

# INFORM # 5 – IMPACT OF COVID-19 PANDEMIC ON VOLUNTARY AND FORCED RETURN PROCEDURES AND POLICY RESPONSES

2021

SERIES OF EMN-OECD INFORMS ON THE IMPACT OF COVID-19 IN THE MIGRATION AREA

## 1. KEY POINTS TO NOTE

- The COVID-19 pandemic curbed the ability of EU Member States plus Norway, Switzerland, and other OECD countries to implement forced returns due to the travel restrictions in place and the lack of available flights. The United States however maintained forced returns at close to pre-pandemic level.
- All returns were impacted during the travel suspension. The evolution of both forced returns and voluntary returns has not been even across the different countries. Several EU and OECD Member States initially experienced a peak in voluntary returns and a dip in forced returns in March 2020. The number of returns picked up again after the lockdown periods in most countries.
- The European Commission adopted a guidance on the implementation of the Return Directive under COVID-19 in April 2020, which was welcomed and followed by several Member States as a tool to manage the different aspects of return during the COVID-19 pandemic.
- Member States plus Norway and Switzerland and several OECD countries adopted successful measures to limit the number of COVID-19 cases in detention centres.<sup>1</sup> Nevertheless, the implementation of these measures in detention centres presented challenges, which prompted EU Member States plus Norway and a few OECD countries to consider and implement alternatives to detention and to release detainees when their numbers went over a certain threshold.
- Travel restrictions also prompted many countries to establish an extension of the period for voluntary departure to avoid returnees becoming subject to an entry ban due to non-compliance with a return decision caused by delays.
- EU Member States plus Norway and other OECD countries put in place contingency measures across the different stages in the return procedure in order to operate safely during the COVID-19 pandemic. The first area was return and reintegration counselling, where most countries implemented, often with the support of the International Organisation for Migration (IOM), remote communication procedures, through online communication tools, to continue informing individuals about return procedures.
- Most countries covered in this Inform did not adjust the financial packages of their assisted voluntary return and reintegration (AVRR) programmes, but in some cases, did provide other types of adjustments, including extending implementation periods or covering COVID-19 related health costs.
- Education for children subject to return decisions generally continued to be mandatory. Children in return procedures were entitled to the same provision as other children in relation to remote or online provision when schools closed during lockdowns. Some EU Member States provided additional equipment to facilitate access to education in centres for these children.
- Emergency health care and essential treatment of illnesses, including COVID-19, remained accessible for migrants subject to a return decision- no restrictions were put in place. Several Member States and OECD countries, particularly those still carrying out return decisions, implemented specific sanitary procedures.
- Adjustments made in return procedures have been shown to increase their quality and cost-effectiveness. For example, remote counselling practices have been implemented across almost all EU Member States plus Norway and Switzerland, and have delivered cost and efficiency savings, and in some cases, increased quality and improved contact with individuals. New procedures allowing applicants for voluntary return to file their request online, have shown similar potential for future implementation.
- Operational changes had to be made to account for COVID-related restrictions, with Member States implementing quarantine and tests to returnees and staff pre-departure or post-arrival, as well as by providing sanitary kits. The different travel requirements and COVID-19 restrictions imposed by third countries added difficulties for Member States to organise the return travels.
- Cooperation with third countries remained paramount, with Member States relying heavily on online communication tools to maintain communication. Challenges persisted with regard to the identification procedure as well as issuing travel documents.

<sup>1</sup> As reported by the EMN Belgium Workshop on Alternatives to Detention: A State of Play, 15 December 2020, available here: [https://emnbelgium.be/sites/default/files/attachments/Agenda\\_Concept\\_Note\\_Alternatives\\_to\\_Detention\\_O.pdf](https://emnbelgium.be/sites/default/files/attachments/Agenda_Concept_Note_Alternatives_to_Detention_O.pdf)



## 2. AIM AND SCOPE OF THIS INFORM

The COVID-19 crisis and the measures taken by EU and OECD countries to stop its spread are impacting migration directly and indirectly. As was the case in other areas of migration, COVID-19 measures affected the implementation of return procedures. Health and safety conditions in pre-return detention centres had to be adapted to ensure the protection of detainees during the pandemic, and migrants who had no legal basis to remain were only able to return to their country of origin if travel was permitted and flights were available.

This joint EMN – OECD Inform reports on voluntary and forced return procedures and policy responses in EU and OECD Member States between March and September 2020.<sup>2</sup> It is based on information collected by the EMN Return Expert Group (REG) practitioners through the EMN Ad-Hoc Query (AHQ) on responses to COVID-19 in the return procedures area.<sup>3</sup> Information provided by OECD was collected via the OECD Working Party on Migration,

the OECD Expert Group on Migration, and for the OECD policy brief on managing international migration under COVID-19 in OECD countries.<sup>4</sup>

This Inform is part of a series of Informs addressing further topics exploring the impact of COVID-19 in the migration area. These include:

- residence permits and migrant unemployment;
- impact on international students;
- maintaining key legal migration flows in times of pandemic; and
- reduction or loss of remittances.



## 3. EU RESPONSE TO COVID-19 IMPACT ON RETURN

Travel restrictions and bans issued as a result of the COVID-19 pandemic compromised the ability of EU and many OECD Member States to enforce return decisions.

