



## EJTN 1h Lunch Webinar

**18 March 2021**

*COVID-19 pandemic and its effects on  
refugees and asylums seekers*

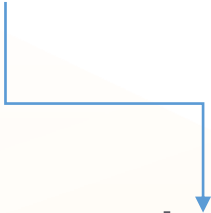
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Immigration Law Judges (IARMJ)

# Lunch webinar

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- Impact of COVID-19 on asylum

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- Adopted measures
  - New asylum reality



❖ States' obligations under EU law and international human rights law

# Impact of COVID-19 on asylum

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- various measures to contain the contagion and reduce its transmission



- significant implications on fundamental rights and freedoms
- direct impact on **asylum, reception and return procedures**

# Asylum statistics (Eurostat)



**2019: 578,580** applications  
for international protection

35% decrease

**2020: 375,255** applications  
for international protection

# Asylum procedures

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- **Border closures**
- **Public access to asylum authorities:** totally/semi restricted
- **Registration:** temporarily suspended/limited
- **Documentation**
- **Personal interviews:** discontinuation/video conference
- **Judicial proceedings:** limited

# Reception procedures

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- **Newly-arrived asylum seekers:** quarantine/self-isolation/medical screening
- **Emergency shelters**
- **General restrictions:** safety principles and protocols
- **Restrictions of movement / activities suspended**

# Return procedures/Detention

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- Return procedures
  - interrupted
- Asylum procedure for applicants for international protection in detention:
  - affected

# Second wave of restrictive measures

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- **From Mid-April 2020 onwards:** Phasing out of measures



- **Since August 2020:**

- Epidemiological situation has worsened
- Added pressure on healthcare services
- New restrictive measures: local and regional-level restrictions
- Basic services/less impact



# New reality in asylum procedures

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- Operations of asylum services: each system's resilience
- Extensive preventative measures
- E-services: New communication channels
- Interviews: remote / rooms with plexiglass
- E-notification

# New reality in reception procedures

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- New arrivals: medical screening/quarantine
- General health measures
- Temporary restriction of movement
- Re-organisation
  - Accommodation capacity/occupancy rates
  - Food/financial allocations/Online distance learning
  - Restricted access to civil society organisations
  - Legal services: designated area
- Second instance procedures maintained
- New restrictions in detention

# States' obligations during times of COVID-19 pandemic

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**Derogation**

Principle of non-refoulement

Right to seek and enjoy asylum

Human Rights

# Border Closure?

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- **Necessity-Proportionality**
  - Continuous review
  - Time bound / not permanent
  - Not a blanket measure
  - Explicit exemption for asylum-seekers

# Measures other than border closures?

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- Medical screening
- Quarantine/Isolation: reasonable-proportionate- non discriminatory



- Danger for prolonged quarantines

# Closure of registration facilities?

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- Article 6 APD
- Asylum aquis
- Effective access to international protection
- establish or extend legal stay
- access to services

# Derogatory rules in asylum procedures?

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- Article 6 APD
  - Extend the time limit for registration/ other changes
- Derogatory measures:
  - risk assessments + scientific advice + proportionate
  - temporary changes
  - Information
  - contact with UNCHR/NGO's/legal counselling
  - Working through backlogs + fair procedures

# E-services

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- Positive momentum:
  - Automatization of processes, registration and lodging,
  - Safeguards for applicants with special needs
- Interviews?
  - Social distancing arrangements
  - Remote interviews: maintain quality
    - Not suitable for all applicants



# Reception and living conditions

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- Human dignity + Right to health+ Material conditions
- People in reception centers- overcrowded camps?
- Suspended procedures?
- Restriction of movement?

# Different modalities for material reception conditions

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- **Health Screening:** identify the appropriate precautionary measures
- **Housing:** homeless asylum seekers? Closure of reception centers?
- **Education:** Distant learning modalities/ equal access

# Detention>Returns

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- Not arbitrary and discriminatory/ authorized by law/ procedural safeguards
- Health concerns: Do not justify systematic use of detention
- Prevailing circumstances: is detention lawful or appropriate?
- Conditions in detention
- Return and corona related deteriorating living conditions in the country of origin

# Thank you!

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## Sources:

EU COM: Brussels, 16.4.2020 C(2020) 2516 final

EASO: Asylum Trends and COVID-19

UNCHR: Practical Recommendations and Good Practice to Address Protection Concerns in the Context of the COVID – 19 Pandemic,  
[https://im.unhcr.org/covid19\\_platform](https://im.unhcr.org/covid19_platform)

ECRE: Covid-19 measures and updates related to asylum and migration across Europe