# Immobile, stranded, and excluded: the effects of COVID-19 on the international asylum system

## Inmóviles, varados y excluidos: los efectos de la COVID-19 en el régimen internacional de asilo

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**Abstract**: The disruptions to international mobility dynamics caused by the COVID-19 pandemic have affected refugees particularly severely. This article analyses the impact of the health crisis on international protection, particularly its effects on specific phases of the process: access to the territory, access to the procedure, and reception and its conditions. Using comparative analysis that incorporates the dynamics observed in several different places, the article takes an in-depth look at the pandemic's effects on the consolidation of a new global asylum system whose roots lie in the transformations observed since the 1990s. It argues that the pandemic has accelerated certain trends that are symptomatic of an even more exclusionary and restrictive turn in the global system of so-called protection.

**Key words**: international asylum system, COVID-19, refugees, access to international protection, borders, reception

***Resumen***: *La pandemia de la COVID-19 ha tenido un impacto disruptivo en las dinámicas de la movilidad internacional, afectando de forma particularmente severa a los refugiados. Este artículo analiza el impacto de la crisis sanitaria en la protección internacional, deteniéndose en sus efectos sobre distintas fases del proceso: el acceso al territorio, el acceso al procedimiento, así como la acogida y sus condiciones. A través de un análisis comparado que incorpora las dinámicas observadas en distintas geografías, el artículo profundiza en los efectos de la pandemia en la consolidación de un nuevo régimen global de asilo que hunde sus raíces en las transformaciones observadas desde los años noventa del siglo pasado. Se sostiene que la pandemia ha actuado como un acelerador de algunas de las tendencias observadas que marcan una deriva aún más exclusionista y restrictiva en este régimen global de (des)protección.*

***Palabras clave***: *régimen internacional de asilo, COVID-19, refugiados, acceso a protección internacional, fronteras, acogida*

The COVID-19 pandemic has had a drastic, disruptive effect on the dynamics of human mobility on the global scale. Border closures and travel restrictions imposed to contain transmission of the virus have limited or delayed the movement of millions of labour migrants and refugees all around the world. The result has been a crisis of immobility in many parts of the planet where millions of migrants and refugees are blocked, stranded in transit or at destination, unable to keep moving or return to their countries of origin (Martin and Bergman, 2021). Besides this crisis of immobility, the pandemic has had severe effects on each of the stages that typify the trajectory of any refugee. First, border closures have obstructed access to international protection which, in most cases, requires arrival in the country of destination before it can be granted. Second, the (total or partial) closure of asylum offices and administrative delays in general have limited access to asylum procedures and lengthened waiting times. Third, the pandemic has worsened reception conditions whether by effective closure of refugee camps, restricted support services, or because of the difficulties many refugees must face in trying to survive on a day-to-day basis.

This number of *Revista CIDOB d'Afers Internacionals* analyses, from a comparative perspective, the impact of the pandemic on international protection. The aim is twofold: first, it seeks to generate knowledge about a subject which, because of its extremely recent nature, has barely been addressed (apart from the first reports); and second, to understand how the pandemic has contributed towards shaping a new international asylum regime on the basis of one that dates back to the early 1990s. However, rather than looking for differences, comparative analysis of the different cases aims to shed light on a trend that we understand as being global. At the same time, the singularity of each case serves to highlight how this international asylum regime, which is inseparable from a migratory regime that is also changing, is manifested in different forms depending on the context and the place it occupies within the whole.

Hence, this introductory article is also intended to be a conclusion. In addition to contemplating the questions with which this monograph is concerned, it draws some early conclusions based on the set of the articles herein and presents a preliminary account of the ways in which the COVID-19 pandemic has affected asylum. The first section, based on assessment reports published by several international organisations, therefore offers a brief review of the figures on mobility and asylum in the first year of the pandemic. Next—and this is not fortuitous—we consider the main changes in migration and asylum over the last two decades for we understand that the effects of COVID-19 on asylum have ended up intensifying changes that have been appearing for several decades. Although the academic literature focuses mainly on the Global North, the intention here is to go beyond these geographies and analyse the trends from a worldwide perspective. In the next two sections

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the pandemic's impact on asylum will be analysed, first from the standpoint of international protection and, second, from that of reception. While the perspective of this article is global, the articles in this number are concerned with Europe, the Middle East, North Africa, and Latin America. Finally, to conclude, we return to the main trends analysed during these first two years of the pandemic while also indicating the issues that remain to be studied or monitored to see how they will eventually consolidate in the immediate future.

