

## The impact of the coronavirus pandemic on migration in the European Union

Wpływ pandemii koronawirusa na zjawisko migracji w Unii Europejskiej

Влияние пандемии коронавируса на явление миграции в Европейском Союзе

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**Summary:** The aim of this article is to analyse the impact of the coronavirus pandemic on migration in the European Union. The paper studies the nature of migration with reference to individual social groups (migrant workers, students and persons seeking international protection). The article also presents a discussion on the EU's response to changes in the phenomenon in question caused by the pandemic and the effects that these changes might have in the future.

**Key words:** migration, migration policy, international law, European Union, European Union law

**Streszczenie:** Celem artykułu jest analiza wpływu pandemii koronawirusa na zjawisko migracji w Unii Europejskiej. Zbadany został charakter zmian zjawiska migracji jako takiego w odniesieniu do poszczególnych grup społecznych (pracowników migrujących, studentów oraz osób poszukujących ochrony międzynarodowej). Podjęto także rozważania na temat reakcji UE na zmiany w przedmiotowym zjawisku wywołane pandemią oraz skutków tych zmian, które mogą wystąpić w najbliższych latach.

**Słowa kluczowe:** migracje, polityka migracyjna, prawo międzynarodowe, Unia Europejska, prawo Unii Europejskiej

**Резюме:** Цель данной статьи – проанализировать влияние пандемии коронавируса на явление миграции в Европейском Союзе. В ней рассматривается характер изменений в явлении миграции как таковом, в отношении отдельных социальных групп (трудящихся-мигрантов, студентов и лиц, нуждающихся в международной защите). В статье также рассматривается реакция ЕС на изменения в явлении миграции, вызванные пандемией, и последствия этих изменений, которые могут произойти в ближайшие годы.

**Ключевые слова:** миграция, миграционная политика, международное право, Европейский Союз, право Европейского Союза

### Introduction

The COVID-19 pandemic, caused by SARS-CoV-2 (coronavirus), has changed reality, leading to a significant restriction of fundamental human rights: such as the right to freedom of movement, to choose a place of residence, to family and private life, to education or to rest. It has placed governments of states before the need to maximally secure fundamental human needs in conditions of far-reaching uncertainty for

the future. The aim of this article is to analyse the impact of the coronavirus pandemic on migration in the European Union (EU). The paper studies the nature of changes to migration in reference to individual social groups. Migrant workers, students and persons seeking international protection have been singled out because they represent the largest groups of people seeking to change their place of residence within the EU. This is supported by statistics: those seeking work, education and international protection are among the most likely to migrate.<sup>1</sup> The article also presents the effects of changes caused by the pandemic that might surface in the future.

The aim of this paper is to analyse and interpret the most recent international publications on asylum and migrations adopted at the EU and to look for answers to the following questions: What are the similarities and differences in the occurrence of migration in the EU's Member States now (the beginning of 2021) and with reference to the start of the global pandemic (the beginning of 2020)? What values and factors affect this in conditions of the undisturbed functioning of migration policy and in the conditions of the pandemic? What normative measures have been put in place at the EU level to effectively prevent the negative impact of the coronavirus pandemic on migration?

Given the above, the following research hypotheses have been adopted: 1) the coronavirus pandemic has changed the nature of migration in the EU due to reduced migratory pressures; 2) a disturbance of the full functioning of the free movement of persons, services, goods and capital caused by the pandemic has limited EU citizens' and third-country nationals' enjoyment of the achievements of European integration and in consequence impeded international cooperation in the social, economic and political dimension; 3) although the EU did not take swift and binding legal measures at the start of the pandemic to counteract its negative effects, even non-binding guidelines had a significant impact on the actions of national authorities in the areas of health care, business continuity, access to education and asylum procedures; 4) recovering unrestricted access to the four freedoms of the common EU market is a prerequisite for guaranteeing undisturbed flows of migratory movements within the EU's internal and external borders.

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<sup>1</sup> European Commission, Statistics on migration to Europe, [https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe\\_en](https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe_en) [access: 10.04.2021]. The most frequent reasons for coming to the EU territory include mainly family considerations (38%), employment (17%), seeking asylum (9%) and access to education (4%). Persons migrating for family reasons constitute a highly heterogeneous group of people in relation to which it is difficult to distinguish certain characteristics – contrast with the other three groups. Therefore, these were selected for research in this study.

