Migrant Rights After the COVID-19 Pandemic: How their protection has changed

Lindita Licaj, PhD
University "Aleksander Moisiu" Durres, Albania

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Abstract

The migration phenomenon was interrupted all over the world during the spread of COVID-19. The pandemic has brought unprecedented restrictions on some basic human rights. One of them is the right of free movement, which will be the object of study in this scientific research. The impact of COVID-19 on the protection of migrants provides a telling example. When assessed from a policy and normative perspective, public health and human rights are not mutually exclusive.

The human rights of migrants, as grounded in international law, provide a flexible toolbox to address their need for protection while facing the current health emergency. Indeed, addressing the pandemic may require more or fewer rights, depending on the relevant legal norms and the factual circumstances. The government, the state, and international organizations have to integrate health and protection considerations as an opportunity to rethink immigration policies through innovative solutions in due respect to human rights. More protection for migrants, more benefits for all the states. That health crisis exacerbates existing vulnerabilities of migrants while generating new forms of vulnerability for them. The most vivid instances include obstacles in accessing health care, denial of protection because of border closures, and the rise of racism, stigma, and discrimination.

IOM has identified several non-binding recommendations, with the view of merging immigration and health imperatives. Further systematic integration of health and protection imperatives at the borders entails a broad range of quick and flexible adaptations of both legal and operational measures.

Keywords: Migrant's rights, international organizations, the protection of human rights

Introduction

Migrants today are that part of the world population that, regardless of origin, color, political beliefs, race, ethnic affiliation, wherever they are, they have the same status, the status of a migrant and not of a citizen in the country where they stay and

live. Human nature to seek better conditions to live, work, study, and others has created the process of moving from the place where the individual is born or found to another place. The movements of people carried out for various reasons have been recorded in every historical period of the study of law. Today, migration law also has as its object the study of migration factors and causes in certain geographical areas and in countries with different economic development. International migration law is not centralized but rather dispersed through multiple conventional, customary, and soft-law instruments. These diverse sources interconnect and operate in practice between states and other international actors (Chetail, 2019).

The status of the migrant is the focus of our study. The status of the migrant has changed at different times both in the country of origin and in the host country, where he enjoys this status. This paper will discuss how the status of migrants has changed after the COVID-19 pandemic. Their treatment by host countries and by international organizations for the protection of human rights has changed compared to the period before the COVID-19 pandemic. Guaranteeing and respecting the rights of migrants is an obligation of countries that are members of international and regional organizations such as the UN, EU, OSCE, etc.

The migrant law is an important branch of the science of human rights. Today, the guarantee and respect of human rights by states is the object of important obligations both at the national and international levels. Cooperation between states and international organizations in political, cultural, educational, military, and technological development requires protecting and respecting human rights. Human rights and fundamental freedoms belong to every individual and are universal, indivisible, inalienable, and inviolable. The Vienna Declaration and Program of Action of the World Conference on Human Rights (1993), in this respect, states that: "All human rights are universal, indivisible, interdependent and interrelated. The international community must treat them all over the world fairly and equitably, with equal importance and equal weight. "In this context, the human rights of the migrants will be guaranteed and protected by all the states and all the international organizations all over the world. There are several categorizations and distinctions of fundamental rights and freedoms that are made based on various criteria, those criteria we also see in the human rights and freedom of migrants. These include the categorization into three 'generations' or types of rights: civil and political rights; economic, social, and cultural rights; and solidarity rights/peoples' rights. Rights can also be subdivided into individual and collective rights, with the criteria of distinction being the fact that they belong to an individual as a person with physical and personal integrity or to a group. In practice, as a result of the nature of the migrant's human rights, we accept and treat the human migration rights as a group. Despite conflicts, all fundamental human rights are important, and we accept the postulate that there are no "less" important and "more" important rights. This brief description of human rights of migrants is aimed at highlighting the great importance and key role that migrants play in every society and state.

The object of this scientific research is to show how the protection of human migrants' rights changes after the COVID-19 pandemic.

The purpose will be pursued by combining both qualitative and quantitative research methods. To accomplish the purpose of the paper, we have focused on the

following aspects:

-Overall of the human rights of the regular migrant after the COVID-19 pandemic.

-The role of the IOM and UNCHR in promoting the protection of the human rights of migrants after pandemics and the importance of Agenda 2030 for sustainability in a globalization world.

Study hypothesis: As a result of the COVID-19 pandemic, new forms of international migration were created, for which the UN, IOM, EU, and other organizations issue recommendations and action plans aimed at regulating the relations between migrants and host countries. Freedom of movement for a large number of migrants, even after the COVID-19 pandemic, was not implemented due to the loss of residence and employment permits in the host countries. The hypothesis will be presented by providing answers to some research questions.

The methodology of a scientific paper serves to achieve the purpose of the paper. Based on the methodology used, the paper succeeds in highlighting the purpose of the research. The methods used in this research are the qualitative method, which is implemented through research, description, analysis, and comparison, and the quantitative method, which is accomplished by summarizing the data and grouping it. The combination of these methods has proved effective. Main sources as the UN charter, treaties of the EU, international acts, books, and scientific articles, have created a clear vision for the guarantee and the protection of human rights in different decades. Doctrinal research, description, and comparison of primary and secondary sources, and analysis of jurisprudence have enabled the study to be concluded. This paper is based on doctrinal research for the collection of literature on the topics addressed in it. The literature selection has extended to a relatively considerable number of foreign authors, as well as to some local authors.

