



## **EMN Ad-Hoc Query on Ad-Hoc Query on the pre-removal centres / facilities for TCNs in the process of return in the member states**

Requested by GR EMN NCP on 16th March 2016

### **Return**

Responses from [Austria](#), [Belgium](#), [Bulgaria](#), [Croatia](#), [Cyprus](#), [Czech Republic](#), [Estonia](#), [Finland](#), [France](#), [Germany](#), [Greece](#), [Hungary](#), [Italy](#), [Latvia](#), [Lithuania](#), [Luxembourg](#), [Malta](#), [Netherlands](#), [Poland](#), [Portugal](#), [Slovak Republic](#), [Slovenia](#), [Spain](#), [Sweden](#), [United Kingdom](#), [Norway](#) (26 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:**

Greece during the last fifteen years has received a massive mixed migratory influx (combined refugee & irregular migratory flows). A significant amount of these TCNs are not beneficiaries for international protection and some of them are in returning process to the country of origin (via voluntary or forced return). In this respect and in view of managing the dramatic situation of the recent massive irregular migratory flows, Greece is examining the possibility for improvements, as far as the legal status and the management of the pre-removal centres / facilities in Greece, is concerned. In this context, we would like to submit the following questions:

## **Questions**

1. Has your country established pre-removal centers, where TCNs, who are in the process of return, stay? If yes:
2. Which is the number of the pre-removal centers / facilities, as well as their capacity? (number of TCNs in each one of the pre-removal centers)
3. Which is the residence status of the detainees? (e.g. rights of the detainees)
4. Who has the responsibility for the management of these pre-removal centers / facilities? (e.g. Migration Department, Police Headquarters, private sector, other)
5. Does your country has any special facilities, within the pre-removal centers, for vulnerable cases of TCNs or for families with minor children?
6. Which are the alternatives to detention measures that are applied in your country?

## **Responses**

	<b>Country</b>	<b>Wider Dissemination</b>	<b>Response</b>
	<b>Austria</b>	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Belgium</b>	Yes	1. Has your country established pre-removal centers, where TCNs, who are in the process of return, stay? If yes:  Belgium has administrative detention centers for irregular migrants which are specifically used for pre-removal detention. In fact administrative detention is used with the principal reason that those who are

			<p>detained should be removed (in fine – after eventual procedures lodged during detention or before detention). If an irregular migrant cannot be removed, he must be released out of custody from the moment it has been ascertained that he is ‘non-removable’.</p> <p>2. Which is the number of the pre-removal centers / facilities, as well as their capacity? (number of TCNs in each one of the pre-removal centers)</p> <p>Belgium has 5 detention centers: 1 transit center, mainly used for persons refused at the border; 1 repatriation center, generally used for persons who could be removed quickly or in function of organization of JRO's; 3 “centers for illegal migrants” in which are put undocumented persons, with pending identification procedure. However, the population of the 5 centers can combine all aforementioned categories, depending on the necessities. The actual capacity (April 2016) is 583 (521 male – 62 female). Accompanied minor children are not detained, unless 1 night prior to their departure or 1 day (max. 48 hours) at arrival at the border. Unaccompanied minors are never detained, unless there is serious doubt about their age.</p> <p>3. Which is the residence status of the detainees? (e.g. rights of the detainees)</p> <p>The status of the irregular migrants is determined by the Immigration Law of 15.12.1980 (different categories / reasons of administrative detention). The rights and obligations of the Immigration Law are fixed in the royal decree of 02.08.2002, which include amongst others right to be informed, right to legal assistance + right to appeal against the detention / removal decision, right to medical assistance, right to communicate, right to practice religion and receive moral assistance, right to recreational facilities and general education, right to basic comfort and hygiene, right to receive visits, right to lodge complaints, ... in compliance of the rules fixed by the international legislation, jurisprudence and directives (EU, Council of Europe, ECJ, ECHR, ...).</p> <p>4. Who has the responsibility for the management of these pre-removal centers / facilities? (e.g. Migration Department, Police Headquarters, private sector, other)</p> <p>The administrative detention centers are under the responsibility of the Immigration Office (Ministry of Interior), with staff of the Immigration Office.</p>
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			<p>5. Does your country has any special facilities, within the pre-removal centers, for vulnerable cases of TCNs or for families with minor children?</p> <p>Families with children are put in 28 family units on 5 sites (community based houses). This could be considered as an alternative to detention. Though they are submitted to a removal and detention order, they are not really detained. Unaccompanied minors are put in dedicated open centers.</p> <p>6. Which are the alternatives to detention measures that are applied in your country?</p> <p>Next to these family units, the law foresees also the possibility that the irregular migrant should report to the municipality in order to show his preparations for the return (see also <a href="http://www.sefor.be">www.sefor.be</a> – information available in English), as well as the payment of a caution / warrant (not yet applied), and the deposition of copies of the ID and travel documents.</p>
	<p><b>Bulgaria</b></p>	<p>Yes</p>	<p>1. Has your country established pre-removal centers, where TCNs, who are in the process of return, stay? If yes:</p> <p>Yes.</p> <p>2. Which is the number of the pre-removal centers / facilities, as well as their capacity? (number of TCNs in each one of the pre-removal centers)</p> <p>There are three detention centers in the Republic of Bulgaria for accommodation of illegally staying foreigners, who are pending their removal from the country - two Special homes for temporary accommodation of foreigners (SHTAF) and Distribution Center (DC). The capacity of SHTAF Sofia is for 400 foreigners; SHTAF Lubimets is for 300 foreigners and DC in Elhovo – for 240 foreigners.</p> <p>3. Which is the residence status of the detainees? (e.g. rights of the detainees)</p> <p>In SHTAFs and DC are accommodated illegal third-country nationals with imposed compulsory administrative measures – “compulsory removal to the border” and “expulsion” (return decisions).</p>

