



AD HOC QUERY ON 2019.31 Capacity in Detention Centers; People who obligated to leave the country

Requested by Jan BERGER on 6 March 2019

Compilation produced on 25 September 2019

Responses from Austria, Belgium, Finland, Latvia, Lithuania, Luxembourg, Netherlands plus Norway (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.

1. 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.

2. Questions

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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.

We would very much appreciate your responses by **12 April 2019**.

3. Responses

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		Wider Dissemination ²	
	EMN NCP Austria	Yes	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

¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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			<p>2. 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</p> <p>3. -----Source: Ministry of the Interior</p>
	<p>EMN NCP Belgium</p>	<p>Yes</p>	<p>1. 5 (CIB, CIM, CIV, 127bis & Caricole)</p> <p>2. 573</p> <p>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</p>

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			the Belgian authorities decided to increase the capacity in the already existing detention centres and to build two new detention centres.
	EMN NCP Finland	No	
	EMN NCP Latvia	Yes	<p>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).</p> <p>2. 168 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.</p> <p>3. There were 920 return decisions with obligation to leave EU territory issued for foreigners in 2018 (data on January, 2019).</p>
	EMN NCP Lithuania	Yes	<p>1. Foreigners' Registration Center (FRC) in Pabrade is the only detention centre in Lithuania.</p> <p>2. 201</p>

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			<p>96 for detainees and 105 for asylum seekers.</p> <p>3. Expulsion decision - 137; Return decision (voluntarily returned) - 2373.</p>
	EMN NCP Luxembourg	Yes	<p>1. In Luxembourg, there is only one Detention Centre (Centre de rétention, Findel).</p> <p>2. 88 2019.31_lu_emn_ncp_answer_to_de_emn_ncp_ahq_on_detention_centres.docx</p> <p>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).</p>
	EMN NCP Netherlands	Yes	<p>1. Currently the Netherlands only has one regular detention centre in Rotterdam. Another detention centre is located in Zeist. This detention centre is specially equipped to detain minors and families for a short period prior to their departure.</p> <p>2. 688</p>

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			<p>DC Rotterdam has 640 places available in 320 rooms. About 50 percent of these places is occupied, about 10 percent is empty, but ready for use, and about 40 percent is out of order (if needed these places can be brought into use) . GGV Zeist has 12 family homes for 6 people per home and ten private rooms for AMVs. However, only a part is used by the Custodial Institutions Agency. The formal capacity is 48 places. DC Zeist: on average, 30 aliens resided in DC Zeist between October and December 2018: on average 21 men in the detention centre on the basis of article 59 of the Aliens Act 2000 and 9 people in the GGV. However, the 21 men residing in DC Zeist on the basis of article 59 were transferred to DC Rotterdam before at the end of 2018.</p> <p>3. It is unknown as to how many people have the obligation to leave the Netherlands exactly. The Repatriation & Departure Service of the Netherlands had a caseload of 3.543 on the 25th of March 2019. This, however, is no indication of the number of people with an obligation to leave. The WODC (Scientific Bureau of the ministry of Security and Justice) concluded in a research conducted in 2012/2013 the following: "The method estimates the population of illegal aliens residing in the Netherlands for the period from 1 July 2012 to 30 June 2013 at 35,530, with a 95% Confidence Interval ranging from 22,881 to 48,179. For the year 2009 the estimate is 41,835 illegal aliens residing in the Netherlands, with a 95% confidence interval of 20,654 to 63,015.</p>
	<p>EMN NCP Norway</p>	<p>Yes</p>	<ol style="list-style-type: none"> 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.

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