Addressing the Global Migration Crisis in the Context of the Covid-19 Pandemic

By Nadine Hakizimana | Peer Review

Abstract

The Covid-19 pandemic has aggravated pre-existing vulnerabilities faced by asylum seekers, refugees, and forcibly displaced persons. The topic of international migration has long been at the centre of global attention because of the extreme loss of life while crossing borders and the difficulty of managing large numbers of asylum seekers. International migration is arguably one of the most pressing issues of our time because of its transnational characteristic, which affects all countries across the world. Despite some concerted efforts, the international community has largely failed to provide solidarity and collective action to address the protracted global migration crisis. This article explores how the Covid-19 pandemic and subsequent health and safety measures have complicated an already vulnerable refugee system. The article also considers where some windows of opportunity for progress in the multilateral refugee protection system may lie as the international community designs efforts to build back better in a post-Covid-19 world.

Introduction

The global migration crisis has been intensified by the ongoing global health crisis and now governments are faced with the challenge of finding a balance between protecting their citizens and the humanitarian imperative of protecting asylum seekers and refugees. This article explores some of the vulnerabilities that asylum seekers and refugees face, which have been worsened by the health and safety measures imposed to limit the spread of the virus. It then considers the varied responses from the international community on the compounded crises. Thereafter, the article discusses what 'building back better' after Covid-19 may entail and how the refugee protection system may be better enhanced to address the protracted global migration crisis.

C'est la Galère: No Escape from Harm's Way Due to Covid-19 Restrictions

In the midst of the Covid-19 pandemic, migration routes have reduced considerably due to restrictions on travel in countries across the world. As countries take drastic measures to fight Covid-19, the restrictions have challenged the most foundational principles for refugee protection, like the right to seek asylum and the principle of non-refoulement. These principles recognise that asylum seekers have a right to seek protection at international borders and cannot be sent back to a country where they are facing danger (UN General Assembly, 1951). These and other provisions in the Convention Relating to the Status of Refugees, the Universal Declaration of Human Rights, and the UNHCR Charter are widely accepted international human rights, humanitarian, and customary laws.

Unfortunately, over the years, these internationally accepted principles have started to unravel. Even before the pandemic, as asylum seekers arrived in boats on Mediterranean shores, they have many times not been allowed to disembark, and ports have been closed on them. Since the recent onset of the pandemic, such deviations from international norms persist. In 2020, for instance, roughly 400 Rohingya asylum seekers were denied access at a port in Malaysia (Médecins Sans Frontières, 2020). The boat was left to drift in the Indian sea for a very long time; many died of starvation, and were unable to exercise their right to seek asylum. Some countries have been externalising their legal protection, opting to spend large sums of money to send refugees off to other countries that are often already financially strained and have poor legal and health systems, putting asylum seekers in an even more vulnerable position than they already were. These countries deliberately violate the principle of non-refoulement on deportation and forced returns.

Further exacerbating the situation is the fact that lawyers and legal aids have been obliged to work from home as a health and safety measure against Covid-19. Because of this, refugees and asylum seekers have been unable to access trustworthy legal representation and may now seek help from smugglers and traffickers as their desperation increases. At the end of 2019, UNHCR reported that there were 79.5 million asylum seekers, refugees, internally displaced and stateless persons (UNHCR, 2020). These people are particularly vulnerable, as they face the threat of Covid-19 infection in addition to their struggles to seek refuge. The crowded environments they are forced to be in, whether while fleeing danger or while in detention, undermine their ability to follow health and safety measures like social distancing, curfews, and proper sanitation, putting them at greater risk of contracting and spreading the virus.

The restrictions that countries impose have been justified by governments as emergency measures that will stop once a sustainable solution is found. However, based on past examples of temporary solutions, there is the possibility that some countries may seek to maintain these restrictive measures and that they could be mainstreamed even after the pandemic has ended. For this reason, it is important to closely watch national responses to the pandemic and call for flexibilities where needed in order to ensure the protection of refugees. While Covid-19 has indiscriminately affected both rich and poor in a devastating way, the impacts on those seeking asylum are most concerning and may be long lasting. Below, I identify a number of geopolitical events in past years that can provide some context to the responses to migration seen today and that may persist in the future, depending on the progression of the Covid-19 pandemic.

