

ANALYZING SECURITIZATION OF MIGRATION DURING THE PANDEMIC: EXAMPLES FROM THE UNITED STATES



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Geliş Tarihi / Received: 02.02.2021 - Kabul Tarihi / Accepted: 13.03.2021

Özet

Bu araştırma, Güvenlikleştirme Teorisi çerçevesinde ABD’de COVID-19 nedeniyle göçün güvenlikleştirilip güvenleleştirilmediğini incelemektedir. Bu amaçla şu örnekler analiz edilecektir: İlk olarak, ABD’ye iltica talebinde bulunan kişileri, süreçleri tamamlanana kadar Meksika’da bekleten Göç Koruma Protokolü (GKP) ve ikinci olarak Mart 2020 itibariyle belgesiz göçmenlerin ABD’ye girişini askıya alan Hastalık Kontrol Merkezi (HKM) kararı. Donald Trump’ın seçilmesinden itibaren ABD’de göçün güvenleleştirilmeye başlandığı ve bunun sonucunda oluşturulan GKP gibi politikaların pandemi döneminde göçmenleri etkilediği öne sürülecektir. GKP duruşmalarının Koronavirüs salgını ortaya atılarak askıya alınması, sığınmacı haklarını ve geri göndermeme yasasını tehlikeye attığından göçün güvenleleştirilmesi için koşullar yaratmıştır. Ayrıca, pandemi süresince belgesiz göçmenlerin girişini yasaklayan HKM kararının gerekli, ölçülü ve meşru olmadığı iddia edilecektir. İlk olarak, birçok doktor ve bilim insanı HKM kararının aksine göçü durdurmanın ABD’deki COVID vakalarının sayısını önemli ölçüde azaltacağını destekleyecek yeterli kanıt olmadığını savunduğundan karar gereksizdir. İkincisi, sınır dışı edilen kişi sayısı, kararın süresindeki keyfilik, refakatsiz çocukların sığınma sisteminden dışlanması ve bu karar ile virüsü kontrol altına almak için alınan diğer önlemler arasındaki eşitsizlik nedeniyle HKM hükmü orantılı değildir. Son olarak, karar meşru değildir çünkü hükümetin normal siyaset kurallarını çiğneyerek ve uluslararası göç yasalarını geçersiz kılarak gerçekte sahip olduğundan daha fazla yetki kullandığı yönünde eleştirilere yol açmıştır.

Anahtar Kelimeler: Güvenleleştirme, göç, Birleşik Devletler, Covid-19

Abstract

This research examines whether migration had been securitized due to COVID-19 in the United States by using the framework of Securitization Theory. The following examples will be analyzed: First, Migration Protection Protocol (MPP) that keep people who seek

asylum in the U.S. wait in Mexico until their process finalizes and second, the issue of Center for Disease Control (CDC) that suspended the entry of undocumented migrants into the U.S. beginning from 20 March 2020. It will be argued that starting from Donald Trump's election, migration had started to be securitized in the U.S. and policies created as a result of this, such as the MPP, has been affecting migrants in the pandemic times. The suspension of the MPP hearings by putting forth the Coronavirus also creates conditions for securitization of migration since it jeopardizes the asylum rights and the obligation of U.S. to exercise the non-refoulement rule in order to eliminate the migration threat. Moreover it will be claimed that the halt of the entry of undocumented migrants in the pandemic times as a result of the CDC order is not necessary, proportional and legitimate and therefore indicates that the decision was taken because of securitization of migration. First, it is not necessary because many doctors and scientists argue that contrary to the CDC's opinion, there is not evidence to support that halting immigration will significantly reduce the number of COVID cases in the U.S. Second, based on the number of people expelled, the arbitrariness in the duration of the order, exclusion of the unaccompanied children from the asylum system and the disparity between CDC action and other measures to contain the virus, it is not proportional. Lastly, the order is not legitimate because it led to criticisms that the administration is exercising more power than it actually possess by breaking normal rules of politics and overruling international migration laws.

