



Detention Centers (Information regarding various countries)

공익법센터 어필 자원봉사자 : Faith Chung 정리

Belgium

Continent: Europe

of Immigration Detention Sites: 10 (as of 2010). Despite the existence of 10 secure detention sites in Belgium, the Global Detention Project (GDP) lists only six dedicated facilities in its database—the five closed centres and the INAD centre at Brussels airport, which is coded as a “transit zone” in GDP data. The other four INAD centres, located at regional airports, are not listed because the maximum length of detention at these sites is limited to 48 hours.

Detention Capacity: The total detention capacity at the five closed centres and the Brussels airport INAD centre was 568 as of 2009 (AI et al 2009).

Total # of People Detained: The six dedicated migrant detention sites managed by the Immigration Department (five closed centres and the INAD centre at Brussels airport) have a total capacity of 568 (AI et al 2009). A total of 6,902 persons were detained in Belgium in 2008, down somewhat from 9,101 in 2003 (OE 2009, p.122). This amounted to an average of 520 persons being held in detention on any given day in 2008 (OE 2009, p.124). Among those detained in 2008, 270 were minors (OE 2009, p.125).

Maximum Length of Detention Allowed: The maximum period of detention in border zones ranges, depending on the border zone facility, from 48 hours to seven days (*Arrête Royal*2009, Art.3). The maximum period of detention in the closed centres is five months. However, this period can be extended to eight months in exceptional cases relating to the maintenance of public order or national security (Aliens Act, Art. 74/5, §3). Persons held in border zones who cannot be removed during the maximum period of time may be transferred to closed centres within Belgian territory, albeit their legal status remains that of an “inadmissible” (Renders 2010). While the EU’s 2008 “**Return Directive**” allows for longer periods of detention—up to six months—the Minister for Migration and Asylum Policy has declared that Belgium does not intend to extend its maximum length of detention (EMN 2009, p.36). Although the maximum length of detention remains below that stipulated by the EU, irregular non-nationals can be re-detained after being released (AI et al 2009).

Average Length of Detention: The average length of detention in 2008 was 2.2 days in the INAD centre in Brussels airport; 18.3 in Transit Centre 127; and between 20.3 and 35.8 days in the other secure four centres (OE 2009, p.124).

Medical Care in Detention Centers: In all detention centres, a medical service is guaranteed by the presence of nurses and a psychologist as part-time physicians. Many detainees say that they are very dissatisfied with the medical services. Access to specialist is often denied.



The Royal Decree of 2 August 2002 provides at the Article 52 that “each center has a medical service available every day at the time mentioned in the rules of procedure and always available in case of emergency”. The Director shall ensure that the doctor is regularly available for consultation. Care is provided by the medical service under the responsibility of the physician. In fact the access to a physician is to be questioned. Indeed, the consultations are assigned to nurses who decide whether an examination by a physician is required. This filtering is explained by the large number of referrals and the inability of doctors to meet them all. The large number of requests for consultations is also the result of stress and psychosomatic disorders arising from the conditions of confinement.

Regular Judicial Review: The “Chamber of the Council” (chambre du conseil) has the authority to investigate whether an order of detention is lawful. Since 2012 the Chamber of the Council has also been empowered to decide on the appropriateness and proportionality of the deprivation of liberty. This chamber verifies whether the procedure for removal is ongoing, whether removal is still possible and whether the legal provisions have been respected. There is no legal ground in Belgian civil law providing for an automatic judicial review of a detention order. It is up to the lawyer to decide to petition the Chamber of the Council. This is an important difference from the criminal law, where at certain times the lawfulness, appropriateness and proportionality is automatically reviewed. From the first day of detention, the detained person can petition for the Chamber of the Council for release. And he or she can do this once a month. The decisions of the Chamber are subject to appeal before an Appeal Court.

Sources Used: http://pointofnoreturn.eu/wp-content/uploads/2013/12/PONR_Factsheet_BE_HR.pdf
<http://www.globaldetentionproject.org/countries/europe/belgium/introduction.html>



Bulgaria

Continent: Europe

of Immigration Detention Sites: 2 as of 2011

Detention Capacity: The Busmantsi center was established in March 2006 “as a civilised solution to the challenges Bulgaria faces as an EU ‘frontier’ country” (Kostadinov 2010). The facility has an estimated capacity of 400 (Savova 2010c). Some 100 were being detained at the centre as of July 2010 (Ciobanu 2010).

The Lyubimets detention facility opened in early 2011. Described by the country’s interior ministry as a fulfilment of Bulgaria’s Schengen requirements (Koleva 2011), Lyubimets was reportedly built with funding under the Schengen accord and has a capacity of 300

Total # of People Detained: The capacity at the centres is usually at 100 percent.

Maximum Length of Detention Allowed: After adopting the [European Return Directive 2008/155](#) in May 2009, Bulgaria reduced its maximum limit on the detention of migrants to six months, as per Article 15 (5) of the directive. Before this change, migrants could be held in detention indefinitely. In “exceptional” circumstances detention can be extended up to 18 months, but only after the case has undergone judicial review. The court’s decision in these cases is made every six months and is not subject to appeal (see [amended Law for Foreigners](#), Art. 44 (8); Art. 46a (3)(4)). Moreover, the review process is held behind closed doors without the detainees present. This has been criticised as a violation of the right to an oral hearing before the court (JRS 2010, p. 143).

In a 2010 report published by JRS-Europe, the Bulgarian Helsinki Committee (BHC) reported that the average length of detention at the Busmantsi detention centre before implementation of the Return Directive was just over 14 months. This was significant as it represented the highest detention duration among the 23 member states covered in the report (JRS 2010). When the Global Detention Project contacted the BHC in mid-2010, nearly a year after the directive was implemented, the group reported that the average length had decreased to less than 10 months, still higher than the standard maximum (six months) provided for in the directive (Savova 2010c). As of mid-2011, according to BHC, the six-month maximum was generally being applied (Savova 2011).

Average Length of Detention: In a December 2009 [ruling](#), the European Court of Justice held that Bulgaria must abide by detention limits in the case of Said Kadzoev. Kadzoev, a Russian national of Chechen origin, had been detained at the Busmantsi detention centre in Sofia since October 2006 awaiting deportation. After emphasizing that foreigners can only be detained if there is a reasonable opportunity for deportation, the court ruled that Bulgarian authorities were obliged to “observe the absolute maximum 18-months period of immigration detention and to release Said Kadzoev immediately” (BHC 2009). The ruling has been hailed as a victory for migrants and a precedent in EC law by several human rights groups. However, since the directive does not cover repeated detentions, there are still concerns that once migrants are released they will simply be picked up again and be detained for another 18 months (Kostadinov 2010; BHC 2009).

Medical Care in Detention Centers: According to a 2010 survey conducted by JRS-Europe at the Busmantsi detention centre, almost 90 percent of detainees reported feeling unsafe because of a deterioration in their health.

공익법센터 어필



Food was largely reported as unpleasant, lacking variety, and in very small portions. Detainees also indicated that poor nutrition was a constant stress and nearly three-fourths of those surveyed reported that they did not sleep well (JRS 2010).

The absence of proper medical care has been blamed as a cause for the death in October 2009 of Hasun Albaadzh, a Syrian national who had been held at the Busmantsi detention centre for 34 months. According to reports by the Justice 21 Civil Initiative, Albaadzh's repeated requests for medical attention were ignored, and he was not taken to a hospital despite the fact that his medical conditions were known by the centre's administration (ACET 2009).

Regular Judicial Review: Bulgaria was one of the few EU member states not providing the legal safeguard of an automatic judicial review of the detention order. After the amendment of the law in 2009 the automatic judicial review was introduced, but not before 6 months of detention. This safeguard was available in national criminal proceedings for all individuals, irrespective of their nationality or origin, if accused of committing a crime, but it was not guaranteed for those immigrants who were subjected to administrative detention for violation of the national immigration regime for the purpose of securing their deportation.

Presently, the law does not provide for automatic judicial review of detention orders before 6 months of detention. However, detention orders can be appealed within 14 calendar days¹ of the actual detention before the administrative court in the area of the headquarters of the authority which has issued the contested administrative act. The appeal does not suspend the execution of the order.² The submission of the appeal is additionally hindered by the fact that the detention orders are not interpreted or translated. In view of the fact that deportation orders in principle are always issued for immediate implementation, the short deadline for lodging an appeal proved to be highly disproportionate and usually not respected by detained individuals, including asylum seekers.

Under the law, an automatic judicial revision is provided only after 6 months from the beginning of the detention. The management of the detention centre has the obligation to submit to the court a list of the individuals who have remained in detention for a period longer than 6 months. The administrative court decides for extension, termination or substitution of detention with an alternative measure in a session behind closed doors.

Sources Used: <http://www.globaldetentionproject.org/countries/europe/bulgaria/introduction.html#c3215>
<http://www.asylumineurope.org/reports/country/bulgaria/judicial-review-detention-order>



Croatia

Continent: Europe

of Immigration Detention Sites: 1 (in Jeevo, close to Zagreb)

Detention Capacity: The Centre's capacity had been reduced to 108 places following the opening of the Reception Centre for Asylum Seekers in Kutina.

Total # of People Detained: In 2006, a total of 1719 persons were detained in Je evo.

Maximum Length of Detention Allowed: The maximum duration of detention is 90 days. A foreigner can always be released, if there is a reasonable expectation that forcible return is not feasible. However, after the expiry of the 90 days, the foreigner can be detained again, if the procedure for identification or the collection of documents is under way; or if security reasons require this; or if during the removal the foreigner has submitted an asylum application.

Average Length of Detention: Unknown.

Medical Care in Detention Centers: The health-care staff is comprised a doctor and a nurse working from 8 a.m. to noon at weekdays. The doctor is also on call at weekends, and a medical hotline can be called in case of emergency. However, unlike in 2003, there are no psychologists working at the Centre.

All newly arrived foreign nationals are seen by a member of the health-care team upon their arrival at the Centre; this represents a positive change compared to the situation in 2003. However, the individual medical files drawn up in respect of detained persons are not sufficiently detailed; for example, information from the initial medical screening is sometimes missing, as is information about medical consultations with outside medical specialists.

Regular Judicial Review: Thus far, it appears as if there is no regular judicial review.

