

GLOBAL AND REGIONAL ORDER

SPOTLIGHT – MIGRATION AND COVID-19

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The Covid-19 Pandemic has had an unprecedented impact on migration, human mobility, and the lives of migrants around the globe.



Governments respond to it through a mixture of measures, including social distancing, movement restrictions, public health measures, social and economic measures, and lock-downs. Some response measures have both worsened pre-existing vulnerabilities and inequalities and shifted government interactions further towards surveillance activities and the securitisation of migration.



This report has selected nine areas of concern where the pandemic has changed the lives of migrants. As the pandemic continued in 2021, there is a growing urgency to ensure that the inequalities and vulnerabilities are addressed through migrant specific responses to bring about positive change.

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FOREWORD

In December 2019, a year after the historical adoption of the Global Compact for Safe, Orderly and Regular Migration, the Global Coalition on Migration (GCM), the Friedrich Ebert Stiftung (FES) and civil society partners met to discuss the next steps to contribute meaningfully to realising the goals of the compact to positively impact the lives of migrants.

The meeting agreed to amplify the voices from the ground in the form of a report on the global reality of migrants and the role of the implementation of the Global Compact on Migration in their lives. The aim would be to influence key global migration platforms, such as the United Nations Migration Network, the Global Forum on Migration and Development and the International Review Forum on Migration in 2022, as well as reaching policy makers at the national, regional and global level.

The planning of the report was interrupted by the COVID-19 pandemic in early 2020. The new environment dynamics created an urgent need to narrow the focus of the report to the impacts of the pandemic on the lives of migrants. The report now includes articles that focus on key areas: regulari-

zation, pathways, border management, gender, race and xenophobia, climate change and displacement, access to services, decent work and the need for a new social contract post pandemic.

The collection of articles, mainly authored by members of the coalition, gives a global view of how the pandemic affected migrants on the ground. The articles, now responding to the emerging needs of the pandemic, maintain the original intention to inform policy makers and other stakeholders on the inequalities and discriminations faced by migrants. It also provides recommendations for future work for advocacy purposes for the GCM, FES and other stakeholders.

The GCM and FES would like to thank all the contributors to the series for their efforts in bringing the continued plight of migrants to the forefront, their efforts in influencing discussions on migration policy and their unceasing focus on migrant rights-based protection. We would also like to thank the publication team, without whom the publication would not have been finalised.

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INTRODUCTION

MIGRATION BEFORE THE PANDEMIC

In December 2018, the United Nations (UN) General Assembly endorsed the *Global Compact for Safe, Orderly and Regular Migration* (GCM) in a landmark, although non-binding, commitment to strengthen a rights-based multilateral approach to migration governance and policy. Together with the *Global Compact of Refugees* (GCR), the Compact for Migration was both a recognition of and reaction to the steady growth of migration, including migration flows that combine irregular, regular and refugee movements, the prime examples of which include the Mediterranean Routes to Europe and the migration from South America to the United States of America.

Overall, in 2019, the percentage of international migrants as part of the world population continued to increase to 3.5 per cent with 272 million people living outside their countries of nationality,¹ a trend that continued in 2020 to surpass 280 million.² Looking at vulnerable groups, 20.4 million refugees and 4.1 million asylum seekers highlighted the continued role of forced and involuntary movement across the globe.³ There were also a total of 33.4 million new internal displacements globally, 8.5 million of which were the result of conflict and violence, whilst the remaining 24.9 million were caused by disasters.⁴

Despite multilateral initiatives providing an overall sense of optimism for rights-based policies, migration governance in the Global North often struggled to reconcile human rights commitments and economic dependence on migrant labour with domestic pressure to reduce the influx of migrants and refugees.⁵ 2019 saw growing evidence of 'pushbacks' of asylum-seekers and migrants at the European Union's (EU)

land and sea borders.⁶ In spite of criticism, these pushbacks continued throughout 2020, with rights groups documenting close to 10,000 pushbacks in 2020.⁷ In mid-2019, the United States of America faced heavy critique for its use of family separation as a deterrent for migrants and refugees and asylum-seekers.⁸

In early 2020, against this backdrop of complex migration flows and equally multifaceted policy responses, a new strain of coronavirus was identified in the city of Wuhan, in China and within weeks a global outbreak of the virus led to thousands, then millions of cases of COVID-19.

COVID-19 PREVENTION MEASURES AND MIGRATION

Within a short period governments around the world responded through a mixture of measures, including social distancing, movement restrictions, public health measures, social and economic measures, and lockdowns.⁹ To date, almost 24,000 government measures have been tracked across the globe¹⁰ and with almost every country in the world partially or fully closing its borders at some point in 2020. It is clear, that the pandemic has had an unprecedented impact on migration, human mobility, and the lives of migrants around the globe. But it has not only been restrictions on the ability to cross borders that have impacted migrants: many, especially those without regularised status, often live in vulnerable situations, with their existence being conditional on a fragile relationship between their status,

1 IOM, 2020. World Migration Review 2020, p. 22. https://publications.iom.int/system/files/pdf/wmr_2020.pdf

2 UN DESA, 2020. International Migrant Stock. <https://www.un.org/development/desa/pd/content/international-migrant-stock>

3 UNHCR, 2019. Global Report 2019, p. 68. https://reporting.unhcr.org/sites/default/files/gr2019/pdf/GR2019_English_Full_lowres.pdf

4 IDMC, 2020. Global Report on Internal Displacement 2020. <https://www.internal-displacement.org/global-report/grid2020/>

5 See for example an European Parliament Human Rights Sub-Committee In-Depth Analysis on migrant rights identifying significant shortcomings in this area. http://www.epgncms.europarl.europa.eu/cmsdata/upload/8f2a144e-8e9c-4f73-9066-5c6d5a01040c/EU_External_Migration_Policy_and_the_Protection_of_Human_Rights.pdf

6 Council of Europe Committee on Migration, Refugees and Displaced Persons, 2019. Pushback policies and practice in Council of Europe member States

7 InfoMigrants, 2021. 'Unprecedented' rights violations against migrants in Aegean Sea: NGO. <https://www.infomigrants.net/en/post/30229/unprecedented-rights-violations-against-migrants-in-aegean-sea-ngo>

8 Human Rights Watch, 2019. US: Family Separation Harming Children, Families <https://www.hrw.org/news/2019/07/11/us-family-separation-harming-children-families>

9 This typology is based on the ACAPS COVID-19 Government Measures Dataset. <https://www.acaps.org/covid-19-government-measures-dataset>

10 ACAPS, 2021. ACAPS COVID-19 Government Measures Dataset. https://www.acaps.org/sites/acaps/files/resources/files/acaps_covid19_government_measures_dataset_0.xlsx

their interaction with government officials, and their ability to avoid detection. This vulnerability has been exacerbated in 2020 and continuing into 2021, as COVID-19 and response measures have both worsened pre-existing inequalities and shifted government interactions further towards surveillance activities and the securitisation of migration.¹¹ As will be elaborated in the chapters of this report, migrants have faced a greater loss of livelihoods because of the pandemic yet were frequently excluded from government support measures. Their disproportionate presence in essential services workforces exposed them to the virus, yet they often had less access to testing and treatment. Border closures designed to protect populations led to increases in abuse, exploitation and trafficking for those to whom borders were never open to begin with. Often, intersecting inequalities, such as migrant status and gender or race, led to compounded impacts of lockdowns and public health measures.

This report has selected nine articles, each looking at a specific area of concern, where the pandemic has changed the lives of migrants, often for the worse, and often disproportionately. Taken together, the mixture of overviews and case studies provide a comprehensive picture of migration and the migrant experience in the times of COVID-19, with a strong focus on highlighting issues that need to be addressed to ensure that migrant rights are a key consideration in the continued efforts to contain the pandemic, minimise its impact and recover from the measures taken so far.

BEYOND THE PANDEMIC

The COVID-19 pandemic is unlikely to end in 2021 and the social and economic consequences will outlive the health crisis for many years. The unequal economic impact, affecting developing countries more severely at the international scale, and poorer or vulnerable groups at national level, will likely also be repeating itself in the speed and level of economic recovery.

In the longer term, drivers and pressures to relocate will grow, resulting in continued and varied migration along already established routes, with some potential for shifts in the magnitude of flows. Migrants who are already settled in destination countries will face a harder time to secure employment and will likely face greater risks of labour exploitation and competition for low-skilled jobs by nationals who have been affected by the economic downturn.¹²

¹¹ Securitisation of migration is »a specific cognition of nation and ethnicity that, through a prejudicial narrative, informs discourses, policies and practices of both state and non-state actors, contributing to socially constructing migration as a security concern« – Bello, V., 2020. »The spiralling of the securitisation of migration in the EU: from the management of a »crisis« to a governance of human mobility?« in *Journal of Ethnic and Migration Studies*. <https://www.tandfonline.com/doi/epub/10.1080/1369183X.2020.1851464?needAccess=true>

¹² Center for Strategic International Studies, 2020. Can I stay or Can I Go Now? Longer-term Impacts of Covid-19 on Global Migration. <https://www.csis.org/analysis/can-i-stay-or-can-i-go-now-longer-term-impacts-covid-19-global-migration>

These economic impacts will undoubtedly occur within political and social shifts. Their exact nature will depend on more complex and harder to predict factors, yet an increase in national protectionism and social hostility towards migrants is a likely scenario that has already been seen in the pandemic response and vaccine distribution efforts. There are, however, voices that recognise the pandemic as an opportunity to address many of the issues that have faced migrants long before the coronavirus outbreak,¹³ including many of the articles in this report. COVID-19 has heightened the awareness of migration, the value of freedom of movement, the reliance on migrant labour, and the discrimination that migrants face. This recognition, if articulated as a call for recognising migrants' rights, could see COVID-19 being a turning point in how governments and the global community ensure that migrants are, first and foremost, human beings, placing emphases on coordination and cooperation in changing systems and attitudes that are counter to that basic idea.

SPOTLIGHT REPORT – THE RATIONALE

The outbreak of SARS-CoV-2 and the consequent COVID-19 pandemic is much more than a health crisis. With government measures including movement restrictions and the social, political, and economic impacts exacerbating pre-existing inequalities almost immediately and long-lastingly, this report deals with the obvious, but also complex link between COVID-19 and migration.

To capture the varied impact of COVID-19 on migrants and the relevance of human mobility to the pandemic response, this report presents a series of nine articles that include both summary reviews and, often generalisable, case studies on the topic on COVID-19 and migration. Even though the topics vary, all articles are grounded in a rights-based perspective and highlight the rights of migrants in the current pandemic and beyond. This is also reflected in the specific recommendations provided at the end of each article and the more general recommendations of this report.

The aim of the report is to offer evidenced insights and well-informed recommendations to stakeholders, especially decision-makers in the areas of migration policy and response planning on specific issues that affect migrants, sometimes intentionally and other times as a mere corollary of other priorities. The ambition is to strengthen the recognition and respect for migrants' rights, especially during a crisis that disproportionately affects often vulnerable members of this group.

THE STRUCTURE OF THE REPORT

The report is structured in two parts: the first part focuses on the impact of managing the COVID-19 outbreak on mi-

¹³ OECD, 2020. COVID-19: Consequences for International Migration and Development. <https://oecd-development-matters.org/2020/04/02/covid-19-consequences-for-international-migration-and-development/>

grants, including the impact of prevention measures on migration management; the second part narrows its gaze on inequalities that have been exacerbated as a direct result of the prevention and response measures.

Part one opens with an article on the role of migrant workers in health services. Going beyond the reliance of the Global North on migrant labour in its health services, the article examines health labour migration from the angle of both the country of origin and settlement, highlighting how migrant health workers face greater risks of illness and death in destination countries, whilst decades of outmigration of health professionals have left developing countries in a vulnerable position, struggling to effectively care for patients during the pandemic. This is followed by a case study of the border between Libya and Niger, using this seemingly unique setting to make a broader argument about the link between the EU's migration policy and border closures on the African continent. The loss of life, abuse, and detention of migrants seeking to cross the highly militarised closed border during the Covid-19 pandemic are argued to be a glimpse at the logical conclusion of the EU's contextually apathetic policies that focus on curbing migration to the EU by suppressing mobility in the region. The third article, looking at regular pathways, continues the engagement on the impact of COVID-19 on mobility, but focuses on its impact on discussions around the distinction between 'regular' and 'irregular' migrants. The chapter, while cognizant of the exacerbation of hardships by migrants as a result of movement restrictions, looks towards the few promising examples of proactive responses to stranded migrants as opportunity for future discussion on facilitating regularisation. The fourth article looks at the way in which the contagiousness of the coronavirus immediately affected populations in detention, including irregular migrants. Juxtaposing efforts to reduce prison occupancy to prevent the spread of COVID-19 with the impact of border closures and lockdowns on migrants, the article offers a hopeful recognition of countries that took proactive and comprehensive steps to release migrants in detention and provide amnesty to those without regularised status to avoid further detentions.

Part two, looking at inequalities, especially their intersectionality, begins with an examination of race and migration in the times of the COVID-19 pandemic. The article is very deliberate in highlighting racial discrimination in migration policies, including the pervasive abuse and exploitation faced by migrants as they provide labour in essential services in the Global North. This inequality is then shown to have been exacerbated by the pandemic, whilst the reliance on migrant labour opens a small window of opportunity for change. The second article in the second part looks at the impact of COVID-19 on migrant labour, detailing the contrast between essential and expendable migrants in the prevention measures, where migrant labour was overrepresented in those services deemed essential during lockdowns, yet also neglected in protection measures. The third and fourth article look at gender, first broadly in relation to the varied, context-specific impacts the pandemic and its economic impact have had on migrant women, and then

specifically, looking at the case of African migrant women in Spain and their vulnerabilities in light of their inability to return home. The final chapter considers the compounding effects of COVID-19 and climate change on migration and shows how climate adaptation and migration are directly linked to effective pandemic preparedness.

All chapters in the second part of the report include clear linkages to each other – climate change, migrant labour, race and gender are one complex of issues that has been impacted by the COVID-19 pandemic in often reciprocally escalating ways.

HOW TO READ THE REPORT

This publication is a collection of articles, each of which has previously been made available online. As a result, the report can either be read as individual articles that provide self-contained engagements with their respective topics, or as a comprehensive overview of the impact of COVID-19 on migrants, grounded in a rights-based review of evidence. The structure summarised above is intended to highlight to the reader an overall coherence of how the contributions build on each other to provide detailed recommendations and ways forward on ensuring that migrants' rights are included in political, economic, and societal responses to the pandemic.

PART I

MANAGING COVID-19 / MANAGING MIGRANTS

MIGRANT HEALTH WORKERS AT THE FRONTLINE

Implications on Rights-Based Labour Migration Governance and Universal Health Care

Genevieve Gencianos

The COVID-19 pandemic has highlighted the imperative for universal health coverage (UHC) in protecting public health, promoting inclusion, and building the resilience of our communities in the face of a health crisis. For health systems to deliver UHC, they require an adequate, trained, well-equipped and motivated health workforce.¹ Even before the pandemic, the world was already short of health care workers,² and the crisis has only made this problem more acute.

To meet the surge in demand for health care, governments have embarked on various measures to bring in migrant health workers, as well as refugees with a health background³ who are already present in the country. Measures include facilitating renewal of work authorisation, international recruitment, allowing temporary licensure, granting of limited permits and fast-tracking the processing of recognition of foreign qualifications. Many migrant and refugee workers have stepped up to the call by governments. At present, they make up a significant proportion of health workers at the frontlines.

This article will look at the issue of health worker migration as it intersects with the challenges of health labour migration governance and the struggle for universal health care, particularly in light of the current pandemic.

HEALTH WORKERS AT THE FRONTLINES

In the 86 countries surveyed by the World Health Organization (WHO)⁴ as part of the State of the World's Nursing Report, it is estimated that 1 out of every 8, or 3.7 million, nurses are foreign-born or foreign-trained. Breaking this down further, migrants make up 12 per cent of the 1.9 million health workers in the UK, 17 per cent of the 12.4 million health workers in the US,⁵ and 11 per cent⁶ of the total health workforce in the European Union. It is also worth noting that more than 80 per cent of the global health workforce are women.

Since the beginning of the outbreak of COVID-19 in early 2020, health workers at the frontlines are the ones who face the highest risk of exposure to and infection from the virus. The lack of necessary personal protective equipment (PPEs), inadequate facilities and staff shortages have led to high levels of infections and deaths among health workers. Globally, health workers account for 1 out of 6 cases of infections reported to the WHO.⁷ In early September, Amnesty International reported over 7,000 health worker deaths since the start of the pandemic.⁸ Among those who died are migrant health workers, including a high number of those working in elderly care homes. In the USA, almost half of

1 OECD Policy Response to Coronavirus (COVID-19), 2020. Contribution of migrant doctors and nurses to tackling COVID-19 crisis in OECD countries. https://read.oecd-ilibrary.org/view/?ref=132_132856-kmg6jh3kvd&title=Contribution-of-migrant-doctors-and-nurses-to-tackling-COVID-19-crisis-in-OECD-countries.