The study is also conducted through the analysis of a wide range of specific categories of human rights migrants, highlighting the guarantee and respect for personal, civil, political, social, cultural, individual, and collective rights in a specific way. To achieve the purpose of the paper, we have compared the data database of IOM, the EU migration web, and statistics of Eurostat, and made a review of the article that will be shown in the coming paragraphs.

The human rights of the regular migrant after the COVID-19 pandemic

The Office of the High Commissioner of the United Nations Human Rights defines that the differentiation between regular and irregular[1] migrants could not be

[1] The terms 'regular' and 'irregular' migrant are used in the practice of the ILO and the language of the Convention on Migrant Workers. The ILO explains its usage in this way: 'People who enter or work in countries without legal authorization have been labeled illegal, clandestine, undocumented, or irregular. "Illegal migrants" has a normative connotation and conveys the idea of criminality. Thus, the 1994 International Conference on Population and Development recommended the term 'undocumented', but this is incomplete, since it does not cover migrants who enter the host country legally with tourist documents but later violate their conditions of entry by taking a job. Furthermore, migrants moved by traffickers may have false documents; this prompted an International Symposium on Migration in Bangkok in April 1999 to recommend the term 'irregular'. Irregularities in migration can arise at various points – departure, transit, entry, and return – they may be committed against or by the migrant. -Defined

easily distinguished. Distinctions between migrants in regular and irregular situations are rarely clear, but sometimes are unclear and take a long time for the bureaucratic migration procedures. This means that regular migrants turn into irregular migrants. The overwhelming majority of the world's migrants arrives in their host country in a regular manner and only later become 'irregular' due to administrative overstay. The Office of the High Commissioner of the United Nations Human Rights defines that this may be due to no fault of the migrant herself, but instead to unclear or overly bureaucratic migration procedures, discrimination, or practical barriers such as high visa renewal costs, language barriers, and lack of access to legal aid. Even if the migrant is regular or irregular, they enjoy the same fundamental human rights. Human rights are rights inherent to all human beings. All humans enjoy whatever their nationality, migration status, sex, race, religion, language, or any other status, the fundamental rights and freedoms.

The definition of migrants' rights, based on IOM, defines that migrant rights are the rights of migrants that are implicitly or explicitly set by international migration law, including international human rights and other public law instruments of the country.

Measuring the rights of migrants exclusively through a human rights-based approach, which considers only international human rights instruments, does not encompass the full range of migrant rights established by other instruments.

On the other hand, a rights-based approach acknowledges that the rights of migrants are guarantee not only by human rights law but also by treaties from other branches of international public law, including but not limited to the Refugee law; Transnational criminal law, especially treaties relating to human trafficking and smuggling of migrants; Humanitarian law; Labour law; Law of the Sea etc.

Although migrant rights derive from international law on one side, on the other side, the national law of the state also guarantees and protects the human rights of migrants who live in its country. Defining protection of the migrants under international law in 2016 by IOM, acknowledging the need for a "strategic, comprehensive and collective approach to protection", the Inter-Agency Standing Committee (IASC) produced a common policy on protection, which defines protection as all activities aimed at obtaining full respect for the rights of the individual in accordance with International Human Rights Law, International Humanitarian Law, and International Refugee law. The Office of the High Commissioner of the United Nations Human Rights defines that this definition incorporates: Protection under International Humanitarian Law (IHL), which applies to situations of armed conflict as addressed principally in the four 1949 Geneva Conventions and their Additional Protocols of 1977. Protection under International Refugee Law (IRL) applies to persons who meet the refugee definition under international, regional, or domestic laws, or under the mandate of the United Nations High Commissioner for Refugees (UNHCR).

Protection under International Human Rights Law (IHRL), which applies to all persons at all times, is grounded in the Universal Declaration of Human Rights (UDHR)

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by ILO Towards a Fair Deal for Migrant Workers in the Global Economy, 2004. The CMW defines regular migrant workers as those who are authorized to enter, stay, and engage in a remunerated activity in the State of employment. CMW, Art 5(1). Following the definition in the CMW, the term "migrant worker" is used to refer to 'a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a State of which he or she is not a national' [Art 2(1)].

and all the core international human rights instruments. Responding to the protection needs of migrants under international human rights law, States have a legal obligation under International Human Rights Law to respond to the protection needs of migrants, including a particular duty of care to migrants in vulnerable situations (Global Migration Group, 2018). These obligations of all the states will be fulfilled through a comprehensive, practical, and human rights-based approach to migration governance. During the governance in accordance with state of the rule of law, the state will focus on 4 actions:

-The state will make the identification and assessment of protection needs for the migrants who live in their own country. States should put in place mechanisms and allocate resources to ensure that the IHRL protection needs of all migrants can be assessed individually and with due process, as a complement to asylum determination mechanisms. Some examples in vulnerable situations will be like migrants at risk of torture or irreparable harm requiring protection from refoulement, victims of torture, trauma, gender-based violence, or trafficking requiring rehabilitation, physical and mental health service,s and access to justice; and children requiring best interests determination procedures in order to ensure their right to family life, survival and development.

-The state will take mechanisms for entry and stay based on human rights protection grounds. States should establish mechanisms for entry and stay for those migrants who are considered to have protection needs, prohibiting their return under International Human Rights Law. These included also the principle of where based on non-refoulement, as well as inter alia, the rights to health, family life, best interests of the child, and torture rehabilitation.

