third of all refugees under UNHCR's mandate. These are followed by Venezuela (6.1 million refugees and other people in need of international protection) and Ukraine (6.0 million refugees). These figures impress on their own but the fact that every story and figure imply people's lives, feelings, and sufferings makes the situation even more dramatic.

7. Every year more states are involved in migration turmoil as countries of origin, transit, or destination. Migration and refugee problems impact nearly every country in various ways. Many states are witnessing significant outflows of people due to factors like economic hardship, political instability, armed conflict, environmental situations, etc. Other countries serve as transit points for migrants and refugees, and this leads to increased pressure on their resources and infrastructure. Countries receiving migrants and refugees face various important social, economic challenges and political consequences.

8. The impact of migration varies widely depending on each nation's specific context, including its geographic location, socio-economic capacity, level of political stability. Intensive movement of people increased the complexity of managing migration flows and addressing the consequences. At the same time, interconnectedness of the world through globalization facilitates new waves of migration both legal and illegal, prompting governments to enact new migration policies. Therefore, in migration management, countries need to address this issue at the national level on its own or in cooperation with other countries through enhancing coordinated international approaches. Moreover, such approaches must be flexible enough to offer solutions to new types of migration, while at the same time ensuring a holistic approach covering the entire spectrum of problems.

9. Migration often raises serious human rights concerns, including the treatment of asylum seekers and undocumented migrants, access to legal protections, and the risk of exploitation and trafficking. To this end, many countries are re-evaluating their immigration policies to balance humanitarian obligations with national interests. In response to the migration and refugee challenges, there is a growing emphasis on developing comprehensive and coordinated migration policies that address both the needs of migrants and the concerns of host countries. It is necessary to take into account that policies that are either overly restrictive or overly relax lead to unintended consequences. To this end, balanced collaborative efforts at the international and regional levels are essential for addressing the complex migration and refugee challenges.

10. The Black Sea region, due to its strategic location between Europe and Asia, has become transit and destination zone for migrants and refugees fleeing conflicts in the Middle East, North Africa, and Central Asia. The Republic of Türkiye has become the world's largest host of refugees from Syria (over 3.6 million). This influx has altered the region's demographic landscape, placing tremendous pressure on the local economies and social services. The migration flows through the Black Sea are not limited to refugees from the Middle East, many migrants and refugees use the Black Sea or Balkan routes to Europe. Also, the military conflict between Russia and Ukraine triggered one of the biggest displacement crises in Europe since World War II, with millions of Ukrainians fleeing to neighboring countries.

11. Such intense mobility of people requires a multidisciplinary approach in the countries in the region. Border security, crime prevention, economic and labour market development, regional economic integration and protection of human rights are important spheres for

cooperation. Balancing the rights of refugees and migrants with the legitimate interests of host states constitutes a significant challenge. At the same time, it is important to ensure coherence of national migration policies and active cooperation among the law-enforcement authorities. The asylum procedures are accomplished to meet the legal rights of a person and to prevent social marginalisation.

12. The BSEC Member States have taken series of necessary measures related to migration and refugee flows through cooperation between central and local public authorities and the non-governmental sector. The governments also create special budgetary funds to cover financial expenses related to accommodation arrangement and the social protection of asylum seekers. Special emphasis is given to the right to work, and to educate. The quick provision of shelter helps in regaining the feeling of security and the protection of the rights of migrants and refugees.

13. The main obstacle for the refugees and migrants is related to their lack of knowledge of their rights and obligations. Therefore, it is important that in every country the legislation guarantees legal aid and information on the procedure of international protection, as well as the right to free legal aid. While not receiving adequate legal assistance, the migrants and refugees often face barriers to accessing education, healthcare, and employment, hindering their ability to integrate into the local communities. Effective integration programs, including language courses, vocational training, and education, would help asylum seekers become self-sufficient and contribute to the local economy, thereby reducing tensions in societies and fostering their successful integration in the host country.

14. A major legal challenge in managing refugee and migration flows is the fragmented nature of international, regional, and national legal frameworks governing asylum systems. Often, the insufficiency of national laws and procedures creates legal uncertainties. It is important to stress that no government is able to prevent dynamics of migration and refugee flows, despite its strong will. Even in the most repressive regimes, borders remain porous and a certain level of immigration of foreign nationals is inevitable. Therefore, governments need to influence migration flows through adopting rather flexible policies aimed at a sustainable solution to prevailing problems and a rapid response to the new developments. Cooperation among states in border security is becoming a prerequisite in the context of internationalization of migration.

