



COVID-19 emergency measures in asylum and reception systems

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Introduction



The European Asylum Support Office (EASO) has published two public reports, “COVID-19 emergency measures in asylum and reception systems”, Issue [1 \(June 2020\)](#) and Issue [2 \(July 2020\)](#), which analyse emergency measures put in place in asylum and reception systems in EU+ countries in response to the COVID-19 pandemic. The reports presented variations and similarities in national efforts to address the situation and described interim solutions which were put in place.

Since the outbreak of the pandemic until mid-April 2020, EU+ countries operated under a state of emergency or enforced extraordinary measures to contain the spread of the virus, which impacted asylum and reception systems. From mid-April until June 2020, EU+ countries began to ease emergency measures and gradually resumed activities in a manner adapted to avoid a further COVID-19 outbreak.

From September 2020, COVID-19 cases have been increasing,¹ and the second wave of the pandemic has led to restrictive measures being implemented across EU+ countries again.

Building on the findings of the previous reports, the current edition aims to:

- Supplement the previous reports by presenting developments over the period 15 July to 15 November 2020; and
- Identify national trends and practices in asylum and reception systems in response to a second wave of the COVID-19 pandemic.

Methodology

Primary facts and information are mainly drawn from official, publicly-available sources, including websites of national asylum authorities and press releases published by competent authorities, EU agencies and civil society organisations. A full overview of sources is available in the annex.

Information which is not referenced otherwise is based on input provided by the EASO Information and Documentation System (IDS) Advisory Group through the “EASO survey on the impact of COVID-19 measures on asylum and reception systems”, launched in October 2020.

EASO expresses gratitude to asylum and reception authorities in EU+ countries for the continued cooperation and information exchange. The contributions of national asylum experts are invaluable in helping EASO maintain an accurate and up-to-date overview of asylum-related developments in Europe and beyond.

Disclaimer: The summary and key findings are indicative and not exhaustive.

¹ <https://www.ecdc.europa.eu/en/news-events/covid-19-cases-increasing-across-europe>



Key findings

- In September 2020, the second wave of the COVID-19 pandemic began in EU+ countries. The level and duration of restrictive measures vary across EU+ countries, however most countries implemented local and regional restrictions, rather than nation-wide lockdown measures which were put into place during the first wave. EU+ countries also made efforts to **retain a certain level of services in asylum and reception systems**, thus the second wave has had less of an impact on their functioning.
- The protocols defined by the health authorities (such as the use of masks, social distancing, use of disinfecting products and health screenings) and logistical arrangements (such as limiting the number of people in buildings, providing access during staggered hours only) had a catalytic effect in the resumption and/or **continuation of face-to-face activities**. These practical solutions are combined with additional **technical support for activities performed online** (such as online registrations, remote interviewing, electronic means of notification of decisions and informing on the status of the case). The variety of solutions allows asylum authorities to diversify approaches and opt for live or online measures, depending on current needs and preferences (e.g. by using certain methods only in specific locations or for specific groups of applicants that may be more at risk). Many solutions can also be successfully adopted by other Member States as part of the exchange of experiences and knowledge transfer.
- During the second wave of the pandemic, the operations of asylum services depended greatly on each system's resilience and preparedness to operate in adapted conditions as defined by health authorities, which often required **swift adjustments to the changing requirements and guidance** as numbers of infections and active cases fluctuate or new research on COVID-19 becomes available. As the spread of COVID-19 is likely to remain a concern for the foreseeable future, many of the adapted working methods and measures in asylum and reception will continue to be in use, thus **justifying the continued investment in them and their further optimisation to increase the adaptability of asylum and reception systems in addressing similar challenges in the future**. Having an array of tested solutions and methodologies would allow EU+ countries to resort to these procedures in times of need due to COVID-19 (e.g. should COVID-19 become a seasonal occurrence) but also in other situations, such as increased arrivals or the need to perform part of the asylum procedure at remote locations.
- At the same time, the resumption of operations by judicial institutions has led to the **review of emergency measures in asylum and reception procedures**, and some courts and tribunals have ruled on the immediate annulment of certain measures. Further reviews are expected at the levels of the supreme court and European courts. This reaffirms in practice that procedures and safeguards in asylum practices must be aligned with the Common European Asylum System (CEAS) framework to avoid an arbitrary revision of rules and any infringement on the existing legal framework, even in the case of an emergency.
- EU+ countries took various measures tailored to their needs resulting from different factors impacting on their asylum systems at specific moments in time (such as number of COVID-19 cases, high numbers of arrivals still noted by some Member States, special requirements of some groups of applicants such as unaccompanied minors). This may lead to divergent protection standards across Europe that may impact on the harmonised application of the CEAS and possibly trigger additional secondary movements. This underscores the need for **expert guidance at the EU level** as an important tool to ensure convergence and equal level of high standards across EU+ countries.

1. Emergency measures during the second wave of the COVID-19 pandemic

Urgent COVID-19 confinement measures which were enforced from March to April 2020 in the majority of EU+ countries were eased gradually in May and June and substituted by extensive preventative measures (use of masks, social distancing, etc.).

However, since August positive COVID-19 cases have been steadily increasing according to the European Centre for Disease Prevention and Control (ECDC), with a marked escalation in September/October 2020.² As the epidemiological situation has worsened across Europe and added pressure on healthcare services, restrictive measures have been put in place again.

The level and duration of the measures vary across EU+ countries, which have generally implemented local and regional-level restrictions and limited curfews based on risk assessments rather than full lockdowns. In this second wave of restrictive measures, EU+ countries have retained basic services, thus having less of an impact on the provision of services in asylum and reception.

In **Austria**, the [COVID-19 protective measures ordinance](#) took effect from 3 to 30 November 2020, imposing a curfew from 8:00 p.m. to 6:00 a.m. and certain restrictions on social activities. Public meetings and events are also restricted in **Estonia**.³

In **Belgium**, the federal government and the governments of the states proceeded to a stricter lockdown from 2 November to 13 December 2020. However, all essential asylum activities are maintained. The Council of Ministers in **Bulgaria** issued [three decisions](#) to extend the duration of the emergency measures until the end of November 2020. The State Agency for Refugees [continues to operate](#) under strict measures.

In **Germany**, individual federal states (*Länder*) are responsible for quarantine regulations. The federal states have issued their own regulations based on [a federal specimen](#). In this context, a partial lockdown – initially limited to 4 weeks – has been in force throughout Germany. In contrast to the lockdown in the spring, this time services (e.g. daycare centres, schools, shops) in general [will remain open](#).

Norway introduced [new national infection control measures](#). Similarly, the **Netherlands** implemented a temporary tightening of a [partial lockdown](#) and [stricter measures](#) by limiting travel and enforcing compliance more strictly. In **Slovenia**, the government decided to [extend the ordinance measures](#) to contain and manage the COVID-19 pandemic.⁴

Strict measures were imposed also in **Czechia** following a 30-day [state of emergency](#) declared as of 5 October 2020, restricting inter alia the free movement of persons. As of 28 October 2020, there is a

² <https://www.ecdc.europa.eu/sites/default/files/documents/RRA-COVID-19-EU-EEA-UK-thirteenth-update-23-Oct-2020.pdf>

³ Provisions on emergency situations are set out in the [Emergency Act](#) (in Chapter 4). See for instance Government of the Republic Order No 282 "[Restrictions on the freedom of movement and on holding public meetings and public events as necessary for preventing the spread of the COVID-19 disease](#)" (consolidated text 16 November 2020).

⁴ Application of the measures and restrictions determined in the [Ordinance](#) on temporary measures to reduce the risk of infection and spread of COVID-19 is to be extended for 14 days.

curfew between 9:00 p.m. and 4:59 a.m.⁵ [France](#) and [Greece](#)⁶ also imposed nationwide lockdowns in November. In order to maintain asylum services, Greece published an [Action Plan](#) to limit the transmission of COVID-19 in the workplace within the Ministry of Asylum and Migration. Similarly, in [Hungary](#) [strict rules](#) were introduced, including a general curfew between 8 p.m. and 5 a.m. until at least 11 December 2020. However, courts and national authorities (including the NDGAP) continue their work under strict rules (e.g. prior registration for appointments with clients, temperature checks, face masks, etc.). [Ireland](#) [also imposed](#) a 6-week lockdown on 21 October, entering Level 5 restrictions (including restrictions of movement, telework unless providing an essential service for which their physical presence is required, etc.).

An emergency situation was declared in [Latvia](#) from 9 November to 6 December 2020, imposing strict health measures while guaranteeing the fundamental rights of the population and access to basic needs.⁷ The government in [Lithuania](#) declared a national lockdown.⁸ In [Luxembourg](#), [a curfew](#) prohibits the movement of people on public roads between 11:00 p.m. and 6:00 a.m. According to the [decision](#) of the Council of Ministers, as of 24 October 2020, new security measures were implemented in [Poland](#), where the ‘red zone’ was extended to the entire country.⁹ New restrictions were introduced in [Romania](#) by [Decision No 52](#) of 5 November 2020 which introduced a curfew between 11:00 p.m. and 5:00 a.m. with some exceptions and advised on extending teleworking measures,¹⁰ while [Decision No 967](#) from 12 November 2020 prolonged the state of alert starting from 14 November 2020. The [state of emergency](#) in [Slovakia](#) was extended by 45 days. In [Spain](#), a state of emergency was declared again initially for 15 days but extendible to a maximum of 6 months. No general lockdown is foreseen, but movement is limited from 11:00 p.m. to 6:00 a.m. Based on this declaration, [each autonomous government will decide](#) the measures to apply in their region.

Several EU+ countries are implementing targeted local restrictions. Following an [instruction](#) on measures to prevent the spread of the COVID-19 epidemic and ensuring conditions for regular work in state administration bodies, offices and other professional services, [Croatia](#) has introduced [measures on a regional level](#) since October 2020, based on an assessment of each area. Similarly, [Cyprus](#) applies a cascade system with local restrictions at a regional level based on a [Regulatory](#)

⁵ See [Resolution of the Government of the Czech Republic](#) of 30 October and 2 November 2020 on the adoption of crisis measures; [Government Resolution No 1102](#) of 26 October on the adoption of a crisis measure to restrict free movement with effect from 28 October 2020; [Resolution of the Government of the Czech Republic of 21-10-2020-c-1078 on adoption of crisis measures with effectiveness from 22-10-2020 on prohibition of free movement persons](#); [Resolution of the Government of the Czech Republic of 21-10-2020-c-1080 on adoption of crisis measures with effectiveness from 22-10-2020 on limitation of activity of public power and state organs](#).

⁶ [Joint Ministerial Decision B' 4899/06.11.2020](#).

⁷ [Cabinet of Ministers Order No.655 "On Declaring a State of Emergency](#).

⁸ This [Resolution](#) entered into force on 7 November until 29 November with the closure or restriction of certain facilities. It was [prolonged until 17 December 2020](#).