-The state will take mechanisms for entry and stay based on discretionary grounds. In the case of migrants who are not considered to have protection needs, where return is legally possible, return might still not be a desirable option based on individual considerations. States should therefore develop or strengthen discretionary mechanisms for entry and stay based on a migrant's individual circumstances, including practical reasons.

-The state will take action and plan for regularization and alternative pathways to return. Even where returns are legally and practically possible, it is clear that the removal should not be the only, or even preferred, migration governance option. Based on a consideration of the needs of broader society as well as migration governance imperatives, States should consider periodic regularization schemes and enhance regular migration pathways as alternatives to return, including educational pathways and labour migration pathways at all skill levels. Some examples are the measures taken from Morocco, Canada, and the EU. Morocco initiated two regularization campaigns beginning in 2014 with the aim of providing secure legal status to undocumented migrants on their territory. This includes women, men, and children, regardless of the initial reasons for entry, who have lived in Morocco for at least 5 years. In 2014, Canada launched the Caregiver Program, which allows foreign caregivers and their dependents to obtain permanent residence status after completing two years of full-time employment. The European Union Directive on the Right to Family Reunification provides for family reunification subject to basic income, housing, and health insurance conditions, recognizing that family unity creates socio-cultural stability and promotes

economic and social cohesion.

The principle of universality of human rights is the cornerstone of international human rights law, which was first emphasized in the Universal Declaration on Human Rights in 1948 and it has been reiterated in numerous international human rights acts. Human rights are not only the rights of nationals, but the rights belonging to all individuals who are under the jurisdiction of a State, which means all individuals who are on the territory of the States or under the effective control of agents of the State, exactly all citizens, immigrants, apartheid persons, and persons with dual citizenship. Additionally, the core principles of equality and non-discrimination, which are enshrined in the International Bill of Human Rights, require non-discriminatory access to all civil, political, economic, social and cultural rights with only two limited exceptions as to the right to vote and take part in public affairs, and the right to freedom of movement within a country. All other human rights should be enjoyed equally and without discrimination by all people under the jurisdiction or effective control of the State, including migrants in irregular situations. Any differential treatment between nationals and non-nationals, or between non-nationals with different migration statuses, must be lawful, proportionate, and pursue a legitimate aim. An attempt to define different classes of mi grants with different classes of rights other than those explicitly allowed within the International Bill of Human Rights would be contrary to these core values of universality, equality, and non-discrimination. Migration should be addressed inclusively, collaboratively, and strategically**,** with the involvement of governments, private sectors, civil society, and diaspora communities. Migration is a driver of development, and its potential can only be realized through well-planned, human-centered policies and international cooperation (Canelón & Almansa, 2018).

The principle of non-refoulement has been codified in the Convention on the Status of Refugees and its Protocol, as well as in the Convention against Torture. This principle protects from refoulement all people who are at real risk of irreparable harm to their life, bodily integrity, or other serious violations of human rights if they are sent back to their country of origin. It has been considered of being part of international customary law and absolute. That means that this principle of non-refoulement applies at all times when its application criteria are met, and can never be suspended or limited, even in times of crisis or state of emergency. Several of the international treaties have seen a significant number of ratifications within the past years, and many are widely ratified by States. Notably, since the core human rights are also migrants' rights, all States have ratified at least one of the core human rights treaties, and 80% have ratified 4 or more.

Accepting the theory that in any given period, the rights of migrants have changed and been adapted by the development of states or regions, we bring to attention the period after the COVID-19 pandemic. The pandemic brought restrictions on some fundamental human rights and freedoms, including the rights of migrants, but our focus is to address what happened after the lifting of restrictions during the period of the COVID-19 pandemic.

The COVID-19 pandemic was a previously unheard-of factor in limiting human mobility. This restriction consisted of the closing of the borders and the obligation not to move. The restriction of the movement of people was applied to all the countries of the world by determining the concrete measures for each country, which were linked to

the verification of the determining tests of COVID-19 or the health card of the individual. The opening of the borders after the end of the pandemic was carried out in a limited way, and in this limited way, the migrants were also allowed to move. The reports, resulting from the collaboration between the International Organization for Migration (IOM) and the Migration Policy Institute (MPI), show how human movement has changed as a result of the COVID-19 pandemic. The migrant survey and the data show that during the pandemic, many migrants lost their jobs and were forced to return to their countries of origin or live as regular migrants due to their legal status. This is the moment when we have an increase in the number of irregular migrants in some countries of the world. The desire to move remained strong even as people had more limited opportunities for regular movement, and so many migrants were diverted to more dangerous and irregular routes. Irregular migration also began to extend over longer distances.

The COVID-19 pandemic had some effect on the human rights of migrants. During the pandemic, about tens of millions of migrant workers lost their jobs and returned to their countries of origin due to forced return by the host countries for this category of migrants, the right to move and the right to work, or the right to stay close to the family violated for the protection of another right, the right to live.

Migratory movements were stopped due to the pandemic, but after the pandemic, they started again, and there was also an increase in migratory movements in the world. Large-Scale Returns, Stranded Migrants and Forced Returns created the necessity for the treatment and protection of the rights of migrants (Camille L.C. & Kathleen N, 2021). International organizations and states should have migrants as the focus of their development strategies after the pandemic. Migrants should also be included in the mandatory scheme to be vaccinated against COVID-19, as well as in the health care scheme.

