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The legal status of foreigners when an epidemic occurs

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Abstract: With an eye on the balance between public health policies and international human rights standards, this study investigates the legal status and rights of foreigners during epidemic outbreaks. For foreign nationals, epidemics provide particular difficulties as nations may have differing policies about health that affect non-citizens. This paper examines important elements of foreigners' rights to health, migration, and consular help by means of examination of international treaties, public health regulations, and case studies from recent worldwide health crises. Results show that while international law requires non-discriminatory access to healthcare and due process, differences in national emergency authorities and resource allocation often

result in uneven treatment of foreigners. Emphasizing fair healthcare access, open information, and the legal use of quarantine and detention, the paper ends with suggestions for harmonizing international norms to further protect foreigners's rights in future epidemics.

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الخلاصة: مع التركيز على التوازن بين سياسات الصحة العامة والمعايير الدولية لحقوق الإنسان، تبحث هذه الدراسة في الوضع القانوني وحقوق الأجانب خلال تفشي الأوبئة. بالنسبة للمواطنين الأجانب، تُشكل الأوبئة صعوبات خاصة، إذ قد تختلف سياسات الدول بشأن الصحة، مما يؤثر على غير المواطنين. تبحث هذه الورقة في عناصر مهمة من حقوق الأجانب في الصحة والهجرة والمساعدة القنصلية، من خلال دراسة المعاهدات الدولية، ولوائح الصحة العامة، ودراسات الحالة من الأزمات الصحية العالمية الأخيرة. تُظهر النتائج أنه في حين أن القانون الدولي يشترط عدم التمييز في الوصول إلى الرعاية الصحية والإجراءات القانونية الواجبة، فإن الاختلافات في سلطات الطوارئ الوطنية وتوزيع الموارد غالبًا ما تؤدي إلى معاملة غير متساوية للأجانب. مع التركيز على الوصول العادل إلى الرعاية الصحية، والمعلومات المفتوحة، والاستخدام القانوني للحجر الصحي والاحتجاز، تنتهي الورقة باقتراحات لمواءمة المعايير الدولية لتعزيز حماية حقوق الأجانب في الأوبئة المستقبلية.

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1- Introduction :-

The fast spread of infectious illnesses and recent worldwide epidemics have underlined the need of public health policies in protecting people. Still, these policies also create special legal difficulties, especially with relation to international rights and treatment. For example, the COVID-19 epidemic made clear how differently national reactions to health emergencies affect citizens and non-citizens. From travel limitations and restricted access to healthcare to the possibility for discrimination under emergency legislation, foreign nationals may have further challenges during these occurrences.

Emphasizing how international and local laws handle problems such freedom of movement, healthcare access, and non-discrimination, this study investigates the rights, protections, and obstacles that foreigners encounter during epidemics. This paper aims to expose inadequacies and discrepancies in the treatment of foreigners and provide suggestions for a more fair and open way to handle the legal status of non-citizens in future health crises by means of analysis of current case studies and legal precedents.

I.1. Researching the legal situation of foreigners during an epidemic is very vital to guarantee that they get fair treatment and access to fundamental liberties like healthcare and freedom of movement. This study informs policy changes that combine public health demands with the human rights of all people, regardless of country, therefore helping to expose areas of protection lacking in non-discriminatory practices..¹

The research's dilemma is Investigating the legal situation of foreigners during an epidemic is difficult because of the diversity in national reactions, the conflict between public health and personal liberties, and uneven implementation of international laws. These complications make it challenging to provide fair and equal care for immigrants living under many governments during medical emergencies.