How Did Migration Become an International Crisis?

A number of key events have been identified as an answer to the question of how migration became an international crisis. These events served as catalysts to the migration crisis that has been compounded by the Covid-19 pandemic today. Firstly, while the influx of migrants into Europe through the Mediterranean had been a challenge to European countries for many years, it is only after the disaster in 2015, where roughly 700 migrants were involved in a tragic accident in the Mediterranean, that European countries started to address the issue with a sense of urgency and seriousness (Kingsley, Bonomolo and Kirchgaessner, 2015). The year 2015 is argued to be the point where migration became a crisis. Secondly, referring to the prediction made by former Libyan leader, Muammar Gaddafi, that the collapse of Libya would create a migration crisis in Europe (Davidson, 2017), the weakening institutions in North African states that have corrupted border patrols between African borders can be identified as a contributor to the crisis. This has made it easy for organised crime groups and terrorists to cross their borders (Zogg, 2018). The Sahel region is also a strategic area as it is a bridge between Sub-Saharan Africa and North Africa. In this region, Libya is said to be the site through which many migrants enter Europe illegally (Bialasiewicz, 2012: 843). Weak state institutions make it easy for people to pass through these countries without proper documentation. The lack of documentation of migrants presents a major threat to global security because it allows those who commit crimes to avoid culpability (Weiner, 2018: 95). More and more people are becoming stateless as they are displaced and are unwanted by the countries they flee to. The Sahel region is a good example of what can go wrong when there are large numbers of uncaptured people. Countries like Mali, Mauritania, Niger, and Chad all have large geographical spaces (Raleigh, 2010: 68–98). In these countries, politics are largely constrained around the capital cities and there is an absence of state institutions in the majority of the Sahel, even though there are small functioning communities. Uncaptured territories often become sites of organised crime and terrorism.

Additionally, the consequences of the 2011 Arab Spring Uprisings in North Africa also contributed to the extreme influx of migrants into Europe, which is now regarded as an international crisis (Joffe, 2011:

507). Food riots in heavily populated urban societies were an important element and indicator of extreme famine, which resulted in the forced migration of North African populations (Joffe, 2011: 514). The ongoing conflict in the Middle East, most notably in Syria, has also become part of the global migration crisis. The conflict that led to the refugee issue in Syria started with the uprisings against oppressive regimes known as the Arab Spring in 2011 (Joffe, 2011: 514) but has since deteriorated into disaster. The Syrian refugee crisis is important to the international community because it has overflowed into numerous neighbouring countries.

Lastly, the presence of migrants in host countries became viewed as a global crisis after violent events in Europe were characterised as terrorist attacks in Paris, London, Manchester, Brussels, Berlin, Copenhagen, and Stockholm. The event that managed to get largescale global attention was the Charlie Hebdo shootings in January 2015 (Silva, 2018: 838–850). As a result of these terrorist attacks, the discourses around migration shifted towards a focus on extremism that warrants a securitized rather than a humanitarian or developmental approach to migrants. New policy and legislative changes were made to further restrict entry for migrants and to also complicate citizenship requirements, making it more difficult for migrants, whether refugees or economic migrants, to obtain citizenship (Princen, 2018: 535–551). These terrorist attacks also heightened prejudices against Muslim communities (Princen, 2018: 535).

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as an international crisis. Now with the onset of a new crisis, which United Nations Secretary-General Antonio Guterres declared as a global health crisis unlike any other in the 75-year history of the UN (Guterres, 2020), a major cause for concern is that the global migration crisis could become less of a global priority as the world struggles to address the Covid-19 pandemic. The next section will consider how the pandemic has impacted vulnerabilities that asylum seekers, refugees, and forcibly displaced persons already experienced.

New Crisis, Same Old Vulnerabilities

Since the start of the Covid-19 pandemic, relief workers and governments have been confronted with the responsibility of developing procurement strategies to provide items like personal protective equipment, access to sanitation, and basic public health – but none of these essential items needed for refugees, asylum seekers, and forcefully displaced persons are new. As the Covid-19 crisis develops, a lot of pre-existing trends have become reinforced and old vulnerabilities faced by people on the move persist. Border governance is something that has been discussed internationally for quite some time, long before international borders ever closed. The 2018 UN agreement of the Global Compact for Safe, Orderly and Regular Migration, for instance, is premised on facilitating migration but also has the objective of monitoring borders, mobility, and cooperation between states over the movement of people to better manage migration flows (Global Compact for Migration, 2018). Two clearly distinct approaches can be seen in this document – one to open borders and the other to tighten borders, which reflects the different aspirations of member states and their stance on migration. Today, these opposing stances persist and there are big questions about how countries will respond going forward.