In addition to protecting health and implementing policies to restore economic and health development, countries had to develop a strategy for implementing migrants' rights. What really happened in these countries after the COVID-19 pandemic, at a time when restrictions on movement between European Union countries and between all countries in the world were fully and partially lifted? Most countries in the world were faced with the crisis of healthcare not only for their citizens but also for existing migrants and those returned to their countries of origin. Returned migrants were migrants who lost their jobs and residence permits in the country where they were staying as a result of the pandemic and restrictions on some of their rights. In a way, returning was the best option for them in conditions where employment was lacking and where life and the right to housing were not guaranteed in the countries where they lived. Returns to countries of origin were not carried out in every case under the supervision of competent national bodies and representatives of international organizations of IOM and UN, which means that in certain cases, the treatment of migrants was not in accordance with the principles of protection of the fundamental rights of migrants. Thus, in this way, large-scale returns of migrants to countries of origin directly entailed a violation of the principle of non-refoulement recognized by international law, but occurred in conditions where the right to health was above the right to a better life. States and international organizations agreed that, in unprecedented conditions, they would create conditions and support the process of return and

reintegration of migrants in countries of origin, trying to ensure that the fundamental rights of migrants were not violated.

The return process was not fast, but was described as a slow process because during that time, many migrants were blocked due to the inability to move, referring to the restrictions imposed even post-COVID-19. IOM data show a high number of stranded migrants, where the main factors of the blockage were mainly related to the budgets and logistical capacity of the states themselves. According to IOM, in May 2020, more than 200,000 Indian migrants were stranded in the United Arab Emirates alone, along with more than 60,000 Pakistani workers, and worldwide, in July 2020, IOM estimated that there were 2.75 million stranded migrants. This large number of migrants created a number of challenges in international cooperation between border authorities in many countries around the world. Return to the countries of origin or to other safe places should be carried out by guaranteeing migrants their fundamental rights. This means that the right to life and housing while staying in safe places should be guaranteed and respected by the governments of the states. But the reality referred to by the data collected by IOM experts showed the opposite. Sri Lanka, Uganda, Myanmar, Nepal, Malaysia, Zimbabwe and Armenia are some of the countries that had problems with migrant detention centers that did not comply with international living standards, some quarantine facilities failed to provide even food and water to returnees, conditions in reception centers were so dire that people risked fleeing a large number of them faced prejudice caused by the pandemic, classifying them as carriers of the virus (Simon, 2020).

In contrast to these situations, in a few countries, facilities were created by the countries of origin for returned migrants, guaranteeing the most effective reintegration for both parties, both for the countries and for the returned migrants. Mask production factories in some countries created new jobs where a large part of the migrants were employed. The development of technology created the possibility of digitalizing some services, and the expansion of the scope of digitalized services brought about a reduction in costs and accessibility of services by covering a wide range of services in large territories, creating platforms for returned migrants as well.

However, in other countries where electricity and internet fibers were lacking, returned migrants faced great difficulties in finding opportunities in their countries of origin. Some countries pursued favorable policies for returning migrants by offering them training and job offers with the aim of providing them with new employment opportunities as well as compensation facilities as a result of the losses suffered during the pandemic. Such measures were taken for the families of workers who died during the pandemic abroad by giving returnees training opportunities or job offers. The Philippines implemented a program that allocated government-owned land to migrants from Manila and returning workers.

After the pandemic, countries were forced to create reintegration programs for migrants who were in their territories, but also for returning migrants. The goal of state programs for the reintegration of migrants was to guarantee and ensure the fundamental rights of migrants by restoring the rights violated during the pandemic, but with the aim of improving the implementation of the protection of migrants' rights. Reintegration programs are both tools for migration management and tools for development cooperation, and they require coordination within the governments of destination

countries to reconcile both objectives. Return to the countries of origin brought about a change in the established balances between the country of origin and the migrant country. The policies that the countries had to follow were those of protecting migrants and allowing a series of rights for this category. The implementation of migrant reintegration programs was carried out through cooperation between countries of origin and destination, international organizations, partners from the private sector, etc. Interdisciplinary and future-oriented studies are important in the preparation of programs, which can guide human rights practices beyond crisis situations to build frameworks capable of responding to current and future global challenges (Chiozza & King, 2022). The global crisis of the COVID-19 pandemic has affected interest groups' access to policymakers in international organizations, with not all interest groups benefiting equally at all times. In the European Union's policy-making framework, interest groups representing business and economic sectors tend to maintain or even improve their access, while groups advocating for social or environmental causes often experience reduced access during crises, which reshapes lobbying dynamics, reinforcing inequalities between well-resourced and less-privileged groups (Junk et al., 2022).

The European Network for Return and Reintegration played a great role in organizing the dissemination of information and assistance to the countries and centers that needed it (IOM 2021). The European Return and Reintegration Network (ERRIN) is a network of 16 European partner countries, established to facilitate cooperation between migration authorities. Its focus is ensuring that migrants can return to their home countries in a dignified and humane manner is an important part of EU efforts to manage migration. It is currently operating in 40 countries around the world, offering a wide range of services for returnees and implementing innovative projects that aim at improving joint European reintegration practices based on the database of the network. We could inform about the measures that European states take to protect the migrants.

The COVID-19 pandemic has brought unprecedented challenges in the field of return and reintegration. COVID-19 response measures had stalled travel globally, hindered the implementation of return procedures, and posed serious obstacles for the delivery of reintegration assistance in the countries of origin. For ERRIN, COVID-19 had a major impact on the number of returnees supported by the programs. The ERRIN declares that the number of voluntary returns assisted by ERRIN dropped by almost 80% between March and July 2020; this amounts to approximately 2900 people who could not travel back home.