## (Im)mobilility in times of COVID-19

The impact of the pandemic on mobility worldwide, while it is uneven if one studies the various kinds of flows of people in different geographic settings, has been extensively documented in the international reports that measure the "state of mobility" every year. Hence, estimates made by the United Nations Population Division indicate that in mid-2020 the total number of international migrants had fallen by around two million, which meant a decrease of approximately 27% in the growth expected between July 2019 and June 2020 (United Nations, 2020). Meanwhile, the annual report published by the Organisation for Economic Co-operation and Development (OECD) emphasised the fact that permanent migratory flows to its member countries had dropped to half in the first six months of 2020. During this period, the issuance of passports and visas had fallen by 46% compared to 2019. The OECD (2020) notes that this is the sharpest drop since records have been kept.

In mid-July 2020, the International Organisation for Migration (IOM) estimated that the pandemic had stranded more than 2.7 million migrants around the world, many of them in extremely vulnerable circumstances, without access to consular services or sufficient resources to cover their daily needs (IOM, 2020; Benton et al., 2021). As for forced deportations, the reports of the Migration Policy Institute (MPI) show mixed patterns. Some countries have fast-tracked their processes of expulsion as a result of measures adopted to contain the pandemic and thus, in many cases, subjecting migrant workers to situations that have put their health at risk. Elsewhere, in Europe for example, deportations were suspended until summer 2020, after which and well into 2021, they have stayed at much lower levels than those observed in previous years (Benton et al., 2021).

The closure of borders has also hampered access to protection for forcibly displaced persons. Data from the United Nations High Commissioner for Refugees (UNHCR) show that, in the first half of 2020, the number of new applications fell by a third by comparison with the same period in 2019. Throughout 2020,

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the arrival of new refugees and asylum seekers dropped sharply to a total of 1.5 million fewer persons than the number estimated when there was no health crisis (ACNUR, 2021: 5). The figures for Europe are similar. According to Eurostat (2021), the number of applications for asylum fell by 34% by comparison with the previous year. However, the total number of displaced persons rose in global terms during 2020 owing to increased internal displacement (ACNUR, 2021). In the early months of the pandemic, both the UNHCR and the IOM suspended their resettlement programmes because of border restrictions. Although they resumed in the latter half of the year, only 34,400 refugees were resettled in third countries in 2020, representing a steep decline with regard to the previous year when it was estimated that some 1.4 million refugees were in need of resettlement (ibid.: 7).

Although it would still be premature to draw more solid conclusions about the effects of the pandemic on international mobility in the medium term and its potential for changing more or less established dynamics, several of these international organisations have forecast that international mobility may take some time to recover not only because of continuing restrictions in large parts of the world owing to unequal levels of vaccination and a falling demand for international labour, but also because of the rise of alternatives to mobility, such as teleworking and distance learning, which particularly affect labour and student migration (OECD, 2020). There is more uncertainty about future refugee dynamics, although the appearance of new conflicts and worsening of existing ones suggest that increased forced displacement is likely. As the UNHCR itself suggests, the pandemic has not slowed displacement but has blocked it at origin and in transit, thus causing intensified internal displacement (United Nations, 2021).

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## Towards a new asylum regime

After the Second World War, adoption of the Geneva Convention of 1951 led to the construction of a new asylum regime which, in a Europe riven with war guilt and a world divided in two, put the right to international protection above all else. This (now old) regime combined liberal entry policies with

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relatively generous conditions of arrival and residence. There were no major restrictions on access to the national territory and, consequently, to asylum procedures. From day one, asylum seekers were considered as potential refugees, which meant that they enjoyed almost the same social rights as citizens (Guillon, 1992). In fact, asylum policies were geared towards ensuring reception and integration of refugees, on the assumption that they had come to stay (Joly, 1996). International protection was almost invariably granted in the form of refugee status, with all the implications this entailed in terms of indefinite residence and social rights that were almost on a par with those enjoyed by nationals.

