## STORIES FROM IMAGRATION DETENTION AND RECEPTION OF ASYLUM SEEKERS IN COVID-19 TIMES



EUROPE







### **ABOUT JRS**

Jesuit Refugee Service (JRS) is an international Catholic organisation with a mission to accompany, serve and advocate for the rights of refugees and others who are forcibly displaced.

'Stories from immigration detention and reception of asylum seekers in Covid-19 times' presents the findings and recommendations of JRS Europe's reports on the impact on Covid-19 on immigration detention and asylum reception through first-hand accounts from forced migrants who lived through these situations, as well as JRS staff members and volunteers who listened to the testimonies.

### **CREDITS:**

Drafted by Claudia Bonamini and Martina Continisio

Copy-edited by Ivo de Jager

Designed by Pablo Rebaque

Comics by Ivo de Jager\*

Published on June 2021

\* At JRS Europe we respect everyone who shares their story with us. So while their stories are true, names have been omitted to protect their privacy. Faces and places are the products of the author's imagination.



This publication has been supported by the European Programme for Integration and Migration (EPIM), a collaborative initiative of the Network of European Foundations (NEF). The sole responsibility for the publication lies with the organiser(s) and the content may not necessarily reflect the positions of EPIM, NEF or EPIM's Partner Foundation.



The need for legal support was very intense both during and after the lockdown of Spring 2020, as authorities continued to detain people for weeks and months despite worldwide airport closures.
A man from Nigeria, for instance, was held in detention for 3.5 months from early March 2020. His case was brought even before the Federal Supreme Court in April 2020, but the court dismissed his appeal. His lawyer again lodged an appeal in early June 2020, arguing that the local Migration Office was in fact not able to obtain the necessary travel documents and to book a flight because of the pandemic. Finally, a regional court ordered the man's release.
Between March and August, in more than 20 cases accompanied by JRS the detainees were finally released.



By Ivo de Jager

29 year old Afghan man Detained in Romania December 2019 to May 2020

## UNLAWFULLY IMPRISONED

IMMIGRATION DETENTION IN COVID-19 TIMES

## Need to officially suspend detention

Officially suspend the use of immigration detention and the

As long as non-essential travelling remains discouraged, and the context of the pandemic remains unsolved, JRS calls on national governments to:

Proceed to the release of all detainees

JRS visitor in two detention centres in Bavaria, Germany

## Impossibility \_\_\_\_ Unlawful detention

According to EU law, Member States can detain irregularly staying migrants in order to forcibly return them. However, **EU law also clearly establishes that detention becomes unlawful if it appears that a reasonable prospect of removal no longer exists**. In such cases the persons concerned should be released immediately.

Since the beginning of the Covid-19 pandemic, **nonessential travel within and outside Europe has been restricted** and discouraged, and flights scarce. Enforcing returns in such circumstances is not only irresponsible in view of the containment of the virus, but also often not

Yet, EU countries continue to detain migrants.

feasible.

## **INCREASED ISOLATION** IMMIGRATION DETENTION IN COVID-19 TIMES







WHY NOT IN THE CENTRE?

By Ivo de Jager

I DON'T UNDERSTAND WHY THE STAFF SECURITY, WHO COME IN DAILY FROM OUTSIDE, ARE NOT TESTED, BUT ARE STILL ALLOWED TO HAVE CLOSE CONTACT WITH US.





THERE ARE OTHER PEOPLE IN THE ROOM, ALL TALKING, AND IT'S HARD TO HEAR. THE WORST PART IS THAT WE CAN'T HUG EACH OTHER.



Due to Corona, from mid-March 2020 onwards we were no longer able to **visit the detainees** in the two Bavarian detention centres where we regularly offer legal consultation. We only received documents via the social workers and calls from the detainees themselves (they can call out but cannot be called). [...] Since mid-June we have been able to visit the detainees again, but only under strict sanitary conditions: they have to register for our counselling and then are led one after the other to a visitors' room behind glass panes. A spontaneous visit of our consultation, which before Corona took place in an open room within the cell tract, is no longer possible.

