

# EU Migration and Mobility: The Impact of Covid-19

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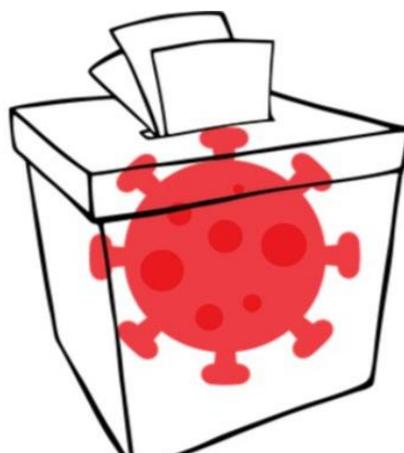
## **A Note on Method, Aims and Context**

This e-briefing paper is an output of *The Covid-19 and Democracy Project*. Since Spring 2020, this project has explored the intersection between the Covid-19 pandemic and democratic politics and policy. Project outputs thus far include a comparative [report](#), a [briefing](#) paper on the 2020 US electoral cycle, comment [pieces](#), and a [podcast](#). The project is led by Principal Investigator Dr Peter Finn and Co-Investigator Associate Professor Radu Cinpoes.

Rather than provide a comprehensive documentation of events pertaining to the Covid-19 pandemic and migration and mobility in the European Union, this e-briefing paper provides selective discussions to draw out key themes. In short, this e-brief aims to provide a first-cut analysis which acts as a bridge between the reflective writing that develops from the academic peer review process and the more immediate analysis and information found in (the undoubtedly essential) media coverage of the pandemic and migration and mobility in the European Union. As such, it is hoped it provides important food for thought for those involved in the analysis of, and policy response to, the Covid-19 pandemic, especially those who are impacted by, and who study, administer, and campaign around, migration and mobility in the European Union.

For democracy to thrive, accountability is key. Core to this accountability is an understanding of how democratic states, or groups of states such as the European Union, act to protect their citizens against a myriad of threats. Since Spring 2020, perhaps the largest of these threats has been the Covid-19 pandemic. Understanding how the pandemic has impacted policy areas such as migration and mobility is key to ensuring such accountability is maintained.

***An audio version of this e-briefing can be found [here](#)***



## **Foreword**

The issue of migration and mobility in the European Union has consistently been one that brought to the fore the ambiguous nature of EU institutional constructions, and the blurred, overlapping and often competing inter- and supra-governmental dynamics. Naturally, the global Covid-19 pandemic has exposed these tensions, not only in terms of how they shaped the EU response in the area of health, but also in terms of how the EU distinguishes between internal and the external dimensions and between the movement of EU citizens (mobility) on the one hand, and that of third-country nationals (migration).

This important policy analysis picks up on these dimensions in a way that highlights the fact that – despite the difference of ‘mobility’ compared to ‘migration’, one unifying outcome is the fact that the pandemic revealed deep inequalities and exacerbated the vulnerability of some categories of people who were already in a weak position. On the more positive side, Nevena Nancheva identifies the potential of the crisis to coalesce the drive for more integration in the area of migration and mobility, which can re-shape EU democratic processes and institutions.

In terms of the migration of third-country nationals (and of the issue of asylum more specifically), the comparison with the 2015 so-called refugee crisis is not superfluous. As Nancheva observes, the Covid-19 crisis triggered (as it was the case in 2015, as well) a retreat to national interests, with responses falling on to national governments. Apart from highlighting an absence of solidarity, the report finds that differentiated responses from member states resulted in several cases in the erosion and removal of the already feeble protections to the rights of asylum seekers (including bans on access by asylum seekers, closure of reception centres, suspension of procedures, etc.), often leaving vulnerable individuals in conditions of high risk and destitution. On the other hand, the EU articulated a collective external response in providing financial support to near and far neighbours and partners. That being said – as Nancheva observes – this response should be interpreted more as migration management tool, rather than a purely humanitarian one.