2 WHO, 2019. Addressing the 18 million health worker shortfall - 35 concrete actions and 6 key messages. <https://www.who.int/hrh/news/2019/addressing-18million-hw-shortfall-6-key-messages/en/>

3 UNHCR, 2020. Refugee health workers step up for coronavirus response in Latin America. <https://www.unhcr.org/news/briefing/2020/4/5ea294b44/refugee-health-workers-step-coronavirus-response-latin-america.html>

4 PAHO, 2020. State of the World's Nursing Report. <https://www.paho.org/en/documents/state-worlds-nursing-report-2020>

5 Helen Dempster, Rebekah Smith, Center for Global Development, 2020. Migrant Health Workers Are on the COVID-19 Frontline. We need more of them. <https://www.cgdev.org/blog/migrant-health-workers-are-covid-19-frontline-we-need-more-them>

6 OECD, 2020. International Migration Outlook 2020. <https://www.oecd.org/migration/international-migration-outlook-1999124x.htm>

7 WHO, 2020. Keep health workers safe to keep patients safe: WHO. <https://www.who.int/hrh/news/2019/addressing-18million-hw-shortfall-6-key-messages/en/>

8 Amnesty International, 2020. Global: Amnesty analysis reveals over 7,000 health workers have died from COVID-19. <https://www.amnesty.org/en/latest/news/2020/09/amnesty-analysis-7000-health-workers-have-died-from-covid19/>

the nurse deaths due to COVID-19 are nurses of colour or those with a migrant background.⁹ A third of the deaths are nurses from the Philippines, a country that is known to deploy thousands of health workers overseas. In the UK, COVID-19 infections in the nursing workforce were highest among the Asian ethnic group. The risk of dying from the virus was reported to be higher in black, Asian and minority ethnic (BAME) communities. Like in the US, a disproportionate number of those who have died are Filipino health and care workers.¹⁰ This tragic and massive loss of health workers' lives and the high number of migrants amongst those lost

THE RIGHT TO HEALTH AND ITS INTERSECTION WITH HEALTH LABOUR MIGRATION

The pandemic has exposed the systemic problems and the fragile state of our health systems. Over the years, as a result of the adoption of neoliberal economic policies in many developed and developing countries, public health services have been constantly underfunded. Years of austerity and contraction of public health budgets have left public services under-resourced and understaffed. The decades of privatisation and marketisation of our health services have led to inefficiencies, corruption, job cuts, overburdening of staff, and the rising cost of health coverage. For many health workers, staying in the health workforce has become unbearable that many have left the profession, and for others, migrating to higher income countries became the only choice.

While facing a shortage of health workers, developing countries are also losing their health workers to migration. Over the last decade, the number of migrant doctors and nurses working in OECD countries has increased by 60 per cent,¹¹ and the rate is even higher for those migrating from developing countries that already have severe health workforce shortages. While high income countries benefit from the international recruitment of trained health workers, poor countries are being deprived of their skilled health workers after having invested their limited resources in their training. Faced with a depleted health workforce and weak public health services, the ability of developing countries to address their population's health needs and to battle pandemics and other disasters is compromised, thereby making the goal of UHC impossible to achieve. This pattern

of poor countries training and then losing their health workers to rich countries could, in some ways, be seen as a perverse albeit unintended subsidization by poor countries of the health systems of rich countries. The consistent underfunding of systems in the Global North has been enabled by increasingly drawing on skilled migrant labour, paying lower salaries, with worse working conditions and less legal recourse. This process adversely affects health systems globally, permitting underfunding and causing understaffing.

PUSHING FOR A RIGHTS-BASED APPROACH TO HEALTH LABOUR MIGRATION

Amid this pandemic, health workers across the world are taking to the streets demanding for their rights and safety at work, including access to personal protective equipment (PPEs) and adequate facilities, for just compensation, for social protection, for their inclusion in decision-making, and funding of public health services. During lockdown, many cities saw their inhabitants applauding health workers from their homes as a sign of recognition. As much as applause makes noise, noise is not enough. What health workers need is the proper recognition of their value in society. They do not want to be called heroes who are expected to risk their lives in the line of duty.¹² They are professionals dedicated to their job of caring for patients and saving lives.

Migrant health and care workers at the frontlines demand the same. Due to their migration status, particularly those on temporary permits, and the need to send remittances back home to support their families,¹³ migrant health and care workers endure long working hours, poor wages, few benefits, and are reluctant to raise their concerns for fear of sanctions¹⁴ that range from discrimination to deportation.¹⁵ Women, who make up the majority of these workers, are doubly vulnerable as they endure precarious working conditions while expected to carry out care responsibilities within family and society. The pandemic has pushed these migrants beyond an already unsustainable point, thus public funding for health systems will have to be cognizant of their vulnerabilities as migrants to avoid the continued exploitation of their status.

⁹ Allana Akhtar, INSIDER, 2020. Union finds that at least 213 registered nurses have died of COVID-19, more than half of them nurses of color. <https://www.businessinsider.com/national-nurses-united-213-nurses-died-from-covid-19-2020-9?r=US&IR=T>

¹⁰ Megan Ford, Nursing Times, 2020. High death rates among Filipino nurses in UK now on global radar. <https://www.nursingtimes.net/NEWS/CORONAVIRUS/HIGH-DEATH-RATES-AMONG-FILIPINO-NURSES-IN-UK-NOW-ON-GLOBAL-RADAR-05-06-2020/>

¹¹ High-Level Commission on Health Employment and Economic Growth Policy Brief – Pre-Publication Version, 2016. International migration of doctors and nurses to OECD countries: recent trends and policy implications. https://www.who.int/hrh/com-heeg/International_migration_online.pdf

¹² PSI, 2020. I am not a hero, I am a nurse. <https://publicservices.international/resources/news/i-am-not-a-herobr-i-am-a-nurse?-id=10866&lang=en>

¹³ Charissa Isidro, The Daily Beast, 2020. Filipino Nurses 'Are Literally Dying to Save Americans'. <https://www.thedailybeast.com/filipino-nurses-are-literally-dying-to-save-americans>

¹⁴ Lisa Eckenwiler, INSIDER, 2020. Health workers born outside of the US are essential in our fight against the coronavirus. Sadly, America is failing them. <https://www.businessinsider.com/migrant-foreign-born-healthcare-workers-america-covid-19-coronavirus-pandemic-2020-11?r=US&IR=T>

¹⁵ Kara Fox, CNN, 2020. They saved lives during the pandemic – now they're facing deportation from Ireland. <https://edition.cnn.com/2020/11/15/europe/ireland-migrant-healthcare-workers-deportation-intl/index.html>

CONCLUSION

The COVID-19 pandemic has highlighted the vital role of public health services in promoting UHC in battling the crisis. It has also shed light on the systemic problems leading to the current fragile state of our health systems, their impacts on the health workforce, including the loss of health workers due to migration, disproportionately affecting developing countries. The situation of migrant health workers at the frontlines needs particular attention. Countries, rich and poor, are facing the pandemic, albeit not on equal footing. Public health systems require an adequate and healthy workforce to provide UHC. Recruitment of migrant workers to meet the surge in demand for health care has been considered as one of the solutions. However, dependence on health labour migration is problematic as it ignores the systemic inequalities that should have been addressed in the first place. A rights-based approach, taking into account issues of human rights, gender dimension, fair economic policies and shared governance responsibilities, is a necessary first step to the governance of health labour migration, therefore balancing the rights of workers, the right to UHC and fair outcomes for both origin and destination countries.

RECOMMENDATIONS

Public Services International (PSI), the global federation of public service trade unions representing almost 10 million health and social care workers organized by its affiliated unions in the health and social care sectors, have been engaged on the issue of health workforce migration for over a decade. PSI works with its unions in organising health workers, including migrant health workers, promoting social dialogue and lobbying for rights-based migration policy at global, regional and national levels. Grounded on its experience, PSI puts forward the following recommendations in addressing the nexus of UHC and health labour migration governance, particularly considering the pandemic crisis.¹⁶

1. **The need for global social responsibility, with funding for the long-term sustainability of health care systems, quality public services and the right to health.** Governments need to ensure increased and sustained funding of public health services to deliver on UHC and build resilience against the pandemic and other crises. This includes ensuring adequate numbers of trained health workers and sustained public investment in staffing and equipment, including the provision of PPEs, planning and health systems restructuring that prioritizes people over profit. Rich countries must strive more to assist developing countries in the pandemic crisis response and recovery efforts, including debt cancellation for the poorest countries. Demand the World

Bank and the International Finance Corporation to stop privatisation and the flawed model of public-private partnerships, and for the International Monetary Fund to end its policy of directing governments to cut public spending and public sector wages that lead to more poverty and driving forced migration. Trade unions, civil society and other right to health advocates should continue to critique the migration-led recruitment strategy being used by high-income countries of destination as a means of solving their health workforce shortages.

2. **A stronger WHO Code to ensure the full implementation and monitoring of the principles on fair and ethical recruitment.** The COVID-19 pandemic has made the case for a strengthened WHO Code on the International Recruitment of Health Personnel. It is imperative that all WHO Member States fully implement the standards set, and regularly report on its implementation. We want to see the WHO Code becoming a binding instrument and for it to develop stronger lateral links to other international policies on equality, public health and the Sustainable Development Goals (SDGs). Binding measures are needed to mandate governments to take action to ensure ethical recruitment and implement legislation to regulate private recruitment agencies, eradicate unethical recruitment practices, and to end the practice of charging health workers recruitment fees. From a trade union perspective, social dialogue and partnerships with workers' organisations are critical to the implementation and monitoring of the Code. Greater awareness and visibility are needed to promote the principles contained in the WHO Code and to encourage stakeholder participation in its implementation and monitoring.
3. **Fundamental labour rights of migrant workers and the full implementation of global governance instruments on migration.** Improvements in ratification and implementation of key ILO and UN instruments on migration and international labour standards will help to strengthen the rights of migrant health workers. Principles contained in these instruments must be integrated into the design of bilateral and multilateral agreements. In line with the recommendations of the UN Migration Network,¹⁷ include migrant health workers and their unions in COVID-19 responses, and ensure that migrant health workers are included in professional indemnity schemes for COVID-19 for health workers, that migrant workers are included in policies and protocols on health worker infection, disability, or death and in return-to-work protocols, and are given adequate support with on-the-job training. We need a deeper look into the reorganization of care work in order to address the multiple discrimination and barriers

¹⁶ The recommendations elaborate on the 5-point-plan outlined in Pillinger and Yeates (2020), *Building Resilience Across Borders: A Policy Brief on Health Worker Migration*, published by Public Services International and Friedrich-Ebert-Stiftung.

¹⁷ United Nations Network on Migration, 2020. Enhancing Access to Services for Migrants in the Context of COVID-19 Preparedness, Prevention, and Response and Beyond. https://migrationnetwork.un.org/sites/default/files/docs/final_network_wg_policy_brief_covid-19_and_access_to_services_1.pdf

faced by women in access to and delivery of care, with an important first step of integrating care into public services and public policy.

4. Bilateral Labour Agreements (BLAs) that promote economic and social development, fair and ethical recruitment and international labour standards.

With the increasing use of bilateral labour agreements in facilitating health worker migration, the WHO Code, along with human rights norms and labour standards, should serve as a pre-requisite in the negotiation and implementation of any bilateral or multilateral labour migration agreement. Training and other reciprocal arrangements should be integrated into the design of BLAs to mitigate the effects of outward migration in the source country, and that initiatives are grounded in social dialogue. A comprehensive database of BLAs should be established within the technical competence of the International Labour Organization and the WHO, and their contents should be transparent to ensure proper monitoring and compliance with international norms and labour standards.

5. Social dialogue in national and global migration governance.

Tri-partite and bi-partite social dialogue should be promoted in all global governance initiatives that impact on migration and the role of public services in meeting human rights needs in the context of migration. Effective social dialogue should be built into all negotiations for and implementation of BLAs and all monitoring of BLAs should measure progress in and outcomes of social dialogue, including collective agreements. Global migration developments relating to the health workforce, such as the global skills partnerships (GSPs), should be agreed and implemented through social dialogue. There should be full engagement of trade unions to ensure the protection of human and labour rights and mutual benefits for both countries of origin and destination. Trade union rights should be guaranteed to all migrant workers regardless of status. In the context of the pandemic, support the call of the labour movement for the classification of COVID-19 as an occupational disease thereby requiring stronger workplace protections and access to compensation and medical care when workers fall ill. Migrant health workers, regardless of migration status, should have the right to remove themselves from unsafe working conditions and must have access to grievance mechanism and redress as well as to labour inspections.

THE BORDERS OF SHAME FOR THE MIGRANT COMMUNITY

A Case Study from Niger and Libya

Mamadou Goita

Africa's relationship with human rights abuses of migrants and refugees while in transit, and in host countries is complex and divided. The continent is the site of human rights violations, such as trafficking, economic and sexual exploitations, xenophobic attacks, and racial and gender discrimination. At the same time, Africa has a strong history of migration, being home to the majority of African international migrants and displaced persons, hosting 25.2m of the world's 70.8m displaced persons.¹ The African Union and its Regional Economic Communities (RECs) have embraced migration at policy level, with policies such as the Abuja Treaty (1991), Migration Policy Framework, the African Common Position on Migration and Development (2006), and the Agenda 2063 ten-year implementation plan strengthening the free movement of people and migration, refugee and human trafficking management.

For longer distance migration flows, Africa is the continent of origin for mixed migration flows to Europe. The European Union, itself having embraced the freedom of movement for citizens from its member states 30 years ago, has increasingly made Africa the playground of its migration policy efforts to reduce arrivals from Africa. These efforts often aim to secure those African borders that Africa's policy efforts seek to open through binding instruments, such as (i) Migration Policy Framework for Africa (2006); (ii) The African Common Position on Migration and Development (2006); (iii) AU Commission Initiative against Trafficking (COMMIT) Campaign (2009); and (iv) the AU Free Movement Protocol (2018).

This tension between external policy pressure and internal policy development in a context of political instability and economic fragility can be illustrated by looking at this article's case-study: the Libya-Niger border. Situated in the Sahara Desert the mixed migration flow trying to cross is

exposed to extraordinary risks, including the risky journey through the desert, indefinite detention in Libya, and exploitation and abuse by smugglers. The border, despite its remote location, is also part of EU-funded projects looking to strengthen border management and security in the Sahel region,² Niger³ and Libya⁴ and the border in particular.

IRREGULAR MIGRATION TRANSITING THROUGH THE SAHARA

After a peak of 181 459 migrants arriving in Italy using the perilous Central Mediterranean Route in 2016, Frontex data suggests the route rapidly decreased to only 13 760 arrivals in 2019.⁵ Despite Covid-19, however, 2020 has seen a rise in arrivals with 28 424, more than doubling the previous year's crossings. The number of migrants intercepted off the Libyan coast is less well documented, but UNHCR reports close to 10 000 migrants who were stopped in 2020 to date.⁶ The route is notoriously dangerous, with risks including making a journey through the Sahara Desert, indefinite detention in Libya, and capsizing at sea. Migration through Niger and into Libya to reach the Mediterranean Sea has been significant enough for European governments to scramble to slow down the movement. Meanwhile, the trans-Saharan migration has grown into a serious humanitarian situation, with people being smuggled across deadly routes, trapped in detention centers, or dying at sea.

¹ Tsion Tadesse Abebe, Solomon Tegegne, Institute for Security Studies, 2019. The Global Refugee Forum: African experience is key. <https://issafrica.org/iss-today/the-global-refugee-forum-african-experience-is-key>

² European Commission, EU Emergency Trust Fund for Africa Sahel & Lake Chad. https://ec.europa.eu/trustfundforafrica/region/sahel-lake-chad_en

³ European Commission, EU Emergency Trust Fund for Africa Niger. https://ec.europa.eu/trustfundforafrica/region/sahel-lake-chad/niger_en

⁴ European Commission, EU Emergency Trust Fund for Africa Libya. https://ec.europa.eu/trustfundforafrica/region/north-africa/libya_en

⁵ European Council, 2021. Infographic – Migration flows: Eastern, Central and Western routes. <https://www.consilium.europa.eu/en/infographics/migration-flows/>

⁶ OCHA Services reliefweb, 2020. UNHCR Update Libya. <https://reliefweb.int/report/libya/unhcr-update-libya-23-october-2020-enar>

The movement of West Africans through Niger and the Sahara to Libya is, however, a recent development. In the 2000s, President Muammar Gaddafi became an important partner of the European Union (EU) in its efforts to curb illegal migration transiting through Libya.⁷ With his departure from power in 2011 and the ensuing chaos in Libya, many migrants saw an opening in their quest to reach Europe, and the number of sub-Saharan Africans transiting grew significantly. This resulted in efforts by the EU, briefly mentioned above, to encourage and support Niger to prevent irregular migration through strengthening border security. These efforts, however, have not had the expected outcomes, and »human smuggling [in Niger] in part of a state-sponsored protection racket, which has proved extremely resilient« in part due to the fact that »human mobility enjoys a high degree of social legitimacy.«⁸

COVID-19 AND THE NIGER-LIBYA BORDER

The year preceding the COVID-19 pandemic had shown how the EU's efforts to reduce mixed migration flows through Niger were based on a false premise: the Niger shared the EU's interest in curbing irregular migration. The focus on Agadez, a smuggling hub in the Sahara Desert, is a prime example of the EU's failure to predicate interventions to reduce migration on a complex understanding and grasp of local dynamics.⁹ These local dynamics, even though built around the smuggling across international borders, is central to the Sahel's political economy and the movement between Niger and southern Libya, that is, crossing the border, seems to be a complex network that, broadly speaking, stabilizes the region.

The COVID-19 pandemic has created a situation that disrupted the resilient smuggling networks. It has provided a glimpse at what might be considered the logical conclusion of the EU's policy trajectory: a heavily patrolled and closed border. During the first months of the COVID-19 pandemic, the government of Niger, as part of a state of emergency, closed its borders, including the border with Libya, and restricted local travel to and from Niamey, the capital.

As a result of the closure, reinforced surveillance and patrols along the border, and blocked roads, migrant flows slowed down and hundreds of people from Gambia, Senegal, Mali determined to transit through Niger to Libya were left stranded.

On the Libyan side, patrols increased, and soldiers became more vigilant to prevent movement of migrants across the closed border. Many checkpoints were established to control migrants coming to Niger border communities like Dirkou and Madama in hopes of entering Libya. Despite these measures, some migrants have managed to continue their movement, but there is growing evidence that West Africans have also shifted movement in recent months, including a new route to the Canary Islands.¹⁰

These migrants that fail in crossing the Sahara to Libya are intercepted by military patrols and jailed or deported back to Niger and then their respective countries. AFP reported in May 2020 that in less than two months, more than 300 migrants have been caught by Niger's army along the border with Libya.¹¹ During the same period, it was reported that around 60 vehicles transporting migrants managed to enter Libya, only to be detained by Libyan border guards. Yet other migrants and smugglers are reportedly turned back into the Sahara, only to be assisted by agencies such as the International Organization of Migration (IOM) which has reported over 1,600 migrants who were stranded in the desert since borders were closed at the end of March.