JRS visitor in two detention centres in **Bavaria**, Germany

### **Guarantee the** continuation of external visits in detention centres

JRS believes that the use of detention is unlawful as long as international travel is discouraged and enforcing returns is hence not feasible. However, if states maintain the use of detention during the pandemic, we recommend:

**Ensuring access to detention** centres for external visitors

**Establishing national protocols** on visits to ensure the safety of both detainees and visitors

Ensuring that such rules are proportionate with the aim of preventing Covid-19 and do not penalise detainees more than the general population

**Covid-19 restrictions on external visits** must cease as soon as the public health situation allows for it and not be used to reduce external access to detention centres

### **Increased isolation** because of reduction of external visits

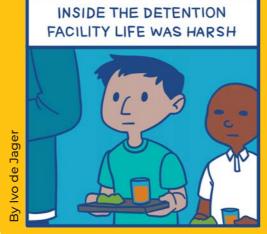
During the Spring 2020 lockdown, many detention centres prohibited people other than the centres' staff to enter and visit detainees for at least two months. After this period, visits slowly resumed, but with stricter rules related to physical distancing and the use of PPE. In many cases, this meant that JRS visitors could no longer spontaneously reach out to detainees in common rooms.

The impossibility of receiving visits, combined with the impossibility of regularly following the news or keeping in touch with family and friends, increased pre-existing feelings of isolation and anxiety among detainees.



## DISCONNECTED FROM THE OUTSIDE WORLD

IMMIGRATION DETENTION IN COVID-19 TIMES







29 year old Afghan man detained in Romania from December 2019 to May 2020

## **Guaranteed access** to mobile phones and internet

The pandemic has made us experience what it means to be in confinement. We all fully appreciate the importance of phones and the internet to keep social contacts and for our mental wellbeing. Detainees are always confined. For this reason, during and beyond the pandemic, JRS recommends:

**Ensuring sufficient access** to mobile phones and internet for detainees



Providing the necessary infrastructure in detention centres to allow detainees to have remote contact with their families. legal assistants and representatives, and NGO visitors

I'm Pakistani. I was detained at Faro Airport because I was travelling with false documents. There was no one I could talk to for 35 days. (...) On the 4th of February [2021], I was transferred to Porto, to the detention centre. Until that day, I never had access to my cell phone. During my stay in Faro I had to buy several 5€ phone cards to communicate with my family. (...) I only had one friend that I could contact to visit me at UHSA [Porto's detention centre], but I couldn't because the visits are cancelled due to COVID.

### **Extremely limited** remote contact with outside world

Already before the Covid-19 pandemic, the possibility for detainees to access phones or internet services was **generally very limited**. In some cases, detainees may use their phones - including smartphones if they have one – during specific timeframes.

▶ But in most countries, the use of even simple mobile phones is severely limited or prohibited within detention centres. Even when phones are allowed, detainees have very small budgets to buy credit. In the context of the pandemic, with severely limited external visits, the impossibility of remaining in contact with the outside world (even remotely) increased the sense of isolation among detainees.

30 year old Pakistani man, detained in Portugal between January and February 2021



Moreover, fear of the virus and a lack of clarity on how the pandemic would impact the detainees' legal situation and term in detention was compounded by the inability to follow the news and gather information.

## **INCREASED ANXIETY AND UNCERTAINTIES**

SHE TRIED TO ASK FOR ASYLUM IN THE CENTRE TWICE AND TOLD ME

SHE'D LOST 25KG DURING HER STAY.