In terms of internal mobility of EU citizens, the dual approach combined national governments managing their borders and restricting movement as a way to arrest the spread of the pandemic with the integrated ‘Team Europe’ response to the challenges the pandemic brought to cross-border mobility. Even here, though, compromises with regard to the movement of agricultural workers from countries like Bulgaria and Romania demonstrated that some member states’ economic interests took primacy over the increased exposure of these categories of EU citizens to added risks and vulnerabilities.

Overall, Nevena Nancheva shows in this report that crisis situations (such as the refugee crisis in 2015 and the Covid-19 crisis now) reveal inconsistencies in the EU’s application of its policies with regards to migration and mobility, with negative consequences to already vulnerable categories of people. At the same time, such crisis has the potential to trigger more integrated responses in the long term.

**Radu Cinpoes, Kingston University, October 2021**

# 1. Key Policy Learning Points:

- Migration and mobility are intrinsically linked to democracy in the European Union (EU) as they apply, in varying ways, to EU citizens and denizens and demarcate a problematic boundary between a presumed European demos and third-country nationals;
- EU migration and mobility policies concern different domains (non-EU nationals and EU citizens, respectively) and have been characterised by numerous pressures, priorities, and outcomes in the face of the Covid-19 pandemic;
- The common feature of the developments across the two domains has been the exacerbation of existing vulnerabilities both in EU policies and among the migrant populations concerned;
- A visible characteristic of the EU response across the domains of migration and mobility has been an intersection between the increased relevance of national politics and a concerted effort to produce an integrated supranational response;
- The Covid-19 pandemic may provide useful impetus and context for integration in the domains of migration and mobility, as illustrated currently by the 'Team Europe' agenda, and previously by the 2015 migration policy crisis, and thus may have direct implications on democratic processes in the EU.

## 2. Introduction:

Migration and mobility are intrinsically linked with democratic processes in the European Union (EU), both at the national and at the supranational level, as they outline policy domains of central concern to democratic legitimacy and draw a stark boundary between citizens and non-citizens.

The EU has used the term *migration* to apply exclusively to its policies with regard to third-country nationals: whether legal immigrants, asylum-seekers, or persons whose status has become irregular at some point of their migration journey.<sup>1</sup> For citizens of one EU country moving to work, study or settle in another EU country (i.e. intra-EU migration of EU citizens), the EU has consistently applied the term *mobility*, which has caused a stark difference in its policy approach (mostly around implementing principles of non-discrimination against such mobile citizens).<sup>2</sup> This distinction is important to keep in mind while unpacking the impact of the Covid-19 pandemic. This is especially so given that different pressures, priorities, and outcomes apply to migration and mobility in the EU, all of which affect democratic processes at different levels.

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<sup>1</sup> European Council Press Release. *EU Migration Policy*. 18 May 2021. Available online: <https://www.consilium.europa.eu/en/policies/eu-migration-policy/> [accessed 09/09/2021].

<sup>2</sup> European Foundation for the Improvement of Living and Working Conditions. *Migration and Mobility*. 12 May 2021. Available online: <https://www.eurofound.europa.eu/topic/migration-and-mobility> [accessed 09/09/2021].

To begin with, legal routes of immigration, for example of third-country nationals joining family members in the EU, have been constrained by the non-availability of public services. Secondly, asylum-seekers have seen, for the first time since World War II, core European territory declared 'unsafe' upon disembarkation at ports.<sup>3</sup> Thirdly, the curtailment of formal and informal social support has predominantly affected those migrants whose status was already precarious. This applies also to EU nationals in precarious migration positions, as the free movement (among many rights) of other EU nationals has been restricted in attempts to limit access to national territories.

What is common across the two domains of migration and mobility is that the Covid-19 pandemic has brought to light numerous hidden vulnerabilities in the policies implemented and among the populations concerned, and has exacerbated the more obvious ones.

### **3. Political & Institutional Context & Response:**

When we speak of EU migration policy (the mobility of EU nationals does not come under this domain), it is hard to avoid a previous context of crisis: the 2015 peak in refugee migration to the EU, which laid the cornerstones of the current EU migration policy. These cornerstones are tighter control of internal borders in order to safeguard free movement in the Schengen area as far as possible,<sup>4</sup> fortifying the external EU land and maritime border (including through normatively questionable agreements with Libya and Turkey),<sup>5</sup> and obstructing access to EU territory through a range of measures, among which return/readmission agreements with third countries and development aid to prevent 'the root causes of migration'.