Key Words: Securitization, migration, United States, Covid-19

Introduction

In the last decade, the world has witnessed an increase in immigration opposition and securitization as an inevitable outcome through prioritizing certain governments that fuel up anti-immigrant sentiments. With the election of Donald Trump, the United States applied certain policies that not only made the asylum system more challenging but also constructed a bifurcation that prioritized U.S. citizens against "an enemy" where the country should be protected from. With the novel Coronavirus sweeping all over the world, the securitized policies of the U.S. affected migrant more than most of other people and exacerbated their dire living conditions. The suspension of the Migration Protection Protocol hearings, a policy that the Trump administration put into force in 2019 which sends migrants at the U.S. borders to Mexico to wait their asylum procedure being finalized, had drastic effects on asylum seekers who were sent to the most dangerous cities of Mexico. Several asylum-seekers that were interviewed later expressed experiencing sexual assaults and robberies that were a result of the MPP policy and the suspension of the MPP hearings due to COVID-19 which made them trapped

there indefinitely. Likewise, an order that was enforced in the name of a public health, CDC issue that halted undocumented migration in the U.S., resulted with the expulsion of hundreds of thousands asylum seekers out of the U.S. territories without providing any chance to hear their asylum claims. In light of these examples, this study investigates the following: Has migration been securitized in the United States during the Coronavirus pandemic in the Trump administration?

The implementation of MPP and the suspension of its hearings as well as the CDC order will be analyzed through using the framework of Securitization Theory. It will be argued that policies that were created as a result of securitization of migration like MPP creates violent conditions for migrants and results with the violation of asylum rights and non-refoulement principle. Furthermore it will be argued that the CDC order is not a necessary, proportional and a legitimate action. The analyses of these two examples suggest that migration is being securitized in the U.S. in the pandemic times.

Literature Review

From almost the beginning of the pandemic, the relationship between human mobility and COVID-19 started to be studied, including migration. There are studies that argue the existence of a strict correlation between migration and COVID-19 spread such as the research of Lee et al., (2020: 18) who argue that the migrants that went back to their countries of origin led to a decrease in the health conditions in Bangladesh, India and Pakistan. Although these countries required quarantine, these were voluntary and inefficient. Likewise, Song et al., (2020:1) claim that migration from Wuhan to other cities in Hubei province exacerbated the spread of the virus. The spread was further accelerated due to the high mobility density on the lunar New Year (Song et al., 2020: 4). Shen (2020: 620) also argues that inter-migration is majorly responsible from the spread where it was most intense between 26 January to 6 March 2020. Moreover, Singh et al. (2020: 166) argue that the return of migrant from urban to rural areas led to a sixteen times increase of the COVID-19 cases in India in May 2020. Lastly, Sirkeci and Yucesahin (2020: 379) built a model on migration and travel volume to explain the spread of COVID-19. The model underlines the importance of two factors in explaining the outbreak and spread: migrant stock populations of Chinese origin and the immigrant stock in China along with other macro factors (population, population density, median age, human development index, gross national income, human freedom score) (Sirkeci, Yucesahin, 2020: 385). Opposing to

the general opinion that suggests a correlation between migration and increase in the COVID cases, Shi and Liu (2020: 695) claimed that business people are the biggest contributor to the fast spread rather than internal migrants since Wuhan and its neighbor cities are connected through business rather than migration. Thus, several other cities that were hardly hit by the virus were not neighbor cities of the Hubei province (Shi and Liu, 2020: 695).

There are also studies that focus on the impact of the pandemic on migrant populations. Mardin et al. (2020: 112) investigate the difficulties experienced by (undocumented) migrants and refugees living in Turkey including language barriers, hesitance to seek medical help due to the fear of being reported to the police, inability to access to masks, difficulty in maintaining social distance due to crowded housing and continuation of working despite being COVID positive because of economic concerns. The following two studies investigated the European region regarding the conditions of migrants. Carotti (2020: 1) analyzes the impact of the policies adopted by Italian government that targeted (undocumented) migrants, especially the 2018 Security Decree that severely limited the health access of migrants and argues that these previously adopted policies are putting migrants to a greater vulnerable position in the time of pandemic. Paul (2020: 16) analyzes intra-EU migrants of Central and Eastern Europe during the pandemic and claim that they played an essential role as political actors who put pressure to change the strict border closures and dire working conditions in Western European states.