## IMMIGRATION DETENTION IN COVID-19 TIMES

SHE COULDN'T UNDERSTAND WHY SHE HAD TO SHE COULDN'T UNDERSTAND WHY SHE HAD TO STAY FOR THE LONGEST TIME WHILE EVERYONE AROUND HER WAS RELEASED AROUND MARCH

DURING MY VISITS IN JUNE 2020 I MET A LADY FROM CAMEROON WHO'D BEEN DETAINED SINCE JANUARY AND WAS ONLY RELEASED IN JULY

JRS detention visitor in Belgium

Lack of clear policies and information fuels anxiety

Some form of information on Covid-19 prevention measures was generally provided to detainees, in the form of posters or flyers. However, the inability to regularly follow news from the outside world, or get in contact with family, friends or visitors,

left detainees feeling uninformed. Moreover, people generally did not received clear and sufficient information on how the pandemic would impact their legal situation and their stay in detention. In several countries, detainees were released

or transferred to facilitate the respect of social distancing within the detention centres, but often without clear transparent information on the criteria applied to select people. This, combined with the fear for the virus, fuelled anxiety among detainees.

SHE WAS EVENTUALLY RELEASED

WITHOUT DOCUMENTS AND PUT

ON THE STREET.

## **Need for transparency** and communication

JRS believes that the use of **detention** is unlawful as long as international travel is discouraged and enforcing returns is hence not feasible. However, if states maintain the use of detention during the pandemic, we recommend:

**Guaranteeing the** possibility for detainees to maintain contact with the outside world, e.g. by ensuring sufficient IT means to allow for remote contact with family, friends and visitors. and to follow the news

**Providing clear communication** on Covid-19 related measures to detainees. If people are released to reduce a centre's population their selection should be based on objective and non-discriminatory criteria (i.e. vulnerability, length  $\bigcirc$ of stay in detention, existence of autonomous alternative accommodation) and all detainees should be informed about it.

The risk of infection increased anxiety levels in many detainees. Two cases of self-harming incidents are worth mentioning. The first: a detainee tried to hang himself with a cord. About the second, initially the detainee slammed his forehead against a wall when he was notified of the execution of his return order. On the same day, he had an altercation with a police officer before going to bed and reported being insulted and abused. At around 3 a.m., his cellmates found him hanging from a sheet tied to a ceiling grate. They took him down while shouting for help.

> **SJM Detention** visitor, Spain

# **RELEASED ONTO**



**Ensuring accommodation post-release** In the context of the pandemic and beyond, JRS Europe recommends that the responsible national authorities:

**Ensure accommodation** arrangements for people released

Avoid detention in the first place and establish alternatives whereby people remain in their own homes or receive accommodation in the community while being accompanied in the examination of all possible options to resolve their migration status, such as voluntary return or regularization

### From detention to homelessness

► As a consequence of the Covid-19 outbreak, some EU countries have been releasing people from detenti in order to reduce the population in the centres and facilitate physical distancing. Many migrants have also been released because, due to international travel limitations, return cannot be carried out and detention therefore becomes unlawful.

Most of them are released onto the streets. The practice of arranging accommodation for the people released from detention existed before the pandemic in only a few countries, where it has been maintained.

	Homelessness and destitution
	after detention are not a new
on	phenomenon in Europe. However,
	the situation becomes
	more problematic in the context
	of a pandemic, because of the
	higher risk of contracting and
าร	spreading the virus.



## LOCKED IN WITH THE VIRUS IMMIGRATION DETENTION IN COVID-19 TIMES



**Establish national** standards for detention conditions

JRS advocates for the end of administrative detention and the establishment of alternatives to detention. However, as long as the EU and its Member States maintain the use of administrative detention, JRS recommends the responsible national authorities:

**Establish national guidelines on Covid-19 prevention measures.** Such guidelines must cover issues such as the maximum number of people allowed to share sleeping and hygienic facilities, how to organise common rooms and canteens, and the distribution and use of PPE for detainees and staff



Work towards the harmonisation of detention conditions on their territories in order to ensure a humane treatment of detainees and the full respect of and access to their rights

Every week I visit the closed centre for illegal immigrants in Bruges. were in isolation in the medical ward with Covid-19 symptoms. In the next days I was informed by the management that at spread of the virus. A few days later, I received many calls from detainees telling me of their anguish at being contaminated. They also complained about the lack of communication from management, particularly about the number of guards infected Management seemed to be increasingly overwhelmed by the situation. On the eve of the Christmas holidays I learned from the news that the Aliens' Office had finally decided to **close the** transferred to other centres.