The Niger-Libya border during the COVID-19 pandemic has emerged as a warning against the continuation of the EU's migration policy, highlighting how long, nuanced histories of mobility, interwoven with more recent political economies, cannot be »overruled« by efforts to curb movement.

CONCLUSION

This article began with highlighting Africa's policy milestones towards promoting the free movement of people. The Niger-Libya border was considered an example of how COVID-19's impact on migration in Africa, significantly aggravating risks and vulnerabilities of migrants as a result of the securitization, militarization and closures of borders, has brought into relief a fundamental difference in migration policy attitudes between Africa and Europe. Whereas Europe, in the 1980s and 90s worked towards open borders and free movement of people as an outcome of stability to promote the movement of people, Africa is developing free movement policies in recognition of the fact that the preexisting mobility of its people are a source for stability, not its outcome. The sudden surge in security along closed borders in Africa is an inadvertent glimpse at the logical conclusion of those aspects of the EU's migration policy that focus on preventing irregular movement to Europe by linking that suppression of movement with

⁷ Julien Brachet, 2018. *Manufacturing Smugglers: From Irregular to Clandestine Mobility in the Sahara*. <https://journals.sagepub.com/doi/abs/10.1177/0002716217744529>

⁸ Luca Raineri, the *Journal of Modern African Studies*, 2018. *Human Smuggling Across Niger: State-sponsored protection rackets and contradictory security imperatives*. https://www.researchgate.net/profile/Luca-Raineri/publication/323653223_Human_smuggling_across_Niger_State-sponsored_protection_rackets_and_contradictory_security_imperatives/links/5e7c79ba458515efa0a9130d/Human-smuggling-across-Niger-State-sponsored-protection-rackets-and-contradictory-security-imperatives.pdf

⁹ Peter Tinti, Tom Westcott, Institute for Security Studies, 2016. *The Niger-Libya corridor: smugglers' perspectives*. <https://issafrica.org/research/papers/the-niger-libya-corridor-smugglers-perspectives>

¹⁰ UNHCR, 2020. *OIM and UNHCR carry out joint visit to the Canary Islands amid increasing arrivals*. <https://www.unhcr.org/news/press/2020/11/5fb2958f4/iom-unhcr-carry-joint-visit-canary-islands-amid-increasing-arrivals.html>

¹¹ Info Migrants, 2020. *Coronavirus no deterrent for African migrants dreaming of reaching Europe*. <https://www.infomigrants.net/en/post/24662/coronavirus-no-deterrent-for-african-migrants-dreaming-of-reaching-europe>

building stability, failing to understand the above difference: the result has often been to the detriment of migrants' rights and lives.

For the African Union, the RECs and national governments to effectively build African migration policies, attuned to local dynamics and resilient to shocks like a global pandemic, the European Union must support the continent's efforts to strengthen free movement to use it to develop political stability and economic power.

RECOMMENDATIONS

The above observations allow for some key recommendations:

- Policy makers, whether African or European, should **guarantee the interests of African migrants and refugees** whether they are in or outside the continent;
- **Promote, support and strengthen African migration policies** and foreground them in any inter-continental cooperation to recognize that they are built on a better understanding of key dynamics.
- **For African countries to stop all initiatives to militarize borders** and criminalize migrants in respect of all legal instruments and policy engagements of states;
- **Recognize the right to movement and mobility for Africans** in manner similar to Europeans to ensure that migrants are no longer seen as 'illegal';
- For countries to take measures to stop **migrant detention** as a means to strengthen double denial of rights, depriving them of their movement and freedom. Detentions can be indefinite and with little monitoring to ensure access to health care and education;
- All recommendations include reference to the **elimination of all forms of discrimination, racism and xenophobia**. This is an especially necessary area where more work and focus is needed. In this particular political period, with rising right-wing extremists in Europe, and overall anti-immigrant sentiments, more commitment is needed from all to counter this trend;
- Take political measures to stop **forced, or 'coerced' returns of migrants mainly in this pandemic periods**. The Compact recommends that States should »cooperate in facilitating dignified and sustainable return, readmission and reintegration« and many African countries have already implemented taking in forcibly returned migrants as part of bilateral agreements with various European countries.

RETHINKING REGULAR PATHWAYS

How COVID-19 Has Shown Us that We Need More and Better Ways to Migrate

Carolina Gottardo and Christian Wolff

INTRODUCTION

The discussion about regular pathways was one of the key touchstones during the negotiations for the Global Compact on Safe, Orderly and Regular Migration (GCM). Much of the uneasiness among governments centered around sovereignty issues, driven by concerns that commitments on regular pathways might undermine states' prerogative to regulate which individuals are deemed to have a valid reason to enter and stay on their territory. Although the GCM does not provide clear definitions or distinctions between 'deserving' and 'undeserving' migrants, the compact nonetheless makes frequent references to those with regular and irregular status, reflecting many governments' preference to make migrants' access to certain services dependent on these distinctions. At the same time, the GCM places a consistent emphasis on states' pre-existing obligations to respect, protect and fulfil everyone's human rights, regardless of status.

This mixture of unconditional and conditional access to rights has allowed the significance of migrants' protection to recede, becoming a somewhat marginal issue in the ensuing discussions about the GCM's implementation. This was exacerbated by persisting debates about mandates in the UN system and the simultaneous agreement on the Global Compact on Refugees (GCR) and its attendant implementation mechanism.

LINKS BETWEEN IRREGULAR MIGRATION AND REGULAR PATHWAYS

One of the central tenets and points of contention underlying the Migration Compact is that, in certain key ways, the lack of availability of regular pathways leads to a growth in demand for irregular migration, which not only

threatens the safety and rights of migrants,¹ but also undermines the viability of existing migration regimes. One example of this during the COVID-19 pandemic has been the emergence of routes across the North Atlantic to enter the EU in the Canaries.²

When the SARS-CoV-2 virus first appeared and COVID-19 became a global pandemic, states quickly reinforced sovereignty-focused border behaviour,³ responding by implementing strict controls over access, closing borders outright or invoking limitations to condition regular entry. As a result, the COVID-19 pandemic, through governments restricting regular movements and often excluding migrants (especially those in irregular status) from support measures, has had a disproportionate impact on this group, including and particularly on migrant women, who have been affected in many detrimental ways.

From the beginning, the pandemic had a negative effect on the availability of pathways for migrants in situations of vulnerability. One of the early characteristics of state responses to COVID-19 were international borders closing on an unprecedented scale,⁴ including for people in need of protection. For instance, some countries have denied

¹ UNODC, 2021: COVID-19 Seen Worsening Overall Trend in Human Trafficking. <https://www.unodc.org/unodc/frontpage/2021/February/share-of-children-among-trafficking-victims-increases--boys-five-times-covid-19-seen-worsening-overall-trend-in-human-trafficking--says-unodc-report.html>

² Reliefweb, 2020. Western African Route: Migration to the Canary Islands – Irregular Migration Towards Europe. <https://reliefweb.int/report/world/western-african-route-migration-canary-islands-irregular-migration-towards-europe>

³ Makarychev, A., Romashko, T. Precarious Sovereignty in a Post-liberal Europe, 2020. The COVID-19 Emergency in Estonia and Finland. *Chin. Polit. Sci. Rev.* 6, 63–85.

⁴ UNHCR. COVID-19: The impact of closing borders around the world. <https://data2.unhcr.org/en/dataviz/143>

disembarkation⁵ for migrants and refugees while others have pushed them back⁶ or actively returned them.⁷ The United Nations High Commissioner for Refugees (UNHCR) stated that, at the height of the pandemic, 168 countries fully or partially closed their borders, with 90 of them making no exception for people seeking asylum.⁸ Many migrants were stranded and abandoned at borders. Heightened security at border points and the policing of lockdowns also led to migrants being locked in detention centres.⁹ Thus, COVID-19 has exacerbated the pre-existing crisis of protection, including the erosion of the right to seek asylum. The restrictive measures adopted by states during the pandemic have been linked to more dangerous irregular migration and higher trafficking risks,¹⁰ lending evidence to the above observations that tighter controls often lead to less safe and more irregular migration.

Even though regular pathways for admission have been severely limited and, in many cases suspended altogether, it is important to note that positions of governments differ with regards to making pathways available.

At the same time, there have been more nuanced, and sometimes innovative, approaches to pathways for stay within countries, specifically regarding the use of regularisation.

RETHINKING PATHWAYS: THE POTENTIAL OF REGULARISATION AND EXTENDING TEMPORARY MEASURES

Some countries recognised the specific situations of migrants in light of border closures and movement restrictions, implementing opportunities with regards to pathways for stay. Even though this has mostly included temporary measures, they often focused on extending the stay of migrants unable to leave, and in some instances, countries also regularised migrants more broadly, by legalising the presence of migrants who are currently in a country in contravention to immigration laws, including amnesty for those in the country irregularly.

The governments in Portugal and Italy took a holistic approach that tried to create pathways or grant amnesty to irregular migrants.¹¹ The case of Italy, deservedly praised for its aim to ensure migrants are part of the COVID-19 response and recognised for their essential work, has still been shown to be flawed,¹² both due to limitations in eligibility and issues with the implementation of measures. Another example worth highlighting is the recent case of Colombia, where the government is granting regular status to more than 1.7 million Venezuelan migrants.¹³ The government framed this decision to provide a 10 year residency to Venezuelans around humanitarian and practical considerations, including the need of the government to identify and assist those most in need.

Less proactive countries have taken smaller steps to accommodate migrants, but have limited these to migrants with already regular status. Recognising that movement restrictions and limited functioning of government services (such as visa services) could trigger irregular status inadvertently, many extended visas or renewed residence permits to avert such situations. Countries which introduced such measures included Thailand, Azerbaijan, Finland, Korea, Zimbabwe, Spain and Tunisia, amongst many others. Other countries have created new visa types such as the COVID 19 visa in Australia,¹⁴ which offers the opportunity to extend the stay of migrants already in the country, as long as they meet certain conditions.

Although several countries including the UK, Australia, Thailand, New Zealand, Italy and others have used some of the approaches towards regularization outlined above, they have also actively narrowed pathways by restricting eligibility to certain categories of migrant workers. In these countries, migrants in the healthcare, agriculture, domestic work and care sectors were designated as eligible for residence permits and/or visa extensions. In general, therefore, although such measures sought to include migrants, many of them migrant women, who have historically been over-represented in these sectors, this focus on 'essential workers', has also served to highlight the harmful distinction between 'desirable' and 'undesirable' migrants.

The above approaches to regularisation have two key variables: (1) eligibility criteria (or inclusiveness) of measures and (2) limitation (often duration) of stay. These two issues are at the heart of the distinction between regular and

5 UNHCR, 2020. UNHCR, IOM, urge European states to disembark rescued migrants and refugees on board the Captain Morgan vessels. <https://www.unhcr.org/news/press/2020/5/5ec664284/unhcr-iom-urge-european-states-disembark-rescued-migrants-refugees-board.html>

6 EUROMED Rights, 2020. Syrian refugees in Cyprus pushed back to Turkey. <https://euromedrights.org/publication/syrian-refugees-in-cyprus-pushed-back-to-turkey/>

7 Africanews, 2020. 145 Malawians deported from South Africa quarantined. <https://www.africanews.com/2020/05/31/145-malawians-deported-from-south-africa-quarantined/>

8 UNHCR, 2020. UNHCR's Gillian Triggs warns COVID-19 severely testing refugee protection. <https://www.unhcr.org/en-au/news/press/2020/10/5f7de2724/unhcrs-gillian-triggs-warns-covid-19-severely-testing-refugee-protection.html>

9 Chew, V., Phillips, M. & Yamada Park, M. (eds), 2020. COVID-19 Impacts on Immigration Detention: Global Responses, International Detention Coalition and HADRI/Western Sydney University.

10 UNODC, 2020. How COVID-19 restrictions and the economic consequences are likely to impact migrant smuggling and cross-border trafficking in persons to Europe and North America. <https://www.unodc.org/documents/data-and-analysis/covid/Covid-related-impact-on-SoM-TiP-web3.pdf>

11 PICUM, 2020. Regularising undocumented people in response to the covid-19 pandemic. <https://picum.org/regularising-undocumented-people-in-response-to-the-covid-19-pandemic/>

12 HRW, 2020. Italy: Flawed Migrant Regularization Program. <https://www.hrw.org/news/2020/12/18/italy-flawed-migrant-regularization-program>

13 New York Times, 2021. Colombia Makes 'Historic' Decision to Grant Legal Status to 1.7 Million Venezuelan Migrants. <https://www.nytimes.com/2021/02/08/world/americas/colombia-venezuela-migrants-duque.html>

14 Australian Government, 2021. Temporary Activity visa (subclass 408). <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-activity-408/australian-government-endorsed-events-covid-19>

irregular migrants, and in many ways, the COVID-19 pandemic did not create this distinction, nor the difficulties in providing clear, well-implemented models. Instead, COVID-19 created a situation of often contradictory pressures and opportunities. Some governments, under the guise of the health emergency, securitised borders and deported irregular migrants identified during the policing of lockdowns. There were also widespread premature terminations of contracts for many migrant workers in places where the pandemic led to an immediate economic slowdown (for example in the Middle East), exposing them to devastating hardships upon being forced to return home empty-handed, having lost their investment in migrating. In many cases this was compounded by wage theft on the part of employers¹⁵ – another common pre-COVID injustice, brought into sharp focus by the pandemic. Other governments actively included migrants, both regular and irregular, in their response plans, trying to ensure that their work in essential services is recognised and migrants have their rights protected – although there were marked differences in how effectively this was followed up with actual access to rights and services. A proactive approach to the protection of migrants (as well as the communities in which they live, and to which they contribute) need to guarantee broad eligibility and minimal limitations to ensure that migrants can not only continue to stay, but are also able to navigate new, restrictive environments successfully.

The pandemic offers a clear opportunity to promote measures that provided pathways to regularisation (even if limited in eligibility and time) as promising practices and tools to ensure that pathways are expanded more proactively in the longer term. A failure to capitalise on this opportunity presents a serious danger of allowing the pandemic to become an excuse for continued and increased criminalisation of migrants and for maintaining restrictive border regimes and migration policies. This is particularly significant in view of the fact that we have yet to see more large-scale, meaningful advances on regular pathways for migrants in countries of origin and transit. Lack of progress in these areas would not only increase the vulnerability of migrants settled in countries of destination, but would also severely impact those migrants that will face greater risks *en route* as they migrate, possibly as a result of COVID-19 related impacts in their home countries, in particular women migrants.

VACCINE NATIONALISM INCREASES INEQUALITY IN ACCESS TO MOBILITY

Looking beyond the current measures that are continuously being revised in the face of new waves and variants of the virus, it is clear that a new type of mobility restriction may be on the horizon linked to the vaccine rollout. In spite of improvements by the COVAX initiative to make access to the

vaccines more equitable,¹⁶ the current vaccination rates remain uneven across and within countries, reproducing pre-existing inequalities and patterns of discrimination, which have been called out by the World Health Organization (WHO). There have been indications that once levels of vaccination have been reached that are deemed attainable, governments may begin to make border crossings contingent on travelers' ability to document their vaccination status. This is likely to produce a system of exclusion that will reinforce existing patterns of discrimination, making it even harder for those on the move to access protection or pursue livelihoods to sustain their families – unless effective countermeasures are taken now. The likely outcomes of such restrictions, especially if poorly managed, include an increase in more dangerous and irregular migration.

RECOMMENDATIONS

In light of the COVID-19 pandemic, the road ahead on the development and implementation of regular pathways is facing new challenges and seeing emerging opportunities at the same time. Initial takeaways from the COVID-19 experience point towards the need to:

- **Put in place safeguards for more effectively preventing further restrictions on people's mobility**, in particular when they find themselves in situations of vulnerability, to prevent a further erosion of the right to seek asylum and to promote right-based implementation of relevant provisions in the GCM (including in Objectives 2, 5, 7, and 12), which should ultimately lead to more regular pathways, including for migrants in countries of origin and transit.
- **Promote the institutionalisation of positive responses to the needs of people on the move**, including women in migration during COVID-19, including through the use of regularization, multistakeholder learning and exchange
- **Document the outcomes of key positive examples of regularisation and regular pathways** to ensure that the benefits, during and beyond the pandemic, are well evidenced;
- **Advocate for long lasting policy change building on opportunities from the temporary measures during the pandemic**, providing migrants with clarity about their status and knowledge of their rights and protection.
- **Ensure that global inequalities in access to vaccines** do not exacerbate situations of vulnerability for migrants through the use of vaccination status as a determining factor in the right to enter a country.

¹⁵ See campaign website <https://justiceforwagetheft.org/>

¹⁶ UN News, 2021. Equitable vaccine delivery plan needs more support to succeed: COVAX partners. <https://news.un.org/en/story/2021/03/1086142>

CAN THE COVID-19 CRISIS BE AN OPPORTUNITY FOR ENDING MIGRANT DETENTION?

Emergency Responses and Prospects for Long-term Change

Stéphane Jaquemet

COVID-19 has resulted in measures to curb its spread in almost every country in the world. As many nations began implementing restrictions on the freedom of movement and right to assembly, it was the issue of migrant detention for which, paradoxically, the COVID-19 pandemic appeared to have created opportunities for positive reforms.

