

Forum: Human Rights Council
Issue: Addressing the increasing numbers of asylum seekers stranded on closed borders due to COVID-19
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Introduction

The raging COVID-19 pandemic has compelled numerous countries worldwide to put into effect a variety of strict measures to deescalate the crisis and safeguard public health. However, though these methods have, to an extent, successfully slowed down the spread of the virus, they still bring about many other complications. Among these methods, the implementation of border restricting regulations have resulted in serious negative consequences – one of which is the increasing numbers of asylum seeker stranded on closed borders. Asylum seekers include individuals who have fled their home country to seek protection elsewhere due to major conflicts that place them in harmful circumstances. As important as controlling the pandemic is, the life of these asylum seekers simply cannot be ignored. As of June 2020, there are an estimated 70 million displaced individuals worldwide.

Concerningly, The United Nations High Commissioner for Refugees (UNHCR) reports that, as of April 2020, an estimated 160+ nations have chosen to restrict border entry as a response to COVID-19. Within these nations, over 57 have not considered the state of asylum seekers at all. Border restrictions have prevented many individuals from seeking proper shelter and safety, which does violate the principle of non-refoulement under International human rights laws (HRL). Additionally, there are countless records of forced returns and denials of entry of asylum seekers globally. These stranded asylum seekers not become homeless but are also at a higher risk of contracting COVID-19 due to their predicament. Therefore, it is crucial that pandemic-relief-related border mandates include controlled exceptions to protect the lives of asylum seeker accordingly. Furthermore, countries, charities, governments, and other organizations must work collectively to provide for the essential needs of asylum seeker while border restrictions are under modification.

Definition of Key Terms

Asylum seeker

an individual who has escaped their original country of residence and is seeking protection from severe human rights violations by entering another country. However, these individuals have not been legally recognized as refugees and are still in the process of filing asylum claims.

COVID-19

an infectious coronavirus disease that results in severe acute respiratory complications. COVID-19 can be spread through bodily fluids, mostly saliva or nose discharge. Older and younger people, along with those who are already experiencing medical problems, are at higher risks of contracting said disease.

Borders

the officially recognized boundaries of one country that separates itself from another geographically

International human rights law (IHRL)

the normative guideline and conceptual framework set by the United Nations specifically aimed to protect and promote human rights. These laws are primarily composed of treaties and agreements proposed between countries; some are legally binding while others are recognized as political obligations only. Though specific regulations vary from state to state, every country is highly encouraged to adhere to the IHRL.

Background Information

COVID-19 Overview

COVID-19 is objectively one of the biggest pandemics in the recent decade and has placed “normal life” on halt for over half a year. The initial human cases of COVID-19 were identified in Wuhan China, around the end of 2019. The pandemic has its first massive international breakout between February and March of this year, where cases spiked upwards in number. With COVID-19, the severity of symptoms largely varies. However, it is known that young children, elderly individuals, and those with previous respiratory illnesses are more like to suffer severe impacts. The direct health impacts of COVID-19 are easily observable. The common symptoms include fevers, dry coughs, fatigue, headaches, loss of tastes or smell, aches, pains, or even difficulty breathing. As of August 22nd, 2020, there have been over 22,000,000 confirmed cases of COVID-19 globally, with around 800,000 reported deaths.