After the 1970s, the situation changed. On the one hand, the economic crisis of 1973 led to a progressive closure of borders which, in Europe, culminated in the 1980s with the constructed of a common external border and disappearance of internal borders within the Schengen Area. On the other hand, the collapse of the Soviet Union in 1991 meant that western countries ceased to compete morally and ideologically with countries of the former Eastern Bloc as guarantors of freedoms and rights (Goodwin-Gill, 2008). In this context, the discourse changed radically. While there had previously been an attitude (among politicians, the media, and public opinion) that was mostly in favour of receiving refugees, thenceforth refugees started to be viewed as an economic burden and a possible problem of "integration". In policy terms, the closure of borders (with the introduction of visas and sanctions on transport companies) hindered access to international protection. As for reception, asylum seekers were progressively viewed as suspect (as false refugees) until proven otherwise. Moreover, the Geneva Convention came to be interpreted in an increasingly restrictive manner, with growing fragmentation of protection statuses (refuge, subsidiary, humanitarian, etcetera) in forms that were ever more precarious and temporary. With the aim of preventing integration and thus to make repatriation easier, the social rights of persons with pending applications or with limited, temporary forms of protection were also curtailed (see Joly, 2001).

Since the early 2000s, this new international asylum regime has undergone additional transformations through border intervention, especially with the externalisation of migration policies to third countries and *borderisation* of asylum. In the case of externalisation, the last few decades have seen refinement of legal-political mechanisms aiming to restrict access. Described at the end of the last century as a "non-entrée regime" (Chimni, 1998) and, more recently as a system designed to "repel" the arrival of applicants (Fitzgerald, 2020), several instruments have been developed in order to prevent departure from countries

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of origin, to block transit and relocate processing, to limit access to the territory and the protection system, and to apply selective dissuasion at destiny (Vedsted-Hansen, 1999; Hathaway and Gammeltoft-Hansen, 2015; Hirsch, 2017; Gammeltoft-Hansen, 2011; Gammeltoft-Hansen and Tan, 2017; Giuffré and Moreno-Lax, 2019; Fitzgerald, 2019). This externalisation of asylum, constructed by means of manipulation of territory and jurisdiction, has transformed the external and pre-border enclaves of countries of destination into waiting zones and spaces of immobilisation and confinement of persons seeking protection. In addition to the better-known cases, like Australia, one of the more striking recent examples has been the application of the Migrant Protection Protocols (MPP), otherwise known as "Remain in Mexico" ("Quédate en México", in Spanish), which obliges foreigners trying to cross the southern border when seeking asylum in the United States to remain in Mexico while awaiting the outcome of their application (Mena and Cruz, 2021).

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This externalisation of migration policies has had multiple effects on the dynamics observed in transit countries, basically because the rationale of the Global North is being repeated in them as well. Hence the introduction of (new) migration policies has led to the production of new or anomalous precarious (semi-) legal statuses like "provisional non-resident applicant", humanitarian visas, and the granting of temporary residence permits. As could not be otherwise, such formalising of these *legal statuses* has entailed the construction of irregularity. In other words, defining regularity (with its various statuses) has automatically constructed irregularity with its many implications. Externalisation of international protection has also meant an increase in reception infrastructures which, in some cases, afford a certain protection and, in many others, are deficient and only provisional. In this regard, it might be concluded that, while externalisation has led to the replication of restrictive policies, it has also had the effect of encouraging the shift to a receiving status for many traditional transit countries, among them Morocco, Mexico, and Turkey.

Meanwhile, as a more recent trend, one also sees an intensification of the processes of the borderisation of asylum. In the confines of the Global North, devices aimed at dissuading, classifying, detaining, and containing the mobility of asylum seekers have multiplied. An essential role has been played in this regard by systems of extraction and circulation of biometric data which has allowed a *datafication* of mobility (Sandvik et al., 2014: 3)

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as well as intensifying border control, now managed by international actors (like UNHCR, the European Union (EU), and the World Bank Group) as well as private companies (like IrisGuard and Accenture) (Lemberg-Pedersen and Haioty, 2020; López-Sala and Godenau, 2020). When used with citizens, biometric data seek to maximise the provision of services and economic utility, but with persons deemed to be "other", the same data mean greater control and more restrictions of their rights (Muller, 2010). Even when well-intentioned, the use of artificial intelligence as a tool to increase the effectiveness of migration and asylum policies frequently entails jettisoning basic rights (Nalbandian and Triandafyllidou, forthcoming).