Migrant detention prior to the COVID-19 pandemic has been shown to be largely ineffective and costly. Advocates against it raised human rights issues and questioned the purpose of migrant detention. Countries that adopted the Global Compact for Safe, Orderly and Regular Migration at the end of 2018 committed themselves to »use immigration detention only as a measure of last resort and work towards alternatives.«¹ This commitment is not a marginal one, yet it is also ambitious, since immigration detention remained common practice in many countries, even as the pandemic took hold of the world.

The COVID-19 outbreak disrupted the day-to-day functioning of many governments. At the same time, public institutions and confined facilities quickly emerged as high-risk settings for preventing the spread of the disease. This included prisons and detention centres. These facilities are often overcrowded, have poor hygiene standards, and have less access to resources such as sanitisers or personal protective equipment. As COVID-19 entered detention facilities in many countries, the impact was immediate,² with disproportionately high infection rates and high death rates.³ The

latter was partly due to the lack of access to health services, but this was exacerbated by the high rate of comorbidity factors amongst detainee populations.

Detainees, confined to exposure to the disease and isolated from the outside world due to restrictions of visitation and access to legal services, also began to show increasing signs of unrest or anxiety.⁴

Immigration detention, which is the focus in this article, has additionally seen a strong interaction with the impact of COVID-19 outside of detention facilities: lockdowns and closures of economies have led to heightened policing mixed with greater pressure to access livelihoods in spite of added risks. In some countries, this dynamic has led to an increase in detentions, whether deliberate or circumstantial. As COVID-19 spreads in detention centres, deportations have also emerged as vectors, with countries such as the United States⁵ or South Africa⁶ deporting migrants who contracted the virus whilst in their care, often significantly increasing the number of cases in the countries of origin.

OPENING DOORS TO ALTERNATIVES

The above dynamics have shifted conversations about alternatives to migrant detention: questions of practicality or cost-effectiveness, but also of ethics, have been expanded by COVID-19 specific challenges to the justification for detention. »Does the violation of immigration policies justify exposure to a deadly disease?« clearly puts detention as a moral and rights issue and most international organisations

¹ UN General Assembly, 2019. Resolution adopted by the General Assembly on 19 December 2018. https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/195

² Jeff Gammage, The Philadelphia Inquirer, 2019. A dark milestone: More than 1,000 migrants in ICE custody now have the coronavirus. <https://www.inquirer.com/news/ice-detention-coronavirus-covid-19-pike-berks-pennsylvania-migrant-immigration-20200519.html>

³ Karina Piser, FP, 2020. The End of Immigrants Detention Doesn't Mean the End of Fortress Europe. https://foreignpolicy.com/2020/07/31/coronavirus-asylum-end-immigration-detention-spain-france-end-of-fortress-europe/?utm_source=PostUp&utm_medium=email&utm_campaign=23753&utm_term=Editors%20Picks%20OC&?tpcc=23753

⁴ UN News, 2020. COVID-19: UN teams step up efforts to protect rights in prisons, as revolts intensify worldwide. <https://news.un.org/en/story/2020/05/1063292>

⁵ Al Jazeera, 2020. Guatemala says US testing deportees for virus before sending. <https://www.aljazeera.com/news/2020/4/30/guatemala-says-us-testing-deportees-for-virus-before-sending>

⁶ Lameck Masina, VOA news, 2020. Malawi COVID-19 Cases Rise as Citizens Return from South Africa. <https://www.voanews.com/africa/malawi-covid-19-cases-rise-citizens-return-south-africa>

advocating for the immediate release of detained migrants in the context of COVID-19 have used a mix of legal, humanitarian, and common-sense arguments to make a strong case against the needless exposure of irregular migrants to COVID-19, but more broadly to an environment of chronic violence, lack of resources and sub-standard living conditions.

Amongst the arguments for the release of detained migrants are some practical considerations: releasing detained migrants solves overcrowding issues, it protects not only those being detained but also staff at detention facilities, and it allows for stronger cooperation between governments and civil society to support those released, which is often difficult within detention facilities.

Legally speaking, an argument used in Spain has highlighted that current travel restrictions in the country prevent deportations, and that continued detention would be in contravention of Article 15 para. 4 of the European Union Return Directive⁷ (and a similar provision in Spanish national legislation), which states that »when it appears that a reasonable prospect of removal no longer exists ... detention ceases to be justified and the person concerned shall be released immediately.« More specifically relating to the health issues in detention facilities, another legal argument can be found in Rule 24 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the so-called Mandela Rules), which states that »the provision of healthcare for prisoners is a State responsibility. Prisoners should enjoy the same standard of healthcare that are available in the community and should have access to necessary healthcare services free of charge without discrimination on the ground of the legal status.«⁸

The economic impact of COVID-19 has also further blurred the lines between valued, regularised migrant labour and migrants in an irregular situation. Against a backdrop of governments being unable, and in some cases unwilling, to provide administrative services relating to visas, permits, and status determination, the impact on employment and consequences of exclusion of migrants from relief packages in some countries makes a strong case for compassionate approaches. Compassionate approaches also help build trust between the migrants and the authorities, a trust which is often lacking, in particular in countries where detention is systematic.

Lastly, governments have also recognised the link between migrant detention and clandestine populations of irregular migrants. During times when it is critical to contact individuals and identify cases early to protect a population, policies

that force any group to hide from public health efforts to prevent the spread of disease become counterproductive. Encouraging immigrants, whether regular or irregular, to receive medical treatment, while giving them a guarantee they will not be reported to the law enforcement authorities, an initiative taken *inter alia* in Ireland and South Korea, is a good practice worth replicating.

RESPONSES TO THE ISSUE OF MIGRANT DETENTION DURING THE PANDEMIC

The Global Detention Project provides an extensive insight into the responses to COVID-19 in migration policies, especially immigration detention.⁹ Despite the above arguments, the picture that emerges from the evidence is not that of a radical shift in approaches to migrant detention. Most countries are reported as having been passive: there were no real policy initiatives to address the challenges faced by detained migrants. Amongst these are countries that saw reductions in immigration detention, but this change was often the result of the pandemic's impact on government capacity, including law enforcement and immigration agencies. A relatively large number of countries, including these otherwise passive governments, have, however, automatically renewed immigration permits due to expire or have suspended administrative sanctions for people overstaying their visa.

Even though many countries decided against taking measures to alleviate overcrowding, almost no country implemented strong measures to protect detainees through providing access to resources or health services. In most countries, what was put in place was generally insufficient, improvised and not prioritized.

In contrast, proactive countries responded with deliberate and pragmatic approaches, limiting detentions and releasing detained migrants through special dispensations or policy and legislative changes. Many of these proactive countries combined amnesty for violating immigration rules with releasing people in immigration detention. These countries include, *inter alia*, Belgium, Indonesia, Iran, Italy, Japan, the Netherlands, Peru, Portugal, Spain, and the United Kingdom.

Spain has been the most remarkable example of such initiatives: virtually everyone has been released, with places of immigration detention now empty across the country. This process was the result of consultations between stakeholders, including NGOs and civil society, ensuring that released migrants were part of a holistic intervention, though a number of released migrants were not able to access proper accommodation or other services after their release.

⁷ Official Journal of the EU, Directive 2008/115/EC of the European Parliament and the Council on common standards and procedures in Member States for returning illegally staying third-country nationals, 2018. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32008L0115&from=EN>

⁸ UNODC, The United Nations Standard Minimum Rules for the Treatment of Prisoners. https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf

⁹ Global Detention Project, 2021. COVID-19 Global Immigration Detention Platform. <https://www.globaldetentionproject.org/covid-19-immigration-detention-platform>

EMERGENCY RESPONSE OR LONG-TERM CHANGE?

The current pandemic is a state of emergency that will likely have long term impacts. However, as Richard Haass, President of the Council on Foreign Relations, put it: »not every pandemic is a turning point«, adding that »the world that will emerge from the COVID-19 crisis will be recognizable.«¹⁰ With regards to migrant detention, the emerging arguments and current state of responses to COVID-19 give reason to be cautiously optimistic about and fiercely committed to ending the detention of migrants. Immigration detention will probably follow known patterns, with some relatively small variations and possible minor breakthroughs. The latter will be golden opportunities for a renewed and strengthened engagement. In that sense, the lessons learned from countries which took initiatives to release migrants from detention during the pandemic may be a powerful compass for the years to come.

Currently, almost all government actions reducing or suspending migrant detention are grounded in arguments centred around COVID-19. This makes the pandemic both a blessing and curse for advocacy on migrant detention. The extraordinary circumstances have shown what is possible and that relaxations in criminalising irregular migration are not necessarily detrimental, seen from the perspective of strict border control. At the same time, the emphasis on responding to an emergency already implies that these steps are temporary, and that any increases in migration flows or political shifts towards anti-immigrant attitudes can quickly reverse any progress in light of a deeply entrenched culture of strict immigration control, where detention is »constructed as a deterrence.«¹¹

RECOMMENDATIONS

Given this uncertainty of the long-term impact, advocates and activists must continue efforts, both in those countries that proactively released detained migrants and those that were passive or hostile on the issue. Several key recommendations emerge from the above argument that the COVID-19 response is a possible opportunity for change.

- **Ensure that measures to reduce migrant detention are part of a holistic approach** that includes coordination with stakeholders and a review of other migration policies to ensure a more compassionate policy environment. Releasing detained migrants in an otherwise hostile policy environment shifts the problems relating to their access to health services and exposure to the disease from facilities to communities.
- **Take steps to document the impact of stopping detention and releasing detainees** to strengthen the arguments **for long-term reforms** in the aftermath of public health concerns. This is especially true for countries who were proactive and might provide vital evidence in future.
- In most countries and from a government perspective, there is a direct link between detention and return. In many cases, detention is chiefly to ensure (forced) removal. So, any attempt to engage governments on **alternatives to detention must also include a dialogue on credible alternatives to forced or induced returns**. This is a difficult dialogue, not very successful in the past, and often made more complicated by strong ideological differences.
- As the pandemic continues, push passive governments to adopt successful approaches found in other countries to ensure that the many migrants in the world that continue to be detained are not at increased risk of disease. This should include the **development of minimum standards for hygiene and health provisions that should be met where detention is unchallengeable**.
- As some countries continue to deport and return migrants and asylum seekers, it is also important to recognise the **importance of testing prior to deportation to minimise the risk to communities of origin, who often have weaker health systems**. No country should knowingly return migrants who contracted COVID-19 whilst in that country's care during detention.
- **Use the current situation as a catalyst for change**, strengthening efforts by bodies such as the Council of Europe¹² or the International Detention Coalition¹³ and creating strong links with stakeholders to prepare for the likely end of the relative policy leniency caused by COVID-19.

¹⁰ Richard Haas, Foreign Affairs, 2020. The Pandemic Will Accelerate History Rather Than Reshape It. <https://www.foreignaffairs.com/articles/untied-states/2020-04-07/pandemic-will-accelerate-history-rather-reshape-it>

¹¹ International Detention Coalition, 2015. Reframing immigration detention in response to irregular migration Does Detention Deter? https://id-coalition.org/wp-content/uploads/2015/04/Briefing-Paper_Does-Detention-Deter_April-2015-A4_web.pdf

¹² Analysis of the Steering Committee for Human Rights (CDDH), 2017. HUMAN RIGHTS AND MIGRATION Legal and practical aspects of effective alternatives to detention in the context of migration. <https://rm.coe.int/legal-and-practical-aspects-of-effective-alternatives-to-detention-in-/16808f699f>

¹³ OHCHR, 2011. There are Alternatives a handbook for preventing unnecessary immigration detention. <https://www.ohchr.org/Documents/Issues/Migration/Events/IDC.pdf>

PART II

INEQUALITIES AND INTERSECTIONS

THE NEED TO LINK MIGRANT RIGHTS WITH RACIAL JUSTICE

The Pandemic Has Sent a Shock through Societies, Economies, and Governments across the Globe

Nunu Kidane

The cost of human lives as a direct result of the virus continues to accelerate at the time of writing and the continued efforts to prevent the spread of the disease through lockdowns and restrictions continues to rippling shocks through service provisions, supply chains, economies and more. It might seem insensitive to speak of economic impacts in light of the rising number of COVID-19 deaths, but it is also a necessity when trying to better understand the human cost of COVID-19 in regard to migration, especially race and migration.

The impact of COVID-19 on African economies has been severe, with an estimated 40 million people on the continent being pushed into extreme poverty by the impact of the pandemic.¹ The severity of the impact is not a direct result of the severity of the COVID-19 outbreak in Africa, however, and given how African countries have managed to so far contain the outbreak of the virus against initial apocalyptic predictions by Western Media outlets² and the WHO,³ driving context-sensitive innovation in testing and deploying strong contact tracing early,⁴ the economic toll on African nation seems disproportionate.

The simplest explanation is that COVID-19 is exacerbating inequalities, globally and nationally, with the impact on African economies in many ways emerging a corollary of persisting inequalities of colonialism, being affected regardless of their COVID-19 disease burden. The global racial inequality is impacting livelihoods, something that is predicted to also shape migration in the years to come.

In the short-term, evidence suggests that mixed migration flows from Sub-Saharan and North Africa are continuing to Europe,⁵ in spite of border securitization and closures, higher risks of exploitation by smugglers, and greater uncertainty.⁶ The recent spate of drownings in the Mediterranean Sea⁷ of migrants trying to reach Europe are a grim reminder of the past, when the European Union's attempts to close its external border, even though effectively reducing arrivals, also increased the risks for migrants.⁸ The current closures of borders during COVID-19 have already been associated with changes in smuggling, with a shift towards more organized crime and higher rates of exploitation and journeys are riskier both in Africa reaching the Mediterranean and while crossing.⁹

In the long-term, predictions on changes in migration that take the economic impact into account expect an increase in both mixed migration and displacement for a variety of reasons, mostly related to effects of the economic impact of COVID-19, such as instability and poverty.¹⁰ Together with the already observed trends, this is cause for concern from a

¹ The World Bank, 2020. The World Bank in Africa. <https://www.worldbank.org/en/region/afr/overview>

² Kate Hodal, Samuel Okiror, The Guardian, 2020. Coronavirus in Africa: what happens next? <https://www.theguardian.com/global-development/2020/apr/08/coronavirus-in-africa-what-happens-next>

³ Al Jazeera, 2020. WHO sounds alarm at spread of coronavirus in Africa. <https://www.aljazeera.com/news/2020/7/20/who-sounds-alarm-at-spread-of-coronavirus-in-africa>

⁴ Afua Hirsch, The Guardian, 2020. Why are Africa's coronavirus successes being overlooked?

⁵ IOM, UNHCR, 2020. COVID-19 and mixed population movements: emerging dynamics, risks and opportunities. <https://www.iom.int/sites/default/files/covid19-response/emergingdynriskopp76474.pdf>

⁶ IMREF, 2020. Exploring the Impact of COVID19 on the Vulnerabilities of Migrants on the Central Mediterranean Route. https://www.alnap.org/system/files/content/resource/files/main/FULL-REPORT_IMREF-COVID-19-study-Part-2.pdf

⁷ Lorenzo Tondo, The Guardian, 2020. More than 110 migrants die in Mediterranean in three days. <https://www.theguardian.com/world/2020/nov/12/bodies-of-74-migrants-wash-up-on-libyan-beach>

⁸ Reuters, 2017. Mediterranean »by far world's deadliest border« for migrants: IOM

⁹ Lucia Bird, GIATOC, 2020. SMUGGLING IN THE TIME OF COVID-19 The impact of the pandemic on human-smuggling dynamics and migrant-protection risks. <https://globalinitiative.net/wp-content/uploads/2020/04/GIATOC-Policy-Brief-003-Smuggling-COVID-28Apr0930-proof-4.pdf>

¹⁰ IOM, UNHCR, 2020. COVID-19 and mixed population movements: emerging dynamics, risks and opportunities. <https://www.iom.int/sites/default/files/covid19-response/emergingdynriskopp76474.pdf>

race and migration perspective, bearing in mind that the »migrant-crisis« in 2015 and 2016 was a highly racialised surge in migration, which saw an exacerbation of racism;¹¹ has been linked to the rise of far right populism in many European countries;¹² led to the arguably anti-African externalization of EU borders;¹³ saw a disproportionate focus on portrayals of specifically black African migrants; and led to serious racial injustice faced by non-white migrants.¹⁴

COVID-19 AND RACE

As the impact of COVID-19 on migration threatens a resurgence of racial injustice for displaced Africans, COVID-19 and racial injustice also intersect within countries in the global north, where it is exacerbating racial inequalities at national level. In the US and Europe, black people and other minorities are more likely to lack access to prevention and health services¹⁵ with African Americans being far more likely to die from the disease,¹⁶ are harder hit economically by lockdowns,¹⁷ and are disproportionately targeted by police during curfews, lockdowns and movement restrictions.¹⁸

The measures to contain the spread of the disease and the care for those who have contracted the virus take place against a backdrop of pervasive racial discrimination and exclusion that has a long history long predating the current pandemic. It is, in many ways, the same backdrop that coloured the response to the 2015 and 2016 influx of migrants across the Mediterranean.

At the same time, the pressure on Western economies from lockdowns has resulted in an almost unexpected recognition of contributions of migrant labour,¹⁹ especially

low-skilled migrant labour as part of a focus on »essential services«. Even the European Union, often reluctant to recognise the contribution of *all* migrants, notes in a Knowledge for Policy post that »low-educated migrants are strongly represented in occupations that are key for hosting societies (e.g. personal care workers in health service, drivers, transport and storage workers, food processing workers). Yet, available evidence suggests that migrants are among the vulnerable groups that are paying the heaviest toll of the crisis.«²⁰ The reliance on migrant labour and the impact of movement restrictions and border closures on the availability of labour in key sectors such as agriculture, has led to a shift in political narrative²¹ and a growing awareness of issues of migrant exploitation.²² Even though the focus is on migrants in many cases, the link between race and migration is not entirely lost in these emerging narratives, especially due to their recognition of low-paid jobs.