I.2. Research Methodology:

see particular cases from previous epidemics (e.g., COVID-19) to see how various nations handled immigrants about travel limitations and healthcare access and Examine legal systems across other countries to underline differences in the handling of immigrants and spot excellent practices and Combine knowledge from case studies, document analysis, and professional

¹ Yamin, A. E. (2004). Promising but elusive engagements: Combining human rights and public health to promote women's well-being. *Health and Human Rights*, 62-92..

views to provide suggestions for improving legal safeguards for foreigners during future pandemics

Research framework: Our study covered in detail. With an eye toward how public health policies affect their treatment and protections under international and national laws and the legal frameworks that control the rights of foreigners during health emergencies and how responses to epidemics differ in their treatment of foreigners versus citizens, one can investigate the legal status and rights of foreigners during epidemic. Regarding healthcare access, migration, and protection from discrimination, what rights are granted to foreigners? What difficulties do foreigners have during epidemics, and how may legal safeguards be strengthened?

II. Treatment of foreigners during the epidemic:

When an epidemic strikes, the flow of immigrants becomes a complicated problem usually limited by different public health and immigration policies. Emphasizing international frameworks, national regulations, and pragmatic results, this subject investigates the legal, logistical, and human rights aspects of controlling the movement of foreign persons. We shall address it in two parts.

a) The entry of foreigners into a country during an epidemic

Various health, safety, and immigration policies meant to reduce the danger of infectious disease transmission control foreign admission into a nation during an outbreak. Nations may temporarily forbid visitors from areas with high illness rates. Usually depending on the epidemiological condition in every nation, these limitations are decided upon and result in a dynamic list of nations under entrance prohibition. For instance, several nations—including Iraq—stopped issuing visas for visitors from severely impacted areas during the COVID-19 epidemic¹. Article (Third) the existing Iraqi Foreigners Residence

¹ in Iraq... Suspending the granting of entry visas to citizens of (5) countries | Sky News Arabia, published on the following website: - <https://www.skynewsarabia.com/middle-east/1323800>

Law makes very apparent this¹ . Since one of the main responsibilities of the government is to provide health care, the decisions taken by the government to limit the admission of foreigners are founded on preventive and health grounds, with an aim of safeguarding the public health and the safety of individuals. Article (31) of the current Iraqi constitution says that² . This is abundantly evident from Article (1/Third) the Iraqi Foreigners Residence Law in force. Since one of the main responsibilities of the government is to provide health care, the decisions taken by the government to limit the admission of foreigners are founded on preventive and health grounds, with an aim of safeguarding the public health and the safety of individuals. "Every Iraqi has the right to health care; the state is concerned with public health...." the current Iraqi constitution says in Article (31). Article 25 of the 1948 Universal Declaration of Human Rights (UDHR) guarantees every person their right to a sufficient quality of life guaranteeing their health and well-being. This covers access to food, clothes, shelter, and medical treatment in addition to one's right to health. "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control." the article says. Those foreign visitors intending to enter a nation during an outbreak might have to satisfy certain health criteria, like Health Declarations Travelers might be obliged to complete health declaration papers detailing their condition and any epidemic-

¹ Foreigner Residence Law No. (76) Of 2017" for a foreigner to enter and leave the territory of the Republic of Iraq, the following Third: He/ she shall prove free from communicable and contagious diseases and acquired immunodeficiency in accordance with the law"

² " First: Every citizen has the right to health care. The State shall maintain public health and provide the means of prevention and treatment by building different types of hospitals and health institutions. Second: Individuals and entities have the right to build hospitals, clinics, or private health care centers under the supervision of the State, and this shall be regulated by law."

related symptoms¹ . as per Negative Findings on Tests Proof of a negative test for the disease—such as COVID-19—may be required during a certain period prior to travel and Vaccine Verification Certain nations demand confirmation of inoculation against the illness before admission and quarantine policies, Many nations impose quarantine rules upon entry, which could include Mandatory Quarantine, Particularly if traveling from high-risk locations, travellers may be obliged to self-isolate for a certain amount of days, typically in government-approved facilities. Authorities may track compliance electronically or via phone check-ins. Common health inspections at points of entry (such as airports) during epidemics are temperature checks; travellers may use these to find people displaying symptoms. Symptom Questions Screening may also include inquiries about recent travel history, verified case exposure, or symptoms. To create rules for safe travel during epidemics, nations may collaborate with international health agencies as the World Health Organization (WHO). Information on health hazards, advised behaviors, and emergency action plans may all be shared in this cooperative effort Given the above governments have to strike a compromise between public health demands and personal liberties Public health regulations and international agreements frequently direct decisions on entrance restrictions² . Promoting fair treatment of visitors while safeguarding public health presents moral conundrums, especially with relation to prejudice against certain nationalities.