Persons detained under aliens legislation should enjoy certain fundamental rights as from the outset of their detention, i.e. the right to inform a person of their choice of their situation, and to have access to a lawyer and a doctor. It is equally fundamental that foreign nationals detained by law enforcement authorities be informed without delay of all their rights and the procedures applicable to them in a language they understand.

The delegation was told that foreign nationals detained at the Centre were told to read notice boards, which displayed information in a variety of languages. Nevertheless, a number of foreign nationals did not appear to be aware of their rights and the procedures applicable to them and there was a lack of clarity about the possibility to make one free phone call and the obligation to pay for accommodation and food at the Centre.

Sources Used: http://www.detention-in-europe.org/index.php?option=com_content&view=article&id=165&Itemid=199

공익법센터 어필



http://www.detention-in-europe.org/images/stories/cpt%20report_detention%20facilities_croatia_4-14%20may%202007.pdf



Cyprus

Continent: Europe

of Immigration Detention Sites: 9 (2009) Cyprus uses at least nine facilities for detaining migrants, all but two of which are located in police stations. The seven police station facilities are located in Aradippou, Lakatamia, Larnaca, Limassol, Orokline, Paphos, and Paralimni (Demetriadou 2009; Council of Europe 2008). There are also detention facilities located inside the Larnaca International Airport and in a separately run section of the Nicosia Central Prison (Demetriadou 2009). Although the Nicosia facility, called Block 9 and 10, is located within the prison, it is operated separately by the Police (Demetriadou 2009). All immigration detention sites are operated by the Police, which is a part of the Ministry of Justice and Public Order (Demetriadou 2009).

Detention Capacity:

1. Aradippou Police Station Detention Centre: **Unknown**
2. Lakatamia Police Station Detention Centre: **10**
3. Larnaca International Airport Detention Center: **16**
4. Larnaca Police Station Detention Centre: **50**
5. Limassol Police Station Detention Centre: **53**
6. Nicosia Central Prison, Block 10: **76**
7. Orokline Police Station Detention Centre: **Unknown**
8. Paphos Police Station Detention Centre: **Unknown**
9. Paralimni Police Station Detention Centre: **Unknown**

Total # of People Detained: Unknown

Maximum Length of Detention Allowed: The Refugee Law 6(I)/2000, article 7(6) provides that an applicant's detention may not exceed eight days. The detention may be extended for further eight-day terms upon Order of the Court, but the total detention period shall in no case exceed thirty-two days. On a more general level, the Prison Law N.62(I)/96 prohibits the detention of a person in detention centres for a period longer than fifteen days. Detention for the purpose of deportation is limited to eight days unless the court authorize for more. Considerations such as the deterioration of the human rights situation in their country of return are not taken into consideration for persons who have not been granted refugee status or other type of international protection, nor is it a factor justifying longer detention in law.

The above ceilings are not always respected; irregular migrants have in many cases spent months and sometimes years in detention. A recent decision of the Ministry of the Interior provides that detainees held on immigration offences can be released after 6 months of detention provided they have not committed a serious penal offence and provided they apply to their embassies to obtain valid travel documents; in such a case they are granted leave to remain in Cyprus for 18 months, after which they must depart. As a result of this policy, there no longer many detainees held for long periods of time whilst in the past there had been cases where they had spent 2 or 3 years in detention.

Average Length of Detention: Unknown; there are many reports of people being detained for far longer than the maximum length of detention allowed under law.



Medical Care in Detention Centers: Article 23(1) of the Law that Provides for the Rights of Persons Arrested and in Detention N. 163(I)/2005 states that every detainee has the right at any time to be given medical examination or/and treatment or/and medical attention from a doctor of his/her choice and to contact the doctor for this purpose personally by telephone the presence of a member of the police or the prison personnel, depending on the case. In case the detainee does not wish to exercise the right to appoint a doctor of his/her choice, s/he has the right to be given medical examination and/or treatment and/or medical attention from a governmental doctor who is arranged by the person in charge of the detention centre. The detainee pays the costs of the medical examination and/or treatment, and also the medical attention from a doctor of his/her choice above.

Under article 24(1) the detainee must be provided, immediately after he is remanded in custody, with a document that contains in a language of his/her understanding the rights that are contained in the above article.

The only provision in the law about the provision of social services to detainees is to be found in the Law that Provides for the Rights of Persons Arrested and in Detention N. 163(I)/2005 article 3(4) of which states that persons who appear unable to exercise their rights of contact with a lawyer or a relative/other person due to mental or physical disability shall be entitled to assistance from the state Welfare Services for the purpose of exercising these rights.

Regular Judicial Review: There is no automatic judicial review; the detainee has to apply for it. Detainees have the right to appeal to the Minister of Interior seeking their release from custody. In addition, the Constitution provides for the right to apply to the Supreme Court for judicial review of any administrative decision, including the decision to detain, under article 146. If successful, the application under article 146 of the Constitution has the effect of cancelling the administrative decision complained of and the immediate release from custody. This procedure however is costly and is not covered by the legal aid law.

Sources Used: <http://www.globaldetentionproject.org/countries/europe/cyprus/introduction.html>
http://www.detention-in-europe.org/index.php?option=com_content&view=article&id=298
http://www.whenyoudontexist.eu/content/assets/docs/Cyprus-Migration-Report_June-2012.pdf



Czech Republic

Continent: Europe

of Immigration Detention Sites: 6 (as of 2007)

As of April 2007, there were four immigration detention centres and two secure registration centres in the Czech Republic (Ministry of the Interior 2007; Counselling Centre for Refugees 2007). In addition to these six centres, the Blue School Diagnostic Institute for alien minors (Modra Skola) was established in 2004 to house irregular minors under the age of fifteen, where they can stay for 2-3 months while awaiting appointment of a legal guardian (European Parliament 2007; European Commission 2007).

Detention Capacity: 1,287

Total # of People Detained: The average number of detainees in recent years was about 140, in 2011 below 100.

Maximum Length of Detention Allowed: As far as the detention for the purpose of administrative expulsion is concerned, the amendment to the Aliens Act effective since 1 January 2011, gives the possibility (as well as obligation) to the Aliens Police to set the length of detention with respect to the expected difficulties of expulsion and gives the Police a possibility to extend such a period. As expected, a Czech legislator also took the advantage and set the possibility of extending the detention for the maximum time of 545 days. Despite the notion in the Return Directive that the EU Member States can keep more favourable provisions in their legislation, the Czech Republic used the possibility to extend foreigners' detention for up to one year and half (545 days). It is worth to mention that the Aliens Act still considers 180 days as 25 the first and crucial time frame of detention that may be extended only in special cases. According to the Czech legislation only in the case that the foreigner thwarts the act of expulsion, or states incorrect information that are necessary for issuing a spare travel document which might be also problematic in view of the ECtHR's case law.

Average Length of Detention: The average length of pretrial detention was 130 days.

Medical Care in Detention Centers: Medical care and therapy is available both inside and outside the reception centres. Asylum seekers obtain medical insurance cards and if they can find doctors willing to register them they can be treated outside the centres. The medical insurance card system has been operational since 2006. Asylum seekers are now fully included in the Czech health insurance system. Access to treatment in the case of chronic illnesses is guaranteed. The cost of health treatment is covered by the state budget. Before 2006, medical care was available on the basis of specialised contracts between the Refugee Facilities Administration and the medical care providers. Basic care was always available in the past, while specialised care was only available following approval from the Refugee Facilities Administration medical experts. The new system is better, although asylum seekers complain that doctors do not want to register them. This said, Czech citizens often confront similar problems.

Regular Judicial Review: According to the EU Fundamental Rights Agency the Czech system is problematic. According to 15.3 of the Return Directive and the Resolution of the Council of Europe No 1707 (2010) – there is an actual obligation to involve judicial review in case of “prolonged detention



periods” – however the directive leaves some flexibility to states to define the exact timelines for regular reviews and to determine when detention periods can be considered as prolonged. In the Czech Republic – the Article 126 of the Aliens Act, the Aliens Police has a duty to review ex officio the continuing existence of grounds for detention throughout the entire period – this guarantee cannot be considered as effective as automatic reviews despite the fact that international law leaves flexibility for States to define the modus operandi of the periodic review. The current Czech legislation includes the judicial review only on the basis of the action brought before the court by the detained foreigner which is problematic.

Sources Used: http://docs.opu.cz/OPU_brozura_ENG_12012012_web.pdf
<http://www.globaldetentionproject.org/de/countries/europe/czech-republic/introduction.html>
<http://www.proasyl.de/en/about-us/foundation/projekte/icf/europ-network-icf/newsletter/icf-newsletter-may-2007/czech-republic/>
<http://www.ncbuy.com/reference/country/humanrights.html?code=eZ&sec=1d>



Denmark

Continent: Europe

of Immigration Detention Sites: 1 dedicated immigration detention site, Ellebaek (as of 2009); two detention units

Detention Capacity: 118; including the two detention units, 135

Total # of People Detained: Number of pre-trial detainees/remand prisoners: 1,382 (in 2013)

Maximum Length of Detention Allowed: 18 months (as of 2012), but can be prolonged

Average Length of Detention: The overall average of detention duration (January 2006 – July 2006) is 42 days. After 3 days of administrative detention, the court should take a decision of continued detention, and as such the detention can after 3 days not longer be considered as “administrative detention”. In relation to administrative detention, the legal maximum duration is 3 days, but it can be prolonged if decided by the court.

Medical Care in Detention Centers: Detainees have the right to be seen by a doctor, this will usually be one of the doctors, that is associated with Ellebæk. The medical team consists of a general practitioner attending for 10-15 hours per week and three nurses. A nurse interviews all newly arrived detainees. If deemed necessary by the doctor of the institution, detainees will be treated by a specialist outside the institution. There are no on-site psychiatric or psychological consultations but if necessary patients are referred to a psychiatrist in Vestre Prison 30 km away.

Regular Judicial Review: Maximum 72 hours after a person has been detained, a judge has to assess whether the detention is legal. This has to be reassessed minimum every fourth week.

