COVID-19: a crisis of borders

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2020 has been a year of interlocking crises, the like of which most of us have not known in our lifetime. The public health crisis of COVID-19 has impacted on pre-existing crises of democratic stability and effective administration and governance, culminating in significant debate about the ability of developed democracies to respond effectively to emergencies (Allen et al 2020, Bermeo and Pontusson 2012, King and Le Gales 2017). These crises, much discussed in recent political science, have now been joined by a further crisis which both complicates and reinforces them: A migration crisis.

The long-term economic consequences of diminished immigration programmes will be enormous, demanding nuanced discussion about the shape and size of migration regimes of different nations into the future. The winding road to recovery ahead has led some to ask the question: Has immigration ended? The largest and fastest decline in global human mobility in modern history has been instigated by widespread and, in most cases, instantaneous travel and immigration restrictions. Some international border closures, for example, in the case of Australia and New Zealand, are currently expected to extend well into 2021 (Fox Koob and

Calligeros 2020). Across the OECD, visa issuances plummeted 46 per cent in the first semester of 2020 and 72 per cent in the second semester, compared with the same period in 2019 (OECD 2020a, 18).

Even in countries that have not introduced specific barriers, one could speculate that the short-term mobility on which parts of the global economy depend, such as international education, agriculture, business and tourism, will be drastically reduced. High-skilled potential immigrants may reconsider their options, and firms may sponsor fewer international transfers and placements. Potential graduate students can no longer easily acquire visas to such traditional locations as Australia (Australian Government Department of Home Affairs 2020) or the United States (US).

COVID-19 may also fundamentally change immigration over the longer term. With global travel and resettlement disrupted and limited access to public funds for migrants in many countries, longer-term security in the form of permanent residency will become an even more sought-after premium. And as a global recession takes hold, support for proactive immigration policies is likely to reduce still further, with alarming negative effects for the integration of current and future immigrants (Organisation for Economic Co-operation and Development 2020b, 9; hereafter OECD).

As the pandemic spread from February of this year, and contrary to the prevailing wisdom of pandemic response prior to the event, many countries acted quickly to restrict international movements, with exemptions to travel bans varying across different countries for nationals and residents, seasonal workers and health professionals. The migration crisis heightens three crucial concerns already present within immigration policy: the role of visa design; the status of undocumented migrants and relatedly those other migrants with no recourse to public funds; and

the interaction of immigration and the labour market policy. This contribution considers each of these points in turn and concludes with consideration of how the migration crisis could exacerbate more established forms of political crisis.

1. The crisis of borders and visa policy

Changes in visa rules and delays in visa processing since the advent of COVID-19 have led to a crisis of borders. These changes have generally been justified on the basis of public health considerations. In some cases, this crisis of borders has also been securitised. In the US, for example, the Trump administration swiftly introduced a new policy under which it began deporting people who illegally cross the southwest border, as opposed to taking them to a detention centre to seek asylum and due process. This has also meant that some newly arrived immigrant children in the US, even once they test negative for COVID-19, have been deported rather than afforded the protections that permitted them to seek asylum before the pandemic (Lind and Kriel 2020). High-skilled workers holding H-1B visas have also been targeted in Trump's attempts to protect the jobs of US workers (Control of Communicable Diseases, Foreign Quarantine, 85 Fed. Reg. 16559, 2020; see also Chishti and Pierce 2020).

In other countries, permanent residents have been granted different rights and privileges from temporary ones. For instance, a dichotomy has been set up in Australia whereby permanent residents were at least in early months of the crisis allowed to return, while temporary residents were not. Further, the processing of new permanent visas has slowed in Australia and there has been separation from family members in some instances (Ryan 2020). Temporary migrants, who make up the bulk of global immigration flows (Boucher and Gest 2020, Chapter 5), have been denied entry to many host countries (International Air Transport Association 2020). There are

some exceptions: Ireland, Portugal, France, Greece, Canada, Belgium, the Netherlands, Spain and Italy still accept permanent and temporary visa holders to enter or re-enter (OECD 2020b, 3), and most have permitted temporary visas to be extended during the pandemic.

The crisis has also severely slowed or halted the processing of asylum seekers and refugees around the world; in the US this hesitancy complemented an existing opposition and reduction in the number of refugees admitted annually under the Trump administration (Smith and King 2020). In theory, asylum applications should still be processed in most OECD countries given the continued operation in law of the Convention Relating to the Status of Refugees (1951), but personal interviews have been postponed and only pending or priority applications are being processed in many countries (OECD 2020b, 6). It is perhaps too early to tell what the full toll of COVID-19 upon the rights of asylum seekers and refugees globally will be.