To guide EU Member States to address the challenges to implement voluntary and forced returns during the pandemic, the European Commission issued guidance on the implementation of EU provisions, including the Return Directive under COVID-19, in April 2020.<sup>5</sup> Besides the areas of asylum and resettlement, it outlined specific measures that Member States could take in

the area of return to ensure continuity of procedures as much as possible while fully ensuring the protection of people's health and fundamental rights. The guidance also provided practical advice and identified tools covering the full range of activities in the return procedures, from issuing return decisions, to implementing voluntary return or forced removal. Most EU Member States and Norway reported that they had welcomed and followed these guidelines.<sup>6</sup>



## 4. IMPACT OF COVID-19 MEASURES ON IMPLEMENTATION OF RETURNS

This section includes a brief overview of some of the trends experienced by EU Member States and Norway regarding the number of forced and voluntary returns.

The COVID-19 crisis and associated travel restrictions and bans did curb the ability of EU Member States, plus Norway and Switzerland and responding OECD countries to **carry out forced**

**return decisions**, and several reported having experienced a dip in the number of forced returns implemented from March to April 2020.<sup>7</sup> The number of forced returns came back to pre-COVID-19 levels (March) by July 2020 only in three Member States and Switzerland,<sup>8</sup> while in others the number of forced returns remained well below that benchmark afterward July 2020.<sup>9</sup>

2 Following the United Kingdom's departure from the European Union on 31 January 2020, the EMN National Contact Point of the UK is participating in selected EMN outputs during the transition period.

3 EMN Ad Hoc Query, '2020.57 Inform #5 - Impact of COVID-19 pandemic on voluntary and forced return procedures and policy responses in EU Member States, Norway and Switzerland', launched on 18 August 2020. Responses were provided by the EMN National Contact Points (NCP) from the following countries: AT, BE, CY, CZ, DE, EE, ES, FR, HR, FI, HU, IE, IT, LT, LU, LV, NL, PL, SI, SE, SK plus NO, CH.

4 OECD, 'Managing international migration under COVID-19 pandemic', 2020, Available at: <http://www.oecd.org/coronavirus/policy-responses/managing-international-migration-under-covid-19-6e914d57/>, last accessed on 24 July 2020.

5 <https://ec.europa.eu/info/sites/info/files/guidance-implementation-eu-provisions-asylum-return-procedures-resettlement.pdf>

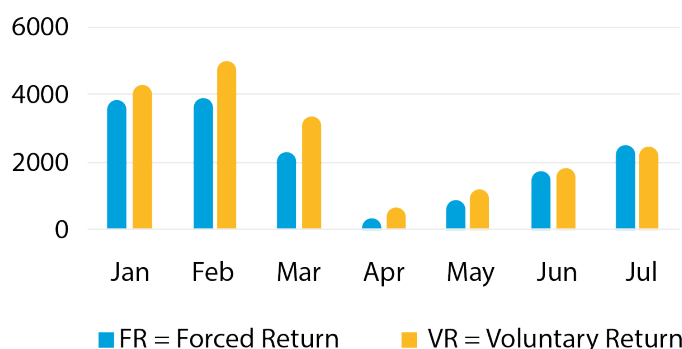
6 AT, CZ, DE, EE, FR, HR, HU, IT, LV, MT, NL, PL, SE, SK, NO. Poland was able to introduce a number of provisions for foreigners who found themselves stranded on the territory due to the COVID-19 pandemic, which included an automatic extension of legal stay to the 30th day following the end of the epidemic (or epidemiological emergency), through the Act of March 2, 2020 on special solutions related to the prevention, prevention and combating of COVID-19, other infectious diseases.

7 AT, BE, CY, CZ, DE, DK, EE, ES, FI, FR, HR, HU, IE, LT, LV, LU, NL, PL, PT, SK, plus NO and CH.

8 CY, CZ, PL, plus CH.

9 BE, EE, FI, FR, LV, LT, LU, NL.

**FIGURE 1 IMPLEMENTED FORCED AND VOLUNTARY RETURNS IN SELECTED OECD COUNTRIES PARTICIPATING TO THIS INFORM (2020)<sup>10</sup>**



Source: OECD, 2020

The Czech Republic, France, the Netherlands, Poland and Switzerland also reported difficulties in returning third country nationals due to changing **travel restrictions imposed by countries of origin** (see also section 10 below). The availability of flights was brought up as an issue by France, Germany, Lithuania, the Netherlands, Poland, Slovenia and Slovakia. Spain highlighted the fact that certain countries had not been exempted from restrictions as a challenge for executing return decisions to these countries. Latvia referred to challenges due to changing travel restrictions during the evolution of the pandemic, and also to the cancelation or limitation of flights.<sup>11</sup>

However, some countries, such as the Czech Republic, Estonia, Slovakia and Poland, reported that they were able to carry out return decisions for third country nationals from Ukraine, whilst France, Slovenia and Sweden executed return decisions for third country nationals coming predominantly from the Western Balkans, Georgia and Ukraine. Germany was able to carry out forced returns of third country nationals to Tunisia, Pakistan and Ukraine. Estonia continued to carry out forced returns only to the Russian Federation. Of these countries, only Poland and Germany

