

## INFORMATION SHEET 28 MAY 2020:

### COVID-19 MEASURES RELATED TO ASYLUM AND MIGRATION ACROSS EUROPE

*In response to requests for information, ECRE has compiled this non-exhaustive list of measures related to asylum and migration introduced in response to the COVID-19 health crisis in Europe. The list includes measures introduced by governments and is based on open-source information, and information provided directly by ECRE members. ECRE has used its AIDA database and the ELENA network, including information provided by ELENA network members, as well as information compiled by PICUM. In particular, ECRE has benefited from and included the extensive information compiled by JRS Europe.*

*The information sheet is published and distributed to assist others in monitoring the impact of COVID-19. It is not intended to be exhaustive or definitive. All efforts have been made to ensure that the information is up-to-date, but note that the information has been collected over the last few weeks and measures in place might evolve rapidly.*

#### **ACCESS TO ASYLUM:**

**Austria:** [According to a decree](#) issued by the Austrian ministry for the interior, applicants for international protection can be rejected at the border if they do not provide a medical certificate. Since May 2020, advisory offices and authorities have been slowly reopening. The office hours of the Federal Office for Immigration and Asylum (BFA) resumed slowly as from 18 May 2020. Time limits for legal remedies, which had been suspended between 22 March and 30 April 2020, have started again on 1 May 2020. There will be no further suspensions.<sup>1</sup>

**Belgium:** On 17 March 2020, the Belgian Immigration Office closed the arrival centre for newly arriving asylum seekers. The access to the asylum procedure was thus temporarily suspended. On 3 April 2020 the Immigration Office<sup>2</sup> announced that all applicants that want to register a demand for international protection are obliged to make an appointment at the Registration Centre by using an online form (available in Dutch or French). An e-mail is sent to the applicant with a confirmation of the date and the time of the appointment. CSO have provided assistance in completing the online form. They have encountered numerous problems and ask the authorities to phase out this system as soon as possible, and to resume to the classic registration system with the necessary health measures in place. Regarding the **examination of applications for international protection**: No personal interviews are taking place at the Commissioner General for Refugees

<sup>1</sup> For more information that is regularly update please consult the website of UNHCR Austria : <https://help.unhcr.org/austria/covid-19-coronavirus-information/asylum-procedure/>

<sup>2</sup> Immigration Office, Application for International protection: obligation to make an appointment at the Registration center 'Klein Kasteeltje', 3 April 2020, available at: <https://bit.ly/2xL5AB3>.

and Stateless Persons (CGRS) for the time being. Personal interviews in closed centres only take place by means of videoconference if there are sufficient guarantees that rules of social distancing will be observed in the interview room at the centre. However, the CGRS keeps working so decisions in pending cases are still being taken and civil status certificates are still being delivered.<sup>3</sup> Regular Audiences for appeals before the Council for Alien Law Litigation were suspended. As of 19 May 2020 the CALL will systematically resume audiences.

**Croatia:** Since 19 March 2020, crossing the state borders is temporarily prohibited,<sup>4</sup> except in explicitly indicated cases, and measures restricting social gatherings, working hours of stores, services, sports, and cultural events are ordered.<sup>5</sup> The decision temporarily prohibiting crossings at the border was extended until 18 May 2020.<sup>6</sup> The Ministry of Interior published a notification according to which no measures prescribed by the Law on Foreigners will be taken against foreigners on short stay as a certain number of persons cannot leave the Republic of Croatia within the time limit prescribed by the Schengen Borders Code.<sup>7</sup> However there is no information available on whether similar measures should apply to rejected applicants for international protection who were ordered to leave Croatia or those who decided to voluntary return. In addition, it is not clear whether rejected applicants for international protection are allowed to stay in the Reception centre for Applicants for International Protection.

**Cyprus:** general measures to address increase in arrivals, including prevention of access to territory at maritime borders and suspension of asylum procedures, have been justified as COVID-19 measures.

On Friday 20 March, the Cypriot authorities, for the first time, pushed back a boat carrying 115 Syrians, of whom 69 were children. They used COVID-19 as a justification for this measure. Reportedly, the authorities identified the boat prior to reaching the shores of the RoC Officers in uniform, wielding guns, boarded the boat, seized the mobile devices of the people on board, threw the devices overboard and directed the boat to leave the territorial waters of the RoC and return to Syria. Later on, during the day, the boat reached the shore in the areas not under the effective control of the Republic and the refugees were transferred to a stadium for the weekend. All were tested for COVID -19 and all were found negative.

On **suspension of access to asylum**, no official decision or announcement had been made, however it is clear that the authorities are not receiving asylum applications, although there is a lack of clarity as to whether this is a measure in response to COVID-19 or the high numbers of

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<sup>3</sup> CGRS, working of the CGRS during the coronacrisis, 25 March 2020, available at: <https://bit.ly/345Wmv2> ; CGRS, FAQ Corona, 27 March 2020, available at: <https://bit.ly/3bP0pyM> .

<sup>4</sup> National Civil Protection Authority, *Decision temporarily prohibiting crossings at the border crossings of the Republic of Croatia*, available in Croatian at: <https://bit.ly/3aoKwOj>.

<sup>5</sup> National Civil Protection Authority, *Decision on measures restricting social gatherings, working hours of stores, services, sports, and cultural events*, available in Croatian at: <https://bit.ly/351ek2B>.

<sup>6</sup> National Civil Protection Authority, *Decision amending Decision temporarily prohibiting crossings at the border crossings of the Republic of Croatia*, available in Croatian at: <https://bit.ly/2KgiWlu>.

<sup>7</sup> Ministry of Interior, 'Notice to Third-Country Nationals', 30 March 2020, available in Croatian at: <https://bit.ly/3bilKRa>; and in English at: <https://bit.ly/2Vdwj2s>.

applicants.

The Cyprus Refugee Council received information from new arrivals in the country who had been denied access to the procedure. The initial information (dated 16 March 2020) concerned partial access. The Immigration Unit informed persons requesting to apply for international protection that they would not be allowed access without a national passport. A query was addressed to the authorities in an attempt to confirm or repudiate the information. It was neither confirmed nor denied by the public authority. As of 17 March, the responsible authority has denied access to the asylum procedure altogether, regardless of whether the person of concern had any identification documents. A total of 23 people have contacted the Cyprus Refugee Council (CyRC) and/or a partner NGO to report that they were denied access to the procedure. Among them were four unaccompanied children.

As of the 1<sup>st</sup> of June ports will reopen with the exclusion of embarking/disembarking of cruise ships.

In March 2020 interviews for the examination of asylum applications had been suspended until further notice. However, examination of cases where the interview has taken place is continuing. Regarding appeals, the procedures before all national courts have been suspended with the exception of urgent cases and/or cases with a deadline set by the Constitution. This means the Court Registrar of the IPAC will receive legal aid applications and appeals against asylum decisions and other related asylum cases (i.e. family reunification) but the proceedings are suspended. Only proceedings on detention orders are considered urgent and are examined.

**Czech Republic:** still [registering asylum applications](#). However, borders were closed. From the May 26th, 2020 it is possible to cross the land borders with Germany and Austria at all railway crossings, all main road crossings and the Hřensko river crossing. In addition, the checks at the common borders with Germany, Austria will be executed in a targeted and flexible manner.<sup>8</sup>

**Denmark:** Borders are closed until 31 May 2020, but all persons with a worthy purpose, such as asylum seekers and persons with residence permits in Denmark, can still enter.<sup>9</sup> Asylum seekers will be transported by the police to the Sandholm Reception Centre, where they will undergo medical examination and possible quarantine in case of medical indications of COVID-19.<sup>10</sup>

**Finland:** [all interviews are cancelled](#) as of 13 March but no official suspension of procedures. Persons applying for asylum are allowed to come to Finland. The government website states that they have to tell the border control authorities immediately that they wish to seek asylum. To apply for asylum in Finland, they must talk to a police or a border control official in person.

