

## **INFORMATION SHEET 7 DECEMBER 20201:**

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

# \*\*\*Following the update provided on 28 May 2020, ECRE is publishing an update on COVID-19 related asylum measures in light of second lockdown procedures adopted throughout Europe.\*\*\*

In response to requests for information, ECRE has compiled this non-exhaustive list of measures and updates 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.

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.



# STATISTICAL OVERVIEW

Source: Eurostat, [migr\_asyappctzm]

Between January and October 2020, a total of 375,255 applications for international protection were lodged in the EU 27 Member States according to Eurostat. This represents an approximate -35% decrease compared to the 578,580 applications lodged during that same time period in 2019. This drop is largely due to the COVID-19 outbreak and the suspension of

<sup>&</sup>lt;sup>1</sup> This information update was produced by Ciaran King together with ECRE/AIDA using publicly available sources as well as information provided by AIDA experts and the ELENA Network members. The information is updated until 30 November 2020, unless otherwise stated.

asylum-related activities, which was particularly striking during the month of April 2020 as demonstrated above. According to recent EASO <u>statistics</u>, the number of asylum applications has been increasing from June 2020, but the number of applications is still considerably lower, approximately two-thirds the number of those received prior to COVID-19.

## ACCESS TO AND FUNCTONNING OF THE ASYLUM PROCEDURE

According to information provided by <u>Asylum Information Database</u> experts there is (generally) no current suspension of asylum procedures throughout Europe, despite changes as a result of second lockdown measures in the majority of countries. This an improvement on the situation at the start of the pandemic. The registration of asylum applications has resumed in many states with adapted safety measures or through online services. Further information on the status of asylum procedures can also be found on the <u>UNHCR COVID platform</u>, which indicates where asylum procedures are operational or partially operational, as well as in <u>EASO's recent report</u> on COVID-19 emergency measures in asylum and reception systems.

In inter alia **Slovenia**, **Sweden**, **Spain**, **Portugal**, **Poland**, **Italy**, **Romania**, **France**, **Switzerland**, and **Belgium** the asylum procedure and related activities have resumed and are now carried out as much as possible as normal, taking into account specific health and distance measures<sup>2</sup>. In **Germany**, procedures have resumed but a few delays have been noted in practice. In the **UK**, some activities have resumed including assisted voluntary returns, and others such as Dublin transfers of unaccompanied minors to the UK, have not.<sup>3</sup> In **Ireland**, activities were resumed but were halted again during the second lockdown at the beginning of November.

**Austria:** Advisory offices and authorities are open but have introduced safety procedures, as explained by the Federal Office for Immigration and Asylum (<u>BFA</u>). Although new measures in relation to a second lockdown have been introduced (until 6 December 2020), there is no disruption to asylum applications. However, telephone or online booking is required in advance of filing requests.<sup>4</sup>

**Belgium:** On 3 April 2020 the Immigration Office announced that all applicants wanting 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).<sup>5</sup> Until the appointment took place, they were not given access to reception facilities. On 5 October 2020, the Brussels Court of First Instance condemned the Belgian state for failing to offer material reception conditions for applicants during the period between the electronic registration and their appointment at the Immigration Office. The Court held that the electronic registration for an appointment at the Immigration Office amounted to the 'making of an application for international protection' and that applicants should therefore have access to the material reception as soon as they electronically register.<sup>6</sup> As a result of this decision, physical registration has resumed according to the Secretary of State for Asylum and Migration and the online registration process has been taken out of use.<sup>7</sup>

<sup>&</sup>lt;sup>2</sup> For more information on these specific measures see: EASO, COVID-19 emergency measures in asylum and reception systems PUBLIC – Issue No. 3, 7 December 2020, https://bit.ly/37EVmAw

<sup>&</sup>lt;sup>3</sup> Refugee Council, 'Changes to Asylum & Resettlement policy and practice in response to Covid-19', November 25 2020 < <u>https://bit.ly/3mwqMPv</u>>.

<sup>&</sup>lt;sup>4</sup> AsylKoordination, 'Informationen zum zweiten Lockdown' (available in German) 17 November 2020 < <u>https://bit.ly/36GxAo8</u>>.

<sup>&</sup>lt;sup>5</sup> Immigration Office, Application for International protection: obligation to make an appointment at the Registration center 'Klein Kasteeltje', 3 April 2020 < <u>https://bit.ly/2xL5AB3</u> >.

<sup>&</sup>lt;sup>6</sup> European Database of Asylum Law, First Instance Tribunal of Brussels (Civil Section) - Decision no. 2020/105/C, 5 October 2020 < <u>https://bit.ly/3lurYlb</u> >.

<sup>&</sup>lt;sup>7</sup> NWS Flandersnews, 'Opnieuw fysiek asiel aanvragen in Klein Kasteeltje', (available in Dutch) 3 November 2020 < <u>https://bit.ly/36wKZ25</u>>.

According to the Office of the Commissioner General for Refugees and Stateless Persons, the measures decided by the government have no impact on the processing of asylum applications and individuals are still invited to personal interviews at the Immigration Office and the CGRA in Brussels. A number of heath and safety measures have been put in place including mandatory wearing of masks, a limit of 4 people per interview room, and the use of plexiglass. More measures can be found here.

**Croatia**: In Croatia, as reported by the Jesuit Refugee Service to FRA due to the COVID-19 outbreak, the resettlement programme and family reunifications have been suspended, preventing legal and safe entry of refugees to the country.<sup>8</sup>

**Denmark:** Asylum interviews have been carried out via video or postponed. Family reunification was in effect put on hold, as it was not possible to travel from most countries into Denmark. Language schools were closed for months, which has made acquiring permanent residence permits and citizenship challenging as they are dependent on language tests.<sup>9</sup>

**Finland:** Asylum procedures were resumed in June; lawyers are able to attend interviews via remote video link. Temporary residence permits were issued as of mid-October.

**France:** Access to asylum procedures has resumed, but individuals seeking international protection status may contact the French Office for the Protection of Refugees and Stateless Persons (OFPRA) only by email at the address indicated on their appointment letter. As of November, OFPRA provides interviews to determine asylum or statelessness status. It is possible for third parties authorized by law (lawyer or third-party association approved by OFPRA) to attend providing this is reported to the Office at least 48 hours in advance of the interview so that appropriate organisational measures can be taken. Asylum seekers or stateless persons who must submit their case to OFPRA are invited to do so under the usual conditions (by mail).<sup>10</sup>

**Germany:** The Federal Office for Migration and Refugees are now accepting asylum applications in person. Interviews are taking place in person. In November, lawyers reported that personal interviews are conducted with safety distance, masks, a shield between the present people, and with windows open. Particularly interviews with people with special protection needs or hearings on sensitive issues such as sexual abuse have been reported as highly problematic under these circumstances. All legal deadlines relating to family reunification still apply despite the pandemic and if a child turned 18 during the pandemic and is no longer considered a minor, the application made for family reunification remains valid if it was made at a time when reunification would have been possible before he or she reached the age of 18 - meaning before travel bans came into effect.<sup>11</sup>

**Greece:** The Ministry of Migration and Asylum has launched a new <u>online platform</u> for asylum procedures. Interviews, registration appointments, amend files, upload documents etc can be managed <u>online</u>. Scheduled interviews will take place as normal providing there is availability of staff and registrations will take place through Skype. The registration of appeals against negative decisions will take place *without* prior appointment. The validity of expired residence cards will be extended: the date of expiry now depends on the case number (with some extended until 14 January 2021).<sup>12</sup>

<sup>&</sup>lt;sup>8</sup> FRA, Migration Quaterly Bulletin of 5 Nov 2020, available at: https://bit.ly/3otjcpy.

