

Refugees and migrants in times of COVID-19: mapping trends of public health and migration policies and practices

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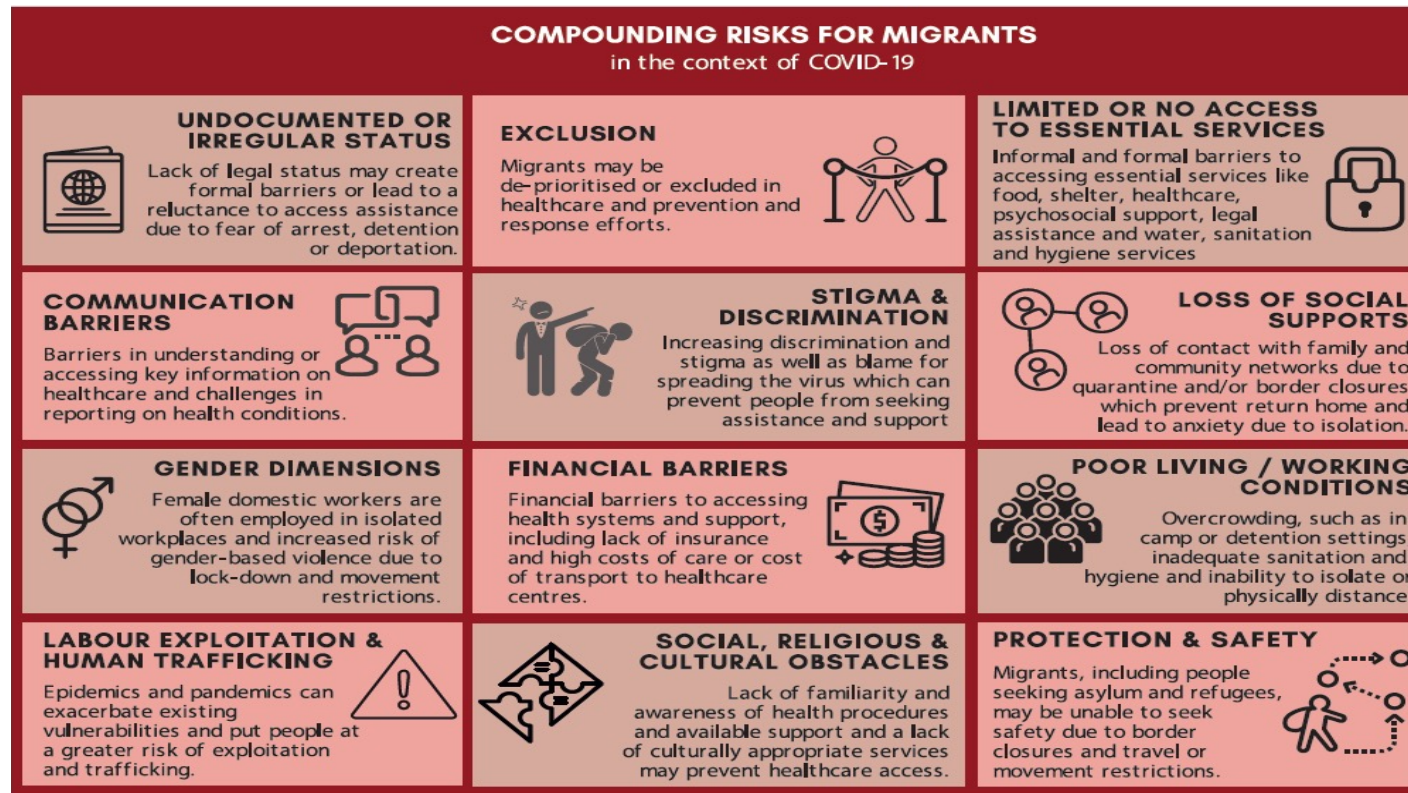
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Background of the report

- Refugees and migrants have been **disproportionately affected** by both the **direct and indirect effects** of the COVID-19 pandemic, including entry bans, obstacles in accessing health care, stigma and discrimination. The proliferation of **unilateral and uncoordinated measures** has exacerbated pre-existing vulnerabilities of people on the move and generated new forms of vulnerability for them.