The transnational nature of migration, which obliges some form of international cooperation, raises concern about whether the idea of state sovereignty is diminishing (Milliken and Krause, 2002: 753–774). With the fear of people on the move spreading Covid-19 in the present day, this is not the case at all. In fact, during the global pandemic, there has been a general tilt towards a desire to protect the state. Regardless of any organisational agreements, nation states have the ultimate authority over the status of migrants in

their country. Thus, the current global migration crisis in the context of Covid-19 is a good example of how the idea of the nation state as a sovereign governing entity has been reasserted, and this assertion of statehood may render certain categories of people stateless. Under the 1948 Universal Declaration of Human Rights, statelessness is prohibited in Article 15 (United Nations, 1948). It is specified that all people have the right to nationality. Thus far, the enforcement of these laws is weak as they are not binding and there is no entity that has the authority to hold states to account when they fail to offer asylum, refugee, and citizenship status (Edwards, 2005: 330).

Also, the use of detention for asylum seekers during this time has become more and more common and thought of as a temporary condition while administrative processes get sorted out and while solutions to Covid-19 are developed. This idea of refugee situations being temporary is problematic since the average duration refugees spend in refugee camps across the world today is between 10 to 20 years (UNHCR, 2018). For many, this means the majority of their lives will be spent in a protracted situation waiting for their status to be determined. This issue predates the pandemic as large numbers of migrants over several years have ended up in detention centres in different countries across the world. The existence of detention centres for asylum seekers and the increased military presence at borders suggests a shift in the normative, humanitarian United Nations approach to forced migration. This shift is best articulated in a study conducted by Howard Adelman (2001: 7–32) which provides an analysis of the UNHCR and finds that refugees are no longer treated as victims of oppression but rather as threats to one's security. Adelman emphasises that approaches to migration have shifted towards a security dimension. The UNHCR is more involved in procedural operations in refugee camps, like determining who can stay and who should be deported, rather than undertaking humanitarian actions like creating humane environments for asylum seekers to be housed (Adelman, 2001: 7–32). The major shortcoming of the UNHCR is that it does not have the jurisdiction to legally punish those found to be responsible for refugee crises, nor does it have the ability to sufficiently rescue all refugees.

Australia has had an offshore detention policy which sees them paying off neighbouring countries and

islands to house asylum seekers, preventing them from entering Australia (Dickson, 2015: 437–454). One such detention centre is in the South Pacific Island of Nauru and is called the Nauru Regional Processing Centre. Another is found on the Manus Island and is known as the Manus Regional Processing Centre (Dickson, 2015: 437–454). Such detention centres are managed as criminal facilities (Dickson, 2015: 437–454). This criminalised detention of undocumented persons is becoming more and more common despite it being illegal under international law. In Greece and Italy, for example, hotspot detention camps were used to hold asylum seekers, who were then forced to live in sub-standard conditions and under constant watch (Kaniadakis, 2021). Such highly securitised conditions and restrictions that are meant to be temporary for asylum seekers and refugees may become long-lasting given international responses to the pandemic.

There are already examples of how 'temporary' treatment for asylum seekers has become the status quo and threatens to continue post-pandemic. Both the UNHCR and IOM suspended their resettlement programs in 2020 due to the closing of international borders, creating extended delays in the processing of refugee status and leaving many stranded (OECD, 2020). Thereafter, some countries like Hungary and Poland have simply refused to accept asylum seekers and have rather offered to contribute financially towards the upkeep of detention centres and repatriation back to home countries (Human Rights Watch, 2020). The problem with this is that the process of repatriation can be rather complex and take a lot of time and there is a risk that people may end up staying in detention centres for extended periods of time. The willingness of EU countries to assist asylum seekers has not been high for several years and countries like Italy, Greece, and Malta have been in the frontline bearing the brunt of this responsibility to protect. However, these countries may become increasingly reluctant to continue if there is no political will to support this endeavour from other EU countries.

