



EMN Ad-Hoc Query on Functioning of closed type centres for asylum-seekers under the Directive 2013/33/EU

Requested by BG EMN NCP on 9th August 2016

Protection

Responses from [Austria](#), [Belgium](#), [Croatia](#), [Cyprus](#), [Czech Republic](#), [Estonia](#), [Finland](#), [Germany](#), [Hungary](#), [Ireland](#), [Italy](#), [Latvia](#), [Lithuania](#), [Luxembourg](#), [Malta](#), [Netherlands](#), [Portugal](#), [Slovak Republic](#), [Slovenia](#), [Sweden](#), [United Kingdom](#), [Norway](#) (22 in total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable.

Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

Background information:

The requirements of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection were implemented in the Bulgarian legislation with amendments in the Law on Asylum and Refugees in the end of 2015. Thus a legal opportunity emerged for the applicants for international protection to be accommodated in a closed-type centres in order to:

- establish and verify their identity and nationality;
- find out the facts and circumstances representing the ground for their international protection request when there is no other possibility or when there is a risk for the TCN to abscond;
- protect the national security and public order;
- establish the state responsible for examining the application for international protection and to transfer the TCN to the competent state, and when there is a serious risk for the TCN to abscond.

Consequently to the increased migration pressure on Bulgaria, in the last three years our country met a significant mixed migration flow, composed largely of persons seeking international protection and illegal migrants.


As a result of the activities of the Migration Directorate (within the Ministry of Interior) for the management and operation of two special homes for temporary accommodation of foreigners and one Distribution centre it appeared that over 95% of the accommodated TCN have applied for international protection.


Following the above said the Migration Directorate needs to obtain information from other Member States whether they already have functioning institutions of a similar type and how their security and household care (food supply, medical care, visits, etc.) are organized.

Questions



1. 1. Do the Member States fulfil their obligations under Directive 2013/33/ EC?
2. 2. If yes, which is the institution responsible for managing these closed-type centres for asylum seekers?
3. 3. How are their security and household care (food supply, medical care, visits, etc.) organized?



Responses

| | Country | Wider Dissemination | Response |
|-------------------------------------------------------------------------------------|----------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Austria | Yes | 1. In Austria, there are no closed centres for asylum-seekers. There is only the territorial restriction for asylum-seekers provided for in Art. 12 para 2 Asylum Act and the possibility of detention pending removal pursuant to Art. 76 ff Aliens Police Act. Art. 7 of the Directive |

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| | | | <p>2013/33/EU, according to which the Member States may assign to applicants a certain area for their residence, has been implemented in Austria through Art. 12 para 2 Asylum Act. According to Art. 12 para 2 Asylum Act for the duration of the admission proceedings, asylum seekers may only move within the territory of the district administrative authority, in which they reside. Source: Federal Ministry of the Interior.</p> <p>2. N/A.</p> <p>3. N/A.</p> |
|  | <p>Belgium</p> | <p>Yes</p> | <p>1. The Belgian government is working on the transposition of the directive into national law. Meanwhile, the dispositions of the directive are already in use.</p> <p>2. The General Directorate of the Immigration Office, part of the federal Public Service of Interior (commonly known as Ministry of Interior) is the only governmental body which can impose immigration detention, on the basis of various articles in the Immigration law. It also manages the closed (detention) centers. Legislation: the law of 15/12/1980 regarding the access to the territory, the residence, the establishment and the removal of foreigners. The detention centers managed by the Immigration Office are not specific centers for asylum seekers, also illegal migrants are detained in these centers, but: - When a person arrives at the border and claims asylum he will be detained in a closed detention center (art 74/5 Immigration law): the Immigration Office will register the application and send it to the Commissioner General for Refugees and Stateless Persons(CGRS) for further processing (unless it's a Dublin case, than the Dublin III Regulation will be applied.) - The Immigration Office (or the responsible Minister) can impose detention in specific cases of asylum requests accordingly to article 74/6 of the Immigration Law, in a closed detention center. - An illegal migrant detained in a closed detention center can at any time claim asylum. In that case the person will remain in the closed detention center while his application is being processed by the CGRS. But normally, if a person, already on the Belgian territory, claims asylum he will not be detained in a closed detention center but will be assigned to an open center by FEDASIL.</p> |