If, building on the work of Maite Vermeulen, we take EU migration policy to comprise three concentric circles<sup>6</sup> (namely, concerning the Schengen states, the

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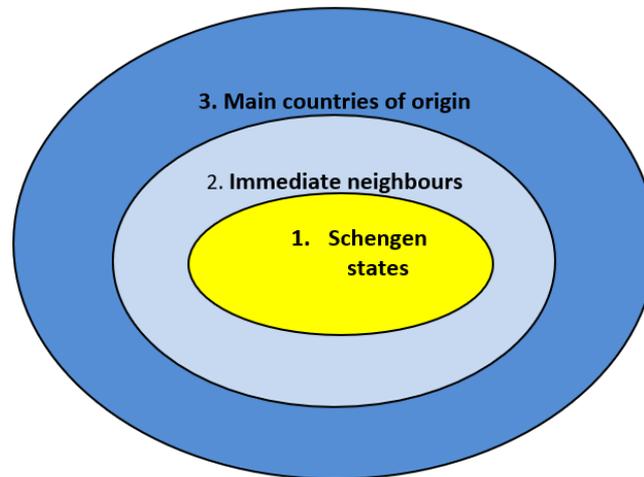
<sup>3</sup> For the legal evolution of the notion of 'safety' in Europe, see the 2016 report by the European Association for the Defense of Human Rights. Available online: <https://www.ohchr.org/Documents/Issues/MHR/ReportLargeMovements/FIDH2%20.pdf> [accessed 5/10/2020].

<sup>4</sup> It has not always been possible: see the extensions to temporary border controls in the Schengen Area in European Council, Timeline Response to Migratory Pressures (2020). Available online: <https://www.consilium.europa.eu/en/policies/migratory-pressures/history-migratory-pressures/> [accessed 14/09/2020].

<sup>5</sup> Human Rights Watch, *No Escape from Hell: EU Policies Contribute to Abuse of Migrants in Libya*. 21 January 2019. Available online: <https://www.hrw.org/report/2019/01/21/no-escape-hell/eu-policies-contribute-abuse-migrants-libya> [accessed 14/09/2020]. K. Gogou, *The EU-Turkey Deal: Europe's Year of Shame* (2017) Amnesty International, 20 March 2017. Available online: <https://www.amnesty.org/en/latest/news/2017/03/the-eu-turkey-deal-europes-year-of-shame/> [accessed 14/09/2020].

<sup>6</sup> As Maite Vermeulen aptly proposes in '10 Questions that Explain the EU Migration Policy', *The Correspondent*. 31 October 2019. Available online: <https://thecorrespondent.com/93/10-questions-that-explain-the-european-unions-migration-policy/12299086041-3a16f02d> [accessed 14/09/2020].

immediate neighbours in the Mediterranean, and the main countries of origin further away from the EU), we can more clearly spell out the impact which the Covid-19 pandemic has had on it.



**Image 1: EU Migration Policy in three concentric circles, developed from Maite Vermeulen, 2019**

As the proposed EU Pact on Asylum and Migration demonstrates,<sup>7</sup> the focus of EU migration policy is external and the main problems with it, as per the UNHCR's recommendations, are increasing protection and the EU's willingness to welcome and integrate asylum-seekers, indicating concerns with the exclusionary vision of migrant reception.<sup>8</sup> The Covid-19 pandemic has not changed that.<sup>9</sup> Internally, the EU has faced the problem of managing overcrowded reception centres and the need to respond to valid objections to immigration detention in the face of Covid-19, raising concerns with the liberal character of its democratic processes.<sup>10</sup>

In its immediate neighbourhood, the EU has been seen to compromise on important human rights obligations of international protection (such as refusing access to territory or to protection procedure) in order to contain the pandemic<sup>11</sup> despite

<sup>7</sup> European Commission, *New Pact on Migration and Asylum*. 30 July 2020. Available online: <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12544-New-Pact-on-Migration-and-Asylum> [accessed 14/09/2020].