It must be noted however, that due to the fact that the concept of migration is multidimensional and interdisciplinary, for the needs of this paper, given the geographic criterion, this concept is understood to mean a situation in which migration involves voluntary (not forced) movement of persons across the border of the current place of residence, caused most often by economic and social factors involving a permanent or temporary change of one's place of residence.<sup>2</sup> In turn, the term "migration management" shall be understood as conducting a migration policy; thus, the application of legal measures, decisions and a wide array of initiatives which relate to cross-border movement of people.<sup>3</sup> The member states and the EU have shared competences when it comes to conducting migration policy.<sup>4</sup>

## 1. Migrant workers

In 2019, foreigners (including third-country nationals), who worked in the EU member states were over-represented in sectors of the economy related to: accommodation (cleaners and helpers), food and catering (food preparation assistants, agricultural and fishery labourers) and domestic work (personal service workers and personal care workers).<sup>5</sup> According to the analysis of the Joint Research Centre (JRC) (run by the European Commission [EC]), these workers account for 13% of the key employees required to maintain the operation of the economies of EU Member States.<sup>6</sup> However, they were at risk of numerous internal restrictions at the very

<sup>2</sup> For the EU's statistical reasons, migration is understood as a change of a place of residence to outside the borders of the current place of residence for a period of at least a year. Cf. entry *Migration*, in: European Migration Network Glossary Search, [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/glossary\\_search/migration\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_search/migration_en) [access: 10.04.2021]; Lublin Coalition for Integration, *Typologia migracji*, [https://www.kul.pl/files/075/2019/koalicja/dokumenty/woloszyn\\_jacek\\_-\\_typologia\\_migracji.pdf](https://www.kul.pl/files/075/2019/koalicja/dokumenty/woloszyn_jacek_-_typologia_migracji.pdf) [access: 10.04.2021].

<sup>3</sup> M. Geiger, A. Pécoud, *The Politics of International Migration Management*, in: *The Politics of International Migration Management*, eds. M. Geiger, A. Pécoud, Houndmills 2010, p. 1.

<sup>4</sup> Article 4 of the Treaty on the Functioning of the European Union (TFEU) – a consolidated text as amended by the Treaty of Lisbon, OJ C 326, 26.10.2012, pp. 47–390. It is mostly the European Commission that is involved in conducting the migration policy, but also the European Council, the Council of the European Union and the European Parliament.

<sup>5</sup> European Commission, *Statistics on migration to Europe...*

<sup>6</sup> JRC also includes in this group EU citizens who changed their place of residence within the EU. Cf. F. Fasani, J. Mazza, *A Vulnerable Workforce: Migrant Workers in the COVID-19 Pandemic*, Publications Office of the European Union, Luxembourg 2020; F. Fasani, J. Mazza, *Immigrant Key Workers: Their Contribution to Europe's COVID-19 Response*, [https://ec.europa.eu/knowledge4policy/sites/know4pol/files/key\\_workers\\_covid\\_0423.pdf](https://ec.europa.eu/knowledge4policy/sites/know4pol/files/key_workers_covid_0423.pdf) [access: 10.04.2021].

start of the spread of the pandemic, because their work largely requires working on-site with direct contact with others, contrary to professions that allow remote work. Given the above, economic migration at the beginning of 2020 was hindered by the states' adoption<sup>7</sup> of a series of one-way, sudden, and uncoordinated decisions to reintroduce border checks.<sup>8</sup> The gradual lifting of restrictions in cross-border movement in the EU began in the second half of 2020,<sup>9</sup> thanks to the introduction of quick tests at the borders. By the beginning of 2021, border traffic had been made smooth, but still depended on the loosening or tightening of restrictions imposed on account of the number of infections in individual countries. In the Schengen Area alone, there are still checks at internal borders, though the freedom of movement of persons, services, goods, and capital have partially resumed.

The impact of the coronavirus pandemic on migration in the EU, with reference to migrant workers, is mainly visible in increased unemployment rates. As a result of the restrictions imposed on crossing the borders of EU Member States, the need to limit physical contact and the introduction of changes in work arrangement from working on-site to working remotely, many companies had to suspend, withhold, or limit their activity, which had a negative impact on the EU's labour market. At time of writing, there are 15,663 thousand unemployed persons recorded in the EU (the number of unemployed persons rose by 1,465 thousand at the beginning of 2021, compared with the beginning of 2020).<sup>10</sup> The EU member states, in order to combat growing unemployment and to ensure continuity of services, streamlined procedures for regulating the situation of migrant workers. The possibility of electronic communication

<sup>7</sup> For restrictions imposed in individual countries in the first half of 2020 in the area of international protection, regular and irregular migration, the Schengen Area and migration management, see European Migration Network, Special Annex to the 30<sup>th</sup> and 31<sup>st</sup> EMN Bulletin, *EU Member States & Norway: responses to COVID-19 in the migration and asylum area*, January–March 2020 and April–June 2020, [https://www.emn.gov.pl/ftp/esm/00\\_eu\\_30\\_emn\\_bulletin\\_annex\\_covid\\_19.pdf](https://www.emn.gov.pl/ftp/esm/00_eu_30_emn_bulletin_annex_covid_19.pdf), [https://www.emn.gov.pl/ftp/esm/00\\_31st\\_emn\\_bulletin\\_speciali\\_annex\\_updated\\_en.pdf](https://www.emn.gov.pl/ftp/esm/00_31st_emn_bulletin_speciali_annex_updated_en.pdf) [access: 10.04.2021].