<sup>&</sup>lt;sup>9</sup> EWSI, 'Denmark: How has COVID-19 affected migrants?', 20 November 2020 < <u>https://bit.ly/2VBNc66</u>>.

<sup>&</sup>lt;sup>10</sup> OFPRA, 'Mesures liées au Covid-19', updated 9 November 2020 (available in French) < <u>https://bit.ly/3fYcsgo</u> >.

<sup>&</sup>lt;sup>11</sup> InfoMigrants, 'COVID-19 information for migrants and refugees in Germany' 20 November 2020 < <u>COVID-19 information for migrants and refugees in Germany - InfoMigrants</u> >.

<sup>&</sup>lt;sup>12</sup> Refugee.Info, 'Updates on Asylum Services' as of 3 December 2020 < <u>https://bit.ly/3g2SGjV</u>>.

The Lesvos Asylum office will register asylum requests online. However it will not schedule appointments and will continue to carry out asylum <u>interviews in person</u>.

Between 10 June and 10 September 2020, the following services were <u>temporarily suspended</u> by the Director of the Asylum Service: Regional Asylum Office of Attica; Regional Asylum Office of Alimos; Regional Asylum Office of Piraeus; Asylum Unit of International Protection Applications of Pakistani Nationals; Asylum Unit «Fast Track» of International Protection applications; Asylum Unit of International Protection Beneficiaries.

**Hungary**: The COVID-19 emergency regime is in force until 31 December but will be prolonged. New applications for international protection <u>cannot be lodged</u> and asylum seekers must request entry from the embassies in either **Serbia** or **Ukraine** in order to be able to lodge an asylum application.

**Ireland:** Interviews were cancelled on 22 October until 2 December 2020.<sup>13</sup> As of 2 December 2020, the <u>International Protection Office</u> is open to receive new IP applications only. All protection interviews are resumed, and all revised safety measures are outlined in interview invitation letters.

**Italy:** Overall, asylum applications between Jan-Sep 2020 were just over half of those between Jan-Sep 2019. As of 30 September, 13,151 persons initiated asylum applications in Italy, compared to 25,295 in the same period last year. Some Territorial Commissions have reduced the number of in-person interviews they carry out daily, while others resumed remote decision-making.<sup>14</sup>

**The Netherlands:** As of 18 November, there is an estimated <u>backlog</u> of around 15,350 asylum applications due to the pandemic. The pandemic significantly affected the number of applications throughout the year, with a recent influx recorded: in October 2,043 people applied for asylum; in September 1,991 applications were made. This <u>reflects a steady</u> increase in the number of applications since the start of the pandemic. Asylum interviews were <u>resumed</u> in May via secure video link.<sup>15</sup> Part of the personal interview is done by videoconferencing and a part is done through face-to-face interviews while respecting COVID-19 rules, such as social distancing.<sup>16</sup>

**Portugal:** Asylum procedures are carried as normal once again. The government introduced temporary regularisation of migrants and asylum applicants at the start of the pandemic. Face to face services at the National Support Centres for Integration and Migrants and Immigration and Border's Service are <u>conditional</u>, and online/remote support remains accessible.

**Sweden**: The Swedish <u>Migration Agency</u> estimates that the number of asylum seekers is likely to decrease compared to the same time last year. However, the border suspension of entry did not affect the possibility to apply for asylum throughout the pandemic. A number of measures have been introduced to reduce the risk of COVID-19 spread: an appointment must be made prior to a visit to the Migration Agency, the number of people able to visit receptions and detention facilities is limited, and remote visits and communication is preferred over physical visits. According to the Swedish Refugee Law Centre, Save the Children, Amnesty Sweden and Stockholm City Mission, Covid-19-related factors may negatively affect the outcome of individual applications in Sweden, as applicants cannot meet their public counsel

<sup>&</sup>lt;sup>13</sup> EASO, COVID-19 emergency measures in asylum and reception systems PUBLIC – Issue No. 3, 7 December 2020, https://bit.ly/37EVmAw

<sup>&</sup>lt;sup>14</sup> UNHCR, 'Factsheet: Italy October 2020', 17 November 2020 < <u>https://bit.ly/39JhYST</u>>.

<sup>&</sup>lt;sup>15</sup> EASO, 'COVID-19 emergency measures in asylum and reception systems, Issue No. 2', 15 July 2020 <<u>https://bit.ly/33H4H9L</u>>.

<sup>&</sup>lt;sup>16</sup> EASO, COVID-19 emergency measures in asylum and reception systems PUBLIC – Issue No. 3, 7 December 2020, https://bit.ly/37EVmAw

in person or nuances may be lost in online interpretation. While confirming that technical problems are a challenge, the Migration Agency maintains that online interviews allow for respect of legal safeguards as fully as physical meetings do.<sup>17</sup>

**United Kingdom:** Initial asylum claims must still be made in person. A number of temporary Asylum Intake Units have been opened in Glasgow, Belfast, Liverpool, Leeds, Solihull, and Cardiff in addition to the main service in Croydon. It was announced on 5 November that these units would continue to operate during the second lockdown period.

An update on 5 November stated that asylum interviews would also continue during the second lockdown and would be carried out mainly online via video conferencing. All decisions on asylum status would be provided via email. Statelessness applications were resumed as 23 April.<sup>18</sup>

On hearings: An update from the Upper Tribunal Immigration and Asylum Chamber on 19 November states that "If a hearing is necessary, the "default" option during the pandemic is, therefore, that the hearing should be conducted remotely."<sup>19</sup>

**Serbia:** The FRA quarterly bulletin reported that Serbia started to build a razor wire fence on its border with North Macedonia in August. A decision of the Ministry of Finance, temporarily expropriating the land nearby, explained that the measure aims to contain the spread of COVID-19 as well as potential massive irregular crossings of the state border.<sup>20</sup>

## RECEPTION CONDITIONS AND QUARANTINE MEASURES

**Austria:** While measures for the second lockdown are in place, once an asylum application has been submitted, applicants are taken to quarantine quarters located in the EAST (own quarantine houses) or to Bergheim near Salzburg, where they must remain for 10 days.<sup>21</sup>

**Belgium:** Masks are mandatory in all areas of reception centres for residents and staff, except personal rooms. Volunteers and visitors are allowed to enter in restricted numbers provided they follow COVID hygiene measures. In the event that residents are tested positive, they are placed in isolation for the required quarantine period.<sup>22</sup> All residents are tested for COVID after registering their application in an arrival centre and have a mandatory quarantine period in the centre.<sup>23</sup>

Measures to allow for voluntary departures from shelters and reception centres with the support of meal vouchers were introduced in October 2020. The objective was to increase available space so that residents tested positive can be isolated effectively. The voluntary departure is dependent on a continuous stay of at least one month and having an ongoing asylum procedure. As a result of overcrowding in reception facilities, temporary changes were made to the unaccompanied minor reception process, including those without symptoms no

<sup>&</sup>lt;sup>17</sup> FRA, Migration Quaterly Bulletin of 5 Nov 2020, available at: https://bit.ly/3otjcpy.

