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Immobility as the ultimate “migration disrupter”

An initial analysis of COVID-19
impacts through the prism of
securitization

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Introduction

International migration is intrinsically linked to social, economic and political global transformations, and can be seen as an important aspect of globalization processes (Castles, 2010; de Haas et al., 2020; Held et al., 1999). Along with other international phenomena, migration has historically been affected by seismic geopolitical events, such as the two World Wars, the Cold War, and large terrorist attacks such as 9/11, which can mark turning points in migration governance, as well as in broader discourse and sentiment (Faist, 2004; Kaya, 2009; Newland et al., 2019). The COVID-19 pandemic is the latest seismic geopolitical event, stemming from a global health emergency; and while by no means over, it has already had profound impacts on aspects of migration governance. The widespread imposition of unprecedented movement restrictions by governments (national and subnational) are underpinned by emergency powers (Ponta, 2020) as part of a suite of extraordinary measures designed to limit coronavirus transmission and infection during this global public health emergency (WHO, 2020).

In this paper, extraordinary COVID-19 measures related to movement are examined, with particular reference to the ongoing securitization of migration as one important element of a broader “authoritarian turn” of key democracies in recent years (Diamond et al., 2016). In the current context of growing (and often cultivated) misinformation, increasing unilateral “strongman” politics and massive technological change, this paper offers an initial reflection on the key questions: are extraordinary measures likely to become ordinary? What are the implications for human rights and mobility? In doing so, this paper briefly summarizes key developments in the securitization of migration before outlining the current movement restrictions. A short discussion on the need to rethink and delink “migration” and “mobility” follows, with reference to the opportunities and challenges presented by COVID-19.

Securitization of migration: A brief recap

The security risks posed by migration have long been acknowledged by leaders throughout the ages, as societies have sought to protect themselves from threats, while at the same time seeking increased prosperity through trade, finance and cultural exchange underpinned by migration (Watson, 2009).¹

In the modern era, it is clear that migration directly affects some of the defining elements of a State, that is, a permanent population and a defined territory.² The regulation of migration (entry and stay) is therefore considered a prerogative of sovereign States, supplemented by international cooperation on migration governance (Ferris and Martin, 2019; McAuliffe and Goossens, 2018). As States’ capacities and appetites for wider and more comprehensive regulation increased following the Second World War – including that of previously unregulated spheres, such as telecommunications, media and broadcasting, environmental protection/conservation and public health, among many others – the concepts of “regular” and “irregular” migration emerged (McAuliffe and Goossens, 2018). The first sustained scholarly contributions focused on irregular labour migration (Brennan, 1984). The emphasis on labour migration at this time has been attributed to geopolitical change, most pointedly following the oil crisis in the early 1970s and the related contractions of national economies in Europe and elsewhere (Massey et al., 1998). “Irregular” was initially conceptualized in a completely different way (see text box). Greater

¹ The French Revolution, for example, prompted Great Britain’s Aliens Act of 1793, which allowed the executive to exclude foreigners and put in place a range of sanctions against “aliens”, whom the government feared might bring anarchist ideas with them (Aliverti, 2013).

² As per Article 1 of the 1933 Montevideo Convention on the Rights and Duties of States.

emphasis in subsequent literature on irregular migration of asylum seekers came about in the 1990s, partly because of a significant rise in the number of asylum applications lodged in Europe by people who had travelled there without authorization (Cornelius et al., 1994).

Concomitantly, a school of academic thought – the Copenhagen School – conceptualized “securitization” as the characterization of danger and threats of a particular kind, via a “speech act” that moved security from the military realm to other realms, such as international migration (Waever, 1995). The end of the Cold War in particular, and the related demise of a powerful external threat to the security of the West, enabled the emergence of threats, or perceived threats, that involved non-state actors. This had implications for a range of global and international issues, particularly those that were increasingly difficult for States to regulate and those that operated largely beyond the reach of States’ control, such as terrorism, human trafficking and migrant smuggling.