Another concern that predates the pandemic is the issue of gender-based violence (GBV) which has worsened during the pandemic. According to UN Women, there has been a rise in the number of cases of GBV around the world as families face strain when their breadwinner loses their job due to the global economic downturn and imposed lockdowns as a measure to combat the pandemic (Mlambo-Ngcuka, 2020). This issue has been particularly concerning for refugees who are on the move while facing the same challenges. Refugee screening data from the Bangladesh district of Cox's Bazar revealed that one in four Rohingya women and girls were victims of GBV and that 80% of them did not seek help (Cone, 2020). This creates a helpless situation for relief workers who are unaware of the severity of the danger these female refugees are in. Responses to this issue require innovative approaches to encourage victims to speak up.

Ultimately, past and present trends have demonstrated the failure of the international community to address longstanding vulnerabilities. In times of crisis like the ongoing Covid-19 pandemic, the international community is given an opportunity to rethink previous responses and start designing ways to build back better. The following section explores some of these international responses to the global migration crisis in the context of the Covid-19 pandemic.

International Responses to the Global Migration Crisis

International migration, compounded by the ongoing Covid-19 pandemic, is changing the way that countries behave, but states are not responding unilaterally. Some countries have used the pandemic as an opportunity to tighten their borders, while others are attempting to create systems of inclusion for asylum seekers. These responses can be narrowed down to a dichotomy of criminalisation versus assimilation or integration, which each offer different realities. This is the tension that will be discussed below while drawing on several examples of how different states and non-state actors have responded to the global migration crisis before and during the Covid-19 pandemic.

In 1995, following the signing of the Barcelona Process, the European Union's response to migrant influxes was based on principles of inclusion and integration (Attina, 2003: 181). This agreement involved 28 EU member states and 15 non-EU states. This agreement provides European countries with trade links in the Middle East in exchange for entrance into the European market and the possibility to migrate to European countries (Attina, 2003: 181). The Barcelona

Process took effect in 2010 when boats filled with Middle Eastern and North African migrants started to enter European territory in large numbers (Pace, 2012: 4–24).

Subsequently, in 2015, the immediate response to the loss of lives in the Mediterranean Sea was a robust determination by European countries to save lives. This humanitarian sentiment was evident on 23 April 2015, when a special meeting of the European Council was held (Carrera, Blockmans, Gros, and Guild, 2015). Donald Tusk, President of the European Council, was reported to say: 'Saving the lives of innocent people is the number one priority for us. The discussions in the meeting will be about readiness to sacrifice some national interests for the common good' (Aamann, 2015).

Thereafter, attention shifted towards how to manage the people who find themselves on European territory. According to the 1951 Refugee Convention, the responsibility of processing and accepting asylum seekers lies with the country in which the asylum seeker first arrived – known as the concept of 'first safe country' (UNHCR, 1991). However, in the European response to the asylum influx, a joint distribution or burden sharing strategy was forged on a voluntary basis. Refugee camps known as 'hot spots' were set up across the different European countries who accepted the burden of the migrant influx (Carrera et al., 2015). At these hot spots, undocumented migrants would be required to register for asylum and eventual refugee status and, if their claim was deemed unfounded, they would risk being sent back to their country of origin where they may face danger (Carrera et al., 2015: 7).

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Not all countries have taken such a harsh stance on migration. Among the Scandinavian countries, Sweden has been the most open to accepting large numbers of refugees and even offering citizenship by naturalization (Stokes-Dupass, 2017: 40–60). Sweden's open-door policy ultimately affects all Nordic countries. This is because of the Nordic Cross-Border Cooperation which allows citizens from Sweden, Denmark, Norway, Finland, and Iceland to move freely across the region's borders (Nordic Council, 2015: 19). Therefore, once a migrant is granted Swedish citizenship, they are allowed entry into other Nordic countries based on the Nordic regional agreements, despite their decision to abstain from accepting large numbers of refugees. In this way, Sweden acts as a backdoor entry point for migrants and asylum seekers into Scandinavia. For this reason, there has been increased pressure on Sweden to tighten its immigration policy (Stokes-Dupass, 2017: 40–60). There has also been pressure from other Nordic countries and Nordic civil society for Sweden to focus its immigration policy on assimilation, rather than integration, in order to preserve Nordic identity and culture (Stokes-Dupass, 2017: 40). This is a good example of the intolerance of Nordic countries to accept plurality of culture and identity.