Looking forward, as economies continue to suffer, and poverty, food shortages and job losses rise, the drive to emigrate will increase, raising the likelihood of high rates of economic asylum. Supporting this fact, the International Labour Organisation estimates that nearly half of the world's workers are at risk of losing their livelihoods due to COVID-19 (International Labor Organisation 2020, 1; hereafter ILO). The extent to which the economic effects of COVID-19 will persist after vaccines are administered, leading to new forms of displacement, is difficult to predict. Only an exceptional vaccine programme, available to large swathes of the global population, would facilitate return to previous levels and patterns of economic activity, meaning reduced activity in many sectors will likely persist with flow-on effects for global unemployment levels.

2. The crisis of the emerging undocumented populations and others with no recourse to public funds

While countries have legislated differently on visa extensions, there is a growing subcategory of migrants who are overstaying short-term visas, which have expired during the crisis, because there are no mechanisms for visa renewal or they are unable to travel home. A number of countries, such as Ireland and Portugal (Department of Justice and Equality 2020, Schmitt and Massimino 2020), have offered relief measures through changes to visa policy, such as the easing of employment restrictions, or the possibility to remain to such migrants. However, these relief measures have not been a feature of welfare policy more broadly. Temporary migrants in different countries have found themselves with no entitlement to public benefits, as in Australia, the UK and the US. With great uncertainty through and beyond lockdown periods in individual countries, many migrants, regardless of status, may be left with limited prospects to return home or to extend visas.

The situation of undocumented migrants is of great concern, not least because such migrants are rendered especially vulnerable to the public health and related crises. There are also migrants, still on valid visas but of a temporary or fixed time period, that are ineligible for access to public services. In Australia, over 60,000 people are currently overstaying their visas (Acharya 2018), and 2.1 million people with temporary migrant status are not entitled to access the welfare system (Stayner 2020). In the United Kingdom (UK), the number of people without recourse to public funds is estimated to be close to 1.4 million, and thousands of immigrants have been denied access to income support and free school meals over the summer since the pandemic struck (Global Exchange on Migration & Diversity 2020). Furthermore, access to welfare can provide a 'ticket to service' to other essential government services. As one example of the

repercussions of a lack of documentation or recourse to public funds, in Australia, a person ineligible for social security is also ineligible for domestic violence services. Around 1.8 million temporary visa holders in Australia cannot access government support services and payments (Houghton 2020).

Differential access to welfare can also affect access to health services. Governments have paid particular attention to healthcare rights for migrants, given the major public health risk that COVID-19 could spread undetected among groups of migrants without access to diagnosis or treatment, or deterred from seeking support due to their insecure status. In Australia, those on temporary visas are required to obtain their own health insurance, meaning that there is a population that does not have access to public healthcare. Some international students, for example, go so far as to avoid even charitable support because they are fearful that their visas have expired.

In the UK and most of Europe there are infectious disease exemptions to health services which ensure that treatment for COVID-19 and other infectious diseases is available to all, but migrant knowledge of or willingness to trust such exemptions may be limited (Global Exchange on Migration & Diversity 2020). France and Belgium already offered free universal access to healthcare for migrants before the pandemic. Unfulfilled promises have been made to immigrants in the UK; all temporary migrants pay a special National Health Service surcharge and under pressure the government reluctantly promised in May to waive this surcharge for anyone working in healthcare, though this is yet to be seen (Gower 2020). Italy and Portugal have temporarily regularised all undocumented migrants so as to facilitate access to healthcare, but many countries have not been nearly so generous (Amante 2020, Schmitt and Massimino 2020). With the impending rolling out of Britain's withdrawal from the European Union, many

Europeans resident in the UK could lose both their right to remain and access to benefits if they do not apply for settled status before the end of the year (O'Carroll 2020).

3. **The crisis of the workforce/labour market**

Given that COVID-19 presents a wholesale upheaval of the labour market in most countries, it is clear that this will also affect migrant workers, who comprise a significant proportion of workers in many of the countries most impacted by COVID-19. For instance, temporary migrant workers comprise a relatively high 8-10 per cent of all workers in the Australian labour market, based on best estimates (Australian Bureau of Statistics 2019; hereafter ABS). With approximately 164 million migrant workers globally, migrant workers are an essential component of contemporary workplaces (ILO 2018, ix). Key industries that rely upon temporary migrant workers will now suffer shortages, such as in logistics, delivery, horticulture and agriculture, given the lack of mobility of these individuals.