<sup>8</sup> Cf. J. Szymańska, *Strefa Schengen w dobie pandemii COVID-19*, Biuletyn Polskiego Instytutu Spraw Międzynarodowych 2020, no. 62, [https://pism.pl/publikacje/Strefa\\_Schengen\\_w\\_dobie\\_pandemii\\_COVID19](https://pism.pl/publikacje/Strefa_Schengen_w_dobie_pandemii_COVID19) [access: 10.04.2021].

<sup>9</sup> Cf. communications and recommendations on lifting restrictions, e.g., Communication from the Commission to the European Parliament, the European Council, and the Council on the third assessment of the application of the temporary restriction on non-essential travel to the EU, COM/2020/399 final, Brussels, 11.06.2020, pp. 1–8, [https://ec.europa.eu/info/sites/default/files/communication-assessment-temporary-restriction-non-essential-travel\\_en.pdf](https://ec.europa.eu/info/sites/default/files/communication-assessment-temporary-restriction-non-essential-travel_en.pdf) [access: 10.04.2021]; Council Recommendation (EU) 2020/912 of 30 June 2020 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction, OJ L 208I, 1.07.2020, pp. 1–7.

<sup>10</sup> European Migration Network, *The impact of COVID-19 in the migration area in EU and OECD countries*, 2021, p. 4, <https://www.oecd.org/migration/mig/00-eu-emn-covid19-umbrella-inform-en.pdf> [access: 10.05.2021].

with state administration was introduced, as well as the possibility to submit visa applications and residence documents on-line, and the conditions for the legalisation of the stay were made more flexible, including the extension of residence permits and the lifting of the obligation to leave the territory of a country within a specified time limit if this was prevented by travel restrictions.<sup>11</sup> Moreover, more than half of the EU member states ensured unemployment benefits under the same rules as for EU citizens, and a few countries introduced alternative measures of financial support that could be enjoyed by third-country nationals, whose incomes had dropped or been lost.<sup>12</sup> The great majority of states announced a list of key professions to satisfy the labour market needs in the situation of a pandemic (among others, health care workers, medical support personnel and frontier workers), and some countries facilitated access to this market to third-country nationals residing in their territory. This allowed economic migration to be maintained and for easier entry and access to the market for workers: third-country nationals who practise such professions.<sup>13</sup>

Despite this, sectors represented by economic migrants feature many fixed term contracts (seasonal contracts)<sup>14</sup> and even many persons employed in the so-called black market. The living conditions of their employees usually mean overcrowded accommodation, making it difficult to restrict physical contact. Furthermore, they often have poorer access to adequate health care in the host country compared with native-born

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<sup>11</sup> Moreover, a number of emergency measures were introduced pertaining to processing residence documents and visas e.g. Czechia, France, Luxembourg, Latvia, Slovenia and Slovakia accepted only certain categories of applications from migrants and only in urgent cases; Ireland and Estonia accepted certain applications, but did not examine them; Greece processed only applications submitted before the closure of migration services; Belgium, Cyprus, Finland, Hungary, Croatia, Lithuania, the Netherlands and Poland continued to examine applications filed, but some of these countries did not issue long-term documents/visas; Portugal, Spain and Italy introduced automatic extensions of selected documents. Cf. European Migration Network, *Inform # 1 – EU and OECD member states responses to managing residence permits and migrant unemployment during the Covid-19 pandemic*, pp. 1, 3, 6, [https://ec.europa.eu/home-affairs/sites/default/files/oo\\_eu\\_inform1\\_residence\\_permits\\_and\\_unemployment\\_en\\_updated\\_final.pdf](https://ec.europa.eu/home-affairs/sites/default/files/oo_eu_inform1_residence_permits_and_unemployment_en_updated_final.pdf) [access: 10.04.2021].

<sup>12</sup> *Ibidem*, p. 1.

<sup>13</sup> Most of the countries introduced less severe health protection measures towards these persons – e.g., shorter quarantines. Cf. European Migration Network, *Inform # 3 – Maintaining labour migration in essential sectors in times of pandemic (COVID-19)*, p. 1, [https://ec.europa.eu/home-affairs/sites/default/files/00\\_eu\\_inform3\\_labour\\_migration\\_2020\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/00_eu_inform3_labour_migration_2020_en.pdf) [access: 10.04.2021]. The measures applied by the countries were compliant with the Commission's guidelines concerning the exercise of the free movement of workers during the pandemic, published in March 2020. Cf. Communication from the Commission Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak 2020/C 102 I/03, C/2020/2051, OJ C 102I, 30.03.2020, pp. 12–14.

<sup>14</sup> Most EU Member States have not put forward any specific emergency plans to satisfy demand for work on the side of employees from third countries or migrant seasonal workers for seasonal work in 2021. Cf. European Migration Network, *The impact of COVID-19...*, p. 12.

citizens. This proves that migrants are a group especially vulnerable to the social and economic effects of the pandemic, such as mass lay-offs and high infection rates.