15. Managing illegal migration requires close cooperation between the national and international authorities. Migrants, particularly those traveling through irregular channels, are at heightened risk of falling victim to human trafficking and smuggling networks. Many migrants follow dangerous, illegal routes and fall into the smuggler's hands, who in turn use the desperate conditions of migrants and extort money from them. Legal frameworks to combat human trafficking often remain weak due to limited resources and inadequate cross-border cooperation.

16. At present, militarized borders and surveillance technologies are increasingly used for border control that has raised concerns regarding the protection of refugees and the adherence to the non-refoulement principle. This principle is a cornerstone of international refugee law and prohibits the expulsion of refugees to countries where they may face persecution, torture, or other forms of serious harm. Countries often face the dual challenge of managing border security while addressing the humanitarian needs of the refugees. Sometimes governments employ militarized border enforcement to deter irregular migration forcing them back to their countries. Also, the use of surveillance technologies, including drones and surveillance cameras, can make it easier for authorities to monitor and apprehend migrants. Balancing national security with the protection of the rights of refugees and migrants is crucial.

17. The role of the non-governmental organizations (NGOs) is crucial in providing legal protection for the refugees and migrants, addressing the gaps in governmental efforts and ensuring that the rights of refugees are upheld. NGOs provide legal advice, helping refugees navigate the complex asylum processes and secure their rights under international law. Many NGOs are involved in monitoring human rights abuses and advocating for the rights of refugees at local, national, and international levels. By documenting violations and raising awareness, they can pressure governments to adhere to international laws and standards. NGOs often conduct training programs for legal professionals, immigration officials, and local communities to improve their understanding of refugee rights and responsibilities. Many NGOs work closely with international organizations, such as the United Nations High Commissioner for Refugees (UNHCR), to align their efforts with global standards and frameworks. NGOs are vital actors in addressing immediate needs of refugees, advocating for their rights, and ensuring fairness.

18. Increasing flows of refugees and migrants remain a major challenge for the international community. Existing legal frameworks often do not provide sufficient protection for these groups of population. Host countries need to protect refugees and promote tolerance, while countries of origin must address the root causes that lead to mass displacement. Regional cooperation and capacity-building efforts are essential to address the refugee problem. Governments and NGOs should work together to develop effective solutions and mobilize resources to create a coordinated system for managing migration emergencies.

19. International organizations participate in capacity-building initiatives in the field of migration management, contributing to policy harmonization. International organizations also assist in addressing the root causes of migration, promoting durable solutions. International organizations aim to create legal safeguards for refugees and migrants working toward more equitable migration systems.

III. INTERNATIONAL FRAMEWORKS AND EXPERIENCE

The Organization of the Black Sea Economic Cooperation (BSEC)

20. The Organization of the Black Sea Economic Cooperation (BSEC) plays an important role in addressing the problems of refugees and migration in the region. The BSEC, paying special attention to cooperation among Member States in order to manage migratory flows and address the root causes of displacement. Migration issues are considered within the framework of the Working Group on Combating Crime, in Particular in its Organized Forms. The BSEC efforts aimed at strengthening regional cooperation and ensuring a structured response to the complex challenges of migration and refugee protection.

21. The BSEC cooperates with the International Organization for Migration (IOM) in the framework of agreements aimed at addressing migration issues in the Black Sea region. Within the framework of the agreement signed in March 2006, the two organizations agreed to promote the harmonization and coordination of approaches and the protection of victims of trafficking in human beings and illegal migration, the provision of expert recommendations to the BSEC Member States on migration management, combating trafficking in human beings, etc. The agreement also promotes technical cooperation to strengthen border control measures in order to improve the management of illegal migration.

22. The Migration Policy Recommendations for the Black Sea Region, approved by the BSEC Council of Ministers of Foreign Affairs in Tirana in October 2008, are aimed at strengthening the cooperation of the BSEC Member States in the fight against illegal migration. The document calls for strengthening dialogue between governments on migration issues and studying refugee issues in order to develop effective measures.

