




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

“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.”

JRS visitor in two detention centres in Bavaria, Germany

# UNLAWFULLY IMPRISONED

## IMMIGRATION DETENTION IN COVID-19 TIMES



By Ivo de Jager  
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.

Impossibility of return = Unlawful detention

1 Officially suspend the use of immigration detention



### Need to officially suspend detention

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

2 Proceed to the release of all detainees



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, non-essential 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 feasible.

Yet, EU countries continue to detain migrants.