In the European case, one epitome of these processes of the borderisation of asylum has been the so-called hotspot approach (which involves coordinated management in areas of first arrival)[1] in the Mediterranean. In Spain, this has turned into practices that limit internal mobility, for example with the bureaucratic captivity of asylum seekers in the cities of Ceuta and Melilla. Within the

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EU, the question of asylum has had widespread repercussions in terms of management of intraeuropean borders. The dynamics observed since 2015 have now made prevention of secondary movements a core objective in the action of member states, which has given rise, as an alternative approach, not only to the temporary suspension of the Schengen Agreement but also to increasing police management of internal borders (van der Woude, 2020), thus keeping refugees "on the move" or "in circulation" (Khosravi, 2019; Tazzioli and Garelli, 2020) as well as generating forms of structural violence[2] (Ansems de Vris and Guild, 2019), and reflecting processes of internal externalisation (Barbero and Donadio, 2019).

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1. For further information, see: https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/623563/EPRS_BRI(2018)623563_EN.pdf.
2. This form of violence has been described by means of the concept of "politics of exhaustion" which, as defined by Ansems de Vries and Guild (2019: 2.157), "refers to the felt effects of the stretching over time of a combination of fractured mobility, daily violence and fundamental uncertainty" which, as they indicate, reveals "the increasingly coercive character of migration management strategies in both informal and institutionalised spaces of transit, whereby these spaces are turned into de facto spaces of rejection, detention and push-back."

# Access to international protection in times of pandemics

The health crisis has given new impetus to some of the trends observed in the global asylum regime. The closure of borders intended to contain transmission of the disease has also meant reinforcement of non-arrival policies. This has had a twofold result. First, when the drivers of forced displacement continue as such and international borders remain closed, the only possibility that remains is to move to more secure places, but within the same states. In other words, with the closure of borders, internal displacement has increased in relative terms. Second, the closure of borders in the first months of 2020 meant the "effective extinguishment" of the right to asylum in large areas of the Global North (Ghezelbash and Tan, 2020).

In some cases, borders were sealed using public health emergency laws like those applied in Australia, the United States, and some European countries in the spring of 2020 (Fanjul, 2021). These measures included not only restriction of access but also rejection at the border, using fast procedures like "hot returns" (Ramji-Nogales and Lang, 2020). Some international reports have also drawn attention to increased human and material resources allocated for border control, thus leading to fears that many exceptional actions justified by government as temporary health security measures may become permanent (Akkermann, 2020). Paradigmatic in this regard are Italy and Malta whose governments declared that, for the duration of the national emergency caused by COVID-19, their ports were "unsafe" for disembarkation of people rescued at sea (Ní Ghráinne, 2020). Similarly, Austria authorised rejection of asylum seekers who could not present a medical certificate.

In transit countries, this closure of borders had an immediate effect. In Morocco, for example, as Lo Coco and González-Hidalgo note in this issue, the closure of land borders with Ceuta and Melilla caused a displacement of migratory movements to the south through the Canary Islands, leading Morocco to use the same control mechanisms and practices (raids, detentions, forced displacements, and deportations) in the region. Hence, COVID-19 health measures were used discriminatingly in order to justify more raids and detentions. In Mexico, according to Silva Hernández and Alfaro Trujillo—also in this volume—closure of the border with the United States aggravated the situation of "immobilized flight" for many women who were forcibly displaced within the country. This immobility brought about by the total suspension of asylum processes in the United States after "an abrupt, urgent mobility of flight" gave rise to worse vulnerability, precariousness, and insecurity. With one state

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turning its back on those who were fleeing (United States) and another that did not create protection mechanisms (Mexico), there only remained reception services provided by local civil society and international organisms in their attempts to fill the gaps left by the two states.