			<p>The functioning of SHTAFs is according to the Directive 2008/115/EO. The main purpose of the accommodations is organizing of a compulsory taking to the border of the Republic of Bulgaria or to safe third country or country of origin.</p> <p>Distribution center in Elhovo supports initial accommodation, allocation and targeting of mixed migration flows. Asylum seekers in the Republic of Bulgaria are turned over to the State Agency for Refugees, but those who are founded to be illegally present - to SHTAFs.</p> <p>4. Who has the responsibility for the management of these pre-removal centers / facilities? (e.g. Migration Department, Police Headquarters, private sector, other)</p> <p>The management of SHTAFs and DC is within the responsibilities of the Migration Directorate – Ministry of Interior.</p> <p>5. Does your country has any special facilities, within the pre-removal centers, for vulnerable cases of TCNs or for families with minor children?</p> <p>No. The they are accommodated in SHTAFs and DC, but in different special rooms for families and vulnerable groups.</p> <p>6. Which are the alternatives to detention measures that are applied in your country?</p> <p>According to the national legislation – art. 44 (5) of Foreigners in Republic of Bulgaria Act “When obstacles exist for a foreigner to leave the country immediately or to enter another country the foreigner shall be obliged, by an order of the bodies which has issued the order for imposing the coercive administrative measure, to appear on a weekly basis in the territorial structure of the Ministry of Interior at the place of his stay by an order determined by the regulations for implementation of the law, unless obstacles to the implementation of the deportation or expulsion have dropped out and measures are scheduled for the forthcoming escort to the borders”.</p>
	<b>Croatia</b>	Yes	<ol style="list-style-type: none"> <li>1. Croatia has established one (1) centre for persons awaiting the completion of return procedure.</li> <li>2. One centre.</li> </ol>

			<p><b>3.</b> Employees of the centre has obligation to ensure that human rights for TCNs are completely respected. TCNs residing illegally are in the process of forcible removal from the EEA.</p> <p><b>4.</b> The Ministry of Interior is in charge of the management of the centre and the staff working within the centre, that are mainly police officers.</p> <p><b>5.</b> The centre has a special facility for detention of vulnerable persons that are in the process of deportation.</p> <p><b>6.</b> Measures that are less severe than detention in the centre are prohibition of leaving the shelter, obligation to regular reporting to the police station, and a deposit of travel documents and funds. Croatia does not have established Assisted Voluntary Return.</p>
	<p><b>Cyprus</b></p>	<p>Yes</p>	<p><b>1.</b> Cyprus has established a facility for persons awaiting completion of return orders.</p> <p><b>2.</b> One center, with a total capacity of 128 persons.</p> <p><b>3.</b> A prerequisite for the detention of a TCN is that the person has failed to comply with the responsibilities related to the expiration of a residence permit. In this context, persons in the detention center are persons who have no legal permit to be in the Republic. Nevertheless, the facilities and the personnel employed in the center, guarantee respect to human rights.</p> <p><b>4.</b> The Cyprus Police.</p> <p><b>5.</b> There are no such facilities in the detention center. It should be noted that persons requiring special assistance are not detained, subject to specific conditions, depending on each case. Minors and minor children cannot be detained based on national law. In cases of families with children awaiting repatriation, the detention order for one of the parents is suspended, in accordance with the best interest of the child principle.</p> <p><b>6.</b> After the expiration of the residence permit, the Authorities inform, in writing, the person concerned of the possibility to leave the country voluntarily, within a certain time frame, depending on the individual circumstances (children in school, etc). If the person refuses to comply within the given time</p>

			<p>frame, then the Authorities proceed with the execution of the return orders, which may lead to his or her detention.</p>
	<p><b>Czech Republic</b></p>	<p>Yes</p>	<p>1. Has your country established pre-removal centers, where TCNs, who are in the process of return, stay? If yes:</p> <p>There are no special centres called “pre-removal centres” in the Czech Republic, however, there are 3 detention centres where persons awaiting removal could be placed. Such detention is only possible if conditions set by the Law are met. There are different purposes of detention such as” detention with the aim of departure, detention with the aim of implementation of the administrative decision on administrative expulsion. (Not all of those who were issued with relevant administrative decision on expulsion or order to leave must be detained; special legal conditions must be met). The maximum length of detention is generally 180 days, in specific cases (given by the Law) it could be extended up to 545 days. In case of a foreigner younger than 18 years of age (15-18) or in case of family with minor kids, the duration of detention may not exceed 90 days.</p> <p>2. Which is the number of the pre-removal centers / facilities, as well as their capacity? (number of TCNs in each one of the pre-removal centers)</p> <p>There are 3 detention centres with the overall capacity 850 places. One of the centres is for families with minor kids and other for vulnerable groups. The capacity of this centre is 270 places.</p> <p>3. Which is the residence status of the detainees? (e.g. rights of the detainees)</p> <p>Foreigners placed in detention centres do not have any type of residence status.</p> <p>4. Who has the responsibility for the management of these pre-removal centers / facilities? (e.g. Migration Department, Police Headquarters, private sector, other)</p> <p>It is the Refugee Facilities Department of the Ministry of the Interior of the Czech Republic.</p> <p>5. Does your country has any special facilities, within the pre-removal centers, for vulnerable cases of TCNs or for families with minor children?</p>

			<p>See q. 2.</p> <p>6. Which are the alternatives to detention measures that are applied in your country?</p> <p>Special measures for the purpose of the foreigner's departure from the territory (hereinafter "special measures to be expelled") is:</p> <p>a) the obligation to inform the police about the residence address, to reside there, and announce any changes to the Police the following working day; and within the specified time to be present at the place of residence due to execution of residence controls,</p> <p>b) the deposition of funds in freely convertible currency in the amount of expected costs associated with administrative expulsion (hereinafter "financial guarantee") could be done by the foreigner, who is imposed to a special measure to be expelled; the deposition of funds on behalf of the foreigner concerned could be done by a citizen of the Czech Republic or a foreigner with long-term or permanent residence (hereinafter the "depositor"), or</p> <p>c) an obligation to foreigners personally report to the police at the time specified by the police.</p>
	<p><b>Estonia</b></p>	<p>Yes</p>	<p><b>1.</b> According to the Obligation to Leave and Prohibition to Entry Act a detention center is a structural unit of the Police and Border Guard Board the function of which is to enforce the judgments on the detention of persons to be expelled. Therefore TCNs, who are in process of return, may be placed in the detention center provided that the legal conditions are fulfilled.</p> <p><b>2.</b> Currently there is one detention center in Estonia with the capacity of 80 persons.</p> <p><b>3.</b> The detainees in detention center are either persons with an expulsion order or asylum seekers in cases provided by law. Persons in detention center are prohibited to leave the detention center without supervision and without the permission of the head of the detention center or an official appointed by him or her. Third country nationals who are in the process of return have access to rights related to return procedure.</p>