⁹ On 6 [November 2020](#), the President of the Republic declared a [State of Emergency](#) "based on the confirmation of a public calamity situation". As a result and after being [authorised by the Assembly of the Republic](#), the XXII Constitutional Government drafted [Decree No 8/2020](#) of 8 November 2020 which regulates the application of the state of emergency decreed by the President of the Republic. The state of emergency covers the entire national territory for 15 days, starting at 00:00 hours on 9 November 2020 and ending at 23:59 hours on 23 November 2020, without preventing possible renewals.

¹⁰ See also [Government Decision No 856 of 14 October 2020 regarding the extension of the state of alert from 15 October 2020 on the territory of Romania and the measures applied to prevent and combat the effects of the COVID-19 pandemic](#); [Government Decision No 782 of 14 September 2020 regarding the extension of the state of alert from 15 September 2020 on the territory of Romania and the measures applied to prevent and combat the effects of the COVID-19 pandemic](#); [Government Decision No 668 of 14 August 2020 regarding the extension of the state of alert from 16 August on the territory of Romania and the measures applied to prevent and combat the effects of the COVID-19 pandemic](#).

[Administrative Act](#) of the Minister of Health and [a list of preventative measures](#) is valid until 15 January 2021. Local restrictions had also been imposed in **Denmark**, where the government launched a [national warning system](#) for COVID-19 and a number of local restrictions and measures were implemented in [municipalities](#). The local restrictions were lifted again on 19 and 20 November 2020.¹¹ In **Finland**, the government adopted a resolution on local and regional [recommendations](#) to prevent the spread of COVID-19. In order to prevent a new lockdown, the **Italian** government issued a new legislative decree defining three groups of measures to be implemented at the regional level. The Public Health Agency of **Sweden** announced stricter general guidelines for specific counties at the [local level](#).

2. First instance procedures

The general measures on confinement and social distancing affected face-to-face services in asylum procedures. The registration of applications and personal interviews were interrupted in many EU+ countries from March to April 2020. The gradual resumption of in-person activities as of May 2020 was subject to strict protocols and preventative health measures.¹²

During the second wave of the pandemic, EU+ countries have made efforts to sustain asylum services by adapting to health standards set by competent authorities,¹³ for example in **Austria, Belgium, Bulgaria, Denmark,**¹⁴ **France, Germany, Greece,**¹⁵ **Italy, Latvia, Malta, Netherlands, Poland, Portugal, Romania, Slovakia** and **Slovenia**. The norm in all asylum authorities in EU+ countries now includes extensive preventative measures, such as the use of masks, disinfecting products, hygienic conditions, social distancing, maximum numbers of people in one space, use of plexiglass in exchanges with visitors/applicants for international protection and measuring temperature. For urgent reasons, asylum authorities have sometimes closed down specific offices temporarily, e.g. **Greece** and **Sweden** ([Uppsala, Malmö](#) and Kristianstad).

To avoid unnecessary waiting times, appointments are made by telephone or as electronic appointments, e.g. in **Austria, Greece,**¹⁶ **Lithuania** and **Sweden**. In other administrations, all communication is online, for example to request information or submit a document, e.g. in **France**

¹¹ <https://www.dr.dk/nyheder/inland/restriktioner-i-nordjylland-bliver-ophaevet-borgere-i-syv-kommuner-maa-igen-besoeg>

¹² EASO, [COVID-19 emergency measures in asylum and reception systems, PUBLIC](#) – Issue No. 2, 15 July 2020.

¹³ Based on national input for the “EASO survey on the impact of COVID-19 measures on asylum and reception systems”, October 2020, unless indicated otherwise.

¹⁴ From 8-22 September 2020, employees of the Ministry of Immigration and Integration with a workplace in Copenhagen and Odense resumed working from home due to a steep rise in COVID-19 cases in these areas. The measure does not apply to workers in critical functions and civil services, nor to those with a workplace outside of these areas. The asylum unit was not affected by this measure due to its location outside of Copenhagen. Almost all activities related to asylum and reception have been resumed, but in compliance with the recommendations of the national public health authorities. This means no more than 50 persons can be gathered together, social distancing and good hygienic practices.

¹⁵ See also Hellenic Ministry of Migration and Asylum, [Action Plan to Limit the Transmission of COVID-19 in the workplace](#).

¹⁶ Since October 2020, the [following procedures](#) are performed exclusively by appointment: previously-scheduled interviews, previously-scheduled registration and the submission of supporting documents related to family reunification in Dublin cases. Other services that are processed electronically as of June 2020 without the need for personal presence are: change of contact details, change of ID information, request for a postponement/acceleration of the interview, certificate of asylum-request status, certificate of separation of folders, certificate of submission of documents, certificate of issuance of copies, application for legal aid and search for the PAAYPA number (that gives its holder access to the Greek health system).

and [Greece](#). In some administrations, no person is received without prior invitation or appointment, e.g. in **France, Greece and Lithuania**.

To renew applicant cards, asylum authorities continued to provide certificates by mail, e.g. **France and Sweden**, or extend their validity for a specific timeframe based on a decision issued by the authorities, e.g. [Greece](#).

2.1 Registration

The registration of applications was interrupted in many EU+ countries from March to April 2020.¹⁷ Following the easing of restrictive measures, authorities gradually resumed their operations in May/June.

During the second wave of the pandemic, the operations of asylum services depends greatly on each system's resilience and preparedness to operate in adapted conditions as defined by the health authorities. At the same time, some temporary solutions initially put in place have been overturned by courts (e.g. Belgium). Asylum authorities have adjusted their normal procedures in order to ensure procedural guarantees and the EU asylum *acquis*. Nevertheless, COVID-19 measures affect registration capacity because of the limitations which are posed, e.g. the number of people in buildings, availability of rooms, access during staggered hours, etc.

Registrations are done in specific arrival centres in **Belgium, Czechia and Denmark**. Following registration, applicants are accommodated in reception facilities or placed in quarantine.

In **Belgium**, the system of online requests for appointments was ended. As of 30 October 2020, individuals who wish to make an application for international protection must present themselves at the [Registration Centre](#) Petit-Château, where they are invited to enter the building in groups, according to a fixed schedule, within the capacity of the Registration Centre and according to sanitary measures. Once the asylum request is registered, Fedasil offers a reception place to those who are entitled. This material assistance is guaranteed throughout the asylum procedure and takes the form of board and lodging, as well as support, in a centre operated by Fedasil or its partners.

Following an Order of the Court of First Instance of Brussels, Belgium ended the online appointment system for registrations as it ruled that the system did not allow all applicants for international protection to request material support in accordance with the Reception Act at the moment of submitting an online request for an appointment and to obtain a decision on the provision of material support.

[According a Press Release issued by Fedasil](#), as of 30 October 2020 the Immigration Office terminated the appointment-making system. The system, through which asylum applicants had to obtain an appointment through the Immigration Office website, was set up at the beginning of April.

In **Czechia**, applicants for international protection should present themselves to the reception centre in Bělá-Jezová to apply. Applicants are then placed in quarantine in the reception centre. The quarantine is completed after a negative result in the RT-PCR test. The test is usually done on the fifth day of the stay in the reception centre.

Similarly, in **Denmark** an asylum applicant is housed in quarantine-like terms for 14 days after arrival. However, the registration will take place immediately at arrival or the next day for a late arrival. If the

¹⁷ See EASO reports on "COVID-19 emergency measures in asylum and reception systems", Issue [1 \(June 2020\)](#) and Issue [2 \(July 2020\)](#).

applicant has COVID-19 symptoms, the registration will be postponed until the applicant has tested negative for COVID-19.

In **France**, the Council of State ruled¹⁸ that the Minister of the Interior should re-establish in Ile-de-France the registration of asylum requests within 5 days of notification of the order and under COVID-19 health measures, giving priority to people with vulnerabilities. It also stated that the French Office for Immigration and Integration should restore the multilingual telephone platform to make appointments. Following the order, the registration of all the asylum applications resumed from 7 May in Ile de France and from 11 May elsewhere in France.

The branch offices of the Federal Office in **Germany** have largely resumed regular operations. If necessary, "form applications" (comparable to "written asylum applications") may be allowed to comply with COVID-19 measures. This regulation applies to initial asylum procedures, which are coordinated by the branch offices of the Federal Office and the responsible (initial) reception centre.¹⁹

The **International Protection Office** in **Ireland** has remained open throughout the pandemic, with reduced opening hours, to allow for the taking of international protection applications. The IPO will accept electronically-completed questionnaires from applicants once they are signed and submitted in hard copy.

In the **Netherlands**, applicants undergo a medical screening before registration. If COVID-19 symptoms are present, the applicant is put in quarantine. Plexiglass is in place in all registration facilities.

Poland reported that the registration of applications takes place in person, which is why masks and hygiene products are obligatory. Similarly, in **Slovenia** registration is done at police stations, where social distancing, the use of masks, ventilation and disinfection are the main measures to prevent possible COVID-19 infection. However, the lodging phase is done after 10-14 days of quarantine in the reception centre.

Restrictions on the practical arrangements for registration, which were introduced in the early summer, are still in place in **Sweden**, such as a limited number of people in reception areas, fingerprinting behind plexiglass (no physical contact) and the submission of applications in a [mailbox](#) at the entrance.

¹⁸ France, Council of State [Conseil d'État], [La Ligue des droits de l'Homme, l'association Action des chrétiens pour l'abolition de la torture, l'association Kali, l'association Utopia 56, and others](#), 30 April 2020.

¹⁹ Subsequent asylum applications are also accepted. As a rule, this must be submitted in person to the branch office of the Federal Office in accordance with Section 71(2) AsylG. In order to meet the law requirements for follow-up applications, the branch offices accept applications in writing. In this case, applicants will receive a summons for identification (fingerprinting and photo taken). The branch office is responsible for checking whether a personal follow-up application is possible. If this is the case, the person making the application will be given an appointment to submit a personal follow-up application. If a personal follow-up application is not possible at the branch office, the written follow-up application is considered to be effective. Read [Press Release](#).

2.2 Personal interviews

Personal interviews were discontinued in many EU+ countries from March to April 2020.²⁰ Authorities gradually resumed interviews in May-June, while many administrations resorted to videoconferencing to ensure social distancing.

During the second wave of the COVID-19 pandemic, asylum authorities have made efforts to continue interviews in order to manage backlogs and pressure on reception structures.²¹ To this end, special measures continue to be in place, such as remote interviews, extensive use of masks and hand disinfection, invitations at staggered hours, and the reorganisation of rooms with plexiglass. Despite these solutions, the preventative measures may impact on the scale of operations due to a lack of available rooms and a maximum number of people who can be present at the same time. Some places – such as [Ireland](#)²² and [Sweden](#) ([Uppsala](#), [Malmö](#) and [Kristianstad](#)) – had to temporarily discontinue interviews as a last resort. In [Ireland](#), interviews were cancelled on 22 October until 2 December 2020. New interview dates are being issued to applicants in writing.

In [Belgium](#) (where personal interviews were temporarily suspended in March and resumed as of 8 June 2020), currently the maximum number of interviews per day is expected to increase to 120 interviews/day (84 currently) once the interview rooms will be used twice a day with cleaning and disinfecting after the first interview. In [Finland](#), all interview rooms are now equipped with protective plexiglass or with videoconferencing equipment. The number of asylum interviews is back to normal.