Confinement and limited mobility have also aggravated the conditions in already confined border spaces like refugee camp enclaves near European or Latin American borders. Paralysis of administrative procedures and transfers has only exacerbated the already extremely precarious sanitary conditions in many of these camps.[3] Hence, for example, Doctors without Borders (MSF) accused the Greek government of negligence in the second half of 2020, not only for its lack of action but also because of the conditions in which it implemented measures to confine people who had contracted the disease. In Spain, the ombudsman repeatedly recommended transfer to the peninsula of asylum seekers residing in temporary reception centres (Centros de Estancia Temporal, in Spanish) of Ceuta and Melilla where, owing to the size of the installations, it was impossible to observe social distancing measures.[4]

Moreover, Iker Barbero describes in this issue how, in the context of the pandemic, health measures

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facilitated the confinement of refugees at the geographical (and legal) margins, basically restricting their movement while awaiting rulings. Although this "humanitarian confinement" (Campesi, 2018) was present well before the beginning of the pandemic, it has ended up reinforcing the "logic of dissuasion", which does not aim to consolidate a robust legal system that guarantees access to the asylum regime but, rather, the opposite, to create negative conditions that will discourage, delay, and condition asylum applications in other places, even

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3. See, MSF. "Una respuesta a la COVID-19 negligente y peligrosa agrava el riesgo para los refugiados del campo de Vathy en Samos" (26.10.2020) (online) https://msf-spain.prezly.com/una-respuesta-a-la-covid-19-negligente-y-peligrosa-agrava-el-riesgo-para-los-refugiados-del-campo-de-vathy-en-samos#.

4. See, Defensor del Pueblo. "Recomendación" (29.07.2020) (online) https://www.defensordelpueblo.es/resoluciones/facilitar-el-traslado-del-ceti-de-melilla-a-la-peninsula-de-los-residentes-solicitantes-de-asilo-y-en-situacion-de-especial-vulnerabilidad-como-personas-de-riesgo-frente-a-la-covid-19-familias-con/.

beyond the bounds of state territory. Since the basic aim of the dissuasive effect is to close migrant routes with the message that anyone who crosses illegally will not be received immediately and will not be able to gain access to the rest of the national territory, it is not surprising—as shown by Lo Coco and González-Hidalgo—that some of the routes to Spain were redrawn in the early months of the pandemic.

The deterioration of reception conditions also affected the mechanisms of internal control, for example detention centres, which have also been the subject of controversy during this crisis because, once again, the measures adopted to prevent contagion have, in many cases, been extremely limited. The health crisis has also led to a generalised increase of securitisation and surveillance of the population, which has been especially pronounced in the case of migrants and refugees (Carrera and Chun Luk, 2020). The result has been intensification of internal control and "surveyed mobility" inside states (ibid.) and, in the case of the European Union, increased police surveillance of territories and internal borders where the dividing line between health controls and migrant controls is becoming blurred.

In terms of European asylum governance, the article by Emmanuel Comte reveals how the pandemic has ended up consolidating this coercive tendency, both towards asylum seekers and among member states, and also at the EU's external borders. While these three forms of coercion were already in evidence long before its outbreak, the pandemic has enabled effective closure of external borders, an agreement to transfer asylum seekers on a more permanent basis to countries of Central and Eastern Europe, and also swift border returns. Comte concludes that, although the European Commission's migration and asylum proposal is still under discussion, the political direction now seems to be clearer than ever.

## Reception under conditions of confinement

One of the questions at the beginning of the pandemic was whether measures of inclusion or exclusion would prevail in the new situation. On the one hand, it was clear that any public health or social policy that aimed to be effective would have to include the whole population (Garcés-Mascareñas, 2020). In short, situations of overcrowding, residential exclusion, and job insecurity could hasten the spread of the virus and, therefore, although they only affected a few people initially, they could end up having an impact on the population as a whole. On the other hand, historically speaking, the circumstances of a health

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crisis have tended to be associated with stigmatisation of the "other" with certain minorities, racial groups, and communities being associated with the spread of the virus and, as a result, leading to more discrimination and conclusion (Bieber, 2020; Gover et al., 2020).