## 2. International students

The number of international students in the EU, as of 31 December 2019, was around 1,300 thousand.<sup>15</sup> The impact of the pandemic on migration in the EU, with reference to international students, is mostly noticeable regarding the possibility to start and continue studies. Foreign students faced problems associated with providing for themselves in a foreign country: finding or losing a job, decreased earnings, starting economic activity after graduation, restrictions on foreign travel,<sup>16</sup> the limited activity of public authorities and consuls, and the renewal or issuing of a residence or work permit.

Due to restrictions in movement and the replacement of on-site learning with remote education, a change has taken place involving the elimination of students' physical presence at universities, and, in consequence, of their stay in the host country in which they are studying. To mitigate the difficulties which students and foreign nationals had to face, the EU Member States modified or adjusted procedures for this group's access to tertiary education (most often in agreement with educational institutions). Universities changed their procedures and policies for admissions by introducing alternative methods of registration and remote teaching.

Moreover, access to e-administration was extended, thanks to which most EU states pushed back deadlines for submitting residence applications, including student visas. Furthermore, students' access to the labour market was facilitated; for example, Belgium, France and Ireland increased maximum working hours for foreign students and also – like Germany, Finland and Poland – introduced financial aid available for students who found themselves in a difficult position due to the pandemic.<sup>17</sup> Some EU Member States also made it possible to change one's student

<sup>15</sup> Eurostat Data Browser, *Mobile students from abroad enrolled by education level, sex and field of education*, [https://ec.europa.eu/eurostat/databrowser/view/EDUC\\_UOE\\_MOBS01\\_\\_custom\\_936718/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/EDUC_UOE_MOBS01__custom_936718/default/table?lang=en) [access: 10.05.2021].

<sup>16</sup> The Council of the European Union classified third-country nationals travelling for the purpose of study to a group of persons that have an essential function or need for which entry should be allowed. Cf. Council Recommendation (EU) 2020/912...

<sup>17</sup> European Migration Network, *Inform # 2 – Impact of Covid-19 on international students in EU and OECD member states*, pp. 8–9, [https://ec.europa.eu/home-affairs/sites/default/files/00\\_eu\\_inform2\\_students\\_final\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/00_eu_inform2_students_final_en.pdf) [access: 10.04.2021].

status into that of an employee. The EU Council recommended that international students be classified as groups of travellers with an “essential function or need”, for which entry should be allowed.<sup>18</sup> It is difficult to assess the change in the number of international students in the EU in the era of the pandemic, since there are no official statistics that would take into account their status as of 2020.<sup>19</sup> They are an important workforce of the EU Member States that integrates with the host community, and therefore it is in the EU’s interest to ensure that they have comfortable conditions of study and opportunities to provide for themselves.

### 3. Persons seeking international protection

Changes in migration in the EU, caused by the 2020 coronavirus pandemic, pertaining to persons seeking international protection can be observed in the personal, material, geographic and temporal dimension.

First, according to the most recent statistical data, the EU is currently inhabited by 447,3 million people, of which 23 million do not have a European citizenship (these are third-country nationals or stateless persons); they jointly make up 5,1% of the EU’s population. Compared with 2019, these numbers were, respectively, 446,8 million (the EU’s population) and 20,9 million (non-EU citizens, that is 4,7% of all its residents).<sup>20</sup> Therefore, there was a slight increase in the number of persons from third-countries residing in the EU territory, but in 2020 (the year of the spread of the global coronavirus pandemic), and for first time since 2014 (the year before the outbreak of the so-called migration crisis), the number of applications for international protection declined. In 2020, it amounted to 416,600 persons, compared with 631,300 in 2019, and 530,600 in 2014, which means that there was a drop by almost a third compared to the previous year. International protection seekers last year most often came from Syria, Afghanistan, Venezuela and Colombia, while in 2019, they were principally Syrians, Afghans and Iraqis.<sup>21</sup> As a result of the introduction of border

<sup>18</sup> Council Recommendation (EU) 2020/912... Cf. European Migration Network, *Inform # 2...*, p. 3.

<sup>19</sup> Moreover, the academic year does not overlap with the calendar year, thereby students who started education at the end of 2019 continued it in 2020 and 2021, under changed terms caused by the pandemic.

<sup>20</sup> Eurostat Statistics Explained, *Migration and migrant population statistics*, [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migration\\_and\\_migrant\\_population\\_statistics#Migrant\\_population:\\_22.3\\_million\\_non-EU\\_citizens\\_living\\_in\\_the\\_EU\\_on\\_1\\_January\\_2018](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migration_and_migrant_population_statistics#Migrant_population:_22.3_million_non-EU_citizens_living_in_the_EU_on_1_January_2018) [access: 10.04.2021]; European Commission, *Statistics on migration...*

<sup>21</sup> European Migration Network, *EUROSTAT – Migration and asylum statistics*, <https://www.emn.gov.pl/ese/news/16002,EUROSTAT-migration-and-asylum-statistics.html> [access: 10.04.2021]; European Asylum

checks and measures to counteract the spread of the pandemic, the number of persons seeking protection in the EU has decreased and their origin has changed: they are no longer only victims of the war in the Middle East, but also victims of internal conflicts in South America. This will somehow force changes in conducting the EU's migration policy with third countries to prevent the flow of such citizens to the EU.