b) Freedom of movement and residence for foreigners during a pandemic

¹ Dr. Ahmed Omar Al-Rawi, Health Rights of the Iraqi Individual between Reality and State Responsibility, Al-Mustansiriya Journal for Arab and International Studies, issued by Al-Mustansiriya Center for Arab and International Studies at Al-Mustansiriya University, Volume Sixteen, Issue Thirty-Two, 2010, p. 2.

² Karima Ben Saghir, Ibtissam Ghanem, Social Developments of the COVID-19 Pandemic among Algerian University Youth and the Accompanying Values, Psychological and Educational Studies, a research published in Volume 14/Issue 2/August, 2021, p. 630.

A basic human right safeguarded by many international human rights agreements is the right to freedom of movement within a state. In Article 13, the Universal Declaration of Human Rights (UDHR), declares that "everyone has the right to freedom of movement and residence within the borders of each state." This clause guarantees people's freedom to migrate inside their own nation without intervention, therefore fostering autonomy, privacy, and personal liberty by means of their choice of place of abode.

In Article 12, the International Covenant on Civil and Political Rights (ICCPR) also upholds this freedom by noting that people have the ability to migrate anywhere inside their own nation. Any limitations on this right must also be legally grounded, required, and in line with the defense of public health, public order, or national security.

Accessing chances, resources, and services depends on this right, which also represents the dedication of the international community to preserve personal liberty and dignity. Still, it is also subject to legitimate restrictions, usually in order to serve more general society demands such during public health crises. The Iraqi Constitution of 2005 protects freedom of travel within Iraq under Article 44(1). It says that, in line with the law, every person has the freedom to travel freely, live in, and leave their nation without constraint. In line with international human rights norms, Iraq's legal system guarantees individual liberty and personal independence, hence this clause is a component of that commitment. Though basic, a right to freedom of movement is not unqualified. Both national constitutions including Iraq's and international law provide for certain limitations on this right under particular conditions¹ .

¹ Dr. Saadi Muhammad Al-Khatib, Foundations of Human Rights in Religious and International Legislation, 1st ed., Al-Halabi Legal Publications, Beirut, 2010.p.98.

Drawing on the International Covenant on Civil and Political Rights (ICCPR),

¹ , If such limitations are legal, required, and reasonable, freedom of movement may be curtailed. Justifiable causes for these restrictions might include national security, public safety, public health, or the preservation of public order and individual rights. Reflecting this idea, the 2005 Iraqi Constitution affirms the right to free movement but also notes that legal clauses may impose restrictions.

To safeguard the populace during crises, including public health crises, governments could set curfews, travel bans, or quarantine areas. These limitations, however, usually have to be open, non-discriminatory, and necessary to fulfill legitimate public objectives; so, they should not violate personal liberties more than absolutely needed. Like many nations throughout the globe, Iraq severely restricted freedom of travel in 2020 in order to stop COVID-19 from spreading² . The Iraqi government instituted policies including nationwide curfews. Iraq instituted national curfews beginning in March 2020, therefore severely limiting travel across provinces and between cities. Initially rigid, few hours were subsequently changed based on the area and infection prevalence. Then Travel Restrain and Border Closure Particularly from nations with high infection rates, Iraq banned international flights and closed its borders

¹ **In Article 12"** 1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. 2. Everyone shall be free to leave any country, including his own. 3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant."

² Prof. Dr. Mona Kamel Turki, Freedom of Movement in the Time of Corona in the State of Health Emergency and Ensuring the Right to Life, Dar Al-Sanhouri, Baghdad, 2021 edition, p. 247

to both arriving and leaving visitors. Periodically restricted land crossings and airports affected domestic as well as international travel¹.