To maintain personal interviews, some EU+ countries resorted to using videoconferencing, e.g. [Austria](#).

The Belgian CGRA took [extensive measures](#) and reorganised rooms to enable personal interviews to continue.

[Photos published by CGRA](#)



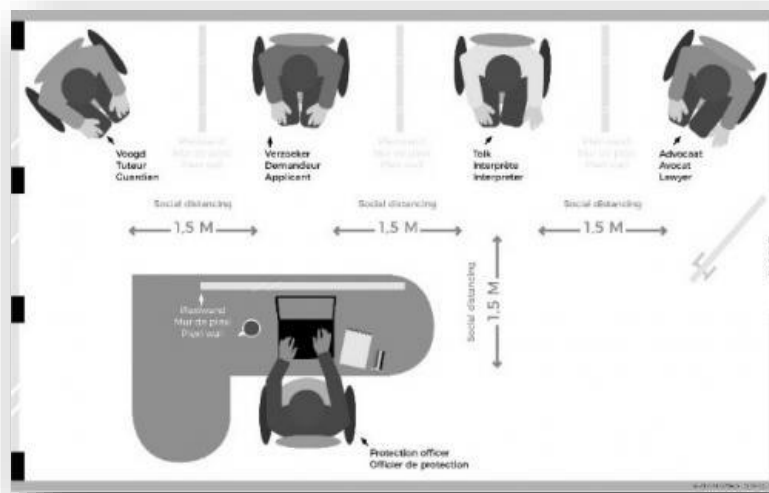
²⁰ See EASO reports on “COVID-19 emergency measures in asylum and reception systems”, Issue [1 \(June 2020\)](#) and Issue [2 \(July 2020\)](#).

²¹ <https://www.cgra.be/fr/actualite/confinement-les-entretiens-peuvent-se-poursuivre>

²² All substantive protection interviews were cancelled as of 22 October 2020 until further notice. The IPO will issue new interview dates in due course.

As of 1 August 2020, the legal framework is again in place for all personal interviews at CGRS premises, including face-to-face interviews, the submission of documents during an interview, requests for a copy of the notes of the personal interview, the communication of observations and the examination by the CGRS of the observations. Despite the new confinement measures in November 2020, personal interviews will continue in line with the measures in place.

The Commissioner General for Refugees and Stateless Persons also [restarted interviewing asylum-seeking unaccompanied children](#). In principle, unaccompanied minors whose proceedings were started the longest ago will be summoned first, as well as children under 12 years. Wearing a mask is compulsory for children over 12 years old, the guardian and the lawyer from the reception centre to the hearing room. Wearing a mask is not compulsory during the interview as plexiglass screens have been installed between each person at the local hearing.



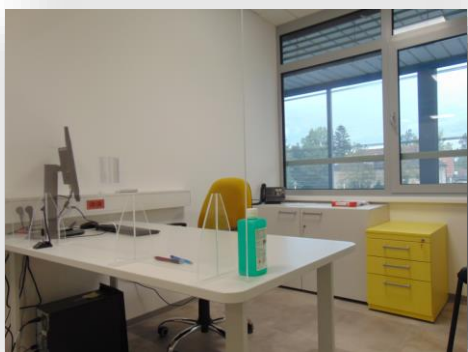
Graphs published by CGRA

In **Denmark**, the first interview is usually held 14 days after arrival. During the interview, there is plexiglass between the interviewer, the applicant and the interpreter, while maintaining a distance of at least 1 m and having a set room size. The interviewer ensures that there are breaks and airing of the room. Similarly, in **Italy** barriers of plexiglass are used in order to separate the interviewer from the applicant, the lawyer and the interpreter, while the use of a mask is mandatory. Interviews are scheduled at staggered hours and only a limited number of people can be in the waiting room.

[OFPRO](#) in **France** has also made efforts to maintain asylum interviews despite the new confinement measures. Interview rooms are equipped with plexiglass panels. The presence of third parties authorised by law (lawyer or associate third party) must be notified to the office at least 48 hours in advance so that appropriate organisational measures are taken. Temperature checks are done upon entry. The use of a mask is obligatory for the duration of the stay on the premises, and the mask is only removed for identity verification). Vulnerable asylum applicants may be accompanied by a mental health professional if necessary, even if the presence of such a third party is not explicitly provided for by law.

Similar arrangements (the use of masks, plexiglass, social distancing and hygiene measures) are also in place in **Slovakia** and **Slovenia**.

Photos provided by the Slovenian Ministry of the Interior, Internal Administrative Affairs, Migration and Naturalization Directorate.



A mixed approach (videoconferencing and plexiglass installations) is followed by various countries, e.g. **Sweden**. Interview rooms are equipped with plexiglass also in **Finland**, whereas interpretation and legal aid²³ are provided via videoconference. In **Switzerland**, the number of people in the same room has been reduced, and additional people can use technical aids. Since the COVID-19 outbreak in March 2020, the SEM has carried out [over 3,600 hearings](#).

Different approaches are used in **Germany**, including distancing, the use of masks and large rooms with protective screens to ensure sufficient distance between participants. Videoconferencing equipment has been installed, so hearings can be conducted from different locations and the number of people in the same room is reduced. Similarly, in the **Netherlands** 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. A special remote interview procedure has been launched in **Poland**, using videoconferencing with the applicant and the interviewing case officer in different rooms at the Office for Foreigners.

2.3 Provision of information

Information provision on asylum procedures, the rights and obligations of asylum seekers and extensive information on COVID-19 measures have been elaborated since March through new communication channels. Posters, pictograms, YouTube videos, hotlines and online platforms supplement or even replace²⁴ traditional face-to-face communication, e.g. in [Austria](#), [Belgium](#), [Bulgaria](#), [France](#), [Germany](#), [Greece](#), [Ireland](#), [Norway](#),²⁵ Poland, Slovenia, etc.

²³ The representative and/or legal aid of an unaccompanied minor is permitted in the interview room.

²⁴ In Slovenia, information is provided through a movie and a brochure. Before the COVID-19 pandemic, an NGO was in charge of information provision.

²⁵ [Information about home quarantine and isolation \(external website\)](#) is available in English, Arabic, Dari, Farsi, French, Italian, Kurmanji, Lithuanian, Pashto, Polish, Punjabi, Russian, Somali, Sorani, Spanish, Tegalog, Thai, Tigrinya, Turkish, German, Urdu and Vietnamese. An audio film about home quarantine and isolation is available on YouTube in Norwegian, English, French, Arabic, Urdu and Tigrinya: [Videos about home quarantine and isolation are available in different languages \(National Institute of Public Health's Youtube channel\)](#).

2.4 E-administration tools in asylum procedures

Since March 2020, many EU+ countries have launched new e-services in order to ensure communication with applicants and share information, while limiting the physical presence of applicants in the offices. Since June 2020, applicants may check the status of their application and perform relevant actions online in [Czechia](#), [France](#) (for applicants residing in Brittany and New Aquitaine)²⁶ and [Greece](#).



See official platforms as indicated above.

2.5 Notification of decisions

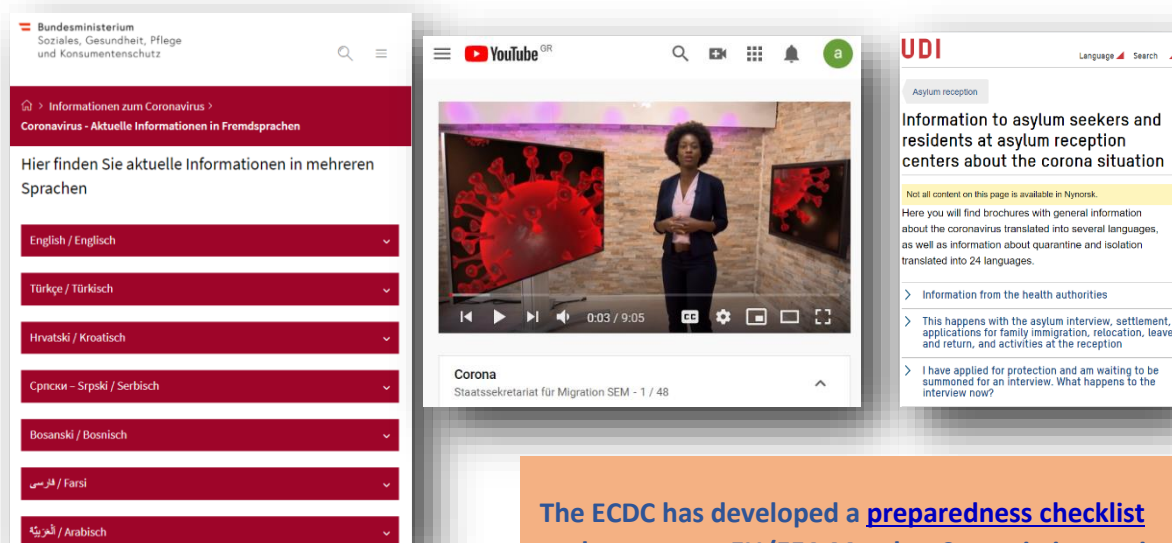
The notification of decisions has also been adapted. Authorities use electronic notifications of decisions in **Austria** and **France**.²⁷ Other countries use dedicated areas within their offices for the notification of decisions. For example, in **Belgium**, a large room with plexiglass within the Immigration Office is used for the notification of decisions, where a mask is mandatory and every applicant receives a personal pen to sign documents.

In **Finland**, rooms with plexiglass are in place, while interpretation can be provided through videoconference. Similar practical arrangements which were introduced in the early summer are still in place in **Sweden**, such as the use of videoconferencing or service through plexiglass, and in **Slovakia**, such as signing a declaration, wearing a face mask and gloves, cleaning/disinfecting the room, etc.

The notification of decisions via postal services resumed in **Poland** and **Germany**. In Germany, rejection notices were discontinued until 19 April 2020 due to the limited possibilities to seek legal advice or legal representation. Since then, the delivery of decisions has resumed, unless an applicant is under quarantine.

²⁶ The information made available includes: the letter of introduction of the asylum application, the invitation to the personal interview at OFPRA and the decision of the Director General of OFPRA ruling on the asylum request. All practical information on how to access the information is available on the OFPRA website ([FAQ](#) and [video tutorial](#))

²⁷ A pilot project allows asylum seekers whose application has been registered from 15 July in a prefecture of Brittany or New Aquitaine to receive electronic notification of the decision via a digital user area.



The ECDC has developed a [preparedness checklist tool](#) to support EU/EEA Member States in improving preparedness at migrant hosting sites where there is a potential for sudden influxes of migrants.

As they appear in the official websites and official YouTube channel.

In **Belgium**, applicants receive instructions on health measures attached to the invitation letter.