The United Nations High Commissioner for Human Rights (UNHCR)

23. In its efforts to ensure refugee protection the UNHCR cooperates with governments and regional organizations, as well as international and non-governmental organizations. The agency also plays a critical role in coordinating humanitarian aid, facilitating resettlement programs, and providing technical assistance to countries grappling with large numbers of refugees. In addition, UNHCR works with the states to strengthen asylum systems, ensuring that refugees receive fair and timely access to asylum procedures. The UNHCR Executive Committee Conclusions and Guidelines on International Protection clarify various aspects of the refugee legislation, including protection against gender-based violence, the rights of child refugees, and issues related to statelessness.

24. The 1951 Refugee Convention and its 1967 Protocol are the key legal documents that form the basis of UNHCR's work. These documents define the term "refugee" and outline their rights and the international standards of treatment for their protection. The document outlines the basic minimum standards for the treatment of refugees, including the right to housing, work and education.

25. UNHCR's Global Compact for Safe, Orderly and Regular Migration (adopted in 2018 by the United Nations General Assembly) is the first intergovernmental agreement, prepared under the auspices of the United Nations, to cover all dimensions of international migration. It emphasizes burden-sharing and responsibility between states, particularly in regions that host large numbers of refugees. The treaty also encourages international efforts to manage migration. It outlines 23 objectives, focusing on the protection of migrants' rights, the enhancement of migration governance, and the fight against trafficking and smuggling.

International Organization for Migration (IOM)

26. IOM plays a vital role in managing migration, providing emergency assistance to displaced persons, promoting safe migration practices, and combating human trafficking. Its Migration Crisis Operational Framework (MCOF) is designed to help countries respond to migration crises effectively. IOM works closely with governments to develop migration policies, improve border management systems and ensure the protection of migrants' rights. IOM's regional offices play an important role in providing technical assistance and facilitating cooperation on migration issues.

27. The IOM Institutional Strategy on Migration and Sustainable represents IOM's direct contribution to the Decade of Action to fast-track progress for reaching the Sustainable Development Goals. The strategy ensures coherence in IOM's work and sets out a joint approach to building stronger partnerships within the UN system and beyond.

Council of Europe (CoE)

28. The Council of Europe has been a significant factor in promoting human rights, democracy, and the rule of law, including in the area of migration. One of the primary legal instruments is the European Convention on Human Rights (ECHR), which provides key protections for refugees and migrants, especially in the context of non-refoulement. Under Article 3 of the ECHR, states are prohibited from deporting individuals to countries where they may face torture, inhumane, or degrading treatment. The European Court of Human Rights has been instrumental in interpreting and enforcing these protections.

29. The Parliamentary Assembly of the Council of Europe regularly issues recommendations related to improving the legal and human rights frameworks governing migration. It has called for greater harmonization of national asylum laws across Europe and better support for states on the EU's external borders, which are often overwhelmed by migration flows. The Council of Europe Commissioner for Human Rights also plays an

important role in advocating for the rights of refugees and migrants, monitoring states' compliance with human rights standards. The CoE works closely with both the EU and the UNHCR to ensure that international standards are upheld within its member states.

European Union (EU)

30. The European Union (EU), through its Common European Asylum System (CEAS), has established one of the most comprehensive regional frameworks for asylum and refugee protection. The CEAS is built upon a series of directives and regulations, such as the Dublin Regulation III, the Asylum Procedures Directive, and the Reception Conditions Directive. These instruments aim to ensure that all EU member states apply uniform standards in processing asylum claims and providing protections to refugees.

31. The Pact on Migration and Asylum is a set of new rules managing migration and establishing a common asylum system at EU level, that delivers results while remaining grounded in our European values. It builds on and amends previous reform proposals in the area of migration, offering a comprehensive approach that aims at strengthening and integrating key EU policies on migration, asylum, border management. On 10 April 2024, the European Parliament voted in favour of the new rules on migration, followed by their formal adoption by the Council of the EU, on 14 May 2024, allowing the EU to tackle complex issues related to migration. The goal of the EU is to ensure the security of external borders and human rights in all countries of the Union.