It would be a simplification to only highlight this new-found recognition of mostly African labour without also pointing out return migration. In Europe, the main example are African migrants departing from Spain to Morocco as a result of lost income, uncertainty about future travel options and exclusion from response plans.²³ These migrants often pay inflated prices to smugglers to reach their countries of origin, yet their likelihood of returning for seasonal agricultural in Spain is high.²⁴

RACIAL JUSTICE AND MIGRATION

Having covered the impact of COVID-19 on migrants and race, it is worth spending a moment to reiterate the links between migration and race before and beyond COVID-19, especially in the EU-Africa relationship, but also in global strides to make commitments to tackling racial injustice in migration governance. For the Pan African Network in Defense of Migrants' Rights (PANIDMR) the two topics were indivisible and already in 2015 Network members noted that the response of the European media to arriving migrant from mostly Syria and Afghanistan focused on imageries of black African migrant, in spite of their comparatively low numbers.

¹¹ Nicolas De Genova, *Ethnic and Racial Studies*, 2016. The »migrant crisis« as racial crisis: do Black Lives Matter in Europe?

¹² Fabian Georgi, *Racism After Apartheid: Challenges for Marxism and Anti-Racism*, 2019. CHAPTER 5 THE ROLE OF RACISM IN THE EUROPEAN »MIGRATION CRISIS«: A HISTORICAL MATERIALIST PERSPECTIVE. https://www.jstor.org/stable/10.18772/22019033061.9?seq=16#metadata_info_tab_contents

¹³ Amnesty International, 2015. EU-Africa Summit in Valletta must not dress up border control as »co-operation«. <https://www.amnesty.org/en/latest/news/2015/11/eu-africa-summit-in-valletta/>

¹⁴ ENAR-EU, 2017. Racism plays a key role in migrants' exclusion and violations of rights in the European Union. <https://www.enar-eu.org/Racism-plays-a-key-role-in-migrants-exclusion-and-violations-of-rights-in-the>

¹⁵ OHCHR, 2020. RACIAL DISCRIMINATION IN THE CONTEXT OF THE COVID-19 CRISIS. https://www.ohchr.org/Documents/Issues/Racism/COVID-19_and_Racial_Discrimination.pdf

¹⁶ Stephanie Soucheray, CIDRAP, 2020. US blacks 3 times more likely than whites to get COVID-19. <https://www.cidrap.umn.edu/news-perspective/2020/08/us-blacks-3-times-more-likely-whites-get-covid-19>

¹⁷ Matthew Lavietes, Oscar Lopez, Ellen Wulforst, Reuters, 2020. »A pandemic in a pandemic«: Coronavirus deepens racial gaps in America. <https://www.reuters.com/article/us-usa-race-money-insight-idUSKB-N25G1EW>

¹⁸ Amnesty International, 2020. Europe: COVID-19 lockdowns expose racial bias and discrimination within police. <https://www.amnesty.org/en/latest/news/2020/06/europe-covid-19-lockdowns-expose-racial-bias-and-discrimination-within-police/>

¹⁹ Key workers. Migrant's contribution to the COVID-19 response. <https://migrants-keyworkers-covid-19.odi.digital/>

²⁰ European Commission. Potential migration implications of the COVID-19 crisis. https://knowledge4policy.ec.europa.eu/foresight/potential-migration-implications-covid-19-crisis_en

²¹ Shannon Lederer, Neha Misra, FES, 2020. A Pandemic Reset for Migrant Workers. <https://www.fes.de/en/displacement-migration-integration/article-page-flight-migration-integration/a-pandemic-reset-for-migrant-workers>

²² Felix Braunsdorf, Stefan Rother, IPS, 2020. Migrants deserve better protection. <https://www.ips-journal.eu/regions/global/migrants-deserve-better-protection-4497/>

²³ Carlos Acre Jiménez, EUI Blogs, 2020. Migrants in Spain in the time of COVID-19: challenges and opportunities. <https://blogs.eui.eu/migrationpolicycentre/migrants-in-spain-in-the-time-of-covid-19-challenges-and-opportunities/>

²⁴ María Martín, El País, 2020. Más de 5.000 euros por escapar de España en patera. <https://elpais.com/espana/2020-04-23/mas-de-5000-euros-por-escapar-de-espana-en-patera.html>

But it is not only the media, but also policies and resources are show a link between anti-immigrant and racist sentiments, although race often remains a silent, implied, and unspoken aspect. For example, one of the key outcomes of the 2015 ›crisis‹ is Europe's most substantial migration focused funding mechanism, the EU Emergency Trust Fund for Africa (EUTF). In a problematic linkage of development aid and migration politics, the EUTF focuses on keeping Africans in Africa, through projects that often fail to improve the livelihoods of those who are meant to benefit. Aside from a significant portion of the funding being committed to strengthening borders, maybe most telling is that only 1.5 per cent of the fund's budget is allocated to regular migration schemes between the EU and Africa *and* between African countries.²⁵

The more recent and global instrument of the Global Compact for Safe, Orderly and Regular Migration (GCM) is, comparatively, a step in the right direction and one of the biggest achievements in strengthening migrant protection and recognising that migration is a phenomenon that requires close collaboration. Amongst its 23 objectives is a ›commitment to eliminate all forms of discrimination, including racism, xenophobia and intolerance, against migrants and their families.«²⁶

But there are more critical voices that are getting louder and gaining traction in a push for racial justice and its connection with migrant rights. These are the voices of many young people who self-organise and come together, for example in the Black Lives Matter movement, with clear global demands for the recognition of historic injustices and their role in the continued discrimination and inequality of people of colour. These dissenting voices often go beyond Western liberal narratives of ending discrimination by historicizing the lacking access to rights of people of colour.

CONCLUSION

COVID-19 has created an unprecedented situation: European politicians praise the usually forgotten and exploited migrant workers for their efforts; their racialised migration policies intersect with border closures as black bodies continue to wash up on European beaches; advances in global responsibility sharing, especially the Global Compacts, are reemphasised; and movements for racial justice are leading to protests against deep rooted inequalities that are made more apparent by COVID-19, blurring the lines between protecting populations and policing minorities in an effort to curb a disease.

Whether this set of sudden shifts and exacerbations present a genuine opportunity for change is something that time will tell. It is nonetheless clear that COVID-19 highlights the

need for a clear and unambiguous call for action for racial justice for migrants, both by exposing the level of injustice unlike any other crisis in recent history and by opening cracks of recognition in a narrative of migration that is often silent on the issue of racism.

RECOMMENDATIONS

- **Amplify the voice of grassroots movements for racial justice** and encourage them to speak out about people of colour in migration to highlight the injustice faced by this marginalised group.
- **Revisit the Durban Plan of Action calling on »all States to review and, where necessary, revise any immigration policies which are inconsistent with international human rights instruments.«**
- **Research and advocacy on migrants rights needs** to deliberately and consistently highlight the link between race and migrant status to avoid ›colour-blind‹ and ahistorical narratives on migrant rights.
- **Cooperation between civil society organizations** in countries of origin and destination needs to be strengthened to develop shared analysis on race and migration with recommendations for policy makers in all regions at all levels of government.
- Advocate for the European Union's next development funding mechanism (NDICI) and the EU-Africa Partnership to include the new emerging narratives of migrants as indispensable and valued to **build towards a genuine partnership**.
- **Researchers and academics should be intentionally inclusive paying special attention to diversity of voices** and representations of migrants of ethnic, racial and linguistic groups, *and* consumers of knowledge should look towards researchers and academics of colour and their perspectives and insights on migration, race and the world after COVID-19.
- **Funders and philanthropists need to allocate resources** for the intersecting issues of gender, class, race, xenophobia and migration.

²⁵ Oxfam, 2020. The EU Trust Fund for Africa Trapped between aid policy and migration politics. <https://reliefweb.int/sites/reliefweb.int/files/resources/bp-eu-trust-fund-africa-migration-politics-300120-en.pdf>

²⁶ UN General Assembly, 2019. Resolution adopted by the General Assembly on 19 December 2018. https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/195

A PANDEMIC RESET FOR MIGRANT WORKERS

The Pandemic as an Opportunity for a New Social Contract Ensuring Decent Work for All

Shannon Lederer and Neha Misra

The COVID-19 pandemic has exposed the racial, ethnic, gender and socioeconomic bias that allows our neoliberal economic system to define some categories of work and workers—including migrant workers—as expendable. Yet, in revealing these systemic injustices, it also creates an opportunity to progress toward a new social contract that respects the fundamental rights of all workers, regardless of immigration status. Societies around the world have been forced to recognize their dependence on workers who had been conveniently invisible and grossly undervalued. Now they must respond with more than mere applause in the streets. Real recovery will require states to address centuries of discrimination that have created precarity for millions of workers and migrants by building a new economic model that promotes decent work for all.

This article will assess the impact of the current global crises on decent work, with a particular focus on migrant workers. The decent work agenda is comprehensive, with four key pillars: standards and rights at work, employment opportunities, social protection and social dialogue. Migrants face elevated challenges within each of these pillars, which we analyse briefly before closing with recommendations.

STANDARDS AND RIGHTS AT WORK

While migrants work across the wage and skill spectrum, they are disproportionately represented in the informal economy and in jobs with low pay and poor working conditions. For example, forthcoming ILO research identifies the high rate of informal employment among migrant workers, with nearly 75 per cent of migrant women and 70 per cent of migrant men working in the informal economy in many low and middle-income countries. The work migrants do, often characterised as dirty, dangerous, and demeaning under normal circumstances, has become even more precarious and unsafe amidst the pandemic. Most

countries have failed to adequately protect essential workers and many are finding new ways to limit or suspend their labour protections.

Migrant workers, including workers in temporary visa programs, had few rights and little access to justice before the pandemic. Now, employers are taking advantage of structural vulnerabilities to rob workers of their earned wages or force them to work in unsafe conditions, often under threat of deportation.¹ Agricultural migrant work programs in the United States and other destination countries continue and even expand without adequate health and safety provisions.² Millions of other migrants, for example cruise ship workers³ or domestic and construction workers in the Middle East,⁴ have been benched from their jobs and left with no income or way to return home.

Some European states have announced temporary visa extensions or amnesties to allow undocumented migrants to fill necessary jobs.⁵ Such provisional measures may grant workers temporary rights, but they are largely designed to benefit the emergency economy. They do nothing to support unemployed migrants and fall far short of the permanent protections workers need and deserve.

¹ Justice for Wage Theft. <https://justiceforwagetheft.org/>

² Farmworker Justice, 2020. As COVID-19 Cases Soar, Trump Administration Rejects Requests for Safety Protections for Farmworkers under H-2A Agricultural Guestworker Program. <https://www.farmworkerjustice.org/news-article/as-covid-19-cases-soar-trump-administration-rejects-requests-for-safety-protections-for-farmworkers-under-h-2a-agricultural-guestworker-program/>

³ Teo Armus, The Washington Post, 2020. 'Held Hostage': Cruise employees were stuck on a ship and forced to work without pay, lawsuit says. <https://www.washingtonpost.com/nation/2020/08/06/cruise-ship-workers-covid-lawsuit/>

⁴ GCC, 2020. Migrant workers bear brunt of coronavirus pandemic in Gulf. <http://gcclub.org/2020/04/20/migrant-workers-bear-brunt-of-coronavirus-pandemic-in-gulf/>

⁵ Open Society Foundations, 2020. Q&A: Progress for Migrant Workers in Italy. <https://www.opensocietyfoundations.org/voices/q-and-a-progress-for-migrant-workers-in-italy>

EMPLOYMENT OPPORTUNITIES

The pandemic has also exposed the dangers of origin countries relying on labour migration in lieu of creating decent work at home. As migrant workers return *en masse*, it is evident that countries like Nepal and Sri Lanka are ill-prepared to respond and provide jobs to their citizens. Shrinking migrant remittances hit origin country economies hard, and families dependent on remittances often face food insecurity⁶ and other hardships. Governments that rely on labour emigration and the associated remitted income to reduce unemployment and sustain the economy are now struggling.

Despite the heightened risks of the pandemic, origin governments are already urging their citizens to go abroad again to resume work. The Sri Lankan Bureau of Foreign Employment,⁷ for example, is making plans to send migrants back to the Middle East and elsewhere in Asia without first securing greater protections for their citizens abroad. Even when governments do not actively encourage out-migration, the lack of decent work at home compels millions of workers to migrate, and those push factors are only exacerbated by the current crises. Work in low-wage sectors dependent on global supply chains, like the garment industry, is severely affected by lockdowns and closures of economies. These realities will force more workers to consider risky migration routes to reach precarious work opportunities to provide for their families.

The lack of decent work opportunities at home and abroad are also pushing increasing numbers of workers and migrants into the informal economy and gig work. For instance, many Venezuelan migrants in Latin America rely on insecure work through Uber and other service platforms to survive. Estimates are that 60-80 per cent of informal workers could see their livelihoods destroyed by the crisis,⁸ so recovery efforts must promote secure employment (in both origin and destination countries) to reverse these alarming trends.

SOCIAL PROTECTION

Amidst the pandemic, many governments are explicitly excluding migrant workers from emergency relief packages, increasing risks for migrants and all those who live and work alongside them.⁹ Even prior to the crisis, migrant and

informal workers were often denied vital protections like social security, unemployment benefits and healthcare. A COVID-19 response can only be effective if it reduces the risk of transmission and ensures medical treatment for the entire population. Without access to income replacement benefits migrants will have no choice but to accept work in unsafe conditions or to continue working despite experiencing symptoms.

These discriminatory exclusions do not only affect irregular migrants.¹⁰ The dominant model of temporary labour migration programs structurally denies migrant workers' basic rights and social protections, as does their overrepresentation in precarious jobs. Moreover, destination countries are shirking their obligations by deporting or returning migrant workers who have been infected with COVID. At least a thousand migrants have returned to Ethiopia infected from their work in the Gulf or other parts of Africa, often after being rounded up and detained.¹¹ Disposing of workers in this fashion further strains already struggling health systems in origin countries, and also reinforces dangerous notions that migrants are a source of contagion.

SOCIAL DIALOGUE

This moment demands a paradigm shift, and migrant workers must be part of conversations to shape better approaches. Declaring often undervalued jobs to be essential has elevated the risk faced by workers in those positions, but has also increased their bargaining power. Workers around the world, many of them migrants, are engaging in inspiring levels of collective action and have exacted hard-fought gains in pay and conditions by withholding, or threatening to withhold, their essential labour. Strikes led by union and non-union workers are demanding fair compensation and safety in fields,¹² warehouses,¹³ hospitals¹⁴ and schools,¹⁵ as well as safety for Black lives.¹⁶

⁶ Oxfam, 2020. For communities already in crisis, a drop in remittances during COVID-19 can mean life or death. https://oi-files-d8-prod.s3.eu-west-2.amazonaws.com/s3fs-public/2020-06/Oxfam%20Remittances%20COVID-19%20Media%20Brief%20June01_2020.pdf

⁷ Mohammed Rasooldeen, Arab News, 2020. Sri Lanka gears up to send its workers abroad as virus threat eases. <https://www.arabnews.com/node/1682821/world>

⁸ UN News, 2020. Nearly half of global workforce at risk as job losses increase due to COVID-19: UN labour agency. <https://news.un.org/en/story/2020/04/1062792>

⁹ AFL-CIO. COVID-19 and Immigrant Workers. <https://aflcio.org/covid-19-and-immigrant-workers>

¹⁰ Nendirmwa Noel, CIC NYU, 2020. Minorities, Migrants, and Social Exclusion During COVID-19. <https://cic.nyu.edu/publications/covid-19-minorities-and-social-exclusion>

¹¹ Simon Marks, NY Times, 2020. Ethiopian Workers Are Forced to Return Home, Some with Coronavirus. <https://www.nytimes.com/2020/08/01/world/africa/ethiopian-migrant-workers-coronavirus.html>

¹² David Groves, 2020. Fruit warehouse strikers will deliver labor complaints, demand state intervention. <https://www.thestand.org/2020/05/striking-yakima-workers-caravan-heading-to-olympia-today/>

¹³ Kym Lyons, The Verge, 2020. Amazon warehouse workers in Germany ill strike Monday because of coronavirus infections. <https://www.theverge.com/2020/6/28/21306256/amazon-warehouse-germany-strike-safety-coronavirus>

¹⁴ Shilpa Jamkhandikar, Reuters, 2020. India surges past 2 million coronavirus cases, angry health workers launch a strike. <https://www.reuters.com/article/us-health-coronavirus-india/india-surges-past-2-million-coronavirus-cases-angry-health-workers-launch-a-strike-idUSKC-N2530GU>

¹⁵ Brakkton Booker, npr, 2020. Teachers Union OKs Strikes If Schools Reopen Without Safety Measures In Place. <https://www.npr.org/sections/coronavirus-live-updates/2020/07/28/896265783/teachers-union-oks-strikes-if-schools-reopen-without-safety-measures-in-place?t=1619266739477>

¹⁶ #StrikeforBlackLives <https://j20strikeforblacklives.org/about/>

Such actions are critical to a sustainable recovery because they protect the lives and livelihoods of workers, as well as the health of consumers and community members. As corporations push for immunity from obligations to protect their workforce and customers, the corrective power of worker agency to check corporate greed takes on elevated societal significance. For example, UNITE HERE, an immigrant-dense hospitality union in the United States, has developed a platform to expose pandemic safety practices at major casinos. At a time of unprecedented health risks, consumers and workers whose lives are at stake have aligned interest in holding businesses accountable for responsible operations.

Such dynamics make it clear that we all benefit from social dialogue. Preventing workers from negotiating for a fair share of the wealth they help generate serves as its own form of austerity that threatens to accelerate economic contraction and widen inequalities to destabilizing levels. However, the majority of the world's workers, particularly those migrants in irregular status, those in the informal economy, and the millions of migrant workers in structurally-flawed temporary migration programs, face severe restrictions on their right to freedom of association and collective bargaining. How states respond to the groundswell of worker collective action will be a key determinant of the trajectory of global recovery efforts.