In recent times, the Covid-19 pandemic has been used by some countries to justify inaction for asylum seeker protection. While recognising the seriousness of the Covid-19 pandemic, it is irresponsible to neglect the international principle to protect those facing threat to their lives. In late 2020, the EU proposed a migration pact which requires countries who do not wish to accept refugees to contribute financially to the upkeep of reception centres or to take on the responsibility of deporting people whose asylum claims were rejected to their home countries (Dempster and Anita, 2020: 1). This migration pact demonstrates that the EU is reasserting its tough stance on migration and leaving a major gap in the system of multilateralism in which Europe is a dominant region which millions of asylum seekers risk their lives to reach. During the pandemic, Malta returned people to Libyan refugee detention centres – which have been known to have extremely harsh conditions. This kind of approach has undermined the fundamental principles of human rights and the principle of non-refoulement which was mentioned earlier. Greece is another country that started to harden its borders – strengthening

border security patrols and building fences to prevent refugees in Turkey from entering the country. Now, in 2021, Turkey has been under great pressure to support these refugees (McKernan, 2021). While the UN supports the temporary closing of borders by countries to contain the spread of coronavirus and protect their citizens, those measures ought to be non-discriminatory, necessary, proportionate, and reasonable in all instances – which is not the case in Greece.

Conversely, Canada provides some hope as the Minister of Immigration has provided pathways to citizenship for a selected few asylum seekers and refugees, in exchange for their essential work during the pandemic – particularly in health-care facilities (Immigration, Refugees and Citizenship Canada, 2020). Similarly, some countries have made efforts to include refugees in their national programs – granting temporary work permits, resident permits, and fast-tracked access to citizenship. France is an example as the Minister of Agriculture called for incentives to attract seasonal workers and mitigate shortages in their agricultural work force when roughly 2,000 of them – mostly refugees and migrants from Tunisia, Morocco, Poland, and Romania – were forced to remain in their countries as part of national efforts to contain the spread of Covid-19 (ILO, 2020). This approach allows people who are already in the country to be documented in order to gain access to basic needs but also to vaccinations and other health and safety measures necessary to combat the pandemic. It seems as though countries are more inclined to include refugees in their health programs as a way of minimizing the risk of spreading the virus. In this regard, perhaps the pandemic could provide a greater opportunity to make progress on longstanding migration challenges if the imperative to protect refugees is presented to developed countries as an issue of the global commons that affects all people and all countries.

Paving a Way Forward

As countries start to think about post-Covid-19 recovery, there is a need to draw on pertinent lessons from the past but also to design new pathways of international response to mitigate risks, optimise opportunities, and enable societies to build back better as the crisis regresses. The international community must reconcile the role that they can play to steer progress in the right direction. Addressing the global migration crisis in the context of Covid-19 requires a 'whole of society' approach where governments work with different stakeholders from civil society, the private sector, academia, or technical communities to create a safe migration system. To do this, there needs to be a more rigorous effort to address the root causes of migration, rather than responding to the outcomes when people are already in harm's way. This means that humanitarian responses need to go hand-in-hand with social and economic development.

In trying to imagine and prepare for what the international system of refugee protection will look like in the post-Covid-19 period, one can draw inspiration from refugees themselves. Long before the pandemic, refugees have been forced to be self-reliant and resourceful – as a result, there is a large body of knowledge and innovations that can be leveraged by the multilateral system to address the global migration crisis, especially when relief workers have limited mobility to access those in need. Also, as a way of respecting Covid-19 safety measures, legal representatives, humanitarian workers, and GBV counsellors could continue their activities in person while being careful to do so in small groups and maintaining social distance.