			<p>4. The Police and Border Guard Board under the Ministry of Interior is responsible for the management of the detention center.</p> <p>5. In detention center there are separate rooms for women, men and families. If detention of the person is not possible for security or health protection considerations or any other reason or is substantially jeopardized, the person to be expelled may be accommodated in the police detention house or under surveillance outside the detention centre. Otherwise persons are prohibited to leave the detention centre without supervision and without the permission.</p> <p>6. National law provides the alternatives to detention such as obligation to reside in a determined place of residence, obligation to appear at the Police and Border Guard Board at prescribed intervals, obligation to notify the Police and Border Guard Board of the changes in residence or marital status and about prolonged absence from place of residence, depositing of the travel document or an identity document of the TCN.</p>
+	<b>Finland</b>	Yes	<p>1. Yes, the Finnish Immigration Service and Helsinki Police have established a return transit center in the city of Vantaa, in the vicinity of the Helsinki-Vantaa airport. The center was established in February 2016 due to the high number of Iraqi asylum seekers willing to return home. These asylum seekers have either withdrawn their application, or have received a negative decision and are returning voluntarily to Iraq. The return is organized by police on charter flights to Baghdad. The returnees stay in Vantaa only a few days before departure. A visit to Iraqi Embassy can be organized during the stay if necessary for acquiring a travel document. These returnees do not take part in the Assisted Voluntary Return (AVR) -programme and do not receive any reintegration support in cash or in kind. Finland organizes only voluntary returns to Iraq. Additionally, Finland has two detention units, where asylum seekers or irregular migrants awaiting forced removal may be placed, one in the capital Helsinki and one in Joutseno, near the eastern border.</p> <p>2. The capacity of the centre in Vantaa is 90-100 persons. The capacity of the detention centre in Helsinki is 40 and that of Joutseno is 30.</p> <p>3. The Iraqi nationals staying in the Vantaa return transit centre are all ex-asylum seekers returning voluntarily home. They are not detained and they are free to move in and out of the centre. They receive the same services and benefits as all asylum seekers in Finnish reception centres, e.g. food, accommodation, reception allowance and necessary health care. The two detention centres in Helsinki</p>

			<p>and Joutseno are closed units that operate under Finnish legislation regarding the detention of foreigners. The centres offer food, accommodation and necessary health care.</p> <p><b>4.</b> The return centre in Vantaa, as well as the detention centres, are managed by the Finnish Immigration Service.</p> <p><b>5.</b> Yes, at Joutseno detention centre.</p> <p><b>6.</b> As interim measures, a person may be obliged to report at regular intervals to police or border control authorities, or the reception centre. A person may be obliged to surrender his or her travel document and travel ticket to police or border control authorities or to give them the address where he or she may be reached.</p>
	<p><b>France</b></p>	<p>Yes</p>	<p><b>1.</b> A pre-removal center has been established on 1st January 2015 in the east of France, in order to encourage the voluntary return of rejected asylum seekers. The persons placed in the pre-removal center are more receptive to the voluntary return scheme. However, families tend to wait the end of the initial period of 45 days before applying for an assisted voluntary return.</p> <p><b>2.</b> Since January 2015, 34 families, i.e. 123 persons (65 adults + 58 children), have stayed in the pre-removal center.</p> <p><b>3.</b> Among the 34 families, 28 (i.e. 99 persons) left the center: -16 families, i.e. 51 persons (30 adults + 21 children), benefited from the OFII's assisted voluntary return ; -4 families, i.e. 17 persons (8 adults + 9 children) were returned by force ; -7 families, i.e. 17 persons (8 adults + 9 children) were reported as missing ; -1 family, i.e. 4 persons (2 adults + 2 children) benefited from a regularisation for medical reasons.</p> <p><b>4.</b> The pre-removal center is under the responsibility of the OFII (French Office for Immigration and Integration) regional directorate in Metz, under the auspices of the French ministry of the Interior.</p> <p><b>5.</b> N/A</p>

			<p><b>6.</b> The law on rights of Foreign Nationals in France of 7th March 2016 reinforces the house arrest measure as alternative to detention.</p>
	<p><b>Germany</b></p>	<p>Yes</p>	<p><b>1.</b> 1. Germany has established pre-removal detention centers. However, people do not stay there during their returning process to the country of origin via voluntary return. Some cases of forced return are detained prior to the return.</p> <p><b>2.</b> 2. Germany has established six detention facilities with a maximum capacity of approx. 650 persons in total.</p> <p><b>3.</b> 3. TCNs, who are ordered to leave stay at these facilities.</p> <p><b>4.</b> 4. The Federal States (Länder) are responsible for the detention facilities. Depending on the facility and the legal responsibility within the Federal State, the operators of the facilities vary (e.g. Chief of Police).</p> <p><b>5.</b> 5. In most of the Federal States neither UAMs nor families with children are detained. Often only the male head of the family is detained. Some of the detention facilities have special detention spaces for women.</p> <p><b>6.</b> 6. The following alternatives can be applied, depending on the respective Federal State: Requirement to reside at a specific address (strict residence requirement), Obligation to surrender passport or travel documents, Reporting requirements i.e. the obligation to periodically inform the foreigners authorities within the monitoring of one's residence and the foreigners authorities must be notified if the immigrant plans to leave the district for more than 3 days.</p>
	<p><b>Greece</b></p>	<p>Yes</p>	<p><b>1.</b> National law provides for the establishment of pre-removal centers / facilities.</p> <p><b>2.</b> Greece has established seven (7) pre-removal centers / facilities.</p> <p><b>3.</b> TCNs under the return procedure are detained in these facilities, while having access to rights related to return procedure.</p>