**France<sup>11</sup>:** Registration activities have been temporarily suspended following the closure of (almost

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<sup>8</sup> For more information see : <https://www.mvcr.cz/mvcren/article/coronavirus-information-of-moi.aspx>

<sup>9</sup> See: <https://politi.dk/en/coronavirus-in-denmark>.

<sup>10</sup> See: <https://www.nb-okonomi.dk/2020/03/14/politiet-skal-koere-asylansoegere-fra-graensen-til-sandholm/>

<sup>11</sup> Information known on 31 March 2020, Full AIDA report available here :

all) single desks for asylum seekers (*Guichet unique pour demandeur d'asile* – GUDA). Subsequently, access to the asylum procedure and to reception conditions is suspended. This measure has no legal basis and mainly resulted from the lack of available civil servants within State agencies. No derogations are foreseen for applications lodged at borders, although it should be noted that the implementation of the existing legal framework already faces challenges. An instruction has been published by the French Prime Minister on 18 March 2020 with the aim to limit the spread of COVID-19 at borders, but it makes no reference to the right to seek asylum.<sup>12</sup>

The Council of State ordered in a ruling of 30 April 2020 that the Ile de France region must open its GUDAs within the next 5 days, as their temporary closure is not foreseen in law.<sup>13</sup> On 5 May 2020 the French Office for Immigration and integration communicated that registration would start again as of that day, upon appointment.

As for the examination of applications for international protection: first and second instance asylum authorities have adapted their respective procedures. For a detailed overview, please consult their websites: OFPRA: <https://bit.ly/39ym4K2> and CNDA: <http://www.cnda.fr/>

It should be further noted that the declaration of a state of health emergency has enabled the suspension of time limits for appeals in many areas, including appeals against decisions taken by the determining authority (i.e. appeals in front of the CNDA and/or other appeals).

**Germany:** The Federal Office for Migration and Refugees has changed its policy of accepting applications in person in order to comply with the need to avoid contact, and is only accepting applications in writing. A prerequisite for applying by means of a "form application" is that applicants must have registered in an initial reception facility of the Federal Länder, where a proof of arrival (Ankunftsnachweis – AKN) is also issued. The "form application" is then completed, signed by the applicant in person, and then sent to the Federal Office, together with a copy of the proof of arrival. Once it has arrived, the Federal Office issues permissions to reside (Aufenthaltsgestattungen), and sends them to the applicant together with written instructions on the asylum procedure. The Federal Office is concentrating its asylum efforts on taking decisions, if possible without conducting interviews. Interviews are still also being held in special cases, particularly those relating to security. Mobile teams are being deployed for this purpose. The asylum procedure counseling by the Federal Office for Migration and Refugees has been temporarily suspended.<sup>14</sup>

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[https://www.asylumineurope.org/sites/default/files/report-download/aida\\_fr\\_2019update.pdf](https://www.asylumineurope.org/sites/default/files/report-download/aida_fr_2019update.pdf)

<sup>12</sup> French Prime Minister, Instruction on decisions to be taken to control the spread of Covid-19 at borders, 18 March 2020, available in French at: <https://bit.ly/3aBEB9o>.

<sup>13</sup> Conseil d'état, 30 avril 2020, décisions N°440250, 44025 ; See also: Forum Réfugiés, L'impact de la crise sanitaire sur le droit d'asile en France, 20 May 2020, available at : <https://bit.ly/35zCWzB>.

<sup>14</sup> For more information and latest update please consult the website of Federal Office for Migration and refugees, at : <https://www.bamf.de/EN/Themen/AsylFluechtlingschutz/asyfluechtlingschutz-node.html>

**Greece:** The Asylum Service and all RAO and AAU between 13 March 2020 and 15 May 2020 has suspended the reception of public. During this period *inter alia* no registration of new asylum applications were possible, no interview took place and no appeals were registered. On the basis of a ministerial decision, asylum seekers cards expired between 13 March 2020 and 31 May 2020, are renewed for six months from the day of the expiry of the card, thus applicants do not have to present themselves to the Asylum Service for renewal up until the 31 May 2020, with exceptions of applicants in Lesbos, Samos, Chios, Leros and Kos.

The Asylum Service resumed its operation on 18 May 2020, which included the service of first instance decisions and the lodge of appeals. Since 18 May 2020, a number of administrative procedures (applications for a change of address/telephone, for a change of personal data, for the separation of files, for procurement of copies from the personal file, for the rescheduling/prioritization of hearings, for the provision of legal aid etc.) can take place online. Applicants who had their interviews scheduled during the suspension of the work of the Asylum Service (13 March 2020- 15 May 2020) will have to reschedule their interviews. Test asylum interviews at a distance, will also be conducted. With the exception of persons under administrative detention, no registration of new asylum application took place, at least during the two first weeks following the resumption of the operation of the Asylum Service (18 May 2020 - 30 May 2020).

**Hungary:** State of emergency due to COVID-19 with the right to apply for asylum suspended. On May 14 the Court of Justice of the European Union (CJEU) delivered a judgement in a case concerning the placement in the transit zone on the border between Hungary and Serbia declaring it unlawful detention. On May 21, Hungarian authorities moved 300 people to semi-open facilities and declared that the transit zones will be abolished.

**Italy:** on 7 April 2020 Italy issued a ministerial decree in which it declared its ports unsafe.<sup>15</sup> People arriving in Italy are subject to fiduciary isolation for 14 days. Only after this period has elapsed, entitled people can access the reception facilities for asylum seekers (Mol circular 1 April 2020). Registration activities have not been suspended. Nevertheless, the closure of the Questure, decided by Mol Circulars<sup>16</sup> have caused difficulties, delays and in many cases the impossibility of accessing the asylum procedure at all. Some Civil Courts, such as the one of Rome, ordered the Questura to register the asylum application.<sup>17</sup>

**Ireland:** interviews are suspended, however applications can still be made as usual at the International Protection Office. No recommendations to either grant or refuse refugee status have been made since mid-March 2020. The Department of Justice has said face-to-face interviews with

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<sup>15</sup> Decree 7 April 2020, available in Italian at: <https://bit.ly/3dqzDxg>.

<sup>16</sup> Mol Circular, n. 0020359 of 9 March 2020, expressly provides that the activities related to the expulsion of irregular migrants and those related to access to the international protection procedure must be insured (at the time of writing the Mol circular has been extended until 3 of May 2020) available in Italian at: <https://bit.ly/2WhzyOX>.

<sup>17</sup> Civil Court of Rome, Order of 7 April 2020, available in Italian at: <https://bit.ly/2WM7hqu>.



applicants have been cancelled until further notice.<sup>18</sup>

**Malta:** The Maltese government [informed](#) the German foreign ministry that due to COVID-19 it will not allow disembarkation of migrants rescued by German Search and Rescue NGOs, even if other MS accept relocation. On 9 April 2020 the Maltese authorities issued a statement that in light of COVID-19 and the logistical and structural problems for health services associated therewith, Malta could no longer “guarantee the rescue of prohibited immigrants on board of any boats, ships or other vessels, nor to ensure the availability of a “safe place” on Maltese territory to any persons rescued at sea.” With this statement, Malta has effectively shut its sea borders to those who arrive by sea and are in need of international protection.<sup>19</sup> On 15 April 2020, the International Organization for Migration (IOM) confirmed that five people were found dead in a boat left stranded in Maltese waters, with survivors saying that another seven people were missing and presumed dead. The boat had been left floating in Malta’s Search and Rescue (SAR) zone for several days before it was intercepted by a commercial vessel on 14 April 2020 and handed over to the Libyan coast guards. IOM said that survivors were then placed in detention in Tripoli.<sup>20</sup> The news sparked outrage among the NGO community which expressed their anger over the deaths of migrants and the illegal push-back of the survivors to Libya. Healthcare professionals also reacted pointing out that allowing people to die in the name of public health was contradictory.<sup>21</sup> The Government reiterated and justified its decision to close its port and claimed that Malta followed the established coordination procedure when the boat entered Malta’s SAR zone.<sup>22</sup>

Amnesty international reported that Maltese authorities have been holding for weeks about 160 people on two private vessels used for coastal tourism off Malta’s territorial waters, under the pretext of COVID-19. They were transferred to ferry boats after their rescue in separate operations in the central Mediterranean, on 29 April and 7 May. The situation on board is becoming unbearable as the boats are not suited for long stays.<sup>23</sup>

*JRS Europe:* The doors are closed – people cannot renew documents, but the Office of the Refugee Commissioner in Malta will confirm status to other relevant authorities if required. Registration of new asylum applications can be done by phone and/or email. All communication is by phone and/or email.