Although pandemics could call for limits on foreign citizens' freedom of movement, these constraints have to be weighed against international human rights duties. Measures should be required, reasonable, non-discriminatory, thereby guaranteeing the protection of foreigners' rights even in times of health crisis.

III. . Deportation of foreigners from the country's territory when an epidemic occurs:

Indeed, international public law offers a framework that helps governments to define and respect the rights and safeguards of foreign people within their territory, therefore grounding the rights of foreigners in global public law. Customary international law, bilateral and multilateral treaties, and international human rights instruments taken together usually help one to identify these rights. In international relations, reciprocity is a fundamental concept for controlling treatment and rights of outsiders². Widely embraced by governments, this idea guarantees that a nation treats foreign people as its own residents would be treated in those distant countries. Reciprocity basically provides the foundation for mutual respect and equitable treatment of people across boundaries, thereby promoting collaboration and establishing a benchmark for regional and global policies in the handling of foreigners³. In international relations, the reciprocity principle is in fact a flexible, rather than obligatory, rule that nations may choose to follow depending on particular

¹ Yasser Atwi Al-Zubaidi, The Right to Freedom of Movement: A Comparative Constitutional Study, an article published on the Internet and on the following website: - <https://fcds.com/mag/issue-4-9.html> p.6

² Article 22 of the Iraqi Constitution emphasizes Iraq's commitment to international agreements, which often include reciprocal arrangements.

³ Dr. Muhammad Jalal Hassan Al-Mazuri, Private International Law on Nationality, Domicile and the Status of Foreigners, 1st ed., Yadgar Library, Sulaymaniyah, 2018, p.245.

situation. Usually, this concept guarantees equitable treatment across nations, enabling a nation to provide certain rights or advantages to foreigners depending on the treatment of its own people in that other land. To control public health concerns, governments all around—including Iraq—adjusted or halted their regular reciprocal agreements during the COVID-19 epidemic. Due to the health concerns raised by the virus and the different COVID-19 control policies each nation employed, Iraq temporarily stopped reciprocal agreements including those pertaining to visa issuing in the case of Turkey and Iraq¹. This choice was taken to stop the virus from spreading and to safeguard the health of Iraqi people, therefore demonstrating that public health demands superseded diplomatic norms including reciprocity. Given the above, we will split this part into two necessary sections. As follows: in the first part we will address the legal aspect of the expulsion of a foreigner; in the second section we will address the legal frameworks controlling the rights of foreigners during health crises.

i. III. The legal nature of the deportation of a foreigner

Usually on grounds of breaching immigration rules or endangering public order, national security, or public health, foreign expulsion is the legal procedure by which a country removes a foreign citizen from its territory². Depending on the rules of the nation in issue, the situation surrounding the person's presence, and international treaties or agreements, the deportation procedure could differ greatly³. Usually under the direction of immigration rules, which specify the

¹ Dr. Zeina Hazem Khalaf, Acceptance of Foreigners in Light of the Coronavirus Pandemic, a research published in Al-Rafidain Journal of Law, Volume (21), Issue (75), Year 2020.p.98

² Institute of International Law is an organization founded in 1873 by Gustave Roulin-Jacomins and Gustave Moyes, which aims to study, disseminate and develop international law. Dr. Zeina Hazem Khalaf, previous source, p. 116

³ Article (3/1) of Protocol No. (4) of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1968 stipulates that "No one may be expelled from the territory of the State of which he is a national, whether by individual or collective action." Available at the following link: -

<http://www.1.umn.edu/humanrts/arab/eupro4.htm1>

circumstances under which a foreign person could be deported, deportation takes place Typical causes of deportation include overstaying a visa, committing crimes, or neglecting residence rules. Deportation is defined in Article (1/Second) of the Iraqi Foreigners' Residence Law No. (76) of 2017 as "the competent authority requests that a foreigner legally residing in the Republic of Iraq to leave it".

