

CURRENT CHALLENGES ON MIGRATION, ARTIFICIAL INTELLIGENCE AND THE COVID-19 PANDEMIC

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Abstract

The increase in technical possibilities in recent years has made artificial intelligence an important factor in managing migration. The article presents the current challenges related to migration management, such as the use of artificial intelligence and the consequences of the COVID-19 pandemic. The use of new technologies brings new opportunities for performances, which are used for the efficient management of migratory flows, as well as for the prevention of COVID-19 alien disease, thus states adapting their systems to the current situation with the help of artificial intelligence.

Key Words: *migration, artificial intelligence, COVID-19 pandemic, human rights*

JEL Classification: [K33, K38]

1. Introduction

Given the increase in the number of people crossing external borders, migration has led to an increase in the concern of actors involved in managing the phenomenon so that the phenomenon of migration can be turned into a benefit (Zlătescu, 2015). Thus, according to data from the International Organization for Migration, it is estimated that globally, in 2019, the number of international migrants amounted to 272 million, representing 3.5% of the existing population¹. Thus, the evolution of society, both from an economic and social point of view, as well as multicultural and political, has amplified economic migration (Zlătescu et al., 2019).

But migration management faces challenges with the development and implementation of technology for efficient management. On the other hand, migratory flows were influenced in 2020 by the COVID-19 pandemic.

We believe that the new society resulting from the development of technology must be founded on a foundation in which the main pillar is the balance between technological progress and respect for fundamental human rights. Electronic communications and services in this regard are essential factors in the development of society, playing a vital role in economic, social, political life; digital vectors influence every citizen and organization.

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¹ International Organization for Migration, World Migration Report 2020, OIM, Geneva, 2020, p. 19.

2. Migration, artificial intelligence and the COVID-19 pandemic

Artificial intelligence is a set of technologies that simulates intelligence and automatically performs tasks of perception, understanding and decision making.

In connection with migration, artificial intelligence is the set of technologies that automatically execute the understanding and decision-making in the field of migration. These techniques mainly use computers, electronics, mathematics (especially statistics) and cognitive science.

Thus, artificial intelligence has the potential to develop the way governments manage international migration. Also, artificial intelligence is used in order to perform tasks, such as verifying the identity, entry / exit of a person into / from a state, security issues, analysis of visa applications for aliens, and data on applicants for asylum, as well as regarding Dublin procedure.

As we pointed out at the beginning of the study, human mobility has experienced a spectacular dynamic in recent years. In this context, the flow of migration is difficult to track, but artificial intelligence has the ability to adapt and manage information at a fast and efficient pace.

The United Nations acknowledges the nature of technology as a "driving force" in the fabric of society's development, but states that "the same rights that people have when they are not connected to the Internet must be protected when they are connected to the Internet." Consequently, the quintessence of the development of society through technology cannot be achieved without respect for fundamental rights.

Current developments and trends have led the European Union to harmonize its efforts through a common approach, with the aim of turning technology into an efficient pillar for the benefit of society, with a direct impact on development.

The use of new technologies brings new opportunities for performance, but also introduces a number of risks to information security and privacy².

Through a legal framework, the European Union aims to benefit from digital technologies.

The Digital Agenda for Europe brought to the fore by the European Commission is one of the seven objectives of the Europe 2020 Strategy, "with the aim of defining the key driving role that the use of information and communication technology will have to play in achieving Europe's goals"³. Thus, the crucial role of information and communication technology was emphasized.

² European Union Agency For Network And Information Security, Information security and privacy standards for SMEs Recommendations to improve the adoption of information security and privacy standards in small and medium enterprises, 2015, p. 6, www.enisa.europa.eu.

³ European Commission, A Digital Agenda for Europe, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Brussels, 26.8.2010 COM (2010) 245 final / 2, [http://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:52010DC0245R\(01\)&from=en](http://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:52010DC0245R(01)&from=en).

Thus, the Europe 2020 Strategy emphasizes the importance of developing communication networks.

On the other hand, the Fundamental Rights Agency structures its key actions in order to assist the institutions, bodies, offices and agencies and the authorities of the Member States in the application of European law and fundamental rights (Zlătescu & Marinică, 2017).