<sup>8</sup> UN High Commissioner for Refugees (UNHCR), *UNHCR's Recommendations for the European Commission's Proposed Pact on Migration and Asylum*. January 2020. Available online: <https://www.refworld.org/docid/5e3171364.html> [accessed 14/09/2020].

<sup>9</sup> UNHCR 5 Key Calls to the EU on the Covid-19 Response, July 2020, available at: [https://www.unhcr.org/europeanunion/wp-content/uploads/sites/70/2020/06/UNHCR-COVID\\_Paper-2020-V2\\_screen.pdf](https://www.unhcr.org/europeanunion/wp-content/uploads/sites/70/2020/06/UNHCR-COVID_Paper-2020-V2_screen.pdf) [accessed 14 September 2020].

<sup>10</sup> J. S. Jauhiainen, *Biogeopolitics of COVID-19: Asylum-Related Migrants at the European Union Borderlands*. (2020) *Tijds. voor econ. en Soc. Geog.*, 111: 260-274. doi:[10.1111/tesg.12448](https://doi.org/10.1111/tesg.12448)

<sup>11</sup> K. Babicka. 'The Covid-19 Measures Impact on the Rights of Migrants and Refugees in the EU', *OpinioJuris*. 29 June 2020. Available online: <https://opiniojuris.org/2020/06/29/the-covid-19-measures-impact-on-the-rights-of-migrants-and-refugees-in-the-eu-access-to-the-right-to-seek-asylum-and-reception-and-living-conditions/> [accessed 14/09/2020].

explicit European Commission recommendations for such measures to be proportionate.<sup>12</sup> In the outermost circle of EU migration policy, where the EU has bound development aid with migration management projects, the Covid-19 pandemic has prompted a consolidation of financial commitments.<sup>13</sup>

Finally, in the context of EU mobility, the EU has experienced both the renewed relevance of national politics<sup>14</sup> as a default response to managing the spread of the pandemic (e.g., in national bans on access to territory for non-nationals), and renewed EU solidarity in terms of pooling resources and producing an integrated 'Team Europe'<sup>15</sup> response to the challenges the global pandemic has posed to free movement and the common market. Thus, the pandemic has affected the realms of democratic accountability at various levels of EU policy-making.



**Image 2: EU passport control, 2019**

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<sup>12</sup> European Union: European Commission, *COMMUNICATION FROM THE COMMISSION COVID-19: Guidance on the implementation of relevant EU provisions in the area of asylum and return procedures and on resettlement*. 16 April 2020. Available online: <<https://www.refworld.org/docid/5e99707d4.html>> [accessed 14/09/2020]

<sup>13</sup> European Commission, *Coronavirus Response Timeline of EU Action* (2020). Available online: [https://ec.europa.eu/info/live-work-travel-eu/health/coronavirus-response/timeline-eu-action\\_en](https://ec.europa.eu/info/live-work-travel-eu/health/coronavirus-response/timeline-eu-action_en) [accessed 14/09/2020].

<sup>14</sup> Jian Zielonka, 'Has the coronavirus brought back the nation-state?', *Social Europe*. 26 March 2020. Available online: <https://www.socialeurope.eu/has-the-coronavirus-brought-back-the-nation-state> [accessed 14/09/2020]. Also Ruth Wodak, *What Future for the EU after Covid-19?* 25 June 2020. Open Democracy. Available online: <https://www.opendemocracy.net/en/pandemic-border/what-future-eu-after-covid-19/> [accessed 14/09/2020].

<sup>15</sup> European Commission, *Joint Communication on the Global EU Response to Covid-19*. 8 April 2020. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX%3A52020JC0011&from=EN> [accessed 14/09/2020].

## 4. Policy Responses:

Policy responses along the two domains of migration and mobility have been different, both in terms of content and in terms of impact on the EU.

### Migration

The template established by the 2015 migration policy crisis to a large degree reflects the EU migration policy response in the global health crisis caused by the Covid-19 pandemic. Its main features – the closure of the external border<sup>16</sup> and border controls along some internal borders<sup>17</sup> – have also been the first identifiable characteristics of the Covid-19 response.