The International Red Cross and Red Crescent Movement

32. The International Red Cross and Red Crescent Movement provides critical assistance to refugees and migrants, including emergency aid, healthcare, and psychosocial support. The organization also plays a significant role in advocating for the protection of refugees' rights under international law. It works with local governments to improve conditions in refugee camps and promote access to legal services, helping to ensure that refugees receive proper protection and are not subjected to arbitrary detention or refoulement. The Red Cross also engages in legal protection and observance of the international humanitarian law and human rights standards.

Situation in the BSEC Member States

33. According to the legislation in force, ***the Republic of Albania*** guarantees the right to asylum of foreign citizens or stateless persons who are outside their country of citizenship or outside their previous habitual residence and do not have the opportunity or desire to seek the protection of that country because of a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion. The asylum procedure includes requests registered by the Border and Migration Police (Article 26 of the Law on Asylum in Albania) by completing the pre-selection and reporting forms to the Asylum and Citizenship Directorate.

34. According to the Article 58 Law No. 10/2021, the applicant is offered free legal aid guaranteed by the state in relation to: a) information about their rights and obligations; b) drawing up appeals for the decisions taken during the request review procedure; c) drafting acts and representation in administrative procedures before the authority responsible for asylum and refugees, as well as before the court for appealing the decisions taken during the review of the request.

35. According to the legislation in force (Article 76 of Law No. 10/2021), the person with refugee status, the person under supplementary protection or the person under temporary protection has the right to file an appeal against the decision of the authority responsible for asylum and refugees to the National Commission for Asylum and Refugees. The provisions

of the Code of Procedures are applied to the examination of the appeal at the National Commission for Asylum and Refugees.

36. The main legislative acts of the national legal framework concerning refugees and migrants in *the Republic of Armenia* are as follows: the Constitution, the Law on Refugees and Asylum of 27.11.2008, the Law on Foreigners of 25.12.2006, and by-laws ensuring the implementation of the mentioned laws, in particular, the Decrees of the Government of the Republic of Armenia. The laws on Refugees and Asylum and on Foreigners are currently being revised aimed at bringing them as much as possible in line with European standards.

37. Asylum procedures have also been established within the framework of border control and management by the Governmental Decree N 1147-N “On establishing the procedure for accepting an asylum request by the border guard troops of the National Security Service of the Republic of Armenia, the Police of the Republic of Armenia or the administration of places of detention and transferring it to the authorized body”, dated 10 November 2016.

38. The main legal challenges faced by refugees and migrants in the Republic of Armenia are related to determining and documenting their legal status, and these issues are fully regulated by the legislative acts mentioned above. The Republic of Armenia joined all regional bilateral and international treaties related to the field of refugees and migrants, including the 1951 Convention on the Status of Refugees, the 1961 Convention on the Reduction of Statelessness, the 1950 Convention on the Protection of Human Rights and Fundamental Freedoms.

39. *The Republic of Azerbaijan*, as a country that has been facing the challenges of migration and refugee for many years, has unique experience and understanding of this complex issue, especially in the context of recent developments and conflicts. At present, Azerbaijan has a number of laws and regulations relating to refugees and migrants. The main document is the Law on Refugees and Forced Migrants, which defines the rights and obligations of these groups of the population. However, despite the existence of a legal framework, the state faces a number of problems: uncertainty of legal status, lack of integration programs, limited resources.

40. Despite the existing problems, Azerbaijan was actively working to improve the situation regarding refugees and migrants. The state implements programs to provide housing for refugees. This includes both temporary accommodation and long-term solutions, such as the construction of new residential complexes. Access to education is an important part of integration. Azerbaijan has established special programmes for children-refugees to ensure their access to quality education, including language courses and vocational training. Government and non-governmental organizations are working to provide social services and psychological support to refugees that helps them to adapt to new environment and cope with the trauma caused by the conflict.

41. Vocational training and employment programmes for refugees are being developed to help them acquire the skills necessary for employment in Azerbaijan. Azerbaijan actively cooperates with the UN and other international organizations, receiving support in the implementation of programs for refugees and migrants. The legal problems of refugees and migration flows in the Black Sea region require a comprehensive and multifaceted approach. Azerbaijan is ready to actively participate in dialogue and cooperation to create a safer and more equitable society for all, regardless of their origin.