Source: International Federation of Red Cross and Red Crescent Societies, 2020

Meanwhile, the COVID-19 pandemic has highlighted the vital importance of building more inclusive and sustainable solutions for refugees, migrants and their host communities: **'No one is safe until everyone is safe'** (Joint Statement on the Impact of COVID-19 on Migrants (12 June 2020)).

- **Normative framework:** The human rights of refugees and migrants are guaranteed by a broad range of United Nations conventions whether related to human rights, refugee protection, labour migration, people smuggling or trafficking of migrants:

International treaties:

- International Covenant on Civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights;
- International Convention on the Elimination of All Forms of Racial Discrimination;
- International Convention on the Rights of the Child;
- International Convention relating to the Status of Refugees and its Additional Protocol;
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
- ILO Migration for Employment Convention;
- ILO Migrant Workers (Supplementary Provisions) Convention;
- Protocol against the Smuggling of Migrants by Land, Sea and Air;
- Protocol to Prevent, Suppress and Punish Trafficking in Persons.

Soft law and technical guidances:

Global Compact for Safe, Orderly and Regular Migration ; WHO Preparedness, prevention and control of coronavirus disease (COVID-19) for refugees and migrants in non-camp settings; WHO Considerations for implementing a risk-based approach to international travel in the context of COVID-19; UNHCR Practical Recommendations and Good Practice to Address Protection Concerns in the context of the COVID-19 Pandemic; OHCHR COVID-19 and the Human Rights of Migrants: Guidance

Objectives of the report

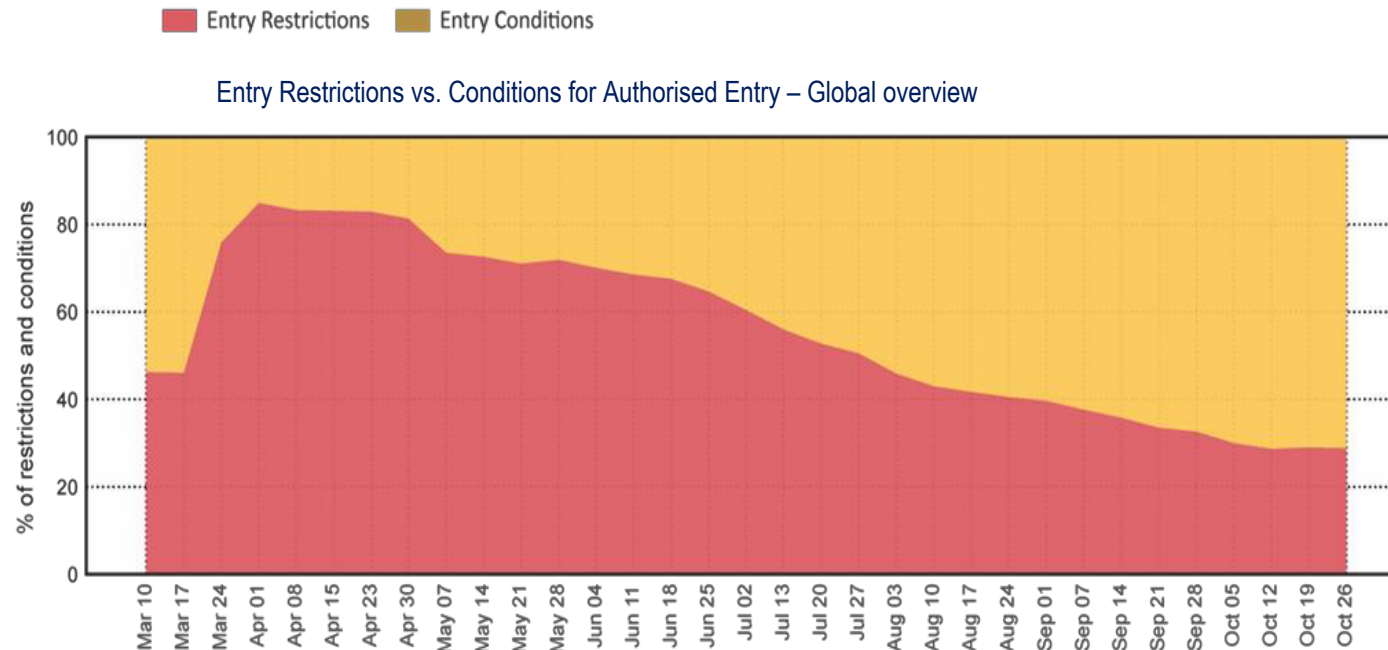
- 1) Mapping national policies responses to COVID-19 in relation to migration and public health;
- 2) Identifying refugee- and migrant-sensitive practices to address their needs and to facilitate further implementation of human rights and international obligations.

