

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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REFUGEES AND MIGRANTS FORGOTTEN IN COVID-19 CRISIS RESPONSE

COVID-19 is wreaking havoc around the globe, disrupting work, plunging people into financial difficulties and threatening life as we know it. It is bringing uncomfortable truths to light about how tenuous living situations are for millions of people who are losing their jobs, livelihoods, and homes. Many of us are now living day to day not knowing where our next meal will come from, how we will feed our children, or what may happen to us or our families if we get sick or die from this disease.

Refugees, migrants, and asylum seekers are amongst those who are particularly struggling with pandemic related instability. They have unique challenges due to their legal and immigration status, precarious work situations, and restricted access to public benefits and health care systems. Their experiences are complicated by language and cultural barriers, xenophobia, racism, discrimination, stigma and exclusion. Organizations like the International Organization for Migration (IOM) are raising the alarm about a secondary pandemic—one of misinformation, hate speech, and scapegoating of foreigners and people perceived to be outsiders, which lead to further rights violations and violence against people seeking safety.

People on the move need governments to take proactive action to ensure they can enjoy their rights and are protected from widespread and systematic rights violations—especially during this pandemic. International law applies with even greater force during a global crisis, and the rights granted to people seeking asylum must be upheld.

BORDER CLOSURES AND RESTRICTED ACCESS TO ASYLUM AND SERVICES

Most countries have imposed severe restrictions on international travel and cross border movements during the pandemic. These restrictions and the spread of COVID-19 have not stopped ongoing conflicts or the driving factors that cause people to move and seek safety outside of their home countries.

Despite the United Nations' call for a global ceasefire, people are still being pushed from their homes due to outbreaks of fighting and persecution. They need, and have a right, to seek international protection. Border closures prevent people from accessing safety—they are stuck between facing the dangers they fled from and a closed door from the country they fled to.

Fueled by an existing anti-migrant and opportunistic agenda, the US has turned back over 20,000 people in violation of domestic and international legal obligations since 20th March. Similarly, in February, Malaysia turned back a boat of Rohingya people seeking safety. Although Bangladesh eventually allowed the boat to land, about 30 people had reportedly died of starvation when their vessel drifted at sea for two months. Presently, there are reports that several hundred people urgently need search and rescue assistance to prevent more people from dying of starvation and thirst. In response to the harsh, xenophobic immigration policies of President Donald Trump's administration, many refugee claimants had turned to Canada for protection - but even that avenue is closed to them, as Canada is no longer permitting anyone to seek asylum at its border with the US.

Forcing people back to countries where they are reasonably expected to face persecution, torture or other cruel or degrading treatment is called refoulement and it is illegal under international law. There are no allowable exceptions to violating the principle of non-refoulement. Under no circumstances is it acceptable for any country to automatically return people without a fair evaluation of their case for asylum.

For some of those who have managed to make their way across a border, their situations have remained precarious due to an inability to officially register as asylum seekers or maintain their status in the country by renewing expiring or expired identification documents. This vital service protects people seeking safety by giving them identification documents from the host country. These identification documents are also the key to receiving food and financial aid, shelter and accommodation, and any health services available. The closure and/or severe reduction in asylum seeker and refugee registration services will prevent people from seeking or receiving testing and treatment.

Belgium shuttered all services to newly arriving people as early as 17 March without a plan to ensure they had access to food, shelter, and other basic needs—they have since reopened with limited service after a public outcry. Greece suspended all asylum services for 30 days from 1 March for reasons unrelated to the pandemic. They have technically reopened at the beginning of April, but the government said that due to the virus no services would be provided until at least 15 May in a subsequent announcement.

EVICCTIONS, FOOD INSECURITY, OVERCROWDING, AND LIMITED ACCESS TO HEALTH CARE

THE SITUATION IN CITIES AND URBAN AREAS

At least 60% of the world's refugees live in cities and surrounding urban areas. This can offer many benefits to people seeking safety because it allows them more freedom of movement and opportunities to rebuild their lives. But, living in a city can also mean experiencing numerous rights violations and abuses such as exploitation, over-policing, and assaults. Living in an urban environment also often means living without assistance from the UN Refugee Agency (UNHCR) and other humanitarian organizations.

Countries like Kenya forbid people seeking asylum from working or living outside of established refugee camps. Despite this, thousands of people who have been forced to leave their homes opt to risk moving to the city so they can have access to some sources of income and opportunities for their families.