The pandemic triggered sudden and often involuntary returns, straining the reintegration capacities of both migrants and countries of origin, and traditional return and reintegration models focused primarily on voluntary returns are insufficient to address the scale and complexity of returns during crises such as COVID-19. In this case, there is a need for more flexible and comprehensive approaches that include multi-sectoral cooperation, local involvement, and support services tailored to meet the diverse needs of migrants in integrating return and reintegration policies with broader development and humanitarian frameworks, highlighting the importance of data collection and monitoring (Le Coz & Newland, 2021).

The role of the IOM and UNCHR in promoting the protection of the human rights of migrants after pandemics and the importance of Agenda 2030 for sustainability in a globalized world

Globalization has influenced migration patterns during the post-pandemic period. Globalization, migration, and human rights constitute an even more unusual trinomial today. Globalization is the intensification of worldwide social relations, through which distant places maintain connections with each other, in such a way that events in one place are characterized by the same processes as another place many kilometers away and vice versa. According to Giddens (1990), globalization is the growing dependence and integration of different economies around the globe, defining it as the intensification of worldwide social relations that connect distant localities in such a way that local events are shaped by events that occur many kilometers away and vice versa, while according to Desai (2016), the economic dimension of globalization is undoubtedly of great importance and constitutes an important cause and driving force for globalization processes in other areas. In this way, globalization is truly the megatrend of our time, and its impact is being felt more and more, although unevenly, on almost every continent of the planet. Globalization has emerged as a means to ensure the economic and cultural growth of individuals, and the increase in urbanization and the closer integration of the world economy have facilitated global connectivity (Shrestha, 2020).

Globalization in relation to social relations will be treated in a reciprocal manner as a process, a state, a system, a force, and an era where it affects the intensification, change, and birth of new social relations, having neither space nor time as a limitation. The effects of globalization have been studied by sociologists and economists, but this is not the focus of our study. Our focus is to see what the effect of globalization has been on the phenomenon of migration and the corresponding period after the pandemic caused by the COVID-19 virus.

Globalization and migration have created two groups that are against and for this phenomenon. Globalization, having had the greatest development in the last 3 branches, has created a global inequality in economic development and social development. This impact has also had on the creation of migratory flows towards new migratory countries. The effects of globalization have been evidenced in different time periods, creating even the so-called financial crises or financial progress.

The impact of technology on globalization causes new effects to be created that also extend to people and fundamental human rights. A sense of uncertainty is created about the extent to which globalization and technological change will continue to have an impact on future migration trends, and precisely towards the guarantee of fundamental human rights. Technology and economic development make it increasingly easier for migrants to travel inexpensively, learn about available routes, and stay in touch with family and community members outside their country of origin.

There is a clear link between globalization and population movements, especially migratory ones. The two spheres inevitably overlap and are interconnected. Globalization causes migration, and migration contributes to the intensification of socio-economic and political relations across borders (Dokos, 2017). Continued globalization is also likely to support migration trends, as the expansion of media, languages, and businesses facilitates interactions across borders. One of the actors that

influences the global connection between states is also migrant citizens. Trade exchanges, the movement of migrants for employment reasons, and the travels of the world's population created the possibility of the transmission of infectious diseases.

The spread of the COVID-19 virus was realized precisely through the movement of people from the place where it first appeared in China (Wuhan) to all the territories of the continents of the world. This spread of the virus in that wide sphere caused the World Health Organization to declare the pandemic of COVID-19 and to take preventive and curative measures for all citizens of the world. The COVID-19 pandemic had a great impact on the globalization of interstate relations and the free movement of migrants in many countries of the world. COVID-19 represents the embodiment of globalization in its blind disregard for borders, but it could cause the most significant reversal of globalization we have seen in decades (Toulan 2020).

Toulan arrives at this postulate because the global economic downturn resulting from COVID-19 was at least as devastating, if not more so, than that of the global financial crisis. The economic downturn came as a result of restrictive measures on movement and the lack of jobs. All of these had an impact on migrants everywhere in the world, but to a significant extent also on migrants in the European Union.

With the beginning of the 21st century, international migration became globalized, with the number of immigrants tripling in recent decades, according to reports submitted by governments to the IOM. If 30 years ago only a few countries of the world were involved in international migration, today it marks almost all regions of the world, whether with departure, arrival, or transit of migrants (Tsapenko & Sautkina, 2018). The first wave of global migration dates back to the years 1880-1930 and researchers mostly link it to several factors such as the fall of the Berlin Wall, information distributed through mass media, the internet and mobile phones has made it possible to create a more complex picture of the way of life and consumption in other parts of the world; the existence of migration networks has made it possible to exchange information, whether they are family relationships or international entrepreneurs (Manthei & Raffelhüschen, 2018).

Privara and Rievajova (2021) bring to attention a new feature of global migration in the 21st century, arguing that the entry of migrants into the host country is becoming increasingly difficult due to policies to control and combat illegal migration. This policy of imposing numerous border controls or not allowing easy migration in many European countries, but also in the USA, presents a situation opposite to the problem in the 19th century. In the 19th and 20th centuries, the state's exit policies were difficult, providing for severe sanctions in the legal norms related to free movement and unauthorized exit from the country of origin. This strong regime has been in place in all countries of the Eastern bloc and the Western Balkans, and the USA.