Sources Used: <http://www.globaldetentionproject.org/countries/europe/denmark/introduction.html>
http://www.detention-in-europe.org/index.php?option=com_content&view=article&id=160&Itemid=193
<http://w2eu.info/denmark.en/articles/denmark-detention.en.html>
<http://www.prisonstudies.org/country/denmark>



Estonia

Continent: Europe

of Immigration Detention Sites: 1 dedicated immigration center; 1 detention site (as of 2010)

Detention Capacity: Total capacity of both the dedicated center and site is 132

Total # of People Detained: 67 (2009)

Maximum Length of Detention Allowed: There is no maximum length of detention. A refugee can be detained indefinitely.

When someone makes an asylum request at the border, the border guard detains the applicant for a maximum period of 48 hours in order to carry out initial administrative procedures (AGIPA 2006, §15). When a person files an asylum application after already entering the country, he/she may be detained for up to 48 hours in an “initial reception centre” after which the applicant is transferred to a reception centre. This period of detention at the border or in the initial reception centre can be extended in a number of circumstances, depending on the difficulty in gathering information and the level of cooperation offered by the applicant (AGIPA 2006, §15, 32). If a person files an asylum request while in immigration detention, he/she can be ordered to remain in detention during the duration of the asylum process (Pihel 2010; AGIPA 2006, §33).

Average Length of Detention: When someone makes an asylum request at the border, the border guard detains the applicant for a maximum period of 48 hours in order to carry out initial administrative procedures (AGIPA 2006, §15). When a person files an asylum application after already entering the country, he/she may be detained for up to 48 hours in an “initial reception centre” after which the applicant is transferred to a reception centre. This period of detention at the border or in the initial reception centre can be extended in a number of circumstances, depending on the difficulty in gathering information and the level of cooperation offered by the applicant

Medical Care in Detention Centers:

The legal chancellor reported several violations at the expulsion center, including occasional overcrowding and a general lack of security, as conflicts between persons to be expelled were frequent. Human rights organizations also complained there was a general shortage of translators and that, at the request of doctors, guards sometimes handcuffed detainees during medical treatment.

Regular Judicial Review: The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy the right to a presumption of innocence, a fair and public trial without undue delay, prompt and detailed notification of the charges (with free interpretation if necessary), communication with an attorney of choice (or to have one provided at public expense), adequate time and facilities to prepare a defense, and access to government-held evidence. Defendants may confront witnesses against them and present witnesses and evidence, cannot be compelled to testify or confess guilt, and have the right to appeal. There are no juries. A single judge, a judge together with public assessors, or a committee of judges may hear cases. In criminal proceedings an attorney is available to all defendants at public expense, although individuals often preferred to hire their



own attorneys. In civil proceedings the government provides an attorney for indigents. Authorities generally respected these rights and extended them to all residents regardless of citizenship. However, the nongovernmental organization (NGO) Estonian Human Rights Center (EHRC) reported that authorities did not adequately inform asylum seekers of their rights. Additionally, authorities provided only poor and irregular access to public services for asylum seekers and those granted international protection. The EHRC repeated its recommendation that the government establish an independent border monitoring entity to ensure that the actions of the authorities at border checkpoints comply with local and international law. The EHRC and other NGOs provided legal and societal assistance to asylum seekers in cooperation with authorities. Government officials indicated that access to legal aid was available at every stage of the asylum procedure.

Sources Used: <http://www.globaldetentionproject.org/countries/europe/estonia/introduction.html>
<http://www.state.gov/documents/organization/220486.pdf>



Finland

Continent: Europe

of Immigration Detention Sites: 1 dedicated immigration detention site (as of 2009)

Detention Capacity: 40 (at dedicated immigration detention site)

Total # of People Detained: 541 (in 2008). In 2009, the numbers remained at a high level with a record total of 5,988 asylum applications lodged that year. Prior to October 2011, a total of 2,525 applications for asylum were lodged, compared to 3,498 during the same period in 2010.

Maximum Length of Detention Allowed: On 1 April 2011, the Finnish Aliens Act was adopted with provisions establishing the maximum period of detention of foreigners (including asylum-seekers). This amendment was based on the Return Directive. The amendments stipulate that a foreigner may be kept in detention for a maximum of 6 months. This term may be extended up to 18 months in exceptional cases. In case of pre-removal detention, the district courts of Finland apply a more flexible practice of releasing a person after three months of continuous detention, if deportation is not possible.

Average Length of Detention: In 2010, the average length of detention in the Metsälä detention unit was 26.5 days.

Medical Care in Detention Centers: A nurse is attached to each reception centre, and on arrival all asylum seekers undergo basic health screening. They have access to municipal – and in special cases also private – healthcare if they require urgent medical treatment or essential dental treatment. These services are free. Asylum seekers in need of urgent treatment due to torture may also go to the special Rehabilitation Centre for Torture Victims in Helsinki or in Oulu.

Regular Judicial Review: The accelerated procedure under the Aliens Act allows an extremely limited time for asylum-seekers to have their cases considered thoroughly and to exhaust all lines of appeal if their application is rejected. Although a negative decision can be appealed, it may be enforced within eight days or even immediately, depending on the situation, irrespective of an appeal, which would thus have no automatic suspensive effect. This issue has already been addressed during the UPR session on Finland during the 1st cycle. There is currently no change in the Finnish legislation or practice on this point. As a matter of fact, most rejections on asylum applications by the Finnish Immigration Service are done in an accelerated procedure. Only few negative decisions are taken in the regular asylum procedure that provide with full legal safeguards, including automatic suspensive effect of appeal.

Sources Used: <http://www.globaldetentionproject.org/countries/europe/finland/introduction.html>
<http://www.refworld.org/pdfid/4ecb7d2c2.pdf>
http://www.pakolaisneuvonta.fi/index_html?lid=76&lang=eng



France

Continent: Europe

of Immigration Detention Sites: The Global Detention Project has gathered data on some 36 detention sites in France (not including short-term holding facilities, or zones d'attentes, located at airports and other ports of entry). These detention sites operate under the authority of the Interior Ministry and are managed by territorial prefects.

Detention Capacity: The total detention capacity of these sites was 1,724 in 2007 compared to 739 in 2003 (Cimade 2008)

Total # of People Detained: Unknown; however, In 2006, estimates of the number of irregular immigrants residing in France ranged from 200,000 to 400,000 (Murphy 2006). Government-set quotas for deportations have been successful in increasing their number—nearly 30,000 deportations were carried out in 2008, exceeding the target of 26,000 (Connexion 2009).

Maximum Length of Detention Allowed: The maximum duration of detention is 45 days. But be careful, you have a very short time to react if you want to avoid being deported. You have 48 hours from your arrival in detention to go to the administrative court and challenge the decision of expulsion. If you want to apply for asylum, you must also do so during the first 5 days.

Average Length of Detention: Although the maximum length of detention in the CRAs was increased from 12 to 32 days in 2003, the average length of detention in 2007 was 10.17 days (Cimade 2008).

Medical Care in Detention Centers: Sanitary and social support is provided by medical and nursing staff. Their availability varies from one centre to the other (from 2 days to 7 days a week). The care is given by doctors and nurses who belong to an independent hospital staff. They are grouped in medical administrative detention centres (UMCRA).⁷ In principle, each person placed in administrative detention is seen by the nurse upon arrival. The person is seen by the doctor upon request or on the request of the nurses, in principle within 2 days of arrival. According to the 2012 report of the five NGOs working in CRA centres, some people suffering from serious psychological problems are held in detention centres. The threshold to determine that a health status is incompatible with the administrative detention seems to vary a lot depending on the doctors and the detention centres.⁸ In case of high-risk pregnancy, doctors of the UMCRA may provide certificate stating the incompatibility of the health of the person with the placement in administrative detention – but this is not automatic.

The practical problems observed regarding the access to healthcare relate to a lack of consideration for psychological or psychiatric problems of the detainees.⁹ Another issue is the lack of medical confidentiality. For instance, the General Controller of places of deprivation of freedom observed in 2011 that medical files were located in places accessible to all, (for example the doors of the healthcare stations were left open, sometimes allowing hearing the exchanges between carers and patients).

Regular Judicial Review: You will automatically be presented to the judge of freedom and detention after 5 days. He will decide if it is legal or not to extend your detention for 20 days. After these 20 days, you will be again presented to the judge for a further period of 20 days. If you have not been expelled at the end of this period, you will be released.



Sources Used: <http://www.w2eu.info/france.en/articles/france-detention.en.html>
<http://www.asylumineurope.org/reports/country/france/detention-conditions#sthash.158rjpSW.dpuf>
<http://www.globaldetentionproject.org/countries/europe/france/introduction.html#c1939>



Germany

Continent: Europe

of Immigration Detention Sites: 14

Detention Capacity: Unknown

Total # of People Detained: The number of detained migrants awaiting deportation has steadily decreased. In 2011, there were 6,500 detainees; but JRS staff estimates that 80% of these people are awaiting a ‘Dublin transfer’ to other EU countries.

Maximum Length of Detention Allowed: The maximum duration for detention in Germany is 18 months. There are limits, however, that have to be taken into account before that maximum. Detention is illegal if it is clear that for reasons for which the detainee is not accountable, the deportation will not be possible within the next three months (Sect. 62 par. 2 s. 4 Residence Law). The Federal High Court (Bundesgerichtshof) has held in a number of decisions that this 3-month-limit must be taken into account in any court decision ordering or extending detention, and not only forward-, but also backward-looking. I. e., if initially the aliens’ department claimed it would finish the necessary preparations for deportation of the person concerned within three months, and now two and a half months are over, but the aliens’ department announces that they will need at least another month, the detainee would have to be released unless the delay is his or her own fault. The next limit to be considered is at six months in detention. Detention may be extended beyond that date only in cases where the detainee works against his deportation (Sect. 62 par. 3 s. 2 Residence Law).

Average Length of Detention: Unknown

Medical Care in Detention Centers: The legal grounds for healthcare for detainees are set out in the Asylum Seeker Benefit Act (“Asylbewerberleistungsgesetz”). This law states in Sect. 4 that “in case of acute diseases or pain, necessary medical or dental treatment is to be provided including medication, bandages and other benefits necessary for convalescence, recovery, or to ease diseases or their consequences.” Further, according to Sect. 6, “other benefits may particularly be granted if they are essential in particular cases to secure subsistence or health”. In other words: unless a disease urgently demands care, it can be difficult to obtain the necessary treatment. For people with psychological problems or chronic diseases, it can be very difficult to actually get treatment. It is a familiar situation, too, that refugees who suffer from serious diseases are only given painkillers – sometimes due to language barriers that inhibit them from describing their problems in detail. The Penal Law Act (“Strafvollzugsgesetz”) contains further clauses dealing with the right to medical care for inmates who do not have a health insurance. However, this will generally step back behind the Asylum Seeker Benefit Act.