For the South African region, first, Mukumbang et al. stress that the economic and political inequalities between South Africans and migrants were further increased by the government's negligence of disadvantaged groups during the pandemic (2020: 1). Migrants and asylum seekers were unable to seek medical help due to the fear of being deported (Mukumbang et al., 2020: 3). Moreover, they were unable to benefit from government relief packages because of the discriminatory policies (Mukumbang et al., 2020: 4). Second, Zanker and Moyo (2020: 100), argue that the pandemic did not change the exclusive governance towards migrants and asylum-seekers but rather been used as a tool to further securitize the issue. They show that as a result, the government introduced three policies targeting migrants after the pandemic: shutting down the refugee reception centers, building a wall between Zimbabwe and South Africa to curb the entry of undocumented migrants and unclear statements about whether non-South African owned business may remain open or not (Zanker and Moyo, 2020: 102). Although the methods

differed, the results were useful in terms of showing similar patterns of securitization during the pandemic in different regions.

For the South Asian region, firstly, Khanna (2020: 188, 189) discusses the consequences of the pandemic on migrant population in India and argues that mobility restrictions and curfews are harming the food production, leading to food shortage and malnutrition. Thus, temporary migrant workers are one of the most vulnerable groups to be affected by the pandemic economically. Secondly, Suhardiman et al. (2020: 15) examine the impact of COVID-19 on both documented and undocumented migrants living in South Asia. The authors conclude that undocumented migrants in Laos and Myanmar who were once able to benefit from the flexible borders are now one of the most affected groups from the border closures and who are being exploited the most by their employers by not receiving compensations or even previous wages. On the other hand, they argue that documented migrants in Singapore benefited from the state policy of wage payment and the supply of the basic needs were less affected from the consequences of the pandemic and many of them stated that they would keep working in Singapore rather than going back to the origin countries after the pandemic ends (Suhardiman et al., 2020: 16).

Analyzing the reason behind the dissimilar effects of the human mobility restrictions of the Republic of China on its different provinces, Angran et al. (2020: 1) asks what factors explain the varying outcomes in a unified regime. The authors find out that the governments who are more engaged in social media, spends more on public security and have broader first-level response were better able to experience the successful effects of the restrictions (Angran et al., 2020: 20). The results can be effective for creating useful restriction programs.

Approaching the pandemic from a macro-level, Nunes considers COVID-19 as a crisis of a neoliberal economy (2020: 1) and stresses that the pandemic displayed the vulnerabilities of neoliberalism and its inability to respond to a global crisis that does not stem from financial problems (2020: 2). He further argues that pandemic have led to the questioning of extensive global connection (Nunes, 2020: 1).

Regarding the studies conducted about the United States, Gilman (2020: 1), argues that Trump uses COVID-19 as a justification to apply restrictive asylum policies which will likely to be permanent even the pandemic ends. The study will be useful for this research in terms of providing key examples of when and how U.S. used certain policies as a justification both before and during the pandemic.

There is also a research by Byaruhanga (2020) that examines migration under the lights of securitization theory in the pandemic. Despite presenting related examples, the study is unsuccessful in connecting examples with the theory. Thus, it makes a major mistake by intentionally using migration and mobility interchangeably (Byaruhanga, 2020: 97). Since mobility and migration is not the same, using both to meet a same concept to explain a situation through the securitization theory will be highly misleading. For this reason, this study will find links between the theory and examples to explain the same situation more soundly.

Securitization Theory

“What quality makes something a security issue in International Relations?” (Buzan et al., 1998: 21) Buzan et al. (1998: 21) answer this question as: “It is when an issue is presented as posing an existential threat to a designated referent object”

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The study does challenge the traditionalist opinion regarding the state's importance in the security studies. However, they oppose the argument that security has a fixed meaning and believe that it is rather an intersubjective concept. Drawing up from this argument, they add four new sectors besides the military to investigate security issues, arguing, “security is a particular type of politics, applicable to a wide range of issues (Buzan et al., 1998: 12). These are: environmental, economic, societal and political. By this way, they argue that different sectors have different security concerns depending on their own history, resources, power, actors and so on. However, the basic framework of securitization applies for all of these sectors, which is when an issue is moved above the normal rules of politics and requires emergency measures to eliminate the perceived existential threat to the one's referent object (Buzan et al., 1998: 23). Buzan, Weaver and De Wilde identify a spectrum in which the issues can be placed into three categories: Non-politicised, politicized and securitized (Buzan et al., 1998: 23). When an issue is non-politicised it is not even included in public debates and when it is politicized it is now “part of public policy, requiring government decision and resource allocation” (Buzan et al., 1998: 23). Lastly, when an issue is securitized, it is treated as utmost importance and above all other issues where emergency measures to remove the existential threat are both required and justified (Buzan et al., 1998: 24). By this way, the issue would not follow the regular political procedure and would be a subject under a limited number of decision-makers and special resources. However, for an issue to be securitized