Considering the following Deportation is a complicated legal procedure wherein foreign citizens are expelled from a nation in order to serve public interests¹ . Deporting foreign nationals during a pandemic has a legal character defined by the junction of immigration law, public health regulations, and human rights issues. governments usually use public health policies and current immigration rules to enable the expulsion of immigrants during an epidemic , Many nations, like Iraq, have policies in place allowing foreign people to be deported based on health and safety issues and to have visas suspended. Many times, these actions are justified under the idea of preserving public health and slowing down disease transmission. During the COVID-19 epidemic, for example, nations instituted travel restrictions and health checks that often contained clauses allowing deporting of immigrants from areas with high infection rates Health Justifications Public health regulations empowering authorities to take required measures to stop the spread of contagious illnesses typically provide the legal foundation for deportation during a pandemic. For instance, the Iraqi government carried out several public health initiatives during the COVID-19 epidemic, including policies allowing for the deportation of foreigners not following health rules and restrictions on admission for

¹ The 1951 Geneva Convention relating to the Status of Refugees stipulates in its Article (32|1) that "a Contracting State shall not expel a refugee lawfully in its territory save for reasons of national security or public order." This applies to all persons lawfully present in the territory of the receiving State. And Article (3/1-2) of Protocol No. (4) of the Convention for the Protection of Human Rights and Fundamental Freedoms 1968 stipulates that "No person may be expelled from the territory of the State of which he is a national, whether by individual or collective action."

visitors from high-infection countries. Psychological considerations Iraqi officials evaluate the epidemiological state to see if deporting immigrants from areas with high infection rates is necessary¹. Guidance from international health organizations, including the World Health Organization (WHO), which counsels nations to implement required measures to stop disease transmission, typically shapes this choice. Governments would argue that a vital public health precaution is deporting immigrants who could possibly carry contagious illnesses. Although governments might have legal justification for deportation, international human rights standards restrict these acts. This idea is still very important even in public health crises. Organizations like the United Nations have underlined, outside of the public health context, the need of making sure deportations do not violate human rights. Under public health arguments, for instance, the U.S. government accelerated deportations, which drew condemnation from human rights activists. On the other hand, several nations have instituted moratoriums during major epidemics to stop the virus from spreading inside prisons. Considering the aforementioned Deporting aliens pandemic has a legal character including intricate connections with immigration law, public health regulations, and safeguarding of human rights². Governments have to negotiate the moral and legal ramifications of such measures even if they may have the power to deport people depending on health concerns.

¹ Discretionary power means that "the administration has broad authority to manage some legal work, meaning that the administrative control authorities have the freedom to choose the appropriate work at the appropriate times." Dr. Salem Jarwan Al Naqbi, The Rights and Duties of the Foreigner and the Position of the Laws of the United Arab Emirates and Islamic Sharia Thereon and the Effect of That on His Deportation: A Comparative Study, Journal of Legal and Economic Research, Menoufia University, Faculty of Law, Volume 18, Issue 31, 2010, p. 141.

² Announcement by the President of the United States of America, President (Donald Trump), to suspend the entry of immigrants who pose a risk to the American labor market during the economic recovery after the outbreak of COVID-19, 4/22/2020, published on the Internet and on the following website: -

<https://www.whitehouse.gov/presidential>

ii. III. Legal frameworks governing the rights of foreigners during the pandemic

Legal systems controlling foreign citizens's rights during health crises are complex and vary greatly across nations. These frameworks are outlined below along with important components and sources:

a. International Human Rights Law

Conventions and accords from throughout the world provide foreigners' rights during health crises a basis. Article 12 of the International Covenant on Civil and Political Rights does in fact provide everyone, including foreigners, their right to freedom of movement¹. States have, however, the power to limit this freedom to safeguard public health during health crises². This balancing task is making sure public safety precautions do not unfairly compromise personal liberties. The ICCPR states that everyone even foreigners living within a state will be free to leave any nation, including their own. Law, however, may restrict this freedom in the interest of public health, particularly in times of crisis; States must therefore justify such limitations, thereby guaranteeing that they are required, proportionate, and non-discriminatory. Governments may enact quarantine, isolation, and travel restrictions among other policies during health crises. Public health laws and rules aiming at limiting the spread of contagious illnesses typically direct these actions³. To lower the danger of viral spread, some nations, for example, put travel restrictions and quarantine rules in