3. Reception procedures

The COVID-19 pandemic exacerbates the vulnerabilities of migrants and refugees living in reception and detention centres. Whilst there is no evidence to suggest that SARS-CoV-2 transmission is higher amongst migrants and refugees, environmental factors such as overcrowding in reception and detention centres may increase their exposure to the disease. Outbreaks in reception and detention centres can also spread quickly in the absence of adequate prevention measures.

ECDC, Technical Report, June 2020²⁸

Physical distancing and sanitary measures are a challenge among larger populations, especially in EU+ countries which have asylum and reception systems that had been operating at high occupancy or full capacity before the crisis.²⁹ Extensive preventative measures, such as medical screening, quarantine and the reorganisation of services, have been prioritised over the past months. Despite the general revocation of confinement measures in May/June, reception systems continued to implement health measures to increase accommodation capacity and reduce the occupancy rate.

²⁸ ECDC, [Guidance on infection prevention and control of coronavirus disease \(COVID-19\) in migrant and refugee reception and detention centres in the EU/EEA and the United Kingdom](#), June 2020

²⁹ See more EASO Reports on COVID-19 emergency measures in asylum and reception systems, Issues [1 \(June 2020\)](#), [2 \(July 2020\)](#).

3.1 Preventative measures

The general health measures – such as social distancing, the use of masks in common premises and outdoors, and the use of disinfecting products – which were enforced in EU+ countries also apply to reception and accommodation facilities. Asylum authorities, in cooperation with implementing partners, continue to apply strict measures in terms of prevention and hygiene (both for staff and residents) through the compulsory wearing of a mask in reception centres (except in personal rooms) both for residents and staff and/or outdoors (e.g. [Belgium](#), [Bulgaria](#), [Czechia](#), [Finland](#), [France](#), [Portugal](#) and [Slovakia](#), related rules will also apply in [Denmark](#)³⁰), the availability of disinfecting gels, social distancing ([Italy](#), [Slovenia](#) in addition to the above), temperature measurement on entry, a limited number of volunteers and external visitors admitted to reception centres (e.g. [Belgium](#) and [Lithuania](#)³¹) or within specific visiting hours ([Czechia](#))³² and information provision on COVID-19 prevention through regular announcements (e.g. [Slovenia](#)), [newsletters](#) (Ireland) on the latest information on COVID-19 and offering advice and tips for dealing with the pandemic, and group instructions on awareness of COVID-19 protection measures with medical support (e.g. [Portugal](#)).

In [Finland](#), the reception system is closely monitored as the pandemic continues to develop. Instructions on voluntary quarantine have been updated for all new applicants entering the system. In addition, the following measures are in place: widespread information-sharing targeting applicants, quarantine protocols for new applicants and COVID-19 action plans for reception centres (how to react and scale activities to various situations), larger storage of face masks and other protective equipment, housing arrangements for risk groups, instructions for new visitors, low threshold for testing, hygiene measures, new medical screening protocol (not only for COVID-19), reduced occupancy rate, etc.

Similarly, the Office for Foreigners ([Poland](#)) has introduced a special plan in case there is a need for quarantine, which includes: appropriate zones designated for people in quarantine, round-the-clock control in the centre for foreigners, provision of meals for people under quarantine directly to their rooms, information on an ongoing basis about the obligation to stay in the rooms and to leave them only when it is necessary to use the toilet and kitchen, provision of disinfectants and protective measures, cleaning, assistance in the collection of cash benefits and purchases, etc.

Following the recent confinement measures in [Greece](#), new measures apply³³ for Reception and Identification Centres (RICs) and accommodation structures, namely a temporary restriction of movement of third-country nationals residing in RICs and accommodation structures,³⁴ access to international organisations and civil society organisations based on predefined lists, visits not related to accommodation, food and medical services must be approved by the structure's manager, the provision of legal services must be approved by the structure's manager in a designated area, and the

³⁰ The Danish national rules do not apply to the reception, accommodation and return centers, as the public does not have access to the centers. As a result, both staff and residents were exempted from wearing compulsory masks. However, the Danish Immigration Service has decided that as from 7 December 2020 it will be compulsory for visitors to wear masks in the reception, accommodation and return centers, except in personal rooms.

³¹ In Foreigners' Registration Centre ('FRC'): Asylum seekers staying in the FRC and holding the right to move in the territory of the Republic of Lithuania will not be allowed to leave the FRC for more than 2 hours per day; foreigners staying in the FRC will not be visited except their lawyers.

³² It is only possible to visit the SUZ MV facilities during visiting hours, which are set from 9:00 a.m. to 11:00 a.m. and from 1:00 p.m. to 3:00 p.m. This does not apply to persons providing legal services, psychological assistance and construction and repair activities in the RFA MOI facilities.

³³ As defined in Joint Ministerial Decision B' 4899/06.11.2020, Annex II.

³⁴ Daily from 7:00 a.m. to 7:00 p.m., representatives of families or groups can obtain essentials from city centres.

development of special medical units in the structures to address COVID-19 cases and perform medical screening of staff.

3.2 New arrivals

New arrivals continue to undergo medical screening or quarantine. In **Austria**, separate federal care facilities for self-isolation of applicants for international protection have been set up, where new arrivals are accommodated for 10 days or until two negative COVID-19 test results have been received.³⁵

In **Belgium**, all asylum applicants in the Petit-Château reception centre in Brussels must be tested for COVID-19. After a minimum stay of 7 days in the arrival centre and only if the person shows no signs of illness, asylum applicants are directed to an ordinary reception centre. If a resident in a reception centre tests positive for COVID-19, medical services immediately place the person in isolation in a room in the centre. The sick person and anyone with whom they have had close contact (e.g. family members, roommates) remain in isolation until the end of the quarantine period.

The reception system has been separated in **Poland**. After crossing the external EU border, foreigners must undergo a 10-day quarantine at the facility appointed by the Provincial Crisis Management Centre where all isolation conditions are ensured and all sanitary procedures are followed. Only after the quarantine, the foreigner is directed to the centre in Biała Podlaska. Foreigners who do not require quarantine (i.e. transferred under the Dublin procedure, released from the Border Guard guarded centre, or application submitted inside the country) are referred to the centre in Podkowa Leśna Dębak. After arriving at the centre, foreigners are informed about the procedures.

In **Portugal**, applicants must present a negative COVID-19 test in order to be placed in an accommodation centre.

3.3 Accommodation capacity

Due to the COVID-19 pandemic, EU+ countries have increased accommodation capacity while lowering occupancy rates. In **Austria**, federal care facilities are only occupied up to 75% of the maximum occupancy rate, while preparations for the potential reactivation of temporarily- closed facilities are currently in progress. The Ministry of the Interior has reported challenges in accommodating asylum applicants, since COVID-19 prevention measures require lower occupancy and separate accommodation. As a result, Austria opened new reception facilities in Villach (Carinthia) in May 2020 and in Vienna. The occupancy of federal reception facilities rose from 1,000 during the previous reporting period to around 1,600 to 1,700 persons on 25 September 2020.³⁶

In **Belgium**, occupancy in centres for asylum applicants was still high in September 2020. In order to guarantee the reception of all asylum applicants and to ensure a safe distribution of residents, additional reception places were created, e.g. [in Hasselt](#),³⁷ a new reception centre

³⁵ All newly-arriving persons are tested twice and isolated until the test result is available. As of 25 September 2020, 118 asylum applicants tested positive for COVID-19. A positive test result implies that many parts of the entire facility cannot be used for the duration of the quarantine. FRA, [Migration: Key fundamental rights concerns - Quarterly bulletin 4 - 2020](#).

³⁶ FRA, [Migration: Key fundamental rights concerns - Quarterly bulletin 4 - 2020](#).

³⁷ On 26 October 2020, the first asylum seekers arrived in the new reception center in Hasselt. The site is managed by the Umami company. This is a former hotel that was used as accommodation for seasonal

[in Ransart \(Charleroi\)](#),³⁸ Jalhay,³⁹ [Kalmthout](#),⁴⁰ etc. These new centres are planned for a temporary period. The additional places will allow Fedasil to prepare for an increase in asylum applications and keep its reception network under control.

The **Danish Immigration Service** operates several structures, including reception, accommodation and return centres. As a result, asylum applicants are relocated to different centres as the processing of the application progresses. The number of centres is the same as before the COVID-19 pandemic. But as a result of the pandemic, the Danish Immigration Service has converted emergency centres in Gribskov and Brovst into quarantine centres with special capacity for health and hygiene to avoid further contamination.

In **Italy**, the Head of the Civil Liberties and Immigration Department has rented naval units to be used for health surveillance of disembarked migrants. Currently, five ships are used to quarantine migrants.⁴¹ Asylum seekers and humanitarian protection holders were allowed to be transferred into the SIPROIMI⁴² network, with a view to free the first reception facilities and ensure an additional reserve of places to quarantine migrants (from August 2020, possibility to accommodate expired humanitarian protection holders).

In the **Netherlands**, a new temporary reception centre was [prepared](#) in October in Haren (near Groningen) for isolation and quarantine in case isolation and quarantine locations in other reception facilities in the provinces of Groningen, Friesland and Drenthe would be full. There are 100 places available and the plan is to keep the facility open until June 2021. During the summer, COA [opened](#) a temporary reception centre for quarantine in Apeldoorn,⁴³ the building on Willemstraat in Hengelo,⁴⁴ where asylum applicants were received from October 2015 to April 2017, and [re-located](#) its night shelters from the Ter Apel reception centre to the former NATO site next to the reception centre.⁴⁵

In **Portugal**, the number of people in each bedroom has been reduced to two or three.

The SEM (**Switzerland**) faces major challenges in accommodating asylum seekers as the federal asylum centres do not have any vacancy. Under normal circumstances, around 4,500 places would be available. However, in order to be able to comply with all hygiene and distance requirements, capacity

workers and can accommodate 125 people. Umami is a Belgian company which has been providing catering in Fedasil centers for several years.

³⁸ Since 15 October 2020, Caritas International has managed the new reception centre. The buildings (a former rest home) can accommodate 151 people, including 26 unaccompanied minors (Mena).

³⁹ On 19 October 2020, the private company Svasta took over the management of the Jalhay reception centre from the Red Cross. This centre, installed on the site of the Spa d'Or campsite, can accommodate 260 people. Svasta is a Belgian company with a social purpose.

⁴⁰ The centre will open in two stages. Initially, 33 people will be accommodated, and in the longer term, up to 101 people. The centre will accommodate asylum applicants with families.

⁴¹ After the disembarkation of 400 individuals in Lampedusa at the end of August 2020, the Italian Prime Minister and the Minister of the Interior deployed [three additional naval units](#) in addition to the two already operating. The first one for accelerated procedures will be operational as of 31 August 2020, and the other two are expected to enter into service by 2 September 2020. A coast guard ship boarded 200 migrants, while 128 were transferred after testing negative for COVID-19.

⁴² *Sistema di protezione per titolari di protezione internazionale e per minori stranieri non accompagnati* (Protection System for Beneficiaries of International Protection and for Unaccompanied Foreign Minors) integrated reception system in Italy <https://www.siproimi.it/english>.