CONCLUSION

The pandemic has greatly increased the stakes for the fair implementation of the *UN Global Compact on Safe, Regular and Orderly Migration*. It has exposed the hypocrisy and indecency of treating migrant workers both as essential and expendable. States must chart a path forward that honours the universality of the normative framework of the UN and emphasises the core labour standards of the ILO. This can never be accomplished in a system that perpetuates two-tier labour markets where an underclass of migrant workers is left without guarantees of freedom of association, collective bargaining, safe workplaces, social safety nets and other vital protections.

Now is the time for transformation of our global economic model, not a return to business as usual. Decent work for all is both a means and an end for those who seek to exit our current crisis stronger. Decent work enshrines universal rights, generates economic growth, promotes public health and social cohesion, and reduces racial, gender and status inequities that undermine our democratic institutions. These shifts are essential to recovery and to building an economy that works for all of us, without exception.

RECOMMENDATIONS

From crisis comes opportunity, which is why the **labour movement is calling for a new social contract, with**

no exclusions.¹⁷ That will require states to build an economic model that addresses all the pillars of decent work and centres the needs of the most marginalized workers, including migrants of all status, through measures that include the following:

- **Establish and enforce strong, clear safety and health standards for all types of work and workplaces**
- **Moving away from exploitative temporary migration programs** toward models that ensure full rights, equal treatment and a path to permanence
- Reject calls for corporate immunity for failing to protect workers and require employers to pay into a fund to **insure against wage theft**
- Invest in the public sector, infrastructure, expansionary job creation, green economic solutions and the care economy; with a particular emphasis on the creation of decent work in origin communities
- **Ensure comprehensive social protections** and end any restrictions for migrants to access health services, social security, worker's compensation or other life-supporting benefits
- Include all types of work and workers under the full protection of labour and employment laws
- **Remove barriers to freedom of association**, including through regularisation and explicit protections for migrants seeking to exercise their fundamental labour rights
- **Support the creation of a global social protection fund** and a universal labour guarantee for all workers

¹⁷ ITUC CSI IGB. A new social contract for recovery and resilience. <https://www.ituc-csi.org/a-new-social-contract?lang=en>

HOW COVID-19 AFFECTS WOMEN IN MIGRATION

Discrimination, Exploitation and Rising Inequality

Carolina Gottardo and Paola Cyment

UN Secretary General Antonio Guterres¹ has stated that for those on the move the COVID-19 outbreak is not only a global health crisis, but also a protection and socio-economic crises. When looking at women in migration an argument for a fourth crises should be made: a crisis of inequality. As many health systems and economies rely on migrant women's labour in care and domestic work, the pandemic and the policy interventions to fight it have dramatically exacerbated inequalities, especially for women in migration.

The additional layer of exclusion for migrants in situations of vulnerability, especially women, resulting from the pandemic and the response has increased the gap between citizens or permanent residents and those without this status. This has also affected other intersecting inequalities, including, race, sexual orientation, disability and other diversity grounds. The focus in this article is on women on the move with insecure migration status.

WOMEN IN MIGRATION'S INEQUALITY CRISIS

There are several ways in which women in migration have been adversely affected by the COVID-19 pandemic and how gender inequalities and migrant discrimination have been exacerbated, bearing in mind that there are specific regional dimensions.

Lockdowns, border closures and heightened policing have trapped women in migration with perpetrators of Sexual and gender-based violence (SGBV) who are often using COVID-19 as a means of coercive control, isolating them and their children. Discrimination against migrants in service provision and women's inability to access them when they are available due to lockdowns has meant that women have been unable to get help, report violence, or access shelters,

justice and other basic services. COVID-19 has driven SGBV against migrant women to a crisis-point² and has been a harsh reminder of the life and death implications for women in migration trapped in abusive relationships and the importance of networks and support services.

Migrant women are not only unable to access key services due to lockdowns and curfews. In many countries, migrants are explicitly excluded from mainstream public services and support packages (where they exist). This often includes access to health services with only 42 per cent of migrants in a multi-region report believing they would be able to access healthcare if they had coronavirus symptoms.³ This exclusion of migrants affects migrant women specifically, for example blocking access to sexual and reproductive health (SRH) and maternal health services. The exacerbation of this specific inequality is not only a matter of human rights but also of public health.

THE EXACERBATION OF INEQUALITIES ALSO INTERSECTS WITH THE SOCIO-ECONOMIC CRISIS

Migrant women's overrepresentation in the informal sector with low skilled, low paid and precarious jobs⁴ has meant that they are taking the brunt of unemployment and have lower rates in employment reengagement⁵ due to enhanced

¹ UN, 2020. *The COVID-19 crisis is an opportunity to reimagine human mobility*. <https://www.un.org/en/coronavirus/covid-19-crisis-opportunity-reimagine-human-mobility>

² IPPF, 2020. COVID-19 and the rise of gender-based violence. <https://www.ippf.org/blogs/covid-19-and-rise-gender-based-violence>

³ OCHA, Mixed Migration Centre: COVID -19 global update #2 – Impact of COVID-19 on refugees and migrants. <https://reliefweb.int/report/world/mixed-migration-centre-covid-19-global-update-2-impact-covid-19-refugees-and-migrants>

⁴ Jenna Henneby, Will Grass, Janet McLaughlin, UN Women, 2017. *Women migrant workers' journey through the margins: Labour, migration, and trafficking*. <https://www.unwomen.org/en/digital-library/publications/2017/2/women-migrant-workers-journey-through-the-margins>

⁵ Lena Näre, Elisabeth Wide, FES, 2020. *Vulnerable Workers Made More Vulnerable*. <https://www.fes.de/referat-lateinamerika-und-karibik/artikelseite-lateinamerika-und-karibik/vulnerable-workers-made-more-vulnerable>

care responsibilities and increased discrimination.⁶ Due to the layoffs, there is a risk that their work permits will not be renewed, resulting in risk of deportation. There has also been an increased risk of abuse and exploitation by employers aware of the precarity of migrant women's situation. At the same time, many migrant and refugee women have been working as 'essential workers' (including agricultural workers) with increased risks to their health due to a lack of protective equipment and their inability to fully access social protection and other human and labour rights. The resultant increase in homelessness, lack of basic food and toiletries (including basic dignity kits for women) have also become a major issue. Food insecurity and a risk of malnutrition are key concerns for women in migration and their children, having been excluded by most responses.⁷ Even though NGOs and informal networks (including women and migrant's organisations) have rolled out foodbanks and other schemes, they are a Band-Aid for what is a significant systemic problem.

The loss of jobs and livelihoods of migrant women has not only left them to struggle, but many families in countries of origin, who have been dependant on their remittances, have lost their economic 'lifeline'.⁸ Many women have wanted or have been forced to return to their countries of origin losing their social security and earnings. This is creating a 'domino effect' affecting not only many families but even the GDPs of entire countries.⁹ The reliance of economies on the labour of migrant women workers at risk of exploitation and with little access to rights and services, highlighted by the global pandemic, provides an opportunity to re-think circular migration and the role of migrant workers unable to access their rights.

The closures of schools in almost all countries in the world has also exacerbated inequalities faced by migrant girls. Their often-precious access to education, role in domestic labour when out of school and limited resources have disproportionately excluded them from remote learning. They are also less likely to return to school when and as they reopen.

THE PANDEMIC AS AN ENHANCER FOR ANTI-MIGRANT POLICIES AND RACIST AND XENOPHOBIC ATTITUDES

COVID-19's escalation of inequalities experienced by migrant women also includes a socio-political shift towards anti-migrant policies and racist and xenophobic attitudes.

Several countries are using the pandemic as an excuse for border closures and stricter border policies, including the detention and deportation of women and children without appropriate health measures, such as testing, being in place. There has also been an erosion of the right to seek asylum with many states such as the United States¹⁰ and the United Kingdom¹¹ amongst others, citing health concerns to justify restrictions to the right to seek asylum. Refugees and migrants are drifting in boats not allowed to disembark, while others are being forced to return without consideration for the right to non-refoulement such as the case of Malaysia,¹² amongst others.

In tandem with anti-migrant policies, those deported without testing or isolation face discrimination and stigmatisation, often coinciding with gendered attitudes, branding women who have returned or have been forced to return as COVID-19 carriers in their own communities.¹³ Simultaneously, there has been a worrying reduction of civic space for migrant women to organise and be able to claim their rights.¹⁴

In addition to migrant women, further inequality and discrimination is also faced by LGBTQ+ migrants. This group is often entirely absent in measures which often operate on simple gender binaries placing non-binary migrants at additional risk during lockdowns, detentions and deportations. This was evident in 'gender quarantines' in Latin America, where governments implemented mobility restrictions that only allowed people of a certain gender to leave the house on a given day, immediately placing non-binary people in a situation of greater risk and vulnerability in the face of State coercion.

THE POST-PANDEMIC SCENARIO: WHAT WILL THE 'NEW NORMAL' MEAN FOR WOMEN IN MIGRATION?

As Brazilian feminist activist Sonia Correa has argued, similarly to other health crises such as the syphilis and the HIV/AIDS crisis, the COVID-19 response has led to blame, stigmatisation and violence against 'others' who are portrayed as the vector of the disease, usually perceived as aliens to the local population.¹⁵ Therefore, women in migration have been

6 Catherine Tactaquin, WIMN, 2020. Reflections on UNMN Listening Sessions on Migration. Covid-19 & Gender. <https://womeninmigration.org/2020/06/reflections-on-unmn-listening-sessions-on-migration-covid-19-gender/>

7 OCHA, 2020. In Their Own Words: COVID-19 Update on Food Insecurity. <https://reliefweb.int/report/world/their-own-words-covid-19-update-food-insecurity>

8 UN Migration Network. The impact of COVID-19 on family remittances: a lifeline cut migrant families. https://migrationnetwork.un.org/sites/default/files/policy_brief_-_remittances_in_the_time_of_covid-19.pdf

9 Harry Kretchmer, World Economic Forum, 2020. Remittances could fall by \$100 billion because of COVID-19 – here's why that matters. <https://www.weforum.org/agenda/2020/07/remittances-decline-covid-19-migrants-low-income-economies/>

10 Giulia McPherson, The New Humanitarian, 2020. Will COVID-19 halt asylum in the United States for good?. <https://www.thenewhumanitarian.org/opinion/2020/07/09/US-Mexico-asylum-coronavirus>

11 Diane Taylor, The Guardian, 2020. UK Plan to use navy to stop migrant crossings is unlawful, lawyers warn. <https://www.theguardian.com/world/2020/aug/07/uk-plan-to-use-navy-to-stop-migrant-crossings-is-unlawful-lawyers-warn>

12 Emily Ding, FP, 2020. Malaysia's Coronavirus Scapegoats. <https://foreignpolicy.com/2020/06/19/malaysias-coronavirus-scapegoats/>

13 UN Women, 2020. Far from the spotlight, women workers are among the hardest hit by COVID-19 in Bangladesh. <https://www.unwomen.org/en/news/stories/2020/4/feature-women-workers-hardest-hit-by-covid-19-in-bangladesh>

14 Monitor, 2020. Civic Freedoms and the COVID-19 Pandemic: a Snapshot of Restrictions and Attacks. <https://monitor.civics.org/COVID19/>

15 Sonia Corrêa, DAWN, 2020. Biopolitics & the COVID-19 Pandemic: Feminist Perspectives. <https://dawnnet.org/publication/biopolitics-the-covid-19-pandemic-feminist-perspectives/>

framed as groups that should be controlled, placing them at greater risk when these discourses and narratives are used to tackle an infection.

The above-mentioned crisis of inequality is arguably the result of these overlapping narratives. Racist and xenophobic narratives increasingly portray people on the move as a ›threat‹ to public health, for example, in the cases of Malaysia and Singapore. In turn, previously problematic measures to secure and militarise borders are readily sanctioned in the name of protecting ›public health‹, where some lives are worth more than others. This narrative is also based on a racialised and sexualised discourse that contributes to further crystallise the status quo of the sex/gender order. Such structural matrix is grounded in the sexual division of labour and gendered power inequalities, leaving women in migration to be treated as a disposable population.

However, the public health and pandemic discourse of death or ›necropolitics‹ has also been challenged by a narrative of life embodied by the many big and small daily fights that women in migration are carrying out by deploying innovative survival strategies, many of them based on solidarity and collective struggles jointly with other segregated groups. Some of these stories have scaled up to global campaigns such as »Regularization Now!/Status for all!« or the call for a #FeministBailout.

RECOMMENDATIONS

To counteract the inequality crisis faced by women in migration during the COVID-19 pandemic and its effects it is important to ensure their presence and recognition in efforts dealing with the other three crises mentioned in the introduction. Some ways of achieving this include:

- **Ensure the COVID-19 responses incorporate gender and migrant status as intersecting, context specific issues** that produce unique vulnerabilities to ensure they **do not reproduce or perpetuate discriminatory practices and inequalities**.
- **Adapt mechanisms of response to sexual and gender-based violence**, adopting alternative channels to recognise that restrictions on movement due to lockdowns and **curfews expose some women to intimate partner violence and abuse by employers or smugglers**. Likewise, ensure the availability of shelters and other support for women survivors of violence regardless of their immigration status, with adequate conditions to prevent contagion.
- **Ensure that political messaging on prevention does not associate the spread of the disease with vulnerable population groups**, especially migrants, and recognises the important role-played women's care work.
- **Take measures to ensure women and girls can access health services, including sexual and reproductive health, regardless of their immigration status**, without fear or risk of deportation, detention or any other harassment.
- **Strengthen food security policies and a minimum safety net with a gender perspective**, including minimum wage policies and social protection, regardless of nationality or migration status.
- **Prioritise the active engagement and participation of women in migration** recognising their unique position in their communities to positively influence the design and implementation of prevention activities.
- **Include women in migration in decision making for outbreak preparedness** and response, and ensure women in migration's representation in global, regional, national and local COVID-19 policy spaces.
- **Ensure relevant objectives and commitments in the Global Compact for Migration related to women in migration are duly implemented during the pandemic** and in the post-pandemic period and that **implementation is human rights based and gender responsive**.

MIGRANT WOMEN IN INFORMAL SETTLEMENTS IN SPAIN

How the Lockdown Amplifies Vulnerabilities

Diego Pascual López Carmona, Jesús Tolmo García, Nacho Hernández Moreno, and Manuela Pérez González

»I met with workers living in a migrant settlement in conditions that rival the worst I have seen anywhere in the world. They are kilometres away from water, and live without electricity or adequate sanitation«

*Statement by Professor Philip Alston,
United Nations Special Rapporteur on extreme poverty
and human rights, on his visit to Spain.*

Spain has had a high number of informal migrant settlements, also referred to as shantytowns, since the 1990s and they are a clear example of the lack of effective respect for and protection of the human rights of all migrants, regardless of their migration status, as enshrined in the Global Compact for Migration,¹ and the scope and severity of the living conditions in informal settlements make them one of the most pervasive violations of human rights globally.²

According to the ETHOS classification typology, drawn up by FEANTSA in 2007, these settlements are 'inadequate housing' for the safety and vital development of their inhabitants.³ In addition, their location in rural areas or urban peripheries, or separation from urban centres even when they are located there, create a barrier to integration of migrants with the rest of the population.

In Spain, settlements are located in the province of Almería, the province of Huelva, the Autonomous Community of the

Region of Murcia and the Community of Valencia, and in large cities such as Madrid and Barcelona and their metropolitan areas. In spite of settlements being male spaces, inhabited predominantly by migrant men, women are a growing and especially vulnerable group, often living in the intersection of precarious socio-residential situations and risks of gender based violence.

The following is an analysis of the profile and social situation of these women and the impact the COVID-19 health emergency, and its consequences, has had on their material living conditions and how inadequate housing is one of multiple vulnerabilities that amplify each other and are all affected by the pandemic.⁴ This short article will look at women in informal settlements in Spain as a case study for the wider issue of how COVID-19 has impacted these often forgotten migrants.

WOMEN IN INFORMAL SETTLEMENTS

Research by the Cepaim Foundation on the inhabitants of informal settlements in Spain in 2019 engaged participants from four key geographies: the provinces of Almería and Huelva, which are rural settings, and Madrid and Barcelona, both large metropolitan cities.⁵ The study, predating the COVID-19 pandemic, showed women to be one of the most vulnerable groups identified and much of that vulnerability was the result of poor housing conditions (often temporary structures built with recycled materials lacking electricity, water, and sanitation) and the geographic setting,

¹ Global Compact for Safe, Orderly and Regular Migration, Paragraph 15 (f) specifies that »The Global Compact is based on international human rights law and upholds the principles of non-regression and non-discrimination. By implementing the Global Compact, we ensure effective respect for and protection and fulfilment of the human rights of all migrants, regardless of their migration status, across all stages of the migration cycle. We also reaffirm the commitment to eliminate all forms of discrimination, including racism, xenophobia and intolerance, against migrants and their families.«

² UN Digital Library, 2018. Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living. <https://digitallibrary.un.org/record/1643657>

³ FEANTSA, 2005. ETHOS Typology on Homeless and Housing Exclusion. <https://www.feantsa.org/en/toolkit/2005/04/01/ethos-typology-on-homelessness-and-housing-exclusion>

⁴ This article is based on research carried out by the Cepaim Foundation during 2019, entitled *Breaking down the invisibility of homeless women: profile and social situation of women living in informal settlements in Spain* by López Carmona, 2019 and an analysis of the information gathered by the organisation through reports drawn up by the technical team involved in the direct intervention in settlements, relating to the work carried out since the outbreak of the health emergency during 2020.