Conversely, entering the host countries was easier due to the lack of strict rules and controls on interstate borders, and the legal norms were such that it was difficult to leave the country of origin, but at the same time, it was easy to enter any other country. Migration flows during this century occur for economic, environmental, and security reasons, which will remain, for the foreseeable future, a major, even critical, challenge for Europe, which will need to develop an effective long-term migration management policy.

The near future of the world's states will change. The EU will also face a

difficult situation as a result of demographic trends. A growing retired population will have to contend with a shrinking workforce that will put considerable pressure on public pensions and healthcare systems. In this way, Europe will have to attract immigrants both to compensate for the ageing of its population and to meet the demand for skilled workers. Even after the pandemic, data from European governments show a low birth rate and a rapid ageing of the European population. In this context, competition with other developed and developing economies in attracting skilled migrants may become increasingly difficult. In addition, EU citizens may view migrants as economic competitors, not as contributors, due to high unemployment rates. Achieving a balance between economy, social cohesion, and security will not be easy for EU countries, where some countries have the highest number of migrants among the other EU member states.

According to Privara and Rievajova (2021), a new feature of migration globalization in the 21st century is the category of migrants. Another essential feature of international migration in the 21st century is that there are changes in the categories of migrants. The profile of migrants has changed over time and in geographical space, followed by the factor of policies followed by states and international organizations. Globalization in migration has created a change in the formation of migrants, where there is an increase in the number of labor and skilled migrants in countries that previously did not have the status of a host country, according to international migration law. Economically backward countries did not create opportunities for professional and qualified citizens, creating outward movements of their own citizens, creating a paradox in that although the overall migration rate from economically backward countries is very low, the relationship between GDP per capita and the rate of qualified immigrants is inverse (Privara et al., 2020).

Privara and Rievajova (2021), highlighting the challenges of migration in the current phase of globalization, have determined that the second important characteristic of international migrants in the current phase of globalization is the increase in the share of women in the flow of international migrants. Their assessment is correct because, referring to IOM data, the percentage of women in international migrant flows increased from 46.8% in 1960 to almost 50% in 2018.

After the COVID-19 pandemic, international organizations such as the UN, WHO, and OECD created another strategic plan to protect and ensure the cooperation of states in guaranteeing, protecting, and promoting the fundamental rights of migrants. National policies must be in line with international policies. An international mechanism after the pandemic to guarantee the migrants the fundamental rights of migrants is the Agenda for Sustainable Development, and exactly the agenda's goals. The 2030 Agenda for Sustainable Development, adopted by all United Nations Member States in 2015, provides a shared blueprint for peace and prosperity for people and the planet, now and into the future. At its heart are the 17 Sustainable Development Goals (SDGs), which are an urgent call for action by all countries, developed and developing, in a global partnership. They recognize that ending poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality, and spur economic growth, all while tackling climate change and working to preserve our oceans and forests. In each of the goals that states must complete, migrants and their position and legal status in each state where they migrate occupy an important place.

In the migration data portal for each objective, there is data on migrants. The most important aspect regarding the status of migrants is presented as follows:

-Goals- End poverty: increase access to resources and provide aid to communities most affected by conflict or natural disasters, also referring to migratory flows which are created specifically to fight poverty. Migrants are more likely than non migrants to be in poverty. Around 35% of international migrants were in or at risk of poverty compared to just 23% of non migrants. Due to different restrictions, many migrants have no access to social protection. Exactly 22% of labor migrants are not covered, and 55% of migrants cannot transfer their benefits home or to another country, referred to the World Bank in 2022.

-Goal- Zero hunger: ensure investment in the infrastructure and technology needed to improve agricultural productivity. Data from the IOM shows that a large number of migrants are employed in the livestock and agriculture sectors. Referring to the migration data portal in Italy, 370000 migrants from 155 countries are employed in agriculture, around of the total sector's estimated workforce.

-Goal- Health and well-being: reducing inequality and ensuring good health for all people. Percentage of 180 countries reporting access to COVID-19 vaccines as of March 2022, like migrants in regular situations 90%. Migrants in irregular situations 50%, refugees and asylum seekers 73%, internally displaced persons 47%.

-Goal- Quality education: promote inclusive, quality education so that all children complete primary and secondary education. UN DESA and IOM in 2021 declared that 64% of 138 countries provide equal access to primary and secondary education regardless of migrant status.

-Goal- Gender equality: ensure equal rights, as well as universal access to reproductive health. Data for each UN country on the IOM portal shows cases of victims of trafficking in migrants and discrimination against migrants.

-Goal- Reducing inequalities: improving market regulation and promoting migration and mobility of people. Missing migrant projects for 2024 show that more than 63000 people died or went missing during migration from 2014-2023.

-Goal-Sustainable cities and communities: ensure access to safe housing and invest in public transportation and urban management. Based on the IOM data portal in European countries, 44% of migrants from non-European Union countries reported living in overcrowded households compared to 18% of citizens.

-Goal-Peace, justice, and strong institutions: exchange ideas to find lasting solutions to conflicts and promote human rights. In increasingly diverse and distrustful societies, migrants can enhance intercultural interaction and community bonds, although migration remains far from safe and inclusive referred IOM data Portal.