The Agency argues that technological developments as well as the expansion of existing databases are emerging challenges on fundamental rights.

The methods used by the technology are extremely diverse and sophisticated. It must be acknowledged that the current level of human rights protection is not sufficiently adequate for violations committed in the virtual world. It is everyone's duty to ensure that technology reaches its full potential by guaranteeing fundamental rights, otherwise progressive change is undermined. The initiatives that have been developed in recent years must continue.

Information and communication technology offer a new stage in human rights and migration.

This issue can be supported by a new vision for the scale of current technological developments, creating appropriate conditions for crossing borders and exercising fundamental human rights. Thus, migration, respects for universal rights are inter-conditioned with cyber progress and the development of human society (Zlătescu & Zlătescu, 2018).

Building a strong society is not possible without respecting the values of the human being, these being the axes of democracy and evolution.

Ensuring cyber security is everyone's responsibility, without effort, the virtual environment will remain vulnerable. States need effective legislation to combat cybercrime.

The real challenge is to exploit the potential of new technological means as efficiently as possible without compromising fundamental freedoms and rights, encouraging use in an enabling environment. Artificial intelligence applications are used in the field of public safety, in the field of migration and analysis, as well as for crime prevention.

Artificial intelligence has also become an essential tool for practice, and the speed and efficiency of its use saves time as well as high financial resources. Another advantage of the technology is the ability to store, retrieve and process amounts of data in a very short time.

At the same time, in connection with migration, information technology comes first to facial recognition. Thus, artificial intelligence influences migration management by developing and modernizing the practices used in previous years, by deepening existing data and processing them at a high level. Consequently, we appreciate that artificial intelligence will be the main tool for migration management in the coming years.

Regarding the pandemic, migrants are one of the most affected social groups. They have been restricted in their travels, stranded in host or transit countries,

restricted due to the fact that admission or asylum procedures have been suspended in many states. Immigrants were also sometimes discriminated against, being considered carriers of the COVID-19 virus⁴. The situation of immigrants in the pandemic situation is a complex one, and the conditions varied from one state to another. For example, the number of entry points was limited in countries such as Hungary, the Czech Republic⁵. Thus, the European Commission has expressed some concerns about the restrictions on cross-border movement and has issued guidelines on the free movement of cross-border workers within the European Union⁶.

The European Commission has also established that decisions on refusal of entry must be proportionate and non-discriminatory, without prejudice to human dignity⁷. Thus, in the face of the pandemic, the authorities must assume responsibilities in the effective management of migration so as to prevent the infection of newcomers. Thus, without effective protection of human rights, the measures do not achieve their intended purpose.

It should also be noted that, in point 15 of the Recommendation of 8 April 2020, the European Commission emphasizes the importance of mobile applications to prevent infection with the new corona virus, in order to be able to 'affect the exercise of certain fundamental rights. there is respect for private and family life' (Zlătescu Moroianu, 2020).

Also, judicial activity involves the protection of human dignity, the reputation of the person, privacy, so it is essential to respect an essential principle, which is mentioned by the CEPEJ Charter of Ethics, *"The principle of quality and security: on the processing of judgments and judicial data, using certified sources and intangible data with models designed in a multidisciplinary way, in a secure technological environment"* (Moroianu-Zlătescu & Zlătescu, 2019).

The connection between migration, artificial intelligence and COVID-19 is obvious. Thus, European and national authorities can anticipate the arrival of foreigners in order to prepare reception conditions more effectively (Beduschi, 2020). In this regard, institutional actors can use existing data in order to identify potential shortcomings in facilitating their access to fundamental rights, such as the right to health, access to medical services. Authorities can also use information technology to anticipate and eliminate risks for a large number of people, so that they are physically separated and prevented from contracting COVID-19.

⁴ International Organization for Migration, Migration Factsheet No. 6 – The impact of COVID-19 on migrants, 2020, p. 2, https://www.iom.int/sites/default/files/our_work/ICP/MPR/migration_factsheet_6_covid-19_and_migrants.pdf.

⁵ OECD, Managing international migration under COVID-19, OECD Publishing, 2020, p. 3.