<sup>&</sup>lt;sup>18</sup> Refugee Council UK, 'Changes to Asylum & Resettlement policy and practice in response to Covid-19' 25 November 2020 < <u>https://bit.ly/2JLkEVm</u>>.

<sup>&</sup>lt;sup>19</sup> Courts and Tribunals Judiciary, 'UTIAC Amended Presidential Guidance Note No1 2020: Arrangements during the COVID-19 Pandemic' 19 November 2020 < <u>https://bit.ly/3qqt5WX</u>>.

<sup>&</sup>lt;sup>20</sup> FRA, Migration Quaterly Bulletin of 5 Nov 2020, available at: https://bit.ly/3otjcpy.

<sup>&</sup>lt;sup>21</sup> AsylKoordination, 'Informationen zum zweiten Lockdown' (available in German) 17 November 2020 < <u>https://bit.ly/36GxAo8</u>>.

Fedasil, 'Covid-19: Mesures dans les centres d'accueil', 2 December 2020 (available in French) < <a href="https://bit.ly/2JrDXD2">https://bit.ly/2JrDXD2</a> >.

EASO, 'COVID-19 emergency measures in asylum and reception systems, Issue No. 2', 15 July 2020 <<u>https://bit.ly/33H4H9L</u>>

longer being required to be tested for COVID-19.24

**Bulgaria:** In Bulgaria, according to the Ministry of the Interior, the occupancy rate of the accommodation centres is approximately 16 %. To prevent the spread of Covid-19, the reception centres in Banya and Pastrogor were re-opened, separating new and old arrivals, the Bulgarian Red Cross reported to the FRA.<sup>25</sup>

**Cyprus:** All arrivals undergo a medical screening. It is forbidden to enter or leave reception or detention facilities, except for the entry of newly arriving asylum seekers. As of October, individuals will be provided will social welfare assistance in the form of bank cheques (in place of food coupons) which will be mailed to each individual at the end of each month.<sup>26</sup> UNHCR raised concerns with reception conditions during the pandemic. For example, the first reception centre at Kokkinotrimithia was expanded with tents and prefabricated shelters and quarantine areas for new arrivals. Individuals are allowed to leave the facility if they have a valid address in Cyprus.<sup>27</sup>

**Denmark:** The Danish Immigration Service announced an initiative to track cases of foreigners without legal residence, and who have been found to be infected by COVID-19, to be offered quarantined accommodation in selected asylum centres.<sup>28</sup>

**Finland:** In November, the <u>mass COVID testing</u> of asylum seekers/BIPs in Rovaniemi reception centre was ordered after two residents tested positive.

**France:** There are reports of hundreds of asylum seekers and exiled persons unable to find accommodation in Paris while they await an examination of their asylum applications. This is of particular concern due to the current health crisis. On 23 November, a temporary camp at Place de la Republique was set up, calling for the creation of 1,000 immediate and unconditional housing places as well as a dignified reception system.<sup>29</sup> The French Police carried out the eviction of the makeshift camp with the <u>use of excessive force</u> including attacks with teargas, shock grenades and truncheons against migrants, journalists and protestors. A similar eviction of an informal refugee camp was seen in Dunkirk, with reports of the authorities raiding the camp and destroying property.<sup>30</sup>

Moreover, following a visit to Calais in September 2020, the French <u>Human Rights Defender</u> described migrants' living conditions as "degrading and inhumane" and stressed that "access to food, water and hygiene under these conditions is difficult and complex". It also raised concerns over the lack of masks as well as the impossibility to follow appropriate health measures such as regular hand washing and physical distancing.

**Germany:** Some people in facilities such as reception centres are under total quarantine. So far there are no uniform national measures for these facilities in Germany.

AGII, 'De impact van de COVID-19-pandemie op de rechtspositie van vreemdelingen' (available in Dutch) 31 March 2020 (updated 2 December 2020) sections 9.4 and 9.5 < <u>https://bit.ly/36tcCt0</u> >.
ERA Migration Quatedly Bulletin of 5 Nov 2020, available at: <u>https://bit.ly/36tcCt0</u> >.

<sup>&</sup>lt;sup>25</sup> FRA, Migration Quaterly Bulletin of 5 Nov 2020, available at: https://bit.ly/3otjcpy.

<sup>&</sup>lt;sup>26</sup> Cyprus Refugee Council, 'Further Measures to combat COVID-19 valid from 12 November to 30 November 2020', 12 November 2020 < <u>https://bit.ly/2Jvyhba</u>>. See also: Cyprus Refugee Council, 'Important Announcement regarding 'Food Coupons' for Asylum Seekers', 11 September 2020 < <u>https://bit.ly/3g7VfRS</u>>.

<sup>&</sup>lt;sup>27</sup> UNHCR, 'Cyprus | Reception Capacity', 30 September 2020 < https://bit.ly/3omcEZG >.

<sup>&</sup>lt;sup>28</sup> EASO, 'COVID-19 emergency measures in asylum and reception systems, Issue No. 2', 15 July 2020 <u>https://bit.ly/33H4H9L.</u>

<sup>&</sup>lt;sup>29</sup> Progetto MeltingPot Europe, 'Parigi - Sgombero violento della protesta con accampamento in Place de la République' (available in Italian) 24 November 2020 < <u>https://bit.ly/3mA36d5</u>> See also: Melting Pot Europe, '«Notte della vergogna» a Parigi: centinaia di profughi sgomberati con la forza e inseguiti dalla polizia' 24 November 2020 (available in Italian) < <u>https://bit.ly/39Hqfa9</u>>.

<sup>&</sup>lt;sup>30</sup> Progetto Melting Pot Europe, 'Dunkirk: ennesimo sgombero di un campo informale al nord della Francia' 26 November 2020 (available in Italian) < <u>https://bit.ly/3qlofdm</u>>.