All UN states, including members of the European Union, have the obligation to report on the fulfillment of these objectives and, in particular, the obligation to report on the return of migrants to their states. The COVID-19 pandemic has had a significant impact on the lives of migrants, with WHO reports stating that migrants have been included in the global health crisis from the outset, facing barriers to access to social protection measures and the enjoyment of the right to health care and compulsory vaccination against the COVID-19 virus (OECD 2022; WHO 2020). Migrants have faced violations of their right to employment, with job losses resulting from restrictions, and violations of their right to housing, with the result that they are not allowed to stay

in the countries where they migrated and return to their countries of origin. This highlights the vulnerability that many migrant groups face due to job losses, employment without the possibility of remote work, poor housing conditions, and barriers to access to social protection measures. International organizations and other international agencies on the protection of human rights have drawn up strategies with recommendations for governments to respond quickly and effectively to the specific needs of the migrant population in relation to the disease and its consequences (ECDC 2020; WHO 2020).

The COVID-19 pandemic exacerbated the human rights challenges faced by migrants in the EU, highlighting systemic inequalities in healthcare, housing, education, and employment. Migrants in irregular situations were particularly vulnerable, facing heightened risks of exclusion, exploitation, and neglect. While the states implemented some measures to address these challenges, such as ensuring access to emergency healthcare for all, the crisis underscored the need for comprehensive reforms to protect the rights of migrants and integrate them more fully into their social systems. Long-term solutions must address the legal, social, and economic inequalities that contribute to the marginalization of migrants in the EU, ensuring that all individuals, regardless of status, have access to the full spectrum of human rights.

In the European Union countries, the rights of migrants have faced a number of changes and challenges in the wake of the COVID-19 pandemic, relating to migration policy, health security, social protection, and legal treatment. Overall, the pandemic has deepened some of the existing inequalities and problems, while also triggering new changes in migration and asylum policies in some EU countries. The reports of the United Nations High Commissioner for Refugees (UNHCR), the analyses of the European Council on Refugees and Exiles (ECRE) and the reports of the IOM has shown an overview of changes in migration policies in the EU after the pandemic and the impact of the global health crisis on living conditions, health services, and social support for migrants in EU countries. Based on the reports of these international organizations, the following developments and changes are as follows:

-The pandemic has triggered immediate reviews of migration and border control policies, with EU countries closing their borders or restricting the movement of migrants and asylum seekers. Germany, France, Austria, and Hungary closed their borders or imposed strict border controls to restrict the movement of migrants and refugees, preventing those seeking international protection from reaching safety. Greece, Poland, and Bulgaria had turned off the possibility of applying for asylum. The border has been temporarily blocked due to the pandemic, and stricter measures have been imposed on migrants trying to cross the border illegally. McAuliffe and Triandafyllidou (2021) explore how technological innovation, geopolitical shifts, and environmental changes are key forces shaping the future of global migration and mobility. They analyzed how the pandemic affected migration policies and legal migration, highlighting the challenges related to border policies and the deterioration of living conditions for migrants during the global health crisis.

-The pandemic has led to a delay in the asylum process and changes in the way asylum applications are processed in EU countries. Due to travel restrictions and social distancing, many countries have delayed the processing of asylum applications and frozen procedures for asylum seekers seeking international protection. This has led to an

increase in the number of unprocessed asylum seekers and more stress on reception centers. Many countries have closed or restricted asylum centers and accommodation for migrants, making it less possible for them to seek legal protection and assistance.

-In many EU countries, living conditions for migrants and refugees have deteriorated during the pandemic, particularly for those living in refugee camps and collective shelters. Refugee camps, which are often overcrowded, have become vulnerable to the spread of COVID-19. This has raised serious concerns about the health safety of migrants, including a lack of hygiene and limited opportunities for social distancing. Deteriorating health conditions: In many countries, migrants have faced a lack of healthcare and have had difficulty accessing treatment for COVID-19 due to their precarious status or lack of legal documentation.

-For migrants working in the most risky sectors, the pandemic has worsened working conditions and increased discrimination. Migrants, especially those working in agriculture, domestic help, and other essential services, have faced difficult conditions and a high risk of infection. This has led to the mistreatment of migrant workers, who are often unrepresented or insecure in their jobs. Unemployment and discrimination: Migrant unemployment has increased due to the economic crisis caused by the pandemic, and they are likely to face increased discrimination in the labor market, having difficulty finding employment opportunities and social support.

-Another challenge for migrants has been health protection and access to healthcare. Migrants living in EU countries without a regular status have had difficulty obtaining necessary healthcare, including treatment for COVID-19. This has led to the further spread of infection among migrant groups. Many hospitals and health centers in the EU have been overwhelmed by the pandemic, and this has limited the opportunities for migrants to benefit from healthcare services and treatment options for other illnesses.

-However, the pandemic has prompted several international solidarity initiatives and efforts to improve the protection of migrants. Many international organizations, such as UNHCR and the World Health Organization (WHO), have stepped up efforts to provide health support through Interstate solidarity policies. Some EU countries have adopted solidarity policies to distribute migrants and refugees from countries with the highest burden, such as Greece and Italy, in order to provide a more equal opportunity for protection and services. A retrospective observational study of 70,512 irregular migrants who arrived in Italy by sea between January 2021 and January 2022 found that the incidence rate of SARS-CoV-2 among them was significantly lower than that of the resident population in the same age group (under 60 years). Specifically, new arrivals had an incidence of 40.6 cases per 1,000 compared to 177.6 per 1,000 among residents, resulting in an incidence rate ratio (IRR) of 0.23, meaning that migrants were infected at approximately one-quarter the rate of the general population. Furthermore, almost all positive cases among migrants were asymptomatic, with no reported hospitalizations and no observed illness. The study concludes that newly arrived migrants did not increase Italy's COVID-19 burden and highlights the effectiveness of structured health governance and quarantine measures in protecting public health (Sisti et al.,2023).

