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GLOBAL PANDEMIC CHALLENGES REFUGEES: PROBLEMS AND SOLUTIONS

Summary. *This article deals with the overview of the role of the pandemic Covid-19 in the life of refugees. The Author pays attention to the general characteristic of the impact of the global pandemic on immigrants. Special attention is devoted to the problems faced by migrants. The author also provides examples for solving these problems.*

Key words: *refugee, global pandemic COVID-19, migration policy.*

Human life is by far the largest social value on the planet. However, given the problems of our time, the pandemic has significantly exacerbated the issue of the existence of refugees as a category of migrants. That is, right now there is a total complete for human life at a time when it would seem that democracy in most developed countries has reached its apogee. One is under the impression that for a country or an organization the greatest human value is not the life of a person as such, but the life of a "citizen" or "subject". In any state, not only citizens (subjects) live, but other persons also live - these are foreigners, stateless persons (apolide). Therefore, there is an urgent need to analyze the current world situation in the context of the existence of refugees. Today, despite the interest of researchers in the topic of attitudes towards refugees, some problems require further study.

Modern realities confirm that the situation in the world related to migrants is becoming increasingly unpredictable, and the present migration crisis leaves an imprint on the whole world, significantly influencing global processes.

This article is aimed at researching and revealing the peculiarities of the existence of refugees during a global pandemic.

The current definition of the concept of "refugee" was laid down in the Convention relating to the Status of Refugees, adopted on July 28, 1951. In Article 1 (A) 2 of the Refugee Convention defines a refugee as a person "as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it" [1].

The problem of granting asylum and refugee-hosting, which is acutely facing a number of developed countries, especially within the EU, requires an immediate solution. As is well known, "asylum" in the framework of international law, both at the legislative and constitutional levels of virtually every democratic, rule-of-law state, has been recognized as an inalienable human right. The right to asylum is an important and fairly effective way to protect human and civil rights and freedoms. Paragraph 1 of Art. 14 of the Universal Declaration of Human Rights proclaims that everyone has the right to seek asylum from persecution in other countries and to use this asylum [2].

But in the context of a world pandemic, the rights and freedoms of refugees require careful protection, because countries often take advantage of the situation and, under the pretext of fighting the pandemic, simply expel refugees from their territory or close their borders. In general, each country deals primarily with its citizens. And in a situation where a country cannot provide high-quality medical

care to its citizens, the turn to refugees rarely comes. Therefore, refugees are more vulnerable to the terrible challenges of our time and the problems they face can very often become an unbearable burden for them.

Today, according to International Organization of Migration statistics, there are about 33.8 million people who have been forcibly displaced around the world [3]. Of this number, about 90% of the refugees stay in developing countries. And the main problem is that migrants in these countries are experiencing difficulties not only in combating the pandemic, but also in providing adequate and suitable conditions for the existence of refugees in the social environment [4].

Since the beginning of the pandemic, countries have begun to pursue a tough migration policy. In particular, about 168 countries closed their borders fully or partially at the height of the crisis. Moreover, almost 90 countries around the world, closing borders, did not make an exception for asylum seekers, and some returned asylum seekers to their countries of origin [4]. And we see this trend not only during the pandemic, but also during both new and worsening refugee crises in Africa, South and Central America and the Middle East [4]. This situation is very alarming and dangerous for the whole world.

According to data provided by the UN, there are about 25 million refugees around the world who “face particularly serious obstacles in the fight against COVID-19 [4]. Refugees face huge and unique challenges that make some communities more vulnerable to infectious diseases” [4].

The COVID-19 pandemic has seriously impacted the lives of refugees and migrants in many areas of life. Most of all, the pandemic affected such areas as:

- *Healthcare*: The huge problem facing refugees is the lack of access to health care. There is a catastrophic lack of medical masks, disinfectants, testing systems, which leads to the spread of infection.
- *Economic aspect*: during the pandemic, many refugees lost their jobs, that is, the necessary means of subsistence, which endangers the life of not only one person, but the whole family.

- *Geographic blocking of movement of refugees*: most countries in the world have introduced border crossing restrictions, with no exceptions for people fleeing persecution.

Thus, one of the main problems faced by such a category of people as refugees is the territorial or geographical aspect. Since the beginning of the pandemic, the number of refugees trying to arrive in Europe has not decreased, but even increased. At the same time, the EU countries are still not ready to receive migrants. On the contrary, in the event of a pandemic, states resort to more stringent measures. Refugee camps are overcrowded, quarantine regulations are not respected, many are sent back, others die trying to cross sea borders in inflatable boats.

It is easy to explain this trend - some countries are still feeling the effects of the war, others are shaken by the economic crisis due to the pandemic. Due to the closed borders and, accordingly, the lack of legal ways to get to the EU, many refugees are trying to do this in small inflatable boats by sea, risking their lives, even more often, to death. Often those who manage to cross the border by water are detained by the coast guard and sent back. Such measures are resorted to by Greece, Italy and Malta. And if earlier such behavior became the subject of a dispute with Brussels, now the EU has begun to turn a blind eye to the policy of the southern members of the commonwealth.