On the 10th of December 2020, two detainees I used to follow up least 5 detainees from the same section had tested positive for Covid-19 as well as several guards. JRS visits were to be suspended for a fortnight to allow time for testing and quarantine to stop the and their movement from one section where inmates were Covidpositive to the other section where all inmates remained negative. centre. According to the information on the website, more than half of the supervisors tested positive. Detainees were temporarily

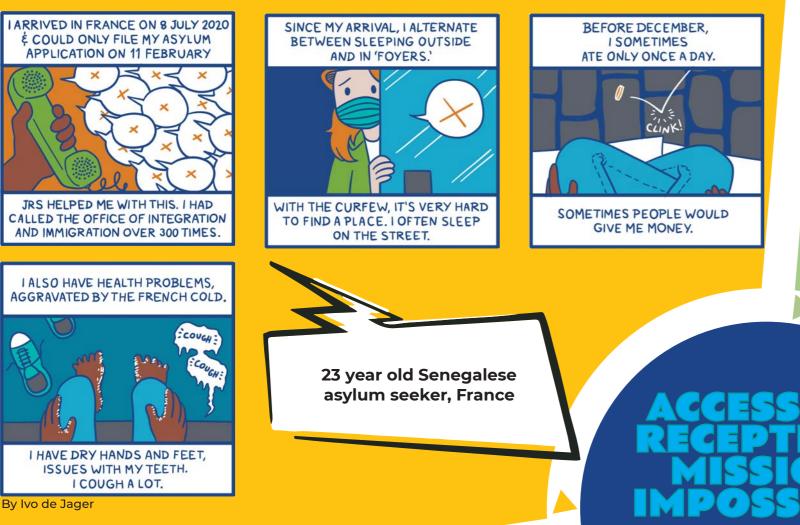
In a detention centre. detainees share all their living spaces with many people. Within such collective arrangements, respecting physical distancing is basically impossible and the risk of contracting and spreading the virus among detainees and staff is very high. This was aggravated everywhere by the lack of general quidelines for detention centres on how to implement preventative measures.

### JRS detention visitor, Belgium

### **Detention centres:** per definition not Covid-safe

Before the Covid-19 pandemic, detention conditions were already very varied from one country to another, as well as among different detention centres in the same nation. Situations of overcrowding and poor hygiene conditions were a reality in several EU countries.





**RECEPTION OF** ASYLUM SEEKERS IN COVID-19 TIMES

According to EU law, Member States must provide reception to all asylum seekers as soon as they make their application and until the end of their asylum procedure, appeals included. However, in many EU countries, asylum seekers often had to wait days, weeks or months before obtaining a place even before the pandemic. In many cases, due to a shortage of reception spaces, they never did.

### **Need to ensure** reception

As long as the context of the pandemic remains unsolved, and beyond, JRS calls on national governments to:

> **Ensure sufficient reception** places to host all asylum seekers



Ensure that asylum seekers are referred to reception as soon as they make an application

**Ensure that administrations** are duly funded, equipped and staffed to guarantee the availability of relevant services within reasonable timeframes at all times

A 32 years old Colombian man asked for protection in November 2019. Due the shortcomings in the organisation of reception, dating back to long before the pandemic, he never got a place in a reception centre and had to rent a flat on his own. When the pandemic broke out, he, as many others in similar situations, he found himself completely alone in that flat, without permission to go outside due to the lockdown and no contacts at all. On top of that, **his application was rejected in March 2020**. It was only with the help of JRS that he could file an appeal and receive some food and financial support to pay his rent. Because of the pandemic, all legal procedures were delayed and it took longer than normal for him to get a new permit as an asylum seeker pending his appeal. This in turn impacted his ability to renew his health card, access a bank account and obtain financial support. He only finally got a new permit on 18th November 2020

> **JRS (Centro Astalli)** Legal Officer, Italy

### Accessing reception: from bad to worse



**Covid-19 exacerbated** existing problems. Remote working made responsible administrations even harder to reach, phonelines to make appointments remained unanswered and the delays in obtaining the necessary documents to access reception grew longer, with many asylum seekers living on the streets during a pandemic as a result.