A very different way of thinking about “irregular migration”

One of the earliest conceptualizations of “irregular migration” was radically different to current thinking. Early scholars, such as Gould defined “irregular migration” from that of “permanent migration” whereby irregularity related to migration that was “...not wholly permanent, in that further movement is likely but neither the time nor the direction of such movement is presently known and both are beyond the control of those involved” (Gould 1974:417). Gould’s “irregularity” was related to time and predictability, not regulatory norms (Gould and Prothero, 1975).

Irregular migration increasingly became not only an issue of migration management and border control, but also of national security. Further, many argued that one of the effects of the events of 11 September 2001 was that it reinforced the trend towards securitizing migration, which directly resulted in increased migration control, significant investment in border intelligence systems and substantial institutional responses, most notably in the United States, but more generally throughout the Western world (Faist, 2004). To that end, conceptualization of irregular migration has increasingly become State-centric and also beyond the earlier bounds of economic national interest to encompass national security. Some argue that the intensification of border controls is an overt demonstration of the securitization of migration processes that is especially apparent with the deployment of military resources to manage sea borders (Miggiano, 2009). Other have argued that the securitization of migration in the twenty-first century is on course to intensify (Abebe, 2019; Humphrey, 2013; McAuliffe and Mence, 2017).

Health (in)security has been linked to migration and migrants throughout history, especially as it relates to potential public health threats (Greenaway and Gushulak, 2017). Border closures and travel restrictions have been enacted over the centuries in response to pandemics and other health crises (Schloenhardt, 2006). That said, with the increase in prevalence of global health emergencies over recent years (e.g. the SARS, MERS, H1N1, Zika and Ebola crises), there remains a tendency to stigmatize migrants during times of pandemics (Greenaway and Gushulak, 2017). In relation to COVID-19, we have also seen specific countries being blamed, spurring xenophobic racist behaviours that, while illogical, have been instrumentalized for political gain in some domestic political as well as geopolitical contexts (Hvistendahl, 2020). COVID-19 has increasingly been framed as a national security issue within a global health security crisis (Ferhani and Rushton, 2020; Nunes, 2020). Yet, international travel is widely recognized as being a key driver in the emergence and rapid spread of infectious diseases globally, most notably since developments in transportation technologies in the 1970s (Goldin, 2014; Greenaway and Gushulak, 2017). The massive increase in international air travel and the heightened risks of zoonotic viruses due to an increase in human–animal interactions has led some to call airports the “super-spreaders” of infectious disease (Goldin, 2014).

It is also relevant to recall that human (in)security as it relates to migration emerged in the modern era of nation States in a post-Second World War context, the primary focus being on refugees, as articulated in the 1951 Refugee Convention. As an important component of international human rights law – together with customary international law concerning the principle of non-refoulement and the Universal Declaration of Human Rights³ – the Refugee Convention and related Protocol of 1967 reflect recognition by the international community of the need to safeguard human security from threats caused by displacement as part of the multilateral system of States. While we have seen the increasing (national) securitization of migration over time, there is also widespread recognition that the focus on human security in migration and displacement has diminished over the same period (Goodwin-Gill, 2005; Millbank, 2000; Youdina and Magnoni, 2016).