Those refugees who nevertheless managed to cross the border of a European country are sent to already overcrowded camps, which lack the necessary quarantine measures. According to the general rules of the World Health Organization, migrants who arrive must go through a 14-day quarantine. But, already at this stage, refugees face serious obstacles. So, the situation is very common all over the world, these are ferries on which refugees have to go through quarantine extremely overcrowded and no one pays attention to this. But even in such a situation, not everyone can get on such ferries. Many people are forced to undergo observation on oil tankers or small pleasure craft, which are not adapted

for permanent residence and where there are no proper conditions for keeping (staying) people. From this follows an equally important problem as sufficient and **adequate medical provision and services for refugees**. To this day, there is an acute shortage of test materials and medical personnel for testing [5].

The scarcity of resources such as personal protective equipment currently confronting the United States and Europe is clearly even worse in developing countries, which could further lead to large-scale outbreaks in different regions of the world [4].

Without additional resources, adequate testing facilities, and expert assistance, refugees simply cannot cope with such a terrible disease alone [6]. Failure to comply with the necessary quarantine standards leads to an outbreak of coronavirus disease in refugee camps. Further, the virus spreads at a breakneck speed among other segments of the population. Therefore, today there is a great threat of the spread of coronavirus disease among the entire population of a particular country: from newcomers to the local indigenous population. The main rule of a pandemic in any country should be *"everyone's health depends on everyone's health."* Because today "the problem of migrants has become a matter of public order and health" both for a particular country, and for the world as a whole [7].

In addition, the problem is that some refugees are afraid to "show" doctors their probable illness, fearing self-isolation. So, very often men who have financial income only for their families refuse to be tested, because they understand that if the illness is confirmed, they will have to stay at home for some time and, as a result, they will lose income, which to a greater extent dictates the conditions of survival all family. Refugees often have "unpopular" jobs that cannot be translated on the Internet. That is, being at home means for them the loss of any means of subsistence.

In addition, illegal immigrants often do not go to the hospital, even if they have symptoms of the disease. This may be due to the fact that "temporary

migrants often have less extensive coverage of the social security system, including health care" [8].

However, it is necessary to highlight some of the positive actions taken by host countries for refugees. So, despite the fact that every country on the planet, without exception, has suffered from the pandemic, some states do not leave refugees to their fate and include them in their national programs to combat the consequences of the pandemic. Some developed countries, realizing the complexity of the situation and the shortage of working medical personnel, are simplifying migration rules for immigrants, even illegal ones, in order to involve them in the fight against the pandemic in medical institutions [4].

Another example is countries that provide free access to testing and medical care for refugees if they become infected with COVID - 19. These countries include Germany, Spain, Mexico, Israel, Switzerland, France, Belgium, Chile, Hungary, Luxembourg, Finland, Portugal [7]. In general, Portugal is a good example of adaptive leadership among countries that help migrants. For example, Portugal was one of the first to provide all migrants and asylum seekers pending an application with full access to the health care system [6].

Also, Spain is worried about refugees. Thus, Spain relaxed the requirements for migrants who are in the country during the quarantine period. In the event of illness, migrants do not need to have valid documents in order to receive medical care [7]. Greece has focused on supporting underage migrants in gaining access to health care [7]. The Czech Republic is considering the possibility of easing the economic burden of refugees [7]. In particular, the possibility of further reimbursement of treatment costs. Also, Canada has full free access to healthcare [7].

An equally important aspect faced by refugees is the material support of the state in which they arrived. So, while European leaders distribute funds to help the most affected countries of the European Union and think about ways to

prevent a new wave of pandemic in their countries, refugees are left face to face with a terrible disease and all the threats that it creates.

The global economic crisis has led to disruptions in material support for refugees, resulting in food shortages and limited employment opportunities for displaced persons [5]. In addition, there is an opinion that some states are abusing their position and, under the guise of fighting the pandemic, are actually violating the rights of refugees. "Governments are using COVID-19 as an excuse to deny people the right to seek asylum," says Bill Frelik, director of refugee and migrant rights at Human Right Watch. "It grossly violates the basic principles of refugee protection" [5].

"The pandemic and the ensuing economic crisis have led to a reduction in foreign aid as many countries look inward, channeling their resources domestically rather than internationally" [5]. Also, apart from individual states, refugees need support from international organizations, which is increasingly decreasing. Thus, the UN Refugee Agency (UNHCR) has announced a new large-scale humanitarian project, within the framework of which a large package of monetary assistance in the amount of \$ 255 million is to be allocated to support refugees during a pandemic. But the United Nations subsequently suspended the program, leaving refugees with little or no international support, endangering the lives of millions of migrants around the world [4].