In the domain of asylum and in the context of the COVID-19 pandemic, the early research clearly points to a shift towards more exclusionary policies with a sharper distinction between citizens and non-citizens, and a growing tendency to include asylum seekers and refugees among the non-citizens. The main reason is common to all the countries studied and is related with paralysation (at least in the early months of the pandemic) of the administrative machinery and, hence, delays in the various stages of asylum processing. In practice, these delays not only limited access to processing and the associated services and resources, but they also involved longer waiting times for rulings and, consequently, increased uncertainty. Moreover, with the excuse of compensating for the shortcomings of a semi-confined state, quota systems were applied (in some cases already used before the pandemic, as in the metering system at the border between Mexico and the United States[5]) together with telematic attention systems, which have introduced still more administrative barriers (Mena and Cruz, 2021; Gilman, 2020).

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This *physical* withdrawal of the state and its subsequent return in increasingly digitalised forms has affected the population in general, but especially those whose legal existence and, hence, "right to have rights" depended on this administrative recognition. Not that it did not happen before. In South Africa, for example, although the asylum laws are among the most progressive in the world, in practice, limitations in access to asylum procedures and administrative delays have meant that many refugees remain in irregular situations (Amit, 2018, Masuku, 2020; Mukumbang et al., 2020) and, accordingly, with no access to basic rights (Crush et al., 2017; Alfaro-Velcamp, 2017; Willie and Mfubu, 2016). With the pandemic, the state's omission of, or retreat from its

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5. Metering is the US government's practice of limiting the number of people who can apply for asylum at the southern border each day. This administrative system requires potential applicants to register on waiting lists and wait in Mexico until it is their turn to apply.

administrative duties has become standard practice in most countries. One example is Peru where almost 400,000 Venezuelan refugees are waiting for an appointment to obtain their asylum seeker card and thus to be accredited as such. As Castro Padrón and Feline Freier point out in this volume, these delays are compounded by the scant or total lack of recognition of provisional documents and, as a result, the *de facto* irregular situation which those who are waiting must endure.

In the case of Spain, as Pumares, Ríos-Marín, and López-Mora note in this issue, the onset of the pandemic also meant paralysation of administrative procedures. Although the validity of documents was extended in response to this standstill the fact that, here again, the agents and entities involved (from branches of the public administration to banks and employers) would not recognise them, and the general slowing down of the processes, made the situation of those who were waiting even more precarious (CEAR, 2021). Meanwhile, despite the physical closure of offices and this initial stoppage, the Ministry of the Interior was able to deal with twice as many asylum applications (from 55,601 in 2019 to 116,528 in 2020). Since, in 2020, 60% of the decisions were unfavourable, and 35% were for humanitarian protection, this meant that some people lapsed into an irregular situation while others kept their regular status but were forced to leave the reception system from one day to the next.

As for reception, the pandemic has had a direct impact on the living and working conditions of asylum seekers and refugees around the world. In the Global North, those who had been accepted into state reception systems were confronted with the fact that some of their support services were curtailed. In Europe, for example, the European Commission published a communication in April 2020 which, in duly justified cases and for a reasonable period of time, opened up the possibility of providing reception possibilities that were "different" from those that would be required in normal conditions. In this issue, critical analysis of the European regulatory corpus by Encarnación La Spina shows that there was a combination, on the one hand, of precariousness of hygienic-sanitary conditions, abuse of collective installations, and *sine die* confinement and, on the other, certain corrective reforms (for example, access to the job market in some sectors, reduction of deadlines and of coercive action to prevent secondary movement) which failed to resolve the structural deficiencies of reception systems.

In the particular case of reception of asylum seekers in the province of Almeria, the article by Pumares, Ríos-Marín, and López-Mora shows how the situation of the pandemic hindered processes of training, support, and socialisation. This was especially so for those who were housed in independent flats. Confinement for these people had a much more decisive impact than it did for those who were

sheltered in centres. Moreover, this was aggravated by the digital gap that affects many of them. However, this dual reality is not new either. In Spain, emphasis on the autonomy of asylum seekers—which, until 2021, was promoted after six months—while essential for their inclusion (especially when compared with reception systems that isolate rather than integrate until the application for asylum is decided), can end up producing forms of "neglect" in a situation of economic crisis, or even total shutdown, like that caused by the pandemic. This "neglect" includes situations of great uncertainty about the future, insecurity in terms of documents, and residential and socio-occupational instability (Gabrielli et al., 2021).