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| | | | <p>3. Concerning the closed detention centers (5 in Belgium) run by the General Directorate of the Immigration Office :</p> <ul style="list-style-type: none"> • Relevant legislation: Royal Decree of 02/08/2002 , regarding the rules and regulations governing the facilities within the Belgian territory, managed by the Immigration Office, where migrants are being detained, kept at the disposal of the Government or restrained • In each detention center there is a multidisciplinary staff: a management team; medical staff; psychologists; social workers / return counsellors; educators; security team; ... • Visits of family, legal representatives, consular officers, NGO's, ... are possible in each center: Visiting arrangements: - Every day (also on weekends) - Family members, (acknowledged) NGO's (25 in total), lawyers, religious caretakers, diplomatic staff , (inter)national monitoring organizations.... have access rights (to visit) - Others can ask permission to visit - Intimate visits are possible • Medical care is provided via not only the medical units in each center, but also via cooperation with hospitals, specialists, psychiatric institutions, dentists, ... : A resident can make an appointment with the medical service in the detention center: - Medical assistance is permanently available 24h/24h - The medical team is available during office hours - A doctor is standby after hours, in the weekends and on holidays - Each center has an agreement with dentists, a pharmacy and a local hospital,..... Every detainee has also the possibility to see a private doctor of his choice at his own expense • Every resident can participate to the activities during the day: - library for the residents - daily access to various media (newspaper, books, television, movies, etc.) - recreational activities (such as art making, gardening, other) - cultural activities - sports activities (such as fitness, specific courses, organising tournaments of soccer, other) • The right to basic comfort and hygiene: - 4 meals a day: each center has a contract with a catering firm to provide the meals - Daily moment to go outside (2 hours) - Daily possibility to take a shower - Resident can wear his own clothes. If the resident needs clothes, the centre provides them. - Weekly possibility to wash one's clothing. - Possibility to buy food, cigarettes,... in the shop with one's own money or with vouchers which can be obtained by executing small tasks in the center. • Other rights of the residents: - Communication: residents can communicate via their own mobile phone (if without camera) or will be provided with a mobile phone of the detention center (in case their own phone has a camera), they can receive mail in the center and send mail outside - Complaints Commission: they have the possibility to file a complaint about the conditions of their detention - Legal assistance: pilot project on (first line) legal assistance in two centers. |
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|  | Croatia | Yes | <p>1. Yes.</p> <p>2. Republic of Croatia does not have closed reception center for asylum seekers but only so called detention center where asylum seekers can be accommodated based on grounds for detention and mixed up with TCN. This Reception centre for Foreigners is managed directly by the Ministry of Interior.</p> <p>3. HEALTHCARE is organized within Centre, a medical nurse is available on a daily basis and a doctor visits weakly. Also, asylum seekers have a right to receive emergency medical and dental care, healthcare transport, health treatment. FOOD SUPPLY - Food and clothing are provided in kind. More exact, asylum seekers are entitled to three meals, with the exception of pregnant women, parturient women and children under age 16 who are entitled to additional meal. In case of need, special diet is provided. FINANCIAL SUPPORT – According to the The Ordinance on material conditions of reception, distribution of money pocket is not organized at Detention centre but at Reception centre for asylum seekers. Asylum seekers have a right to receive monthly financial support. The amount is limited and can serve only as a pocket money and it's given in a cash. Those asylum seekers who do not possess financial resources or things of significant value (this is determined upon their statement) have right on money pocket. In addition right on money pocket depends on actual residing at Reception centre. In practice it means asylum seeker has to be present continuously 25 days to receive money pocket. SECURITY – Separate premises are provided for the accommodation of women and vulnerable groups. Families are kept together, while single women, unaccompanied children and traumatised applicants are accommodated in separate rooms. In order to prevent gender-based violence and protect children from adults, employees are conducting workshops, individual counselling to inform applicants about potential risks of exploitation, sexual violence and trafficking. Also there is video camera surveillance.</p> |
|  | Cyprus | Yes | <p>1. Cyprus does not operate closed-type centers for applicants for international protection.</p> <p>2. n/a</p> |


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| | | | 3. n/a |
|  | Czech Republic | Yes | <p>1. Yes. The so-called reception directive (Directive 2013/33/EU) was transposed into the Czech legislation in December 2015.</p> <p>2. The Refugee Facilities Administration of the Ministry of the Interior is responsible for managing all asylum facilities – in this case of reception centres for asylum-seekers.</p> <p>3. The Czech Republic runs two so-called reception centres. The reception centre is mainly intended for accommodating newly arriving applicants for international protection, until the time of completion of basic reception procedures: confirmation of identity, initiation of proceedings concerning granting of international protection, entrance interview and social investigation, prescribed entrance medical examination. Applicants cannot leave the reception centre freely. Accommodation, catering, basic hygienic supplies and medical care are provided here and the applicants have social and psychological services available and may take part in leisure time activities, visit art workshops, etc. Reception centres are located in the transit area of the international Václav Havel Airport and at Zastávka (South Moravian Region). As regards external premises, security of such centres is organized by the Police of the Czech Republic. As regards, internal premises, security is organized by private security agency. The compound of a reception centre is surrounded by a fence. Also, CCTV is installed at the premises of a reception centre. Moreover, internal security is enhanced by the presence of 24/7 assistance provided by the Refugee Facilities Administration of the MoI. Also, the reception centre is divided into the so-called standard and protected zones. The latter one refers to the accommodation area to which entry is strictly reserved to vulnerable groups of foreigners, primarily to children and single women.</p> |
|  | Estonia | Yes | <p>1. Yes, according to the Act on Granting International Protection to Aliens an applicant for international protection may be detained on the basis stipulated by law if the efficient application of the surveillance measures provided for in this Act is impossible. The detention has to be in accordance with the principle of proportionality and upon detention the essential circumstances related to the applicant for international protection are taken into account in</p> |

every single case. An applicant for international protection may be detained if it is unavoidably necessary on the following bases: 1) identification of the person or verification of the identity; 2) verification or identification of the citizenship of the person; 3) verification of the legal bases of the entry into and the stay in the state of a person; 4) identification of the circumstances relevant to the proceedings of the application for international protection, primarily in the case when there is a risk of escape; 5) there is a reason to believe that the person has submitted an application for international protection to postpone the obligation to leave or prevent expulsion; 6) protection of the security of state or public order; 7) transfer of a person in the procedure provided for in Regulation (EU) No 604/2013 of the European Parliament and of the Council, if there is a risk of escape of a person.