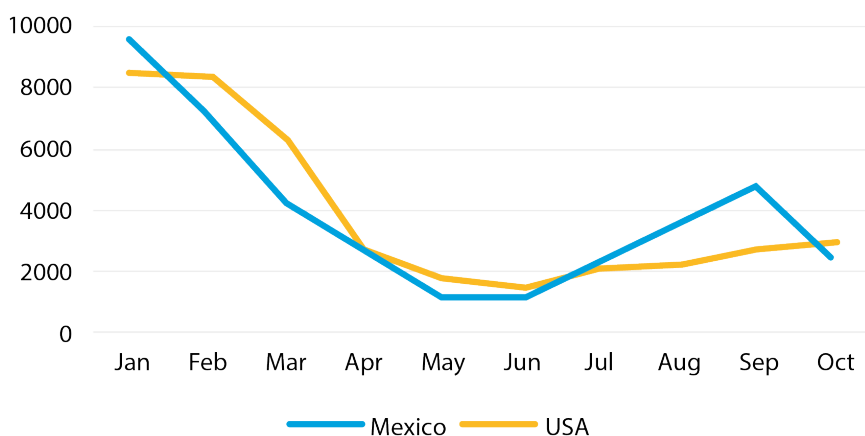
were able to carry out forced returns requiring escort, but only to neighbouring countries.<sup>12</sup>

**Voluntary returns** have decreased overall. For example, Spain experienced a dip in the number of voluntary returns performed in March jointly with Cyprus, Luxembourg and Poland. In France, because of the travel restrictions and border closures, the French Office for Immigration and Integration (OFII) could only organise some voluntary returns for Armenian nationals during the lockdown. After the lockdown, the OFII could organise, with the support of Frontex and national authorities, some flights to Georgia and Albania. In Germany and Lithuania, the number of voluntary returns remained overall much lower than in previous years. Voluntary return to specific third countries also remained a possibility in Ireland.

In contrast with the evolution of forced returns set out above, two EU Member States saw a sharp rise in the number of **voluntary returns** in March.<sup>13</sup> In Switzerland voluntary returns peaked in May due to the organisation of charter flights.

OECD countries outside Europe saw returns largely suspended, with the exception of the United States which continued removals and deportation flights throughout 2020.

**FIGURE 2 IMPLEMENTED FORCED AND VOLUNTARY RETURNS TO THE “NORTHERN TRIANGLE” (GUATEMALA, HONDURAS, EL SALVADOR) FROM USA AND MEXICO**



Source: OECD, 2020

<sup>10</sup> The following EU Member States provided the statistical information for this graph: AT, BE, CZ, DE, FI, HU, LV, LT, LU, NL, PL, SK, SI plus NO and CH.

<sup>11</sup> EE.

<sup>12</sup> DE, PL.

<sup>13</sup> BE, FI.

In Canada, removals have been suspended since mid-March, with limited exceptions for third country nationals who were convicted of serious crimes.

Assistance for voluntary departure was offered to those who approached the Canada Border Services Agency (CBSA) requesting help in purchasing a ticket. The United States continued removals; charter flights continued to the main countries of origin, while commercial flights – including through third countries – were used for other destinations. New Zealand continued to issue

orders for removal, and conduct deportations, although at a much lower level than pre-COVID-19. Australia continued to progress voluntary unescorted removals, subject to flight availability and travel restrictions. The United Kingdom resumed Assisted Voluntary Returns (AVR) from 13 July 2020.

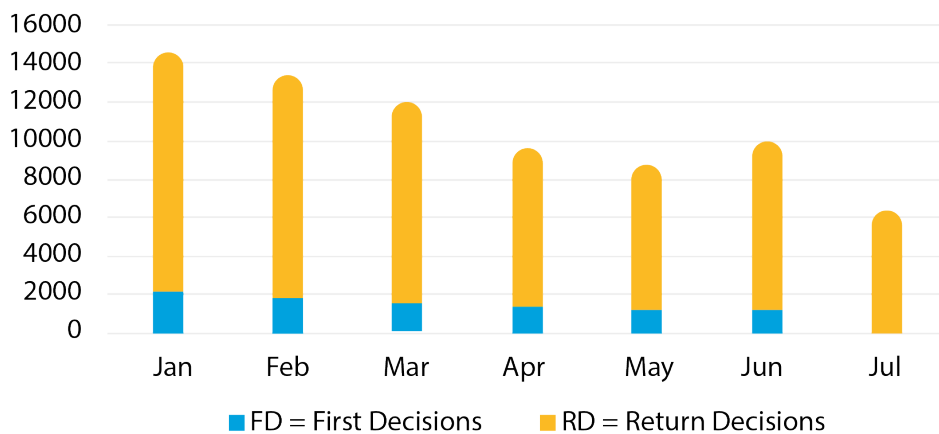
In Columbia and Chile, administrative operations remained open but in practice no returns were operated during the reporting period.