Regular Judicial Review: As every detention order has to state the date up to which the person may be kept in detention at maximum, and detention may only be extended beyond this date on a new judge’s decision, there is an automatic judicial review of the decision to detain. The detainee has the right to appeal against the detention order. The appeal will be decided by the regional Court of Appeal, which has to hear the detainee (and other persons involved) again unless it is firmly convinced that this will lead to no new findings. If the Court of Appeal holds that detention shall be continued, the detainee has a further

공익법센터 어필



right of appeal to the Federal High Court, which will only judge the legal aspects of the case without hearing the detainee. Since 2009, the Federal High Court has issued a large number of decisions stating clearly the limited provisions under which detention is admissible, and revoking many decisions from lower instances. The Court thus prolonged a remarkable series of decisions from the Federal Constitutional Court pointing out the constitutional requirements for ordering detention. The detainee also has the right to challenge detention at any time. The local court will decide upon the respective application; if the decision is negative, there is a right of appeal against this similar to the appeal against detention orders. The right of appeal even continues when the detainee has been released (or deported). In these cases, he has the right to apply for the court to hold that the decision to detain him (and the subsequent execution of detention) has been illegal. If this application is successful, it may be the grounds to seek compensation from the state.

Sources Used: http://www.detention-in-europe.org/index.php?option=com_content&view=article&id=95&Itemid=127
<http://www.dublin-project.eu/dublin/Germany>



Greece

Continent: Europe

of Immigration Detention Sites: 11 (as of 2013)

Detention Capacity: Unknown

Total # of People Detained: Unknown

Maximum Length of Detention Allowed: 18 months (as of 2013)

Average Length of Detention: Unknown

Medical Care in Detention Centers: The medical services offered in some of the facilities by KEELPNO (Hellenic Centre for Disease Control and Prevention) were highly insufficient. Some of the centres had no permanent medical staff, and relied on daily visits by KEELPNO only” (SRHRM 2013).

Regular Judicial Review: Law 3907/2011 provides for automatic review of the legality of detention. Reviews are to be carried out every three months by the police director who issued the order or, in case of extension of detention, by an administrative court (Law 3907/2011, article 30(3)). Yet, both the UN Special Rapporteur on the Human Rights of Migrants and the PACE committee raised concerns that in practice reviews are done without taking into account specific features of each individual case (SRHRM 2013; PACE 2013b)

Sources Used: <http://www.globaldetentionproject.org/countries/europe/greece/introduction.html>



Hungary

Continent: Europe

of Immigration Detention Sites: 6 (as of 2013)

Detention Capacity: 778 (as of 2013)

Total # of People Detained: 1424 (2012)

Maximum Length of Detention Allowed: 12 months

Average Length of Detention: 4-5 months

Medical Care in Detention Centers: Asylum seekers are entitled only to basic medical care. The detainees have access to health care in immigration jails, since continuous presence of paramedical nurses is assured and general practitioners and psychologists regularly visit the facilities. However, medical care provided in the immigration detention facilities is often criticised by detainees. They rarely have access to specialist medical care when requested and are only taken to hospital in emergency cases. They complain about receiving the same medication for a range of different medical problems (e.g. sleeping pills, aspirin). Language barrier is also an issue.

Regular Judicial Review: Detention orders cannot be appealed (Asylum Act, Section 31/C(2); TCN Act, Section 57(2); Matevzic 2013d; HHC 2013b). The only legal remedy against detention is judicial review. Judicial review of immigration detention takes place in the form of the court's validation of the initial detention order issued by the immigration or asylum authorities (72 hours after the arrest) and then subsequent extensions of detention requested by the authorities every 60 days (Asylum Act, Section 31/A(6); TCN Act, Section 54(4)).

Hungarian legislation provides detailed procedural rules for the conduct of judicial review. Accordingly, there has to be a hearing, during which the detainees and the authorities present their evidence in writing and/or verbally. Parties are to be given the opportunity to study the evidence presented. If the detainee is not present but has submitted comments in writing, they will be introduced to the court.

An important point is the possibility for detainees to have a personal hearing to present their arguments about the legality of their detention before the court, which appears to be uncommon in other EU countries. Pre-removal detainees are supposed to be granted a personal hearing upon request. In practice, however, this mechanism appears to lack transparency and consistency. With limited access to legal aid, it is difficult for detainees to request an oral hearing. Asylum detainees are also to be granted an obligatory personal hearing during the first extension of detention—that is, during the court's validation of the initial detention order—while hearings for subsequent extensions must be requested (Asylum Act, Section 31/D(5)-(8); TCN Act, Section 59(5)-(8)); Matevzic 2013d). One source in Hungary described the personal hearing as “15 people ... brought together in front of a judge who simply confirms their detention orders, without any individual examination” (Matevzic 2014).

The HHC claims that in practice automatic judicial review of immigration detention is a mere formality.



The district courts' decisions tend to be very brief and lack proper assessment of the factual basis for decisions. Reportedly, courts sometimes issue more than a dozen decisions within a span of 30 minutes. According to a survey conducted by Hungary's Supreme Court, of the approximately 5,000 decisions issued in 2011 and 2012, only three discontinued detention (Matevzic 2013d; HHC 2013b).

Sources Used: <http://www.globaldetentionproject.org/countries/europe/hungary/introduction.html>
<http://www.asylumineurope.org/reports/country/hungary/detention-conditions>



Ireland

Continent: Europe

of Immigration Detention Sites: 0 dedicated immigration detention sites; 7 criminal facilities used for immigration detention

Detention Capacity: Unknown

Total # of People Detained: 385 (2012)

Maximum Length of Detention Allowed: 56 days (2013)

Average Length of Detention: Unknown

Medical Care in Detention Centers: All persons in the Irish prison system, including migrants and asylum seekers detained for immigration-related reasons, have the right to health care. After arrival in the prison, each detainee is given a medical exam. During their confinement in prison, they have access to medical personnel, doctors and nurses, for any medical concerns. For serious matters, a detainee will be transferred to a hospital for treatment there.

Regular Judicial Review: There is a lack of fair, regular judicial review. In 2003-2004, a total of 2,798 people were held in prison for immigration-related violations and in 2004, approximately two thirds of migrant detainees were in held in custody for longer than 51 days (Kelly 2005, p.6). While the numbers of detainees has been decreasing, the number of people ordered to the leave the country has steadily increased. In 2008, 1,285 people were issued return orders; by 2012, that number had increased to 2,065 (Eurostat). Detainees are often unaware of their rights, and don't have access to legal aid.

Sources Used: <http://www.globaldetentionproject.org/countries/europe/ireland/introduction.html>
http://www.detention-in-europe.org/index.php?option=com_content&view=article&id=146&Itemid=178



Italy

Continent: Europe

of Immigration Detention Sites: 22 (as of 2012)

Detention Capacity: 1901 (in CIEs only)

Total # of People Detained: 7735 (in CIEs only; 2011)

Maximum Length of Detention Allowed: 18 months

Average Length of Detention: 150 days

Medical Care in Detention Centers: An investigation undertaken by the International University College of Turin found that the **Turin** CIE provides insufficient activities for detainees, lack of hygienic products and ventilation, inadequate medical consultations.

Regular Judicial Review: The migrant has the right to attend the hearings for the validation of the detention order and extension of his detention. The migrant has the right to be assisted in each case by a lawyer, if necessary appointed *ex officio* and with free legal assistance. In reality too often the justice of peace, despite his assiduity, under the pressure of the administrative authorities is forced to decide quickly based on summary or incomplete information, often disregarding explicit procedural rules protecting the detainee. Moreover, legal assistance, especially if it is free, is often reduced to a mere formality. In theory, the decisions of the justice of peace, which are immediately enforceable, may be appealed before the *Court of Cassation*. No form of judicial review of the detention is provided for by the law, neither *ex officio* nor on demand of the detainee.

Sources Used:

http://www.detention-in-europe.org/index.php?option=com_content&view=article&id=147&Itemid=179

<http://www.globaldetentionproject.org/countries/europe/italy/introduction.html>



Latvia

Continent: Europe

of Immigration Detention Sites: 1 (as of 2010)

Detention Capacity: 50

Total # of People Detained: Unknown

Maximum Length of Detention Allowed: 20 months

Average Length of Detention: Unknown

Medical Care in Detention Centers: Paramedics provide emergency medical assistance, but there is no psychological support for detainees.

Regular Judicial Review: The State Police can detain persons who are suspected of having violated immigration procedures for up to three hours, during which time the person must be transferred to the Border Guard, which has the authority to detain without a judicial decision for up to 10 days. Detention beyond 10 days requires the decision of a judge, who can authorise detention for up to two months. If expulsion from the country is not possible within two months, the judge can extend the detention period to up to six months, which in turn can be extended three times. The total maximum period of detention cannot exceed 20 months (Puce 2007; LCHR 2005, p. 20). Migrants can appeal the judge's decision to extend their detention at the Riga Regional Court or with the prosecutor (EC 2005, p.20).

Sources Used: <http://www.globaldetentionproject.org/countries/europe/latvia/introduction.html>



Lithuania

Continent: Europe

of Immigration Detention Sites: 1 (2010)

Detention Capacity: 265

Total # of People Detained: 230 (as of 2009)

Maximum Length of Detention Allowed: No limit

Average Length of Detention: In 2007, Caritas found the average period of detention in 2006 to be two and a half months (Caritas 2007, p. 71). More recently, the Jesuit Refugee Service found the average length of detention to be nine and a half months, and the longest period of detention to be three years (JRS 2010, p. 251). The maximum capacity of the secure section of the Foreigners' Registration Centre is 265 persons (250 places for men and 15 for women) (Caritas 2007, p. 69).

Medical Care in Detention Centers: Detainees are to have access to health care and emergency aid (art. 29); and psychological services are to be provided to vulnerable people, including victims of torture, rape, minors, single women, and the elderly (art. 35). The Jesuit Refugee Service found the ongoing medical attention past the initial screening to be inadequate.