**Netherlands:** [the asylum procedure](#) was suspended initially up to and including 6 April, the registration of third-country nationals has been limited to the of taking fingerprints and on that basis

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<sup>18</sup> See also : Irish Refugee Council, submission to the special Committee on covid-19, 26 May 2020, available at: <https://bit.ly/3emdpNs>.

<sup>19</sup> Times, of Malta, ‘Malta says it will not accept any more migrants, because of COVID-19’, 9 April 2020, available at: <https://bit.ly/3eHqC4y>.

<sup>20</sup> Independent Malta, ‘Migrants taken back to Libya; five dead bodies recovered from sea’, 15 April 2020, available at: <https://bit.ly/2RPjB7U>.

<sup>21</sup> Times of Malta, ‘Five migrants found dead in boat stranded in Maltese waters’, 15 April 2020, available at: <https://bit.ly/2XKLyRX>.

<sup>22</sup> Statement by the Government of Malta, 15 April 2020, available at: <https://bit.ly/2XLKBsx>.

<sup>23</sup> See : Amnesty International, 22 May 2020, <https://www.amnesty.org/download/Documents/EUR3323942020ENGLISH.pdf>

searching the Dutch and European systems, frisking, searching luggage and taking possession of documents. Asylum seekers can register at the application centre in Ter Apel. But they could not yet officially apply for asylum. The government updated its website on 19 May 2020 where it says that asylum seekers can apply for asylum at the application centre in Ter Apel. Their procedure will start as normal in Ter Apel or Budel. Asylum seekers will have a medical check in Ter Apel. There, they will be checked for coronavirus symptoms. They also get information about the measures to prevent infection of the coronavirus.

The IND has temporarily suspended asylum procedures. The IND is temporarily postponing all interviews. Asylum seekers who had an interview scheduled have already received a letter from the IND. The letter advises that they will receive a new invitation for an interview. The IND started with interviews via video-conferencing. This happens through a video connection on a computer at different locations. The IND sent a letter about this to asylum seekers. The IND normally has 6 months to decide on an application for asylum. On 15 May 2020, it was decided that the IND will have 6 months longer to decide. This applies if the persons have applied for asylum and the decision period on 20 May 2020 was not over yet. If the IND was already too late on 20 May to decide, the decision period will not be extended for applications. The IND will decide on these applications as soon as possible. The decision of the State Secretary does not change that.

For the latest update on COVID-19 related measures consult the [Dutch Immigration and Naturalisation Service](#).

**North Macedonia:** *JRS Europe*: the right to apply for asylum is officially not suspended but the reception centre has not been accepting new asylum seekers. Borders officially closed.

**Poland:** [Office for Foreigners](#) was closed and had suspended all direct contact. Applications for the legalisation of stay must be submitted by post. Practicalities of applying by post remain unclear however. From May 25 2020 the Office for Foreigners restored direct customer service at Taborowa 33 in Warsaw. Applicants for international protection staying in reception centres are able to lodge subsequent applications. There is no clear instruction, however, as regards applications lodged by other applicants living in Poland. Difficulties in lodging asylum applications at the border, and especially at the border crossing point in Terespol, have been reported. Only one application was lodged at the border between 14 and 31 March 2020. Negative in-merit asylum decisions are currently not being issued as the special law on COVID-19 foresees that no decisions may be issued in administrative proceedings. Beginning on May 23rd of 2020, the time limits in administrative and court proceedings shall commence, or – in the case of suspended time limits – shall continue its course.<sup>24</sup>

**Romania:** The border guard agency has been reinforced, with the measures tightened to prevent “illegal” migration. The president declared the state of emergency and the government (the Ministry

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<sup>24</sup> See the AIDA Country Report for Serbia: <http://www.asylumineurope.org/reports/country/serbia>.

of Internal Affairs) issued military ordinances determining the emergency measures. On 21 March 2020, the Military Ordinance no. 2/21.03.2020 was adopted, which established, among other things, temporary limitation of entry in Romania of third-country nationals and stateless persons making non-essential travels. Starting with April 15, 2020, the state of emergency established in Romania was extended for 30 days, until 15 May 2020. During the state of emergency all activities of the Registry were suspended, with the exception of those activities related to applications for international protection and applications for access to a new asylum procedure.

The State of Emergency ended on 15 May 2020. Hearings are gradually resuming, but limited.

**Serbia**<sup>25</sup>: On 16 March 2020, the Government adopted a Decision on Temporary Restriction of Movement of Asylum Seekers and Irregular Migrants Accommodated in Asylum Centres and Reception Centres in the Republic of Serbia.<sup>26</sup> The Decision on Temporary Restriction of Movement as a whole reads as follows:

- 1) In order to protect against the spread of infectious diseases in the territory of the Republic of Serbia, to prevent the uncontrolled movement of persons who may be carriers of viruses and to arbitrarily leave asylum centres and reception centres, the movement of asylum seekers and irregular migrants accommodated in asylum centres and reception centres in the Republic of Serbia is temporarily restricted and enhanced supervision and security of these facilities is established.
- 2) Asylum seekers and irregular migrants, exceptionally and in duly justified cases (visiting a doctor or for other justified reasons), will be allowed to leave the facilities referred to in item 1 of this Decision, with the special permission of the Commissariat for Refugees and Migration of the Republic of Serbia, which will be limited for a time in line with the reason it is issued.
- 3) This Decision shall enter into force on the day of its publication in "The Official Gazette of the Republic of Serbia".

On 9 April 2019, the Decision on Temporary Restriction of Movement was put out of force and its provisions were transposed into the Decree in identical form. Thus, from the "regular legal regime",<sup>27</sup> the ban on leaving asylum centres and reception centres was moved into an "extraordinary legal framework", which reshaped the above stated ban from limitation to derogation measure.

Article 4 of the COVID decision introduced a total ban on entry to Serbia to all foreign citizens who had not had any form of residency prior to the COVID-19 outbreak. Since most NGOs aiding refugees and asylum seekers have suspended their fieldwork it cannot be claimed with certainty that the well-known practice of denial access to territory continued. However, Article 4b of the Decree introduced the total restriction on arrivals from Bulgaria and North Macedonia without explaining in which manner. Still, new arrivals to Serbia were recorded from Bosnia and

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<sup>25</sup> Official Gazette, no. 32/2020, hereinafter referred to as: Decision of Temporary Restriction of Movement.

<sup>26</sup> Official Gazette, no. 32/2020, hereinafter referred to as: Decision of Temporary Restriction of Movement.

<sup>27</sup> Meaning that restrictions of the rights of refugees, migrants and asylum seekers were conducted on the basis of the legal framework applicable in regular circumstances.



Hercegovina (200), but also from Hungary where approximately 100 persons were pushed back even though they have never been in Serbia before.<sup>28</sup>

As of 24 March 2020, the Government has suspended all activities towards foreign citizens, including taking of biometric data and registration of asylum seekers.<sup>29</sup> The validity of asylum ID cards was automatically extended for the length of emergency situation.<sup>30</sup> The last registration certificate was issued on 21 March 2020 in the southern city Vranje, close to the border with North Macedonia. The refugee status determination procedure has been suspended on 24 March 2020 under the same conditions as registration. Not a single decision was rendered in April 2020.