			<p>4. The management of the pre-removal centers / facilities is under the responsibility of Police Headquarters (Ministry of Interior).</p> <p>5. Within one of the pre-removal centers there are special facilities for vulnerable TCNs (e.g. minors)</p> <p>6. National law provides for the possibility of alternatives to detention (e.g. deposit of a financial guarantee / under implementation).</p>
	<b>Hungary</b>	Yes	<p>1. Yes, National law provides the possibility the establishment of detention centers / facilities.</p> <p>2. There are 4 detention facilities (Győr – 36 pers., Kiskunhalas – 224 pers., Nyírbátor – 160 pers., Budapest (Airport Directorate – 23 pers.)</p> <p>3. Detainees are placed under expulsion order, they are waiting for the opportunity of deportation/repatriation.</p> <p>4. These detention facilities are managed by the competent county police HQ, but these are supervised by the National Police HQ.</p> <p>5. Yes. In Kiskunhalas (see answer 2.) there are 46 special places for families, single women and for other vulnerable detainees. In Hungary, unaccompanied minors are not detained, there are special children protection facilities for them.</p> <p>6. There is a designated place (compulsory residence facility – Balassagyarmat) for people who are placed under expulsion order, but not possible (because of eg. ages or vulnerable pers, or period of detention is over) to keep them in detention facility. It's an opened centre.</p>
	<b>Italy</b>	Yes	<p>1. In Italy, TCNs who enter or live in the country without being entitled to so are subject to a removal decision, which must be followed by a return operation. Before the return, the TCNs may be detained in one of the Centres for Identification and Deportation (CIEs) that are located throughout Italy that, therefore, are used as pre-removal centres.</p>

**2.** At present there are 5 operational CIEs, for a total capacity of 1,072 places. These are: 1) - Bari Palese, airport area (196 places) 2) - Caltanissetta, Contrada Pian del Lago (96) 3) - Roma, Ponte Galeria (360) 4) - Turin, Corso Brunelleschi (180) 5) - Trapani, LocalitÀ Milo (204).

**3.** The persons who are detained in the CIEs are irregular TCNs (not meeting the requirements to remain on Italian territory legally) who have been subject to a removal order that could not be enforced immediately. The rights of the detained TCNs are listed in the Charter of the rights and duties of foreigners in Centre for Identification and Deportations, an annex to the Regulations on the organisation of Centre for Identification and Deportation, adopted by decree of the Minister of the Interior on 20.10.2014. Under this Charter, the TCNs detained in a CIE are entitled to the following: health protection, legal aid, visits by persons authorised by the managers of the Centres, confidentiality of personal interviews, being informed about their positions in a language they understand, freedom of correspondence and communication through the use of the equipment available at the CIEs, freedom of religion and of worship, and the protection of any fragility related to their sexual orientation. Detained third-country nationals are also entitled to receive a sum of money on a weekly basis to meet their personal needs.

**4.** Under Article 14 of the Consolidated Act on Immigration, the Centres for Identification and Deportation are established by Decree of the Minister of the Interior. Their operation is the responsibility of Prefectures Territorial Government Offices, which usually entrust the actual operation of the Centres to entities and private organisations with relevant experience in the area of reception and immigration. The operation of CIEs is assigned through public tenders invited by the Ministry of the Interior.

**5.** Under Article 16(3) of Directive 2008/115/EC, in Centres for Identification and Deportation, vulnerable persons should be provided with all indispensable services in relation with their condition. Consequently, the Regulations on the organisation of Centres for Identification and Deportation, Article 4 (f), establish that accommodation should be specifically arranged for persons who have special reception needs and for families consisting of a number of persons whose unity must be guaranteed.

**6.** However, Under Article 14 (1 bis) of the Consolidated Act on Immigration, alternatives to detention for irregular TCNs may be the following: a) handing over their passport or other equivalent document,

			to be returned at the time of departure; b) obligation to stay at an assigned place, where they can be easily traced; or c) regular reporting to the competent police authority at fixed days and hours.
	<b>Latvia</b>	Yes	<p>1. Has your country established pre-removal centers, where TCNs, who are in the process of return, stay? If yes:</p> <p>The national legal acts of the Republic of Latvia provides for the establishment of the accommodation center for detained foreigners.</p> <p>2. Which is the number of the pre-removal centers / facilities, as well as their capacity? (number of TCNs in each one of the pre-removal centers)</p> <p>There is one pre-removal center for accommodation of detained foreigners, who are in the process of removal. The capacity of the Detained foreigners' accommodation center (hereinafter – detention center) is 84 places.</p> <p>It is planned to build one more center in Latvia as the capacity of the existing center is not sufficient. The capacity of the new center is planned to be 65 places (currently planned number).</p> <p>3. Which is the residence status of the detainees? (e.g. rights of the detainees)</p> <p>The detained foreigners, with regard to whom the removal procedure is applied, are accommodated in the facilities of the mentioned center. The foreigners accommodated in the detention center have access to rights provided for them in the removal procedure (right to appeal detention, right to contest and appeal a return decision, right to meet with relatives, consular representatives, etc., right for legal assistance, etc.).</p> <p>4. Who has the responsibility for the management of these pre-removal centers / facilities? (e.g. Migration Department, Police Headquarters, private sector, other)</p> <p>The State Border Guard under the Ministry of Interior of Latvia is responsible for management of the mentioned detention center.</p>