Regular Judicial Review: Article 114 of the Law on the Legal Status of Aliens authorizes detention by administrative authority, i.e. the police or any other law enforcement institution officer, for a maximum of 48 hours. Detention beyond 48 hours must be authorised by a court order. In terms of article of the Law on the Legal Status of Aliens, where grounds for the continued detention of a alien exist, the police or any other law enforcement institution officer shall apply to the local district court, within 48 hours from the moment of detention of the foreigner, to request authorization to detain her/him for a period of over 48 hours or to grant a measure alternative to the detention. The court's decision to detain an alien must state the grounds for detention, the time period of detention with the exact calendar date indicated and the place of detention.

It must be pointed out that the application of these legal norms is extremely rare in the practice. The asylum seekers are mostly detained because of violating the criminal law.

Considering an automatic judicial review of the decision of detention must be said, that there is no such an automatism in Lithuania.

Sources Used: <http://www.globaldetentionproject.org/countries/europe/lithuania/introduction.html>
http://www.detention-in-europe.org/index.php?option=com_content&view=article&id=149&Itemid=182



Luxembourg

Continent: Europe

of Immigration Detention Sites: 0

Detention Capacity: 24 (as of 2008)

Total # of People Detained: Unknown

Maximum Length of Detention Allowed: 1 year for asylum seekers; 4 months for irregular migrants

Average Length of Detention: Unknown

Medical Care in Detention Centers: Medical and psychological treatment are available to detained migrants, and they are given a medical examination within the first 24 hours of their arrival. Upon their demands, detainees can receive visits from family and friends (Soric 2010).

Regular Judicial Review: The foreign national may appeal the detention order in front of an administrative tribunal, who then decides on the grounds of the detention order. This appeal must be introduced within one month of the notification of the detention order. The administrative tribunal is to take decisions with all urgency, in any case not later than ten days after the appeal has been lodged.

Sources Used: http://www.detention-in-europe.org/index.php?option=com_content&view=article&id=162&Itemid=195
<http://www.globaldetentionproject.org/countries/europe/luxembourg/introduction.html>



Malta

Continent: Europe

of Immigration Detention Sites: 3 (as of 2013)

Detention Capacity: 720

Total # of People Detained: 1500 (2011)

Maximum Length of Detention Allowed: 18 months (2013)

Average Length of Detention: Unknown

Medical Care in Detention Centers: In terms of article 13(2) of the Refugees Act asylum seekers are entitled to receive state medical care and services. The law does not specify the scope of the healthcare to be provided and whether asylum seekers have the right to access health care under the same conditions as nationals in the public system or if they are covered under a specific scheme. However, in practice this provision is generally understood as providing access free of charge to most of the medical services that nationals receive. Regulation 11 of the Reception Regulations provides that, where applicants are working regularly or have sufficient means, they may be required to cover or contribute to the cost of material reception conditions. Moreover, in “exceptional circumstances” the law provides the possibility to modify these reception conditions in case “asylum seekers are in detention or confined to a border post” provided that “these different conditions cover basic needs”.

The law makes no provision for undocumented migrants’ access to health care. There is only a non-legally binding “policy document” establishing that all foreigners in detention are “entitled to free state medical care and services”. As with the provisions specifically applying to asylum seekers, this policy is informally interpreted as access free of charge to the standard health care coverage in Malta (preventive, investigative, curative, and rehabilitative services). This applies to all undocumented migrants and asylum seekers in detention in Malta.

Regular Judicial Review: Under Maltese law there is no obligation for authorities to issue a detention order. Detention is an automatic consequence of a removal order or a decision refusing admission into the territory (Warnier de Wailly 2011f; *Return Regulations*, Regulation 11(9)). Thus, it is not possible to appeal the decision to detain. Only a removal order may be challenged. Maltese law also does not guarantee regular and automatic judicial review of detention.

Sources Used: http://www.detention-in-europe.org/index.php?option=com_content&view=article&id=150&Itemid=183
<http://www.globaldetentionproject.org/countries/europe/malta/introduction.html>



Netherlands

Continent: Europe

of Immigration Detention Sites: 6 (as of 2009)

Detention Capacity: 2757

Total # of People Detained: 8585 (in 2008)

Maximum Length of Detention Allowed: No legal limit

Average Length of Detention: Research revealed that detention lasted an average of 100 days, with exceptional cases of people being detained for up to a year” (AI 2008).

Medical Care in Detention Centers: Health care is provided to detainees during the asylum procedure. This is based on art. 8 sub d of the Border Regime Facilities Code. This provision states that the President of the facility has to provide for necessary medical care. If asylum seekers experience any medical difficulties, they have the right to see a doctor.

Regular Judicial Review: Whether it concerns border detention or territorial detention, by law there is an automatic review by a judge of the decision to detain. In art. 94 AA, it is laid down that the authorities have to notify the district court within 28 days after the detention of a migrant is ordered, unless the migrant has already lodged an application for judicial review himself. When the district court receives the notification it considers this as if the migrant lodged an application for judicial review. In the application of this article no difference is being made between asylum seekers, or other irregular migrants.

Sources Used: <http://www.globaldetentionproject.org/countries/europe/netherlands/introduction.html>
http://www.detention-in-europe.org/index.php?option=com_content&view=article&id=157&Itemid=190



Norway

Continent: Europe

of Immigration Detention Sites: 1 (2010)

Detention Capacity: 150

Total # of People Detained: Unknown

Maximum Length of Detention Allowed: 12 weeks

Average Length of Detention: 3-4 days

Medical Care in Detention Centers: Detainees have the right to receive medical and health care.

Regular Judicial Review: Examined against international law, Norwegian domestic law on immigration detention displays both strengths and weaknesses. An important example of where Norway goes over and above the basic protections guaranteed under international law is automatic judicial review. Legality of detention is in each case examined by a court automatically (as opposed to upon request), normally within 24 hours. In a number of respects, however, Norwegian law and practice do not fully reflect international standards.

Sources Used: <http://www.globaldetentionproject.org/countries/europe/norway/introduction.html>
http://www.noas.no/wp-content/uploads/2014/02/Detention-of-asylum-seekers_web.pdf



Poland

Continent: Europe

of Immigration Detention Sites: 12 (2013)

Detention Capacity: estimated at 881

Total # of People Detained: 2310 (in 2010)

Maximum Length of Detention Allowed: 12 months

Average Length of Detention: 59 days in guarded centres; 69 in deportation arrests

Medical Care in Detention Centers: During its 2010 review of the country's compliance with the **Covenant on Civil and Political Rights**, the **United Nations Human Rights Committee** (HRC) highlighted a number of concerns, including poor material conditions and inadequate medical assistance in some detention centres.

Regular Judicial Review: In accordance with article 106 of the The Act of 13 June 2003, detainees have the right to appeal the detention order within seven days from the day of receipt of the Court decision. The court shall treat the appeal immediately.

Sources Used: <http://www.globaldetentionproject.org/de/countries/europe/poland/introduction.html>
http://www.detention-in-europe.org/index.php?option=com_content&view=article&id=151&Itemid=184



Portugal

Continent: Europe

of Immigration Detention Sites: 1 (2009)

Detention Capacity: 30 adults, 6 children

Total # of People Detained: Unknown

Maximum Length of Detention Allowed: 60 days

Average Length of Detention: Unknown

Medical Care in Detention Centers: Many services for detainees held at the detention centre and the CITs are provided by non-profit organizations. Through a 2006 Memorandum of Understanding between the Ministry of Interior, the International Organization for Migration, and the Jesuit Refugee Service, JRS-Portugal provides social and psychological services, as well as legal council to detainees. Additionally, the Swiss NGO Médecins du Monde ensures that detainees have access to medical and psychological consultations (Marques 2009; ERSO 2009; European Parliament 2007).

Regular Judicial Review: There is no real strict procedure for review because in principle, asylum seekers are not detained. They are free to move and stay wherever they want to. Those who do not wish to stay in an open reception centre must have accommodation on their own. Asylum seekers must present themselves to the authorities whenever asked and provide information on their whereabouts. The only detention-like procedure provided for in law is a special procedure for asylum claims presented at the borders by aliens who do not meet the legal requirements for entry into the Portuguese territory. Persons who apply for asylum after having been detained for being in an irregular situation remain in detention during their asylum procedure.

Irregular immigrants can be detained. Such persons are typically given a 10 to 20 day period to voluntarily leave the country. Should they be in non-compliance with this order, they risk arrest by the police and are brought before a criminal court. The judge must decide, within a 48-hour period, whether the person should be released or sent to a detention facility.

Sources Used: <http://www.globaldetentionproject.org/de/countries/europe/portugal/introduction.html>



Romania

Continent: Europe

of Immigration Detention Sites: 2 (2010)

Detention Capacity: 220

Total # of People Detained: Unknown

Maximum Length of Detention Allowed: 6 months (migrants detained based on removal measure); 2 years (criminal aliens)

HOWEVER, there has been widespread criticism of the length of pre-trial detention in Romania, with recommendations to end the practice of detaining large numbers of people for extended periods of time. A report by Fair Trials International raised concerns about ill-treatment of pre-trial detainees and the use of mistreatment to extract evidence which has later been treated as admissible in court. There were concerns that the practice of returning case files to prosecutors for additional investigation contributes to frequent delays in proceedings and extended periods in pre-trial detention. NGOs have criticised provisions of Romania law which allow police to take suspects into custody for public order offences. This is often used to hold persons for up to 24 hours, and as the suspects are not formally detained, their right to legal advice and representation is not observed.

Average Length of Detention: According to one observer, the average length migrants are held in the transit facilities is between 2 and 15 days (Leonescu 2010). Unfortunately, the time in pre-detention/detention is considerably longer.

Medical Care in Detention Centers: All refugees have the right to medical assistance and personal hygiene; they are to be informed in their own languages of these rights. Yet, officials often do not inform refugees.

Regular Judicial Review: Between April 2007 and June 2012, Romania was held in violation of Article 6 in thirty-three decided cases. *Twenty-nine of the cases found a violation of Article 6(1), the right to a fair public hearing within a reasonable time by an independent and impartial tribunal.* Four of the cases found a violation of Article 6(2), the right to presumed innocent until proven guilty. Four of the cases found a violation of Article 6(3)(d), the right to examine witnesses against you.