42. The legal regime of the state borders of *the Republic of Bulgaria* is regulated by international, European and domestic normative acts. After joining the European Union (EU), the country made a commitment to implement EU acts in the field of asylum and border and migration management. EU law has been introduced in the national legislation

according to the specificity of the legal systems regulating migration and it is presented mainly through the relevant regulations and directives, as well as through the provisions of the EU Charter of Fundamental Rights.

43. National legislation regulating border control includes the Constitution of the Republic of Bulgaria, the Ministry of Interior Act (MIA), Foreigners in the Republic of Bulgaria Act (FRBA), Act on Entering, Residing and Leaving the Republic of Bulgaria by European Union citizens, who are not Bulgarian citizens and their family members, the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act, Asylum and Refugees Act (ARA). The tasks and powers of the competent authorities to counteract and combat illegal migration are contained mainly in the MIA and in the regulations for its implementation.

44. Under a tripartite memorandum of understanding concluded in April 2010 between the Ministry of Interior, the Representation of the UNHCR, and the Bulgarian Helsinki Committee (BHC), called Program for legal aid for refugees and migrants, monitoring is being carried out to ensure the access of individuals seeking international protection to the procedure for granting international protection in the Republic of Bulgaria. In 2021, the Ministry of Interior signed an annex to the Tripartite memorandum of understanding, regulating the cooperation between the parties in monitoring the forced return of third-country nationals staying or residing illegally in the Republic of Bulgaria.

45. The main priorities of *the Hellenic Republic* in the field of migration are: addressing irregular migration and combating smuggling networks, improving the organization and management of legal migration for the benefit of the national economy, and effectively and efficiently utilizing European funds. In addition, an important priority for Greece has been the creation of a fair and efficient abuse resistant asylum system, in line with the country's European and international obligations and human rights principles. Law 4939/2022 “Ratification of the Code of Legislation on the reception, international protection of third country nationals and stateless persons and temporary protection in the event of a mass influx of displaced persons” codifies and regulates all reception and international protection issues.

46. Aiming at the efficient management of asylum, the Ministry of Migration and Asylum initiated legislative amendments and procedural changes to asylum procedures to ensure rapid and reliable processing of asylum applications. The work is conducted to: use new technologies and digitalization of asylum and reception procedures; ensure decongestion of reception facilities on the Aegean islands; improve the accommodation facilities on the mainland to meet the standards of reception conditions; organize cooperation with other EU Member States and partners such as the European Commission, the European Union Agency for Asylum, UNHCR and the International Organization for Migration and close cooperation with other partners for the implementation of projects.

47. The new Migration Code (Law 5038/2023 A’81), entering into force on 31.3.2024, ensures the adjustments necessary for the functioning of the Integrated Information System for Migration. An important element of the new Code is the simplification and streamlining of procedures related to legal migration, as well as digitalization (electronic submission of all residence permits), aiming at faster procedures, transparency and accuracy. Greece acknowledges the importance of promoting safe, orderly and legal migration, through the implementation of a comprehensive legal migration policy, in line also with the EU acquis.

48. The international protection of foreigners in *the Republic of Moldova* is carried out within the limits of the provisions of international norms in the field (Law no. 677 of 23 November 2001, for the accession of the Republic of Moldova to the Convention Relating

to the Status of Refugees, and the Protocol on the Status of Refugees), as well as the national legislation deriving therefrom. The General Inspectorate for Migration of the Ministry of Interior of the Republic of Moldova is implementing the legislative provisions, public policies, exercising powers in the field of foreigners' integration, readmission in accordance with bilateral agreements, asylum, management of records of foreigners who have been granted the right of residence in the Republic of Moldova, as well as other attributions established by the normative acts and international treaties to which the Republic of Moldova is a party.

49. The General Inspectorate for Migration of the Ministry of Interior undertakes all the necessary measures for an efficient management of the processes of admission and regulation of foreigners' residence in the Republic of Moldova, with respect for fundamental human rights and freedoms, consolidation of the asylum system and international protection, coordination of mechanisms related to foreigners' economic, social and cultural integration in the Republic of Moldova, working together with the central and local public administration authorities, civil society and international organizations.

