

This snapshot updates #9. These COVID-19 Analytical Snapshots are designed to capture the latest research, information and analysis in a fast-moving environment. Topics will be repeated from time to time as analysis develops. If you have an item to include, please email us at research@iom.int.

What is immigration detention?

Immigration [detention](#) refers to the deprivation of liberty of migrants for migration-related reasons, usually related to two situations:

- Upon arrival for establishing the identity and nationality of the person concerned or pending the processing of an immigration or asylum claim; or
- Upon removal, for enforcing an expulsion order when, for instance, the migrant is irregularly in the country.

Immigration detention often takes the form of [administrative detention](#), that is, an administrative measure ordered by the administrative or judicial authorities of a State.

Except in countries where unauthorized entry is criminalized, immigration detention is not a criminal measure, as migrants have not committed a crime but an administrative offence. Hence, irregular migrants are to be detained separately from common law criminals, in facilities often referred to as immigration, processing, retention or removal centres.

New research and analysis on COVID19 and immigration detention

[COVID-19 Impacts on Immigration Detention: Global Responses](#) by Vivienne Chew, Melissa Phillips and Min Yamada Park

[Immigrant Detention and COVID-19: How a Pandemic Exploited and Spread through the US Immigrant Detention System](#) by Donald Kerwin

[Releasing Migrants from Detention During the Covid-19 Pandemic](#) by Katherine MacKenzie and Ranit Mishori

[COVID-19 and Detention: Respecting Human Rights](#) by Joseph J. Amon

[Asylum and Mass Detention at the U.S.-Mexico Border during Covid-19](#) by Jeremy Slack and Josiah Heyman

[Approaches to Reducing Risk of COVID-19 Infections in Prisons and Immigration Detention Centers](#) by Kate Kelly et al

[The Whole Block Goes Down: Refugees in Japan's detention centers during the pandemic](#) by David Slater and Rose Barbaran



IOM and the UN Network on Migration have called for a moratorium on forced returns and the use of immigration detention in the context of COVID-19, recommending instead the scaling up and implementation of non-custodial and community-based alternatives, in a manner that prioritizes children, families and other migrants in vulnerable situations.

[IOM statement, 15 September 2020](#)



Responses amid the COVID-19 pandemic



Many States have been unable to carry out deportations given travel restrictions, and a number of countries (such as [Spain](#), [Belgium](#) and [the United Kingdom](#)) have released some irregular migrants from immigration detention during the pandemic. Recent reports, however, indicate that the United States continued to deport hundreds of migrants to [Guatemala](#) between March and September, many of whom had been infected with coronavirus. Similar [reports](#) indicate that deportations of people with coronavirus also occurred to El Salvador, Honduras, Haiti and elsewhere.

From [UN agencies](#), to [regional](#) and [civil society](#) organizations, including [migration experts](#), calls are being made for States adopt alternatives to detention and release migrants from immigration detention in light of the devastating effects an outbreak of COVID-19 can have in such facilities.

Immigration detention and alternatives to detention in international law

[International human rights law](#) regulates the deprivation of liberty of migrants by prohibiting their arbitrary detention. Detention is a last resort measure which becomes arbitrary if it is not [reasonable, necessary and proportionate](#), including if the grounds of detention are not justified anymore. This is for instance the case of detention upon expulsion when the prospects of removal appear to be neither real nor tangible due to legal impediments or practical obstacles.

When there is no tangible prospects of removal, there exist [alternatives to detention](#), such as:

- Arrangements and accommodation in the community and/or case management; and
- Restrictions to freedom of movements, such as registration of residence requirement, reporting mechanism, designated residence system, bail, bond and surety options or supervision system.



Alarming conditions

Last month deteriorating situations of Ethiopian migrants [detained](#) by authorities in the Kingdom of Saudi Arabia resulted in many calls for immediate action to alleviate inhuman conditions. Footage and pleas for help by detained migrants were shared widely in the public domain, indicating overcrowding, lack of basic humanitarian items and poor health and sanitation conditions.

While IOM welcomed the Kingdom of Saudi Arabia Human Rights Commission's efforts to investigate the situation as well as steps taken towards greater coordination with migrants' countries of origin, IOM also [called for humanitarian access](#) to those in need of urgent aid in such difficult conditions in order to ensure their safety as a first step.

This COVID-19 Analytical Snapshot has been produced by [IOM Research](#) (research@iom.int).

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