⁵ CEPAIM, 2009. Informe sobre asentamientos de inmigrantes. http://cepaim.org/th_gallery/informe-sobre-asentamientos-de-inmigrantes/

which was often isolated with scarcity of resources and job opportunities outside of the agricultural sector. The migrant women from Sub-Saharan Africa (mostly from Nigeria, Equatorial Guinea, Guinea and Ghana) living in informal settlements in the Huelva province were the most vulnerable and victims of human rights violations, especially trafficking of persons for sexual exploitation. Undocumented women from Morocco, living in the provinces of Huelva and Almeria with dependant minors in Spain or sometimes in their country of origin, were the second most vulnerable group.

VULNERABILITY DURING A GLOBAL PANDEMIC

The COVID-19 adaptation and prevention measures have exacerbated these women's risks to their survival. This is particularly the case with regards to: 1) **labour**, having less opportunities for employment within the informal economy and facing higher risks of infection due to poor prevention measures; 2) **housing**, living in places that do not meet minimum standards of habitability and hygiene essential to prevent contagion and quarantine in the event of illness; and 3) **care work**, increasing women's burden of child care and domestic work due to closures of schools, the absence of social and family networks and men's failure to share household responsibilities.

The pre-existing vulnerabilities of these women have amplified the impact of the pandemic and its response, often affecting them more. Sub-Saharan women who had been trafficked into sexual exploitation remained the most vulnerable sub-groups after taking the impact of COVID-19 into account and are maybe the most severe example of this dynamic. This continued abuse and violence now also puts them at high risk of contracting the virus.

The undocumented women from Morocco living in the provinces of Huelva and Almeria with dependent children (in Spain and in Morocco), impacted by school closures, were also affected by the pandemic's effects of travel. Many of them were recruited as seasonal labour in the agricultural sector expected to return to their country of origin, where many have parents and children dependent on them. Farmers recruit this specific profile of female labourer, and even though exploitative labour practices often include the employer controlling women's ability to leave,⁶ the pandemic has left them stranded in Spain without income. The more familiar uncertainty of not knowing how many months they will be forced to stay and work, is replaced in uncertainty about their ability to return to work in the next season or how long they will have to stay in Spain without an income.

CONCLUSIONS

The health emergency caused by COVID-19 has added new disease related vulnerabilities to life in informal settlements, yet it has also highlighted how human rights violations and abuses in informal settlements go beyond access to adequate housing, which is often the focus. The intersection of housing, social conditions, health and hygiene, and economic opportunities and mobility can be seen in the case of women in Spanish informal settlements shown here, but these realities exist elsewhere, to similar detriment to migrants.

It is key to ensure that conversations on hygiene in informal settlements for the prevention of COVID-19 are not insular, but are instead holistic, with a clear gender lens that understands the deep inequality that operates with particular virulence in cases of sex trafficking, and in the uneven share of care work, and the high rates of physical, sexual, psychological, and structural gender-based violence.

RECOMMENDATIONS

The **need to »develop gender-responsive migration policies to address the particular needs and vulnerabilities of migrant women, girls and boys« as stated in the Global Compact for Safe, Orderly and Regular Migration, paragraph 23 (c) has to include access to adequate housing**; and inversely, national or regional governments responsible for housing must recognise this right in a migrant and gender focused manner.⁷ To ensure the universal access to adequate housing for migrants in the context of COVID-19 we recommend:

- **Ensuring migrant women living in informal settlements are considered a separate and specifically vulnerable group in COVID-19 focused interventions** on preventing the spread of the disease in these settings.
- Ensuring that **policy discussions are multi-sectoral, bringing together key actors from housing, immigration and social welfare** to develop coordinated responses that ensure that the various policies and procedures effectively support each other.
- **Investigating migrant women without access to adequate housing** (including those who are homeless and those living in informal settlements) to ensure a comprehensive and holistic approach to policy and programme development is evidence based. This is key for ensuring that measures do not exclude women by failing to understand their daily lives.

⁶ Zeneidi Djemila, HALSHS, 2017. Circular migration and misrecognition: the experience of spatial injustice of Moroccan women doing seasonal agricultural work in Huelva (Spain). <https://halshs.archives-ouvertes.fr/halshs-01525365/document>

⁷ General comment No. 4: The right to adequate housing (art. 11 (1) of the International Covenant on Economic, Social and Cultural Rights) expressly provides that *the right to adequate housing applies to everyone*, paragraph 6, *the right to housing should be ensured to all persons irrespective of income or access to economic resources*, paragraph 7.

- **Urging policymakers to develop state protocols for informal settlements, in accordance with human rights, ensuring access to safe drinking water and sanitation⁸ and in line with recommendations made by the former Special Rapporteur on the right to adequate housing.⁹** These protocols must ensure that women are included and their specific barriers to access services are considered.
- **Including informal settlements in government strategies to reduce homelessness,** to avoid an unduly narrow focus on a specific subgroup of people without access to adequate housing.

⁸ General comment No. 15, The Right to Water (Arts. 11 and 12 of the Covenant) specified that States are obliged »to provide those who do not have sufficient means with the necessary water and water facilities and to prevent any discrimination on internationally prohibited grounds in the provision of water and water services« (para. 15) »whereas the right to water applies to everyone« (para. 16).

⁹ Leilani Farha, OHCHR, 2020. Protecting residents of informal settlements. https://www.ohchr.org/Documents/Issues/Housing/SR_housing_COVID-19_Guidance_informal_settlements.pdf

THE PANDEMIC IMPACT ON CLIMATE-RELATED MIGRATION

Why Impacts of Climate Change Cannot Be Neglected in Response to the Pandemic

Kayly Ober, Jacqueline Kessler, and Miriam Ernest

In 2020, the world witnessed a record-breaking number of climate-related disasters. In the most active Atlantic hurricane season in recorded history,¹ two large-scale hurricanes hit Central American coasts within two weeks.² Fiji suffered two Category 5 tropical cyclones in one year, including Cyclone Yasa, the second-strongest cyclone³ on record to make landfall in the country. In East Africa,⁴ locusts damaged hundreds of thousands of hectares of land, and flooding displaced hundreds of thousands of people. The list of unprecedented natural disasters appears unending, and while the scale of climate-related displacement grows, COVID-19 has complicated the ability of the international community to meet these challenges.

At the start of the pandemic, we made a prediction: COVID-19 would disrupt humanitarian aid, decrease commitments to climate finance, curtail human mobility and freedom of movement, underscore the need for climate change adaptation, and sidetrack or even derail some multilateral processes.⁵ We take a look back at how many of these predictions came true and at the lessons learned for climate-related migration policy in the future.

HUMANITARIAN AID

COVID-19 has challenged humanitarian aid delivery in a variety of contexts,⁶ including in response to the many sudden-onset natural hazards that occurred in 2020.⁷ Lockdowns, travel restrictions, strained supply chains, and low funding made aid delivery difficult, including in response to Cyclone Harold in the Pacific,⁸ Cyclone Amphan and monsoon flooding in India and Bangladesh,⁹ and flooding and locust infestations in East Africa.¹⁰ Amid the pandemic humanitarian need around the world is only increasing,¹¹ and according to the United Nations Office for the Coordination of Humanitarian Affairs, the 2020 Covid-19 Global Humanitarian Response Plan is still only 39 per cent funded.¹²

Humanitarian assistance will continue to be particularly important for communities dependent on remittances for

¹ NCEI, 2020. 2020 North Atlantic Hurricane Season Shatters Records. <https://www.ncei.noaa.gov/news/2020-north-atlantic-hurricane-season-shatters-records>

² Joe Lo, Climate Home News, 2020. Hurricanes Iota, Eta devastate parts of Central America in record-breaking season. <https://www.climatechangenews.com/2020/11/18/hurricanes-iota-eta-devastate-parts-central-america-record-breaking-season/>

³ Jeff Masters, Yale Climate Connections, 2020. Tropical Cyclone Yasa makes landfall in Fiji with 145 mph winds. <https://yaleclimateconnections.org/2020/12/tropical-cyclone-yasa-makes-landfall-in-fiji-with-145-mph-winds/>

⁴ Sarah Miller, Kayly Ober, Stefan Bakumenko, Refugees International, 2020. In East Africa, a Vexing Trifecta of Challenges: COVID-19, Locusts and Floods. <https://www.refugeesinternational.org/reports/2020/7/16/in-east-africa-a-vexing-trifecta-of-challenges-covid-19-locusts-and-floods>

⁵ Kayly Ober, Refugees International, 2020. What COVID-19 means for Climate Displacements Policy Progress. <https://www.refugeesinternational.org/reports/2020/4/13/what-covid-19-means-for-climate-displacement-policy-progress>

⁶ The New Humanitarian, 2020. Coronavirus and aid: What we're watching. <https://www.thenewhumanitarian.org/news/2020/06/11/coronavirus-humanitarian-aid-response>

⁷ Kayly Ober, Refugees International, 2020. When COVID-19 and Hurricanes collide. <https://www.refugeesinternational.org/reports/2020/8/7/when-covid-19-and-hurricanes-collide>

⁸ Kayly Ober, Stefan Bakumenko, Refugees International, 2020. A New Vulnerability: COVID-19 and Tropical Cyclone Harold create the perfect Storm in the Pacific. <https://www.refugeesinternational.org/reports/2020/6/1/a-new-vulnerability-covid-19-and-tropical-cyclone-harold-create-the-perfect-storm-in-the-pacific>

⁹ Kayly Ober, Refugees International, 2020. Complex Road to Recovery: COVID-19, Cyclone Amphan, Monsoon Flooding collide in Bangladesh and India. <https://www.refugeesinternational.org/reports/2020/10/5/complex-road-to-recovery-covid-19-cyclone-amphan-monsoon-flooding-collide-in-bangladesh-and-india>

¹⁰ Sarah Miller, Kayly Ober, Stefan Bakumenko, Refugees International, 2020. In East Africa, a Vexing Trifecta of Challenges: COVID-19, Locusts and Floods. <https://www.refugeesinternational.org/reports/2020/7/16/in-east-africa-a-vexing-trifecta-of-challenges-covid-19-locusts-and-floods>

¹¹ Chris Dall, CIDRAP, 2020. UN: Humanitarian needs »skyrocketing« amid COVID-19. <https://www.cidrap.umn.edu/news-perspective/2020/12/un-humanitarian-needs-skyrocketing-amid-covid-19>

¹² FTS UN OCHA, 2020. COVID-19 Global Humanitarian Response Plan. <https://fts.unocha.org/appeals/952/summary>

food, healthcare, and other necessities.¹³ COVID-19 lockdowns led the World Bank to predict in April that global remittances would fall by as much as 20 per cent in 2020¹⁴ – and while the prediction did not prove true in all regions of the world, remittance flows could still suffer significantly as the pandemic continues.¹⁵ Additionally, as illustrated during the aftermath of Cyclones Amphan¹⁶ and Harold,¹⁷ inability to access remittances leaves people at greater risk of disaster during natural hazards and thwarts community efforts to build back in their aftermath. The difficulties in responding to natural hazards during the pandemic further illustrate the urgent need to address the effects of climate change and the COVID-19 pandemic simultaneously.¹⁸

CLIMATE FINANCE

Dedicated climate finance is needed to ensure that at-risk communities have access to funds to adapt to climate change.¹⁹ However, climate finance commitments made by high-income countries have never fully risen to the scale of the needed funding, and COVID-19 has only made this worse. Prior to COVID-19, high-income countries resisted attempts to commit proper funding, including previous \$100 billion commitments, at climate summits.²⁰ Recent reporting shows that past donor accountings of climate-specific funding may not be ›new and additional‹, but rather the result of ›raiding‹ development aid budgets.²¹

Now these funds may be further in jeopardy,²² with the economic fallout of COVID-19 impacting overall development

assistance budgets and donor governments refocusing existing budgets to finance COVID-19 responses. This is worrying because communities and individuals need climate change adaptation-specific funding to help them adapt and to stay in place if desired. Without adequate climate finance, future migration related to climate change will likely occur at a larger scale and be under duress rather than voluntary.²³

CLIMATE CHANGE ADAPTATION

We argued in 2020 that action on risk reduction, climate change adaptation, and resilience building would help the world prepare against any future pandemic impacts. That argument remains, but how can and should the lessons from the pandemic be interwoven with climate change adaptation frameworks and policies?

The pandemic has amplified structural inequalities and necessitated investments in large-scale and ›green‹ recovery.²⁴ The National Adaptation Plan (NAP) process helps countries identify, create, and conduct medium- and long-term adaptation strategies that integrate climate change into decision making²⁵ and that may prove viable entry points for pandemic response in multiple ways.²⁶ These strategies can recognize vulnerable communities and tackle issues of gender, identify mechanisms to support those disproportionately impacted, and engage with risk management actors.²⁷ They should also include and prioritize migrant communities as much as possible. For one, migration can function as a climate adaptation strategy – as a way to diversify incomes, spread risk, and minimize the negative impacts of environmental changes.²⁸ For another, centring migrant communities and migrants themselves in adaptation considerations means prioritizing issues that have become more important than ever during the pandemic, including urban planning, disaster risk reduction, and water and sanitation services.

However, the jury is still out on whether these sorts of lessons learned will be a part of a renewed climate change adaptation and risk reduction conversation, especially at the international level.

13 KNOMAD, 2020. Migration and Development Brief 33. <https://www.knomad.org/publication/migration-and-development-brief-33>

14 Rebecca Ong, The World Bank, 2020. World Bank Predicts Sharpest Decline of Remittances in Recent History. <https://www.worldbank.org/en/news/press-release/2020/04/22/world-bank-predicts-sharpest-decline-of-remittances-in-recent-history>

15 Saad Noor Quayyum, Roland Kangni Kpodar, IMF Blog, 2020. Supporting Migrants and Remittances as C

16 Kayly Ober, Refugees International, 2020. Complex Road to Recovery: COVID-19, Cyclone Amphan, Monsoon Flooding collide in Bangladesh and India. <https://www.refugeesinternational.org/reports/2020/10/5/complex-road-to-recovery-nbsp-covid-19-cyclone-amphan-monsoon-flooding-collide-in-bangladesh-and-india>

17 Kayly Ober, Stefan Bakumenko, Refugees International, 2020. A New Vulnerability: COVID-19 and Tropical Cyclone Harold Create the Perfect Storm in the Pacific. <https://www.refugeesinternational.org/reports/2020/6/1/a-new-vulnerability-covid-19-and-tropical-cyclone-harold-create-the-perfect-storm-in-the-pacific>

18 Red Cross EU Office, 2019. Climate Change and COVID-19 must be tackled together. <https://redcross.eu/latest-news/climate-change-and-covid-19-must-be-tackled-together>

19 UNFCCC. Introduction to Climate Finance. <https://unfccc.int/topics/climate-finance/the-big-picture/introduction-to-climate-finance>

20 Irwin Loy, The New Humanitarian, 2019. Why COP25 matters to the emergency aid sector. <https://www.thenewhumanitarian.org/news/2019/12/02/why-cop25-matters-emergency-aid-sector>

21 Paula Dupraz-Dobias, The New Humanitarian. Why climate funds may be ›displacing‹ lifesaving aid. <https://www.thenewhumanitarian.org/news/2020/03/17/climate-change-aid-funding-COP26>

22 ODI, 2020. The impact of Covid-19 on climate change and disaster resilience funding: trends and signals. <https://odi.org/en/publications/the-impact-of-covid-19-on-climate-change-and-disaster-resilience-funding-trends-and-signals/>

23 World Bank Group, 2018. Groundswell: Preparing for the Internal Climate Migration. <https://openknowledge.worldbank.org/handle/10986/29461>

24 Anne Hammill, IISD, 2020. Resilient Recovery: Using climate adaptation plans to build back better. <https://www.iisd.org/articles/climate-adaptation-stimulus>

25 UNFCCC, 2019. National Adaptation Plans. <https://unfccc.int/topics/adaptation-and-resilience/workstreams/national-adaptation-plans>

26 Anne Hammill, NAP Global Network, 2020. Resilient Recovery: Using climate adaptation plans to build back better. <https://napglobalnetwork.org/2020/05/resilient-recovery-using-climate-adaptation-plans-to-build-back-better/>

27 UNFCCC, 2020. June Momentum: Advancing National Adaptation Plans and climate-resilient recovery under COVID-19

28 IOM, 2015. Migration as an Adaption Strategy to Climate Change. <https://weblog.iom.int/migration-adaptation-strategy-climate-change>

HUMAN MOBILITY AND FREEDOM OF MOVEMENT

Policies aimed at curbing the spread of COVID-19 have continued to restrict human mobility,²⁹ disproportionately impacting migrant communities and people affected by climate change.³⁰ As of January 28, 2021, about 18 per cent of entry points within 182 countries, territories, and areas investigated by the International Organization for Migration (IOM) were fully closed, and only 48 per cent were fully operational.³¹ Since April 2020, many countries have shifted from issuing more generic entry restrictions to more specific «conditions for authorized entry».³² Travel bans and border closures have left migrants stranded in precarious conditions and exposed to exploitation and violence.³³ Border closures and forced returns of asylum-seekers have led international organizations,³⁴ public health experts,³⁵ and refugee advocates³⁶ to urge governments to halt violent treatment of migrants and people seeking asylum.