COVID-19 movement restrictions: The story so far⁴

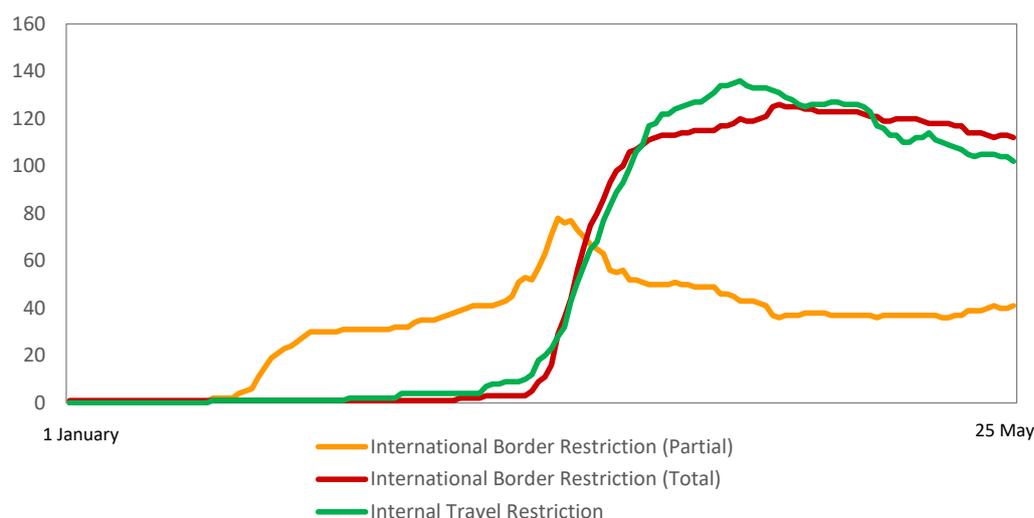
COVID-19 has been the most severe pandemic in recent decades, resulting by 23 June 2020 in 13,589,273 confirmed cases and almost 585,000 deaths in 188 countries in the six months following it being declared a global public health crisis by WHO on 30 January (Johns Hopkins University, 2020). The combination of high transmission and severity means that this pandemic is forcing policymakers into uncharted territory. Despite numerous warnings over many years about the growing risks of a severe pandemic and the need to strengthen preparedness, there has been significant pressure to develop and implement effective responses to COVID-19 in real time (Goldin, 2014; McAuliffe et al., 2020). As a result, governments around the world have implemented various measures to limit the spread of the virus. These measures have included severe restrictions on movements (international and internal) as well as on assembly, such that businesses have been forced to close, public and private transport systems shut down, and social activities severely discouraged or made illegal.⁵ Some countries, such as El Salvador, Israel and Qatar, quickly imposed significant international movement restrictions in early to mid-March, while others took action weeks or months later. By mid-July 2020, a total of 220 countries, territories and areas had imposed over 70,000 specific travel-related restrictions (IOM, 2020a), reflecting an unprecedented situation globally. Some countries have stopped all entry of foreign nationals (including those who are seeking international protection), some have banned citizens of specific countries, while even further, some countries have completely closed borders to stop departure and entry of all people, including their own citizens. Quarantine measures have also been imposed by some countries, requiring that passengers entering a country are in quarantined isolation for a minimum period (typically 14 days) immediately upon arrival. There have also been significant internal movement restrictions imposed within some countries (see figure below). Notwithstanding the unprecedented pandemic context, there remain serious questions as to whether these extreme measures limiting freedom of movement are proportionate

³ Other key instruments include the International Covenant on Civil and Political Rights, and the Convention Against Torture.

⁴ As at 15 July 2020.

⁵ In addition, public health measures such as mandatory quarantine, including in designated facilities, have been implemented.

Figure 1. Border/travel restrictions, by number of countries



Source: Hale et al., 2020.

Note: Period is 1 January to 25 May 2020 (latest complete data at the time of writing).

Overall, the movement restrictions put in place by governments (national and subnational) around the world in response to the pandemic have been swift, severe and unprecedented. They have also been introduced despite WHO’s recommendations not to implement travel restrictions, as per the International Health Regulations (IHR) as agreed by WHO Member States (Ferhani and Rushton, 2020).⁶ The IHR state a preference for borders remaining open and for controls being put in place in only very limited circumstances (Ferhani and Rushton, 2020; Greenaway and Gushulak, 2017). The IHR are consistent with existing human rights law, which provides for the right to leave any country and return to one’s own country.⁷ However, the right to leave one’s own country under international law does not come with a corresponding right to enter another country, and the decision to let people in (usually exercised in the form of entry visas) is made at the State level on the basis of bilateral relations in the context of political, economic and other considerations (Stringer, 2004); a major exception relating to the right to seek asylum is underpinned by the principle of non-refoulement (UNHCR, 2020). Restrictions on freedom of movement are limited to those necessary to protect national security, public order, public health or morals, or the rights and freedoms of others, such as in emergency situations (Ponta, 2020). COVID-19 has resulted in some governments using executive powers never before relied upon to declare a “state of emergency”, for example, the use of the Australian state of Victoria’s powers under the Public Health and Wellbeing Act 2008 (Justice Connect, 2020).