⁴³ The former school building can accommodate up to 30 persons.

⁴⁴ This is effective mid-July 2020 to mid-July 2022 to accommodate a maximum of 135 asylum applicants.

⁴⁵ Six building structures can accommodate up to 125 persons who arrive after office hours or for whom the asylum procedure has not yet started.

was reduced by half. There are currently only around 2,300 places available. More than 90% of the accommodations are occupied, resulting in a lack of reserves. In order to address these needs, SEM will put a military hall into operation in [Brugg \(AG\)](#)⁴⁶ at the end of November 2020 and is preparing to commission more accommodations in Sulgen (TG) and Reinach (BL).

3.4 Regular screening and quarantine

Regular screening continues in most countries. Health check-ups are carried out in **Austria** within the facility for all residents, and confirmed cases are transferred to local hospitals for further medical examinations. In **Belgium, Portugal and Poland**, designated rooms are available to immediately isolate positive cases in the centre. The sick person and those with whom they have had close contact (e.g. family members, roommates) remain in isolation until the end of the quarantine period. The temperature of the residents and employees is also measured daily in **Bulgaria**, while in **Portugal** medical appointments are done on a weekly basis.

On the orders of the authorities, a time-limited quarantine can be imposed on an entire federal care facility and its residents in **Austria**. This approach has also been applied in various reception and accommodation centres in **Greece**.⁴⁷

3.5 Reorganisation of activities

Reception authorities and service providers continue to adapt reception activities to the health standards set by competent authorities. Consequently, depending on the size of the facilities, food is served at intervals to avoid large gatherings of people (e.g. **Austria and Italy**), sanitary measures are in place (e.g. **Italy and Poland**), partitions have been installed in areas where food is served (e.g. **Austria**) and consumption is allowed in the rooms (e.g. **Germany and Poland**).

The disbursement of financial allocations has been adapted to avoid large groups of people and keep mandatory social distances (e.g. **Austria**).

Extracurricular activities are carried out in strict compliance with special measures and with prior coordination (e.g. **Bulgaria**). The [State Agency for Refugees](#) has developed an electronic platform to provide online distance learning to children accommodated in the territorial divisions of the agency. In **France**, group activities have been reduced.

Due to the current epidemiological situation, **Polish** language classes in the centres for foreigners and Polish language classes in Warsaw have been temporarily suspended. Other activities such as pre-school education, similarly to the classes conducted for Polish children, are conducted under strict sanitary protocols in accordance with general recommendations made by the health and education authorities. These recommendations still include measuring the temperature of participants, the procedure in case of COVID-19 symptoms, sanitary guidelines, and keeping safe distance. Education is provided remotely and employees of the centres for foreigners greatly support children and their parents in this process. Due to the situation, the permits to enter or operate non-governmental

⁴⁶ [For the time being, up to 230 accommodation places are available in Brugg for a maximum of 3 years.](#)

⁴⁷ By a common decision of the Minister of Civil Protection, the Minister of Health and the Minister of Migration and Asylum, the accommodation centres in [Skaramagka and Koutsohero \(Larisa\) were placed under quarantine until 12 October 2020](#) in Theves, Serres, [Elaiona, Koutsohero, Malakasa, Oinofita, Ritsona, Schisto, and RICs in Lero, Samo and Fylakio](#). Schisto, Malakasa and Elaiona (Attica), the [Oinofita Reception Centre](#) (Attica), the [Moria Reception and Identification Centre](#), the [Vial Reception Centre in Chios](#), the Reception and Identification Centre of Orestiada, the accommodation Structure of Drama.

organisations in the centres were temporarily suspended. Support and psychological assistance, as well as external services for foreigners, are provided by phone and online.

In **Portugal**, the number of participants was reduced for Portuguese language courses and cultural workshops. All group activities have been reduced to 5 or 6 participants.

3.6 Vulnerable groups

Specific arrangements for vulnerable applicants are in place in various EU+ countries. In **Austria**, when possible vulnerable applicants (such as the elderly and those with existing health concerns) are separated and given special protection (e.g. during the provision of food service, disbursement of financial allocations, etc.) Separate accommodation is prioritised. Applicants in need of special medical care are allocated to a special care facility or transferred there.

Special housing arrangements for vulnerable people are also available in **Finland**,⁴⁸ **Portugal**,⁴⁹ **Slovakia**⁵⁰ and **Slovenia**.⁵¹

4. Second instance procedures

Appeal procedures have gradually resumed under strict preventative measures since May 2020. Under the current phase of the pandemic, EU+ countries have maintained second instance procedures adapted to the hygienic conditions defined by health authorities (e.g. **Belgium**,⁵² **France**,⁵³ **Ireland**, **Poland** and **Slovakia**). In practice, access to the buildings is authorised only for persons summoned to the hearing, and measures such as the use of masks, disinfectants, temperature measurement and social distancing are the norm (e.g. **Belgium**, **France**, **Poland** and **Slovakia**).

Appeals have always been submitted by mail or electronically (email) in **Finland**. For an oral hearing at the administrative court, the representative of the Immigration Service is either in a separate room or participates remotely through videoconference. The administrative court's decisions have always been notified by mail.

In **Denmark**, as a result of the government's measures in North Jutland, the Refugee Board cancelled a number of board meetings; board meetings were fully resumed as from 23 November 2020.⁵⁴

⁴⁸ This applies to risk groups (about 2%-3% of all applicants are included in a risk group for possible severe consequences from the COVID-19 virus).

⁴⁹ Namely for pregnant women, organised in partnership with the health authorities. Vulnerable applicants are given isolation bedrooms with sanitary facilities.

⁵⁰ All unaccompanied minors who are accommodated in the specialised children centre are tested upon arrival. All prescribed preventive measures are in place and being adhered to (e.g. wearing a mask, etc.).

⁵¹ Vulnerable applicants are provided with special care and treatment. They are accommodated in a special area of the asylum centre. For unaccompanied minors, a special form of accommodation in a student dormitory is provided. Vulnerable persons are also guaranteed extended health rights.

⁵² Hearings at the [Council for Alien Law Litigation](#) (CALL) are maintained despite the confinement measures.

⁵³ Pursuant to Decree No. 2020-1310 of October 29, 2020, "any movement beyond a perimeter defined by a radius of 100 kilometers from his place of residence and outside the department in which the latter is located is authorised for to attend a summons from an administrative court or judicial authority. Therefore, applicants summoned to a hearing at the Court and their lawyers residing beyond a distance of 100 km must provide themselves with a certificate justifying their trip in application of this text". The certificate can be downloaded from the website of the Ministry of the Interior: [here](#)

⁵⁴ <https://fln.dk/da/Nyheder/Nyhedsarkiv/2020/23112020>

5. Other relevant procedures

5.1 Detention

Restrictions initially put in place for detention facilities were gradually eased in the summer. In **Austria**,⁵⁵ restrictions on the number of visitors allowed were reduced, and as of 1 July 2020, two visitors may be admitted to visit a detainee at the same time.

In contrast, due to the second wave of the pandemic, new restrictions have been enforced in **Croatia**, with restrictions on visits from 23 October to 23 November 2020.⁵⁶ In Poland, a foreigner who is detained must undergo a standard medical examination and a SARS-CoV-2 virus test to prevent the spread. In addition, hand disinfecting liquid is available in designated places within the guarded centre, as well as hygienic and medical products, including protective masks.

5.2 Integration

The [Flemish Agency for Integration](#) (*Agentschap Integratie & Inburgering*) in **Belgium** has published information and guidelines on COVID-19 in the following [29 languages](#): Albanian, Amharic, Arabic, Armenian, Bosnian, Bulgarian, Chinese, Dari, German, English, Farsi, French, Hebrew, Italian, Croatian, Dutch, Pashto, Polish, Portuguese, Romanian, Russian, Slovak, Somali, Spanish, Swahili, Tigrinya, Chechen, Turkish and Urdu. Written and audio material outline national COVID-19 measures and relay essential information regarding transmission prevention, face masks and contact tracing. Posters are also available for download.



Restrictions due to COVID-19 continue to have a major impact on the integration prospects of refugees, according to the Berlin Senate Department for Education, Youth and Family, the Federal Association for Unaccompanied Minors, Berlin and the Federal Working Group of Psycho-Social Support Centres for Refugees and Victims of Torture.⁵⁷ For example, contacts are restricted, refugees are met with greater caution due to presumed travel-related risks, and many authorities and offices (job centres, immigration offices and social welfare offices) are more difficult to reach, resulting in deadlines being missed and delaying family reunification or access to the labour market. By the end of August, however, [letters](#) were sent to participants to resume integration courses and professional language courses.

⁵⁵ [Decree of 30 June 2020](#) regarding the ordinance of the Federal Minister of Justice, amending the ordinance on special precautions in the area of application of the prison law to prevent the spread of COVID-19.

⁵⁶ In accordance with the recommendations of the National Civil Protection Headquarters and for the purpose of protecting the health of all persons deprived of their liberty and prison staff, the right to visits is temporarily restricted. Exceptionally, a visit may be granted only by special order of the warden and when this is necessary to protect the rights of prisoners in court proceedings or in other unforeseen cases (death of a family member, natural disaster, etc.). If the visit is approved, the visitor is obliged to sign a statement on the absence of COVID-19 symptoms.

⁵⁷ FRA, [Migration: Key fundamental rights concerns - Quarterly bulletin 4 - 2020](#).

5.3 Return

The COVID-19 pandemic has had a direct impact on return operations. Since air traffic between **Switzerland** and other countries was and is severely restricted, only some returns of former applicants could be carried out. Appointments at embassies and consulates for identification and document checks are also restricted. [According to a SEM press release](#), the number of people leaving Switzerland who do not have a right of residence has temporarily decreased by around 70% compared to the previous year; currently it is 40% less than in 2019. Despite this situation, the SEM carried out several special flights (e.g. for voluntary returnees, for example to Georgia, Albania and Moldova).

The **Swedish** Migration Agency resumed providing daily allowances to rejected asylum seekers who cannot be returned due to COVID-19 restrictions.⁵⁸

In **Poland**, international flights gradually started again in mid-June. Forced return operations both by land and by air are available. Forced returns of citizens of neighbouring third countries organised by land are carried out without any serious impediments. However, there are some difficulties for return by air, e.g. changing flight schedules, last-minute flight cancellations, postponed flights, and new COVID restrictions implemented by airlines and destination countries.

6. Jurisprudential developments

As anticipated,⁵⁹ the resumption of court operations has led to the review of emergency measures which were implemented in asylum and reception procedures. Temporary solutions have been brought before the courts, and some courts have ruled on the immediate annulment of mitigation measures (e.g. registration procedures in **France** and **Belgium**). This has reaffirmed in practice that procedures and safeguards in asylum practices should be aligned with the CEAS framework to avoid an arbitrary revision of rules and any infringement on the existing legal framework.

An indicative list of cases is enclosed hereby.⁶⁰

⁵⁸ FRA, [Migration: Key fundamental rights concerns - Quarterly bulletin 4 - 2020](#).