			<p>5. Does your country has any special facilities, within the pre-removal centers, for vulnerable cases of TCNs or for families with minor children?</p> <p>There are separate premises (blocks) for women, men, as well as families and unaccompanied minors in the detention center. In accordance with mentioned there are special premises (separate block) in the detention center for accommodation of families and unaccompanied minors. The other group of vulnerable persons such as disabled persons are placed in the detention center specially equipped premises for their needs. The specially equipped premises for disabled persons exists in separate block for women and separate block for men.</p> <p>6. Which are the alternatives to detention measures that are applied in your country?</p> <p>Immigration Law defines that with regard to foreigner alternatives to detention can be applied:</p> <ul style="list-style-type: none"> <li>- regular registration in the State Border Guard unit or</li> <li>- handing over of a travel document and other personal identification documents at the disposal of the foreigner to the State Border Guard official..</li> </ul>
	<p><b>Lithuania</b></p>	<p>Yes</p>	<p><b>1.</b> No. Lithuania has no special pre-removal centers. Lithuania has the Foreigners' registration center where foreigners who illegally entered Lithuania or are found to be illegally present in the country are detained. The Center also hosts asylum seekers who are awaiting for their asylum application being evaluated. The Center has open (free movement) and closed (restricted movement) facilities.</p> <p><b>2.</b> N/a</p> <p><b>3.</b> N/a</p> <p><b>4.</b> N/a</p> <p><b>5.</b> N/a</p> <p><b>6.</b> A decision on the provision of alternatives to detention is adopted by a court only if certain conditions are met (1) an alien's identity has been established, 2) he constitutes no threat to national</p>

			<p>security and public order, 3) he provides assistance to the court in determining his legal status in the Republic of Lithuania). Alternatives to detention: accommodating the alien at the Foreigners Registration Center without restricting his freedom of movement; entrusting the guardianship of an alien to a citizen of the Republic of Lithuania or an alien lawfully residing in the Republic of Lithuania who is related to the alien, provided that the person undertakes to take care of and support the alien.</p>
	<p><b>Luxembourg</b></p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. There is one Detention Centre in the Grand-Duchy of Luxembourg. The placement in detention is a measure of last resort. Article 22 (2) e) of the Law of 18 December 2015 on international protection and temporary protection allows the placement of a returnee in the Detention Centre in accordance with article 120 of the amended Law of 29 August 2008 on free movement of persons and immigration in order to guarantee the return of the third-country national where there is a risk of absconding, or if the person concerned avoids or hampers the preparation of return or the removal process.</li> <li>2. The Detention Centre has a maximum capacity of 88 persons, divided in 4 units (three for single men and one for families and single women).</li> <li>3. Third country nationals under the return procedure are detained in the Detention Centre (see answer to question1).</li> <li>4. The Detention Centre is under the responsibility of the Ministry of Foreign and European Affairs.</li> <li>5. Article 22 (1) al. 3 establishes that, in principle, minors cannot be placed in detention. Nevertheless, they can be placed in a detention centre as a measure of last resort if no other less coercive measures can be efficiently applied. This placement has to be as short as possible. Unaccompanied minors can solely be placed in detention in exceptional circumstances. In addition, all possible measures are taken to accommodate minors within adequate structures, taking into consideration the superior interest of the child. According to the modified Law of 28 May 2009 concerning the establishment and organization of the Detention Centre, single parents or families with minor children will be detained in a separate unit. The length of their stay cannot exceed 72 hours.</li> <li>6. In principle, returnees remain free until their departure from the territory. However, article 22 (3) establishes the following alternatives to detention: a. Obligation of the returnee to present himself, at regular intervals fixed by the Minister in charge of immigration, before the Directorate of Immigration or the designated authority by the Minister; b. House arrest; c. Obligation to deposit a financial</li> </ol>

			guarantee of five thousand euros. These alternative measures can be applied individually or jointly and in case of a risk of absconding, they can be revoked.
	<b>Malta</b>	Yes	<ol style="list-style-type: none"> <li>1. N/A</li> <li>2. N/A</li> <li>3. N/A</li> <li>4. N/A</li> <li>5. N/A</li> <li>6. So far we cannot report having much experience with the use of alternatives to detention</li> </ol>
	<b>Netherlands</b>	Yes	<ol style="list-style-type: none"> <li>1. Yes (we have assumed that with pre-removal centre you mean detention centre, because of the ‘detainees’ in question 3)</li> <li>2. In the Netherlands we have two pre-removal centres: one in Zeist and one at Schiphol. The capacity is formally 430 places.</li> <li>3. Most of the detainees are staying illegally on the territory of the Netherlands. These persons are detained according article 15 Directive 2008/115. Some detainees are not staying illegally on the territory of the Netherlands. They are allowed to remain on the territory as applicants for a permit to stay. In case of asylum seekers, they are detained according article 8 Directive 2013/33. The rights of the detainees are laid down in the Prisons Act and the Aliens Act. The Netherlands are working on a separate Act for TCN detention. The right to receive visitors, exercise, allowance, preferred food, lawyer, etc.</li> <li>4. The Custodial Institutions Agency, which is a part of the Ministry of Security and Justice</li> <li>5. Yes, the Netherlands have a closed family location for families with minor children and unaccompanied minor. For vulnerable cases of TCNs there is an extra care department within the</li> </ol>

			<p>detention centre. The Custodial Institutions Agency has also a specialized mental hospital for detainees.</p> <p><b>6. We have:</b> - the possibility to seize documents of TCNs - the duty to report (variety in intensity) with the possibility of return assistance by the RD&amp;S - the bail - the freedom restricted location (combined with the duty to report) - grants for local organisations who work on return (combined with the duty to report)</p>
	<p><b>Poland</b></p>	<p>Yes</p>	<p><b>1.</b> Yes, the Republic of Poland has established such centres.</p> <p><b>2.</b> Within the Border Guard structure there are 6 guarded centres with a total capacity of 602 places, where (at 30 Jun 2016) were placed 48 foreigners who were in the return procedure, of whom:</p> <ul style="list-style-type: none"> <li>- in a Guarded Centre in Lesznawola – 6</li> <li>- in Guarded Centre in Kętrzyn – 2</li> <li>- in Guarded Centre in Biała Podlaska – 0</li> <li>- in Guarded Centre in Białystok - 13</li> <li>- in Krosno Odrzańskie – 18</li> <li>- in Przemyśl – 9</li> </ul> <p><b>3.</b> Foreigners who are staying in a guarded centre in order to proceed the return procedure are detained.</p> <p>A foreigner placed in a guarded centre has, inter alia, the right:</p> <ul style="list-style-type: none"> <li>• to get in touch with the Polish state authorities, as well as the diplomatic mission or consular office of a foreign country;</li> <li>• to get in touch with NGOs or international organisations involved in the provision of assistance to foreigners, including legal aid;</li> </ul>