2. In Estonia there are no closed-type centers for detaining asylum seekers, but asylum seekers may be detained according to law in Harku detention center which is a structural unit of the Police and Border Guard Board within the area of government of the Ministry of the Interior.



3. Food supply - Food is provided in conformity with the general dietary habits of the population of Estonia with a view to meet the food requirement necessary for survival. Food is provided in regular basis, at least 3 times a day and at specific times. The provision of food for minors is organized taking into consideration the needs resulting from their age. A person is provided diet, additional and special alimentation on the prescription of the healthcare service provider. As far as possible, persons are permitted to observe the dietary habits of their religion at their expense. The person who ensures the provision of medical care in the detention center shall supervise the preparation of the menu of the detention center and the provision of food at the detention center. Medical care – upon arrival to the detention center, a person is required to undergo medical examination. Persons detained in detention center are ensured access to medical examination and necessary health services. Health services in detention center are provided by persons with family physician's qualifications pursuant to the provisions regulating the provision of specialized outpatient care. Physical and mental health of persons in detention center is monitored continuously and it is examined as necessary. The reception of the health care provider takes place at least twice a week in the treatment facility of the detention center. The necessity for the provision of health service and treatment in the detention center is decided by the health care provider of the detention center. If a detained

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| | | | <p>person needs treatment which is impossible to be provided in the detention center, the detained person is permitted to stay in a hospital or any other medical institution on the basis of the referral of the health care provider for treatment. Visits – visits by consular officers of the country of nationality, legal counsels, minister of religion and representatives of competent state authorities, international or non-governmental organizations are allowed. Additionally with the permission of the head of the detention center, a person in detention center may be allowed to receive short-term supervised visits of personal, legal or commercial interest from persons not specified above in matters which the detained person cannot conduct through third persons, unless the visits impede enforcement of the expulsion. Detained asylum seekers are permitted to receive visits only from persons with regard to whose reputation and motives the head of the detention center has no reasoned doubts. The Police and Border Guard Board has the right to perform the security check of a person who is permitted to visit a person in detention center and examine the movables of the visitor. The duration of visits shall not exceed three hours. All visits are registered. A visit takes place under the supervision of an official of the detention center. Up to two person at a time are allowed to visit. If a visitor is an adult, he or she is allowed to bring along minor children whose number shall be approved by the head of detention center or an official appointed by him or her. A visit shall take place on the basis of a written request of the detained person or a visitor who will be notified of the acceptance of a request or refusal to accept a request within three working days as of the submission of the request. Security – upon detention of a person, a security check of the person is performed and his or her personal effects and, if necessary, also the person is examined. Documents, money, valuables and prohibited articles found in the course of a security check or examination are taken for deposit for the time of detention. Prohibited articles are items and substances which are not allowed in commerce and which may present a risk to the detained person or to other persons, or items and substances the holding of which is not permitted by the internal rules of the office of the police authority, police detention house or detention center. Men and women are accommodated in separate rooms and family members are accommodated together. Minors are accommodated separately from adults except if this is evidently in conflict with the interests of the minor. A TCN may, during the periods of time prescribed in the daily schedule, move about in the dwelling and the corridor of the dwellings, in the dining, recreational and lavatory rooms and within the walking area in the territory of the detention</p> |
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| | | | <p>center. Upon the written decision of the head of the detention center or an official appointed by him or her temporary exceptions may be made from the organisation of movement for countering mass disorders and attacks from outside the detention center, apprehension of an escaped TCN or other state of emergency. Security measures are imposed if a person violates the obligations provided by law or the internal rules of the detention center, fails to take care of his or her personal hygiene to a necessary extent and this has brought about actual danger to his or her health or to the health of other persons, wilfully damages his or her health or the property of the detention center or is likely to attempt suicide or escape, and to a person to be expelled who acts in a violent manner towards other persons and with regard to a person to be expelled who has failed to undergo health check during the admission to the detention center in order to survey his or her health condition.</p> |
|  | <p>Finland</p> | <p>Yes</p> | <p>1. Yes.</p> <p>2. Asylum seekers accommodated in reception centres may move freely in Finland. However, an asylum seeker whose identity or travel route to Finland is unclear may be accommodated in a detention unit until the situation is clarified. The detention unit is a closed facility, and residents are not permitted to leave. The Ministry of the Interior is responsible for the policy concerning the reception of asylum seekers, the provision of general guidelines, and the legislative processes involved. The Ministry of the Interior also makes the decisions concerning the establishment, location, and closure of reception centres and detention units. Reception activities are regulated by law. The Finnish Immigration Service operates under the Ministry of the Interior. The Finnish Immigration Service's reception unit is responsible for the operative management, planning, and monitoring of the reception centres and the management of the detention units.</p> <p>3. The regulations of the detention units have been under preparation and will be ratified soon. The regulations describe how the security and household care is organized in the detention unit. The rights and duties of a detained person as well as the powers of the staff are ordered in the law. What these matters mean in practice is described in the regulations. In addition the regulations include information about everyday practices in household care. Security: An</p> |