Sources Used: <http://www.globaldetentionproject.org/countries/europe/romania/introduction.html>
<http://www.fairtrials.org/publications/policy-and-campaigns/defence-rights-in-romania/>



Slovakia

Continent: Europe

of Immigration Detention Sites: 5, including asylum facilities (2009)

Detention Capacity: 350 (at the two migrant detention sites)

Total # of People Detained: During 2007, a total of 1,110 detainees were held at the two detention centres, roughly the same as in 2005 (1,137), and a 20 percent increase over 2006 (884) (BBAP 2007).

Maximum Length of Detention Allowed: 180 days

Average Length of Detention: The average length of detention was between one and two months.

Medical Care in Detention Centers: All detainees have the right to health care either at the detention facility or, if their condition cannot be treated *in situ*, at an outside medical establishment (ASA, S. 68). According to a 2007 European Parliament study, immigration detainees suffer from a number of psychological disorders primarily linked to their imprisonment. These issues are often not dealt with appropriately because of insufficient psychological care (European Parliament 2007).

Regular Judicial Review: Section 62 § 6 says that an arrested alien may file a remedy against the decision on the arrest with a court within 15 days from the delivery of the decision on the arrest. Paragraph 6 goes on to state that an arrested alien may file an appeal in court against the decision on the arrest, within 15 days from the delivery of the decision on the arrest. Filing of the appeal shall not have a suspensive effect.

Sources Used: <http://www.globaldetentionproject.org/countries/europe/slovakia/introduction.html>
http://www.detention-in-europe.org/index.php?option=com_content&view=article&id=154&Itemid=187
http://www.jrseurope.org/publications/JRS-Europe_Becoming%20Vulnerable%20In%20Detention_June%202010_PUBLIC_updated%20on%2012July10.pdf



Slovenia

Continent: Europe

of Immigration Detention Sites: 1 dedicated immigration detention center (2010)

Detention Capacity: 220 (at the dedicated immigration detention center)

Total # of People Detained: 408 (2009)

Maximum Length of Detention Allowed: 1 year

Average Length of Detention: The average length of time that people had been detained was about three months, although some had been there for more than six months. One person had been there for more than a year. (2010)

Medical Care in Detention Centers: Detained asylum seekers have the right to health care as is prescribed in Article 84 of the IPA. But the scope of health care is restricted to care for emergencies, for women and for essential treatment of a disease. A person with special needs has the right to additional health care services, if approved by a special commission. Illegally staying third country nationals also have the right to health care. The Health Insurance Act (Article 7) states that the state budget provides emergency health care for people of unknown residence and for aliens from countries that do not have bilateral relations with Slovenia. Article 87 of the IPA lays down provisions for financial, cultural and psychosocial assistance, child day-care for children and educational activities. For illegally staying third country nationals, psychosocial assistance is provided in cases when it is established by a medical examination that one's physical health or psychological condition requires such assistance. The Aliens Act does not prescribe any obligatory psychological assistance for persons with special needs.

Regular Judicial Review: Paragraph 4 of Article 51 of IPA gives the asylum seeker the right to appeal against the detention order to the Administrative Court within three days from the receipt of the detention order. Illegally staying third country nationals can appeal to the Minister of Interior and to the Administrative Court. Article 58 of the Aliens Act states that the police are the authority to order the accommodation of an alien in the detention centre, or under strict police surveillance. An alien can appeal to the Minister of Interior within eight days from the receipt of the written copy of the order on accommodation. The appeal does not prevent the execution of the order. The Minister decides on the appeal in eight days. Appeal to the Administrative Court is possible against the Minister's decision.

Sources Used: <http://www.globaldetentionproject.org/countries/europe/slovakia/introduction.html>
http://www.detention-in-europe.org/index.php?option=com_content&view=article&id=155&Itemid=188
http://www.jrseurope.org/publications/JRS-Europe_Becoming%20Vulnerable%20In%20Detention_June%202010_PUBLIC_updated%20on%2012July10.pdf



Spain

Continent: Europe

of Immigration Detention Sites: 7 long term detention sites dedicated to immigration (2012)

Detention Capacity: 2,548

Total # of People Detained: 1,3241 (2012)

Maximum Length of Detention Allowed: In law, 60 days; in practice, unknown. At the moment of the study, the maximum duration of internment could not exceed 40 days. Should the expulsion of the foreigner be proven not to be possible within that time, authorities should request his/her release prior to this date. A recent reform just approved by the Spanish Parliament has increased the maximum duration to 60 days.

Average Length of Detention: On average, the detainees had spent 23.15 days in detention, with a minimum stay of 3 days and a maximum of 112 days.

Medical Care in Detention Centers: Health assistance and social services that is provided in these Centres could be delegated by the Interior Ministry with other ministries or public or private non profit entities, charging the costs of assistance to the pre-established budget lines for that purpose.

Ministerial Order Of 22 Of February 1999 On Functioning Norms And Internal Procedures Of Aliens Detention Centres Article 12. Health Assistance Service

1. In each centre there will be a Health Service under the responsibility of a medical doctor who will be assisted by a professional nurse. Specialised personnel of the National Police Force will fulfil those positions.
2. In order to attend the need of foreigners to be attended in a hospital as well as specialised medical assistance, the necessary agreements could be made with hospitals and specialized clinics near to the interment centre.
3. There will be function of the Health Service, besides medical and pharmaceutical assistance of the foreigners, the inspection of the hygienic system. The Health service should inform and propose the direction of the centre the necessary actions, in relation to the preparation and distribution of the food that would be appropriate for a normal diet (LO 4/2000).

LO 4/2000

Article 62.bis. Rights of the interned foreigners

To receive health adequate health assistance and being assisted by the social services of the centre.

Regular Judicial Review: During his/her stay in the Centre, the foreigner will be under the control of the judicial authority that ordered the measure, who will be informed of any circumstance of interest that may occur in the centre. This authority will verify that the fundamental rights of foreigners in the centres are respected, *ex officio*, at the request of the Prosecutor's Office or the affected person.

Sources Used: <http://www.detention-in->

공익법센터 어필



europe.org/index.php?option=com_content&view=article&id=163&Itemid=196

<http://www.globaldetentionproject.org/countries/europe/spain/introduction.html>

<http://www.jrseurope.org/publications/JRS->

[Europe_Becoming%20Vulnerable%20In%20Detention_June%202010_PUBLIC_updated%20on%2012July10.pdf](#)



Sweden

Continent: Europe

of Immigration Detention Sites: 5 (2009)

Detention Capacity: 185 (2008)

Total # of People Detained: 1,645 (2008)

Maximum Length of Detention Allowed: No limit

Average Length of Detention: The average lengths of detention rose somewhat from 2007 to 2008. The overall average length of detention was 16.7 days in 2007 and 20.8 days in 2008 (Swedish Migration Board 2008, p.35; Swedish Migration Board 2009a, p.39). In 2008, the average length of detention in number of days was 22.1 for men, 15.6 for women and 1.6 for children (Swedish Migration Board 2009a, p.39).

Medical Care in Detention Centers: Medical staff is available once per week. Access to a nurse is frequently reported, however only 21% report access to a doctor.

Regular Judicial Review: *Judicial review* is only carried out in the appeals phase. The authority handling the case must review the decision within certain intervals: every two weeks for the enforcement of a detention order, or, when there is a refusal-of-entry or expulsion order, every two months from the date on which enforcement of the order began (Aliens Act, Chapter 10, Section 9). An oral hearing precedes the judicial examination (Aliens Act, Chapter 10, Section 11).

There is a *right to appeal against a detention order*. This can be done at any time and must be addressed to the Migration Court, or to the Supreme Administrative Court, if the detention was ordered by the Minister responsible for cases under the Aliens Act (Chapter 14, Section 9). There is also a *right of appeal against detention conditions* (Aliens Act, Chapter 10, Section 14).

Sources Used: [http://www.detention-in-](http://www.detention-in-europe.org/index.php?option=com_content&view=article&id=156&Itemid=189)

[europe.org/index.php?option=com_content&view=article&id=156&Itemid=189](http://www.detention-in-europe.org/index.php?option=com_content&view=article&id=156&Itemid=189)

<http://www.globaldetentionproject.org/countries/europe/sweden/introduction.html>

[http://www.jrseurope.org/publications/JRS-](http://www.jrseurope.org/publications/JRS-Europe_Becoming%20Vulnerable%20In%20Detention_June%202010_PUBLIC_updated%20on%2012July10.pdf)

[Europe_Becoming%20Vulnerable%20In%20Detention_June%202010_PUBLIC_updated%20on%2012July10.pdf](http://www.jrseurope.org/publications/JRS-Europe_Becoming%20Vulnerable%20In%20Detention_June%202010_PUBLIC_updated%20on%2012July10.pdf)



Switzerland

Continent: Europe

of Immigration Detention Sites: 5 (2011)

Detention Capacity: 476 (2011)

Total # of People Detained: In 2011, the Federal Department of Justice and Police published statistics showing that between January 2008 and June 2010 a total of 7,136 detention orders were issued to foreign nationals based on their status. Of these, 6,804 (95 percent) were related to detention pending deportation or expulsion and 132 were cases of “preparatory detention”; 200 were coercive detention orders (DFJP 2011, p. 24-25).

Maximum Length of Detention Allowed: 18 months (2011)

Average Length of Detention: The average length of detention pending removal or deportation during this period was 24 days. The average length of coercive detention was 155 days; and 31 days for preparatory detention (DFJP 2011, Annexe 4).

Medical Care in Detention Centers: ORS Service AG, a private corporation, administers all in-house living requirements, including food, clothing, pocket money, living supplies, small medical treatments, and initial health interviews (ENERO 2007, p.5; ORS Service AG website). According to “La Forteresse,” ORS Service AG, which is based in Zurich, took over these responsibilities in several centres, including those in Fribourg and Soleure, that had previously been run by Caritas and the Red Cross (La Forteresse, “A Place Forbidden to the Public”).

Regular Judicial Review: The first order of detention must be reviewed within 96 hours by a judicial authority. Foreign nationals can request the review of any extensions of their detention by a judicial authority. Asylum seekers who request asylum at the airport should be notified of the decision of their request within 20 days of their having submitted the request. If the procedure extends beyond this 20 days, the office for migration can assign the asylum seeker to a canton.