Second, in the material and temporal dimension, due to the need to keep social distance and due to the introduction of antiviral disinfectants, the procedure of providing international protection changed from on-site to remote. Procedures such as remote interviews and the electronic examination of applications<sup>22</sup> greatly extended the time of administrative proceedings, to the detriment of persons seeking protection in the EU. A drop in the number of applications for international protection allowed, nevertheless, the issue of more decisions in the first instance in already pending cases than the number of newly requests filed (the first such situation since 2017). The pandemic highlighted the need to develop innovative electronic platforms for submitting applications for legal stay.

Third, in the geographical aspect, in the face of increased border checks in all member states since the beginning of 2020, the possibilities of entering Europe have decreased. Therefore, the ways to reach the territory of member states have changed: persons seeking international protection mainly used the Central Mediterranean route, contrary to 2019, when the Eastern and Western Mediterranean routes were the most popular.<sup>23</sup>

The pandemic has not significantly changed the catalogue of countries that are mostly responsible for examining applications for international protection (Western and Southern European countries): in 2020 the most applications for international protection were filed in Germany (close to 25%), Spain (21%), France (20%), Greece (9%) and Italy (5%).<sup>24</sup> Therefore, three quarters of all applications were filed for examination in only 5 out of 27 of all EU member states. This is an essential feature that determines the way migration policy in the EU is managed: striving to relocate migrants in the name of full implementation of the solidarity principle<sup>25</sup> lies mainly in the

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Support Office, *Latest asylum trends – 2019 overview*, <https://www.easo.europa.eu/asylum-trends-annual-overview> [access: 10.04.2021].

<sup>22</sup> European Migration Network, *The impact of COVID-19 in the migration area in EU and OECD countries*, 2021, pp. 2, 4, <https://www.oecd.org/migration/mig/00-eu-emn-covid19-umbrella-inform-en.pdf> [access: 10.05.2021].

<sup>23</sup> European Commission, *Statistics on migration to Europe...*

<sup>24</sup> Eurostat, *First-time asylum applicants down by a third in 2020*, <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20210324-1?redirect=%2Feurostat%2F> [access: 10.04.2021].

<sup>25</sup> Pursuant to Article 80 TFEU: the principle of solidarity and fair sharing of responsibility for the policies on border control, asylum, and immigration.



interest of countries at risk of an inflow of mass numbers of applications for protection (mainly Western European countries and those that have EU external borders), which is contrary to the interest of those countries which only examine a marginal number (mainly countries of the former Eastern Bloc and those that do not have the EU's external borders). Consistently, for many years now, the greatest percentage of foreign nationals (10% and more) are located in Malta, Cyprus, Latvia, Luxembourg, Austria, Estonia, Ireland, Germany, Belgium and Spain, while the smallest (2% and less) are located in Poland, Romania, Bulgaria, Hungary, Lithuania and Slovakia.<sup>26</sup> Therefore, the vision of a “two-speed Europe” has been reinforced: a division inside the EU, in which some Member States will be cooperating more closely with other countries in certain policy sectors (including a migration policy).

#### **4. The EU's response to changes in migration triggered by the coronavirus pandemic**

Before the outbreak of the coronavirus pandemic, the EU's main efforts in tackling migrations were focused on managing the so-called migration crisis that had been problematic since 2015: a drop in unregulated migration, mitigating threats to security at the EU's internal and external borders, supporting areas that are under a migratory pressure, designing humanitarian and safe ways to bring aid in the EU territory, cooperation with third countries – transit countries and countries of origin of persons seeking protection – search and rescue at sea, fighting organized crime, and coordination of activities of all EU agencies and services (i.e. Frontex and EMSA). These tasks remain valid, though are made difficult by the pandemic, even though the number of applications for international protection dropped drastically in 2020. Migratory pressure has subsided, but challenges the EU must face still remain in place: the introduction of full and effective coordination of political actions in response to a great number of persons staying in the territory of the EU and applying for international protection, the control of borders and of inflows of migrants, the introduction of the solidarity mechanism in the relocation of arrivals – thus relieving southern countries, due to the first entry criterion – and ensuring decent and sanitary conditions of stay for persons awaiting decisions.<sup>27</sup>

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<sup>26</sup> Eurostat Statistics Explained, *Migration...*

<sup>27</sup> For migration management in the era of coronavirus see Z. Sahin-Mencütek, S. Barthoma, N. Ela Gökalp-Aras, *Governance of Migration in and through Crisis: A Comparative Report on RESPOND*

The EC – as the main executive organ of the Union, promoting its general interest – has published many essential documents addressing the issues related to the fight against coronavirus.<sup>28</sup> Three<sup>29</sup> are presented below, which are key in terms of responding to changes in migration for migrant employees, students, and those seeking international protection.