			<ul style="list-style-type: none"><li>• to get in touch with his/her attorney;</li><li>• to use the following objects surrendered for custody:<ul style="list-style-type: none"><li>– technical equipment used for image recording, if they have not been secured to cover the costs associated with the issue and execution of a return decision,</li><li>– money,</li><li>– the valuables if they have not been secured to cover the costs associated with the issue and execution of a return decision,</li></ul></li><li>• to use medical care and stay at a hospital or a medial institution performing medical activities such as full inpatient care and round-the-clock health services if his/her health condition so requires;</li><li>• to have uninterrupted sleep between 10 PM and 7 AM, and on holidays to 8 AM and during other times if it is not in breach with the rules of order governing the stay at a guarded centre or a detention centre for foreigners;</li><li>• to use sanitation facilities and cleaning products necessary to maintain personal hygiene;</li><li>• to receive clothes, underwear and shoes adapted to the seasons free of charge, as long as the things owned by a foreigner are not suitable for use, or their use is not permitted for reasons of hygiene, and the foreigner does not have his/her own funds to buy them;</li><li>• to possess objects of worship, religious practices and the use of religious services and listen to or to watch church services transmitted by the mass media in a residential premises or place of residence, without disrupting the established order of stay in a guarded centre or  in a detention centre for foreigners;</li><li>• to read press, to buy press using his/her own funds;</li><li>• to use the internet at computer workstations available in a guarded centre;</li></ul>
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			<ul style="list-style-type: none"><li>• to use a library;</li><li>• to use leisure and sporting equipment at the time and place specified by the head of a guarded centre;</li><li>• to purchase, using his/her own funds, food and personal items used to maintain personal hygiene;</li><li>• to purchase, using own funds, stationery, books and games;</li><li>• to receive parcels with clothes, shoes and other personal belongings and products for dressings and hygiene, as well as drugs that may be transferred with the consent of a physician after checking their contents in the presence of a foreigner;</li><li>• to have correspondence and use the means of communication at his/her own expense, and in particularly justified cases to use the means of communication or send mail at the expense of a guarded centre;</li><li>• to submit requests, complaints and applications</li><li>• to receive visits of close persons in a specially designed rooms with the approval of a Polish Border Guard authority to which a given guarded centre is subordinated or a person authorised by that authority.</li></ul> <p><b>4.</b> All Guarded centres in Poland are managed by the Border Guard.</p> <p><b>5.</b> The Border Guard has defined profiles of guarded centres. In order to ensure the best possible living conditions, the profiles were adjusted to the current migration situation, infrastructure of guarded centres and skills of its staff:</p> <p>1) guarded centres suitable only for families with children and unaccompanied minors, where the education compulsory for minors has been introduced (Guarded Centre for Foreigners in Ketrzyn and in Biala Podlaska),</p>
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			<p>2) guarded centres suitable only for men (Guarded Centre for Foreigners in: Białystok, Lesznowola and Krosno Odrzańskie) and</p> <p>3) a guarded centre with mixed type, that has in their infrastructure male and female section (Guarded Centre for Foreigners in Przemyśl, where additionally a family section exist).</p> <p>It should be indicated that if an unaccompanied minors is detained s/he is always separated from adults or accommodated in separated facilities, adapted to their specific needs</p> <p>6. A foreigners who is in return proceeding may be obliged to: 1) report at specified intervals to the Polish Border Guard authority 2) lodge a security deposit, 3) surrender his/her travel document for custody, 4) reside at the indicated place - until a return decision has been executed</p>
	<b>Portugal</b>	Yes	<p>1. Yes, Portuguese national law provides for the establishment of pre-removal centers / facilities.</p> <p>2. Portugal has got one detention center and five pre-removal facilities, one in each international airport.</p> <p>3. TCNs under the return procedure are detained in these facilities, while having access to rights related to the return procedure.</p> <p>4. SEF - Immigration and Border Service (Ministry of Interior) is the responsible for the management of the detention centers and pre-removal facilities.</p> <p>5. Portugal doesn't have any specific facilities for vulnerable TCN's</p> <p>6. The alternatives to detention are: Identity and residence terms, presentation to the authorities and electronic handcuffs.</p>
	<b>Slovak Republic</b>	Yes	<p>1. Third country nationals waiting for the execution of the return are placed in the detention centre for foreigners provided that the legal conditions are fulfilled. The third country nationals are detained for the purpose of administrative expulsion, for the purpose of readmission and for the execution of the Dublin transfer.</p>

			<p><b>2.</b> There are two detention centres for foreigners in the Slovak Republic: one with the capacity of 152 persons (112 men and 40 women) and the other with the capacity of 176 persons (104 men and 72 women and children).</p> <p><b>3.</b> Third country nationals detained in the detention centres for foreigners cannot freely leave the facilities – the detention centres are close type of facilities. The rights of the detainees are related to the return procedure. They are entitled to two daily walks within the area and time specified. Those who represent a security risk for other detainees or themselves are accommodated in the area with restricted regime. The detainees are allowed visitors including visitors from NGOs. Further rights are stipulated by the legislation.</p> <p><b>4.</b> The Ministry of Interior of the Slovak Republic.</p> <p><b>5.</b> There is one detention centre which is specialised for women, families with children, accompanied children (accompanied by their legal representative) and other vulnerable groups.</p> <p><b>6.</b> As an alternative to detention, the detainees might be released under the condition that they report regularly to the authorities or pay a bail sum if they are able to do so.</p>
	<p><b>Slovenia</b></p>	<p>Yes</p>	<p><b>1.</b> yes</p> <p><b>2.</b> Apart from Aliens Center with capacity of 200 persons we have established two additional facilities with capacities of 900 in one case and 540 in another case. At the moment one of the latter is empty and the other has nine persons accommodated.</p> <p><b>3.</b> They have the same rights as the ones accommodated in Aliens Center.</p> <p><b>4.</b> Police</p> <p><b>5.</b> yes</p> <p><b>6.</b> According to national legislation there is a possibility of lenient measures. Upon individual decision they may be accommodated in more suitable conditions in other institutions.</p>