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| | | | <p>officer of detention unit who is responsible for the guidance and surveillance duties may restrict the movement in the detention unit's area in the name of security. Detained persons may be ordered to their rooms and the rooms may be locked outside if the situation in the detention unit is threatening. Men are not allowed to stay in the department for families and women (excluding men who live in the family department). Women and children are not allowed to stay in the department for the men. The following items are forbidden in the detention unit: - Items which may cause danger to the safety or the order in the detention unit. For example weapons and as well goods or publications with insignia of a criminal organization. - Items which are suitable for damaging the property - Items which's possession is forbidden under the law - Alcohol, drugs and other intoxicants - Medicine without permission The detention unit's staff in the official duty has right to use force in the situations described in the law. Security checks and personal checks may be performed in the situations described in the law. The detained person may be isolated from others in situations described in the law (for example if she / he endangers one's own or others life or health). In these cases the person may exceptionally even be placed to police custody. Meals are served 4 times a day. Breakfast and evening snack are served as a take away at the supper. Clients have the right to essential health care. Nurse's office is 2-3 times a week and if needed, doctor's office is once a week. In practice the nurse is available almost every working day. When necessary the patient is directed to the examinations and treatments outside the detention unit. Emergency health care is always available when needed. Prescribed drugs of a detained person are distributed by the detention unit's staff. Possession of any medicine is forbidden without permission. When a person arrives to the detention unit he / she will be held a briefing which includes a question concerning one's state of health and possible need of health care. Visits are allowed and they take place in a separate room. Visits have to be agreed beforehand with the detention unit's staff. The visit may be delayed due to the full booking of the visit room or due to other compelling reasons. The duration of a visit depends on the visit room's bookings. However, the maximum duration is three hours. Main rule is two visitors maximum per person at time (this does not apply to families with children). Visitors must follow the instructions of the detention unit's staff. Outer garments and other belongings must be left in a cloakroom. Any presents for the detained person must be checked by the detention unit's staff. Food products are allowed only in an unopened store packages. The visit may be denied if the visitor: - cannot</p> |
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| | | | prove the identity - refuses the security check - endangers the order and security of the detention unit The visits may be supervised under the conditions mentioned in the law. |
|  | Germany | Yes | <p>1. Germany has not chosen the option set out in Article 8 of the Directive 2013/33 EU, which says that, under certain conditions, applicants for international protection may be held in detention facilities during the time it takes to examine their application. However, there are specific reception centres where applicants may be obliged to live on the grounds of certain criteria (for example because they come from a safe country of origin or because they tried to deceive the authorities or did not provide information about their identity or nationality) in order to ensure a fast-track procedure (Section 5 subs. 5 and Section 30a of the Asylum Act). These reception centres are not different from normal reception centres, in particular, they are not closed detention facilities.</p> <p>2. The federal states are obliged to establish and manage the reception centres.</p> <p>3. The federal states and the local authorities are responsible for the organisation. They may outsource certain tasks to private-sector service providers (for example security and facility management services).</p> |
|  | Hungary | Yes | <p>1. Yes, Hungary fulfils its obligation under the Directive 2013/33/EC.</p> <p>2. Office of Immigration and Nationality</p> <p>3. According to the Government Decree no. 9/2013 (VI.28.) on the rules of execution of asylum detention and bail, tasks and responsibilities of the guarded asylum reception centres are to: • ensure the availability of third country applicants through implementing asylum detention during the asylum procedure. • provide accommodation and services for applicants being taken into asylum detention in accordance with the relevant legislation; • fulfil its obligation to provide information specified in the legislation and its obligation to provide data on the clients specified by the legislation and the Office; • ensure the rights of people being accommodated at the closed asylum reception centre, ensure the implementation of the asylum</p> |

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| | | | <p>detention, and keep records specified in the legislation in order to establish the entitlement to the required benefits and support; • ensure the organisation of health screening provided by the chief medical officer of the district, and medical care provided by the general practitioner; • provide assistance and information to solve daily problems of the inhabitants through employing social workers for 24 hours a day, perform life skills counselling, and arrange the enrolment to primary school of minor children, and perform duties in child protection as well; • organize programs for the inhabitants in order to spend their leisure time efficiently; • provide room for the purpose of worship; • ensure the possibility of communication for the applicant being taken into asylum detention; • cooperate with the national and international government, local government and civil agencies, organisations, churches providing service for the inhabitants of the closed asylum reception centre, and in addition to the above mentioned organisations, with the law enforcement agencies and the national security services in order to perform its tasks specified in the legislation; • promote voluntary repatriation or departure to third countries.</p> |
|  | Ireland | Yes | <p>1. Ireland does not participate in Directive 2013/33/EU and Ireland does not operate closed reception centres.</p> <p>2. .</p> <p>3. .</p> |
|  | Italy | Yes | <p>1. Yes. Italy transposed Directive 2013/33/EC by Legislative Decree No 142 of 18 August 2015.</p> <p>2. Based on an agreement reached by the Unified Conference (State, Regions and Local Authorities) on 10 July 2014, Legislative Decree No 142/2015 established a two-tier reception system for asylum seekers (first-line reception and second-line reception) (Article 8). This system is based on both national and regional multilevel governance (Article 16). The first-line reception system consists of former governmental facilities, which are currently being transformed into regional hubs, set up to make it easier to manage the arrival of many third-</p> |