¹ Dr. Abdul Rasool Abdul Redha Al-Asadi, Private International Law, 1st ed., Al-Sanhouri Library, Baghdad, 2013, p. 177

² Also, the French Constitution of 1958 did not provide a specific text regarding the right of a person to freedom of movement, but rather referred the exercise of this freedom to the French Declaration of the Rights of Man and of the Citizen of 1789, as part of the French Constitution, where the Declaration stated that "every man persecuted for his work for freedom has the right to asylum in the territory of the Republic." Arlette Heyman-Doat, *Liberte Publiques et Droits del"Homme*.be edition L.G.D.J, Paris, 2000, p.11.

³ Prof. Mona Kamel Turki, Human Rights and the State of Exceptional Emergency in Light of the Coronavirus Covid-19 Pandemic, 1st ed., Dar Al Nahda Al Arabiya - Egypt, Dar Al Nahda Al Ilmiya - UAE, 2021.p.17

place during the COVID-19 epidemic As long as these actions were evidence-based and open, the WHO backed them. Reviewing government activities concerning public health is mostly dependent on courts, who also play a vital role¹ . They follow international human rights norms and evaluate whether limitations on freedom of movement are acceptable. Legal disputes might result from someone believing their rights are being infringed. Restrictions ought to be applicable to every person without regard to immigration status or country. Any health policies disproportionately affecting immigrants might come under judicial investigation² . Although Article 12 of the ICCPR protects the right to freedom of movement, nations have the power to impose required limitations during a health crisis. To guarantee adherence to international human rights commitments, these steps must, nonetheless, be justifiable, reasonable, and non-discriminatory.

b. National Public Health Laws

Many nations have particular public health rules defining the government's power in times of health crises As mandated in Iraqi Public Health Law Articles 46 and 47³ . Usually, these rules ask for clauses pertaining to quarantine and isolation. Legal systems in many nations let people including foreigners—who could endanger public health be quarantined. For instance, National laws may provide governments the authority to impose travel bans or entrance restrictions

¹ Dr. Ibrahim Ahmed Ibrahim, Private International Law, Book One, Status of Foreigners and Conflict of Laws, without publisher, 1992.p.96

² Iqbal Mubdar Nayef, The Legal System for Deporting Foreigners (Comparative Study), Master's Thesis Submitted to the Council of the College of Law, University of Babylon, 1433 AH - 2012 AD, p. 2

³ Article 47 of Public Health Law With Its Amendments No. (89) Of 1981 that: " The Minister of Health or whomever he/ she authorizes may announce, in a statement issued by him/ her when one of the diseases subject to the International Health Regulations is spread, laying hand on any means of transportation and any official building and inviting any person to participate in the health control campaign, provided that the statement determines the period of its validity and pays the owners of private means of transport and people wages determined by the health authority based on the tariff for determining the wages in force in the affected area"

an epidemic; the U.S. Centers for Disease Control and Prevention has rules allowing for isolation and quarantine actions during health crises . This was clear during the COVID-19 epidemic, when governments declared public health crises and imposed travel restrictions based on epidemiological evidence, therefore momentarily changing the legal environment for foreigners. Often, these announcements provide authorities further authority to properly handle health emergencies like Emergency Regulations, As numerous nations have shown during the COVID-19 epidemic, countries may create emergency rules including clauses allowing for the expulsion of individuals judged to constitute a health concern¹ . Foreigners usually still have the right to due process even amid health crises. This comprises Foreigners subject to deportation or other legal proceedings should usually be permitted to see lawyers. Many legal systems include means for people to appeal rulings on deportation or rights limits during health crises. Legal precedents can help to define foreigners' rights in times of crisis. Courts all over have handled instances addressing the balance between public health policies and personal liberties, thereby helping to change the legal scene. Courts in the United States, for instance, examined whether governmental measures infringed rights to freedom of movement, religious practice, and bodily autonomy when they answered various challenges on lockdown and mask rules. Applying the "strict scrutiny" concept, U.S. courts often assessed whether health policies were the least restrictive methods to achieve public health objectives, therefore supporting measures judged required and appropriate for the health problem.