the actors need to convince the relevant audience through speech act that the perceived threat is indeed endangering the existence and must be dealt with emergency measures (Buzan et al., 1998: 25). If not, the actors would only be initiating a securitizing move, not successfully securitizing a particular subject (Buzan et al., 1998: 25).

To sum, a successful securitization has the following steps. First, there needs to be a perceived existential threat that endangers one's referent object. Second, the threat needs to be introduced as requiring emergency measures. Third, after the relevant audience accepts the presentation that there is an existential threat, the subject should be dealt with extreme measures. By this way, the extreme measures, which can take the form from the use of force to breaking rules of democracy, would be justified.

Methodology

The study relies on academic journals and articles when analyzing the MPP and its impact on the current pandemic management in order to gain detailed information about the content of MPP and how it has been affecting asylum-seekers. While examining the order of CDC academic journals, news sites, articles were studied. Websites that provide data about the number of COVID cases in various countries and the number of people expelled from the border since the issue take into effect were used.

While analyzing both of the examples, the study relied on the framework of Securitization Theory.

Has Migration Been Securitized in the United States During the Pandemic?

To understand whether there has been a securitization of migration during the pandemic in the United States, the following factors will be examined by using the framework of the securitization theory: first, whether the ongoing securitization of migration under the Trump administration is being reflected on the pandemic management by examining the MPP and second, the necessity, proportionality and the legitimacy of the issue of the CDC, which halted asylum in the U.S. as of March 20, 2020. Analyzing the ongoing securitization of migration in the United States will serve to understand if the already constructed anti-immigration practices have an impact on the migrants in the pandemic times. Examining the necessity, proportionality and legitimacy of the policies will serve to understand if the decisions taken

are really intending to curb the further spread of the virus and whether they are violating international rules and norms.

Identifying each immigration policy and rhetoric of Trump will be out of this study's scope. However drawing the general portray of Trump's approach is beneficial to see if there is a continuity of securitization of migration and if it is being projected on the decisions taken in the pandemic times by looking at the example of the effects of Migration Protection Protocol and the impact of its suspension due to COVID-19.

Trump has pursued an exclusionary approach towards migrants and maintained an anti-immigration rhetoric that includes the elements of racism and hatred. Even before his election, he continually emphasized his stance on immigration. His famous election statement "America First" implicitly hints the presence of a threat where America should be put above anything else. The campaign slogan "Buy American, Hire American" (The Washington Post, 2017) draws the line between the U.S. citizens and the "others" where American gain and wealth must be emphasized over anybody else. On June 16, 2015 on his presidential campaign, Trump claimed to build a wall between U.S. and Mexico, with the intention of curbing illegal cross over the U.S., and he stated: "I will build a great great wall on our southern border and I'll have Mexico pay for that wall." (Politifact, 2020) Illegal immigration was emphasized by Trump many times and was associated with criminality, a problem that should be removed in order to make America a safer country (Politifact, 2020). Of all many examples about the statements and approaches of Trump regarding immigration, until this point, it can be observed of an initiation of a speech act where a presidential candidate renders an issue to be presenting a threat to the United States and its citizens based on the framework of securitization theory. So far, Trump's approach to immigration meets the following steps: there is an existential threat, immigration, which endangers one's referent object, the wealth and welfare of the American. In order to deal with the threat, extreme measures are necessary, such as building a wall. The last stage, that is when the audience accepts the initiated securitization, had been fulfilled when Trump got elected. Many of the American electorate who had already had concerns regarding the flow of migration into the United States, shared the understanding of Trump that migrants are a threat to their wellbeing, which justified the use of extreme measures of Trump to eliminate this threat. Through this way, in the United States, a successful securitization of migration has been accomplished where together with the vitriolic language of the media, prospective policies that not only created drastic conditions for the migrants but also violated human rights laws,