## EVICTED DURING A PANDEMIC RECEPTION OF ASYLUM SEEKERS IN COVID-19TIMES

### I HOPED TO FIND A BETTER LIFE IN EUROPE & JOIN MY HUSBAND WITH OUR CHILDREN.



IN THE REFUGEE CAMP, EVERYTHING WAS WORSE. I COULDN'T GO OUTSIDE WITH MY LITTLE DAUGHTERS.

\*because of the lockdown measures

### THINGS ARE BETTER HERE.





38 year old **Turkish rejected** asylum seeker in Romania

THEN I MOVED TO BUCHARESTIN A JRS SHELTER\*AND WE COULD COME AND GO MORE EASILY.



\*JRS Romania's shelter for tolerated people

### **Stop evictions, provide** accompaniment

As long as the question of the **pandemic** remains unresolved, and beyond, JRS calls on national governments to:

**Actively accompany** beneficiaries of protection in the search for independent accommodation



**Actively accompany rejected** asylum seekers towards a resolution of their migration status while ensuring accommodation in the community

[At the end of the state of emergency] I was doing OK and started to find jobs in agriculture. But I was informed that on 9th November [2020] that my time in the reception system was over. I spoke with the landlord and told him we [him and his flatmates] would not be able to have the support of the NGO anymore, but would like to stay in his flat. We told him that the rent would have to be lowered because we cannot pay the normal rent. We negotiated and he agreed, so fortunately we stayed in the same flat. (...) I asked the NGO for extra help with the rent due to the current situation, but they told me that it was **not possible** and that it did not depend on them but on the government. Fortunately, I find work once in a while, so I am able to pay the current rent. (...) In December I received a letter in which [the authorities] informed me that they were recognizing me as a refugee.

According to EU law, Member States must provide reception to asylum seekers for the entire duration of their asylum procedure. This means **people are generally** supposed to leave the reception system if their application is rejected, but also if the decision is positive and they obtain a protection status. If they don't leave, they are generally evicted.





**19 year old Malian** refugee in Spain

### From reception to destitution



This is challenging in normal times, with people often ending up destitute. But in times of pandemic, it all becomes much worse. During the Covid-19 lockdown, some EU countries extended the possibility to remain in reception facilities, or suspended issuing decisions in asylum procedures. However, in other countries, people whose right to reception had come to an end were either detained or left homeless, facing increased difficulties finding a job and affording private housing during a pandemic.

## ACCOMPANIMENT **CEPTION OF ASYLUM SEEKERS IN COVID-19TIMES**



## Accompaniment: essential as shelter and food

The pandemic has shown how social assistance and accompaniment are an essential element of providing reception. In this context, JRS calls on national authorities to:

Establish clear national rules to ensure the Covid-safe continuation of in-person social assistance and accompaniment for asylum seekers in reception



Formally recognise that social assistance and accompaniment are an integral part of the reception of asylum seekers, next to providing meals and beds

The more the refugees were left alone with their worries, the greater the demand grew for pastoral care and further support. There was a clear sense of uncertainty and tension among the refugees and staff. It quickly became clear to me that I could not switch my work to digital communication - as was the case in many other places. A personal presence was still urgently needed. From spring through to autumn, I conducted the conversations exclusively outdoors during pastoral walks. The refugees were able to adapt well to this new setting. For some of them it was very good to get out of their rooms regularly and take in fresh air.

### **Accompaniment drastically reduced**

Because of Covid-19 prevention measures, in most reception facilities across Europe nonessential face-to-face activities were suspended or drastically reduced. Social assistance and accompaniment, as well as ways of providing activities such as language classes, vocational training, and support in looking for employment or housing

were severely impacted. Asylum seekers faced increased difficulties seeking advice and help. NGOs and reception providers have been creative and have switched to remote Accompaniment services and accompaniment. In most countries, little to no guidance,

**JRS** pastoral care provider, Germany

nor financial or material support, was provided by the national authorities to do so.