**Slovenia:** Act on Provisional Measures for Judicial, Administrative and other Public Matters to cope with the spread of infectious disease SARS-CoV-2 (COVID-19) could potentially be interpreted to mean that asylum procedures are not urgent. This would result in a suspension of asylum requests, submissions, interviews and decisions on family reunification. The Slovenian Government also tried to activate Article 37.a of the Defence Act which would give additional power to the Slovenian Army in relation to border management however the parliament rejected the proposal.

In relation to the return procedure based on the Readmission Agreement with Croatia, all individuals must be tested for COVID-19 in order to be returned. If they are not, the Croatian police will not accept them.

**Spain:** On 16 March 2020, the Office of Asylum and Refuge (OAR) took the decision to suspend all second interviews, while interviews with the Social Work Units (UTS) are carried out by phone.<sup>31</sup> Decisions on applications for international protection are still being issued, while Dublin transfers have been *de facto* suspended. A significant decrease in the number of arrivals and applications for international protection has been recorded since the declaration of the State of Alarm.

*JRS Europe:* Morocco has closed the border with Spain so returns are not possible. Schengen internal border controls re-established – the possibility to return people entering irregularly at the [borders confirmed](#) (with exceptions based on humanitarian reasons).

**Sweden:** [asylum applications](#) can still be made, and asylum seekers arriving at the border will still be registered and allowed to enter.

**Switzerland:** [the Swiss Government introduced](#) border controls and an entry-ban for all people coming from Italy, France, Germany, Austria and Spain as well as from all non-Schengen countries. These bans also apply to asylum seekers. According to the Swiss government it would not be justified to exempt asylum-seekers from the entry restrictions imposed on grounds of public

<sup>28</sup> UNHCR, *Serbia Special Weekly Update*, 23-29 March 2020, available at: <https://bit.ly/3f8uhZj>.

<sup>29</sup> The Government's Decision on the Status of Foreign Citizens in the Republic of Serbia during the State of Emergency, Official Gazette, No. 41/2020, Article 3.

<sup>30</sup> *Ibid*, Article 2.

<sup>31</sup> OAR, *Important notification*, March 2020, available in Spanish at: <https://cutt.ly/gtU1eKT>.

health given that they can submit their applications in other Schengen countries and do not have to cross the border to seek asylum. Asylum seekers already in Switzerland can still apply for asylum. In addition, the government suspended the issuing of Schengen visas and national visas for third country nationals for an initial period of 90 days. This means that entry into Switzerland is now only possible in exceptional cases.

Continuation of asylum procedures: The authorities have made adjustments to the organisation of the rooms and the number of persons attending the interviews in order to comply with the guidelines established by the Federal Office of Public Health. If legal representatives cannot attend an interview due to the health situation, it nevertheless has valid legal effect and notification of a negative decision can be made directly to the applicant. Under the accelerated procedure, the time limit for appeal has been extended from 7 to 30 days.

**UK:** see comprehensive information on the British Refugee Council [website](#). Additional temporary intake units (for preliminary screening) have been created across the country. Substantive interviews have been suspended with alternative methods to carry them out, such as video links, under exploration.

Asylum decisions continue to be made and served where there is enough information to do so. Where there are safeguarding concerns and vulnerabilities, decisions are on hold. A process is in place to serve [decisions by email](#). No face-to-face appeal hearings are taking place. Further submissions can be submitted by post and by email. Statelessness applications are being accepted as usual after a short interruption.

Family reunion and resettlement processes are on hold due to visa and travel restrictions.

### **ACCESS TO HEALTH CARE/PUBLIC SERVICES:**

Measures have been introduced to reduce risks of contagion with COVID19. According to UNHCR:

“Mandatory quarantine at the border is in place for new arrivals in many European States, including **Croatia, Czech Republic, Greece, Ireland, Italy, Malta, Moldova, Poland, Serbia and Slovenia**. In Denmark, quarantine is only applied when medically indicated.”

Many states have introduced measures to limit transmission in reception centres, including guidelines, social distancing, reducing occupancy and separating at risk persons.<sup>32</sup>

**Czech Republic:** the coverage of medical care for foreigners with commercial insurance (or uninsured) is not clear, as authorities have not issued any statement. Civil society organisations working on migration are preparing a statement for the ministry of health to request public health

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<sup>32</sup> UNHCR Practical Recommendations and Good Practice to Address Protection Concerns in the Context of the COVID-19 Pandemic: <https://data2.unhcr.org/en/documents/details/75453>

commitment (this does not regard asylum seekers and beneficiaries of international protection).

**Greece:** a [new, temporary health number](#) will be given to all asylum seekers to ensure free public healthcare to asylum-seekers who arrived in Greece since July when the new government halted the granting of social security numbers.

**Italy:** In times of COVID19, some of the complementary welfare policies are applying residence requirements, often of several years, which excludes those who have issues of housing precarity and those who are homeless. A proof of this trend reflects the fact that residency requirements were linked to vouchers for groceries and the newly created 'emergency income'.

It is complicate to keep track of all as it often relies on municipalities and regional management. Measures are increasingly been designed without income limits (which therefore can be access also by people who are not in need, but not to the most vulnerable third country nationals (as only those who have a long term residency permit can be eligible). Last, some measures require additional documentation for the third country nationals, such as demonstrating not to have real estate properties in their country of origins, which results impossible for most of third country nationals, including those beneficiaries of protection.

**Luxembourg:**

*JRS Europe:* An official message from the Immigration department states that all short-term stay permits are extended for the duration of the health crisis, including those for asylum seekers.

**Portugal:** [measures](#) to ensure the right to health and public service for people with pending residence applications, such as asylum applications or people having applied for regularisation.

**Turkey:** The Ministry of Family, Labour and Social Services sent instructions to the 81 provincial directorates that documents for Disabled People who receive Disability Benefits and Benefits from Home Care Assistance that expired on 1 January 2020 would be valid until the end of May.<sup>33</sup> While health insurance will not be automatically reactivated for those who do not have any, due to the current situation, emergency health services related to COVID-19 should be accessible for Turkish and foreign nationals regardless of the health insurance situation. Presidential Decision number 2399 from 13 April 2020 guarantees that everyone, regardless of whether they have social security or insurance, can access personal protective materials, diagnostic tests and drug treatment free of charge. There have been some problems due to the lack of a written regulation about how to register unregistered / undocumented immigrants who do not benefit from general health insurance in the system and it is unclear at time of writing if hospitalization is covered.<sup>34</sup>

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<sup>33</sup> See UNHCR Turkey, help section on the Coronavirus measures in Turkey, available at: <https://bit.ly/2RCEbsa>.

<sup>34</sup> Public Health Professionals Association, Pandemi Sürecinde Göçmenler ve Mültecilerle İlgili Durum, 15 April 2020, available in Turkish at: <https://bit.ly/34MbXjI>. For more information on the impact of Covid-19 on refugees in Turkey see: <http://www.mudem.org/wp-content/uploads/2020/05/MUDEM-RSC-Situation-Analysis-of-Refugees-in-Turkey-During-COVID-19-Crisis.pdf>

**UK:** court proceedings to evict tenants are suspended for the duration of the crisis; tenants must receive three months' notice before the process to evict is launched. All rough sleepers should be provided with housing by local authorities. Background checks linked to the right to rent have been loosened, with the original documents no longer required. Right to work checks also no longer require sight of originals of documents. Asylum seekers who are in the categories of people vulnerable to the virus are entitled to additional medical support.

### **RECEPTION CONDITIONS AND INTEGRATION:**

**Austria:** housing is becoming an issue for those groups who are meant to leave reception centres or institutionalised housing and cannot do so due to COVID-19 such as unaccompanied minors aging out and refugees from four months after being granted asylum status. The returnees centre located in the Alps closed due to COVID-19 risks.