Since the beginning of the year, an estimated 2,000 people have contracted COVID-19 in reception facilities. The estimated number of people in reception centres, as of October 2020, was 53,000. Statistics compiled by Medien dienst-integration provide estimates of the number of confirmed COVID-19 cases in reception centres up to October 2020. For example, 360 cases in Berlin, 541 in Bayern, and 523 in Baden-Wurttemberg. However, the data is not collected systematically, so the true number is likely to be higher. As a result, a number of federal states, including, Berlin, Bremen, Saarland, and Lower Saxony are placing asylum seekers in smaller 'decentralised' accommodation.<sup>31</sup>

A complete quarantine of a refugee accommodation in Lower Saxony was ordered on 2 November 2020, one of several in recent months. The measures mean that 161 persons seeking international protection have been forced into quarantine despite a number of calls to better protect the health of refugees in the facilities, including the severely confined spaces and need to share facilities with a high number of people.<sup>32</sup>

**Greece**: On 24 August 2020, the Council of Europe published Amnesty International's submission to the Committee of Ministers in case Nos. 30696 and 8687/08, highlighting concerns regarding restrictions of movements in reception centres in the Aegean Islands.<sup>33</sup>

Greece never lifted all the restrictions on refugee camps and reception facilities adopted at the outset of the pandemic. These included restricting residents' movement within the limits of the camps and banning or restricting visitors, which affected the provision of social services.<sup>34</sup> Since March people arriving to Greek island camps are quarantined to prevent the spread of COVID-19 and authorities have advised the residents to wear masks, practise social distancing, wash their hands, disinfect, and self-isolate if they feel unwell. However, according to a representative of Médecins Sans Frontières (MSF) such measures were "totally unrealistic in Moria," and "Even if people spend as much time as possible in their tents". In September, more than 12,500 people were left homeless after a fire destroyed the Moria camp on Lesvos. Reportedly German Chancellor Angela Merkel and French President Emmanuel Macron have reached an agreement for 400 unaccompanied minors to be moved to undefined other parts of the EU. The Dutch government has agreed to accept 100 people in total of which 50 under the age of 14. The number will be deducted from the current UN resettlement quota of 500 a year which also counts for potentially reunited family members. Hence, the Netherlands will actually take in less people under this arrangement.<sup>35</sup>

According to a report by Refugees International, published on 24 November 2020, "Tens of thousands of refugees and migrants remained on the islands in August, when a second wave of infections hit Greece. COVID-19 reached the Vial RIC on the island of Chios first and Moria RIC in Lesvos soon after. Authorities responded by intensifying camp lockdowns, creating fear and confusion. In Lesvos, protests ensued and massive fires broke out, burning Moria to the ground on September 9, 2020. Thousands were left homeless, of which hundreds have since tested positive for COVID-19. Hundreds of COVID-19 cases have also been detected in other island RICs and in September, Greek health officials said migrants and refugees accounted

<sup>&</sup>lt;sup>31</sup> Mediendienst-integration, 'Viele Covid-Fälle in Sammelunterkünften' 6 November 2020 (available in German) < <u>https://bit.ly/3g07sYB</u> >.

<sup>&</sup>lt;sup>32</sup> The Refugee Council of Lower Saxony, 'Wieder eine Vollquarantäne: 161 Schutzsuchende in Celle eingesperrt', 13 November 2020 (available in German) < <u>https://bit.ly/3quevOf</u>>.

<sup>&</sup>lt;sup>33</sup> Council of Europe, 'Amnesty International's submission to the committee of ministers in the m.s.s. and rahimi groups of cases v. greece (applications no. 30696/09 and no. 8687/08)' 24 August 2020, pages 6-7 < <u>https://bit.ly/33Dful2</u>>.

<sup>&</sup>lt;sup>34</sup> FRA, Coronavirus pandemic in the EU – fundamental rights implications: focus on social rights, Bulletin 6, November 2020, https://bit.ly/37XiytZ

<sup>&</sup>lt;sup>35</sup> ECRE, 'Greece: 10,000 People Prevented Access, Lockdown Extended, Recognition Rate Increases', 4 September 2020 < <u>https://bit.ly/2Jny4XL</u>> See also: ECRE, 'Greece: Moria Fire – Thousands Sleeping Rough, Chaos Prevails, Calls for Structural Solutions', 11 September 2020 < <u>https://bit.ly/3qqRDPh</u>>.

for many of the COVID-19 cases in Athens. Overall, infection rates among refugees and migrants do not appear to be higher than among the Greek population. Nevertheless, government statements have linked the spread of coronavirus to migrants, fuelling already high anti-refugee sentiment in the country." According to the same report, In Lesvos, "to compel individuals off the streets and into the new camp after Moria's destruction, authorities announced that food and water would only be delivered inside the camp. Residents wait on long lines for food that is of poor quality, low nutritional value, and insufficient. With lockdowns in place, they can no longer go into the city to buy alternative or supplemental food."<sup>36</sup>

Concerns have also been raised regarding the closure of two asylum facilities on the island of Lesvos with the intention to "return...all accommodation structures to the citizens of the Municipality". The PIKPA facility closed on 31 October 2020 and the facility maintained by the Municipality of Mytilene is due to close on 31 December 2020.<sup>37</sup>

**Italy:** UNHCR statistics show that in October, 3,477 refugees reached Italian shores, with over 1,700 disembarking on the island of Lampedusa. New arrivals are required to quarantine upon entering and prior to transfer to a reception facility. There are currently four ferries which have been made available for offshore quarantine, replacing a procedure where persons testing positive for COVID would be transferred to ferries from reception centres. Unaccompanied minors are no longer quarantine. However, concerns remain about access to appropriate facilities for unaccompanied minors, who may have to share facilities with adults. On 31 October, over 80,600 asylum seekers and refugees were in reception facilities.<sup>38</sup>

Latvia: It is noted that the asylum procedure has never been suspended, but reception centre is inaccessible for the counsellors.

**Malta**: <u>OHCHR</u> pointed out to poor hygienic conditions and limited access to medical services in reception centres in Malta.

**Portugal:** On 23 November, Resolution of the Council of Ministers No. 103/2020 established a single system for the reception and integration of applicants and beneficiaries of international protection.<sup>39</sup>

**Spain:** The number of people who have arrived by sea throughout the country has risen to 32,427 people, 45.5 percent more compared to the same period in 2019. Of this figure, 51.7 percent, or 16,760 migrants, entered Spain through the Canary Islands. In November, the Supreme Court recognised the right to request transfers to Spain through embassies.<sup>40</sup>

The number of arrivals to Canary Islands has increased – many have been improperly evicted and not properly provided with reception places. As of November, over 15,000 arrivals in the Canary Islands in 2020 with 2,188 in the first weekend of November (significantly higher than the same figure in 2019: 1,493). With the increasing numbers, one measure has been to partially outsource border controls to Mauritanian authorities. Temporary camps that have been established in Gran Canaria are overcrowded, raising concerns about COVID safety measures. Concerns are also raised due to the lack of information provided about filing asylum

<sup>&</sup>lt;sup>36</sup> Daphne Panayotatos - Refugees International, 'Blocked at Every Pass: How Greece's Policy of Exclusion Harms Asylum Seekers and Refugees', 24 November 2020 <<u>https://bit.ly/3lBvzhA>.</u>

<sup>&</sup>lt;sup>37</sup> Ethnos.gr, 'Λέσβος: Κλείνουν δύο δομές προσφύγων' 24 September 2020 (available in Greek) < <u>https://bit.ly/300eQA7</u>>.

<sup>&</sup>lt;sup>38</sup> UNHCR, 'Factsheet: Italy October 2020', 17 November 2020 < <u>https://bit.ly/39JhYST</u>?>. See also: ASGI, 'Illegali e discriminatori i trasferimenti coercitivi sulle "navi quarantena", 9 October 2020 < <u>https://bit.ly/3opQl5h></u>.

<sup>&</sup>lt;sup>39</sup> Resolution of the Council of Ministers No. 103/2020 (available in Portuguese) < <u>https://bit.ly/39ExEGU</u>>.