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| | | | <p>country nationals. These regional hubs are open facilities to be used in the initial stage of reception. These are intended to host migrants who have already been registered with their fingerprints and photographs taken and who have to complete their application for international protection by filling in Form C3. The length of stay in these first-line reception facilities varies from 7 to 30 days. The operation of first reception centres may be awarded to local authorities, groups of local authorities, unions or consortia of municipalities, or public or private organisations providing assistance to asylum seekers or immigrants or operating in the area of social assistance, depending on the public procurement procedures in place (Article 9(2)).</p> <p>First-line reception centres</p> <ul style="list-style-type: none">□ In first-line reception centres, the following criteria are respected: adequate privacy, including gender differences; age-related needs; the protection of the applicants' physical and mental health; and family unity for spouses and first-degree family members. Measures are taken for people with special reception needs.□ Appropriate measures are adopted to prevent any form of violence and ensure the security and protection of applicants.□ Applicants may go out during the day, but have to stay in during the night.□ Applicants are entitled to communicate with representatives of UNHCR and of organisations of proven experience in protecting beneficiaries of international protection, with ministers of worship, with their counsels and with family members. <p>Once their application is lodged, applicants may be transferred to second-line reception centres, which, for the most part, belong to the System for the protection of asylum seekers and refugees (SPRAR). SPRAR facilities are located all over the country. Both central and local institutions are involved in this system, with shared responsibilities between the Ministry of the Interior and local authorities. In SPRAR facilities, asylum seekers benefit from high reception standards. They are offered board, lodging and a number of services (education, vocational training, Italian language courses, legal advice, medical care and psychological support). SPRAR's projects are funded by both national and AMIF funds. Recently, the Decree of the Ministry of the Interior of 10 August 2016 established the terms for local authorities to access funds from the National Fund for Asylum Policies and Services. In fact, SPRAR projects are financed for 95% by the Ministry of the Interior (through National Fund for Asylum Policies and Services) and for 5% by local authorities. In general, accommodation within the SPRAR system is offered until the Territorial Commission takes a decision on the applicant's asylum claim. If the applicant lodges an appeal before a judicial authority, accommodation is extended until a decision is</p> |
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| | | | <p>taken on the request to suspend the enforcement of the rejection decision and/or on the appeal at first instance.</p> <p>3. See answer No 2.</p> |
|  | <p>Latvia</p> | <p>Yes</p> | <p>1. On 19th January, 2016 the new Asylum Law was established and obligations under Directive 2013/33/EU were fully adopted.</p> <p>2. A person submits an application regarding granting of refugee or alternative status in person to the State Border Guard: - at the border crossing point or in the border crossing transit zone before entering the Republic of Latvia; - in the unit of the State Border Guard, if the person is in the Republic of Latvia. The State Border Guard has a right to detain an asylum seeker and accommodate him in premises specially equipped for this purpose in a unit of the State Border Guard (hereinafter – closed-type centers), if any of the following conditions for detention exists: 1) it is necessary to ascertain or verify the identity or nationality of the asylum seeker; 2) it is necessary to ascertain the facts, on which the application is based and which may be ascertained only by detention, particularly if escaping is possible (the person crossed the State border without an obvious reason evading border controls, previously evaded removal, hid his or her identity, provided false or conflicting information, there are other facts pointing to the likelihood of escape); 3) it is necessary to decide on the rights of the asylum seeker to enter the Republic of Latvia; 4) there are grounds for assuming that within the scope of the removal procedure the detained person submitted an application to hinder execution of a voluntary return decision or a removal order or to make it impossible, and it is detected that the relevant person did not have any obstacles for submitting such application earlier; 5) the competent State authorities (including the State Border Guard) have a reason to believe that the asylum seeker presents a threat to national security or public order and safety; 6) the necessity for transfer procedure in accordance with the provisions of Article 28 of Regulation No 604/2013 has been detected. Due to the fact that the State Border Guard is responsible for accommodating asylum seekers in closed-type centers, accordingly the same institution is responsible for managing such centers, including security measures.</p> |