## CONFINED IN A CROWD RECEPTION OF ASYLUM SEEKERS IN COVID-19 TIMES

IWAS LUCKY ENOUGH TO HAVE HAD

COVID BEFORE COMING TO EUROPE, SO I WAS IMMUNE.

8

IT WAS IMPOSSIBLE TO AVOID THE DISEASE: EVERYONE SHARED BATHROOMS & INFECTED PEOPLE COULD EVEN LEAVE THEIR ROOMS.

ANOTHER REAL PROBLEM WAS THE LACK ANOTHER REAL PROBLEM WAS THE LACK OF WATER. SOMETIMES THE HOSTEL DIDN'T HAVE WATER FOR THE BATHROOM OR SINKS.

> of people. Situations of overcrowding were a daily reality well before Covid-19. During the pandemic, the existing lack of privacy and autonomy were aggravated by the impossibility to exercise physical distance and respect hygienic measures. The higher the amount of people with whom one needs to share essential living spaces, the higher the risk of contagion.

risks collecti centres

I WASN'T ISOLATED. I SHARED THE ROOM WITH SOMEONE WHO HAD TESTED POSITIVE FOR COVID-19 AT LEAST 3 DAYS AGO.

Guatemalan asylum seeker in Portugal The EU law requires that Member States provide asylum seekers with reception that ensures a dignified standard of living and comparable living conditions across the EU. However, to date, huge differences exist in the quality of reception provided across Europe and even within the same country.

Too often, conditions are simply undignified. Most EU countries provide accommodation to asylum seekers in (large) collective centres rather than in 'individual' reception facilities (i.e. individual living units within larger facilities, houses or flats). These centres can accommodate hundreds

## Need to opt for small scale, individual reception

Privacy and autonomy are key to ensure more dignified reception conditions, to foster integration and inclusion as well as in the fight against Covid-19. JRS Europe asks European and national authorities to:

**Establish common** quality standards for reception

self-catering

Staying with my children in a refugee camp was a very complicated part of my life, mainly with regard to respecting guarantine measures. (...) It was hard to find food - I could not go outside with my little daughters, so we had to rely on support provided by others, including social workers. We felt like we were isolated, living on an island with water lapping at the **shores.** We were afraid to be in contact with other people. We received sanitary items and they had some posters [with information on Covid-19 prevention rules]. I had to explain the rules to my daughters, but it was really difficult to respect them. For adults, it was understandable, but for my kids it was impossible to explain and comply with the requirements. All children want to play. We had to play inside our room almost all day.

> 38 vear old rejected Turkish asylum seeker in Romania

Provide asylum seekers with 'individual reception' in apartments, houses or facilities that allow for privacy and

## TRANSFERRED



### **Uncoordinated and** disproportionate **Covid-19 responses**

Reception providers across the EU only received clear and common guidelines on the measures to contain the spread of Covid-19 in a few countries. Mostly, they had to improvise in a context of predominantly large collective centres, where keeping distances and adequate sanitary conditions is intrinsically challenging.

Whole centres were often put under quarantine in the event of positive cases. This practice de facto **limited asylum** seekers' freedom of movement more than that of regular citizens. In other cases. people were transferred to other - not always up to standard - emergency facilities. This was often done without giving people any other choice or clear information.

## **Need for clear national protocols**

One year after the outbreak of the pandemic, it is **high time to coordinate responses.** In this context JRS calls on national governments to:

**Establish clear national** protocols on how to **implement** Covid-19 preventive measures



Avoid the lockdown of entire reception facilities, unless explicitly ordered by the responsible national health authorities. Transfer of ill people or (partial) evacuation of other residents should be preferred



Provide clear rules on how to implement transfers to reduce centres' population and facilitate physical distancing. **Communicating plans to the** concerned residents should be included









