



## Ensuring Access to Territory for persons seeking International Protection

The COVID-19 pandemic has been a severe and unpredictable challenge for many throughout the world. It is especially desperate for those who are forced to flee persecution, war or violence and seek asylum in another, safer country. The immediate need to take preventive measures to contain the transmission of the COVID-19 virus has led many to close their borders and safe ports of entry, effectively denying persons seeking international protection access to territory. The Migrants and Refugees Section of the Dicastery for Promoting Integral Human Development vigorously reaffirms that while States may put in place temporary measures to control the spread of the virus, including health screening and quarantine, such measures may not deny anyone of their right to seek asylum<sup>1</sup> or result in a violation of the principle of non-refoulement.

### *The Reasons*

In addition to the obligation entailed in international law to ensure the right to life, liberty and the security of person, the social teaching of the Catholic Church firmly states that the supreme value of human life is sacred and inviolable.<sup>2</sup> Saving the lives of asylum seekers should always be considered a paramount duty. The argument that receiving those seeking international protection might result in a real health threat to other lives is substantially groundless because containment measures can be adopted to prevent any possible contamination.

Limiting access to territory to those in need of international protection for the sake of national security, presupposes that it is valid to choose between human safety and national security. As Pope Francis stated, “[t]he principle of the *centrality of the human person* [...] obliges us to always prioritize personal safety over national security. [...] The situation of migrants, asylum seekers and refugees requires that they are guaranteed personal safety and access to basic services.”<sup>3</sup>

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<sup>1</sup> Article 14 of the *Universal Declaration of Human Rights* provides that ‘[e]veryone has the right to seek and to enjoy in other countries asylum from persecution’. The right to seek and enjoy asylum is also affirmed in various other regional legal instruments.

<sup>2</sup> Cf. *Compendium of the Social Doctrine of the Church*, n. 112.

<sup>3</sup> Pope Francis, *Message for the 104th Word Day of Migrants and Refugees*, 14 January 2018.

## *The Methods*

Secure admission to territory should be granted to all those in need of international protection, on an individual basis, ensuring adequate access to the asylum procedures in a language they understand, and avoiding *refoulement*, unjustified deportation and any kind of arbitrary detention.

Whenever a migration flow is composed of a mix of asylum seekers and other migrants, making it difficult to assess the nature of each one's migration status, temporary access to territory should be granted to all in order to provide time for adequate, individual assessments.

In emergency circumstances due to the COVID-19 pandemic, confinement of persons seeking international protection, as well as other necessary health security measures, should be non-discriminatory and adopted after a fair assessment of the real risks, in the same way as is done for local residents.

Granting access to territory to persons in need of international protection is an international obligation and an essential element of our long-term responsibility towards our fellow humans. It should be translated into policies and programmes aimed at protecting their human rights and dignity and making possible their integral human development.

Migrants & Refugee Section

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