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| | | | <p>3. The requirements for equipping and arrangement of closed-type centres, the internal rules of procedure of the State Border Guard closed-type centers for asylum seekers, the obligations and restrictions in such centers, the list of objects and substances, which are prohibited to be kept by a detained asylum seeker in the closed-type centers, the subsistence norms, and also the amount of hygienic and basic necessities for an asylum seeker accommodated in the closed-type centers, the procedures for health examination and sanitary treatment of the detained asylum seeker as well as the amount of medical care supplied to the asylum seeker accommodated in the closed-type centers are determined by the Cabinet of Ministers. During their presence at closed-type centers asylum seekers are constantly supervised by the State Border Guard officials, who provide the security measures for them. Upon receiving an asylum seeker at the closed-type centre a medical practitioner performs sanitary treatment and a health examination of him/ her, as well as provides the primary medical care if needed. In cases, when the asylum seeker needs an emergency medical help, ambulance is called, whereas, if secondary medical help is needed, the asylum seeker may be brought out from the State Border Guard closed-type center to the hospital under guard. The detained asylum seeker is accommodated in conformity with the fundamental rights and safety of the person, individual traits and psychological compatibility, and also in conformity with the following conditions: 1) the detained asylum seekers – men and women – are accommodated separately; 2) the detained asylum seeker is accommodated separately from persons who are suspected of committing a criminal offence or who have been detained in accordance with the procedures laid down in the Immigration Law; 3) the detained asylum seeker who has a health disorder is accommodated according to the instructions of a medical practitioner in premises specially equipped for such purpose; 4) the detained family members of asylum seekers are accommodated together, if any of them does not object, however, separately from other detained persons, ensuring privacy; 5) the detained minor is ensured a possibility of studying, involving in measures related to spending leisure time, including in games and recreational measures conforming to the age; 6) an unaccompanied minor is ensured accommodation at the closed-type center, in which there is equipment, and also personnel corresponding to his or her age; 7) the detained asylum seeker who has been declared in international search is placed in premises specially equipped for such purpose until the moment when the issue on further action in extradition proceedings is decided, but not more than 72 hours; 8) the detained asylum seeker who has violated the</p> |
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| | | | <p>internal rules of procedures of the closed-type center or endangers the safety of the persons present in the closed-type center may be placed, by a decision of an official authorised by the Chief of the State Border Guard, separately in premises specially equipped for this purpose for a time period up to 10 days. Regarding the asylum seeker's possibility of seeing visitors, he/ she has the right to meet his/ her relatives, officials of State administration institutions, authorised representatives of associations, foundations, and also international organisations. The visit shall be co-ordinated with the Chief of the State Border Guard closed-type center according to the internal rules of this center. In co-ordinating the time of the meeting, the head of the closed-type center shall take into account the daily schedule and technical possibilities of a meeting. A meeting shall take place in premises especially equipped for such purpose, and length thereof for one asylum seeker shall be not more than two hours. The asylum seeker may meet not more than two visitors at the same time. In order to provide the efficient food supply, agreements on food standards are signed with responsible organisations. The food is provided according to the rules established by the Cabinet of Ministers (particular groups of asylum seekers are distributed, such as, adults, pregnant women, persons with special feeding needs, children etc.). Adults are fed three times a day, children – four. The quality of provided food is verified by the medical practitioners several times per day. The menu is varied, taking into consideration the religious reasons, dietary needs and even the country of origin as there is a possibility to substitute particular products with other.</p> |
|  | Lithuania | Yes | <ol style="list-style-type: none"> 1. In Lithuania applicants for international protection can be detained only in cases enumerated in the Law on the legal status of aliens. They are being detained at the Foreigners' registration center. The Center has two premises: one with free movement and one for detained foreigners. 2. The Foreigners' registration center is under the State border guard service. 3. The Center provides food, ensures medical services. The foreigners may receive visits agreed beforehand. |
|  | Luxembourg | Yes | <ol style="list-style-type: none"> 1. Yes. Luxembourg transposed the into national law by Law of 18 December 2015 on reception of applicants for international protection and temporary protection. Article 8 of the |

Directive was transposed by article 22 (2) of the Law of 18 December 2015 on international protection and temporary protection. An international protection applicant may be detained only: a. in order to determine or verify his or her identity or nationality; b. in order to determine those elements on which the application for international protection is based which could not be obtained in the absence of detention, in particular when there is a risk of absconding of the applicant; c. when protection of national security or public order so requires; d. in accordance with Article 28 of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and where there is a risk of absconding based on a group of circumstances pointing that the applicant has the intention to avoid the authorities with the only objective of obstructing a removal measure; e. when the applicant is placed in detention in the frame of a retour procedure according with article 120 of the amended law of 29 August 2008 on free movement of persons and immigration in order to prepare the return and carry out the removal process, and where there are reasonable grounds to believe that he or she is making the application for international protection merely in order to delay or prevent the enforcement of the return decision. A written decision of placement in detention is taken by the Ministry in charge of Immigration and Asylum based on an individual assessment of the situation, if necessary and if other less coercive measures cannot be applied effectively.

2. Detention Centre (Centre de Rétection).

3. The amended Law of 28 May 2009 creating and organizing the Detention Centre establishes that the mission of the Detention Centre is the reception and holding of persons with a detention order (international protection applicant in the cases of article 22 (2) of the Law of 18 December 2015 or irregular migrant and rejected international protection applicants in accordance with article 120 of the amended Law of 28 August 2008 on free movement of persons and immigration). Structure: The Detention Centre depends of the Minister in charge of Immigration. The Centre is run by its administration. The director of the centre is the head of administration and assumes the administrative and hierarchical responsibility. S/he is assisted by an assistant director who assumes, under his authority, the responsibility of the