Where does immigration fit in the context of rising unemployment? How should policy-makers reconcile enduring skills shortages with the limitations of redeploying the domestic workforce and with new forms of labour market displacement? The narrative of "migrants taking our jobs" remains a popular one for politicians seeking election, but to what extent are they actually, and how well can domestic redeployment function, if at all? How important is immigration to projections of future surplus, particularly if temporary migration is an integral component of those countries economic success stories? Answering these questions will be crucial for governments globally in navigating the effects of COVID-19 upon their labour markets and their economies.

At the same time as unemployment is rising globally, it is also likely that this issue will play out differently in the skilled and unskilled labour space. In low-skilled seasonal agricultural work, there is evidence of enduring skills shortages even during the first six months of COVID-19 and challenges in mobilising domestic workers: the UK and Germany for example have both continued to rely on workers from Eastern Europe for their agricultural and meat processing sectors despite the pandemic, and in several cases these clustered groups of workers have tested positive for COVID-19 (Pitu and Schwartz 2020).

The UK and Germany are not alone in this regard. A number of countries have implemented special measures for seasonal workers, enabling people on short-term visas to remain in their host country to work, or in some cases, to obtain a new permit and enter the host country. Greece, Italy, the US, Canada, Norway and Australia have taken measures to permit seasonal agricultural workers to stay and work (OECD 2020a22; 2020b, 4). Elsewhere mechanisms have been developed to allow categories of migrants not otherwise authorised to work to undertake agricultural work, including in Belgium, Spain, Ireland, Austria and Greece. Germany reauthorised the entry of foreign seasonal workers in April, largely from Romania and Bulgaria, after a failed effort to supplement labour shortfalls with unemployed Germans (Alderman, Eddy, and Tsang 2020; see also Rising 2020). These examples suggest that without low-cost mobile labour from Eastern Europe, the wealthier economies risk losing their harvests. The question of whether nationals may soon be prepared to take on jobs or move for work where they previously were not, is important, as new forms of labour market displacement could be occurring by extending working rights to temporary migrants across other sectors (Boucher 2020).

Conclusion

The unprecedently quick closure of borders meant that many migrants internationally found themselves unable to leave countries when their visas expired, were often forced to enter the labour market in ways that their current visas prohibit in order to survive, and stood ineligible for existing social security systems and emergency support payments. Consequently, there is a clear danger that this may lead to the rapid expansion of the number of people effectively living as undocumented migrants. Finally, as countries start the long process of economic recovery, the potential opening up of immigration will quickly assert itself as a primary political question, closely linked both to the labour market and to intensified political debates about culture and identity. Immigration was already hotly debated in many countries such as the US and Brexit Britain before the pandemic arrived, linked to longstanding racial divisions reinvigorated by populist parties (King and Le Gales 2017, Smith and King 2020).

In our view, these events in turn could reinforce a dangerous set of pre-existing political crises if not carefully managed by policy-makers and politicians.

First, there is a concern about a rising tide of nationalism and anti-immigrant sentiment, with historical resonance from the nineteenth and early twentieth centuries (King 2000). Prior to the pandemic, there was already significant global concern about the rise of nationalist populism and the politics of xenophobia (Lonergan and Blyth 2020). Emerging in this context, the new migration crisis could quickly see governments conflating COVID-19 risk with overseas arrival or work in low-skilled sectors, rather than considering the social inequality that influences differential transmission risk. In the US, COVID-19 has already been used as a rationale for changes to immigration policy as explained above. Anti-immigrant parties across immigrant-

heavy countries could use such rhetoric to push their agendas in future elections, especially if vaccines are not universally distributed.

Second, as documented earlier, a familiar "natives first" sentiment can reinforce existing protectionist sentiment within labour market policy debates, even when domestic workers do not necessarily exist. Governments will need to model carefully the extent to which domestic workers wish to and can be redeployed into sectors previously dominated by migrant workers and what implications these changes hold for wage and welfare settings. Without astute management, political crises over labour market and industrial relations policy could emerge. The short-term responses in agriculture may therefore not be indicative of future trends, especially as the recovery period extenuates.

Last, in terms of the solutions to the crisis, it appears that longstanding political institutional differences in comparative health policy have also proved fundamental, as the contrast between death tolls in Germany and the US reveals. In this regard, the gaps in health coverage experienced by migrants appear to result in higher rates of transmissions in those populations, compounding inequality in health systems globally and placing pressure for reform upon those systems.

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