This has had direct implications on access to human rights protection: some member states banned access to asylum applicants altogether (Cyprus, Greece, Hungary), while others declared their ports ‘unsafe’ (Italy and Malta), closed their arrival centres (Belgium), or suspended the processing of asylum applications in the wake of the emergency (France, Spain).<sup>18</sup> Member states further away from the main entry points along the external border took a more human-rights based approach (Germany and Sweden allowed access to their territories for new asylum seekers, Luxemburg extended the status for applicants during their procedures, while Portugal treated them as regular migrants for the purposes of access to services). This highlights some of the existing discrepancies in the Common European Asylum System (CEAS), for example the disproportionate pressures the Dublin III obligations pose on different member states.<sup>19</sup>

Another human rights issue raised by the EU response to the Covid-19 pandemic concerns those asylum-seekers already on EU territory (whether in reception facilities or awaiting procedure elsewhere). The closure of access to procedure and of some reception centres has resulted in migrants finding themselves destitute and homeless. Furthermore, conditions in the reception facilities which remained open have not been deemed, even by Members of the European Parliament,

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<sup>16</sup> Council of the EU, *Statement on the Situation at the EU External Border*. 4 March 2020. Available at: <https://www.consilium.europa.eu/en/press/press-releases/2020/03/04/statement-on-the-situation-at-the-eus-external-borders/> [accessed 14/09/2020].

<sup>17</sup> Council of the EU, *Schengen Area: Council Recommends Prolongation of Internal Border Controls*. 7 February 2017. Available at: <https://www.consilium.europa.eu/en/press/press-releases/2017/02/07/prolongation-border-controls/> [accessed 14/09/2020].

<sup>18</sup> K. Babicka. *The Covid-19 Measures Impact on the Rights of Migrants and Refugees in the EU*.

<sup>19</sup> European Commission, *Evaluation of the Dublin III Regulation*. 4 December 2015. Available at: [https://ec.europa.eu/home-affairs/system/files/2020-09/evaluation\\_of\\_the\\_dublin\\_iii\\_regulation\\_en.pdf](https://ec.europa.eu/home-affairs/system/files/2020-09/evaluation_of_the_dublin_iii_regulation_en.pdf) [accessed 14/09/2020].

acceptable in view of the Covid-19 pandemic<sup>20</sup> (and in general),<sup>21</sup> despite existing EU law obligations.<sup>22</sup> This is problematic because it highlights the EU's shortcomings in ensuring equality in its human rights commitments when they concern third-country nationals, and particularly those under international protection, during the pandemic.<sup>23</sup>

Beyond the persisting problems with the implementation of the CEAS, EU migration policy has shown much more resilience in its external (and main) focus. It has pledged immediate financial support to near and far neighbours (e.g., EUR 38m for the Western Balkans,<sup>24</sup> EUR 140m for the Eastern Partnership Countries,<sup>25</sup> EUR 240m for Syrian refugees hosting countries).<sup>26</sup> Since the 2015 migration policy crisis, such financial assistance has increasingly come within migration management rather than foreign aid precisely because of the externalisation of EU migration policies.<sup>27</sup> It has also been an opportunity for consolidating the EU's external presence under the newly conceived 'Team Europe' banner and thus addressing some of the internal discrepancies in the common migration policy identified previously.<sup>28</sup>

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<sup>20</sup> European Parliament News. *MEPs Call for Solidarity and Measures to Prevent Covid-19 Crisis in Refugee Camps*. 3 April 2020. Available online: <https://www.europarl.europa.eu/news/en/headlines/priorities/eu-response-to-coronavirus/20200402STO76413/meps-call-for-measures-to-prevent-covid19-crisis-in-refugee-camps> [accessed 14/09/2020].

<sup>21</sup> Medecins Sans Frontiers, *Evacuation of Squalid Greek Camps More Urgent than Ever over Covid-19 Fears*. Press Release. 12 March 2020. Available online: <https://www.msf.org/urgent-evacuation-squalid-camps-greece-needed-over-covid-19-fears> [accessed 14/09/2020].

<sup>22</sup> EU Charter of Fundamental Rights and Freedoms, Art. 10, On Protection of Human Dignity, also Art. 19 of EU Reception Conditions Directive.