There are also some promising prospects of research and innovation, especially in biotechnology with the development of vaccines and the roll-out of vaccination programs in some countries around the world. With this advancement, showing proof of vaccination could become a way to screen migrants in the near future. Currently there are talks in some countries about the possibility of having vaccine passports for international travel: for instance, Denmark in early 2021 reported that they are working on their own vaccine passport for Danish travellers (Murray, 2021). While this could eliminate the excuse that many developed countries have used to tighten borders based on the need to protect citizens from Covid-19, it may also create new challenges if people cannot access vaccinations, especially those on the move. For this reason, there is a need to strongly advocate for a waiver on restrictive intellectual property rights enshrined in the WTO TRIPS agreement in order to ensure inclusivity for new essential scientific developments, particularly during the current health crisis which is compounding

other vulnerabilities faced by asylum seekers and refugees. Developing countries like South Africa and India have taken leadership on this IP waiver issue in collaboration with other developing countries. Going forward, more leaders from developing countries need to be present at negotiation tables where governance issues around intellectual property and access to essential innovations like vaccines are being discussed. If a more robust approach to IP policy had been taken before the pandemic, developing countries would be in a much better position to secure the waiver much faster. As we have seen during the pandemic, time is really of the essence. The sooner the world's populations can get access to vaccines, the sooner we can reach herd immunity and reduce the number of deaths from Covid-19 globally. Since the proposed waiver would only be temporary, developing countries need to take a long-term view and consider how to secure vaccines even after herd immunity has been reached. Government subsidies, patent pools, or increased assistance to enhance production capacity and knowledge commercialization could help to secure access not only to Covid-19 vaccines but also to other life-saving treatment for future infectious disease outbreaks, not only for citizens but also for undocumented asylum seekers and other marginalised people.

Moreover, with the increased reliance on the internet as a result of working and studying at home in the era of Covid-19, digital technology also offers some promising prospects for the future. The innovative use of digital technology has managed to find its way into migration governance as there has been a trend towards a smart-border approach in which contactless and multi-sensory biometric scanners assist in identification and are used to manage migration flows in an orderly way (Jones, 2020). Another example of technology being harnessed for refugee protection can be seen in Syria, where caseworkers are unable to physically reach refugees but are now using text-messaging, video-conferencing, and call centre lines to service refugees (Cone, 2020). Going forward, digital technology and ICTs could offer opportunities to avoid keeping asylum seekers detained for long periods of time. Instead, administrative case processing and interviewing can be done virtually – which would make the process faster and safer too.

Overall, paving a way forward in a sustainable and just

way would require countries to find a balance between protecting citizens from the pandemic while also fulfilling their obligation to protect refugees. What is needed more than ever is international solidarity and political will to share the responsibility to protect those in need. There is a window of opportunity to demonstrate the power of the multilateral system if the international community successfully harnesses collective action to address the ongoing migration and health crises. If done properly, the lessons learnt could also encourage the demand for collective response for future crises.

Conclusion

In conclusion, the Covid-19 pandemic has driven the international community to act fast in their efforts to combat the spread of the virus. Some of these fast responses have led to decisions that deviate from the international principle of non-refoulement and the right to seek asylum. Responses to migration have shifted towards more securitised measures like increasing militarized border patrols, refusals to disembark boats carrying refugees, and deportation back to unsafe countries. We have also seen that in some developed countries, there seems to be a greater willingness to spend money on keeping people outside of their borders. While these decisions in recent times have been justified as exceptional cases to quickly combat an international health emergency, it is important to recognise that harsh short-term solutions can have long-lasting impacts and may persist for many years to come. This was demonstrated by the temporary solutions to house refugees in sub-standard conditions while waiting for administrative processes to determine their status, which end up taking an average of 20 years to be done.

We have highlighted here the need to establish a more inclusive and sustainable approach to addressing the international migration crisis. This will require increased multi-lateral and multi-stakeholder cooperation and the political will to share the responsibility to protect. New and innovative approaches are emerging that could change longstanding vulnerabilities. The increased reliance on technology during the Covid-19 pandemic has offered new opportunities for innovative uses of technology to expedite the administrative processes

of refugee status determination where international relief workers are constrained by limitations on their mobility. If properly managed, the next generation could be able to use advanced technology and other innovative systems to effectively respond to the security threats caused by forced migration.

In a post-Covid-19 world, there are a number of developments we can expect related to the mobility of people. We may anticipate increased monitoring of movement, not only that of asylum seekers but of all people – especially if vaccination passports become mandatory for travel. However, the future of global migration is bleak if widespread attention is not given to advocating for a balance between implementing Covid-19 restrictions and the responsibility to protect asylum seekers, refugees, and displaced persons.

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