	<b>Spain</b>	Yes	<ol style="list-style-type: none"> <li>1. Spain has detention centers, as foreseen in articles 15 and 16 of Directive 115/2008.</li> <li>2. Spain has 8 detention centers, with a current total capacity of approximately 1,000.</li> <li>3. Right to be informed about their legal situation, rights derived from possible asylum applications or their status as victims of THB or gender violence, right to medical and social assistance, right to have their relatives, lawyer and consulate informed about their situation, right to be assisted by a lawyer, right to communicate with persons outside, right to an interpreter, right to get in touch with NGOs, right to two free phone calls at arrival, right to lodge complaints.</li> <li>4. National Police.</li> <li>5. Some centers have facilities for families. For vulnerable cases, some specific rules apply.</li> <li>6. Submission of travel documents, periodic appearance before the authorities, obligation to stay in a certain area, others that may be decided by the judge.</li> </ol>
	<b>Sweden</b>	Yes	<ol style="list-style-type: none"> <li>1. No</li> <li>2. NA</li> <li>3. NA</li> <li>4. NA</li> <li>5. NA</li> <li>6. As a less intrusive alternative to detention, Swedish authorities may impose reporting obligations on a foreigner. This measure is called supervision. Supervision means that an alien is obliged to report to the nearest police authority or to the Swedish Migration Board on a regular basis. A supervision order may also require the alien to surrender his or her passport or other identity document.</li> </ol>

	<b>United Kingdom</b>	Yes	<p>1. Has your country established pre-removal centers, where TCNs, who are in the process of return, stay? If yes:</p> <p>Yes</p> <p>Most detainees awaiting removal in the UK are held in immigration removal centres (IRCs). These are longer term places of detention which, as well as holding detainees awaiting removal, also hold persons being detained because they are considered likely to abscond if granted temporary admission/temporary release, or individuals who are being held initially on arrival in the UK to establish their identity or the basis of their claim.</p> <p>The UK also has two residential short term holding facilities (STHFs) where individuals may be detained for short periods of time (up to 5 days or up to 7 days if removal is set to take place within 48 hours of the 5th day). Facilities in a STHF are more basic than in an IRC, reflecting the short period of time that detainees are held there</p> <p>In addition, there are also non-residential Short Term Holding Facilities (holding rooms) at most ports/airports where individuals are held for very short periods (normally not longer than 24 hours) pending a decision whether to grant/refuse them entry to the UK or, having been refused entry, pending their return flight. [DN: I have deleted reference to enforcement offices from this answer. A detainee wouldn't be returned direct from an enforcement office. The Greeks are clear in their question that they are simply interested in individuals who are being detained with a view to removal.]</p> <p>Families with children being returned may be held at the Pre-Departure Accommodation (Cedars) for short periods of time (see below).</p> <p>2. Which is the number of the pre-removal centers / facilities, as well as their capacity? (number of TCNs in each one of the pre-removal centers)</p> <p>There are 9 Immigration Removal Centres (IRCs) in the UK and two discrete residential short term holding facilities.</p> <p>Around 30,000 people are detained per year under immigration powers. There are around 3,400 individuals in the immigration removal centre (IRC) estate at any one time.</p>
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Please see list and locations of IRCs and their operating capacity as at March 2016:

1. Brook House, Gatwick (IRC) – capacity 448 men
2. Campsfield House, Oxfordshire (IRC) – 282 men
3. Colnbrook, Middlesex (IRC) – 369 men and 27 short term beds for women
4. Dungavel House, South Lanarkshire (IRC) – 235 men and 14 women
5. Harmondsworth, Middlesex (IRC) - 661 men
6. Morton Hall, Lincolnshire (IRC) – 392 men
7. The Verne (IRC) – 580 men
8. Tinsley House, Gatwick (IRC) – 119 men, 34 family beds
9. Yarl's Wood, Bedfordshire(IRC) – 304 women, 68 adult family and 38 men (short term)

The two residential Short Term Holding Facilities (STHFs) referred to above are:

10. Larne House, Antrim (STHF) - 19 beds (16 for men and 3 for women)
11. Pennine House, Manchester Airport (STHF) – 32 beds (28 for men and 4 for women)

As indicated in the above answer, there are also non-residential Short Term Holding Facilities (holding rooms) at most ports/airports, as well as at reporting centres in Immigration Enforcement offices (though individuals would not be returned direct from an enforcement office).

12. Cedars Pre-Departure Accommodation, located near Gatwick airport (also referred to above) is a facility specifically for families with children under 18 being removed from the UK under the Family Returns Process and after advice has been sought from the Independent Family Returns Panel, a panel of independent child safeguarding experts. Operating capacity as of March 2016 is: 9 self contained apartments for up to 44 people. 2 additional apartments for those requiring additional support.

3. Which is the residence status of the detainees? (e.g. rights of the detainees)

The UK only detains people (a) pending removal or (b) on entry pending further enquiries about their identity or basis of claim to remain in the UK or (c) where there is reason to believe the individual will not comply with any grant of temporary release or temporary admission.

Individuals detained under immigration powers do not have a right of residence in the UK