**Belgium:** Following the closure of the arrival centres for newly arriving asylum seekers, the access to reception conditions was also suspended. The Immigration Office admitted that no measures have been taken to prevent a situation in which asylum-seekers with no housing arrangements would end up homeless and destitute. Since 3 April 2020 applicants can register online in order to obtain an appointment. A reception place will be assigned following the appointment. The authorities communicated that priority will be given to vulnerable persons, e.g. families with children, unaccompanied minors, and persons with medical problems.<sup>35</sup>

**Bosnia-Herzegovina:** In BiH the Council of Ministers restricted the free movement of foreigners “in order to minimize the consequences and prevent the spread of coronavirus”. The decision applies to “persons without identification documents, who indicated their intention to apply for asylum and have a valid certificate of their intent or who applied for asylum in BiH”. Under the decision they are not allowed to leave reception centres.

**Croatia:** Access to reception centres of applicants of international protection in Zagreb and Kutina is temporarily restricted, with the exception of persons who ensure the normal functioning of the facilities.<sup>36</sup> According to information provided by the Initiative Welcome, applicants are not allowed to leave the reception centres, while civil society organisations had to stop their activities in the centres. Only staff of the Croatian Red Cross and Médecins du Monde (Doctors of the World - MdM) can access the facilities.<sup>37</sup> Applicants accommodated in the reception centres have received information about COVID-19 and the measures that need to be taken to prevent its further spread. Leaflets with instructions from the Croatian Institute of Public Health were translated into different languages and posted in visible places in the facilities to raise awareness on the importance of

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<sup>35</sup> Immigration Office, Application for International protection: obligation to make an appointment at the Registration center 'Klein Kasteeltje', 3 April 2020, available at: <https://bit.ly/2xL5AB3>.

<sup>36</sup> Ministry of Interior, 'Applicants for International Protection in the Republic of Croatia are not infected with the coronavirus', 18 March 2020, available in Croatian at: <https://bit.ly/2wFwry2>.

<sup>37</sup> Information provided by Initiative Welcome on 20 March 2020.

prevention and self-isolation. A doctor is present in the Reception Centre every day and applicants are under the constant supervision of medical staff.

**Cyprus:** Material reception conditions continue to be provided for asylum seekers that were already receiving these. The instructions for recent arrivals are that they will submit the application along with the relevant documentation (unemployment certificate by the Labour Office, a contract of rent) at the entrance of the Social Welfare Services' (SWS) building. This will be problematic in practice, however. For first time registration, the applicant needs to be present in the Labour Office in order to receive the unemployment certificate. Currently, the Labour Office is not accepting persons which effectively means that new arrivals who wish to register as unemployed cannot do so and subsequently cannot access material reception conditions. For other persons renewing their unemployment certificate, this will be done automatically without presence in the office being a prerequisite. The process has been amended for nationals who wish to register and the interested applicant is required to send an e-mail to the staff of the Labour Office with their request and contact details and the registration will take place via telephone.

Regarding persons exiting the First Registry Reception Centre in Kokkinotrimithia, and despite the fact that the SWS is receiving applications for material reception conditions, these persons are not directed to the SWS to request social assistance. Given that people cannot register as unemployed, which is a prerequisite, it effectively means that they do not have access to material reception conditions either.

Following a ministerial order for hotels to close down, information had circulated amongst asylum seekers hosted in hotels that they would have to evacuate the hotel or hostel. Asylum seekers were informed that they were required to evacuate the hotels by Saturday 21 March 2020. This has, however, been prolonged but no information has been provided until when this will remain the case. In respect of homeless asylum seekers and undocumented persons, which includes persons that have recently arrived and were not given access to asylum procedures, no measures have been taken to provide accommodation even in cases where persons are reporting Covid-19 symptoms.

**Czech Republic:** risk of foreigners losing their jobs. At the same time, many sectors expect labour force shortages due to the lack of cross-border workers (primarily from Poland). The Czech government has modified work permits to allow those who hold a single work permit visa to change their contract and employer without risking ejection. There is exceptional rapid implementation for sectors affected by the emergency. EU-funded projects are not running; the extension of projects is desirable.

**France:** Asylum application certificates have been extended for three months, thus ensuring access to reception conditions during that time. Reception centres have been instructed to not remove asylum seekers that are currently being accommodated, including rejected-asylum seekers and beneficiaries of international protection. Asylum seekers who registered their application for international protection prior to the closure of GUDAs are being accommodated gradually by the



OFII in the remaining reception places. The remaining reception capacity amounts to 3% to 5%. Asylum seekers who are not provided accommodation may resort to emergency accommodation which are currently being established in accordance with the Ministry for Territorial Cohesion.<sup>38</sup> (see this press release of 30 March).

Refugees who graduated outside Europe and worked as a physician or pharmacist before reaching Europe have been granted the right to work as doctors and to be recruited by the French public health system. This act was implemented by the French government also covering refugees whose certificates are not recognised. Figures are yet to be published (it is A French department close to Paris experiencing strong labour shortage in agriculture has allowed asylum seekers to work in the agricultural sector. Around 50 persons agreed to work and volunteer planting and harvesting fields. Similar provisions could be open for other sectors experiencing labour shortages (usually, asylum seekers cannot access employment before 6 months in the procedure).

**Greece<sup>39</sup>:** Accommodation facilities on the mainland in which COVID 19 case/cases were identified, were put in quarantine for 14 days and all residents, i.e. COVID-19 cases and residents which have not been identified as such, were not allowed to exit the facility. COVID-19 cases have been confirmed, followed by a 14-day quarantine in Ritsona (Evoia region) accommodation facility (camp), Malakasa (Attica region) accommodation facility (camp), and in a hotel used for the accommodation of applicants in Kranidi (Peloponnese).

Since late March-beginning of April 2020, newly arrived persons arriving on the Greek Islands are subject to 14 days quarantine for the purposes of prevention of a potential spread of COVID 19, prior to their transfer to RICs facilities. As reported due to the lack of specific places/sites for this purpose, newly arrived persons subject to the 14-day quarantine had to remain at the point of arrival, i.e. on isolated beaches or in other inadequate locations (for example ports). A dedicated site for these purposes has been in operation since 8 May 2020 in Lesvos.

For those already on the five islands' RICs (Lesvos, Chios, Samos, Kos, Leros), since 22 March 2020, there has been a lockdown inside the facilities and annexes of these facilities. During the lockdown, only one representative of each family or group of residents is allowed to exit the facility (between 7 am and 7 pm) in order to visit the closest urban centre for meeting essential needs. The visits of persons/actors as well as their activities within the RICs were suspended and entry was only allowed to the staff and actors related with food, housing and health services. Civil society organizations have urged the Greek Authorities to urgently evacuate the squalid Greek camps on the islands. As they note, "camps, especially on the Aegean islands, suffer from severe overcrowding and lack of adequate sanitary facilities, making it impossible to ensure social distancing and hygiene conditions for both residents and employees. This poses a major threat to public health for both asylum seekers and for society as large". In late March 2020, the EU

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<sup>38</sup> Ministry of Territorial Cohesion and Relations with Local and Regional Authorities, 'Covid-19: More than 5,000 additional hotel places mobilised for homeless persons and 40 medical accommodation sites opened in France', 30 March 2020, available in French at: <https://bit.ly/2xIA3je>.

<sup>39</sup> Information derived from the draft AIDA update on Greece, to be published in June 2020.

Commissioner for Home Affairs has asked the Greek Authorities to transfer vulnerable applicants from islands RICs to the mainland, however as reported Greek Authorities have opposed this plan. In early April 2020, UNHCR launched an open call for renting hotel rooms on the Greek Islands and boats for the accommodation of vulnerable applicants residing in the Aegean RICs facilities, with a view to face a potential spread of COVID-19 in the reception facilities and its impact on local communities. Additionally, a number of 1,138 applicants have been transferred from the islands to the mainland during April 2020. The restriction of the movement of persons residing on the island RICs, outside of these facilities has been prolonged up to 21 May 2020, contrary to the lockdown on the general population which has been ended on 4 May 2020.

Up until 21 May 2020, there have been only four confirmed COVID-19 cases regarding newly arrived persons in Lesbos island and no COVID-19 case on the rest of the applicants' population in Lesbos and the rest of the Aegean islands.