⁵⁹ See EASO Reports, op.cit.

⁶⁰ This description is provided as an indication of the main elements covered in the court’s decision. The full judgment of the court is the only authoritative, original and accurate document. Please refer to the original source for the authentic text.

EASO Case Law Database

All cases are available in the **EASO Case Law Database**.

The database is a publicly-available platform developed by EASO to:

- Provide timely and accurate information on new jurisprudence;
- Manage and store information related to case law concerning the implementation of the Common European Asylum System (CEAS) at national and European levels; and
- Serve as a comprehensive source of national and European jurisprudence in the area of asylum through a compilation of relevant cases issued by national and international courts (including the Court of Justice of the European Union and the European Court of Human Rights).

Available at:

<https://caselaw.easo.europa.eu>



6.1 Highlights

Following the COVID-19 outbreak, national courts have addressed a variety of legal issues that arose from the measures implemented during the pandemic, having an effect on the applicants at different stages of the asylum procedure. The following overview of national case law highlights the main issues brought before the courts of EU+ countries.

Access to asylum procedures

COVID-19 restrictions imposed by authorities to prevent the spread of the virus hindered applicants' access to asylum procedures. Assessing various practical obstacles or arguments raised by authorities for not processing applications, national courts held that refusals to register or to process asylum applications cannot be justified by pandemic restrictions.

In **France**, the Council of State ordered the resumption of registrations of asylum applications in Ile-de-France⁶¹ and also ruled that national legal provisions regarding the COVID-19 pandemic and the safety of public health cannot be used as a justification for refusing to register asylum applications.⁶²

In the **Netherlands**, the Court of The Hague annulled a decision of the Dutch State Secretary for Justice and Security not to process an application for international protection based on the argument that the responsibility lied with Germany. The court held that the authorities must ensure effective access to international protection procedures and must not undermine the speedy processing of applications for international protection.⁶³

Dublin transfers

The closure of borders and air traffic early in the pandemic affected the implementation of Dublin transfers. In this context, one of the questions that arose is whether the 6-month time limit for transfers under the Dublin III Regulation, Article 29(1)⁶⁴ is interrupted given the impossibility to execute the transfer as a result of COVID-19 traffic restrictions. The issue is of relevance as, according to the Dublin III Regulation, Article 29(2), responsibility for processing the application shifts back to the Member State that requested the transfer if the transfer is not carried out within the 6-month time limit.

In **Germany**, different approaches were taken, as some courts decided that a decision to suspend the execution of a transfer decision does not interrupt the 6-month time limit for transfers under the Dublin III Regulation, Article 29(1),⁶⁵ while other courts decided that the suspension of execution

⁶¹ France, Council of State [Conseil d'État], [La Ligue des droits de l'Homme, l'association Action des chrétiens pour l'abolition de la torture, l'association Kali, l'association Utopia 56, and others](#), 30 April 2020.

⁶² France, Council of State [Conseil d'État], [Applicant \(Central African Republic\)](#), 8 July 2020.

⁶³ Netherlands, Court of The Hague [Rechtbank Den Haag], [Applicant vs State Secretary for Justice and Security \(Staatssecretaris van Justitie en Veiligheid\)](#), ECLI:NL:RBDHA:2020:4818, 29 May 2020.

⁶⁴ Dublin III Regulation, Article 29(1) provides that "the transfer of the applicant [...] from the requesting Member State to the Member State responsible shall be carried out [...] as soon as practically possible, and at the latest within six months of acceptance of the request by another Member State to take charge or to take back the person concerned or of the final decision on an appeal or review where there is a suspensive effect in accordance with Article 27(3)".

⁶⁵ Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicant \(Nigeria\) vs Federal Office for Migration and Refugees \(BAMF\)](#), ECLI:DE:VGAC:2020:0610.9K2584.19A.00, 10 June 2020; Germany, Regional

interrupts the time limit for transfers.⁶⁶ The revision for some of these cases are pending before the Federal Administrative Court, with the hearing on the revision cases scheduled for 26 January 2021.⁶⁷

In the **Netherlands**, the Court of the Hague rejected a request for an interim measure to prevent a Dublin transfer during the appeal against a transfer decision. The court ruled that a request for an interim measure has no legitimate ground if its sole purpose is to ensure that the COVID-19 pandemic does not hinder the Dublin transfer. The court noted that actual transfers are not possible due to the COVID-19 pandemic, which may result in the transfer period of 6 months to expire. The judge further held that the Dublin III Regulation does not provide for the possibility for Member States to extend or interrupt the transfer period if, as a result of a pandemic, cross-border traffic cannot take place. The court further noted that the Dublin III Regulation also provides that the foreign national is to be quickly afforded with clarity as to which Member State is responsible for the asylum application and it is this principle which precludes the granting of the provisional measure.⁶⁸

In addition, courts also addressed whether a transfer to certain countries may entail an exposure to a risk of inhuman and degrading treatment due to the health situation in a country severely affected by the COVID-19 pandemic. Regarding a Dublin transfer to Italy, the **Luxembourg** Administrative Tribunal held on 22 September 2020 that it has not been established that the health situation in Italy would be so serious that a transfer would entail a risk of violation of Article 3 of the ECHR or Article 4 of the EU Charter.⁶⁹

Reception conditions

Courts ordered interim measures in favour of those without accommodation. In **Italy**, the civil court ordered an interim measure due to the COVID-19 pandemic, suspending the revocation of accommodation in a reception centre for an asylum applicant.⁷⁰ In **Czechia**, the Supreme Administrative Court allowed an urgent interim measure to continue providing accommodation during the COVID-19 emergency to a family who had lost the asylum applicant status.⁷¹

Detention

National courts ruled on detention pending return procedures, as COVID-19 led to repeated extensions of detention. In April 2020 in **Luxembourg**, the Administrative Court held that detention

Administrative Court [Verwaltungsgerichte], [Applicant \(Afghanistan\) vs Federal Office for Migration and Refugees](#), 28 August 2020.

⁶⁶ Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicant vs Federal Office for Migration and Refugees \(BAMF\)](#), ECLI:DE:VGOSNAB:2020:0512.5B95.20.00, 12 May 2020; Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicant \(Iran\) vs Federal Office for Migration and Refugees \(BAMF\)](#), ECLI:VGD:2020:0721.22K8760.18A.00, 21 July 2020; Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicant \(Iraq\) vs Federal Office for Migration and Refugees \(BAMF\)](#), ECLI:DE:VGKARLS:2020:0826.A1K1026.20.00, 26 August 2020.

⁶⁷ EASO Courts and Tribunals Network, *Survey on Covid-19 ongoing impact on courts and tribunals*, 2 October 2020.

⁶⁸ Netherlands, Court of The Hague [Rechtbank Den Haag], [Applicant \(Sudan\) vs State Secretary for Justice and Security \(Staatssecretaris van Justitie en Veiligheid\)](#), ECLI:NL:RBDHA:2020:3658, 21 April 2020.

⁶⁹ Luxembourg, Administrative Tribunal [Tribunal administratif], numéro 44804 du rôle [Applicant vs Minister of Immigration and Asylum \(Ministre de l'Immigration et de l'Asile\)](#), 22 September 2020.

⁷⁰ Italy, Civil Court [Tribunali], [Applicant vs Ministry of Interior \(Prefettura di Pordenone\)](#), 31 March 2020.

⁷¹ Czechia, Supreme Administrative Court [Nejvyšší správní soud], [T. K. and Others vs Czech Ministry of Interior \(Ministerstvo vnitra\)](#), 20 March 2020.

was legal and proportionate, considering that borders are not closed indefinitely but only for a certain time, so that there was still a reasonable prospect of a deportation for the applicant.⁷²

Second instance procedures

Social distancing rules and sanitary restrictions increased the use of digital means in court proceedings. However, the lack of adequate facilities for videoconferences halted court hearings in some countries so that cases were settled exclusively through a written procedure.

In the **Netherlands**, where a video connection or a conference call was not possible due to limited capacity and unsuitable facilities in a detention centre, the Council of State ruled that, if the court received permission from both parties, the settling of a case in writing is an acceptable temporary solution limited to the exceptional period of COVID-19 restrictions.⁷³ The Council highlighted the fundamental right to be heard and further clarified that if the two parties do not agree to have a written procedure, but they agree for their representative to be heard by phone, then this is also an acceptable temporary hearing method. In addition, if the applicant or the legal representatives of the parties do not waive the right to be heard before the court, the court must make every effort to personally hear the party but it may conclude that in a particular case a hearing is not possible. The Council noted that the court must not take an automatic decision but it must consider the individual circumstances of the case, the practical possibilities to hear the parties and the fundamental rights at stake (e.g. the right to a speedy decision on the lawfulness of detention, the right to health, the general public health, etc.).⁷⁴

The use of the written procedure and the extension of time limits were raised in **Belgium** by an applicant claiming that these measures adopted due to COVID-19 restricted her access to justice, her right to defence and equal treatment. The Council for Alien Law Litigation (CALL) ruled that the changes in proceedings imposed by the exceptional COVID-19 measures comply with all the procedural guarantees provided for in the EU Charter and in the ECHR. It further highlighted that, although hearings are taking place at a slower pace due to the COVID-19 protective measures, by allowing a written procedure, a greater number of actions can be dealt with within a reasonable time.⁷⁵

The use of a single judge instead of a collegiate panel for the duration of the state of health emergency was raised in **France** regarding the single judge formation at the CNDA. The measure was suspended by the Council of State on 8 June 2020 due to operational difficulties, the proportion of members that

⁷² Luxembourg, Administrative Court [Cour Administratif], [Applicant \(Morocco\) vs Minister of Immigration and Asylum \(Ministre de l'Immigration et de l'Asile\)](#), 16 April 2020.

⁷³ Netherlands, Council of State [Afdeling Bestuursrechtspraak van de Raad van State]], [Applicant \(Morocco\) vs State Secretary for Justice and Security \(Staatssecretaris van Justitie en Veiligheid\)](#), ECLI:NL:RVS:2020:991, 7 April 2020.

⁷⁴ Netherlands, Council of State [Afdeling Bestuursrechtspraak van de Raad van State]], [Applicant \(Morocco\) vs State Secretary for Justice and Security \(Staatssecretaris van Justitie en Veiligheid\)](#), ECLI:NL:RVS:2020:991, 7 April 2020.