			<p>4. Who has the responsibility for the management of these pre-removal centers / facilities? (e.g. Migration Department, Police Headquarters, private sector, other)</p> <p>Home Office Immigration Enforcement is responsible for immigration detention; however day to day running of centres is undertaken by private and public service providers under a contract or service level agreement.</p> <p>The National Offender Management Service (NOMS) is responsible for the operation of Morton Hall and The Verne IRCs and the remainder are run by a range of private companies (SERCO, G4S, Mitie and GEO).</p> <p>Contracted out IRCs have their contracts managed by a Home Office commercial team to ensure suppliers are delivering to agreed standards.</p> <p>Responsibility for the commissioning of healthcare in the removals estate in England transferred to the National Health Service in September 2014.</p> <p>5. Does your country has any special facilities, within the pre-removal centers, for vulnerable cases of TCNs or for families with minor children?</p> <p>Published Home Office detention policy sets out a series of groups of vulnerable individuals who are only considered suitable for detention in very exceptional circumstances. :</p> <p>Where a decision is taken to detain someone falling into one of these categories, they would be detained alongside individuals not considered to be vulnerable. The UK does not have accommodation specifically set aside within immigration removal centres for detainees who might be considered vulnerable.</p> <p>Families with children under 18 being returned are only detained as a last resort where they have failed to cooperate with attempts to encourage them to leave the UK voluntarily. They are held at Cedars Pre-Departure Accommodation for the last few days before their removal from the UK, which is a dedicated facility specifically for families with children . The duration of stay at the PDA is limited to 72 hours prior to the family's planned removal date, though there provision for them to remain for up to seven days in exceptional circumstances, subject to Ministerial approval. Families live in their own self-contained apartments at Cedars, with a lower level of security than would be found in an IRC.</p>
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Cedars is run by the private contractor G4S in conjunction with the children's charity Barnardo's, which provides welfare support to families there.

6. Which are the alternatives to detention measures that are applied in your country?

Granting an individual an alternative to detention is always the starting point in the UK (temporary admission or temporary release). Individuals are only be detained where these alternatives are not considered appropriate in the circumstances of their particular case.

The UK employs the following alternatives to detention:

Temporary Admission on restrictions

Temporary admission (TA) may be used for those liable to detention on arrival in the UK, ie those with no lawful basis of entry or pending a decision on entry being made.

TA is granted subject to conditions which may include residency at a specific address and reporting at specified intervals to one of the Home Office reporting centres around the country or a police station. The frequency of reporting will vary from case to case.

Temporary release on bail

Unlike temporary admission, bail can only be granted once an individual has been detained and has applied for bail. It may be granted by either a Chief Immigration Officer or an Immigration Judge. It is granted subject to conditions which may also include residency at a specific address and reporting to a Home Office reporting centre or police station.

Bail may, if appropriate, be granted subject to a requirement for a third person to stand surety for the detainee if that is considered necessary to ensure that the detainee answers to their bail when required and does not abscond. Decisions about the amount of surety required are taken on an individual basis but a figure of between £2,000 and £5,000 will normally be appropriate.

Electronic Monitoring

Electronic monitoring is not an alternative to detention in its own right: it is used as an additional monitoring tool for higher risk individuals who have been released from detention on bail, alongside

			<p>reporting and residency restrictions.</p> <p>People are electronically monitored using a radio frequency ankle bracelet - the subject's ankle is fitted with a tag which operates on a radio frequency to correspond with a home monitoring unit and monitors their whereabouts.</p> <p>Electronic monitoring is normally used for higher risk cases among those for whom detention is considered unnecessary or inappropriate - the "risk" such individuals pose is still comparatively low as evidenced by the fact they had been deemed suitable for release in the first place .</p> <p>Electronic monitoring cannot guarantee an individual will not abscond and therefore is not regarded as a fully effective alternative to detention on its own. The biggest benefit around its use is as an enhanced mechanism for improving contact with individuals, particularly those that pose an enhanced risk and therefore warrant additional restrictions.</p>
	<p><b>Norway</b></p>	<p>Yes</p>	<p>1. Has your country established pre-removal centers, where TCNs, who are in the process of return, stay? If yes:</p> <p>Norway has established one (immigration detention) center that also serves as a "pre-removal" center in cases when the TCN is subject to detention not least of all, because s/he has no legal right to stay in Norway and/or is issued with a return/removal decision in accordance with Section 107 from the Norwegian Immigration Act. This center is classified as a special facility, also referred to as a holding center for foreign nationals ("Utlendinginternat – Trandum") . It is not classified as a prison, but has the status of an administrative detention. It is situated within an hour of the city of Oslo and close to Oslo airport (Gardermoen) . In a very few cases TCN subject to administrative detention can be placed in a prison, but the goal is to transfer them to Trandum as quickly as possible.</p> <p>2. Which is the number of the pre-removal centers / facilities, as well as their capacity? (number of TCNs in each one of the pre-removal centers)</p> <p>In the only one permanent holding center in Norway, for the purpose of immigration detention, there are normally 130 places, for exceptional cases 147 ( up to 48 hours) and the plan is to extend the capacity with another 90 places.</p> <p>3. Which is the residence status of the detainees? (e.g. rights of the detainees)</p>

The detainees in this center are either finally rejected asylum seekers or persons with an expulsion order which was the result of a criminal procedure against them. Detainees in the holding center are allowed to have visitors. Friends and family may visit twice a week. Legal representatives may visit every day. The use of mobile phones is not allowed. Detainees may use a fixed line telephone on a daily basis. E-mail is not yet implemented. Messages / calls can be screened if this is authorized by an administrative decision made by a police lawyer or court order. Exercise yard and activity centre (gymnasium, sports centre, tv – game, internet, volleyball, football, badminton) are available. Detainees are entitled to legal assistance, interpreters, essential medical care, and dental care requiring immediate attention.

4. Who has the responsibility for the management of these pre-removal centers / facilities? (e.g. Migration Department, Police Headquarters, private sector, other)

The National Police Immigration Service has the daily management and administration of the center. They are organizationally a subordinate agency under the Directorate of the Police which is one of several related agencies under the Ministry of Justice and Public Security.

5. Does your country have any special facilities, within the pre-removal centers, for vulnerable cases of TCNs or for families with minor children?

The holding center has a special security wing, where women are kept separately from men. It also has a special wing for families, and a designated area for unaccompanied minors. Any other vulnerable persons are subject to better supervision and can be placed in different wings for their own safety; according to need.

6. Which are the alternatives to detention measures that are applied in your country?

Third-country nationals can be subject to reporting obligations. Such cases are required to report regularly to the police. The third-country national can reside at an address of his/her own choice or s/he can be accommodated in an open reception centre.

The police can seize any travel documents, tickets or other material items that may serve to clarify or document the foreign national's identity. This measure can be combined with other coercive measures. An obligation to stay in a specific place may be imposed on a foreign national. This may be at a private address or in an open reception centre.