Furthermore, it is necessary to highlight another important factor - **the negative attitude of local residents towards migrants**. During the pandemic, manifestations of xenophobia, stigmatization and racism increased. This trend can be clearly seen in Italy, which has become one of the countries most affected by the pandemic on the one hand, and on the other, contains one of the largest refugee groups among all countries of the united Europe.

You can also see that as the situation with the pandemic worsens, a negative attitude towards refugees as a part of the population is growing in society [7].

It is clear that in the context of the spread of COVID-19, citizens of the states where refugees arrive are unhappy with the guests. In such a situation, there is a need for "EU solidarity with the coastal countries of the Mediterranean through resettlement programs" in order to share the responsibility, said European Commissioner I. Johansson [6].

The solution to this problem can be the activation of media resources in order to reduce the negative opinion of the local population in relation to refugees. In doing so, special attention should be paid to high-quality work to eliminate misinformation regarding the negative impact of migrants on the spread of coronavirus disease. An example is the UN "instruction" on combating incitement to hatred associated with COVID - 19. This manual contains recommendations and suggestions with specific steps for government authorities and the media [6]. Another example is the interaction of the International Organization for Migration and Mexico. Thus, by joining forces, they launched a massive campaign to curb the spread of disinformation on social media [6].

A separate example is the effective work of local municipalities in the fight against negative attitudes towards migrants. Thus, in Barcelona and New York, campaigns have been launched to combat the perceived negative attitude of the population towards refugees and to combat various discrimination against migrants. Such actions are extremely effective, as they allow you to more effectively influence the opinion of the local population, knowing and using the peculiarities of the mentality of a particular community [6].

So, the protection of the rights of migrants is a very important condition for the development of a democratic state and an indicator of high democracy. Unfortunately, during a pandemic, there is no consensus on migrant issues and each country applies its own rules and laws to migrants. It should be noted that every year the number of migrants is increasing and this issue is becoming more and more relevant and is very acute in the difficult conditions of our time. The

human rights protection system is weakened and the situation of refugees around the world has deteriorated amid the pandemic.

Taking into account the facts that were highlighted in this article, we can summarize that already at this stage of the pandemic's development, refugees have suffered greatly, both in terms of health and in economic terms. And it can be assumed that the situation will continue to deteriorate, which will inevitably negatively affect the well-being of migrants and their integration into the new society.

Taking into account the fact that the global pandemic has not yet been completely overcome and many countries are still facing a large number of problems that the pandemic generates, it can be suggested that the consequences of the coronavirus that we are already experiencing will increase and worsen. In particular, refugees are particularly vulnerable in this situation. So, in order to prevent violations of refugees' rights during the period of economic, social and humanitarian crisis, it is necessary to pay special attention to the following areas of political activity:

1. Ensure access for immigrants to testing and vaccination against COVID - 19. Although many countries are already vaccinating, there is still a lack of testing in many countries.
2. Ensuring social distancing in refugee camps and ensuring compliance with sanitary standards in the conditions of residence and employment of migrants. Overcrowding remains a major obstacle to the implementation of necessary public health measures [5].
3. Providing economic support for refugees. Today, migrants need not only formal cash payments but also support in employment. Very often, providing legal and formal work can help solve many problems for both migrants and the host country.
4. Conducting special information campaigns and implementing anti-discrimination measures. On the one hand, this concerns the local

population, which, to a greater extent, is negatively disposed towards migrants. It is necessary to conduct a quality media campaign to dispel myths about refugees. On the other hand, this applies to the refugees themselves. Refugees need to be educated about the importance of testing and medical supervision.

References

1. Convention Relating to the Status of Refugees, 28 July 1951 // UN General Assembly. United Nations, Treaty Series, vol. 189. P. 137. URL: <https://www.ohchr.org/en/professionalinterest/pages/statusofrefugees.aspx>
2. Universal Declaration of Human Rights, 10 December 1948 // UN General Assembly. 217 A (III). URL: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
3. UN DESA, 2020. URL: https://migrationdataportal.org/?i=stock_refug_abs_&t=2020
4. COVID-19 Brief: Impact on Refugees – USGLC (2020). // The U.S. Global Leadership Coalition (www.usglc.org)
5. Godin M. (2020), COVID-19 Outbreaks Are Now Emerging in Refugee Camps. Why Did it Take so Long For the Virus to Reach Them? // Time. URL: <https://time.com/5893135/covid-19-refugee-camps/>
6. Hazra A. (2020), COVID-19: Here's how we can help refugees, article is published in collaboration with Project Syndicate. URL: <https://www.weforum.org/agenda/2020/08/refugees-covid-19-response-coronavirus-policies-health-pandemic/>
7. Scarpetta S., Dumont J., Liebig T. (2020), What is the impact of the COVID-19 pandemic on immigrants and their children? // OECD, URL: <https://www.oecd.org/coronavirus/policy-responses/what-is-the-impact-of-the-covid-19-pandemic-on-immigrants-and-their-children-e7cbb7de/>