Immobility: The ultimate migration disrupter

As a result of COVID-19 movement and border restrictions, migration programming and services are being disrupted right along the migration cycle, with significant implications for human rights. The table below summarizes key aspects of these disruptions, noting many examples of impacts at city, country and regional levels that can be found in the IOM COVID-19 Analytical Snapshots on related topics (see www.iom.int/migration-research/covid-19-analytical-snapshot).

⁶ The current IHR, as agreed by Member States of WHO, were revised after SARS. The IHR institutionalize the concept of “global health security”, stressing that the security of individual States is dependent on the security of all.

⁷ This is per the 1948 Universal Declaration of Human Rights and the 1966 Covenant on Civil and Political Rights.

Setting	Impacts
Departure from countries of origin	Migrants have been unable to depart on planned migration journeys, such as for work, study or family reunion. People needing to seek asylum or otherwise depart unstable countries have been prevented from leaving, putting them at risk of violence, abuse, persecution and/or death.
Entry into transit or destination countries	Migrants (including refugees and asylum seekers) have been increasingly unable to enter transit and destination countries, as restrictions have been progressively implemented and/or strengthened. Impacts have been felt acutely in specific sectors, such as agriculture during harvest seasons, and global food supply chains have been disrupted.
Stay in transit and destination countries	Impacts on migrants have been profound, especially for the most vulnerable in societies who are without access to social protection and health care, and have also faced job loss, xenophobic racism and the risk of immigration detention, while being unable to return home. Further, refugees and internally displaced persons in camps and camp-like settings are subject to cramped, poor living conditions not conducive to COVID-19 physical distancing and other infection-control measures.
Return to countries of origin	Border closure announcements in some countries caused mass return to origin for fear of being stranded without income or access to social protection. The inability to return has resulted in large numbers of migrants being stranded around the world. There have been mass repatriation operations by some States, but many others have been unable to afford or organize repatriations, leaving migrants at risk.

Evidence from previous recent pandemics aligns with the current rapid policy and operational responses to COVID-19, which have focused on preventing the movement of people internationally and within countries. Migration, on the other hand, is not the main priority, as highlighted by Greenaway and Gushulak (2017:322):

Evidence and experience resulting from practically all significant events...has demonstrated that while international and domestic travel are important factors involved in the spread of infection, migration (in terms of both traditional regular immigration and irregular migration) has not been a large risk factor.

Notwithstanding these findings, we are starting to see the first signs that “migration”, rather than travel and the movement of people, is being incorporated into the suite of policy responses to COVID-19. The Government of the United States of America, for example, has temporarily suspended immigration. The suspension – which will initially last for 60 days, but could be extended “based on economic conditions at the time” – has been introduced with the stated aim of stopping imported infections and reducing competition to United States-born workers for jobs (Chishti and Pierce, 2020; BBC News, 2020). With the latest announcement on 22 June of a new ban on immigration, the United States is even clearer in its intention to further securitize migration by linking the ban directly to the pandemic context, as it relates to a so-called “risk” to the economy, not just public health (United States Presidential Proclamation, 2020). Similar policy changes are forecast in Australia, given the ongoing decline in immigration programme levels over recent years as a result of incremental policy shifts to wind back the permanent immigration intake (Gothe-Snape, 2019; Collins, 2020; Pandey and Holmes, 2020). Some analysts

argue that COVID-19 has become the latest “excuse” as migration policies increasingly harden, with yet another aspect of securitization and migration called into play, this time concerning health (Reidy, 2020).