The first document – guidelines for border management measures to protect health and ensure the availability of goods and essential services<sup>30</sup> (March 2020) – emphasizes the principle of solidarity in conducting migration policy (the need for coordination at the Union's level), and a key role is attributed to maintaining the functioning of the single market. The principles included in the document regulate an integrated approach to the efficient management of internal and external borders, mainly in terms of the transport of goods and services and the supply of health-related goods and measures. In the light of these guidelines, all measures taken by countries should consider the maintenance of economic activity, be duly motivated (causes of the introduction and its relation to coronavirus must be demonstrated), and also be performed in accordance with the principle of legality, proportionality and non-discrimination. The text also includes a catalogue of good practices which the countries should respect in terms of public health protection and border checks. In crisis situations, it is admissible to reinstate checks inside the Schengen Area, which should be appropriately reported according to the Schengen Borders Code.<sup>31</sup>

The second crucial document was the EC Communication on the temporary restriction on non-essential travel to the EU<sup>32</sup> and guidance on the accompanying implementation of the temporary restriction on non-essential travel to the EU, on the facilitation of transit arrangements for the repatriation of EU citizens, and on

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*Research, Working Papers. Global Migration: Consequences and Responses, Paper 2021/77, 2021, <https://respondmigration.com/wp-blog/comparative-report-on-respond-research> [access: 10.04.2021].*

<sup>28</sup> Cf. European Commission, COVID-19-related documents on the EUR-lex websites, <https://eur-lex.europa.eu/content/news/index.html?locale=en> [access: 10.04.2021].

<sup>29</sup> The first mainly concerns employees and students; the second, all groups of migrants analysed; the last document, only persons seeking international protection.

<sup>30</sup> European Commission, Covid-19 Guidelines for border management measures to protect health and ensure the availability of goods and essential services 2020/C 86 I/01, OJ C 86I, 16.03.2020, pp. 1–4.

<sup>31</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 77, 23.03.2016, pp. 1–52.

<sup>32</sup> Communication from the Commission to the European Parliament, the European Council and the Council COVID-19: Temporary Restriction on Non-Essential Travel to the EU, COM/2020/115 final, Brussels, 16.03.2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0115> [access: 10.04.2021].

the effects on visa policy (March 2020).<sup>33</sup> It recommended drastic restriction of inflows of persons from outside the EU and the restriction of non-essential travel to the EU (including travel of persons returning to their place of residence). It also included advice and practical instructions on implementing measures adopted for this purpose by the Schengen Area states, including a catalogue of professions in which workers are exempt from restriction on travel, regardless of nationality.

The third document adopted at the EU forum, pertaining to migration, was the commission communication: guidance on the implementation of relevant EU provisions in the area of asylum and return procedures and on resettlement (April 2020).<sup>34</sup> This emphasized that exemptions to travel restrictions proposed before should apply to persons in need of international protection or who must be admitted to the territory of the member states for other humanitarian reasons. Despite the pandemic, states should uphold access to asylum procedures to the maximum degree possible. This postulate is expressed in relevant workable advice and best practices included in this document. Restrictions at borders, imposed in the interests of public health, must not result in denying an effective opportunity to seek asylum or to reunite with one's family, as it constitutes a violation of states' obligations under international and EU law.<sup>35</sup>

One of the weaknesses of the regulations described above is their legal nature: they are a collection of non-binding guidelines, to which EU Member States are encouraged, but not obliged, to follow. Nevertheless, their introduction deserves credit, as they were the EU's immediate response to the current pandemic situation in Europe when it was impossible to effectively achieve the goal of reaching a consensus among the 27 member states simultaneously with the introduction of a binding act in the matters discussed. Moreover, the Commission's decisions played a key role in the development and distribution of vaccines,<sup>36</sup> as the most effective strategy

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<sup>33</sup> Communication from the Commission COVID-19 Guidance on the implementation of the temporary restriction on non-essential travel to the EU, on the facilitation of transit arrangements for the repatriation of EU citizens, and on the effects on visa policy 2020/C 102 I/02, C/2020/2050, OJ C 102I, 30.03.2020, pp. 3–11, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020XC0330%2802%29> [access: 10.04.2021].

<sup>34</sup> 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 2020/C 126/02, C/2020/2516, OJ C 126, 17.04.2020, pp. 12–27, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020XC0417%2807%29> [access: 10.04.2021].

<sup>35</sup> International Commission of Jurists, *The impact of COVID-19 related measures on human rights of migrants and refugees in the EU*, 2020, pp. 5–7, <https://www.icj.org/wp-content/uploads/2020/06/Covid19-impact-migrans-Europe-Brief-2020-ENG.pdf> [access: 10.04.2021].

