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After being significantly impacted by COVID-19 restrictions in 2020, the implementation of returns resumed in 2021. Nonetheless, many countries, such as Finland, have not reached the level of operations as before the pandemic.1262 The courts weighed in on enforcing a return during a pandemic, and for example the Court of Cassation in Belgium found that in principle an expulsion order and a forced removal from the country are not unlawful during the COVID-19 pandemic because these are not considered to be a 'trip', or a 'non-essential trip' within the meaning of the current restrictions.

Several countries introduced obligatory COVID-19 testing prior to a forced removal. In this context, the Swiss parliament adopted on 15 September 2021 a number of legislative changes in the area of asylum and return, including compulsory COVID-19 tests for a person subject to a return or expulsion measure, even against their will. Similar provisions were introduced in Denmark, where the Danish Return Agency may perform a medical examination on returnees for diseases and illnesses covered by the Danish Epidemic Act, including COVID-19.1263

In France, the law related to the management of the health crisis of 5 August 2021 introduced penal sanctions against people who refuse to comply with the health requirements which are required for an automatic enforcement of an expulsion measure.

The courts issued decisions on these types of measures. For instance, the Administrative Court of Mainz (Germany) held that COVID-19 compulsory tests for carrying out deportations are permitted. The Court of the Hague (Netherlands) confirmed the continuation of a detention measure for lack of cooperation of the applicant to conduct COVID-19 test prior to deportation.

- 1262Parliamentary Ombudsman | Eduskunnan oikeusasiamies. (2021, March 8). Ulkomaalaisten säilöönotto koronaepidemian aikana [Detention of foreigners during the COVID-19 outbreak]. EOAK/2615/2020. https://www.oikeusasiamies.fi/r/fi/ratkaisut/-/eoar/2615/2020
- 1263Lov nr 131 af 30/01/2021, Lov om ændring af udlændingeloven (Mulighed for at pålægge en udlænding, der skal udrejse af landet, at lade sig undersøge for en sygdom omfattet af lov om foranstaltninger mod smitsomme og andre overførbare sygdomme) [Act

No 131 of 30/01/2021, Act amending the Aliens Act (Possibility of requiring a foreigner leaving the country to be examined for a disease covered by the Act on Measures Against Infectious and other Communicable Diseases)].
https://www.retsinformation.dk/eli/lta/2021/131

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