## 5. ISSUING RETURN DECISIONS

The COVID-19 crisis also had an impact on the **number of return decisions issued in several EU Member States**. Indeed, Finland experienced a dip in the number of return decisions issued in March 2020, while thirteen EU Member States plus Norway and Switzerland experienced the same phenomenon

in April 2020.<sup>14</sup> Austria and Estonia experienced a dip in March and April and the Netherlands experienced a dip in May. The following graph illustrates the evolution of first decisions (FD) and total return decisions (RD) between January and July 2020.

**FIGURE 3 RETURN DECISIONS ISSUED (FIRST, ALL) IN SELECTED OECD COUNTRIES PARTICIPATING TO THIS INFORM (2020)<sup>15</sup>**



Source: OECD, 2020

Several EU Member States reported that they implemented **new measures or procedures during the pandemic for conducting individual assessments**, and in relation to the **period for voluntary departure**.<sup>16</sup> For example, Italy reported that they carried out individual assessments taking into consideration additionally the public health situation related to COVID-19 in the destination country. Slovenia extended the limit for the exercise of substantive rights until the end of the lockdown period (31 May 2020). Also, the deadline for voluntary return was automatically extended until then.

Other Member States, Norway and Switzerland accommodated the situation created by the COVID-19 pandemic within existing procedures, especially in relation to individual assessments and voluntary return periods.<sup>17</sup> For example, in Belgium, Estonia and Switzerland, persons unable to be returned due to the pandemic were able to request an extension of the delay of the return decision, a procedure that pre-existed the pandemic.

In Croatia and Switzerland, voluntary returnees were informed about the ongoing COVID-19 situation and the risks of possible disruptions to travel arrangements plus new sanitary measures introduced (medical checks, quarantine etc).

Latvia reported that third country nationals were expected to submit their documents via email from mid-March 2020, and communication with individuals subject to a voluntary return decision took place mainly by phone and e-mail. In this case, the third country national had to report to the Office of Citizenship and Migration Affairs for identification purposes and to receive the return decision.

In Lithuania, for foreigners whose period of legal residence expired at the same time as the quarantine was declared, and who were unable to depart from Lithuania in due time through no fault of their own, the return decisions were not adopted nor was administrative liability applied. However, those whose return decision had been adopted but the period of voluntary departure expired during the quarantine, had to depart during the tolerated stay period from 17 June to 17 August 2020. The Migration Department and State Border Guard Service assessed each situation individually taking into account all the circumstances.

In Estonia, the situation of the returnee was assessed individually and if there was no possibility to return, the period of implementation of the return decision was extended for 30 days, which was extended if the situation remained the same.

<sup>14</sup> CZ, DE, EE, FR, HR, IE, IT, LV, LT, LU, PL, SK, SE, NO, CH. Ireland does not participate in the Return Directive.

<sup>15</sup> AT, BE, CZ, DE, FI, HU, LV, LT, LU, NL, PL, SK, SI plus NO and CH.

<sup>16</sup> AT, CZ, EE, HU, IT, LV, LT, PL, SE.

<sup>17</sup> BE, CY, DE, FR, HR, IE, LU, NL, NO, CH.



## 6. PRE-REMOVAL DETENTION AND ALTERNATIVES TO DETENTION TO PREVENT ABSCONDING

Almost half of EU Member States reported that they had implemented contingency measures concerning pre-removal detention and alternatives to detention, in view also of avoiding absconding.<sup>18</sup>

In other countries, namely Ireland, Latvia, Lithuania, Poland, Slovenia, and Switzerland, no specific contingency measures were implemented – the ordinary procedures were applied.

Some countries allowed the migrants subject to return decision to **prolong their stay in the detention or reception centre**. This was the case in Belgium where the deadlines for return decisions were prolonged enabling persons issued with a return order and who were already in a reception centre, to remain there. In the Netherlands, continuation of stay at a reception centre was also permitted where a return could not be executed. In this latter case, lighter supervision measures were used to prevent absconding, including report-obligation and freedom-restricting measures, or confiscation of travel documents.

To reduce the number of residents in detention centres, **some countries increased the use of alternatives to detention**. In France, half of the detention capacity was closed, and the use of house arrests was reinforced as alternatives to detention, with instructions issued to the competent authorities to promote this measure during the crisis. Finland and Sweden also reduced their detention capacity to meet sanitary measures and increased the supervision measures to prevent absconding. In Estonia, when possible, alternatives to detention were used and mostly consisted of an appearance for registration with the Police and Border Guard Board (PBGB) at prescribed intervals.

Other Member States, to avoid overcrowding in detention facilities, **released migrants in detention centres or semi-closed facilities in certain cases** as was the case in Belgium, Luxemburg, the Netherlands and Norway.<sup>19</sup>

Belgium released about 300 foreigners – almost half of the detainees – from detention centres (excluding residents who had committed crimes), and in Norway, the National Police Immigration Service released 107 third country nationals from detention centres during the COVID-19 pandemic, mostly due to the uncertainty of return prospects as a result of travel restrictions. The effective reception capacity of the detention centre in Luxembourg was reduced to two units providing a maximum of 29 places; detainees were offered emergency accommodation in semi-open centres.

Several EU Member States and Switzerland reported on additional new measures introduced to maintain **high hygiene standards** in order to preserve the health of detainees and staff working in detention centres.<sup>20</sup>

In Cyprus, for example, new measures required persons admitted to a detention facility to be interviewed to determine their level of risk of exposure to the virus, based on countries of recent travel, current health problems and whether immediate transfer to a medical centre would be required. Police received guidance materials on how to manage such cases, including also a “Statement of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease pandemic”, issued by the Committee for the Prevention of Torture (CPT).