<sup>23</sup> Also argued by the EU Agency for Fundamental Rights, *Migration: COVID-19 continues to cause hardship for migrants and deprives children of access to education*. 27 July 2020. Available online: <https://fra.europa.eu/en/news/2020/migration-covid-19-continues-cause-hardship-migrants-and-deprives-children-access> [accessed 14/09/2020].

<sup>24</sup> European Commission Press Release. *EU mobilises immediate support for its Western Balkan partners to tackle Coronavirus*. 30 March 2020. Available online: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_561](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_561) [accessed 14/09/2020].

<sup>25</sup> European Commission Press Release. *Coronavirus: The European Union stands by its Eastern partners*. 30 March 2020. Available online: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_562](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_562) [accessed 14/09/2020].

<sup>26</sup> European Commission, Coronavirus Response Timeline of EU Action.

See also:

European Commission Press Release. *Coronavirus: Commission proposes €3 billion macro-financial assistance package to support ten neighbouring countries*. 22 April 2020. Available online: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_716](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_716) [accessed 14/09/2020].

<sup>27</sup> European Parliament Research Service. *Migration and Asylum Report*. Available online: <https://www.europarl.europa.eu/thinktank/infographics/migration/public/index.html?page=intro> [accessed 14/09/2020].

<sup>28</sup> J. Urpilainen. *EU Commissioner for International Partnerships*. Statement. 28 March 2020. Available online: [https://ec.europa.eu/commission/commissioners/2019-2024/urpilainen/announcements/commissioner-urpilainen-team-europe-our-partners-against-covid-19\\_en](https://ec.europa.eu/commission/commissioners/2019-2024/urpilainen/announcements/commissioner-urpilainen-team-europe-our-partners-against-covid-19_en) [accessed 14/09/2020].

## **Mobility**

When it comes to free movement and the mobility of EU citizens, the EU has acted in a visibly more integrated manner in the face of the Covid-19 pandemic. In the wake of the crisis, it consolidated member states' efforts to return home EU citizens stranded abroad through joint repatriation flights under the Civil Protection Mechanism, which was seen as a success.<sup>29</sup> Indeed, the European Commission President Ursula von der Leyen did not miss an opportunity to emphasise that 'in times like this' there is value in being part of a large community.<sup>30</sup>

Another integrated response was revealed in the joint EU efforts to enable the free movement of critical workers (those engaged in fighting the pandemic but also food sector, care sector, and utilities staff).<sup>31</sup> The main purpose of the rules has been 'an integrated approach to effective border management to protect public health while preserving the integrity of the internal market'.<sup>32</sup>

While such an integrated approach has overall been welcome during the pandemic, some criticism<sup>33</sup> was directed at the management of the large numbers of seasonal workers needed for the picking of summer crops (mostly from Romania and Bulgaria) and in the now struggling tourism sector. This emerged, for example, in criticisms against persuading national authorities to lift travel bans during the height of the pandemic in order to fly in agricultural workers from Romania and Bulgaria before common guidelines were agreed.<sup>34</sup> The guidelines issued in July 2020<sup>35</sup> were a

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<sup>29</sup> European Commission Daily News. *Coronavirus: Unique EU consular operation brought home over 500,000 EU citizens from abroad*. 17 April 2020. Available online:

[https://ec.europa.eu/commission/presscorner/detail/en/mex\\_20\\_686](https://ec.europa.eu/commission/presscorner/detail/en/mex_20_686) [accessed 14/09/2020].

<sup>30</sup> U. Von der Leyen, President of the European Commission. Message. 19 March 2020. Available online: <https://audiovisual.ec.europa.eu/en/topnews/M-004592> [accessed 14/09/2020].

<sup>31</sup> European Commission. *Practical Guidance to ensure the free movement of critical workers*. 30 March 2020. Available online: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_545](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_545) [accessed 14/09/2020].

<sup>32</sup> Official Journal of the European Union, *Communication from the Commission Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak 2020/C 102 I/03*. 30 March 2020. Available online: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020XC0330%2803%29> [accessed 14/09/2020].