**Hungary:** direct NGO assistance in the few camps open in Hungary is suspended due to COVID-19 risks. NGOs maintain contact with asylum seekers by phone. There are fewer social workers and asylum seekers have limited access to computers rooms so planning is difficult. People granted international protection are losing their jobs, as low-skilled positions are disappearing due to the confinement. With no government housing support in place, this may drive people into homelessness and destitution. On May 14 the Court of Justice of the European Union (CJEU) delivered a judgement in a case concerning the placement in the transit zone on the border between Hungary and Serbia declaring it unlawful detention. On May 21, Hungarian authorities moved 300 people to semi-open facilities and declared that the transit zones will be abolished.

**Italy:** material reception conditions have been extended until “the end of the measures in place for the health emergency”<sup>40</sup>, even for those who would no longer be entitled to them. Due to the lack of places and only until 31 January 2021, asylum seekers could be accommodated in Siproimi facilities but they can only benefit from the services as provided in governmental centres and CAS.<sup>41</sup> Health cards with expiry date prior to 30 June 2020 have been extended to 30 June 2020.<sup>42</sup> Residence permits, including those for asylum seekers and beneficiaries of international protection, with expiry date between 31 January and 15 April 2020, have been extended until 15 June 2020.<sup>43</sup> The amendments to the decree law provided for a further extension of the validity of the permits to 31 August.<sup>44</sup>

**Netherlands:** Opening of emergency accommodation: After registration, third-country nationals are taken by bus to emergency accommodation. To avoid risk, people are not free to leave this place. Care and support are organised at the location itself. Departure from the place takes place

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<sup>40</sup> Mol Circular, 1 April 2020.

<sup>41</sup> Article 16 Decree Law 34/2020 of 19 May 2020, available in Gazzetta Ufficiale at (in Italian): <https://bit.ly/2X1fcS6>.

<sup>42</sup> Article 12 of Legislative Decree 9/2020.

<sup>43</sup> Decree Law 18/2020, Article 103 (3).

<sup>44</sup> Article 103 (2 quater) Decree Law 18/2020 as amended by L 27/2020.

with escort. For the latest update on COVID-19 related measures consult the [Dutch Immigration and Naturalisation Service](#). On 8 May 2020, COA released a statement on the situation in the reception centre in Sneek, where 22 residents have been diagnosed with COVID-19. As a result, the centre was closed for three days and all the residents and staff have been tested.<sup>45</sup>

**Poland:** Many asylum seekers and beneficiaries of international protection lost their job following the outbreak, thus adding obstacles in securing housing and paying rents. Issues relating to the access to education have also been reported, as children can hardly access online lessons because they do not possess computers and other necessary tools.

**Portugal:** concerns have arisen regarding the lump sum payments for refugees who have been resettled. The programme, almost entirely financed through AMIF lump sum provisions, offers support for 18 months (accommodation, material and financial aid, trainings and preparation for employment and education). The expenses for the project are eligible for only 18 months, however, despite the fact that programmes are not running, the timespan for this integration support has not been extended, leaving beneficiaries without support prematurely.

**Serbia:** All the reception facilities were turned into detention facilities since the Decision on Temporary Restriction of Movement introduced 24-hour ban on leaving asylum and reception centers and later the Decree. All migrants deprived of their liberty in the Detention Centre for Foreigners were transferred to one of the 20 reception facilities, as well as migrants residing in the urban areas. This has led to an extremely high overcrowding rate in almost all asylum and reception centers and to inhumane and degrading conditions in Preševo, Obrenovac, Morović, Adaševci, Sjenica, Sombor and Principovci.

**Spain:** On 19 March 2020, the Directorate-General for Inclusion and Humanitarian Assistance (DGIHA) adopted several instructions on the management of the reception system, which are available in Spanish at: <https://cutt.ly/vtUC8eQ>.

**Switzerland:** Opening of emergency accommodation: In order to relieve congestion in other federal accommodation facilities and increase the number of places available, the Federal Asylum Centre in Muttenz (canton of Basel) has been temporarily reopened.

**Turkey:** Information resources on Coronavirus such as how to look after your health, government measures on curfews and travel restrictions, and how to access government assistance, are available in Turkish, Arabic, English, Farsi, for example by SGDD-ASAM.<sup>46</sup> There have been measures taken to ensure social distancing in areas where large numbers of people are living together, for example, in the Osmaniye camp for Syrian refugees and in accommodation for agricultural workers, that often include refugees.<sup>47</sup>

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<sup>45</sup> FRA, Migration: key fundamental rights concerns, Quarterly Bulletin, 26 May 2020, available at : <https://bit.ly/2XxR8Wj>.

<sup>46</sup> Available at: <https://bit.ly/2wDx2jQ>.

<sup>47</sup> Public Health Professionals Association, Pandemi Sürecinde Göçmenler ve Mültecilerle İlgili Durum, 15 April

**UK:** No evictions from asylum accommodation will take place during the crisis and financial support will continue. Free school meals for children will be provided for the duration of the crisis. Some loosening of the requirements for appeals against decisions to deny material support. Reporting to immigration centres as part of “immigration bail” is suspended.

### **DUBLIN TRANSFERS:**

**Belgium:** a third-country national who is prevented from leaving Belgium for reasons of force majeure (quarantine, flight cancellation, border closure, etc.) may request authorization to extend his/her stay.<sup>48</sup> Dublin decisions (annex 26quater) are still being issued but Dublin-transfers are *de facto* suspended.

**France:** No specific measures have been taken with regard to the Dublin procedure yet (March 2020). Persons who were falling under the Dublin procedure prior to the closure of the GUDAs must continue to check in regularly if they are under house arrest. Dublin transfers have not been suspended as a matter of general practice, apart from those to receiving countries which do not longer accept Dublin returnees. This means that applicants for international protection are still being detained pending their Dublin transfer.

**Germany:** [temporary suspension](#) of transfers under the Dublin Regulation to and from all EU Member States due to the Coronavirus. However, time limits regarding the Dublin-transfer are also being suspended. BAMF refers to article 24 (4) of the Dublin III regulation as well as section 80 (4) of the German Administrative Court Regulation to suspend the transfer period. After such a suspension, this period should start all over again, even if it was already almost over.<sup>49</sup>

**Ireland:** *JRS Europe:* The state has communicated to NGOs that no removals (including deportations) will take place during this period, i.e. while COVID-19 restrictions are applicable, unless there are overriding exceptional circumstances.

**Italy:** with a Circular Letter of 25 February 2020, the Italian Dublin Unit informed the Dublin Units that due to the ongoing health emergency all Dublin flights are suspended, both incoming and outgoing.

**Luxembourg:** *JRS Europe:* 71 single people are waiting in the SHUK (Dublin return centre) to be transferred but no transfer will take place as Luxemburg airport is closed. An official message from

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2020, available in Turkish at: <https://bit.ly/34MbXjI>. For more information on the impact of Covid-19 on refugees in Turkey see: <http://www.mudem.org/wp-content/uploads/2020/05/MUDEM-RSC-Situation-Analysis-of-Refugees-in-Turkey-During-COVID-19-Crisis.pdf>

<sup>48</sup> Immigration Office, Application for International protection: obligation to make an appointment at the Registration center 'Klein Kasteeltje', 3 April 2020, available at: <https://bit.ly/2xL5AB3>.

<sup>49</sup> See also : ECRE Weekly Bulletin, OP-ED: Dublin on COVID-19 Hold: Structural Solutions are Needed, 15 May 2020, <https://bit.ly/3c1j5Li>.

the Immigration department states that all short term stay permits are extended for the duration of the health crisis, but this does not mean that Luxembourg will take charge of the Dublin cases.

**Malta:** *JRS Europe:* All flights have been suspended so Dublin transfers cannot happen. The travel ban has been extended till 15 June at 23:59.<sup>50</sup>

**Netherlands:** Transfers in Dublin cases are temporarily postponed. These are cases where another European Member State is responsible for the asylum application. Asylum seekers cannot travel to another European Member State at the moment. They continue to stay in the reception centres. On its website the government stated that the fact that there are no transfers does not mean that asylum seekers will be included in the national procedures. The IND is still assessing which country is responsible for an asylum application. For the latest update on COVID-19 related measures consult the [Dutch Immigration and Naturalisation Service](#).