Croatia made available information leaflets on conscientious and responsible behaviour at detention centres as well as reception centres during the COVID-19 pandemic, which were developed and translated by IOM into 26 languages.

France introduced a new sanitary protocol and new sanitary measures in detention facilities. Finland’s detention centres designed and put into practice new contingency plans that aimed to prevent and limit the spread of COVID-19.

In several cases, those issued with a return decision and referred to a detention centre were subject to a **14-day quarantine period**.<sup>21</sup> In Hungary, one of three national detention centres was designated specifically as a facility where the quarantine period could be spent. Other measures included screening for COVID-19 before return travel, plus increased hygiene standards during stay in the detention facility.

Finally, **visits for the benefit of detainees** were limited in several countries. In Luxembourg visits were prohibited at the start of the crisis but reinstated under certain conditions from 20 July 2020. Sweden and Lithuania<sup>22</sup> also prohibited visits to detention centres. In Poland, visits were banned in April and May, reinstated with limitations including a maximum of two visitors, an obligation to wear personal protective equipment and submit to a temperature check in June, and banned again as of October 2020- visits were then allowed via videoconferencing tools only.

In the United States, from June 2020, new detainees have been tested for COVID-19 and quarantined for 14 days, separated by entry cohorts from other detainees. The number of detainees in immigration detention centres fell sharply from the start of the pandemic. In 2019, the average occupancy was about 50 000; this had fallen below 20 000 by October 2020. Several factors explain this decline. US Immigration and Customs Enforcement (ICE) chose not to detain some newly arrested aliens, or to release certain detainees, when they were at higher risk of severe illness as a result of COVID-19. The decision was made based on an evaluation of their immigration history, criminal record, potential threat to public safety, flight risk, and national security concerns. The decline was also due to the application from March 2020 of the Public Health and Welfare law, to prohibit the introduction of persons who potentially posed a health risk. This has reduced or eliminated detention of these persons. From March through to September 2020, 197 000 expulsions occurred under Title 42.

In Australia, the difficulty of removing criminal aliens due to lack of flights to countries of origin led in August 2020 to their transfer to a facility on the Australian external territory of Christmas Island.

In response to a legal challenge, in the United Kingdom, the Home Office released in March 2020, about 350 vulnerable people held under immigration powers. The Home Office also halted the new detention of persons liable for administrative removal to about 50 countries of origin and introduced a series of protective measures for detainees.<sup>23</sup>

18 AT, BE, CY, DE, EE, FI, FR, HR, HU, NL, SE.

19 Special Annex to the 30th EMN Bulletin EU Member States & Norway: responses to COVID-19 in the migration and asylum area January – March 2020, available here: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00\\_eu\\_30\\_ern\\_bulletin\\_annex\\_covid\\_19.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_30_ern_bulletin_annex_covid_19.pdf)

20 CY, CZ, DE, EE, FI, FR, HR, LT plus CH.

21 CZ, HU, LT, SK.

22 Only legal representatives were allowed to visit the detention centre.

23 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/921491/detention-and-escorting-services-guidance-during-covid-19\\_v3.0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921491/detention-and-escorting-services-guidance-during-covid-19_v3.0.pdf)



## 7. ADAPTING REINTEGRATION COUNSELLING AND OTHER PRE-DEPARTURE SERVICES DURING THE PANDEMIC

Despite the challenges presented by the global pandemic, over half of Member States continued providing return counselling and other predeparture services.<sup>24</sup> This required adjustments and most Member States reported having moved activities to formats supported by online communication tools (videoconference, WhatsApp, Skype, phone, etc.).

### Box 1: Online return counselling

Many Member States plus Norway continued to provide information on return counselling by using online communication tools in two ways: social media was used to provide general information about sanitary measures and return procedures, especially voluntary return; while one-to-one discussions on individual return possibilities took place via phone, videoconference (Zoom, Skype, WhatsApp, for example), instant messaging (WhatsApp and Viber) and email. For instance, Croatia reported that all fixed office phone number had been re-directed to staff mobile phones to ensure that continuity of communication was maintained. The Czech Republic noted that, although face-to-face communication was better, the quality of the communication and counselling with all actors involved did not suffer following the move to online services. Germany further offered a programme called “Virtual Counselling”, whereby third country nationals residing in Germany could call IOM staff in their respective countries of origin and receive information on AVRR programmes available to them and also access information about all COVID-19 related issues both in their home countries and in Germany. This only applied to 16 countries.

distancing, installing plexiglass barriers in offices, or offering return counselling sessions during walks outside.<sup>26</sup>

The Netherlands and Switzerland adapted their predeparture services to take into account the situation of the country of return. In the Netherlands, IOM (International Organization for Migration), the implementing partner for voluntary returns in charge of carrying out voluntary departure services, customised pre-departure support, the flight arrangements and reintegration support to the situation in the country of return to ensure the smooth progress of the process.