<sup>&</sup>lt;sup>40</sup> Global Detention Project, 'Spain, Overview', 20 November 2020 < <u>https://bit.ly/39NnALM</u>?>.

applications or the possible length of detention.<sup>41</sup> Hoteliers on Gran Canaria have offered temporary accommodation for migrants arriving in Gran Canaria.<sup>42</sup>

On 20 November, Catalonia's Department of Labour, Social Affairs and Families called for proposals to fight COVID-19 social exclusion and inequality. Some of the eligible programme activities are supporting administrative regularity of migrants; and the reception of migrants, refugees and returnees.<sup>43</sup>

**United Kingdom:** Concerns were recently raised by several humanitarian organisations of the use of former military barracks as accommodation for asylum seekers as of September. There are particular concerns regarding the lack of compliance with COVID-19 regulations as well as the "risk of re-traumatization triggered by accommodation in former military barracks."<sup>44</sup>

## **DUBLIN TRANSFERS**

A recent report by the Asylum Information Database, 'The implementation of the Dublin III Regulation in 2019 and during COVID-19', provided analysis on transfers in the first half of 2020. There was a significant decrease in the number of international protection applications in the 27 EU Member States from the previous year (around -23%). At the beginning stages of the pandemic, almost all European countries temporarily suspended Dublin transfers, with the exception of Switzerland. According to the AIDA report: "The Dublin Unit in Italy was the first to officially announce the suspension of Dublin transfers through a Circular Letter of 25 February 2020. Postponement of transfers was also publicly announced in **Bulgaria**, the **Czech Republic, Croatia, Germany, Estonia, Spain and Portugal.** In other countries, Dublin transfers were de facto suspended because the activities of authorities were put on hold and/or because transfers could not be implemented for practical reasons, such as the closure of borders and airports, travel restrictions, or other emergency and containment measures. This was the case in **Austria, Belgium, Denmark, Greece, France, Ireland, Luxembourg, Malta, the Netherlands, Poland, Romania, Sweden and Slovenia**."<sup>45</sup>

As of June 2020, travel and border restrictions all over Europe began to be lifted, making it possible for countries to resume Dublin transfers. The European Asylum Support Office <u>stated</u> that "Member States have indicated that they plan on gradually organizing more Dublin transfers in the weeks to come, all whilst respecting the public health and safety measures in place."

**Belgium:** Dublin decisions on transfers to Hungary, Bulgaria and Greece continue to be suspended. As regards the implementation of transfers, they have been suspended because of corona concerning transfers to the Czech Republic, Slovenia, Ireland, Greece, Cyprus and Croatia.

**Czechia:** Ruling by the Regional Court in Brno (Nr. 41 Az 21/2020-83). Article 17 Dublin III Regulation (discretionary clause) is to be applied for humanitarian and solidarity reasons during the COVID-19 pandemic. The courts holds that at present time it would not be suitable,

<sup>&</sup>lt;sup>41</sup> Statewatch, 'Atlantic Moria in the making in overcrowded Gran Canaria camp', 24 November 2020 <<u>https://bit.ly/36AJ64D</u>>.

<sup>&</sup>lt;sup>42</sup> The Canary News, 'Hoteliers on Gran Canaria offer temporary accommodation for irregular migrants', 4 September <u>https://bit.ly/3glypGw</u>

<sup>&</sup>lt;sup>43</sup> EWSI, 'Spain: Funding call for programmes fighting COVID-19 social exclusion and inequality (Unofficial translation)', 25 November 2020 < <u>https://bit.ly/3g9u1Kv</u> > .

<sup>&</sup>lt;sup>44</sup> Infomigrants, 'Concerns raised over military barracks used to house migrants in UK', 2 December 2020 < <u>https://bit.ly/33HX8Qa</u>>.

<sup>&</sup>lt;sup>45</sup> AIDA, 'The implementation of the Dublin III Regulation in 2019 and during COVID-19', August 2020 page 31-36 <<u>https://bit.ly/37FNfnk</u>>.

due to a low age of the applicant's child, to currently transfer the family, residing in Czech, to another state, where there is a much higher number of asylum seekers, when the Ministry does not examine what are the conditions in the asylum facilities in Spain, specifically (conditions) for a family with small underaged children (...) The report does not state how are families with children taken care of in asylum facilities and what the conditions are for life of a family with children. In this case, the ministry should have examined the application under Article 17 Dublin III because of the particular vulnerability of the applicants (based on their age as a minor).

**Denmark:** "Dublin transfers of asylum seekers were suspended between March and July 2020, and even now in November very few transfers are being carried out. A historically low number of asylum seekers have arrived in Denmark as the borders have *de facto* been closed."<sup>46</sup>

**France:** In France, the rate of outgoing transfers will be at around 15% by the end of 2020 (compared to 19% in 2019). Statistics were made available in the budget law for 2021.

**Germany:** Dublin transfers resumed on 15 July 2020 but that there are still very few outgoing and incoming transfers. In September it had been reported that following countries did not accept transfers: Bulgaria, Cyprus, Croatia, Ireland. From our information it is not clear as to whether this is still the current situation.

The suspension of Dublin procedures was introduced on 23 March 2020, at which point the German Federal Immigration Authority stated that the suspension did not imply that States were no longer obliged to take responsibility for asylum claims under the Dublin III Regulation and the 6 month Dublin time limit was consequently suspended. On 18 September 2020, the Higher Administrative Court from Lower Saxony confirmed that the extension of Dublin time limits due to the COVID-19 pandemic was unlawful following an appeal against the judgment of an Administrative Court that had annulled the decision of the authorities to reject an asylum application on this basis. On 7 and 8 April 2020, the German authorities declared to postpone the applicant's transfer until further notice. On 22 June 2020, the German authorities restarted transfers to Sweden, triggering the applicant's request for interim legal protection on the basis of changed circumstances. German authorities argued, inter alia, that this appeal should be rejected, as Article 27(4) of Dublin III allowed for the suspension of the enforcement of Dublintransfers, provided that the reasons for it were objectively justifiable, non-arbitrary and not abusive. The initial ruling of the Administrative Court found that the authorities' suspension decision relating to the pandemic violated EU law, as the Dublin III Regulation allows for the suspension of the implementation of a transfer decision which interrupts the transfer deadline, only in individual cases and in order to make an appeal effective. On appeal, the Higher Administrative Court underlined that the expiry of the Dublin time limits in itself is sufficient for Member States to change responsibility, because Dublin III does not factor in Member State errors in the assessment of responsibility allocation on the basis of expired time limits, and concluded that the time limits of Article 29(1) should be interpreted strictly. Article 27(4) requires a link between the suspension of the transfer and the effectiveness of an appeal and clarified that the suspension of a transfer decision 'until further notice' is not contrary to EU or national law per se.47

**Greece:** According to <u>statistics</u> of the Greek Ministry of Migration and Asylum, 8,746 departures from Greece have taken place up to October 2020. Of this number, 5,793 were removals, 1,502 Dublin transfers, and 1,451 voluntary relocation of asylum seekers/BIPs.<sup>48</sup>

deadlines because of corona' 18 September 2020 <<u>https://bit.ly/2JtwBz3</u>>.
Statistics all referenced taken from: Refugee Support Aegean 'Statistics on returns from:

 <sup>&</sup>lt;sup>46</sup> EWSI, 'Denmark: How has COVID-19 affected migrants?', 20 November 2020 < <u>https://bit.ly/2VBNc66</u>>.
<sup>47</sup> EDAL, 'Germany: Higher Administrative Court confirms the unlawfulness of the extension of Dublin-

<sup>&</sup>lt;sup>48</sup> Statistics all referenced taken from: Refugee Support Aegean, 'Statistics on returns from Greece in 2020: Key observations', 13 November 2020 < <u>https://bit.ly/33HgrZH</u>>.