Asylum seekers and refugees in urban zones of the Global South are experiencing a similar situation of "neglect". In these circumstances, lack of formal recognition by the state means that reception depends on the ability of refugees to survive in a wider group of undocumented immigrants and poor citizens, most of them subsisting in the informal economy (see *inter alia*, Bernstein and Okello, 2007; Dryden-Peterson, 2006; Belvedere, 2007). As the academic literature shows, an absence of regulation of mobility and reception leaves a space for both inclusion and extreme vulnerability. The degree and form of this inclusion and vulnerability largely depends on the context. And, under pandemic conditions, the context is becoming increasingly adverse.

In this regard, Peru is once again highly illustrative. As Castro Padrón and Feline Freier also emphasise, the situation of Venezuelan refugees in this country was aggravated for two reasons. First, government measures to mitigate the socioeconomic consequences of the pandemic, especially for the most vulnerable, were restricted to nationals. The only measure that included the foreign population was a temporary permit to join the Seguro Integral de Salud (SIS – Comprehensive Health Insurance) in case of suspected or diagnosed COVID-19. The gap between nationals and foreigners widened in this sense. Second, during the first months of the pandemic, many asylum seekers lost their formal jobs and many others who were working in the informal sector found that their chances of survival were seriously diminished.[6] Likewise, Dempster et al. (2020) conclude that, on the global scale, the pandemic has hindered access of asylum seekers and refugees to the labour market, public services, and humanitarian aid. In South Africa, too, confinement policies worsened the living conditions of refugees with increased unemployment,

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6. The conditions for survival during the pandemic became so adverse that at least one of the more extreme cases should be mentioned: the return to Venezuela of 50,000 refugees in the first year of the health crisis, according to the UNHCR (Acosta and Brumat, 2020).

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evictions, and food insecurity (Mukumbang et al., 2020). Furthermore, as in Peru, asylum seekers and migrants were excluded from social measures to alleviate the effects of the pandemic.

Nevertheless, those who have suffered most from the effects of the pandemic are, perhaps, refugees who are living in camps or slum areas. The reason is clear. Even before the pandemic, these camps were spaces of confinement, frequently semi-closed, where the laws of the country do not always apply and where indefinite temporariness and legal exceptionality tend to combine to create liminal spaces of non-protection (Ramadan, 2013). With the pandemic, the situation in the camps worsened significantly. In the case of Palestinian refugees, as Monteverde's article in this issue shows, the situation is one of a set of overlapping crises (political, economic, and social) where the effects of the pandemic have compounded still more a situation of chronic vulnerability. In this case, it is not a matter of the state withdrawing for it is not present and, if it does appear, it is to shut down even more these confined spaces where there is no protection or *de facto* inclusion. The unprecedented crisis of the financial situation of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which is partly caused by the withdrawal of US funding, also reveals the fragility of protection when it depends on international funding.

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Finally, although none of the articles in this issue directly addresses this question, there can be no avoiding of discussion about the increasing stigmatisation of refugees and migrants in the context of the COVID-19 pandemic. As Crawley (2021: 81) suggests, in the best of cases, refugees and migrants have been presented as yet "another problem" that cannot be dealt with by states that are too busy coping with the pandemic. In the worst of cases, refugees and migrants have been accused of spreading the virus and are presented as the scapegoat for all evils. In Hungary, for example, the first patient with COVID-19 was an Iranian student. Arguing that "migration is responsible for the spread of epidemic" (sic) President Viktor Orbán[7] ordered the deportation

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7. Euobserver. "How Hungary's Orban blamed migrants for coronavirus" (March 2020) (online) https://euobserver.com/coronavirus/147813.

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of Iranian students and drastically limited the already very restrictive Hungarian asylum policy. In the United States, association of the origin of the virus with China. has led to increased racism and discrimination against people of Chinese origin. In all cases, use of the politics of fear has enabled legitimation of more restrictive border policies, suspension of asylum, and serious curtailment of reception policies.