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| | | | <p>domains entrusted to her/him and replaces the director in case of impediment (Article 24 (1) of the Law of 28 May 2009). There are about 70 staff members working in the detention centre, such as psychosocial staff, security staff, administrative staff and manual workers. Security: The security agents of the centre are responsible for the internal security, but the external security of the centre is assured by the Grand-Ducal Police (article 23). Detainees have free access to a secured outdoor space attached to their respective unit during daytime (article 13 (1)), except during mealtime (Rule n°4 of the Holding Centre rules and regulations) The surface of each outdoor space of each unit is 10m X 8,5m and they all have benches; furthermore, the outdoor space of the family unit has a playground for children. Detainees can exit their rooms during daytime and can spend time in the kitchen/common room and they can access the recreational outdoor areas within their unit. However, if a detainee has been subject to a disciplinary measure, the director may limit free access to less than one hour per day (article 13 (2)). Furthermore, detainees can take up sports and access the premises equipped with gear for physical exercise (article 13 (3)). Visitors: As specified in the Rule 21, detainees may receive authorized visitors freely and without supervision from Monday to Sunday (including statutory holidays) between 8h00 and 12h00, as well as between 13h00 and 18h00. The visitors have also access in the same time periods to the residence and leisure units of the detainees. The visits of lawyers are also possible during lunchtime periods and after 18h00. The director may however order supervision, except for visits of lawyers and doctors, in case there is a serious evidence of abuse, a risk of absconding or an endangering of the safety of the centre. There is no restriction regarding the type of visitors that are allowed, but visitors who refuse to submit to security check are denied access to the centre. The director may also refuse entry to visitors whose behaviour is likely to endanger the safety of the centre, its staff or its occupants. Lawyers and doctors do not have to undergo a security check (article 15). Medical care: To ensure medical services and special care in the detention centre, the Minister in charge of Immigration can seek the services of doctors and experts in the health sector (article 28). The Detention Centre has a convention with the CHL (Centre Hospitalier de Luxembourg) for somatic care and with the CHNP (Centre Hospitalier Neuro-Psychiatrique) for psychiatric care. The doctors working for the detention centre are civilian physicians. A doctor examines every detainee within 24 hours of his/her arrival at the detention centre. During their stay at the Detention Centre, detainees have free access to medical care in the interest of their health and</p> |
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| | | | <p>necessary treatment of their illnesses. Medical care is free of charge for the detainees. However, dental treatment is limited to urgent and necessary care (article 9). Food: According to the law, the Detention Centre must provide the detainees with three meals per day, one of which must be a hot meal. Detainees can spend time in the kitchen/common room, where they can prepare themselves food (only limited cooking is allowed due to hygienic reasons, e.g. no meat).</p> |
|  | <p>Malta</p> | <p>Yes</p> | <p>1. Yes</p> <p>2. The detention service is responsible for the management of the closed centres.</p> <p>3. The Detention Service is committed to manage the detention centres in Malta, while providing for matters such as welfare and support. Support offered includes: provision of daily breakfast, lunch and dinner, provision of hygiene items and facilities, provision of medical care and treatment and provision of bedding and clothing.</p> <p>The Detention Service is responsible for the custody, in as humane a way as possible, of those persons declared as Third Country Nationals on arrival until such time that they are granted freedom of movement.</p> |
|  | <p>Netherlands</p> | <p>Yes</p> | <p>1. Yes. The Netherlands in principle do not detain asylum applicants during the asylum procedure. In the Netherlands, applicants for international protection who enter the Netherlands over land have shelter in open reception centers. An important exception to this rule concerns people claiming asylum at the borders of the Schengen area, e.g. on airports, such as Schiphol Airport or the seaports, for example in Rotterdam. Unaccompanied minors who apply for asylum at the border are sent to an open reception center. Families with minor children who apply for asylum at the border are screened for family ties by The Royal Military Constabulary (Koninklijke Marechaussee). If further research is necessary, the family is placed in a specialized closed family location. If it is established that there are no family ties between the adult and the child, the adult is placed in a closed border detention center and the child is placed in a specialized children center under custody of Nidos (a Dutch family guardianship</p> |



institution). All adult asylum seekers who apply at a Schengen border are placed in a closed border detention center. The Immigration and Naturalization Services (Immigratie en Naturalisatiedienst) has to decide as soon as possible, with a maximum of four weeks, if an asylum application will not be processed, is inadmissible or is unfounded. If this is the case, the applicant for international protection will remain in this closed border facility until he is able to leave the country. If this is not the case, the applicant for international protection will be transferred to an open reception center. Further, we have asylum claims from foreign nationals who have been placed in removal detention and then file for asylum. These people can be held in detention while their asylum claim is being processed. Questions 2 and 3 will be answered only for the closed type facilities mentioned.


2. The closed border detention center, the closed family location and the removal detention centers in the Netherlands are managed by the Custodial Institutions Agency (Dienst Justitiële Inrichtingen), an agency of the Ministry of Security and Justice

3. The closed family location is the facility for border detention for families and the removal center for families and unaccompanied minors. Families can stay here for a maximum of two weeks. While it is a closed facility it ensures the families control over family life. Each family has an own unit with three bedrooms, a living room, a kitchen and a bathroom. The location has several play areas for the children and also provides educational activities. The families can move freely in the location. At the moment the facility can place 12 families and 12 unaccompanied minors. However, this facility is used as a last resort and has very few people placed there (around 1 family a week, 1 unaccompanied minor a month). The closed border detention center differs from the closed removal detention center in the legal regime: people placed in the closed border detention center used to have more freedom of movement. Currently we're working at new administrative legislation for all centers. During this process, the regimes for both centers have been changed; all applicants for international protection are subject to detention in closed centers in the Netherlands if they arrive at the border. They receive good care and are offered a daily program of activities. They are served three meals a day in their own rooms, taking into account their religious beliefs or diet. They receive next to these meals €15 weekly to buy extra food or telephone credit in the local pantry. They are also allowed to use their own money. From 08.00 until 22.00 they can leave their rooms. They are