They, like thousands of citizens and non-citizens in those countries, work in informal and gig economies in jobs such as domestic cleaners and street hawkers.

Lockdowns, curfews, and other restrictions put in place due to the pandemic have caused thousands of people to lose their only source of income. They must choose to abide by the restrictions and risk having no food, water, and potentially loss of their homes, or violate those restrictions and jeopardise their personal safety. Continuing to seek work puts people at risk of arrest for violating lockdown orders as well as laws forbidding them from working or living outside of camps.

In countries like Israel, some people seeking asylum are able to work and live in cities. However, even if they are working legally, they have unequal access to social safety nets like unemployment payments even though they pay taxes on their wages. They are not entitled to benefit from state provided health care at all or only if it is an emergency. They must pay out of pocket for health care access—with no income this is nearly impossible.

In cities around the world, people seeking asylum live in extremely overcrowded environments, sometimes without access to running water or appropriate sanitation and toilets. Even where governments provide housing to newly arrived people it is often notoriously overcrowded during "normal" times—during this pandemic it is life-threatening. In the UK, new arrivals are being housed in single rooms with unrelated people, in some cases even being forced to share beds. This is an obvious risk to health and runs completely contrary to social distancing guidelines.

THE SITUATION IN CAMPS, INFORMAL SETTLEMENTS, AND DETENTION CENTRES

Many refugee camps are woefully unequipped to guarantee rights to sanitation, water and health. People need about 20 litres of water per day as a minimum standard—a standard that most camp authorities are unable to meet due to problems with delivery and infrastructure. Diseases such as cholera, typhoid, and other contagious diseases are already a serious problem in many locations, with COVID-19 poised to tear through camp populations with devastating consequences.

Individuals who are in camps, informal settlements, and detention centres all face the inability to safely socially distance from one another. Population densities in many camps are outrageous—in camps on the Greek islands it is around twenty times the population density of New York City, one of the current epicentres of the US COVID-19 crisis.

Cramped detention centres cannot guarantee people's right to health during this pandemic—Amnesty International opposes immigration-related detention during the pandemic in any situations where people's right to health cannot be protected. There are not enough tests and protective equipment for staff and people being detained, potentially igniting a powder keg of illness and fatalities.

People held in immigration detention in Australia have been begging to be released because they are frightened that staff without adequate PPE will unknowingly bring the virus in. In the USA, there are recent reports of retaliation and unfair punishment of those who try to communicate with the outside world about overcrowding and sick residents.

Disproportionate and discriminatory containment tools and methods are leading to detention-like conditions in some locations. In Rome, the military was called up, without warning to residents, to keep people from leaving an overcrowded squat after someone tested positive for COVID-19. Residents of refugee camps in Lebanon are being quarantined and locked down with discriminatory curfews that do not apply to other populations or Lebanese citizens living in the same areas.

Death by starvation is now reported as a bigger fear than death from the virus itself by many people living in camps—their right to adequate food and water is not being fulfilled due to restrictions on movement and lack of supplies getting to them. Water supplies were deliberately cut off by local authorities in Bosnia's Vucjuk camp to force the government and aid organizations to relocate inhabitants to another emergency tent camp further away.

Likewise, in Jordan's Zaatari camp, lockdowns prevent people from working at all—meaning no food or income to pay for even basic necessities. In April, residents of makeshift camps in France's Calais settlements were not receiving adequate deliveries of food and water due to lockdowns. Government restrictions on movement made it impossible for people to enter supermarkets and shop for themselves, even if they had the money to do so.

CLOSURE OF RESETTLEMENT SERVICES

Globally, “resettlement,” which encompasses the life-saving services to relocate people who are the most at-risk to safe third countries, has been severely disrupted. This means that people who have fled their homes, been interviewed by UNHCR multiple times to identify them as being the most in need, and have been through similar interviews and health and security checks with a third country that agreed to move them, are now stuck.

Though disruption is to be expected during a pandemic, there are still some critical emergencies and high-risk cases that can and should be moved. Due to acute medical needs or high risk of persecution in their country of refuge, including threats to life or bodily harm, it is far riskier to keep some people where they are than to move them.

In these circumstances, access to asylum and refugee protection mechanisms such as third-country resettlement are life-saving not only for those who are the worst affected from groups of people fleeing conflict, but also for political activists and human rights defenders in danger due to their human rights work.