<sup>33</sup> D. Pencheva, 'Coronavirus: flying in fruit pickers from countries in lockdown is dangerous for everyone', *The Conversation*. 21 April 2020. Available online: <https://theconversation.com/coronavirus-flying-in-fruit-pickers-from-countries-in-lockdown-is-dangerous-for-everyone-136551> [accessed 14/09/2020].

<sup>34</sup> R. Barbulescu, 'Seasonal Harvest Workers during Covid-19', *UK in a Changing Europe*. 2 June 2020. Available online: <https://ukandeu.ac.uk/seasonal-harvest-workers-during-covid-19/> [accessed 14/09/2020].

See also:

R. Cinpoes' chapter on *Romania in Covid-19 and Democracy, First Cut Policy Analyses: Country Case Studies*. 2020. Available online: <https://d68b3152cf5d08c2f050-97c828cc9502c69ac5af7576c62d48d6.ssl.cf3.rackcdn.com/documents/user-upload/kingston-university-830c2e6b4f9-covid19-and-democracy-first-cut.pdf> [accessed 5/10/2020].

<sup>35</sup> European Commission Communication. *Guidelines on Seasonal Workers in the EU in the Context of the Covid-19 Outbreak*. 16 July 2020. Available online: [https://ec.europa.eu/info/sites/info/files/guidelines\\_on\\_seasonal\\_workers\\_in\\_the\\_eu\\_in\\_the\\_context\\_of\\_the\\_covid-19\\_outbreak\\_en.pdf](https://ec.europa.eu/info/sites/info/files/guidelines_on_seasonal_workers_in_the_eu_in_the_context_of_the_covid-19_outbreak_en.pdf) [accessed 14/09/2020].

response to such criticism, but they did not conceal the large discretion left to national authorities in implementing the guidelines and sanctioning rule breaking. Thus, the Covid-19 pandemic has highlighted some of the contradictions in democratic processes at the various levels of EU policy-making in the domains discussed here.



**Image 3: The European Union Commission in Brussels, 2018**

## **5. Discussion:**

One of the peculiar features of the EU's migration and mobility policies in the context of the Covid-19 pandemic is the intersection between the renewed relevance of national politics and the deliberate focus on producing an integrated response at the supranational EU level. The relevance of national politics is exemplified in the crisis-response reactions to the pandemic as it flared up across EU territory: closing of internal borders, withdrawal from key human rights obligations or the suspension of human rights commitments, limitation of public services, and discrimination against non-nationals (mainly non-EU and often in precarious migration positions). The focus on producing an integrated supranational response is exemplified in the consistent efforts to minimise the impact of the pandemic for EU citizens by formulating common guidelines and common policies on key concerns: repatriation, critical sectors functioning, as well as in acting collectively externally on migration related matters.

While the renewed relevance of national politics can be understood as illustrating the 'State of the Union' problems the EU has been battling in the past couple of decades, the consistent effort at an integrated supranational response may be an indication that the Covid-19 pandemic has given an impetus and a favourable context for renewed integration in the domains discussed here, as a previous crisis (in 2015) did. This may further affect the democratic legitimacy balance within the EU.

EU migration and mobility policies cover different domains – non-EU and EU citizens, respectively. Thus, responses in the two domains have differed in pressures, priorities, and outcomes. What is common across the two domains is that the

pandemic has underscored existing and hidden vulnerabilities both in the EU policies and among the migrant populations concerned.

Asylum-seekers and irregular migrants have long been recognized as being particularly vulnerable, so it is no surprise that the pandemic has affected them disproportionately, both beyond EU borders (pushback allegations continuing)<sup>36</sup> and within (in overcrowded and unsanitary reception centres and in destitution in the streets).

What has been less expected is that the pandemic has affected all migrant communities across the EU disproportionately – even the settled ones and the ones comprising relatively privileged (when compared to non-EU migrants) EU citizens. The pandemic has exacerbated their vulnerabilities, whether because of reduced access to public services, economic uncertainty especially affecting people in precarious and temporary employment, the impact on specific sectors employing large numbers of migrants (tourism, hospitality, care, agriculture), or the more complex impact on specific migrant groups (children, women, and various minorities).