Ensuring that accurate and up to date information about return measures was available to all potential returnees during the COVID-19 pandemic (including travel restrictions) was a priority for several Member States and Switzerland.<sup>27</sup> They continued to use online tools to disseminate this information, mostly through the use of the network established by the IOM, the main implementing partner for return in many Member States and Switzerland.<sup>28</sup> Via IOM, Cyprus and Croatia additionally managed to maintain contact with individuals whose return procedure was paused due to travel restrictions.

Conversely, in three Member States, return activities and return counselling activities were suspended almost completely. Indeed, in Belgium, return desks were closed during the first months of the pandemic and the usual outreach activities put on hold. However, new procedures have also been developed (see Box below). In France, no return counselling activities took place during the lockdown, and were only resumed once it had been lifted. In Luxembourg, return counselling and other predeparture activities only took place if the individual could be returned to their country of origin.

Several Member States also arranged for online pre-registration activities to allow individuals to access AVRR (Assisted Voluntary Return and Reintegration) procedures.<sup>25</sup> Translation services for online communications were also made available, as was the case in the Slovak Republic for example.

Along with online services, seven Member States plus Norway and Switzerland continued to provide face-to-face return counselling by ensuring that proper sanitary measures were in place, including social

### Box 2: Online AVRR applications in Belgium

Fedasil, the body responsible for return in Belgium, is currently working on a procedure where applicants for voluntary return can file their request online. This means that preparations for a voluntary return can start as soon as possible. Belgium is also exploring the possibility to conduct return counselling remotely (by phone, Skype, WhatsApp etc.). These methods were used during the pandemic and have shown good results.



## 8. CHANGES TO THE VOLUNTARY RETURN PACKAGES AND REINTEGRATION PROGRAMMES IN THE WAKE OF COVID-19

Most OECD and EU Member States plus Norway and Switzerland did not increase or otherwise adjust the assistance available in their AVRR programmes' packages due to COVID-19 pandemic.<sup>29</sup>

Conversely, some Member States did increase the in-cash value of their AVRR packages.<sup>30</sup> In Austria, a top-up of 250 euros was provided to Afghani returnees who had returned shortly before the

pandemic began. In Germany, a financial top-up was made available to cover, for example, increased living expenses resulting from the pandemic via the *StarthilfePlus Programm*, which is a programme that provides additional reintegration support to returnees in over 40 target countries. In France, financial aid was increased to compensate for the reduced economic opportunities available to the

24 AT, BE, CY, CZ, DE, EE, ES, FI, HR, IT, LV, LT, PL, SE, SK. In Poland, since mid-March, all return counselling activities were provided to migrants via phone and internet only (mail, messenger, IOM AVRR website).

25 AT, BE, CY (via their implementing partner IOM), IT, LT.

26 AT, DE, EE, LU, SE, SI, SK, plus CH, NO.

27 CY, EE, FI, HR, IT, PL, SK, plus CH.

28 CY, DE, EE, HR, IT, PL, SK, CH. In Germany, information on COVID-19 related issues could be found either the homepage of the Federal Office for Migration and Refugees and the information platform “Returning from Germany” <https://www.returningfromgermany.de/de/page/voluntary-return>

29 BE, CY, CZ, EE, FI, HR, IE, LV, LT, LU, PL, SE, SI, NO, CH. In Italy, no additional financial resources were allocated to AVRR programmes. However, the entities implementing the projects adjusted their budget for the purpose of meeting the costs for serological and/or swab tests (whenever required by third countries as a precondition for return), in compliance with the expenditure ceilings provided for in the relevant public notice.

30 AT, DE, FR, HR, LV, NL

returnees in countries of return, as anticipated in their reintegration plan, as well as to compensate for delays where implementing partners were unable to deliver aid. Additionally, the Croatian Reintegration Assistance packages included a top-up to increase resilience to the influence of COVID-19 on livelihood. In Latvia, IOM covered the additional costs related to COVID-19. In the Netherlands, IOM could adjust the voluntary return package on an individual basis.

Cyprus provided other adjustments to its AVRR packages, although these were not financial in nature: IOM Cyprus increased in-kind assistance to stranded migrants who could not be returned due to travel restrictions and extended the implementation period of reintegration plans/grants.



## 9. ENSURING ACCESS TO THE EDUCATION SYSTEM TO MINORS SUBJECT TO RETURN DECISIONS

Children are entitled to receive education in all Member States, regardless of their status, with many countries stressing that the conditions of providing access to education system for third country national children were the same as those for nationals, in normal circumstances as well as during the pandemic.<sup>31</sup>

Generally, national authorities did not need to implement specific contingency measures to maintain access to the education system for children subject to return procedures as their needs were covered in the general contingency measures implemented to ensure that all children were able to access the education system during the pandemic, including when schools were closed. In Finland, whilst all children were under an obligation to attend school, it remained the responsibility of the schools themselves to maintain contact with all pupils during the lockdown situation.

General contingency measures to address school closures included attending classes remotely, usually online. Germany, the Netherlands, and Poland reported on some additional measures to ensure that children residing in reception or detention centres were able to access online classes, for example, by extending the Wi-Fi capacity in those centres, providing children with devices (such as laptops and tablets), equipping rooms with computers and providing learning materials. Poland also appointed social supervisors to coordinate these efforts.