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| | | | <p>offered a program consisting of various activities, ranging from visiting the library, painting and drawing, playing sports to studying. Everyone is allowed to use the telephone and entitled to at least two hours of visitation every week. Asylum seekers in detention have free access to their lawyer and to their contact of the Refugee Council and UNHCR. Medical care for foreigners in closed centers is equal to care Dutch citizens in society can receive. Every detention center has its own medical service, to which general practitioners, dentists, physiotherapists, psychologists and a psychiatric are connected. Vulnerable foreigners who are in need of special care can be located in the “Extra Care Department” (Extra Zorgafdeling), where they are placed in smaller groups and get a more structural program of activities. Safety is one of the most important points within closed centers. The director of the center is responsible for order and safety within the center. To maintain security, the director can impose a disciplinary punishment to a person who does not comply with the rules, e.g. when he exercises violence. This punishment depends on the circumstances and severity of the incident. Every center additionally has an Internal Security Team (Intern Bijstand Team), which steps up at the moment safety is compromised. The Internal Security Team makes sure that safety for personnel and foreigners is guaranteed. In practice, this team rarely has to come into action.</p> |
|  | Portugal | Yes | <p>1. Portugal doesn't have this type of centres for asylum seekers. According to points 1 and 2 of Article 35°-A of Law 27/2008 of June 30 as amended by Law 26/2014 of May 5, these applicants may be placed in temporary installation centres when national security, public order or public health are compromised or when there is a risk of absconding. This decision is taken based on a case by case analysis and if there are no other alternative, effective and less restrictive measures to apply.</p> <p>2. -</p> <p>3. -</p> |
| | Slovak Republic | Yes | 1. Yes. |

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| | | | <p>2. The Bureau of Border and Alien Police of the Police Force Presidium of the Ministry of Interior of the Slovak Republic is the responsible entity. There are two types of detention centres for foreigners in the Slovak Republic – one is primarily used for women, families with children or accompanied minors and other vulnerable persons; the other one is mainly used for men. These facilities are not specifically designated for asylum seekers but also for irregular migrants. There are no specifically designated closed-type facilities for asylum seekers in the Slovak Republic.</p> <p>3. Detainees are provided boarding within the facilities. If a detained person has available financial resources when entering the centre, this cash is taken from him/her and the cost of boarding is deducted from it during his/her departure. Health care facilities are located directly in the detention centres. A third-country national is entitled to two walks a day within a specific time and place. Visits are based on a written request, have to be approved by the director of the facility and are accompanied by the guards directly in the facility. Detained persons are entitled to a 30-minutes visit of maximum two persons once a week. However, exceptions are possible. Persons up to 15 years have right to education if the period of their detention exceeds three months while their instruction is funded through projects of NGOs. All detainees have access to spare time activities (cultural and sports). Legal counselling and legal aid is provided for free through a state organisation and NGOs.</p> |
|  | <p>Slovenia</p> | <p>Yes</p> | <p>1. Yes. Standards are part of provisions of the new International Protection Act which came into force in April 2016.</p> <p>2. Ministry of the Interior, Asylum Centre.</p> <p>3. Provisions on security and household care for international protection applicants are laying down in Chapter VII. of the International Protection Act. Applicants are accommodate in Asylum Centre. In case of increasing number of applicants and if Asylum Centre is full they are accommodate in branch offices of the Asylum Centre located in different parts of country. During application procedure, applicants have rights to; residing in Republic of Slovenia, material support (accommodation, food, etc.) if applicants reside in asylum centre or financial support in case they reside in private accommodations, medical care, access to education</p> |

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| | | | <p>system, access to labour market, humanitarian support, pocket money. Security in Asylum Centre is regulate through provisions on maintaining public order and peace, which are in more detail explained in the International Protection Act. In case of violation of rules, Police is taking over individual cases. In case of issuing decision on detention applicant is transfer to the Alien Centre, which is under Police authority.</p> |
|  | <p>Sweden</p> | <p>Yes</p> | <ol style="list-style-type: none"> 1. Yes, in Sweden we have detention centers 2. The Swedish Migration Agency 3. It is impossible to give an answer to this wide question in a few sentences in an ad-hoc query but food, medical care and possibility for visits are provided in detention centers. For more information please see the Swedish contribution to the EMN-study on Detention and alternatives to detention: https://webgate.ec.europa.eu/emn-ies/EMN_Outputs/37607 |
|  | <p>United Kingdom</p> | <p>Yes</p> | <ol style="list-style-type: none"> 1. The UK has not opted into the 2013 Recast Reception Conditions Directive and only applies the content of the 2003 Directive. For details of the UK's current reception system for asylum seekers, please see the UK's national report to the EMN for their 2013 focussed study on the organisation of reception facilities which can be found at the link below: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/27.united_kingdom_national_report_receptionfacilities_en_version_jan2014_final.pdf There is only one major change to the content of that document. On 10 August 2015, there was a change to the level of cash allowances given to asylum seekers in the UK reception system (see the table of allowances at Q14 in Section 3 of the document, page 18). From that date, the cash allowance provided to all supported asylum seekers became £36.95 per person per week. 2. N/A 3. N/A |

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|  | Norway | Yes | <ol style="list-style-type: none">1. Norway does not have any closed centers as described.2. N/A3. N/A |
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