-Due to the pandemic, many countries have increased controls and prosecutions of irregular migrants and refugees who have not had the opportunity to apply for asylum, while there have also been efforts to facilitate the integration process of

migrants who are legitimate in EU countries. Mentzelopoulou and Spinelli (2022) discuss the broad impacts of the pandemic on asylum procedures and asylum policies in the EU. Their study report highlights the challenges that EU states have experienced in protecting migrants and the impact of movement restrictions on asylum processes. The COVID-19 pandemic significantly disrupted asylum procedures across EU Member States, exposing systemic weaknesses while accelerating digital transformation. Emergency measures, including border closures, suspension of personal interviews, and limited access to services, challenged the protection of asylum-seekers' rights. However, innovative practices such as remote processing and e-administration emerged as potential long-term improvements. The European Parliament and Commission highlighted the importance of upholding fundamental rights, ensuring access to protection, and adapting EU migration and asylum policies to respond effectively to future emergencies. Based on the political dynamics that apply to the legalization of migrants during the COVID-19 pandemic in Italy and Spain, the pandemic highlighted the essential roles of undocumented migrants, prompting civil society actors to advocate for their legalization. In Italy, a top-down approach led to a collective regularization program, while in Spain, despite strong advocacy, the government did not implement similar measures. These different outcomes depend on the political possibilities, institutional constraints, and mobilization of advocacy coalitions in each country, indicating that the pandemic served as a critical point, revealing the vulnerabilities of undocumented migrants and the different political incentives influencing legalization policies in Southern Europe (Perna & Puig Batalla, 2023).

Following the pandemic, the rights of migrants in the EU have gone through a difficult period. Despite some efforts at solidarity and support, migration has become more restricted, and asylum and legal migration procedures have slowed down. Many migrants and refugees have experienced difficulties in accessing health services, deteriorating living conditions, and a lack of job opportunities.

Conclusions

Following the pandemic, the status of migrants has changed significantly, particularly with regard to their international movement, labour rights, and legal residence in host countries. Although many migrants have lost their jobs and their residence rights, their human rights remain guaranteed by international law, including refugee law and the rights of migrant workers.

Impact of the pandemic on regular and irregular migration: The pandemic has led to an increase in irregular migration, as many migrants have lost their residence and work documents. However, during the pandemic period, there has also been a restriction on international movement, making it more difficult for migrants to exercise their rights to movement and work.

Since the pandemic ended, States and international organizations, such as the United Nations, IOM, and OSCE, have focused their efforts on ensuring the protection of migrants' rights and ensuring that they are able to renew their documents and restart their lives in safety and dignity. This has included the establishment of reintegration programs for migrants who have returned to their countries of origin.

Following the pandemic, many States have established reintegration programs for migrants who have returned to their countries of origin, providing them with jobs

and development opportunities. Cooperation between the States of origin and host countries, as well as with international organizations, has been essential for the implementation of these programs.

Protecting migrants' rights in the wake of the pandemic has required an improved and more coordinated approach among States and international organizations. In the wake of COVID-19, there has been a growing awareness of the importance of respecting the rights of migrants and implementing policies that favor their integration and protection.

In accordance with international instruments, the rights of migrants are the same as the rights of any individual, and these rights must be respected without distinction. The pandemic has highlighted the need to ensure the protection of the rights of migrants at all times, including those of movement and residence, without discrimination.

The post-pandemic era has underscored the complex relationship between globalization, migration, and human rights. The COVID-19 pandemic revealed and exacerbated existing vulnerabilities in the migration system, particularly for those in irregular situations. It highlighted how interconnected globalization is with migration, as global movements not only facilitate the spread of infectious diseases but also lead to shifting migration trends and border policies.

While globalization continues to drive migration trends by connecting distant regions, it also contributes to new inequalities that impact migrants, particularly in health, employment, housing, and education. The pandemic further amplified these disparities, particularly in the European Union, where restrictive measures on migration and asylum processes were implemented, resulting in delayed applications, deteriorating living conditions, and greater discrimination against migrant workers. Vulnerable groups, especially those in precarious legal statuses, faced disproportionate risks in terms of healthcare access and economic insecurity.

The post-pandemic period has called for urgent reforms to protect migrants' human rights. While international frameworks such as the UN's 2030 Agenda for Sustainable Development continue to emphasize the inclusion and protection of migrants, challenges remain in ensuring that these rights are upheld across all host countries. Efforts by international organizations, like the WHO and IOM, have been critical in providing support, but there remains a significant gap in the protection and integration of migrants in many countries.

The COVID-19 pandemic thus serves as both a wake-up call and a catalyst for change. As migration continues to be shaped by globalization, it is essential that governments, particularly in the European Union, develop comprehensive, long-term policies that address the root causes of migration, provide equitable access to services, and safeguard the rights of all migrants, irrespective of their legal status. Without such reforms, the challenges of the pandemic will continue to burden migrant populations, undermining the fundamental principles of human rights and social justice.

In conclusion, this paper emphasizes that, in the wake of the COVID-19 pandemic, it is necessary for states and international organizations to continue working to protect and promote the rights of migrants, ensuring that they have the opportunity to live a dignified life, despite the challenges caused by the pandemic.

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