Italy: Dublin transfers are still being carried out (in limited numbers).

**The Netherlands:** On 21 April 2020 the Court in Den Haag (<u>Case NL20.6494</u>) 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.

**Portugal:** According to the ELENA network updates for Portugal, the pandemic is only a relevant factor for the execution of Dublin transfers (to Italy and Spain) but not the legality of those decisions. This point was also clarified by the Supremo Tribunal Administrativo (Case No. 0449/20.2BELSB) on 5 November 2020, which affirmed that arguments that the pandemic interferes with the legality of Dublin transfers are not credible.<sup>49</sup>

**United Kingdom:** During the early months of the pandemic, the Home Office temporarily suspended Dublin transfers but was still willing to accept transfers. On 11 May, a flight from Greece, carrying 52 people including minors, arrived in the UK to reunite with family members.<sup>50</sup>

In August, the Home Office reportedly resumed Dublin procedures, with transfers to France and Germany despite concerns regarding the rate of COVID-19 transmission.<sup>51</sup> On 13 October, three individuals (Eritrean, Afghan, and Kuwaiti nationals) were removed to Sweden under the Dublin Regulation, thought to be the second overseas removal since the start of the pandemic.<sup>52</sup>

## **DETENTION AND RETURNS**

**Austria:** Decision of the Administrative Court VwGH (Ra 2020/18/0152) on 15 September 2020 concerning the revocation of a return decision based on an internal flight alternative. The Administrative Court found that the contested finding relating to an internal flight alternative did not consider information relating to the COVID-19 pandemic or country of origin information on the effect on the question of reasonableness of the flight alternative in Afghanistan.<sup>53</sup> Returns are still being carried out during this period. A recent charter deportation was carried out on 12 November 2020 to Nigeria.<sup>54</sup>

**Belgium:** The majority of voluntary return trips have been suspended since 16 March 2020 as part of measures to combat the spread of Covid-19. However, once air traffic is back to normal, IOM will organise the voluntary flights as soon as possible. The five return lures (in Brussels, Antwerp, Ghent, Charleroi and Liège) have been reopened since 15 June 2020. In November 2020, a charter flight carrying 77 El Salvadorians, having applied for asylum, (voluntary) departed from Belgium with the assistance from IOM.<sup>55</sup>

<sup>&</sup>lt;sup>49</sup> Acórdão do Supremo Tribunal Administrativo Case No. 0449/20.2BELSB, 5 November 2020 (available in Portuguese) <<u>https://bit.ly/3lvJky8</u>>.

<sup>&</sup>lt;sup>50</sup> Refugee Council UK, 'Changes to Asylum & Resettlement policy and practice in response to Covid-19' 25 November 2020 < <u>https://bit.ly/2JLkEVm</u>>.

<sup>&</sup>lt;sup>51</sup> Statewatch, 'UK: Despite the pandemic, Home Office restarts 'Dublin' removals of asylum seekers to EU countries', 10 August 2020 < <u>https://bit.ly/33CoPtm</u>>.

<sup>&</sup>lt;sup>52</sup> HM Inspectorate of Prisons for England and Wales, 'Sweden and Romania escort and removals', 24 November 2020 < <u>https://bit.ly/2VA9sNC</u>>.

<sup>&</sup>lt;sup>53</sup> Federal Administrative Court, Ra 2020/18/0152, 15 September 2020 (available in German) <<u>https://bit.ly/33Eaxst</u>>.

<sup>&</sup>lt;sup>54</sup> AsylKoordination, 'Informationen zum zweiten Lockdown' (available in German) 17 November 2020 < <u>https://bit.ly/36GxAo8</u>>.

<sup>&</sup>lt;sup>55</sup> The Brussels Times, 'Dozens flown out of Belgium in first voluntary return flight', 12 November 2020, <u>https://bit.ly/37FjYsS</u>.

Conditions relating to detention, i.e., being permitted for only the duration strictly necessary for the implementation of the removal measure with a maximum of two months (with an extension possible in certain circumstances) do not appear to have been met in all cases of detention, given the limited possibility of repatriation. Where appropriate, the person concerned should therefore be released. An application for deprivation of liberty may be appealed to the board of the correctional court.<sup>56</sup>

**Cyprus:** Summary returns are reported to have been carried out throughout the pandemic, attracting attention from the EU and European Court of Human Rights.<sup>57</sup>

**Denmark:** the Danish Parliamentary Ombudsperson reported on the inspections conducted in June 2020 in three prisons, including in the unit for foreign nationals sentenced to deportation located in Nyborg Prison. The inspections examined how the institutions have dealt with COVID-19 and how COVID-19-related measures have affected individuals in prison. The Ombudsperson recommended that authorities consider whether a future pandemic can be dealt with using less restrictive measures and suggested making relevant guidelines and information available in languages that all inmates understand.<sup>58</sup>

**France:** As of November, the government increased the number of people in detention centres despite the COVID-19 situation. Capacity of facilities was previously limited to 50% capacity. This has now been increased to 70% in most facilities and is as high as 90% in Bordeaux at the start of the second lockdown. On 23 November, a positive COVID result was returned by an individual in the Mesnil-Amelot detention facility despite their confinement, suggesting the contamination has taken place within the facility.<sup>59</sup> As reported in the FRA's Migration Quarterly Bulletin, "the Controller General of Places of Deprivation of Liberty published a report on the fundamental rights of persons deprived of their liberty in times of the COVID-19 pandemic. The report voiced concerns about the situation in pre-removal detention facilities, including waiting areas at the border, in conditions that put the detainees' health at risk. It noted that, in view of drastically reduced air traffic, immigration detention has become "an unjustified measure in practice [and] highly questionable in law" due to the lack of a reasonable prospect of removal".<sup>60</sup> Similarly, the <u>NGO La Cimade</u> expressed criticism about keeping hundreds of returnees in pre-removal detention while there are virtually no flights to their country of origin due to the COVID-19 pandemic.

**Germany:** In November, the Federal Government stated its desire to resume collective deportation flights to Afghanistan following an eight month pause due to COVID-19. However, on 17 November 2020, a flight for Kabul was cancelled due to concerns raised by the Afghan government in relation to the pandemic.<sup>61</sup> Afghanistan introduced the requirement of a negative Covid-19 test not older than 48 hours.

**Greece:** Overall, there has been a notable decrease in the number of removals due to COVID measures. Returns to Turkey (pursuant to the EU-Turkey deal) were indefinitely suspended on 5 March 2020. 304 forced returns were carried out in October.<sup>62</sup>

<sup>&</sup>lt;sup>56</sup> AGII, 'De impact van de COVID-19-pandemie op de rechtspositie van vreemdelingen' (available in Dutch) 31 March 2020 (updated 2 December 2020) sections 10 and 11 < <u>https://bit.ly/36tcCt0</u> >.