⁶ European Commission, Communication from the Commission Covid-19, Guidance on the implementation of the temporary restriction on non-essential travel to the EU, on the facilitation of transit arrangements for the repatriation of EU citizens, and on the effects on visa policy, Brussels, 30.3.2020 C(2020) 2050 final, p. 2-3.

⁷ European Commission, COVID-19 Guidelines for border management measures to protect health and ensure the availability of goods and essential services, C(2020) 1753 final, Brussels, OJ C 86I 16.3.2020. p. 1.

But artificial intelligence also involves risks. Thus, questions were raised about the reliability of the systems used, the dangers posed by coding, the violation of fundamental rights and confidentiality, and the widening of the digital divide between states⁸. Thus, it is necessary for artificial intelligence to be used effectively, and the modernization of skills must not affect human rights. Today, artificial intelligence requires efficient resources and computing power.

Thus, artificial intelligence is used in various fields, including migration, to deal with isolated disruptive events. We appreciate that it has such a COVID-19 pandemic. Questions are also asked about the risks of using artificial intelligence, such as dependence on automation, misuse, or errors. Access to massive, correlated, complete, qualified historical data is a major technological key to migration management and access to data related to a person's health, including foreigners.

However, it is clear that artificial intelligence allows for time and performance. In the end, society benefits from this well-being. Existing problems are easier to solve, and the coding has the effect of a long-term balance, and in case of imbalance can bring stability by implementing immediate solutions.

All this requires the creation of databases accessible to stakeholders. Thus, communication infrastructures are very important. The legal dimension is constantly taken into account, the databases being accessed only in the interest of the service and by persons who are authorized to consult the data. To this end, databases provide professionals with the information they need to make objective decisions, easily and quickly.

Certainly, we can consider that we are talking about two or two different conceptions about the interaction between migration and artificial intelligence. However, artificial intelligence does not eliminate the fact that there are cases when human perception is needed and not the technological one. In a general sense, the use of technology is useful for processing and comparing the information obtained. In a particular sense, the human factor is indispensable, for example, in the field of asylum when the interview conducted for international protection with an asylum seeker involves a subjective element. Of course, combining artificial intelligence to connect asylum seeker route data, for example, with the subjective side specific to asylum leads to effective results.

To limit the spread of corona virus, many countries have closed their borders and increased traffic restrictions (Marinică, 2020). As a notable effect of this closure dynamic, a large number of foreigners are in a state of immobility. This restriction on movement is taking on an unprecedented dimension in the context of the pandemic.

However, if the health crisis has momentarily changed the methods of European border control, the essence of its rationality remains largely intact. These restrictions are, first and foremost, part of logic of life protection, and not of a traditional logic of security or cultural incompatibility.

⁸ OECD, *Artificial Intelligence in Society*, OECD Publishing, Paris, 2019, p. 7.

Another consequence of the pandemic is the difficulty of implementing migration policies, as well as the difficulty encountered, either for the voluntary return of aliens to their countries of origin or for return. At the same time, the Council of Europe called on the Member States to release immigrants detained in reception centers during the crisis.

In short, the health crisis reveals not only the multitude of life support regimes, but also, within the same regime, disparate strategies. However, for some European countries, the health crisis caused by Covid-19 was an opportunity to implement inclusive measures for migrants (Moroianu-Zlătescu & Bucur-Ioan, 2020). For example, Portugal thus began the temporary regularization of illegal aliens on 30 March. Another example is Italy, whose government has said it wants to take similar measures for undocumented migrants, especially those working in agriculture.

Also, during the pandemic, Romania did not have the asylum procedure suspended, which is to be appreciated, because the efforts of the Romanian authorities were considerable for the asylum seekers, as well as the staff involved, to be safe during the procedure.

As we mentioned before, *“the authorities are obliged to respect the proportionality between the measures adopted, which unfortunately limit the exercise of some of the fundamental human rights, and the objective pursued”*. (Moroianu-Zlătescu, 2020)

Conclusions

Thus, international, regional European and national institutions and bodies need to cooperate and interpret competences in a broad way that allows for effective management of pandemic situations. This cooperation undoubtedly reflects a certain weight and coordination of the authorities' responses to the pandemic. Artificial intelligence helps state authorities make decisions that are much better informed, addressing global challenges. At European level, the need for artificial intelligence has been emphasized, especially in the event of a pandemic crisis.

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