Latvia reported that there were no third country national children subject to a return decision on the territory of Latvia during the pandemic, this also applied in the case of Estonia.



## 10. EMERGENCY HEALTH CARE AND ESSENTIAL TREATMENT OF ILLNESSES FOR MIGRANTS SUBJECT TO A RETURN DECISION

All Member States, Norway, Switzerland, and responding OECD countries continued to provide emergency healthcare and essential treatment to individuals subject to a return decision. This was done in compliance with COVID-19 security and sanitary measures, including social distancing, properly equipped medical staff, necessary information dissemination about the new measures, and testing, quarantine, and treatment for all suspected or confirmed COVID-19 cases.

Several EU Member States, Norway and Switzerland did put in place additional measures for migrants subject to a return decision.<sup>32</sup> Measures included mandatory screenings, access to emergency medical care and testing, for instance in Cyprus, Lithuania and Poland. Additionally, Croatia routinely asked for all irregular migrants (not only those in the return procedure) to be tested for COVID-19.

Poland increased access to healthcare measures and ensured that those who could not be detained due to health reasons received institutional support- this was done in cooperation between the Border Police and NGOs.

### Box 3: Covid-19 test and medical care in Luxembourg

Luxembourg relaxed some of the administrative measures previously in place to encourage all migrants in an irregular situation to get tested or seek medical care if required. For instance, no administrative sanctions could be given to migrants in an irregular situation, they could not be placed in detention or be presented with a return decision.



## 11. CONTINGENCY MEASURES RELATED TO THE OPERATION OF FORCED AND VOLUNTARY RETURNS:

All Member States, Norway, Switzerland and responding OECD countries continued applying COVID-19 measures to all return operations, including forced and voluntary returns. In practice, this meant adapting return procedures to the necessary security and sanitary requirements or ceasing all effective returns.

A few Member States plus Switzerland were able to effectively return some individuals either via land transfers if the borders permitted it,<sup>33</sup> or by making use of the humanitarian flights as was the case for Spain, or by organising charter flights, sometimes at the request of the receiving country.<sup>34</sup> Latvia issued *in-absentia* return decisions at the border for those who were staying illegally before the pandemic started. IOM Cyprus further organised charter flights to two return

<sup>31</sup> BE, DE, FR, HR, IE, LT, LU, LV, NL, PL, SE.

<sup>32</sup> AT, CY, HR, LT, LU, PL, NO, CH.

<sup>33</sup> FR, PL, SK.

<sup>34</sup> FR, PL, SE, CH.

destination countries and set up a COVID-19 testing laboratory to test returnees before their trip. An overview of more specific measures is available in the following sections.

## 11.1. ISSUANCE OF IDENTITY AND TRAVEL DOCUMENTS

Concerning the issuance of identity and travel documents, several Member States and Switzerland were able to coordinate with third countries (whose diplomatic or consular representations remained available) using mainly online communication tools (phone, videoconference, WhatsApp, Skype, etc.), but this depended on the acceptance of such methods by countries of return.<sup>35</sup>

The Czech Republic noted that physical meetings took place only to hand over travel or identity documents. Poland used postal services as a means of communications. Estonia faced some delays if an Embassy was not placed in Estonia and post/courier services were involved.

The Netherlands was the only Member State to continue face-to-face meetings in offices with COVID-19 adaptations installed.

## 11.2. SPECIFIC HEALTH AND SANITARY MEASURES IN PLACE THROUGHOUT THE RETURN PROCESS

All Member States plus Switzerland implemented specific sanitary measures related to COVID-19 to be respected throughout the return process. These security and sanitary measures were put in place to ensure that the return procedures could be carried out as smoothly as possible.

Several Member States strengthened health and sanitary measures for both returnees and the return personnel in contact with them,<sup>36</sup> in some cases by imposing testing and quarantine before departure and/or upon return.<sup>37</sup> Poland increased the number of Border Guard Officers during each return.

Croatia, Finland, Germany and Norway provided returnees with sanitary kits.

### Box 4: Sanitary kits in Croatia

In Croatia, sanitary kits provided to returnees consisted of one medical mask for each three hours of travel time, one flight-safe bottle of alcohol-based hand sanitizer and a COVID-19 travel information fact sheet based on the World Health Organization's recommendations, translated to the returnees' language.

Alongside the practical measures referred to above, several Member States implemented on-going monitoring of the sanitary situation in return countries, in order to ensure that return transfers could be carried out in accordance with the prevailing conditions.<sup>38</sup>

In sixteen Member States plus Norway and Switzerland, testing and/or quarantine was only carried out before departure or post-arrival if it was a condition required by the country of return.<sup>39</sup> Focusing specifically on quarantine, eleven Member States plus Norway and Switzerland stated that they would cover the cost of the post-arrival

quarantine obligation imposed by the country of return.<sup>40</sup> The Czech Republic, Germany and Italy further covered health-related costs including testing.<sup>41</sup> In Croatia, IOM offices provided additional overnights in transit when needed. Sweden noted that adapting to the requirements of third countries for return presented several challenges including the fact that requirements were not consistent across third countries, often resulting in added difficulties to organise the return trips. Sweden further noted that there were high costs associated with the quarantine conditions imposed on arrival by (some) third countries, where individuals were required to remain in a hotel room.