These sorts of measures have also impacted the ability to negotiate ground-breaking policy solutions that are centred on freedom of movement. Progress on the Intergovernmental Authority on Development (IGAD) Free Movement Protocol,³⁷ which includes protections³⁸ for people displaced by natural disasters and climate change, for example, has continued at a slow pace. The roadmap for the implementation of the Protocol was validated in November but still needs to be adopted by the IGAD Assembly and

Council of Ministers.³⁹ Meanwhile, mobility restrictions in the IGAD region have eased since April, but according to the IOM, «a majority of land border points still have some sort of restrictions» in place.⁴⁰ South Sudan, for example, has reopened its land borders, but because of restrictions put in place by neighbouring countries, mobility in and out of the country is still restricted. Major questions exist about the ways in which human mobility will continue to be restricted even after the pandemic—in both the short- and long-term.⁴¹

MULTILATERAL PROCESSES

COVID-19 has delayed important global processes on climate change, migration, and disaster risk reduction (DRR). The 26th session of the Conference of the Parties (COP 26) to the UNFCCC that was originally scheduled for November 2020 has been postponed until November 2021.⁴² The Seventh Regional Platform for DRR⁴³ and the Asia-Pacific Ministerial Conference on DRR⁴⁴ have also been postponed, with new dates not yet announced. While the first regional review of the Global Compact for Safe, Orderly, and Regular Migration (GCM) in the United Nations Economic Commission for Europe (UNECE) region took place in December 2020, all other reviews have been postponed until this year.⁴⁵

Despite our original pessimistic outlook on the regional review process, various UNECE region member states mentioned climate change in their regional review submissions.⁴⁶ Of the 26 country submissions, five (Azerbaijan, Finland, Germany, Ireland, UK) mentioned «climate change» explicitly, and one (Denmark) mentioned «climate related migration challenges in the Sahel.» Germany was by far the most involved in its discussion of the connections between climate change and migration and unlike all other statements

²⁹ OCHA, 2020. Covid-19 and the transformation of migration and mobility globally – Shifting forms of mobility related to COVID-19

³⁰ UNHCR, 2020. COVID-19, Displacements and Climate Change. <https://www.unhcr.org/en-us/protection/environment/5ef1ea167/covid-19-displacement-climate-change.html>

³¹ IOM, 2021. IOM COVID-19 Impact on Points Of Entry Bi-Weekly Analysis. <https://migration.iom.int/reports/iom-covid-19-impact-points-entry-bi-weekly-analysis-03-february-2021?covid-page=1>

³² IOM, 2021. COVID-19 Travel Restrictions Output. <https://migration.iom.int/reports/covid-19-travel-restrictions-output-%E2%80%94-1-february-2021?covid-page=1>

³³ OCHA, 2020. COVID-19 Impact on stranded migrants. <https://reliefweb.int/report/world/covid-19-impact-stranded-migrants>

³⁴ UNHCR, 2021. UNHCR warns asylum under attack at Europe's borders, urges end to pushbacks and violence against refugees. <https://www.unhcr.org/en-us/news/press/2021/1/601121344/unhcr-warns-asylum-under-attack-europes-borders-urges-end-pushbacks-violence.html>

³⁵ Public Health, 2021. Letter to Acting HHS Secretary Cochran and CDC Director Walensky. <https://www.publichealth.columbia.edu/research/program-forced-migration-and-health/letter-acting-hhs-secretary-cochran-and-cdc-director-walensky>

³⁶ Yael Schacher, Chris Breyer, Refugees International, 2020. Expelling Asylum Seekers Is Not The Answer: U.S. Border Policy in the Time of COVID-19. <https://www.refugeesinternational.org/reports/2020/4/26/expelling-asylum-seekers-is-not-the-answer-us-border-policy-in-the-time-of-covid-19>

³⁷ IGAD, 2021. Peace, Prosperity and Regional Integration. <https://igad.int/divisions/health-and-social-development/2016-05-24-03-16-37/2373-protocol-on-free-movement-of-persons-endorse-at-ministerial-meeting>

³⁸ Tamara Wood, Thomas Reuters Foundation News, 2020. OPINION: New pact paves way for innovative solutions to disaster and climate change displacement in Africa. <https://news.trust.org/item/20200228175003-4k8dq>

³⁹ Akech Olivia, Kampala Times. IGAD Free Movement of Persons Roadmap Validated. <https://kampalaitimesug.com/igad-free-movement-of-persons-roadmap-validated/>

⁴⁰ IOM, 2021. Displacement Tracking Matrix COVID-19 regional overview on mobility restrictions. https://displacement.iom.int/system/tdf/reports/IOM_DTM_RDH_COVID-19_Mobility_Restrictions_14012021.pdf?file=1&type=node&id=10552

⁴¹ IOM, 2020. Cross-Border human mobility amid and after COVID-19. https://www.iom.int/sites/default/files/default/pp_cross-border_human_mobility_amid_and_after_covid-19_policy.pdf

⁴² UNFCCC, 2020. COP26 postponed. <https://unfccc.int/news/cop26-postponed>

⁴³ OCHA, 2020. VII Regional Platform for Disaster Risk Reduction in the Americas and the Caribbean to be held in 2021. <https://reliefweb.int/report/world/vii-regional-platform-disaster-risk-reduction-americas-and-caribbean-be-held-2021>

⁴⁴ IISD, 2020. Asia-Pacific Ministerial Conference on Disaster Risk Reduction 2020 [Postponed]. <https://sdg.iisd.org/events/asia-pacific-ministerial-conference-on-disaster-risk-reduction-2020/>

⁴⁵ Kayly Ober, Refugees International, 2020. The Global Forum on Migration and Development: Three Big Takeaways for the Climate Displacement Community. <https://www.refugeesinternational.org/reports/2020/2/12/the-global-forum-migration-development-three-big-takeaways-climate-displacement-community>

⁴⁶ UN Network on Migration. Europe and North America. <https://migrationnetwork.un.org/country-regional-network/europe-north-america>

mentioned specific actions the country is already taking to address these connections. Germany described its involvement with the Platform for Disaster Displacement⁴⁷, a State-led initiative that promotes protections for people displaced by natural disasters and climate change, and highlighted various programs it is implementing to develop research-based policy solutions for climate-related displacement and to provide livelihood assistance to people displaced by climate change.⁴⁸ Germany also mentioned its support for the International Federation of Red Cross and Red Crescent Disaster Law Program⁴⁹ and for initiatives that help countries develop DRR strategies in alignment with the Sendai Framework.⁵⁰ In highlighting these efforts, Germany has set an example for other countries in prioritizing climate change and migration within GCM implementation. It is difficult to know whether this link between migration and climate change, and the GCM review process more generally, will be further affected by COVID-19 proverbially sucking oxygen out of the room for these critical processes.

- **Exploring the linkages between climate change action and pandemic prevention and preparedness**, ensuring that climate change prevention targets areas also relevant to COVID-19 and potential future pandemics;
- Ensuring the rights of people displaced or forced to move by climate change during the pandemic by **highlighting the impact on often fragile livelihoods by the COVID-19 outbreak and response**.

CONCLUSION

The impact of COVID-19 on climate change and migration has been complex: the restrictions on human mobility were immediate and in framed as a direct effort fight the pandemic, whereas climate action has become a silent victim, being deprioritized. It is key to link climate change and migration to avoid efforts to address the impact of COVID-19 on migration to further draw attention away from climate change. To link climate change with migration and pandemic preparedness/response more strongly we recommend:

- **Ensuring all efforts are made to continue multi-lateral processes on climate change, migration and disaster risk reduction**, emphasising causal relationships between climate change, natural hazards, pandemic response and migration;
- **Advocating for inequalities that are exacerbated by COVID-19 to be understood as core impacts of the pandemic** that need to be addressed as part of COVID-19 response funding, **including inequalities relating to climate change impacts and migrant rights**;
- **Honouring financial commitments in the areas of climate change and development/humanitarian aid** by ringfencing their funding from national COVID-19 responses, especially in high-income countries;

⁴⁷ Disaster Displacement. <https://disasterdisplacement.org/>

⁴⁸ The Federal Government. Global Compact for Safe, Orderly and Regular Migration. <https://migrationnetwork.un.org/sites/default/files/docs/germany.pdf>

⁴⁹ IFRC. About the Disaster Law Programme. <https://www.ifrc.org/what-we-do/idrl/about-idrl/>

⁵⁰ UNDRR, 2015. Sendai Framework for Disaster Risk Reduction 2015-2030. <https://www.undrr.org/publication/sendai-framework-disaster-risk-reduction-2015-2030>

CONCLUSION & RECOMMENDATIONS

This publication offers a mixture of overviews and case studies on the topic of COVID-19 and migration, looking at (1) how the pandemic has shaped migration and migrant rights and (2) the role of migrants in shaping the response to the pandemic. It is important to note that this publication is tackling a constantly shifting and changing reality as the pandemic, the responses to it, and other factors impacting migration are shifting rapidly. This leads to some topics that have emerged more recently being omitted, for example, inequalities around vaccinations and the use of vaccines as condition for entry into a country. Importantly, the issues captured in the articles in this publication have not lost its relevance as the pandemic continued, making the contributions timely and the recommendations urgent.

THE PANDEMIC AND INEQUALITIES

When looking at the examination of the pandemic's impact on migration, two points have become clear: (1) COVID-19 did not create any new inequalities, and (2) COVID-19 has exacerbated many of the already existing inequalities significantly. As a result, the pandemic has exposed more vulnerable migrants to often worse risks than was the case previously. Maybe the most extreme example is the criminalisation of irregular migrants, whose detention and deportation has often been critiqued by human rights actors. COVID-19 did not start the detention of migrants, but the policing of borders, including closures and lockdowns, have led to increased arrests in some countries. At the same time, the virulent spread of the disease in detention centres has led some countries to release detained migrants, granting them amnesty and pathways to regularisation. Another example, the juxtaposition of essential and expendable migrant labour, highlights a similar ›double-effect‹ of COVID-19, exacerbating the impact of inequalities, whilst at the same time highlighting the importance of migrant rights in a way that is interrogated and publicly visible.

Many of the articles, in their examinations of varied topics, made a similar observation about COVID-19 being both a threat and opportunity to progress towards the goal of migrants enjoying their full-rights. In some cases, the opportunity for change is the result of pushing an inequality or exploitation to, what feels like, a breaking point: migrants being excluded from public health services or border closures between Libya and Niger showing ›the logical conclusion‹ of migration policies. In other cases, opportunities come from the exposition of the dependence on, and value added by migrants, such as health workers or other essential labour. The latter still relates to inequalities that existed prior to the pandemic, highlighting the need to seize opportunities where they present themselves.

This publication was motivated by the visible worsening of migrants' access to rights as a direct result of the pandemic. The urgency of the situation that was emerging, makes the report and each contribution an example of this sense of opportunity to bring about positive change, contributing evidence-based recommendations from experts with a clear focus on those most marginalised.

SHORT AND LONG-TERM IMPACT

The report places emphasis on the impact of the COVID-19 pandemic and its measures implemented in the short term. During the writing of the report, as the globe progressed through multiple subsequent waves of virus infections, the measures and the resultant impacts on migrants were in a status on flux or oscillation, worsening and improving. This variation mostly marks a shift from bad to worse to bad, yet the shifts in approaches to minimising impacts on vulnerable migrants have largely remained unchanged. Many countries that weathered the first wave with strict exclusions of migrants from public health measures have continued these approaches through subsequent waves. It is not only the applause for the disproportionately female and migrant health workers in the global north that has subsided as lockdown fatigue is emerging as an increasing mental health phenomenon.

As vaccinations are beginning to roll out, it is important to note that this report serves two purposes beyond highlighting the inequalities that migrants faced during the immediate impact of the COVID-19 outbreak:

1. The significant impacts documented in this report will remain unaddressed, even as the pandemic is being addressed, unless migrants are explicitly included in the recovery processes. Their disproportionate vulnerability, abuse and exploitation, often intersecting with other marginalised groups, will require a concerted effort by governments and other stakeholders. This report will continue to be relevant as a detailed catalogue of impacts that need to be reversed in order to ensure that the ›recovery‹ is not only a recovery for some.
2. COVID-19 did not create these inequalities and a post COVID-19 era will not end them. It is critical to realise that the pandemic has worsened the lives of migrants by putting pressure on systems that created their vulnerabilities in the first place. Returning to a pre-COVID-19 reality for migrants would undoubtedly be an achievement, but the pandemic's exposure of pre-existing inequalities also makes such an achievement insufficient. This report highlights issues in migration policies that need to be addressed beyond reversing the pandemic's impact.

The longer-term impacts of the pandemic will not lose their relevance with regards to migration. A recovery without special emphasis placed on undoing the disproportionate effects for migrants will simply perpetuate the issues raised in this report.

INTERNATIONAL INSTRUMENTS AND NATIONAL PROTECTIONISM

The report began with a brief look at migration before the pandemic, noting the Global Compacts for Migration and on Refugees. The articles in the report show the way in which these significant international commitments did not

play a well-documented role in ensuring that migrant rights are respected in the pandemic response. Instead, many of the articles, paint a picture of national protectionism, as opposed to international cooperation. The reality shown in these articles also makes clear that this protectionism and lack of coordination made often important measures ineffective in preventing the outbreak, which was the main justification for the severe measures. Border closures were often uncoordinated, leaving migrants stranded and creating hotspots in poorly prepared peripheries; poorly planned deportations in the absence of testing spread the virus across borders; essential migrant labour was unable to return home to support families and communities; and public praise of health workers ignored the exclusion of many migrants from public services.

These articles highlight the importance of the *esprit de corps* at the heart of the Compacts, recognising the need for cooperation, maybe even solidarity, especially during a global pandemic. This multilateral cooperation is doubly necessary: it ensures that migrants are not disproportionately affected in ways that are easily avoided through coordination; and it supports the effectiveness of measures aimed at protecting individual countries by avoiding unforeseen consequences resulting from unilateral action.

RECOMMENDATIONS

The report includes topic specific recommendations at the end of each chapter. These recommendations are focused on the issues raised in the respective articles. Similar to the overall theme of inequalities and exclusion, the articles allow for key recommendations to emerge on the issue of COVID-19 and migration, or migrant rights more specifically.

- **Ensure that the voices of vulnerable migrants are heard, considered, and acted upon by governments and regional bodies.** It is critical to recognise that vulnerable migrants, including migrant women, migrants from ethnic and racial minorities, and those without regular status, have been largely excluded from decision-making processes on measures aimed to fight the health, economic, and social impacts of the pandemic. As this report shows, these measures have been sometimes targeted at migrants, failed to consider them, or considered them in ways that are inconsistent.
- **Ensure that migrants are recognised as heterogeneous, and that even amongst vulnerable groups, complex intersecting inequalities require well-informed and targeted consideration.** Whether African migrants, migrant women, undocumented migrants, or labour migrants in non-essential sectors, many articles detail specific realities which have been affected by the pandemic and the introduced measures in often complex ways. Creating migrant-sensitive responses and policies cannot be a one size fits all approach, as this will likely further hide and exacerbate intersecting inequalities.
- **Ensure that national and international policies and procedures respect and safeguard both the human rights and other specific rights of migrants, asylum seekers and refugees.** Fighting a pandemic relies on quick and well-evidenced interventions, but these must be rights-based and cannot be allowed to protect some at the expense of others. This is true for prevention policies, such as lockdowns or protection of essential workers, as well as treatment, especially vaccinations. Many of the articles document shortcomings in respecting migrant rights in light of the pandemic.
- **Seize opportunities to fight xenophobia and discrimination by highlighting the roles that migrants play in most health services, economies and societies.** Rights and protection have often been made contingent a migrant's ›desirability‹, and seasonal migrant labour in agriculture, healthcare workers, and low-skilled employment in essential services such as sanitation, have rarely been shown to be deeply important contributions. It is important to link gratitude expressed to essential workers with the hardships and policy hostility endured by the migrants amongst this group of workers.
- **Ensure strong multilateralism to produce responses that are effective and coordinated without abandoning prior multilateral commitments.** National protectionism has had a detrimental effect on inequalities faced by migrants and intersecting vulnerabilities, such as gender and race. Multilateral approaches are key in preventing rights abuses through strengthened accountability and coordination. Much like the so-called ›migrant crisis‹ and its poor response has paved the way to the Global Compacts, so this health crisis needs to result in stronger cooperation to ensure a right-based approach to pandemic responses.
- **Ensure that the pandemic and its response consider the pandemic as linked to other global processes, including climate change, health labour migration flows, economic inequality, and more.** The pandemic response, if losing sight of other ›big issues‹, can easily damage and reverse progress made in these areas. This, in turn, will leave the world more susceptible to severe impacts of health crisis and prevent a strong, global recovery. A strong multisectoral engagement is a key addition to multilateral efforts recommended above.
- **Ensure that emergency measures are not politically abused by governments with strong anti-migrant policies and attitudes, especially in order to prevent unlawful detention, deportation and denial of protection.** The pandemic response in several countries hostile to migrants has shown the particular risk to migrant risks posed by government who are able to utilise states of emergency to target irregular migrants in policing of measures and securing of borders. This must be prevented through strong, immediate advocacy to ensure that government are held accountable for rights violations.

- **Seize opportunities where they present themselves to highlight and replicate good practices in key area of migration governance.** This includes specific areas that link to the GCM and GCR, such as access to services and regular pathways, but also broader concerns around migrant rights and recognition of migrant contributions to societies.

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SPOTLIGHT – MIGRATION AND COVID-19



When the novel coronavirus SARS-CoV-2 emerged as virulent, resulting in a rapidly spreading pandemic of the COVID-19 disease, it took governments around the world a short period to respond through a mixture of measures, including social distancing, movement restrictions, public health measures, social and economic measures, and lockdowns.



With almost every country in the world partially or fully closing its borders at some point in 2020, it is clear, that the pandemic has had an unprecedented impact on migration, human mobility, and the lives of migrants around the globe. But it has not only been restrictions on the ability to cross borders that have impacted migrants: many, especially those without regularised status, often live in vulnerable situations, with their existence being conditional on a fragile relationship between their status, their interaction with government officials, and their ability to avoid detection. This vulnerability has been exacerbated in 2020 and continuing into 2021, as COVID-19 and response measures have both worsened pre-existing inequalities and shifted government interactions further towards surveillance activities and the securitisation of migration.



This report has selected nine articles, each looking at a specific area of concern, where the pandemic has changed the lives of migrants, often for the worse, and often disproportionately, thus documenting the worsening of migrants' access to rights as a direct result of the pandemic. As the pandemic continued in 2021, there is a growing urgency to ensure that the inequalities and vulnerabilities are addressed through migrant specific responses to bring about positive change.

Further information on the topic can be found here:
www.fes.de/fmi | www.gcmigration.org