<sup>36</sup> Cf. European Commission, *EU Vaccines Strategy*, [https://ec.europa.eu/info/live-work-travel-eu/coronavirus-response/public-health/eu-vaccines-strategy\\_en](https://ec.europa.eu/info/live-work-travel-eu/coronavirus-response/public-health/eu-vaccines-strategy_en) [access: 10.04.2021].

to combat the virus and to re-allow movement of persons on a greater scale than at the beginning of the pandemic.

Towards the end of 2020, the Commission proposed a new pact on migration and asylum,<sup>37</sup> which will have a profound impact on the EU's future migration policy. It emphasizes most of all the role of the solidarity principle, in the name of which states should share responsibility for the influx into the EU territory of a legion of a few million people seeking protection. The pact presents new solutions to accelerate border procedures, to facilitate the returns system and border management system, to build a new common asylum and migration database, to establish preventive measures to avert crisis situations, and to develop legal alternative ways of migration to Europe. The pact was submitted for consultation with other EU institutions and for public consultation.

## **5. The effects of changes happening in migration in the EU due to the coronavirus pandemic**

States are not only responsible for preventing pandemics, but also for facilitating international cooperation to counteract their negative effects.<sup>38</sup> It is still too early now to predict the full effect of the coronavirus pandemic on the formation of migration in the EU in the (still on-going) pandemic and in the post-pandemic era. The short-, medium- and long-term effects of changes that have occurred in the phenomenon in question, in relation to the three social groups discussed above, are presented below.

Lowered standards of living of migrants are a noticeable factor in the short-term perspective. The economic crisis triggered by the pandemic caused an immediate decrease in the demand for labour in sectors in which migrants have been overrepresented since the beginning of 2020 (mainly in the hotel and catering industries or in seasonal farm work). Moreover, the lack of access of migrant

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<sup>37</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum, COM/2020/609 final, Brussels, 23.09.2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:609:FIN> [access: 10.04.2021].

<sup>38</sup> For obligations of states during the pandemic in the light of international public law see M.S. Halpern, *State Obligations Under Public International Law During Pandemics*, *Emory International Law Review* 2020, vol. 35, pp. 1–15, <https://scholarlycommons.law.emory.edu/cgi/viewcontent.cgi?article=1000&context=eilr-recent-developments> [access: 10.04.2021].

children to remote learning means that their right to education is limited as are their other social rights. The living conditions of thousands of migrants, such as a higher incidence of poverty, overcrowded housing conditions, and high concentration in jobs, means that they are at twice the risk of coronavirus infection than native-born citizens.<sup>39</sup> Given the above, and given the fact that many migrants are not sufficiently proficient in the official language of their country of residence (thus, cannot fully enjoy medical care), a relatively higher mortality rate is recorded for migrants than for native-born citizens. Therefore, one of the priorities is to maximise access to health care, welfare, and the labour market, which will enable foreign communities to regain life stability to the greatest degree possible.

In the medium-term perspective, a number of issues with respect to migration management will arise related to managing migration at the national and EU level: the attractiveness for international students and highly-skilled migrants, the availability of international protection, the adoption of new public health criteria, and the adjustment of returns and humanitarian assistance operations.<sup>40</sup> Adequate support measures for migrant communities should be provided in the most accessible way to integrate them with the host community, especially in countries that largely depend on workers from abroad (Western European and Scandinavian countries). Nevertheless, migrants who did not manage to establish social ties in the local community before the pandemic are vulnerable to further marginalisation and xenophobia that inhibits social inclusion.<sup>41</sup>

In the long-term perspective, the greatest changes will be manifested mainly in the economic dimension. Until the time of the pandemic, working migrants had been transferring on average 15% of their incomes to their countries of origin, and these payments were made systematically. Remittance from migrants had been thus far the greatest cash flows to low-income countries, greater than trade or direct foreign investment in almost every case.<sup>42</sup> The pandemic disturbed these

<sup>39</sup> OECD Policy Responses to Coronavirus (COVID-19), *What is the impact of the COVID-19 pandemic on immigrants and their children?*, 2020, p. 2, [https://read.oecd-ilibrary.org/view/?ref=137\\_137245-8saheqv0k3&title=What-is-the-impact-of-the-COVID-19-pandemic-on-immigrants-and-their-children%3F](https://read.oecd-ilibrary.org/view/?ref=137_137245-8saheqv0k3&title=What-is-the-impact-of-the-COVID-19-pandemic-on-immigrants-and-their-children%3F) [access: 10.04.2021].

<sup>40</sup> OECD Policy Responses to Coronavirus (COVID-19), *Managing international migration under COVID-19*, 2020, p. 2, [https://read.oecd-ilibrary.org/view/?ref=134\\_134314-9shbokosu5&title=Managing-international-migration-under-COVID-19](https://read.oecd-ilibrary.org/view/?ref=134_134314-9shbokosu5&title=Managing-international-migration-under-COVID-19) [access: 10.04.2021].

<sup>41</sup> Cf. European Commission, European Website on Integration, *COVID-19's impact on migrant communities*, <https://ec.europa.eu/migrant-integration/news/covid-19s-impact-on-migrant-communities> [access: 10.04.2021].