Several challenges were reported by Member States with regard to the additional security and sanitary measures implemented. The testing deadline imposed by countries of return, requiring both returnees and escorting personnel to demonstrate a negative COVID-19 test result within 24, 48 or 72 hours of departure, required Member States to have very high testing capacities in place.<sup>42</sup> Additionally, as individuals could not be forced to submit to a test and could therefore refuse to take it, a few Member States reported that this obligation on Member States had the potential to obstruct the return procedure.<sup>43</sup> In France, in voluntary return cases, the costs of testing were covered by the individual returnee, who could not benefit from the health coverage. Finally, as the availability of flights often depended on the results of passenger testing, airline companies could choose to cancel or change their flights, in some cases, jeopardising return operations.

The United States conducted medical screening on detainees prior to transfer to the airport, and their temperature was checked prior to boarding charter return flights. Screening did not necessarily include COVID-19 testing, although pre-deportation tests were later conducted for some origin countries.

## 11.3. COOPERATION AND MAINTAINING RELATIONS WITH THIRD COUNTRY AUTHORITIES

Several Member States and Switzerland managed to maintain cooperation and communication flows with the relevant authorities in third countries, mainly through online communications.<sup>44</sup> Lithuania noted that they were able to complete identification procedures in this way and the Czech Republic stated that they mainly cooperated by sharing information about logistics, current situations, and necessary documents via online communications methods. Again, only the Netherlands was able to maintain face-to-face meetings with third country authorities due to measures to ensure COVID-19-proof offices.

### Box 5: Suspension of acceptance of returnees in countries of origin

A number of origin countries suspended the acceptance of deportation flights during the pandemic. In many cases, these suspensions were accompanied with general border closures. A few origin countries also suspended the acceptance of their nationals if they were unable to present negative PCR tests after the period of self-isolation.

As the situation developed, these suspensions in some cases became limitations, as several third countries established a

35 CZ, DE, EE, FI, FR, HR, LT, PL, SE, CH.

36 AT, CY, DE, FR, HU, PL, SK.

37 AT, CY, EE, HU, PL.

38 CZ, DE, PL, SE.

39 AT, BE, CY, CZ, DE, EE, ES, HR, FI, FR, LT, LV, NL, PL, SE, SI, NO, CH.

40 BE, CY, CZ, DE, ES, FI, HR, LT, LV, NL, SE, NO, CH.

41 Germany covered the costs for testing as well as departure, transit and arrival assistance at the airport.

42 FI, FR, HR, IT, PL, SE.

43 FR, NL, CH.

44 BE, CZ, DE, EE, FR, HR, LT, SE, SK, CH.



limit on the number of returnees from other countries, including European countries. These limitations adapted to the situation, with a lowering of the accepted number of returnees if there were many COVID-19 detections. Unilateral restrictions on accepting nationals contributed to a growing backlog of detainees scheduled for removal in returning countries.

Almost half of the Member States plus Switzerland raised issues they had faced while cooperating with third countries; the main issue being that of flight restrictions and closing of borders which seriously jeopardised return operations.<sup>45</sup>

Other difficulties raised by Member States included the third country authorities' reduced capacity to issue return documents.



## 12. CONCLUDING REMARKS

The impact of the COVID-19 pandemic on return procedures had been significant across EU countries as well as OECD countries in and outside Europe since March 2020.

In most, but not all, cases, forced returns plummeted during the early months of the pandemic and escorted forced returns were basically stopped except in specific cases.

Voluntary return also continued, despite the difficulty in providing post-return support in the context of origin countries affected by the pandemic; some EU Member States even saw an upturn in requests for voluntary return. Measures taken to manage detention while respecting health concerns meant that detention centres were often managed to reduce crowding, despite an increase in the number of persons awaiting removal. This was achieved mainly through the use of alternatives to detention or by releasing persons considered to present a low risk.

The pandemic had a significant impact on the operational aspects of the return procedure, for instance the identification of third country nationals as well as the delivery of identity documents was made more difficult. Many Member States relied on online communication

tools to maintain contact with third countries, but this was not always sufficient to counter challenges.

Effective returns were in some cases possible, although Member States had to adapt to meet the COVID-19 requirements, in some cases by imposing quarantines and tests on returnees and staff, as well as equipping them with sanitary kits. Third countries also imposed COVID-19 restrictions on returnees upon arrival, including obligatory quarantines and tests. Most Member States agreed to cover the costs of these restrictions, but the lack of consistency of these requirements across third countries presented logistical challenges for Member States that increased their difficulty to conduct returns.

Return operations have resumed in many cases,<sup>46</sup> but by September 2020, were not yet back to normal pre-pandemic levels, with additional and sometimes costly measures necessary to ensure that priority removals could be realised as the pandemic continued. Finally, some practices may be maintained even after the pandemic, such as greater resort to video-conferencing and other online communication tools in conducting essential services such as return counselling or ensuring ongoing cooperation with third countries.

<sup>45</sup> DE, EE, ES, FI, FR, HU, NL, PL, SE, SK, SI, CH.

<sup>46</sup> For reference, this inform covers the period between January and July 2020.

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