Changes to migration policies, including how they relate to the entry and stay of migrants (including refugees, asylum seekers and visitors), need to uphold international law as well as national and subnational regulatory regimes. However, there remain significant risks in some settings that:

...a state of emergency can sometimes be used as a pretext for abuses, such as arbitrary detention, censorship, or other authoritarian measures...There are increasing concerns that some governments might capitalize on emergency powers to undermine democratic principles, eliminate dissent, and violate the principles on necessity and proportionality. Most problematic are expansions of executive powers and repressive measures, which might continue after the national emergency in the respective countries (Ponta, 2020).

A further manifestation of the securitization rhetoric has emerged in relation to xenophobic racism being directed at migrants, with increases especially in relation to anti-Asian sentiment (Gamlen, 2020). Trend increases have been witnessed in Australia, the United States, Hungary and Italy among others (Coates, 2020; IOM, 2020b; Vertovec, 2020). Negative depictions of groups of migrants as posing health security threats during the pandemic have been articulated in multiple contexts, often tied in with other threats, and can be related to preparing the ground for tolerance of human rights infringements (Eves and Thedham, 2020). In other words, characterizing groups of migrants in communities as public health security threats enables (successfully or otherwise) an indirect justification of human rights abuses contrary to prevailing norms – a form of “vice signalling” that is being deployed publicly on a number of issues related to COVID-19 (Berlatsky, 2020).

Conclusion

While it is still early days in the pandemic, indications to date are that States have been swift in implementing severe movement restrictions to prevent the spread of the coronavirus, with many implementing total border closures. We have also seen some countries restrict the entry of all foreigners – even those seeking international protection – while allowing their own nationals to return. Notwithstanding the significance of this global health crisis, it is important to note that in practical terms these responses have involved the setting aside of aspects of key international human rights law (such as the principle of non-refoulement and the right to return to one’s own country) and that States’ responses have been widespread and swift.

This border-led response has been implemented despite the IHR, although the context in which these decisions have been made on movement restrictions has been characterized by panic, anxiety and uncertainty, as well as by intense international competition between States. The pandemic comes at a time of great global geopolitical uncertainty and amid a long-term trend of increasing securitization of migration (Abebe, 2019; Humphrey, 2013; McAuliffe and Mence, 2017). There is also wide recognition of how quickly the world is changing, and of how the pace of change seems to be accelerating beyond all expectations and predictions:

We are living through an era of intense turbulence, disillusionment and bewilderment. Deepening geopolitical tensions are transforming international relations, and political tribalism is revealing deep fissures within countries. The spread of exponential technologies is upending long-held assumptions about security, politics, economics and so much more (Muggah and Goldin, 2019).

The “securitization” of migration has been further bolstered by the pandemic, including through the characterization of profound threat in health security terms. But is it migration or mobility that is central to this global health crisis? The focus on international and internal travel restrictions tells us that “mobility” is central in the minds of policymakers and political leaders; and yet we are seeing early signs that it is “migrants”, the foreigners, who will be excluded by many countries. We are also seeing the first signs of migrants’ exclusion based on economic security grounds, going well beyond public health concerns.

At the time of writing, only 3 per cent of countries globally had begun to ease international restrictions, although the virus has been contained in many countries and possibly eradicated in one (Hale et al., 2020). The fear of further waves of infections is partly likely to be driving the retention of border closures, although the proportionality of the response remains a live and valid question. Extraordinary measures have quickly become the norm globally. Over coming months and years, it will be important to assess the extent to which the concept of “reasonable, necessary and proportionate” is redefined in the interests of States, and at the expense of human rights, as a result of this pandemic. A clear indication of this will be the extent to which significant movement restrictions, or parts thereof, remain in place after the acute period of the pandemic has passed and a vaccine has been rolled out, thereby significantly reducing the risk to public health.

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