50. Given its geographical proximity, Moldova hosted a large number of displaced persons from Ukraine after the beginning of the war. Some of these people chose to stay in the Republic of Moldova, requesting a form of protection. This fact urged Moldovan authorities to take special measures to properly manage the flow of refugees on the territory of the country and align with the EU Directives on temporary protection. Therefore, from 1 March 2023, the Government of the Republic of Moldova implemented the decision to grant temporary protection to displaced persons from Ukraine, allowing its beneficiaries to obtain protection on the territory of the Republic of Moldova for one year-period.

51. The General Inspectorate for Immigration of **Romania** is organized and acts as a specialized structure of the central public administration, coordinated by the Ministry of Internal Affairs and fulfills its tasks under the law to implement Romanian policies in migration, asylum, and foreigners' integration as well as the relevant legislation in these fields. The Inspectorate is divided, at the central level, into directorates, services, and other functional departments, and at the territorial level, into regional centers for accommodation and procedures for asylum seekers, accommodation centers for foreigners under public custody, and county departments.

52. Law no 122/2006 on asylum in Romania, as subsequently amended and supplemented, establishes the legal regime of foreigners applying for international protection in Romania, the legal regime of foreigners benefiting from international protection in Romania, the procedure for granting, terminating and cancelling international protection in Romania, the procedure for establishing the member state responsible for analyzing the asylum application, as well as the conditions for granting, exclusion and termination of temporary protection.

53. The competent authorities shall ensure access to the asylum procedure to any foreign citizen or stateless person, who is on the territory of Romania or at the border, from the moment of the manifestation of will, expressed in writing or orally, from which it results that he or she requests the protection of the Romanian State. All data and information relating to the asylum application shall be confidential. The obligation to respect confidentiality lies with all authorities, organizations carrying out activities in the field of asylum or third parties involved in the asylum procedure or who accidentally come into possession of such data.

54. The National Legal Framework related to the protection of refugees and migrants in **the Republic of Serbia** is contained in the constitutional provisions and relevant laws concerning both all persons who are under the jurisdiction of Serbia, as well as in

specialised acts that refer exclusively to foreign nationals, namely the Law on Foreigners, the Law on Asylum and Temporary Protection, the Law on Border Control, and the Law on Free Legal Aid. The Law on Migration Management represents a normative framework for the planned and organised monitoring of external and internal migration movements, the creation and implementation of a clear migration policy, as well as other issues of importance for the migration management system.

55. Most of the legal challenges faced by refugees and regular migrants were overcome through adopting the Amendments to the Law on Foreigners and the Law on Employment of Foreigners. One of the challenges faced by persons who have been granted protection is difficulties with opening bank accounts for that category of persons. In addition, there is a danger that the temporary identity card will not be used to exercise the right to health care. At the same time, there is a problem regarding irregular migrants who are in transit, who do not intend to stay in the Republic of Serbia but submit a request for asylum in order to legalise their short stay in the territory of the Republic of Serbia.

56. The Law on Migration Management stipulates that professional and other tasks related to migration management determined by this law and related administrative tasks should be performed by the Commissariat for Refugees and Migration. The Law stipulates that the Commissariat should perform tasks related to the collection, consolidation and analysis of data and indicators for migration management; creation and regular updating of the migration profile of the Republic of Serbia; establishment of cooperation with members of the European Migration Network, in accordance with the law.

57. The main laws and regulations that constitute the legal framework for foreigners in *the Republic of Türkiye* are as follows: Law No. 6458 on Foreigners and International Protection; Regulation on the Implementation of the Law on Foreigners and International Protection; Temporary Protection Regulation; Regulation on Combating Human Trafficking and Protecting the Victims. All applicants' requests are handled without any discrimination in terms of asylum procedures, within the framework of the 1951 Geneva Convention, the 1967 Protocol and the Law on Foreigners and International Protection No. 6458. Refugees falling under either definition are entitled to the same rights of social assistance, health assistance, work, employment and education.

58. Foreigners, originating from European countries or EU member countries, who need international protection are granted “refugee status” and thereby placed under international protection. All international protection procedures for these persons are carried out within the framework of the 1951 Geneva Convention and the Law on Foreigners and International Protection No. 6458. Applications of foreigners of non-European countries who apply for international protection are reviewed considering that the 1951 Geneva Convention is implemented with a geographical limitation. If the applicants meet the criteria in the definition of refugee, the country grants these persons “conditional refugee status” and allows them to reside temporarily in Türkiye.