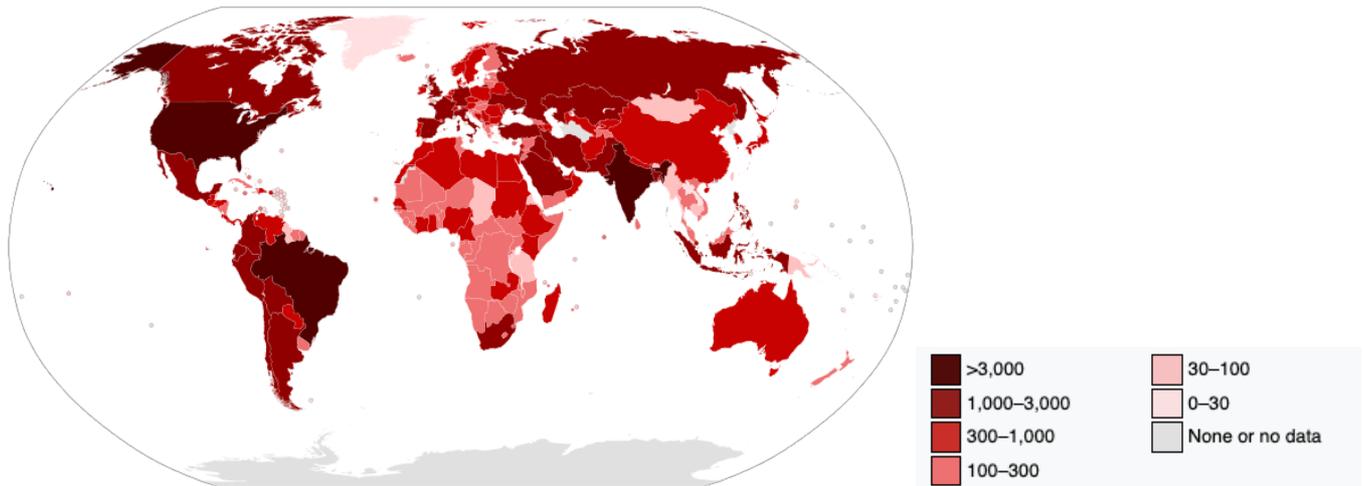


Fig. 1: Confirmed cases per 100,000 population as of 21 August 2020

The issue with COVID-19 is that infected personnel could very well be asymptomatic, making it hard to track whether or not the virus is present within a group of people. This is one reason as to why COVID-19 is complicated to contain. Furthermore, this virus is relatively contagious and can be easily passed on through bodily fluids after human contact. These complications have led to control methods such as social distancing and quarantine. Nonetheless, the affected population has grown so large that many governments were forced to make the executive decision to place restrictions on their borders in an attempt to stop the spread. Though this method has proved itself to be effective, it does not consider other negative social impacts that may follow. In a pandemic-stricken world, considering the asylum seekers who are vulnerably in danger needs to be a priority as well. To understand the important correlation between COVID-19 and asylum seekers, it is crucial to examine current pandemic situations, border restrictions, and the nature or state of those seeking asylum.

Border restrictions as a control method

As mentioned previously, an estimated 167 countries have enacted border restrictions - with 57 having no consideration for asylum seekers – as an emergency response to COVID-19. Around 16 countries in Africa, 20 countries in the Americas, 35 countries in Asia, 2 countries in Europe, and 7 countries in Oceania have implemented global travel bans and restrictions, which sometimes includes the rejection of asylum seekers. Some restrictions are relatively light, with specific clauses denying the entry of individuals from certain countries with more severe pandemic statistics. While others have gone so extreme that the entire country is closed off for entry, with extremely small exceptions for government officials. Around 91% of the entire world population is currently residing in a region where border restrictions are in effect. In the European Union alone, these travel bans, and border restrictions have resulted in an estimated 40% decline in asylum applications. The pandemic has forced many states to suspend all asylum-related procedures. The entire asylum system is built around countries' willingness to open up borders and welcome those seeking refuge. However, before a person has actually crossed a

border, they are still considered an asylum seeker in essence. The UNHCR and the IOM have announced that they would “temporarily suspend resettlement travel for refugees for as long as it remains essential” back in March of this year. Once borders are completely shut off, and organizations are no longer providing adequate support, opportunities for asylum seekers to apply for protection are consequentially closed. The horrifying statistic remains that an average of 37,000 individuals are forced to flee from their countries to seek asylum elsewhere.

State of asylum seekers as a result of border restrictions

Needless to say, border restrictions significantly impact the lives of asylum seekers in a negative manner. Many are denied the opportunity to seek safe refuge, and therefore enter an insecure migratory state. The large number of asylum seekers and refugees – 70 million – signals the severity of the issue. Some are forced to return to their home countries, essentially revisiting the place of conflict and dangers they’ve just tried to escape, while others are simply stuck in between. This struggle brings about many challenges, such as vulnerability towards the virus or financial shortages. Governments are too preoccupied with controlling the pandemic that asylum seekers are often ignored and stranded with a lack of access to official support. Furthermore, most countries that host refugees, such as Turkey, Pakistan, Lebanon, Iran, or Ethiopia are all developing countries with numerous other issues to worry about, on top of a pandemic. Large sources of these foreign refugees include Syria, Afghanistan, Somalia, South Sudan and more, which are war-stricken countries that have been under great instability for long periods of time. As the number of asylum seekers stranded on closed borders grow, many temporary reception centers that house these displaced individuals are becoming impossibly overcrowded.