⁷⁵ Belgium, Council for Alien Law Litigation [Conseil du Contentieux des Étrangers - CALL], [X \(Albania\) vs Office of the Commissioner General for Refugees and Stateless Persons \(Commissaire général aux réfugiés et aux apatrides, CGRS\)](#), 23 June 2020.

could be considered particularly vulnerable to COVID-19, and the particular importance for asylum seekers to have their appeal examined by a collegiate panel.⁷⁶

Lastly, public pronouncements of court decisions were suspended in the **Netherlands** in favour of sending the judgment directly to the parties and providing an opportunity for the public to access the judgment via the internet. The Dutch Council of State held that, by using these measures as alternatives to public pronouncement hearings, the essence of the principle of public justice is respected given the current exceptional circumstances but also underlined that the adjusted court practice should be of a temporary nature.⁷⁷

Assessment of the application and return to the country of origin

COVID-19 economic and health situations are new aspects included in the assessment of an application for international protection. National courts now look beyond the available country of origin information and supplement it with information on COVID-19 restrictions in countries of origin or in specific areas from which an applicant originates, and to which he/she might normally be able to travel freely were it not for the COVID-19 travel restrictions.⁷⁸

In cases raising the issue of return to a country that is severely affected by the COVID-19 pandemic, the courts in **Italy** looked at whether judges should raise this question *ex officio*, what are the relevant COI reports in the field, and what kind of protection asylum applicants should be granted, whether national⁷⁹ or international.⁸⁰

Romania granted subsidiary protection to a family of Iraqi nationals with minor children, taking into consideration the political and human rights situation in Iraq, as well as the difficulties of travel due to COVID-19 restrictions taken in certain areas of Iraq, including in the area from which the applicants originated.⁸¹

In **Germany**, the Higher Federal Administrative Court held that the lower court must consider the effects of the COVID-19 pandemic on the situation of the person to be returned to the country of origin.⁸²

National courts dismissed requests for bans on deportation to Afghanistan where they assessed that the individual situation coupled with the COVID-19 pandemic did not expose the person to a risk of

⁷⁶ France, Council of State [Conseil d'État], [Association Elena France and others, GISTI et autre, Conseil National des Barreaux](#), 8 June 2020.

⁷⁷ Netherlands, Council of State [Afdeling Bestuursrechtspraak van de Raad van State]], [Applicant vs State Secretary for Justice and Security \(Staatssecretaris van Justitie en Veiligheid\)](#), ECLI:NL:RVS:2020:992, 7 April 2020,.

⁷⁸ Romania, County Court [Tribunal], [Applicants \(Iraq\) vs Radauti Regional Centre for accommodation and procedures for asylum applicants \(Centrul Regional de Cazare si Proceduri pentru Solicitantii de Azil din Radauti\)](#), 14 October 2020.

⁷⁹ Italy, Civil Court [Tribunali], [Applicant \(Pakistan\) vs Territorial Commission for the Recognition of International Protection](#), 26 June 2020.

⁸⁰ EASO Courts and Tribunals Network, [Survey on COVID-19 ongoing impact on courts and tribunals](#), 2 October 2020.

⁸¹ Romania, County Court [Tribunal], [Applicants \(Iraq\) vs Radauti Regional Centre for accommodation and procedures for asylum applicants \(Centrul Regional de Cazare si Proceduri pentru Solicitantii de Azil din Radauti\)](#), 14 October 2020.

⁸² Germany, Higher Federal Administrative Court [Oberverwaltungsgericht - OVG / Verwaltungsgerichtshof - VGH], [Applicant \(Afghanistan\) vs Federal Office for Migration and Refugees \(BAMF\)](#), 9 July 2020.

inhuman or degrading treatment in contradiction to Article 3 of the ECHR.⁸³ For similar reasons, they also dismissed requests for bans on deportation to Nigeria,⁸⁴ Tunisia⁸⁵ and Ethiopia.⁸⁶

Nonetheless, a ban on deportation was allowed where it was considered that, due to the humanitarian and economic situation in Afghanistan, as well as the individual circumstances and health condition of the applicant, it was very unlikely that the applicant would be able to secure a minimum level of subsistence.⁸⁷

Some courts banned deportation in the case of vulnerable applicants who would not be able to ensure a minimum level of subsistence due to the pandemic and other factors in the country of origin. This was the case for an elderly Armenian couple suffering from serious illnesses,⁸⁸ a minor Ethiopian girl at risk of female genital mutilation (FGM)⁸⁹ and a young Ethiopian man who would be unable to establish a new livelihood and find employment in the context of the locust plague and the COVID-19 pandemic.⁹⁰

As this overview illustrates, national courts have addressed new legal questions regarding access to procedures, assessment of applications, extension of detention, reception conditions, second instance procedures and the situation of vulnerable applicants during the COVID-19 pandemic. While there are aspects pending to be clarified at the national level to avoid divergent case law, courts have assessed these new questions while implementing the CEAS framework and upholding fundamental rights guarantees.

⁸³ Belgium, Council for Alien Law Litigation [Conseil du Contentieux des Étrangers - CALL], [X \(Afghanistan\) vs Commissioner General for Refugees and Stateless Persons](#), 15 July 2020; Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicant \(Afghanistan\) vs Federal Office for Migration and Refugees \(BAMF\)](#), 22 June 2020; Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicant \(Afghanistan\) vs Federal Office for Migration and Refugees \(BAMF\)](#), 26 June 2020; Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicant \(Afghanistan\) vs Federal Office for Migration and Refugees \(BAMF\)](#), 6 July 2020; Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicant \(Afghanistan\) vs Federal Office for Migration and Refugees \(BAMF\)](#), 7 August 2020; Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicant \(Afghanistan\) vs Federal Office for Migration and Refugees \(BAMF\) \(no. 2\)](#), 7 August 2020; Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicant \(Afghanistan\) vs Federal Office for Migration and Refugees \(BAMF\)](#), 2 September 2020.

⁸⁴ Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicant \(Nigeria\) vs Federal Office for Migration and Refugees \(BAMF\)](#), 24 August 2020; Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicant \(Nigeria\) vs Federal Office for Migration and Refugees \(BAMF\)](#), 27 August 2020; Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicant \(Nigeria\) vs Federal Office for Migration and Refugees \(BAMF\)](#), 1 September 2020.

⁸⁵ Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicants \(Tunisia\) vs Federal Office for Migration and Refugees \(BAMF\)](#), 17 July 2020.

⁸⁶ Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicant \(Ethiopia\) vs Federal Office for Migration and Refugees \(BAMF\)](#), 17 June 2020; Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicant \(Ethiopia\) vs Federal Office for Migration and Refugees \(BAMF\)](#), 3 July 2020.

⁸⁷ Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicant \(Afghanistan\) vs Federal Office for Migration and Refugees \(BAMF\)](#), 3 June 2020; Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicant \(Afghanistan\) vs Federal Office for Migration and Refugees \(BAMF\)](#), 17 August 2020.

⁸⁸ Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicants \(Armenia\) vs Federal Office for Migration and Refugees \(BAMF\)](#), 6 July 2020.

⁸⁹ Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicant \(Ethiopia\) vs Federal Office for Migration and Refugees \(BAMF\)](#), 27 May 2020.

⁹⁰ Germany, Regional Administrative Court [Verwaltungsgerichte], [Applicant \(Ethiopia\) vs Federal Office for Migration and Refugees \(BAMF\)](#), 19 May 2020.

6.2 Selection of case law

The list in this section presents a selection of case law related to effects of the COVID-19 pandemic on asylum and reception procedures. The cases are arranged in chronological order from the most recent to the oldest.

For more national case law on this topic, please visit the website of the [EASO Case Law Database](#).

Romania, RO: County Court [Tribunal], Applicants (Iraq) v Radauti Regional Centre for accommodation and procedures for asylum applicants (Centrul Regional de Cazare si Proceduri pentru Solicitantii de Azil din Radauti), 14/10/2020

RO: County Court granted subsidiary protection to a family from Iraq taking into consideration the country of origin information which was available and COVID-19 restrictive measures.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1297>

Luxembourg, LU: Administrative Tribunal [Tribunal administrative], Applicant v Minister of Immigration and Asylum (Ministre de l'Immigration et de l'Asile), 22/09/2020

LU: The Administrative Tribunal ruled on a Dublin transfer to Italy and found no violation of the ECHR, Article 3 or the EU Charter, Article 4 since the COVID-19 pandemic had improved in Italy.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1207>

Germany, DE: Federal Administrative Court [Bundesverwaltungsgericht], Applicants (Iraq) v Federal Office for Migration and Refugees, 18/09/2020

DE: Federal Administrative Court ruled that the implementation of Dublin transfers cannot be administratively suspended over the time limits provided by the Dublin III Regulation due to the COVID-19 outbreak.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1252>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Serbia) v Federal Office for Migration and Refugees (BAMF), ECLI:DE:OVGNI:2020:0903.10LA144.20.00, 03/09/2020

DE: The Regional Administrative Court found a violation of the right to be heard due to the denial of a request to postpone a hearing when the applicant had COVID-19 symptoms and was unable to attend the hearing in person.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1202>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Afghanistan) v Federal Office for Migration and Refugees (BAMF), 02/09/2020

DE: The Regional Administrative Court dismissed the request for a ban on deportation to Afghanistan during the COVID-19 pandemic.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1257>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Nigeria) v Federal Office for Migration and Refugees (BAMF), 01/09/2020

DE: The Regional Administrative Court held that a return to Nigeria is not precluded by the COVID-19 pandemic.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1318>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Afghanistan) v Federal Office for Migration and Refugees, 28/08/2020

DE: The Regional Administrative Court ruled that COVID-19-related suspension of deportation orders by BAMF does not interrupt the transfer period.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1189>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Nigeria) v Federal Office for Migration and Refugees (BAMF), 27/08/2020

DE: The Regional Administrative Court held that a woman and her four minor children can be returned to Nigeria during the COVID-19 pandemic.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1319>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Iraq) v Federal Office for Migration and Refugees (BAMF), 26/08/2020, ECLI:DE:VGKARLS:2020:0826.A1K1026.20.00.

DE: The Regional Administrative Court ruled that the transfer period under the Dublin III Regulation can be interrupted by an official suspension of the execution of the transfer order due to transfer obstacles as a result of the COVID-19 pandemic.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1365>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Nigeria) v Federal Office for Migration and Refugees (BAMF), ECLI:DE:VGSL:2020:0824.3K1819.19.00, 24/08/2020

DE: The Regional Administrative Court confirmed the deportation to Nigeria of a single mother with children during the COVID-19 pandemic.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1335>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Afghanistan) v Federal Office for Migration and Refugees (BAMF), ECLI:DE:VGGE:2020:0817.5A.K11323.17A.00, 17/08/2020

DE: The Regional Administrative Court allowed a ban on deportation to Afghanistan for a young man during the COVID-19 pandemic.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1282>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Afghanistan) v Federal Office for Migration and Refugees (BAMF), 07/08/2020

DE: The Regional Administrative Court considered that, during the COVID-19 pandemic, there was no risk in returning to Afghanistan a single man who has the support of his family.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1315>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Afghanistan) v Federal Office for Migration and Refugees (BAMF) (no. 2), 07/08/2020

DE: The Regional Administrative Court considered that during the COVID-19 pandemic there is no risk in returning a young, healthy man to Afghanistan.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1314>

Belgium, BE: Council for Alien Law Litigation [Conseil du Contentieux des Étrangers - CALL], X (Palestine) v Office of the Commissioner General for Refugees and Stateless Persons (Commissaire général aux réfugiés et aux apatrides, CGRS), 24/07/2020

BE: The Council for Alien Law Litigation held that, despite the COVID-19 pandemic, the UNRWA continues to provide assistance to Palestinian refugees in the Gaza Strip.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1261>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Iran) v Federal Office for Migration and Refugees (BAMF), ECLI:VGD:2020:0721.22K8760.18A.00, 21/07/2020