59. The Republic of Türkiye has developed comprehensive policies and measures to protect its borders and manage irregular migration flows. The country is fulfilling its part extremely quickly and completely within the scope of preventing irregular migration, which has turned into a crisis affecting the whole world. Within the scope of combating irregular migration, effective measures continue to be taken. Pursuant to the measures taken, abandoned places where foreign nationals can stay, areas where they are considered to mostly reside and work, truck parking garages, bus stations, ports and fishing shelters are also being checked.

60. The legal framework related to the legal status of the refugees, foreigners and stateless persons in *Ukraine* consists of the following legislative documents, including: The

Constitution of Ukraine, the Law of Ukraine "On Refugees and Persons in Need of Additional or Temporary Protection", the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons", the Law of Ukraine "On the Unified State Demographic Register and Documents Confirming Ukrainian Citizenship, Identity or Special Status", the Law of Ukraine "On Immigration", the Law of Ukraine "On Citizenship of Ukraine", the Law of Ukraine "On Employment of the Population", the Law of Ukraine "On Border Control", as well as the respective decrees and resolutions, regulating the migration issues

61. Ukraine is also a party to key regional and international treaties that regulate issues related to refugees and migrants. The UN Convention Relating to the Status of Refugees (1951) and its Protocol (1967) are the main international instruments defining the legal status of refugees, the basic rights and obligations of refugees, and the obligations of states to protect them. In addition to the Convention and the Protocol, Ukraine is a party to all major international instruments that regulate refugee rights.

62. The main regional treaties to which Ukraine is a party and which regulate the rights of refugees and migrants are: the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950). It guarantees human rights and fundamental freedoms for everyone, including refugees and migrants. It prohibits the expulsion of persons to countries where they face serious danger. The Agreement between Ukraine and the European Community on the readmission of persons (2007) defines the procedure for returning persons illegally staying in the EU or Ukraine to their country of origin.

IV. CONCLUSIONS

63. The migration flows in the Black Sea region are influenced by a variety of factors, such as military conflicts, political instability, economic disparities, and violation of human rights. The legal challenges arise from gaps and inconsistencies in national laws that regulate treatment of migrants and refugees. Although the international frameworks, such as the 1951 Refugee Convention, provide guidelines for refugee protection, they are often inadequate in addressing modern migration dynamics. The legal gaps, especially concerning groups like climate refugees and economic migrants, lead to inconsistent asylum practices and a lack of comprehensive protection. Fragmented national asylum systems further exacerbate the problem, leaving many migrants vulnerable and without access to basic rights.

64. The inconsistent legal frameworks complicate the efforts to manage migration effectively. Being important transit and destination point for migrants, the Black Sea region requires robust laws to balance national security interests with the refugee rights. Legal gaps, especially in border management, allow traffickers to exploit the desperate state of refugees. Addressing these challenges also imply improvement of refugee integration policies and ensuring their access to education, health care, and employment. Such policies contribute to a more sustainable and humane approach to migration management.

65. Addressing the legal challenges posed by refugee and migrant flows requires a multifaceted approach that balances humanitarian needs, national interests and international obligations. The legal problems of migration flows in the Black Sea region require coordinated international efforts. Reforms of national legislation, increased cooperation on border management and fair burden-sharing are essential for effective migration management while respecting the rights of displaced persons. By addressing these legal challenges, the international community can better react to the growing migration crisis. To this end, coordination among the countries of the Black Sea region and international organizations such as UNHCR is necessary to develop coherent policies that respect human rights and international law.

66. Every year, on 20 June, World Refugee Day is celebrated, drawing attention to the millions of people around the world who have fled their home countries to escape conflict, violence and persecution. Addressing the problems of refugees and migrants is not only about the fate of certain individuals, but also the societies and countries part of which they are. By focusing on the needs and potential of refugees and migrants, societies can promote greater social resilience and cohesion. This implies the establishment of a solid mechanism to strengthen interaction between different population groups with the aim to improve well-being and integration.

67. Addressing the problems of refugees and migrants is not only a humanitarian issue, but is essential for promoting economic growth, ensuring social cohesion and promoting global peace and stability. When migrants and refugees are effectively integrated, societies work together to build a common future and overcome common challenges. A comprehensive approach to solving existing problems in the region is the basis for strengthening its resilience, stability and prosperity.