Sources Used: <http://www.globaldetentionproject.org/countries/europe/switzerland/introduction.html>



Turkey

Continent: Europe

of Immigration Detention Sites: Unknown (2013)

Detention Capacity: Unknown

Total # of People Detained: Unknown

Maximum Length of Detention Allowed: While there has been no established maximum limit on the duration of detention, until 2013 non-citizens awaiting deportation tended to be detained for anywhere between a few days and 12 months.

Average Length of Detention: Unknown

Medical Care in Detention Centers: Access to medical care was insufficient as some of the people the Special Rapporteur met with had visible health problems but claimed not to be receiving any medical care (SRHRM 2013).

Regular Judicial Review: HCA-RASP has reported mixed success with immigration litigation in domestic courts. In some cases, the competent court in Ankara has halted detention after ruling it unlawful; in other cases, the court denied HCA-RASP's motions to end detention even though the plaintiffs were und deportable as a result of binding Interim Measures issued by the ECtHR (HCA-RASP 2011). In a March 2013 judgment by the ECtHR involving an Iranian refugee who had challenged his detention at the Kumkapi Centre, the court concluded that "the Turkish legal system did not provide the applicant with a remedy whereby he could obtain a speedy judicial review of the lawfulness of his detention, within the meaning of Article 5 § 4 of the Convention."

Sources Used: <http://www.globaldetentionproject.org/countries/europe/turkey/introduction.html>



Ukraine

Continent: Europe

of Immigration Detention Sites: 13 (2012)

Detention Capacity: 373 (MACs only)

Total # of People Detained: 10,922 (2011)

Maximum Length of Detention Allowed: 12 months

Average Length of Detention: Unknown

Medical Care in Detention Centers: Although “accommodation standards” in immigration detention have reportedly improved since 2009, access to essential services such as legal aid and interpretation, or medical care is uneven and cases of ill-treatment and extortion have not disappeared exacerbated by rampant corruption (BMPU/PA 2011, EP 2012). A regulation of the Council of Ministers (#667 of June 2011) excludes asylum seekers from receiving free medical assistance and it is harder for asylum seekers to obtain legal representation (UNHCR 2012c).

Regular Judicial Review: Ukraine also adopted in 2012 a law on amendments to some legislative acts in connection to the new LSF. According to UNHCR, the law has numerous shortcomings, including its failure to introduce periodic judicial review for detained asylum seekers whose applications are under consideration (UNHCR 2012a).

Sources Used: <http://www.globaldetentionproject.org/countries/europe/ukraine/introduction.html>



United Kingdom

Continent: Europe

of Immigration Detention Sites: 11 (2011)

Detention Capacity: 3,341

Total # of People Detained: Unknown

Maximum Length of Detention Allowed: No limit

Average Length of Detention: According to Home Office statistics, about 50 percent of detainees are held for under two months, a large percentage for two to six months, and a “small consistent minority” of just under 10 percent for over one year (Silverman 2011a). A study by the **London Detainee Support Group** (LDSG) found that in only 18 percent of cases it observed did detention lead to deportation during the course of a 20-month study, with 57 percent of the survey group remaining in detention and 25 percent being released. Those who were deported spent an average of two years and two months in detention (LDSG 2009, p. 12).

Medical Care in Detention Centers: Research has demonstrated that people placed in UK immigration-related detention often suffer serious mental health deterioration, including increased post-traumatic stress disorder and depression (LDSG 2009; **Medical Justice** 2010). For example, a study conducted by the LDSG revealed significant numbers of indefinite detainees developing mental health problems, self-harming, or attempting suicide (LDSG 2009, p. 5). In 2009, “215 immigration detainees needed treatment for self-inflicted injuries” (The Equal Rights Trust 2010, pg. 117). Detainees interviewed by **BID** reported that “the only health care on offer is painkillers”; one detainee noted “the difficulty ... is getting a doctor to attend to your concerns, because most times you complain about something you’re only given paracetamol anyway” (BID 2009, p. 36).

Regular Judicial Review: As there is no direct or automatic judicial oversight of the detention process, detainees must actively challenge the lawfulness of their detention through “judicial review and habeas corpus” (European Migration Network 2010 p. 10).

Sources Used: <http://www.globaldetentionproject.org/countries/europe/united-kingdom/introduction.html>



Bahamas

Continent: Americas

of Immigration Detention Sites: 1 (2011)

Detention Capacity: 100

Total # of People Detained: 72 (2011)

Maximum Length of Detention Allowed: No limit

Average Length of Detention: The typical length of detention can vary greatly depending on the nationality of the detainee and is largely dependent on the willingness of governments to re-admit their nationals as well as on the availability of funds to cover repatriation. Haitians are generally repatriated within one week; Cubans can be held for much longer periods (USDS 2011).

Medical Care in Detention Centers: International human rights organizations reported receiving firsthand accounts of abuse from detainees at the Carmichael Road Detention Center who claimed their access to basic necessities and medical screening was restricted and that routine medical care was not provided.

Regular Judicial Review: None in practice. Local legal professionals attributed delays to a variety of longstanding systemic problems, such as slow and limited police investigations, inefficient prosecution strategies, limited forensic capacity, lengthy legal procedures, and staff shortages in the Prosecutor's Office. The press reported that the many problems identified in a 2004 audit of the Court Reporting Unit remained unresolved. These problems included a shortage of court reporters and extensive delays in producing transcripts. In October the president of the Court of Appeals reported that 80 outstanding transcripts had hindered the court's ability to review the decisions of lower courts and characterized the dilapidated state of the Court of Appeals as "close to a state of emergency." According to several legal professionals, the principle of separation of powers was jeopardized by the executive branch control of the budget and assignment of personnel for the judicial branch of government.

Sources Used: <http://www.globaldetentionproject.org/countries/americas/bahamas/introduction.html>
<http://photos.state.gov/libraries/bahamas/8325/pdf/humanrights2013.pdf>



Belize

Continent: Americas

of Immigration Detention Sites: 0 (2010)

Detention Capacity: N/A

Total # of People Detained: 32 in 2008 for illegal entry, and 21 asylum seekers in 2009

Maximum Length of Detention Allowed: There seems to be no limit to the maximum length of detention allowed. However, a judge or court can order the detention of any convicted or “undesirable” non-citizen issued with a deportation, restriction, or security order for up to 28 days (Section 9). Section 11(3) provides for the detention of any person issued a deportation order, stating that he/she “may be placed on a ship, aircraft or other suitable conveyance about to leave Belize and shall be deemed to be in legal custody while so detained and until the ship, aircraft, or other suitable conveyance finally leaves Belize.” The person can be detained for a maximum period of 28 days, after which time the restriction or deportation order will cease to be valid (Section 11(5)).

Average Length of Detention: Unknown

Medical Care in Detention Centers: Insufficient; there is no in-house hospital or clinic. Refugees can be referred to the Karl Heusner Memorial Hospital.

Regular Judicial Review: None in practice. Yet, detainees must be brought before a judge within 72 hours of arrest.

Sources Used: <http://www.globaldetentionproject.org/countries/americas/belize/introduction.html>
<http://www.state.gov/j/drl/rls/hrrpt/2013/wha/220421.htm#section1prisonand>
<http://www.nationsencyclopedia.com/Americas/Belize-JUDICIAL-SYSTEM.html>



Canada

Continent: Americas

of Immigration Detention Sites: 3

Detention Capacity: 299

Total # of People Detained: 8,838 (2010-2011)

Maximum Length of Detention Allowed: No limit

Average Length of Detention: 25 days

Medical Care in Detention Centers: All immigration detainees except minors and pregnant women are handcuffed, and sometimes shackled, during transportation to and from detention sites. This includes transportation to a hospital or clinic for specialized care. They remain in handcuffs and under guard in the waiting room, and are also chained to the bed if hospitalized. A **recent study** found that many detainees choose to forego medical treatment rather than face the public humiliation of being handcuffed in a hospital waiting room. In some cases, detainees may be chained during medical procedures. For example, a detained asylum seeker was chained to the dentist's chair during surgery for an abscessed tooth (Cleveland et al 2012).

Regular Judicial Review: In the wake of the *Sun Sea* incident in mid-2010, the Conservative-led government of Prime Minister Stephen Harper introduced the *Preventing Human Smugglers from Abusing Canada's Immigration System Act*, which would impose mandatory indefinite detention without judicial review for the first twelve months for arriving non-citizens designated part of an "irregular arrival." The Minister of Public Safety would have broad discretion to designate as irregular any group of foreign nationals arriving in Canada if he suspects that they may be travelling with documents obtained from smugglers, or if he believes that normal processing would be too time-consuming. The bill would also impose mandatory conditions upon release, suspend access to relief on humanitarian and compassionate grounds for five years, and remove the right to appeal a negative decision to the Refugee Appeal Division of the IRB. If accepted as refugees, designated persons would be denied the right to apply for permanent residence and to sponsor family members for reunification for five years, and also denied the right to refugee travel documents (CBA 2010b; CCR 2010c).

National and international rights groups, as well Canadian **legal associations and academics**, have widely condemned the bill. They argue that the bill would violate **sections 9 and 10** of the Canadian Charter of Rights and Freedoms, **article 31** of the **Refugee Convention**, the **International Covenant on Civil and Political Rights**, and the **Convention on the Rights of the Child** (CBA 2010b; CCR 2010d; CCLA website). Lawyers have denounced the bill as unconstitutional (CARL 2011). In Parliament, opposition parties have argued that it unjustly demonizes refugees and asylum seekers, restricting several of their essential rights while ignoring Canada's international obligations (OP website).

Sources Used: <http://www.globaldetentionproject.org/countries/americas/canada/introduction.html>



Mexico

Continent: Americas

of Immigration Detention Sites: 35 (Long Term) as of 2012; 23 (Medium Term) as of 2012

Detention Capacity: Total capacity at long term detention centers is 3,550.