Standards of living

The first issue here is that these housing facilities are no longer able to support the basic needs of the asylum seekers due to the disproportionate amount of people and resources. If basic needs are not even being met, there is little to no way that these centers are able to practice social distancing or adhere to any other pandemic-related hygienic measures. The shared nature of these facilities place asylum seekers at higher risks to COVID-19, which will undoubtedly worsen the global pandemic situation as a whole. It is clear that the conditions of these reception centers are truly deplorable and unfit for human life. In Australia, around 1000 individuals stuck in immigration detention facilities as of March 21st. The second concern is the lack of financial support for asylum seekers due to their inability to cross the border. Asylum seekers who have not been granted a temporary protection visa yet are ineligible to financial support. Without proper income, many individuals are unable to sustain a proper way of life. With these massive complications, asylum seekers remain at a place of extreme distress.

Major Countries and Organizations Involved

United Nations High Commissioner for Refugees (UNHCR)

The UNHCR largely focuses on issues related to displaced individuals, which includes asylum seekers. The UNHCR has been providing support through giving out food and sanitation services to asylum seekers. The organization has delivered many key substances for survival to those stranded on borders. For example, the UNHCR has supplied over 24 million masks, 1.5 million medical gowns, 2,000 oxygen concentrators, 3,000 temporary housing units, 12 metric tons of hospital tents, 250 metric tons of medical items, and over 50 million US dollars distributed to over 65 countries and 1 million individuals. The organization has also emphasized the importance of communication networks to provide guidance to displaced individuals. Guidance methods include educating asylum seekers about hygiene measures and how to receive access to assistance services. Moreover, the UNHCR works to ensure that the rights of asylum seekers are not violated under the principle of non-refoulement international human rights laws.

International Organization for Migration (IOM)

The IOM works cohesively with the UNHCR to protect the rights of asylum seekers during the pandemic. The IOM works to assist asylum seekers access health services, counselling, legal advice and much more. However, border restrictions have significantly diminished the capacities of such organizations to provide adequate help. Nonetheless, the IOM has written and published a large amount of issue briefs that address the state of asylum seekers during COVID-19. These issue briefs discuss various recommendations regarding how countries could adjust and extend their border policies to acknowledge asylum seekers. The IOM urges all nations to adapt regulations and frameworks that will create opportunities for asylum seekers to find safe refuge.

Timeline of Events

Date	Description of event
December, 2019	First human cases of COVID-19 were discovered in Wuhan, China
January 20, 2020	First cases of COVID-19 identified outside of China: Japan, South Korea, Thailand, and the United States
January 30, 2020	The World Health Organization (WHO) declares COVID-19 as a global health emergency
March 17, 2020	The European Union bans the entry of international travelers from around the world
March 25, 2020	Uganda, one of the greatest hosts for refugees, suspended the entry of all asylum seekers
March, 2020	In the European Union alone, travel bans and border restrictions have resulted in an estimated 40% decline in asylum applications
April, 2020	The global economy started to contract

April 17, 2020	The UNHCR reports over 160 countries completely or partially implement border restrictions, with over 50 countries making no exception for asylum seekers
August 22, 2020	Over 22,000,000 confirmed cases of COVID-19 globally

Relevant UN Treaties and Events

Though the UN has not carried out specific actions regarding asylum seekers stranded on closed borders, it has underlined the need to protect refugees and asylum seekers during this pandemic. On June 3, 2020, the Secretary-General of the UN has instigated policy briefings regarding COVID-19, which aims to emphasize and reinforce countries' obligations to help asylum seekers globally. The UN chief discussed positive examples from specific countries who have implemented border restrictions while still following international guidelines for protecting asylum seekers and refugees. All in all, the UN has stressed the need for COVID-19 related border policies and legislation to be inclusive of distressed asylum seekers.

