

How COVID-19 is used to stop lone child refugees from joining families in the UK, writes Nasar Meer

The UK and other countries are using the COVID-19 coronavirus outbreak as an excuse to prevent even the most vulnerable of refugees from crossing their borders.

In recent weeks, according to the United Nations, at least 167 countries have either fully or partially closed their borders. These travel restrictions seem an important means to help contain the pandemic, but they are also proving to be a way for some countries to forfeit their asylum responsibilities.

Presently, at least 57 states are citing COVID-19 to ignore international conventions by making no exception for refugees seeking asylum, even though the World Health Organisation (WHO) offers clear guidance on the use of quarantines and health screening measures at points of entry for those fleeing persecution.

Some politicians have openly signalled their intention to use the present uncertainty to ramp up anti-refugee sentiment. The Hungarian prime minister, Viktor Orbán, for example, has told the people of Hungary that “our experience is that primarily foreigners brought in the disease, and that it is spreading among foreigners”. In Italy meanwhile, the former interior minister Matteo Salvini has claimed that his country’s outbreak was caused by a maritime refugee rescue in Sicily.

Closer to home, the legal charity Safe Passage has issued to the UK Home Office a list of unaccompanied children and

vulnerable adult refugees trapped in refugee camps on the Greek islands, but who have been legally cleared for transfer to join family in the UK. The Home Secretary has refused to accept them.

What is at risk in all of this is not just viral contagion, but the very basis of the international refugee conventions that have shaped our post-war landscape. This includes the principle of “non-refoulement” which is the cornerstone of international refugee protection.

Enshrined in Article 33 of the 1951 Refugee Convention, this principle insists that “No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his [or her] life or freedom would be threatened on account of his [or her] race, religion, nationality, membership of a particular social group or political opinion.” This principle is in serious jeopardy and Filippo Grandi, the UN High Commissioner for Refugees, has said he fears “the core principles of refugee protection are being put to test”. It is a test we cannot fail.

Even Germany, a country that has in recent years shown the rest of Europe (if not the world) how to successfully take in refugees, has seen the suspension of its humanitarian refugee admission programmes. In the case of Germany, this is expected to be a temporary measure but there is no guarantee this will be the case for other countries.

The WHO has helped establish the International Health Regulations (IHRs) designed to form an international legal position for responding to a public health emergency of international concerns. The regulations were not conceived to undermine the 1951 Refugee Convention nor EU refugee law, where the Charter of Fundamental Rights guarantees the right to seek asylum.

Temporary travel restrictions, therefore, should not apply to people in need of international protection or for other

humanitarian reasons.

Indeed, on April 2, the European Court of Justice ruled that Hungary, the Czech Republic, and Poland were not legally entitled to opt-out of EU treaties that required them to take their allotted share of asylum seekers from Greece and Italy in 2015.

There is, of course, a long history of associating diseases with migration, but COVID-19 will not be tackled in the long-term by closing borders to the most vulnerable, and the cost of doing so is profoundly undermining our post-war refugee settlement. Forced returns and refoulement are not justified by suspicion of COVID-19 transmission.

There are ways to manage border restrictions in a manner which respect international human rights and refugee protection standards. It is imperative that in all the uncertainty accompanying this virus these approaches and standards are upheld.

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