<sup>&</sup>lt;sup>57</sup> Global Detention Project, 'Cyprus Overview', 12 November 2020 <<u>https://bit.ly/3qsGDkq>.</u>

<sup>&</sup>lt;sup>58</sup> FRA, Migration Quaterly Bulletin of 5 Nov 2020, available at: https://bit.ly/3otjcpy.

<sup>&</sup>lt;sup>59</sup> La Cimade, 'Enfermement En Rétention Malgré La Situation Sanitaire Et Des Frontières Fermées Aux Expulsions', 6 November 2020 (available in French) < <u>https://bit.ly/2JC4pKe</u>>. See also : La Cimade, 'Nouveau Cas Positif Au Covid-19 Au Cra Du Mesnil-Amelot', 26 November 2020 (French) < https://bit.ly/3g5tx80>.

<sup>&</sup>lt;sup>60</sup> FRA, Migration Quaterly Bulletin of 5 Nov 2020, available at: https://bit.ly/3otjcpy.

<sup>&</sup>lt;sup>61</sup> ProAsyl, 'Mitten in der Pandemie: Drohende Wiederaufnahme von Abschiebungen nach Afghanistan', 11 November 2020 (available in German) < <u>https://bit.ly/2L2JEIb</u>>.

<sup>&</sup>lt;sup>62</sup> Statistics all referenced: Refugee Support Aegean, 'Statistics on returns from Greece in 2020: Key observations', 13 November 2020 < <u>https://bit.ly/33HgrZH</u>>.

**Italy:** As reported in the FRA's Migration Quarterly Bulletin, "the Italian Coalition for Freedoms and Civil Rights (Coalizione Italiana Libertà e Diritti civili – CILD) issued a report on immigration detention during the COVID-19 emergency, covering February-June 2020. It notes that, as of 2 July, 451 people were held in Italian hotspots; 332 in Italian Detention and Return Centres (Centri di Permanenza per il Rimpatrio – CPRs); 207 on the Moby Zazà vessel; and a number of people were held in ad-hoc facilities established during the COVID-19 emergency in Sicily to allow people who just disembarked to undergo the 14- day isolation period. The report stressed that these facilities became de facto quarantine facilities, where the migrants' personal freedom was limited without specific judicial authorisation". <sup>63</sup>

**The Netherlands:** An update provided by the Global Detention project in October outlines concerns in immigration detention centres: masks are banned for security reasons so that individuals may be quickly identified. New detainees are quarantined for 8 days before being placed in shared rooms. Deportations and removals were never fully suspended throughout the pandemic, with removals to Brazil, Indonesia, and Poland (land transfers) still possible. It is understood that between March and May there were attempts to remove up to 90 persons. The outcome is unknown.<sup>64</sup>

**Slovakia:** An August update from the Global Detention Project notes that immigration detainees are tested for COVID-19 and placed in isolation if they return a positive result. No immigration detainees were released as a result of the Covid-19 crisis. As of August, Slovakian border police had indicated that expulsions had been suspended but that this would have no effect on detentions.<sup>65</sup>

**Slovenia:** Ruling of the Administrative Court on 18 September 2020 (I U 1308/2020) – an applicant was accommodated outside the detention centre in Postonja for a quarantine period after arrival. During this time, he was held in a container along with other individuals despite lodging an application for international protection. The Administrative Court held the detention contrary to Art. 4 EU-Charter: there was no possibility to access open air or outdoor exercise.

**Spain**: On 10 November 2020, a deportation flight to Mauritania was carried out, despite most of the deportees being Senegalese nationals.<sup>66</sup>

**Sweden**: Expulsions are still taking place despite COVID-19. The Swedish <u>Migration Agency</u> has stated it will carry out deportations where practicably possible despite travel restrictions. Detainees with symptoms are isolated from others inside detention facilities. In addition, "some detention decisions are made on the basis that the person is deemed to be able to travel out of Sweden shortly, but if there is no possibility, the <u>Swedish Migration Board</u> can reconsider the decision on detention and release the person from custody" on a case by case basis. Moreover, detainees are unable to receive visitors due to COVID-19-related prevention measures, the Swedish Church told FRA. They reported to FRA that detainees are becoming increasingly mentally unstable compared to before the COVID-19 outbreak.<sup>67</sup>

**Ukraine:** Several Covid-19 outbreaks have occurred in migration centres, but healthcare is provided. A major challenge of an excessive use of detention still remains with no changes in the immigration detention practice.

United Kingdom: The Home Office has stated it will urgently review cases of those in

<sup>&</sup>lt;sup>63</sup> FRA, Migration Quaterly Bulletin of 5 Nov 2020, available at: https://bit.ly/3otjcpy.

<sup>&</sup>lt;sup>64</sup> Global Detention Project, The Netherlands Overview, 9 October 2020 < <u>https://bit.ly/37tCiVH</u>>.

<sup>&</sup>lt;sup>65</sup> Global Detention Project, Slovakia COVID-19 update, 19 August 2020 < https://bit.ly/36A6Oy4>

<sup>&</sup>lt;sup>66</sup> Statewatch, 'Atlantic Moria in the making in overcrowded Gran Canaria camp', 24 November 2020 <<u>https://bit.ly/36AJ64D</u>>.

<sup>&</sup>lt;sup>67</sup> FRA, Migration Quaterly Bulletin of 5 Nov 2020, available at: https://bit.ly/3otjcpy.

immigration detention. Detention centres are closed to visitors, apart from in exceptional circumstances.

Voluntary returns were resumed on 13 July 2020. A deportation charter flight to Jamaica left the UK on 2 December, the day second national lockdown measures were relaxed. The flight is reported to have been carrying 13 people. According to Detention Action, "those deported included many with one or more British children, those with no legal representation who were yet to have their cases properly heard, at least one person who arrived in the UK as young as 13, and at least one person with immediate Windrush relatives."<sup>68</sup>

No general policy on suspending returns was introduced during the pandemic, despite practical obstacles. An estimated 285 people were removed between 1 April and 30 June.<sup>69</sup>

## ACCESS TO HEALTH CARE, TESTING, AND VACCINATIONS:

## Vaccinations

Several organisations have called for governments to include migrants in vaccine distributions. On 24 November 2020, the International Organization for Migration and Vaccine Alliance signed a memorandum of understanding aiming to strengthen their collaboration on vaccination efforts. They highlight, in particular, the need for collaboration; the sharing of health expertise and trainings; data; and other technical and logistic capacities.<sup>70</sup> <u>IOM urges</u> <u>Governments</u> not to forget migrants as the battle against COVID-19 enters a new phase. The IOM added that the urgent need for cooperation is not only for the health of refugees and asylum seekers, but is beneficial for all in host countries.