and a willing audience that accepts the unconventional migration management, migration has been moved from the non-securitized area to securitized. Therefore, when analyzing the relation between COVID-19 and securitization of migration looking at the shared understanding and previously taken decisions and created policies are essential because these will inevitably be reflected on any prospective action when it comes to migration. Because of that, the policies created before the pandemic that were the outcome of migration being securitized, are also being applied to migrants who are seeking asylum in the U.S. in the pandemic times. These practices further maintain the securitization since they still fulfill the three essential conditions of the securitization theory. The threat, immigration, is still present, the audience had already been convinced through speech act and the extreme measures that violate agreed norms and practices are still being applied. To give an example, because of the MPP - a program that came into force in January 2019 which aims to keep the migrants who seek asylum in the U.S. in Mexico until their asylum proceedings are finalized - migrants who had reached to the U.S. and sought asylum are trapped in the Mexico due to the fact that the MPP cases are temporarily suspended in the pandemic (Gilman, 2020: 4). Keeping immigrants physically in Mexico and make them wait their asylum results contradicts with the legal responsibilities of the U.S. to provide asylum (Human Rights Watch, 2020) and with the non-refoulement principle, a principle that prohibits states to sent people to countries where they would “face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm” (Office of the United Nations High Commissioner for Human Rights).

In the late March, it was announced that the MPP hearings would be suspended until April 1, which was later postponed to May 2020 (Gilman, 2020: 3). It was in July 17 when it became clear that the hearings would be suspended indefinitely. This made the immigrants wait in Mexico in dire or unknown conditions without any information from the U.S. officials for months and the July decision broke the news that they will be trapped there indefinitely. Human Rights Watch published a report, *Like I’m Drowning*, (2021) expressing the dreadful conditions of asylum seekers who had been deported to Mexico where many of them experienced violence, rape, sexual assault and robbery since the policy took into effect. Considering the cities they were placed to, like Ciudad Juárez having the highest rates of murders (Human Rights Watch, 2021), it is an expected outcome. The studies also show that (TRAC Immigration, 2021) only 1.1% of the migrants who were sent to Mexico received their asylum. However, this was a success for Mr.

Trump since the main objective was the elimination of the threat from the beginning. It can be understood from his statement where he argued that through the MPP; the U.S. citizens are being protected against “thugs and bad hombres” (The Guardian, 2021). This again indicates the presence of a successful securitization where the U.S. citizens are being protected against the enemy. However if it is being looked from “the enemy’s” point of view, asylum-seekers are living in severely dangerous conditions in Mexico and the pandemic only exacerbated their situation. Because of the suspension, many of them had to seek other alternatives but to seek asylum in the U.S. The deterrence policy of U.S. is exponentially escalating in the pandemic. As a result, it can be deduced that some of those who realized their asylum procedure would not start any time soon, went back to their home countries where they might have been suffering from prosecution or ill treatment or stuck at Mexico whose conditions are cruel.

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The point made is that, because migration had been securitized in the United States beginning with the election of Trump in 2016 and had not been de-securitized since then, the previous decisions, such as the MPP, are affecting migrants and asylum seekers in the times of pandemic. As a result of the suspension of MPP cases asylum seekers have been trapped in Mexico in dreadful or unknown conditions which made them either suffer in Mexico or go back to their home countries where most of them might have been flying away from persecution, violence, conflict etc. The decision to suspend MPP hearings creates conditions for migrants that contradict with the asylum rights and non-refoulement principle and further feeds into the practice of securitization of migration.

By looking at the decision of CDC, who banned the entry of asylum seekers to the U.S. under the Trump administration, necessity, proportionality and the legitimacy of the action will be analyzed. It will be argued that first; considering the opinion that there is not an evidence-based correlation between turning away migrants and the slowdown of the spread of the virus, including the position of CDC scientists themselves (AP News, 2020), and the alternative ways to contain the spread, the action is not necessary. Second, based on the number of people returned, the ambiguity of how long this decision will take on effect and the expulsion of unaccompanied children, it is not proportional. Lastly, taking into account the growing criticisms of politicians, health care workers and lawyers who agree that halting the established asylum system in the name of public health exceeds Trump’s powers and contradict with the international norms and rules, it is also not legitimate. Necessity and proportionality of the decision will be analyzed to

see with what intentions this action is taking place. However, it is primarily the legitimacy factor that pushes the issue to the securitization domain.

