



## **EMN Ad-Hoc Query on 2019.31 Capacity in Detention Centers; People who obligated to leave the country**

Requested by Jens Radeke on 6 March 2019

### **Protection**

Responses from EMN NCP Norway, Adolfo SOMMARRIBAS, Adolfo SOMMARRIBAS, EMN NCP Latvia , EMN NCP Belgium, EMN NCP Lithuania, EMN NCP Austria, EMN NCP Finland (8 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 German government is regularly asked by parliamentarian and the media about the current situation regarding the available capacity in the detention centres in Germany. In light of this, the question currently being raised in the the Federal Ministry of the Interior, Building and Community (BMI) how the situation regarding available capacity in the detention centres in the other EU member states is. In that context, to compare the capacities of the MS with the people obligated to leave the MS, it is also helpful to know this figures.

## **Questions**

**1. How many detention centres do you have in your MS?**

**2. What is the capacity in the detention centres in your MS?**

Please mention decimal numbers if possible.

**3. How many people have the obligation to leave your country?**

Please mention the information in decimal numbers for the year 2018 (last available information with reference date) or your latest Informations with a reference date if it's possible.

## **Responses**

### **EMN NCP Norway**

Wider Dissemination: Yes

*Kathleen CHAPMAN, EMN NCP Norway*

1. Just one center. Trandum near Oslo airport.

2. 198

3. IN 2018, 548 persons received a negative decision on their asylum application and thus were notified of the need to leave the country. Figures from the Police Immigration Unit show that as of July 18, 2018 about 4,418 persons were illegally resident in Norway. These figures are approximations.

### **Adolfo SOMMARRIBAS**

Wider Dissemination: Yes

*Adolfo SOMMARRIBAS, EMN statelessness platform*

1. In Luxembourg, there is only one Detention Centre (Centre de rétention, Findel).

2. 88

Clarification:

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3. In Luxembourg, any rejected asylum seeker or irregular migrant who is detected receives an order to leave the territory (article 111 (1) of the amended law of 29 August 2008 on free movement of persons and immigration). This obligation to leave must be carried out voluntarily in a deadline of 30 days (article 111 (2)) but the deadline can be extended by the Ministry in charge of Immigration at the request of the third-country national. In the case of the irregular migrant, s/he has to leave the country without delay (article 111(3)). During 2018, the Detention Center held 423 detainees (390 single men, 23 single women and 4 families which represented 10 individuals). From these detainees 177 were sent back to the responsible Member State, which has to treat their international protection application (Dublin), and 84 were returned to their country of origin. In total, Luxembourg carried out 272 voluntary returns (of which 154 were rejected asylum seekers and 25 asylum seekers) and 79 forced returns (of which 29 were rejected asylum seekers).

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## **EMN NCP Latvia**

Wider Dissemination: Yes

*Stanislavs LOPATINSKIS, EMN NCP Latvia*

1. There are two detention centres in Latvia: Detained Foreigners' Accommodation centre "Mucenieki" (near Riga) and "Detained Foreigners' Accommodation centre Daugavpils" (near border with Belarus).

2. 168

Clarification:

Detained Foreigners' Accommodation centre "Mucenieki" with total capacity 84 places (beds) foreseen for foreigners, who are in the return procedure and another centre Detained Foreigners' Accommodation centre "Daugavpils", which is foreseen for accommodation of detained asylum seekers and detained foreigners in the return procedure. The total capacity of "Daugavpils" detention centre is 84 places (beds), out of them 40 places (beds) are provided for accommodating detained foreigners in return procedure is 40 places. Detention centre "Mucenieki" was opened in May 2017.

3. There were 920 return decisions with obligation to leave EU territory issued for foreigners in 2018 (data on January, 2019).

## EMN NCP Belgium

Wider Dissemination: Yes

*Bram DEVOS, Practitioners (Government Officials only)*

1. 5 (CIB, CIM, CIV, 127bis & Caricole)

2. 573

3. It is difficult to estimate the number of persons who are illegally residing in Belgium. In 2017, 45.601 return decisions were issued. Those 45.601 return decisions concern 38.441 persons (some persons received multiple return decisions in 2017). 11% of the return decisions were issued to persons who are nationals of other Member States. Regarding question 2: capacity of 573 persons (on 2 April 2019). The capacity may vary because of temporary staff shortages or infrastructure / renovation works. Capacity FITT-units not included. In this number. FITT stands for Family Identification and Return Unit. Families with underage children are almost always detained in FITT-units, which are open family units. The family can leave the FITT-unit under strict regulations. But from a legal point of view the family is however detained. On 2 April 2019 there were 29 FITT-units available (3 FITT-units unavailable because of infrastructure / renovation works). On 14 May 2017 the Belgian authorities decided to increase the capacity in the already existing detention centres and to build two new detention centres.

## EMN NCP Lithuania

Wider Dissemination: Yes

*Vytautas EŽERSKIS, EMN NCP Lithuania*

1. Foreigners' Registration Center (FRC) in Pabrade is the only detention centre in Lithuania.

2. 201

Clarification:

96 for detainees and 105 for asylum seekers.

3. Expulsion decision - 137; Return decision (voluntarily returned) - 2373.

## **EMN NCP Austria**

Wider Dissemination: Yes

*Martin Stiller, Wider Group*

1. In Austria, there are 15 (Police) Detention Centers. However, there are only two (Police) Detention Centers that are designated exclusively for the execution of detention pending removal. --- Source: Ministry of the Interior

2.

Clarification:

In total, there is space for accommodating 1,368 detainees in all 15 (Police) Detention Centers in all of Austria. However, in the Austrian Police Detention Centers persons are being detained for reasons of internment according to the Code of Criminal Procedure 1975 or according to administrative law (until bringing the person before the competent authority or court) as well as for execution of administrative imprisonment in default of payment and detention pending removal. As mentioned above, detention pending removal is only executed in two institutions exclusively. These institutions have capacities for a total of 416 male and 50 female detainees. After their arrest, detainees are in principle brought to the closest Police Detention Center and subsequently have to be handed over within a maximum of seven days to an institution that is designated for longer-term execution of detention pending removal. --- Source: Ministry of the Interior

3. --- --- Source: Ministry of the Interior

## **EMN NCP Finland**

Wider Dissemination: No