DE: The Regional Administrative Court stated that the transfer period under the Dublin III Regulation can be interrupted by an official suspension of the execution of the transfer order due to transfer obstacles as a result of the COVID-19 pandemic.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1363>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicants (Tunisia) v Federal Office for Migration and Refugees (BAMF), 17/07/2020

DE: The Regional Administrative Court confirmed the deportation of a 4-month old baby with her parents to Tunisia during the COVID-19 pandemic.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1321>

Belgium, BE: Council for Alien Law Litigation [Conseil du Contentieux des Étrangers - CALL], X (Afghanistan) v Commissioner General for Refugees and Stateless Persons, 15/07/2020

BE: The Council for Alien Law Litigation found that the risk of contracting COVID-19 upon return to Afghanistan is purely hypothetical and does not amount to a real risk of serious harm.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1212>

Germany, DE: Higher Federal Administrative Court [Oberverwaltungsgericht - OVG / Verwaltungsgerichtshof - VGH], Applicant (Afghanistan) v Federal Office for Migration and Refugees (BAMF), 09/07/2020

DE: The Higher Federal Administrative Court held that the first appeals court must consider the risks of the COVID-19 pandemic on the person to be returned to their country of origin.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1329>

Germany, DE: Higher Federal Administrative Court [Oberverwaltungsgericht - OVG / Verwaltungsgerichtshof - VGH], Applicant v Federal Office for Migration and Refugees, ECLI:DE:OVGSH:2020:0709.1LA120.20.00, 09/07/2020

DE: The Higher Administrative Court ruled on the suspension of an execution of a transfer decision as a result of the COVID-19 pandemic.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1245>

France, FR: Council of State [Conseil d'État], Applicant (Central African Republic), ECLI:FR:CECHS:2020:440756.20200708, 08/07/2020

FR: The Council of State ruled on asylum border procedures during the COVID-19 pandemic and held that pandemic restrictions cannot justify a refusal to register asylum applications.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1148>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Somalia) v Federal Office for Migration and Refugees (BAMF), 07/07/2020

DE: The Regional Administrative Court held that, if transferred back to Italy, a Somali beneficiary of subsidiary protection would run the risk of inhuman treatment due to the economic consequences of the COVID-19 pandemic.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1326>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Afghanistan) v Federal Office for Migration and Refugees (BAMF), 06/07/2020

DE: The Regional Administrative Court considered that, in the context of the COVID-19 pandemic, there is no risk in returning a young man to Afghanistan.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1330>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicants (Armenia) v Federal Office for Migration and Refugees (BAMF), 06/07/2020

DE: The Regional Administrative Court banned the deportation to Armenia of an elderly couple suffering from serious illnesses during the COVID-19 pandemic.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1320>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Ethiopia) v Federal Office for Migration and Refugees (BAMF), 03/07/2020

DE: The Regional Administrative Court held that a 21-year-old man without serious illnesses can be returned to Ethiopia during the COVID-19 pandemic and the locust plague affecting the country.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1337>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Syria) v Federal Office for Migration and Refugees (BAMF), 03/07/2020

DE: The Regional Administrative Court held that, if transferred back to Romania, a Syrian beneficiary of international protection would run the risk of inhuman treatment due to the economic consequences of the COVID-19 pandemic.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1324>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Afghanistan) v Federal Office for Migration and Refugees (BAMF), 26/06/2020

DE: The Regional Administrative Court held that, if returned to Afghanistan, the applicant would not be exposed to a real danger to life during the COVID-19 pandemic.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1327>

Italy, IT: Civil Court [Tribunali], Applicant (Pakistan) v Territorial Commission for the Recognition of International Protection, 26/06/2020

IT: The Court granted a residence permit on humanitarian grounds due to the COVID-19 situation in the country of origin.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1187>

Luxembourg, LU: Administrative Tribunal [Tribunal administratif], Applicant (Nigeria) v Minister of Immigration and Asylum (Ministre de l'Immigration et de l'Asile) [Decision of 27.05.2020], 24/06/2020

LU: The Administrative Tribunal ruled on the impact of COVID-19 on the identification process of applicants at embassies.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1205>

Belgium, BE: Council for Alien Law Litigation [Conseil du Contentieux des Étrangers - CALL], X v Commissioner General for Refugees and Stateless Persons, 23/06/2020

BE: The Council for Alien Law Litigation considered that there is no risk of degrading treatment due to the COVID-19 situation in another Member State, when the applicant was already granted international protection in that state.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1222>

Belgium, BE: Council for Alien Law Litigation [Conseil du Contentieux des Étrangers - CALL], X (Albania) v Office of the Commissioner General for Refugees and Stateless Persons (Commissaire général aux réfugiés et aux apatrides, CGRS), 23/06/2020

BE: The Council for Alien Law Litigation held that second instance procedural changes due to COVID-19 measures comply with procedural guarantees.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1260>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Afghanistan) v Federal Office for Migration and Refugees (BAMF), 22/06/2020

DE: The Regional Administrative Court considered that, during the COVID-19 pandemic, there is no risk in returning a young man who is healthy and not vulnerable to Afghanistan.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1328>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Ethiopia) v Federal Office for Migration and Refugees (BAMF), 17/06/2020

DE: The Regional Administrative Court held that a minor can be returned to Ethiopia during the COVID-19 pandemic and the ongoing locust plague in the country.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1317>

Belgium, BE: Council for Alien Law Litigation [Conseil du Contentieux des Étrangers - CALL], X (Palestine) v Office of the Commissioner General for Refugees and Stateless Persons (Commissaire général aux réfugiés et aux apatrides, CGRS), 16/06/2020

BE: The Council for Alien Law Litigation held that there is no long-term impossibility to return to the Gaza Strip during the COVID-19 pandemic.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1262>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Nigeria) v Federal Office for Migration and Refugees (BAMF), DE:VGAC:2020:0610.9K2584.19A.00, 10/06/2020

DE: The Regional Administrative Court held that the suspension of the execution of a deportation order to Italy due to the Covid-19 pandemic does not lead to an extension of the transfer period in accordance with the Dublin III Regulation.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1336>

Belgium, BE: Council for Alien Law Litigation [Conseil du Contentieux des Étrangers - CALL], X v Office of the Commissioner General for Refugees and Stateless Persons (Commissaire général aux réfugiés et aux apatrides, CGRS), 09/06/2020

BE: The Council for Alien Law Litigation assessed the situation in Lebanon and UNWRA's assistance in the context of the COVID-19 pandemic.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1216>

France, FR: Council of State [Conseil d'État], Association Elena France and others, GISTI et autre, Conseil National des Barreaux, 08/06/2020

FR: The Council of State ruled on emergency measures regarding the single judge formation and the use of videoconference in the CNDA.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1139>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Afghanistan) v Federal Office for Migration and Refugees (BAMF), 03/06/2020

DE: The Regional Administrative Court of Karlsruhe decided not to deport an applicant to Afghanistan during the COVID-19 pandemic.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1277>

Netherlands, NL: Court of The Hague [Rechtbank Den Haag], Applicant vs State Secretary for Justice and Security (Staatssecretaris van Justitie en Veiligheid), ECLI:NL:RBDHA:2020:4818, 29/05/2020

NL: The Court of The Hague held that the possibility of new (Commission) guidance on the Dublin procedure during the COVID-19 pandemic being issued which could apply retroactively and does not trump the applicant's right to effective access to the asylum procedure.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1146>

Belgium, BE: Council for Alien Law Litigation [Conseil du Contentieux des Étrangers - CALL], X (Georgia) v Office of the Commissioner General for Refugees and Stateless Persons (Commissaire général aux réfugiés et aux apatrides, CGRS), 28/05/2020

BE: The Council for Alien Law Litigation held that the risks arising from the COVID-19 pandemic do not justify a need for international protection as such risks are not due to an actor of persecution.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1210>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Ethiopia) v Federal Office for Migration and Refugees (BAMF), 27/05/2020

DE: The Regional Administrative Court granted asylum to a minor of Ethiopian origin at risk of female genital mutilation (FGM) and considering the effects of the COVID-19 pandemic and the locust plague in the country of origin.

Permanent link to the Case Law:

<https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1333>

Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Ethiopia) v Federal Office for Migration and Refugees (BAMF), 19/05/2020

DE: The Regional Administrative Court decided to ban the deportation of a young man from Ethiopia who would face a risk of harm due to the COVID-19 pandemic and the plague of locusts affecting the country.

Permanent link to the Case Law:

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Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant v Federal Office for Migration and Refugees (BAMF), ECLI:DE:VGOSNAB:2020:0512.5B95.20.00, 12/05/2020

DE: The Regional Administrative Court held that after the suspension of a transfer under the Dublin procedure, an application for suspensive effect would not have legal protection interests.

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Germany, DE: Regional Administrative Court [Verwaltungsgerichte], Applicant (Afghanistan) v Federal Office for Migration and Refugees (BAMF), 11/05/2020

DE: The Regional Administrative Court ruled on a return to Afghanistan during the COVID-19 pandemic.

Permanent link to the Case Law:

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France, FR: Council of State [Conseil d'État], Minister of the Interior vs Association Avocats pour la défense des droits des étrangers and others, 07/05/2020

FR: The Council of State ruled on the detention of foreigners with COVID-19 at the centre for administrative detention of Vincennes.

Permanent link to the Case Law:

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FR: The Council of State ordered the resumption of registrations of asylum applications in Ile-de-France.

Permanent link to the Case Law:

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Netherlands, NL: Court of The Hague [Rechtbank Den Haag], Applicant (Sudan) v State Secretary for Justice and Security (Staatssecretaris van Justitie en Veiligheid), ECLI:NL:RBDHA:2020:3658, 21/04/2020

NL: The Court of The Hague ruled that there is no legitimate ground for an interim measure if its sole goal is to ensure that the COVID-19 pandemic does not hinder the actual Dublin transfer.

Permanent link to the Case Law:

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LU: The Administrative Court ruled on the prolongation of detention while return was not possible during COVID-19 travel restrictions.

Permanent link to the Case Law:

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NL: The Council of State ruled on Dublin transfers to Italy during the COVID-19 pandemic.

Permanent link to the Case Law:

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NL: The Council of State ruled on COVID-19 restrictions affecting the right to be heard in person before the court.

Permanent link to the Case Law:

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NL: The Council of State ruled on COVID-19 affecting the public pronouncement of court decisions in asylum cases.

Permanent link to the Case Law:

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LU: The Administrative Tribunal ruled that COVID-19 measures are only temporary and there was no evidence that deportation could not eventually take place.

Permanent link to the Case Law:

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IT: The Regional Administrative Court ordered interim measure due to the COVID-19 pandemic suspending the execution of a decision revoking accommodation in a reception centre for an asylum applicant.

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CZ: The Supreme Administrative Court allowed urgent interim measures to continue providing accommodation during the COVID-19 emergency to a family who had lost the asylum applicant status.

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