Taking into account of the opinions of many doctors, scientists, UN-HCR and WHO, who claim that there is not enough evidence that shutting the borders and expelling thousands of asylum-seekers will significantly reduce the spread of the Coronavirus contrary to the CDC claims, the action is not necessary and may indicate that the order is also aiming to limit immigration into U.S. as well.

On March 20, citing the COVID-19 pandemic, the entry of the asylum-seekers into the United States was halted by Trump administration through an order issued by the CDC (AP News, 2020). It was argued that the entry of asylum-seekers into the U.S. borders endangers the public health of the border officials as well as the rest of the American people (The New York Times, 2020). However, many scientist and doctors argue that there is not enough evidence that asylum-seekers pose a great danger to suspend the decades-long immigration policies of the U.S. Based on the inadequacy of the scientific evidence and the alternative ways to contain the spread of the virus that allows to maintain the asylum procedures, the action is not necessary.

The Secretary of Health and Human Services (HHS) Alex M. Azar stated that several health problems occur due to illegal immigration during the COVID-19 pandemic at the borders (The New York Times, 2020). On the other hand, doctors and scientists, including the CDC officials, disagreed that there is a direct correlation between the spread and the admission of asylum-seekers (AP News, 2020). Two of the CDC doctors reject following the order arguing, "There was no valid public health reason to issue it" (AP News, 2020). Moreover, a doctor from John Hopkins Bloomberg School of Public Health argued that the order risks the lives of people and likely to strengthen "anti-immigrant sentiment and xenophobia" (AP News, 2020). On May 18, 57 public health experts from various institutions wrote a letter to Mr. Azar and CDC director Dr. Reidfield, condemning the decision and expressing their concerns regarding the action (Colombia Mailman School of Public Health, 2020). They also specify alternative approaches that aim to contain the virus while protecting the rights of asylum-seekers. These include applying social distancing at the borders in an outdoor setting, obligation to wear masks, both border officials and asylum-seekers, facilitating self-quarantine spots and allowing asylum-seekers to wait their courts at their relatives or friends in the U.S., if they have any which 92% of them stated a place where they can stay at someone that already lives in the U.S. (Colombia Mailman School of Public Health, 2020). These suggestions are

also in line with the statements of World Health Organization and UNHCR whom notified: “there are ways to manage border restrictions in a manner which respects international human rights and refugee protection standards, including the principle of non-refoulement, through quarantine and health checks” and that “our primary focus should be on the preservation of life, regardless of status.” (UNHCR, 2020).

If the criticism of the experts as well as international organizations such as UNHCR and WHO are considered, it can be seen that such a drastic push of immigrants out of the U.S. soil is not necessary. There are alternative ways to prevent the spread of the virus while respecting international rules and rights of asylum-seekers.

Based on the number of people expelled from the U.S., including the unaccompanied children, the uncertainty of the duration of the order and the imbalance between other COVID measures, the decision exceeds its objective and therefore is not proportional.

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As of April 7, U.S. has expelled around 7,000 asylum-seekers to Mexico among which 377 of them were minors, with the introduction of CDC order. (Reuters, 2020). This number reached to 150,000 with 8,000 unaccompanied children in October (AP News, 2020). The spokesman of Customs and Border Protection John Mennell stated that the order may be in effect for one year or whenever Mr. Azar notifies that it will no longer be necessary (The New York Times, 2020). Considering that the lockdowns have been lifted from time to time and borders re-opened, applying a policy only to migrant groups where the duration will be decided arbitrarily the action may be evaluated as having an objective of containing immigration, which is what the Trump administration had always intended to achieve. What is more striking is that the U.S. is also abandoning its decade-long children immigration policy. Under normal circumstances unaccompanied children would be granted with protection in the U.S. soil. Ordinarily, the U.S. is entitled to 1997 Flores Settlement where the authorities are responsible to “release children from immigration detention without unnecessary delay”, place those who do not have an immediate available place to stay to the “least restrictive setting” and provide basic needs during detention (Human Rights First, 2020). With the introduction of the CDC order, these terms are no longer provided. The policy director of the Young Center for Immigrant Children’s Rights, Jennifer Nagda expressed that: “The administration is using coronavirus and the pandemic as a cover ... to close the border to children,”(CBS News, 2020). Nagda further argues: “There is no reason why unaccompanied children arriving at the border can’t be safely screened.” However considering the stance