## **6. Concluding Remarks:**

The Covid-19 pandemic has clearly affected migration and mobility in the EU, as well as the EU's policy responses across these two domains. In turn, this has impacted on EU democratic processes. As the immediate measures adopted to contain the spread of the virus were suspension of public services, bans on travel, closure of borders, and constraints on sectors employing large numbers of (EU and non-EU) migrants and asylum-seekers, such migrants and mobile EU citizens saw themselves disproportionately affected by the pandemic, and their vulnerabilities exacerbated. This has highlighted the existing exclusionary practices defining both European demi within the member states, and the EU demos as represented by the supranational polity.

At the same time, the health crisis has underscored the vulnerabilities in existing EU policies in the domains of migration and asylum – such as compromises on human rights commitments or disparate national policies and preferences – and may have created a context conducive of further integration. Reflecting the impact of a previous crisis (the EU migration policy crisis in 2015), the Covid-19 pandemic has highlighted the benefits of producing common integrated policies and projecting a unified front externally. Given the continued political will, it may stimulate further integration in EU migration policy and may offer opportunities for addressing some of the shortcomings of the common market. Thus, the impact of the Covid-19 pandemic on democratic policy-making in the EU may continue to take shape in the future, well beyond the pandemic.

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<sup>36</sup> A. Morgan 'How Covid-19 is complicating Europe's migrant problem', *Euronews*. 8 July 2020. Available online: <https://www.euronews.com/2020/07/03/how-covid-19-is-complicating-europe-s-migrant-problem> [accessed 14/09/2020].

## Image Credits

**Front Page Image: Map of Europe, with place names in German, 2018**

<https://pixabay.com/photos/map-europe-country-germany-borders-3473166/>

**The Covid-19 and Democracy Project logo (p.2 & p.14):**

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**Image 1: EU Migration Policy in three concentric circles, developed from Maite Vermeulen, 2019**

<https://thecorrespondent.com/93/10-questions-that-explain-the-european-unions-migration-policy/12299086041-3a16f02d>

**Image 2: EU passport control, 2019**

<https://unsplash.com/photos/e1RI3wRelqM>

**Image 3: The European Union Commission in Brussels, 2018**

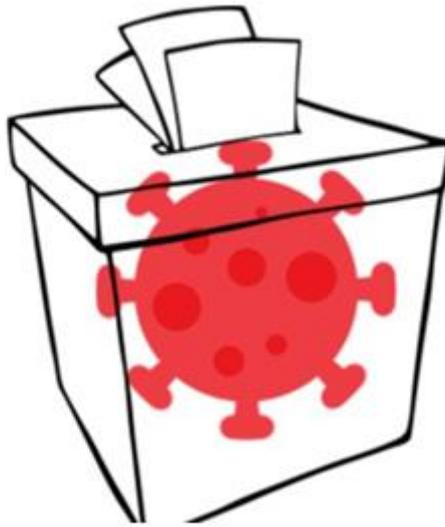
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### **Biographies**

**Dr Nevena Nancheva:** Nevena Nancheva is a Senior Lecturer at Kingston University, London (UK). She studies migration and minorities in European contexts. She has written about the Balkans and Bulgaria previously, and she is also studying EU (and Bulgarian) migration to Europe. She has won recognition in Forced Migration Studies and in European Studies.

**Associate Professor Radu Cinpoes:** Radu Cinpoes is Head of Politics at Kingston University, London (UK). Growing out of his interest in nationalism and the politics of exclusion, his research has recently focused on two complementary directions: migration, mobility, and refugee issues, on the one hand, and issues concerning discrimination and intolerance, on the other. He has published on the extreme right, nationalism, European identity, and Romanian politics. He is Co-Investigator for *The Covid-19 and Democracy Project*.

**Dr Peter Finn:** Peter Finn is a multi-award-winning Senior Lecturer in Politics at Kingston University, London. He is interested in democracy, human rights, national security, and the US electoral system. He is currently co-editing a volume focused on the official record, oversight, national security, and democracy. He is the Principal Investigator on *The Covid-19 and Democracy Project*, and the editor of this series of e-briefings.



## **The Covid-19 and Democracy Project**

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