Previous Attempts to solve the Issue

Before countries are able to allow entry of any foreign personnel, the ones stuck between borders require assistance to sustain life. Organizations such as the UNHCR have provided medical care, edible resources, temporary shelters, educational platforms to asylum seekers worldwide. Though these acts do help the situation tremendously, it does not address the root of the issue – closed borders.

Thankfully, states worldwide have begun recognizing the detrimental effects suffered by asylum seekers during the pandemic and have modified their policies to include the protection of asylum seekers. Some government approaches have been met with success. For example, Uganda opened its borders to thousands of asylum seekers escaping violence in the Congo. Initially, Uganda closed its border completely as a part of the COVID-19 lockdown. However, after the number of asylum seekers stranded on borders began increasing rapidly, the government made the executive decision to temporarily re-open the borders at two crossing points. Opening these borders in June allowed over 1500 asylum seekers to enter Uganda, where they are able to access life-saving medical care. Newly-arriving asylum seekers were immediately screened, checked, and sent to quarantine to rehabilitate their health. After the quarantine period ends, asylum seekers will be sent to official refugee settlements to be documented. Throughout the process, Uganda worked closely alongside the UNHCR.

Another national attempt to consider the state of asylum seekers can be spotted at the borders between Canada and the US. Though Canada closed its borders in an attempt to stop the spread of COVID-19, charity organizations and other advocates have been calling upon Canada to open its borders to asylum seekers. Criticism towards Canada for not fulfilling its international duties to protect asylum seekers seems to have pushed the country to make changes. In April, the Canada-US borders

started to allow the entry of specific asylum seekers that adhered to the standards of the new governmental framework. However, this attempt was not largely impactful as the standards are very strict and inflexible, meaning asylum seekers who do not fit the criteria are still denied entry.

Possible Solutions

There are numerous ways that states can assist asylum seekers stranded on borders, but it requires ample participation from individual governments to work towards this collective objective. First and foremost, though countries have complete autonomy over how they manage their borders, they should be doing so in accordance with international human rights laws – especially those about the rights of asylum seekers. In short, borders and access limitations can be enacted with exceptions made for displaced individuals. The emphasis on the principles of non-refoulement should be repeatedly brought up, while countries are reminded of their responsibilities as a global community. An international conference regarding the state of asylum seekers stranded on borders should be held, to encourage countries to modify their policies and to discuss more solutions.

Ensuring the flexibility of border-related regulations is highly essential amidst times of disease and social unrest. Adapting regulations and upholding legal frameworks that will include important adjustments regarding asylum seekers should be one of the first steps. Such adjustments include allowing short periods of border openings to take in asylum seekers, being overall more lenient and considerate of the critical state of those in need.

In the event that a country simply cannot allow the entrance of asylum seekers under extreme conditions, the conditions of asylum seekers should still be properly accounted for. To ensure proper living and health conditions, national governments should work alongside other charitable organizations to distribute basic needs, provide living facilities, and also output trustworthy information regarding pandemic hygiene.

Asylum seekers should be relocated to safer living spaces when they are stuck between borders. However, due to the overcrowded conditions of temporary reception centers and shelters, means of expansions and upgrades should be considered. Expanding the physical space of reception centers will ensure that stranded asylum seekers have a place to live while border restrictions are in place. Upgrading the reception centers with better healthcare devices and skilled workers will keep any negative risks at a minimum. Furthermore, states should continue the processing of asylum application even if they cannot immediately bring in the asylum seekers. By doing so, when the border restrictions are modified, asylum seekers can enter the country in a fast and orderly manner.

To start small, some countries could allow the entrance of asylum seekers in smaller groups once the pandemic has died down within their specific regions. Asylum seekers will go through proper documentation and relevant testing for safety purposes. A clear and effective management framework will allow countries a smoother transition from complete border closure to charitable exceptions.

The UNHCR and other organizations focused on asylum seekers should gather the necessary funds to facilitate the entire process of border-crossing. Many countries are unwilling to accept asylum seekers at this time due to their lack of proper management or fear of socioeconomic repercussions. Therefore, having adequate funding to carry out these operations will solve the many concerns and apprehensions of governments.

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Appendix or Appendices

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