A similar report by Human Rights Watch in October highlighted the need for cooperation around a COVID vaccination. The report addresses a number of aspects involved in successfully distributing a vaccination, but primarily outlines the need for: the sharing of knowledge and <u>intellectual property data</u>; a commitment to an affordable vaccine for all countries; and a transparent vaccination process. HRW makes a number of recommendations including: "Collectively map out the global capacity to manufacture the needed supply of Covid-19 vaccines, and cooperate to develop a strategy to fund and support the creation of additional manufacturing capacity especially in low- and middle-income countries to ensure rapid and diversified large-scale production."<sup>71</sup>

## Health care

There is evidence showing the pandemic has disproportionately affected migrants, asylum seekers, and refugees – likely due to overcrowding in reception and detention centres; poor hygiene measures in these facilities; and restricted access to health care services in host countries.<sup>72</sup>

**Ireland:** Refugees and asylum seekers are included in health and government welfare support as they are identified by the Health Care Executive as very high risk or high risk. Further measures may be put in place for those who may be further identified as vulnerable. In addition, "the United Nations is advocating that everyone, including all migrants, refugees

<sup>&</sup>lt;sup>68</sup> Detention Action, 'Press Release: Jamaica Deportation Flight Included Windrush Descendant And Trafficking Victims' 2 December 2020 < <u>https://bit.ly/3qquPPZ</u>>.

<sup>&</sup>lt;sup>69</sup> Free Movement, 'Coronavirus and the UK immigration system', 24 November 2020 < <u>https://bit.ly/36FumS8</u>>

<sup>&</sup>lt;sup>70</sup> IOM, 'Gavi and IOM Join Forces to Improve Immunization Coverage for Migrants', 24 November 2020 < <a href="https://bit.ly/36ByK4j">https://bit.ly/36ByK4j</a>>.

<sup>&</sup>lt;sup>71</sup> Human Rights Watch, "Whoever Finds the Vaccine Must Share It": Strengthening Human Rights and Transparency Around Covid-19 Vaccines', 29 October 2020 < <u>https://bit.ly/2Vx7iys</u>>.

<sup>&</sup>lt;sup>72</sup> FRA, 'Coronavirus Pandemic In The EU – Fundamental Rights Implications: Focus On Social Rights – Bulletin #6 1 Sep – 31 Oct 2020' November 2020, pages 31-32< <u>https://bit.ly/39Hwpai</u> >. See also; Dr Petra Bendal, 'Thematic Discussion Paper Innovative or ad hoc? Practices of migrant integration in light of COVID-19', 26 November 2020 < <u>https://bit.ly/33J2PgD</u>>.

and undocumented people, are ensured equal access to health services and are effectively included in national responses to COVID-19, including prevention, testing and treatment. Inclusion will help not only to protect the rights of refugees and migrants, but will also serve to protect public health and stem the global spread of COVID-19."<sup>73</sup>

**Italy:** While not directly COVID related, on 19 October 2020, the Tribunal di Venezia (RG n. 1503/2020) found the inability for foreign minors residing irregularly in the country to access health care services, including access to a paediatrician, to be discriminatory. Considerations of COVID health situations in other countries has also been address in recent case law. On 21 September 2020, the Tribunal di Perugia found that the COVID emergency had not been effectively addressed in the applicant's country of origin (Senegal). The Court considered the access to the public health system in Senegal was often expensive and noted a shortage of doctors in rural areas. The return order was suspended.<sup>74</sup>

**Portugal:** "In July 2020, [Portugal] decided to grant people with a pending residence application a temporary residence permit during the COVID-19 pandemic. Because of this measure, tens of thousands of migrants are now able 'to access health care, social services, unemployment benefits and the labour market on the same footing as Portuguese citizens."<sup>75</sup>

**United Kingdom:** A recent report has provided an analysis of access to healthcare in BAME and migrant communities during the pandemic: "Medact, Migrants Organise, and the New Economics Foundation have undertaken crucial research to understand and raise awareness of barriers to healthcare for migrants during the coronavirus crisis, and to help inform the response to this emergency. We surveyed migrant and refugee support organisations and community groups from across the UK. We then undertook interviews with a subsection of respondents in order to gather further information."

The report suggests that barriers to accessing healthcare are a result of: the hostile environment in the UK, which discourages people from attempting to access services; the fact that exemptions from charges for migrant communities are not working in practice and perpetuated by a climate of fear and mistrust; and additional barriers, such as language and proximity to care services. The report again calls for the sharing of data and improved information campaigns.

The report adds: "The precarious living situation migrants face while in the process of acquiring their immigration status creates additional barriers to accessing healthcare, many of which have been exacerbated during the crisis. They experience higher instances of homelessness, 'sofa-surfing', and frequent moving between accommodation, often due to Home Office dispersal, provision of accommodation, and problems caused by the Right to Rent policy. This complicates access to healthcare, as many face difficulties providing the proof of address often asked for when registering to use health services, and many are forced to move away from the services where they had been receiving treatment."<sup>76</sup>

## Access to other services:

The city of **Gdansk** (Poland) also offers free medical care concerning the virus to all citizens

<sup>&</sup>lt;sup>73</sup> UNHCR, Ireland, 'Information on Covid-19 for Refugees and Asylum-Seekers in Ireland', 20 October 2020 < <u>https://bit.ly/39H13jU</u>>.

<sup>&</sup>lt;sup>74</sup> Melting Pot, 'Senegal - L'attuale emergenza legata al Covid-19 non può essere efficacemente affrontata nel Paese del richiedente - Tribunale di Perugia, decreto del 21 Settembre 2020', 6 October 2020 (available in Italian) < <u>https://bit.ly/3qo5PIV</u>>.

<sup>&</sup>lt;sup>75</sup> Dr Petra Bendal, 'Thematic Discussion Paper Innovative or ad hoc? Practices of migrant integration in light of COVID-19', 26 November 2020, page 6 < <u>https://bit.ly/33J2PgD</u>>.

<sup>&</sup>lt;sup>76</sup> Medact, Migrants Organise, and the New Economics Foundation, 'Patients not passports: Migrants' Access to Healthcare During the Coronavirus Crisis', June 2020, pages 1-3, 25 < https://bit.ly/3osAldH>.

and foreigners, regardless of their origin, citizenship and whether they have insurance or not. The **Leeds** City council (UK) set up a network to monitor the impact of COVID-19 on 'communities of interest' (minority communities like refugees, asylum seekers, people with disabilities, LGBT). "The council is working with health/care networks, volunteer hubs and complaints departments to identify the practical and financial needs of communities of interest and aim to capture stories to help measure the impact of the city's response to COVID-19. It is hoped the lessons learned will have a long-term impact for communities in Leeds." The city of **London** (UK) offers free testing for anyone legally or illegally resident in the UK, and the same is true for Manchester and **other British** municipalities. Different **Italian** and **Spanish** cities have outreached in particular to irregularly-staying migrants, such as in Forlì, Milan, Cartagena, Madrid or Manresa in order to ensure equal access to health services and provide complementary services. **Nice** (France), too, engages in the distribution of medicine and food with the help of volunteers. Psychological phone counselling also has been introduced in cities like Düsseldorf."<sup>77</sup>

<sup>&</sup>lt;sup>77</sup> Dr Petra Bendal, 'Thematic Discussion Paper Innovative or ad hoc? Practices of migrant integration in light of COVID-19', 26 November 2020, page 8 < <u>https://bit.ly/33J2PgD</u>>.