## Conclusion

In 2020, the Secretary-General of the United Nations, António Guterres, recalled that: "COVID-19 has been likened to an x-ray, revealing fractures in the fragile skeleton of the societies we have built. It is exposing fallacies and falsehoods everywhere: The lie that free markets can deliver healthcare for all; The fiction that unpaid care work is not work; The delusion that we live in a post-racist world; The myth that we are all in the same boat. Because while we are all floating on the same sea, it's clear that some are in superyachts while others are clinging to drifting debris" (Guterres, 2020). In the domain of asylum, the COVID-19 pandemic has revealed that asylum is no longer a right and that, despite what is said in official forums and institutional declarations, first, externalisation and borderisation and, second, fragmentation of statuses and manufacture of ever more precarious categories are the order of the day.

In addition to exposing already existing trends, the COVID-19 pandemic has accelerated or aggravated others. In general terms, it might be said that the health crisis has prompted a general increase in monitored mobility of populations, which has been particularly intense in the case of migrants and refugees. It is not surprising, then, that health measures have been placed at the service of migration control (constructing new health walls that are superimposed on physical and legal ones) and that practices which, in recent years, had been widely applied to irregular migrants in border zones, are now targeting asylum seekers. The blurry boundary between migration control and health control has been especially expressive at the territorial limits of states, keeping refugees in a kind of humanitarian confinement that condemns them to territorial and legal fringes while also attesting to the coercive drift of asylum regimes, a shift that has been transferred to and extended in transit countries and those of the global South where many of the practices of the Global North have been replicated.

To all this is added the creation of new administrative barriers in management of procedures which have transformed the state—and its administrators—into a distant and increasingly inaccessible entity. As noted above, this physical

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withdrawal of the state and its subsequent return in increasingly digitalised forms has especially affected people whose legal existence, because of its precariousness, depended on such administrative recognition. Furthermore, the new situation has obliged local civil societies and international organisations to make up for this "absence of state" with few means and, in many cases, in a makeshift manner. Although these aspects may appear to be circumstantial in the context of the current crisis, everything seems to suggest that they will have a longer-term effect and become characteristic features of a global asylum regime that continues to be restructured in an ever more exclusionary direction. It is not surprising, then, that many voices are speaking of the extinction of asylum or foretelling its demise.

In terms of reception, the pandemic has had an impact on the living and working conditions of asylum seekers and refugees around the world. In the first months of confinement in the Global North, support services for asylum seekers who were included in state reception systems were reduced. In the Global South, measures to mitigate the socioeconomic effects of the pandemic, including access to healthcare, were frequently limited to nationals, thus widening the gap between nationals and non-nationals. Moreover, asylum seekers and refugees were more prone to losing their jobs, which made their situation even worse. International studies have emphasised, as a global phenomenon, the fact that it was more difficult for refugees and asylum seekers to gain access to the labour market, public services, healthcare rights, and humanitarian aid, while the extension of policies of "neglect" has, on many occasions, condemned them to a condition of extreme vulnerability. In this regard, we can conclude that the pandemic has aggravated and amplified the distinction between nationals and refugees in terms of rights, lumping together the latter and irregular immigrants who represent the epitome of non-citizens, of *others*, in migration regimes. But the effects of the pandemic have been most acutely felt in refugee camps and slum areas. In these situations, confinement was imposed on spaces that were already confined, where before the pandemic there was neither protection nor *de facto* inclusion.

Finally, the health crisis seems to have also contributed to a growing stigmatisation of refugees and migrants. Both groups, which have become the paradigm of "others", have been blamed for the spread of the disease. Some

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specialists (O´Brian and Eger, 2021) believe that this bracketing of foreigners, racial minorities, and spread of disease, which has been a historical constant, could have a more enduring impact in the shaping of migration policies in the near future. This stigmatisation has legitimised expulsions and deportation practices without legal or social oversight and has fuelled xenophobic attacks and new forms of discrimination. Any overview today of access to international protection, reception, and the politicisation of immigration, can only lead to the sad conclusion that, almost two years after the onset of the pandemic, the situation is one of less protection and more exclusion.

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