On 8 April, the Council of State published its first decision concerning Dublin transfers in light of the COVID-19 measures. The Court noted: “The fact that the transfer cannot be performed at this time is a temporary, factual impediment to the transfer. This does not make the identification of Italy as a responsible Member State unlawful and does not preclude the transfer of the foreign national in principle if that impediment is removed.”<sup>51</sup> A decision which found that the temporary nature of the situation suggests that removal within a reasonable time will still be possible has also been upheld.<sup>52</sup>

On 21 April 2020 the Court in Den Haag ([Case NL20.6494](#)) ruled that the Dublin Regulation does not contain any provision allowing derogation from the rule on time limits in a situation such as that which arose as a result of the COVID-19 pandemic.

**Romania:** *JRS Europe:* Dublin suspended including family reunification procedures.

**Slovenia:** Dublin transfers are suspended however asylum seekers do not receive a formal decision and are not informed about the suspension of their Dublin transfers by the authorities.

**Spain:** Dublin transfers have been *de facto* suspended.

**UK:** Transfers to the UK of children under Dublin III are being processed but cannot take place due to travel restrictions.

## **DETENTION AND RETURN:**

**Belgium:** As of 13 March, the Immigration Office released a large number of persons from the

<sup>50</sup> See : <https://www.visitmalta.com/en/covid-19>.

<sup>51</sup> <https://www.raadvanstate.nl/uitspraken/@120766/202001915-1-v1/> Information provided by the Dutch Council for Refugees.

<sup>52</sup> <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2020:2723> *ibid*.



closed centres as part of the social distancing measures. In addition, a number of exemptions followed by order of the judiciary. As can be seen from recent figures, the number of persons detained in the closed centres has decreased considerably and new detentions mainly concern transfers from the prisons. The number of expulsions and repatriations fell very sharply as many countries closed their borders. Very few people remain in detention with a view to a Dublin transfer.<sup>53</sup>

**Cyprus:** due to the rise in numbers of asylum seekers, the Council of Ministers of Interior had announced in early 2020 stringent measures, including creating closed centres. At the time, measures were also being taken due to COVID-19. Before complete construction of the First Registry Reception Centre, all new arrivals in the country are now referred to the Centre and are not allowed to leave. This has led to a rise in the number of persons in the Centre to approximately 700 without the infrastructure in place to host such a number, especially for a long duration and where such persons are being *de facto* detained. However, it seems that Syrian asylum seekers were allowed to leave, the justification being that they have relatives or friends that can provide accommodation. After strong reactions from asylum seekers in the Centre, the Asylum Service started allowing 10 persons per day to leave, giving priority to vulnerable persons and women but only if they could present a valid address. In view of the obstacles in accessing reception conditions, identifying accommodation is extremely difficult unless they are in contact with persons in the community. Given the announcement concerning the development of closed centres and measures due to COVID-19, it is unknown how long persons will remain in the Centre. Although removal procedures have been suspended, no steps have been taken to release asylum seekers and other third-country nationals (TCN) in detention.

**Denmark:** Forced and voluntary returns are currently not being carried out. Departure deadlines for cases where departure dates were planned prior to the lock-down have been extended and will be reviewed after the lock-down is suspended. The government has not adopted any policy on the release of immigration detainees, leaving this question to judicial authorities. At the moment, cases involving detained asylum seekers are reviewed by the courts every fourth week. When asylum seekers are released from detention, they are directed to take up residence at an asylum centre pending the outcome of their case.

**France:** There is no public policy on returns, they are dealt with case by case but in practice very few returns are enforced. Many people have been released from detention following decisions by judges. In the second half of March the number immigration detainees halved.<sup>54</sup>

**Germany:** There is no general ban on removals and the Federal Ministry of Interior in its [Procedural note](#) stressed that if possible, removals should be carried out. However, tolerated stays

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<sup>53</sup> See : Federal Migration Centre (Myria), 25 May 2020, available in Dutch at : <https://bit.ly/2TMbM3U>.

<sup>54</sup> See also: Forum Réfugiés, 'Asile, éloignement : dans un contexte d'adaptation des pratiques, préserver les droits fondamentaux', 4 May 2020, available in French at: <https://www.forumrefugies.org/presse/nos-communiqués-de-presse/692-asile-éloignement-dans-un-contexte-d-adaptation-des-pratiques-préserver-les-droits-fondamentaux>

[„Duldungen“] should be issued for those who cannot be deported due to COVID-19. This status means that foreigners are still obliged to leave Germany but are not able to do so due to legal or actual constraints. Given Germany’s federal system, practices regarding removals differ across federal states. As of around mid-April, there were still 25 – 30 migrants detained. Some of the detention facilities have released all detainees. Detainees have either been released either by courts or administrative authorities.

**Greece:** No measures with regards the decongestion of detention facilities and the reduction of the number of detainees have been taken during the COVID-19 outbreak. The proportionality/necessity of the detention measures have not been re-examined, despite the suspension of the returns to a numbers of countries of origin or destination, including Turkey, and the delays occurred due to the suspension of the work of the Asylum Service, during the COVID-19 crisis. Refugee Support Aegean (RSA) stated in a recent legal note (April 2020)<sup>55</sup> that “Unions of police officers in Attica have referred to hygienic conditions in Malakasa as a “ticking bomb” and denounced the complete lack of health and safety measures, against the backdrop of the COVID 19 pandemic. Living conditions in the facility of Serres have equally been described by police officials as wholly inappropriate for residents, without space for outdoor activities”. On 27 March 2020, RSA applied before the ECtHR (ECtHR, R.H. and R.A. v. Greece, Application No 15463/20) and requested interim measures to secure the release of two children from the Malakasa facility and their transfer to suitable reception facilities. The ECtHR requested the Greek authorities to clarify the conditions of the applicants’ detention in Malakasa, taking into account their age and the COVID-19 pandemic, and to specify whether steps had been taken for the appointment of a guardian, their access to the asylum procedure and their transfer to other facilities. Regarding COVID-19 the ECtHR asked the government to clarify the following: “Which measures have been taken or are planned to be put in place in immigration detention centers in relation to the COVID-19 risk, in particular for vulnerable people like the applicants?” However, in its response the Greek government only referred to the provisional measures adopted for Reception and Identification Centres. No reference was made to regulations governing detention facilities.<sup>56</sup>

**Ireland:** the Irish government has not explicitly stated that forced returns will be postponed or suspended during the COVID-19 pandemic. It has however stated that voluntary returns cannot be processed due to travel disruptions. Reporting dates for those subject to deportation, removal or transfer orders have been postponed and rescheduled.

**Italy:** Despite the material impossibility of carrying out the returns due to the general suspension of flight connections, there was no formal suspension of forced repatriation measures. Likewise, there has not been any general policy on the release from immigration detention, not even regarding the

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<sup>55</sup> RSA, Rights denied during Greek asylum procedure suspension, April 2020, available at: [https://rsaegean.org/wp-content/uploads/2020/05/RSA\\_LN\\_AsylumSuspension.pdf](https://rsaegean.org/wp-content/uploads/2020/05/RSA_LN_AsylumSuspension.pdf)

<sup>56</sup> RSA, Rights denied during Greek asylum procedure suspension, April 2020, available at: [https://rsaegean.org/wp-content/uploads/2020/05/RSA\\_LN\\_AsylumSuspension.pdf](https://rsaegean.org/wp-content/uploads/2020/05/RSA_LN_AsylumSuspension.pdf)

Gradisca Detention Centre, where there were cases of infections. On the other hand, in several cases, judges released detainees because of the suspension of asylum procedures or lack of prospect of return. The number of detainees in all centres was reduced but as of late April, there were still 229 people detained. despite appeals from many organizations, access to CPR has not been suspended. With a circular dated April 2, the Ministry of Interior ordered Covid-19 tampon test for new admitted persons and, in any case, their isolation for the first 14 days. The hearings for validation and extension of detention continued within the CPR. In the CPR of Gradisca d'Isonzo, 5 Covid-19 cases were detected among detained people. The detainees were isolated but not released.<sup>57</sup>

**Malta:** *JRS Europe:* It is very likely that people in detention (+1000) will remain detained. Many are already detained unlawfully simply because there was no space in open centres. Detention review procedures (where applicable) have been suspended because the relevant authority is not holding hearings.