Comparably, in Europe, the European Court of Human Rights decided on cases contesting European Convention on Human Rights-based pandemic limitations.

¹ Eid Laghrib, The Legal System for Deportation and Expulsion of Foreigners in Algeria, Master's Thesis Submitted to the Faculty of Law and Political Science, Department of Law, University of Mohamed Khider - Biskra, 2014/2015, p. 9

Emphasizing that governments have a margin of appreciation but must make sure that limitations do not unduly restrict rights, the ECHR evaluated the need and proportionality of government measures.

These examples show a common judicial attitude; while governments may impose limitations during health crises¹, such actions must balance public interest with individual rights, staying confined to what is necessary and proportional to preserve public health.

¹ Dr. Sassi Najat, The Impact of the Corona Pandemic on Immigration and Foreigners Laws, Annals of the University of Algiers 1, Volume (34) Special Issue: Law and the Covid 19 Pandemic, 2020, p.164

.Conclusion

Studies on the legal situation of foreigners during an epidemic provide understanding of how national and international legal systems change to strike a compromise between public health and human rights. Based on prior reactions, especially during the COVID-19 epidemic, the following are the main conclusions and suggestions:

Results

1-Depending on the laws of the host nation and the legal status of foreigners, immigrants often find different legal safeguards during epidemics. While some nations provide sufficient legal safeguards, others impose restrictions that could violate the rights of foreigners, like as on freedom of movement and access to healthcare.

2- Many nations limit or outright forbid visitors from high-risk areas, therefore compromising their freedom to enter or leave a nation. Often depending on the epidemiological situation of the nation, these policies were changed; sometimes they lacked consistency or openness.

3. Arriving foreigners were sometimes obliged to go through obligatory quarantine or testing. This led to different experiences: some nations set government-funded quarantine facilities while others demanded foreigners to pay for their quarantine, therefore burdening non-residents.

4- Foreigners sometimes had obstacles in obtaining healthcare treatments, particularly those with unstable or illegal status. Sometimes foreigners lacked access to COVID-19 treatments or vaccinations, which emphasizes the importance of inclusive healthcare policy during a pandemic.

5. Many immigrants struggled to find legal means of protest to policies placed upon them. Lack of defined appeal systems heightened vulnerabilities, therefore depriving many immigrants of sufficient representation or assistance.

Proposals

1-Establishing similar worldwide guidelines for managing immigrants during epidemics guarantees fair and equitable treatment. More specific rules to support the defense of foreign rights during health crises might come from the World Health Organisation (WHO) and United Nations.

2-Policies developed by governments should ensure, during epidemics, healthcare access for every person regardless of residence status. This covers guarantees of availability and accessibility of immunizations, tests, and treatment for foreigners.

3-Clear communication to impacted people should accompany transparent, reasonable, evidence-based travel restrictions implemented by different countries. Frequent evaluations of restrictions would guarantee that actions are justified, therefore helping to prevent needless limits on the rights of foreigners.

4-Particularly in situations when quarantine is required, countries should take into account subsidizing or totally paying quarantine expenses for foreigners unable of affording them. This may encourage public health compliance and help to avoid excessive financial load on immigrants.

5. Legal systems ought to provide easily available appeal procedures for foreigners subject to emergency limits. Furthermore there should be anti-discrimination laws, which guarantee that in emergency conditions immigrants get equal treatment with citizens.

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