People who were prepared to travel imminently but had their flights and travel plans cancelled have been doubly impacted by the closure of most refugee resettlement services. In preparation for beginning their lives in a new country, people sell or give away the majority of their belongings, resign from jobs, and give up accommodation, be it in cities or in camps. Now, they cannot know when they might be able to travel, and it is unclear where they should turn for accommodation, income, and basic supplies.

GENDER AND SEXUAL IDENTITY IMPACT

Women, LGBTI, non-binary and gender non-conforming refugees and asylum seekers are facing heightened protection risks due to COVID-19. Movement restrictions, loss of income, suspension of services and the lockdown challenges summarized above have increased the risk and incidence of domestic and gender-based violence against women, LGBTI, nonbinary and gender non-conforming persons. Lack of alternative shelters is likely to prevent women, children, and LGBTI, nonbinary and gender non-conforming persons from escaping from their abusers.

Loss of income and poverty can affect refugee women and girls in different ways than men, particularly women head-of-households. Loss of income equates to loss of power. Women with child care responsibilities may be at an increased risk of exploitation, including sexual exploitation in exchange of food, protection and/or supplies in contexts of abuse of power and other coercion in order to provide for their families. Women and girls may be at risk of human trafficking. When families cannot afford to take care of all their children, adolescent girls may be at risk of child marriage.

Pregnant people giving birth also need additional protection during this health crisis. Syrians displaced by conflict living along the Jordan-Syria border are in dire need of both basic medical care and specialized obstetric medical care. Those who need caesarean sections are being forced to travel back to Syrian controlled areas to give birth with skilled assistance but are not allowed to travel back to their families. This puts pregnant people in a terrible position to have a choice between putting theirs or their baby's life or health at risk during birth or being separated from the rest of their families and children.

RECOMMENDATIONS

Amnesty is making the following recommendations to uphold and protect the rights of people on the move at this critical time:

THE RIGHT TO SEEK ASYLUM MUST BE UPHELD

The right to seek asylum must continue to be upheld. The principle of *non-refoulement* cannot be violated by states in any circumstance, including pandemics.

Automatically turning away asylum seekers at the border and preventing them from lodging applications for protection violates the principle of *non-refoulement*. States should ensure adequate medical screening and reasonable quarantine procedures are in place for those seeking asylum.

Every person who requests asylum must be given a fair evaluation of their claim. States are obligated to ensure asylum seekers have access to register their intent to seek asylum, be provided with identification documents, and have a hearing to determine their status.

Delays due to COVID-19 must be carefully considered, and pending determination of their status, asylum seekers should have their rights guaranteed and protected including those concerning their socio-economic situation.

PROVIDE ADEQUATE FOOD AND WATER SUPPLIES TO CAMPS AND QUARANTINED PEOPLE

Restrictions on movement of people is preventing adequate access to food and water—people are at risk of starvation. States must ensure that camps, informal settlements and quarantined areas have sufficient food and water deliveries to meet people's needs.

DECONGEST CAMPS AND IMMIGRATION DETENTION CENTRES

Calls to decongest camps and informal settlements should be heeded immediately, and residents should be housed in dignified and sanitary conditions with adequate access to health care, food and water. States should be encouraged to begin and continue using creative and safe solutions to house migrants, such as using currently vacant hotels and apartments.

Immigration detainees should be released if their right to health cannot be guaranteed in detention. People who are released should be provided with accommodation and essential services free from discrimination.

TEMPORARILY REGULARIZE ALL MIGRANTS, ENSURE EQUAL ACCESS TO STIMULUS PLANS AND SOCIAL PROTECTIONS

States should consider temporary regularization of all migrants, regardless of documentation status, to ensure access to food, medical assistance, and housing.

States should ensure that economic stimulus packages and protections also cover all asylum seekers and refugees within their territory/jurisdiction. Adequate social protection, including a moratorium on all evictions and providing food staples, will be imperative to maintain safe lockdowns in order to curb the spread of COVID-19 whilst ensuring people's basic needs are met.

ALLOW RESETTLEMENT IN EXCEPTIONALLY URGENT CASES

In coordination with UNHCR and IOM, states should continue to allow exceptional cases to be resettled within their borders to ensure that life-saving help is available to those in mortal danger due to illness or persecution.