Focus and structure of the report

- border policies;
- migration policies for foreigners already within the territory of states;
- public health policies on access to health care for refugees and migrants.

Border policies in times of COVID-19

A shift from restrictions to entry conditions: Entry restriction refers to bans for entry, whereas entry conditions are partial limitations in the form of specific requirements (including primarily medical requirements in the form of PCR test, quarantine, medical forms, and/or medical screening upon entry).



Source: IOM, Global Mobility Restriction Overview, 2020

Exceptions and facilitations:

- residents and family members,
- students,
- business workers,
- diplomatic personnel,
- seafarers and passengers in transit,
- migrant workers in essential sectors, particularly agriculture and health care,
- asylum seekers.

Migration policy responses to COVID-19 for foreigners within national borders

- Extension of visas, residence and work permits
- Facilitation of access to the labour market in essential sectors
- Regularization of undocumented migrants
- Release of migrants and asylum seekers from detention centres
- Suspension of forced returns.

Policies on access to health care for refugees, migrants and asylum seekers in times of COVID-19

- Health-care coverage and accessibility of services
- Communication policies facilitating access to health care
- Camps and camp-like settings
- Migrant workers

Moving towards an integrated approach to migration and public health policies

- **Border policies: protection-sensitive access to territory**
 - prioritizing entry requirements over border closure to carry out medical screening on the basis of a careful and evidence-informed risk assessment; and
 - enabling access to territory and asylum procedure for people in need of international protection.
- **Migration policies for foreigners within national borders: immigration status flexibility**
 - foreseeing the extension of the duration of visas, residence and work permits to prevent their holders from falling into an irregular situation;
 - facilitating access to the labour market for foreign residents to address labour shortages in essential sectors;
 - facilitating regularization of undocumented migrants to ensure safe and lawful access to health services;
 - releasing migrants from detention centres and implementing non-custodial, community-based alternatives to immigration detention with proper safeguards; and
 - suspending forced returns, when the health, safety and human rights of migrants cannot be safeguarded.

- **Policies on access to health care for refugees, migrants and asylum seekers: non-discriminatory access to health care**
 - providing equal access to health care for all refugees and migrants, regardless of status, nationality, gender or ethnicity;
 - launching communication campaigns to disseminate essential information to refugees and migrants concerning COVID-19, health services and other related preventive and preparedness measures;
 - implementing preventive measures aimed at minimizing the risk of contamination in refugee camps and camp-like settings;
 - protecting the occupational safety and health of all migrant workers and providing them with personal protective equipment to prevent COVID-19 transmission in the workplace; and
 - ensuring access to COVID-19 vaccines and treatment for all refugees and migrants without discrimination and prioritizing those who are most exposed and vulnerable to the risks of COVID-19.