<sup>42</sup> K. Newland, *Will international Migration Governance Survive the COVID-19 Pandemic?*, Migration Policy Institute, Policy Brief, 2020, p. 16, <https://www.migrationpolicy.org/sites/default/files/publications/globalcompact-migration-governance-pandemic-final.pdf> [access: 10.04.2021].

trends: distortions in remittance flows from migrants caused fluctuations in money transfers.<sup>43</sup> Today, it is predicted that, in conditions of slower new migration and the acceleration of return migrations, the number of persons with the capability to transfer money to their countries of origin will decrease, perhaps by as much as 14% by 2021.<sup>44</sup> A drop in the value of cash transfers may be detrimental both to migrants' countries of origin and countries of residence – particularly within the EU itself – where the domestic markets of member states are inseparably interrelated. The effects may be similar to those during the 2008 financial crisis: lower consumption, a drop in the GDP, a rise in inflation, poorer access to credit, increased unemployment and welfare needs. Resuming migration will improve the transfer of migrants' money, which will help restore the purchasing power and the balance of payments in the EU and in third countries.<sup>45</sup>

There are also positive aspects associated with the pandemic. It has had a long-term impact on the education system in each country. Those who chose to study at European institutions will not have to bear the expenses of costly international education, as it will be replaced with remote on-line courses (limitation of costs in the short-, medium- and long-term perspective). The change in the teaching system from on-site to on-line may have a substantial positive impact on migration: making it possible to gain international education in one's place of residence will enable local companies to obtain valuable employees. In the face of a global economic slowdown, it will be helpful in rebuilding domestic businesses. In this way, migrants may be included in the process of economic recovery.

## Conclusion

The analysis presented above has demonstrated the aim of the paper: the finding of answers to research questions presented in the introduction and the verification

<sup>43</sup> European Migration Network, *Inform # 4 – The impact of Covid-19 on remittances in EU and OECD countries*, p. 1, [https://ec.europa.eu/home-affairs/system/files\\_en?file=2020-12/00\\_eu\\_inform4\\_remittances\\_2020\\_en\\_0.pdf](https://ec.europa.eu/home-affairs/system/files_en?file=2020-12/00_eu_inform4_remittances_2020_en_0.pdf) [access: 10.04.2021].

<sup>44</sup> World Bank, *COVID-19: Remittance Flows to Shrink 14% by 2021*, 2021, <https://www.worldbank.org/en/news/press-release/2020/10/29/covid-19-remittance-flows-to-shrink-14-by-2021> [access: 10.04.2021]. For comparison, in the time of the 2008–2009 financial crisis, this drop was 5%. Cf. European Migration Network, *Inform # 4...*, p. 5.

<sup>45</sup> More on economic effects of the COVID-19 pandemic on migration see World Bank, *COVID-19 Crisis Through a Migration Lens. Migration and Development Brief*, 2020, <https://openknowledge.worldbank.org/handle/10986/33634> [access: 10.04.2021].

of the hypothesis. The impact of the coronavirus pandemic on migration in the EU has undoubtedly contributed to a drop in the flows of people at the EU's internal and external borders. It has had a particularly heavy effect on migrant workers (who are at a higher risk of being laid off than native-born employees), students (forced to stay at their place of residence to study), and persons seeking international protection (who are faced with stricter border checks and await the outcome of decisions in overcrowded detention centres).

The recommendations and guidelines published by the Commission – although they were of a non-binding nature – had a significant impact on the activities undertaken by member states in the era of coronavirus. As was seen in the year-long experience of countries in their fight against coronavirus, the pandemic's impact on migration depends not so much on the course of the coronavirus wave, but on the speed of countries' taking arbitrary decisions on border checks and on the regulation of the flows of people through their territory. There is not always a causal link between these two occurrences.

Migrants are a group of persons especially vulnerable to the negative consequences of the coronavirus pandemic, both in the short- and long-term perspective. Coordination of actions (in strategic and procedural terms) between the EU member states will be key to avoiding the recurrence of situations in which one-way decisions of states would have a negative impact on market freedoms in other countries. Effective and coherent migration management should guide targets such as social inclusion and the strengthening of the domestic market. Uncoordinated actions in undertaking measures provided for in the practice of Schengen should be avoided to restore the area's full functions to the greatest degree possible and in the shortest time scale. This lies in the interest of all EU member states and is possible thanks to the application of only those protective measures that are necessary (not excessive) in the fight against coronavirus. The strategy on the future of Schengen and the new pact of migration and asylum are the key initiatives from the commission in 2021. Maintaining measures such as tests at the borders, temperature checks and vaccinations will allow a gradual return to the level of migration from before 2020. The impact of the coronavirus pandemic on migration is a challenge for conducting further reforms in migration policy in the pandemic and post-pandemic era, to maximally safeguard public health and the life and health of third-country nationals seeking employment, education and international protection.

*Translated by Agnieszka Kotula-Empringham*

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