**North Macedonia:**

*JRS Europe:* people are forced to stay in isolation for 15 days before seeing the public prosecutor. There are currently also ten asylum seekers from Turkey in isolation. These restrictions are not explicitly classified as detention, so no grounds for detention pursuant to Article 5 ECHR are presented.

**Romania:** *JRS Europe:* detainees are “tolerated” as repatriation procedures are suspended or cancelled because air companies have cancelled flights to the Middle East and North Africa.

**Serbia:** Refugees, Asylum Seekers and Migrants have been detained as of 16 March 2020 in reception centres. Initially, they were detained under the Decision on Temporary Restriction on Movement. From 9 April 2020, their right to liberty and security was derogated on the basis of the Article 3 of the Decree.

Thus, in the period from 16 March 2020 to 9 April 2020, all refugees, asylum seekers and migrants who had been staying in asylum centers and reception centers before the state of emergency were unlawfully and arbitrary deprived of their liberty by virtue of a by-law, thus violating all international instruments guaranteeing the right to liberty and security of person and the Constitution of the Republic of Serbia. In addition, this category of foreigners was denied the right that an appropriate judicial body decide on the lawfulness and grounds of deprivation of liberty in an emergency procedure, thereby depriving them of one of the basic principles on which civilization rests - the habeas corpus principle.<sup>58</sup>

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<sup>57</sup> Il Piccolo, Rivolta al Cpr di Gradisca dopo i 4 nuovi casi di coronavirus in un giorno. Protesta subito sedata, 20 April 2020, available in Italian at: <https://bit.ly/2ZvwoRF>.

<sup>58</sup> See more in Nikola Kovačević, *Deprivation of liberty of refugees, asylum seekers and migrants in the Republic of Serbia through measures of restriction and measures of derogation from human and minority rights made under the auspices of the state of emergency*, A11-Initiative for Economic and Social Right, Belgrade, March 2020, available at: , Chapter 3 and Chapter 4, available at: <https://bit.ly/2zAfK8w>.

On the other hand, from 9 April 2020 to the date of the conclusion of this report, the right to liberty and security of refugees, migrants and asylum seekers was disproportionately derogated from. The Decree deprived this category of foreigners of a reasoned decision on deprivation of liberty by a legally established body competent to decide on it, and on the basis of a law which clearly prescribes the procedure for deprivation of liberty, the duration and conditions under which it can be determined, extended and abolished. They were also denied the right to habeas corpus as well as the right to a legal representative.<sup>59</sup>

**Slovenia:** The detention centre in Postojna is still open. According to available information, the police only detain persons before they are transferred to Croatia based on the readmission agreement. Therefore, they are usually only detained for a short period of time right after they are apprehended for “illegally” crossing the border and until they can be returned to Croatia. Due to COVID-19, the police let the detained migrants who were in the return procedure out of the detention centre and gave some permission for a temporary stay. This permission allows people to stay on the territory until their removal or for 6 months. After 6 months it can be renewed if return is still not possible. However, people are left without accommodation and proper support during the pandemic. The authorities of the Aliens Centre made a statement that they are still looking at options to return people to their countries of origin in cooperation with other EU countries despite the pandemic.

**Spain:** release of unreturnable detainees due to the movement restrictions put in place across the globe related to the COVID-19 emergency. Different organisations forming the ‘National Campaign for the Closure of the Detention Centres for Foreigners (CIE) (*Campaña Estatal por el Cierre de los CIE*)’ urged the Government to release persons detained at CIEs and to stop issuing new detention orders.<sup>60</sup> Despite the release of detainees in certain CIEs across Spain (e.g. in Madrid, Barcelona, Barranco Seco) civil society organisations have reported important delays in this process and raised particular concerns as regards the increased vulnerability of persons in detention, as well as the possibility of contagion, resulting in riots and protests in many facilities (e.g. in Madrid, Barcelona, Murcia and Valencia).<sup>61</sup>

The Spanish Ombudsman stated that it is coordinating with the General Commissariat of Aliens and Borders and with the State-Secretary for Migration to ensure that detainees are released in accordance with the health and security measures established by the State of Alarm. The Ombudsman is also coordinating to ensure a referral mechanism of individuals to the reception system and to the humanitarian assistance reception places.

**Sweden:** The total number of places in the detention centres was reduced from 519 to around 300

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<sup>59</sup> Ibid, Chapter 5.

<sup>60</sup> El Salto, ‘Piden la libertad de las personas retenidas en los CIE y su cierre definitivo’, 13 March 2020, available in Spanish at: <https://cutt.ly/DtUKoOr>.

<sup>61</sup> El Salto, ‘Interior mantiene en los CIE a casi 300 personas inexpulsables’, 23 March 2020, available in Spanish at: <https://cutt.ly/3tUZHwV>; Cuarto Poder, ‘Denuncia desde el CIE de Valencia: “Como se contagie alguien, nos contagiamos todos”’, 28 March 2020, available in Spanish at: <https://cutt.ly/DtUZ7wO>.

to avoid overcrowding. Decisions to release are taken on a case by case basis by both the Migration Agency and police for reasons that there are no tenable legal grounds to detain them when expulsion is not possible in the near future. Upon release, people are required to report two to three times a week to the police. They are not offered housing and daily allowances so they are dependent on the generosity of their networks. They are also denied normal access to health care since they have been withdrawn from the benefits that asylum seekers have. However in they are infection, they will be given necessary care free of charge.

**Switzerland:** Since all borders are closed and flights are down, neither forced nor voluntary returns are possible. However the government has not adopted an official policy. In the negative asylum decisions still contain a 5-day deadline to leave the country. Once released, they are instructed to register at the migration office as well as the social security office, which will take care of their housing situation.

**Turkey:** Izmir Bar Association released a report on COVID-19 that 19 of those held in Harmandalı Removal Centre had tested positive. Those who fall sick are not isolated and live in over-crowded rooms. There is also a lack of hygiene equipment.<sup>62</sup>

**UK:** the authorities have released [350 people](#) held under immigration powers following a legal challenge by Detention Action. As of 24 March, the number of people in detention was 736 compared to 1,225 at the start of the year. The Home Office will urgently review the cases of every person in immigration detention and has halted new detentions of persons liable to administrative removal.

Protective measures have been introduced for detainees, covering health, hygiene and distancing.

### **USEFUL INFORMATION:**

**EASO, EASO resuming full operational activities in Member States**, 27 May 2020, available here: <https://bit.ly/2TGzJJB>.

**EUROPEAN COMMISSION GUIDANCE**, 16 April, available: [here](#)

**GLOBAL DATABASE ON COVID-19 MEASURES:** CCPR: [Database](#) **COMPILATION OF NGO**

**STATEMENTS:** PICUM [website](#) **COMPILATION OF NGO. EU. UN STATEMENTS:** ECRE [Weekly Bulletin](#)

**LEGAL DEVELOPMENTS (EARLY STAGE):** ECRE [ELENA Legal update](#) (March 20)

**INTERACTIVE MAP (UNDER DEVELOPMENT):** Border Criminologies [map](#)

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<sup>62</sup> Izmir Bar Association, Izmir Harmandalı Geri Gönderme Merkezi Korona Pandemisi Raporu, 19 April 2020, available in Turkish at: <https://bit.ly/3eC3G6s>.



**STUDY ON IMPACT OF COVID19 ON REFUGEES AND MIGRANTS:**

<https://www.aparttogetherstudy.org/#>