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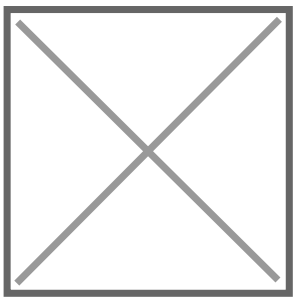
4.7.2.2 Freedom of movement

Courts deliberated on several occasions in cases related to the freedom of movement of applicants, and civil society organisations voiced their concerns more actively than in 2019.

The Spanish Supreme Court assessed the legality of restricting the freedom of movement of applicants in one case in Ceuta and in another case in Melilla. The court underlined that applicants have the right to freedom of movement throughout the whole territory of Spain, and they can freely establish their residence in the country, with the obligation to communicate this to the authorities. Still, Fundación Cepaim observed that authorities continued to issue documents to applicants mentioning that they were only valid in Ceuta or Melilla.608 UNHCR and the IOM requested the authorities to urgently adopt measures responding to the concerning situation of applicants in Melilla, where the Centre for Temporary Stay of Immigrants (CETI) was hosting twice its intended capacity, making social distancing impossible.609 The Council of Europe's Commissioner for Human Rights stated that the conditions were sub-standard, and even worse for persons placed in quarantine, and underlined that transfers to the mainland should be extended. 610

The Supreme Administrative Court in Slovenia pronounced on a case where limitations were imposed on the applicant's freedom of movement and he could not leave the detention centre, as the national authority deemed he only lodged an asylum application to delay his removal. The court confirmed the lower court's factual findings that the requirements for imposing such a measure were not met and dismissed the Ministry of the Interior's appeal for an extraordinary remedy. In another case, the court assessed the consequences when the applicant left the reception centre for more than 3 days (period within which the reception place is still maintained) without explanation. The court concluded that the applicant's behaviour suggested that he had no interest in waiting for a court decision and the administrative court acted in a legal manner when it rejected the case, even though the law does not foresee this specific circumstance for rejection in an explicit manner. The Supreme Administrative Court underlined that applicants also have obligations, such as being available to the national authorities and replying to their communication.

Civil society organisations in Greece noted that entire reception facilities remained in lockdown, even though there were no COVID-19 cases and measures were eased in the country in general.611



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