of the administration before the pandemic who criticized the operation of unaccompanied children as a “loophole” that allows their release into the U.S., (Reuters, 2020) such a compulsive action to deter children immigrants indicates that the order is more than a health care policy. CBC Commissioner responds to the inhibition of children from the borders as: “This disease doesn’t know age... In fact, the younger children can actually be carriers.” (The Intercept, 2020). Yet the disease doesn’t know race either. Although young children are carriers and have the potential to spread the virus first, it is unclear whether their likelihood of spreading the virus are higher than an adult, some studies show that they are even less likely (National Geography, 2020), and second if they are there is a disproportion between shutting down the borders indefinitely to immigrant children and other measures. For example, it was until May 6 that took all states to switch to online education. Even in 6 May it was allowed for Wyoming and Montana to remain open (Education Week, 2020). Thus the borders were open to U.S. citizens who wanted to return to their states. However, the citizens themselves are as likely as asylum-seekers to contribute to the spread. Therefore there is an imbalance between actions inhibiting the entry of asylum-seekers and actions that allow some amount of flexibility while still aiming to limit the spread.

In short, the amount of people expelled from the borders has exceeded hundreds of thousands while the length of the order is unclear. Adding up the imbalance when compared to other measures there can be observed a disproportion between those measures and the CDC order.

Lastly, the CDC order presents an example of an extreme measure that is used to handle the immigration threat because Trump breaks normal rules of politics by overruling international laws and exceeding the administration’s limits in the name of a health crisis which renders the order illegitimate.

It was previously argued that the MPP contradicts with the asylum rights and non-refoulement rule. This is also the case for the CDC order. With the proportionality argument it was shown that the U.S. is abandoning its obligation to protect immigrant children. It is also abandoning its obligation to operate the asylum procedure of the refugees at the border since they might have been forced to flee from persecution, violence or war. Lee Gelernt, representative director of the American Civil Liberties Union’ Immigrants Right Project portrays the situation as: “a complete bypass of the entire asylum system...” (AP News, 2020). While the circumvention of the suspension of the asylum system can be justified through Title 42 of the Public Health Service Act which allows the health care officials to use extreme measures such as ceasing the immigration in times of a pandemic, the Act also states that it

can be executed for countries that have “high numbers of confirmed cases” (AP News, 2020). When CDC order took into effect, the U.S. had the highest numbers compared to its neighbors with 18,747 active cases (Center for Disease Control and Prevention) where Mexico had 168. In Guatemala, El Salvador and Honduras, where most of the asylum-seekers came, the numbers were 12, 1 and 24 respectively (Worldometer). The situation therefore can be interpreted as an illegitimate action. The Act has also been criticized as being “an “obscure public health law” which is being used “to justify one of its most aggressive border crackdowns ever” (News4SA, 2020). Moreover, it has been condemned by Ten Senate Democrats who wrote a letter to the Homeland Security Secretary stating that the administration “ have granted itself with sweeping powers to summarily expel large, unknown numbers of individuals arriving at our borders.” (The Intercept, 2020).

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The point made is that, although the order was justified through the Public Health Service Act, considering the number of cases of U.S. and the countries it receives asylum-seekers, the invocation of the Act is not legitimate. Thus, the order is being criticized as being obscure and exceeding the limits of Trump.

Conclusion

This research examined the securitization of migration in the United States during the Coronavirus pandemic. Two examples were analyzed: Migration Protection Protocol and the order of the Center for Disease Control. It was argued that since migration had been securitized in the Trump era, policies that were created as a result of this, such as the MPP, has reflections of the pandemic management and negatively affects migrants. The suspension of the MPP hearings further created challenging conditions for refugees. Thus, it also contradicts with the asylum-rights and the non-refoulement principle. Moreover, it was suggested that the issue of CDC is not a necessary, proportional and legitimate action. The necessity and proportionality factors were analyzed in order to see if the administration’s decision is only to limit the spread of the virus or is it also aiming to curb immigration flow. Lastly the illegitimacy of the decision indicates that the immigration into the U.S. during the pandemic is being securitized through applying to extreme measures to eliminate the threat that results with negligence of domestic and international rules.

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