Total # of People Detained: 88,501 (2012)

Maximum Length of Detention Allowed: No limit

Average Length of Detention: Unknown

Medical Care in Detention Centers: There is a lack of medical care in detention centers. The law provides that detention centres must never exceed their capacity (Article 106). They should provide medical, psychological, and juridical assistance; they must provide three meals per day and take into consideration the special needs of sick people, children, and pregnant women; they must provide separate spaces for women and men; and they must keep children with their parents, unless it is not convenient for them (Article 107). Nonetheless, although medical services tend to be provided, authorities often fail to take into account gender and age. Plus, psychological attention is not always provided for victims of kidnapping and rape (SF 2011, p. 105).

Regular Judicial Review: There does not seem to be regular judicial review in practice. According to Batista of CNDH, in cases where a detainee has made an appeal, the time in detention “can be extended until the case is resolved by judicial power” (Batista 2012). Similarly, Cano of Sin Fronteras told the Global Detention Project, “In effect, a person who presents an appeal can remain in detention indefinitely according to the law. We are currently assisting the appeal of a person who has already been in detention for seven months” (Cano 2013).

Sources Used: <http://www.globaldetentionproject.org/countries/americas/mexico/introduction.html>



United States

Continent: Americas

of Immigration Detention Sites: 961 (2007)

Detention Capacity: 33,400 (2009)

Total # of People Detained: Unknown

Maximum Length of Detention Allowed: In law, 18 months; in practice, no limit

Average Length of Detention: On average, those awaiting deportation spend 31 days in detention (Roberts 2009) while asylum seekers awaiting a “credible fear determination” spent on average 64 days in detention in 2005, with nearly a third of detained asylum seekers remaining in detention for more than 90 days (U.S. Commission on International Religious Freedom 2005).

Medical Care in Detention Centers: Insufficient. About 104^[4] mostly young individuals have died in detention of the [United States Immigration and Customs Enforcement](#) or shortly afterwards during the five years between 2003 to 2008, and medical neglect may have contributed to 30 of those deaths.

Regular Judicial Review: There does not seem to be any regular, fair judicial review. After being picked by ICE officials, either at the Border, through Secure Communities, or by local officials by way of Section 287(g), an individual can be released on [bond](#) if they are not deemed a “threat” to national security. However, many are put in mandatory detention and are disallowed any custody review of their eventual deportation hearings.

Sources Used: <http://www.globaldetentionproject.org/countries/americas/united-states/introduction.html>
http://en.wikipedia.org/wiki/Immigration_detention#United_States
http://en.wikipedia.org/wiki/Immigration_detention#United_States



Australia

Continent: Asia-Pacific

of Immigration Detention Sites: 9 (as of currently)

Detention Capacity: 2,380

Total # of People Detained: As of November 2008 there were 279 people held in immigration detention in Australia (DIAC 2008b). The total number of people detained at some time during 2006-2007 was 5,485, compared to 8,587 in 2004-2005 (the 12-month period is from July to June). There were 4,718 people taken into immigration detention during 2006-2007, compared with 7,522 in 2004-2005 (DIAC Annual Report 2006-2007).

Maximum Length of Detention Allowed: No limit

Average Length of Detention: Unknown

Medical Care in Detention Centers: There have been accusations that refugees have not been receiving adequate medical care. Yet, in law, they are guaranteed the right to medical and mental services if required.

Regular Judicial Review: Judicial review is often delayed. Migration litigation has long formed the largest administrative law judicial review caseload across the Commonwealth. However, migration litigation has some distinctive features in comparison with the general administrative law caseload. The primary difference is due to the fact that engaging in the litigation process prolongs a client's period of stay in Australia. This, in turn, increases the possibility of a change in personal circumstances that will permit a client to remain in Australia. This can generate a unique incentive to litigate, or seek to delay litigation processes.

Sources Used: <http://www.globaldetentionproject.org/countries/asia-pacific/australia/detention-facts-and-figures.html>

http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/Detention#_Toc351535449



Hong Kong

Continent: Asia-Pacific

of Immigration Detention Sites: 12 (2009)

Detention Capacity: Unknown

Total # of People Detained: Overall numbers of detainees, however, have gone down significantly since Hong Kong officially ended its policy of accepting Vietnamese migrants in the late 1990s. On 18 July 2008, the government reported that 387 persons were in immigration detention (“A” et al and Director of Immigration, 2008b, §3). This compares to the single-day total of 23,203 “illegal Vietnamese immigrants” held in detention camps as of 1 April 1993 (House of Lords 1993).

Maximum Length of Detention Allowed: Detention for deportation inquiry - max. 28 days
Detention pending deportation - no time limit

Average Length of Detention: Unknown

Medical Care in Detention Centers: According to the Hong Kong Human Rights Commission, asylum seekers “are denied access to health care, education, welfare, and housing, and are furthermore subject to detention. ... If they approach the Immigration Department to extend visas or get recognizance they are often rejected and will be asked to leave Hong Kong” (HKHRC et al 2007).

Regular Judicial Review: Seemingly nonexistent; however, there have been claims filed under the CAT, which have had positive outcomes. Still, China is party to the 1951 Refugee Convention, but the rights and duties set out in this convention have not been extended to Hong Kong (CAT 2009).

Sources Used: <http://www.globaldetentionproject.org/countries/asia-pacific/hong-kong/introduction.html>
<http://www.globaldetentionproject.org/countries/asia-pacific/hong-kong/list-of-detention-sites.html>



Japan

Continent: Asia-Pacific

of Immigration Detention Sites: Long term centers: 3 (2012); immigration offices used as detention centers: 16

Detention Capacity: 4,010 (2012)

Total # of People Detained: 23,133 (2011)

Maximum Length of Detention Allowed: No limit

Average Length of Detention: Unknown

Medical Care in Detention Centers: Immigration detention facilities are reputedly prison-like, including the widespread use of cells to confine detainees. Human rights groups have reported numerous abuses at detention facilities over the years, including physical, verbal, and sexual abuse; substandard detention conditions, overcrowding and poor sanitation; denial of access to medical services and insufficient opportunity to undertake physical exercise; and excessive restrictions on detainee's ability to communicate with family members and legal representation (Amnesty International 2002; Human Rights Watch 2000; Dean 2006; CAT Network Japan 2007; Japan Federation of Bar Associations 2007).

Regular Judicial Review: There does not seem to be any regular judicial review procedure in place; however, detainees who wish to contest their deportation order or their detention during deportation procedures can request a judicial review of these orders as per provisions in the Protection of Personal Liberty Act or the Administrative Case Litigation Law. People can request compensation for illegal detention under the National Redress Law (CCPR/C/JPN/5, para 170. (d)(e)).

Sources Used: <http://www.globaldetentionproject.org/countries/asia-pacific/japan/introduction.html>



Malaysia

Continent: Asia-Pacific

of Immigration Detention Sites: 17

Detention Capacity: 11,400 (2007)

Total # of People Detained: 10,136 (2007)

Maximum Length of Detention Allowed: Detention for internment: 30 days; Detention for deportation: No limit

Average Length of Detention: Unknown

Medical Care in Detention Centers: Basically nonexistent. Former detainees have reported verbal, physical, and sexual abuse at the hands of detention centre staff (FIDH-SUARAM 2008, 19; Prem Kumar & Grundy-Warr 2004, 50).

Regular Judicial Review: None. Malaysia's immigration detention practices have attracted widespread attention because of two trends: the large number of foreign workers migrating to the country from across Southeast Asia; and Malaysia's poor human rights record, which has been under intense national and international scrutiny, in part due to the government's use of emergency legislation allowing for arbitrary arrest and indefinite detention without trial (GMI 2009).

Sources Used: <http://www.globaldetentionproject.org/countries/asia-pacific/malaysia/introduction.html>



Maldives

Continent: Asia-Pacific

of Immigration Detention Sites: 1 (2009)

Detention Capacity: 50

Total # of People Detained: Unknown

Maximum Length of Detention Allowed: No limit

Average Length of Detention: Unknown

Medical Care in Detention Centers: Nonexistent.

Regular Judicial Review: A 2009 report by the Human Rights Commission of Maldives claimed that many detainees are confined at the facility unconstitutionally because they are held for more than a month without court order (Daily Mirror 2009).

Sources Used: <http://www.globaldetentionproject.org/countries/asia-pacific/maldives/introduction.html>
<http://www.hrcm.org.mv/events/visits.aspx>



New Zealand

Continent: Asia-Pacific

of Immigration Detention Sites: 0 (2013)

Detention Capacity: N/A (2013)

Total # of People Detained: Unknown

Maximum Length of Detention Allowed: No limit

Average Length of Detention: Unknown (2014)

Medical Care in Detention Centers: N/A

Regular Judicial Review: The Immigration Act 2009 replaced the previous law, Immigration Act 1987. The 2009 law introduced several significant changes, including increased powers for immigration officers to arrest and detain migrants, and extended detention without judicial review.

Sources Used: <http://www.globaldetentionproject.org/de/countries/asia-pacific/new-zealand/introduction.html>



South Korea

Continent: Asia-Pacific

of Immigration Detention Sites: 18 (2009)

Detention Capacity: 1,300

Total # of People Detained: A survey conducted by the NHRCK in 2005 reported that the Hwaseong and Cheonju Immigration Processing Centers held 413 and 144 immigration detainees, respectively.

Maximum Length of Detention Allowed: No limit

Average Length of Detention: Unknown

Medical Care in Detention Centers: Available, but questionable as to if actually given.

Regular Judicial Review: Varies, but basically nonexistent. An Immigration Control official has the power to execute a deportation order, and the head of the office, branch office, or non-citizen internment camp may authorize any judicial police official to execute a deportation order, which must be presented to the person subject to it before he/she is “repatriated without delay” to their country of citizenship, or country from which they came to South Korea (*Immigration Control Act* 1963, Art. 62). If immediate repatriation is not practically possible, a person can be detained until the deportation can be carried out (*Immigration Control Act* 1963, Art. 63). If repatriation is clearly found to be impossible, the person can be released with “necessary conditions attached,” including restriction on residence (Art. 63 (2)). Temporary release of those issued with an internment or deportation order can be granted when a guarantor or legal representative applies and makes a deposit of guarantee money of up to ten million won (approx. \$US 8,000), and with residence restrictions and other conditions (*Immigration Control Act* 1963, Art. 65).

Sources Used: <http://www.globaldetentionproject.org/countries/asia-pacific/south-korea/introduction.html>



Angola

Continent: Africa

of Immigration Detention Sites: 1 (2011)

Detention Capacity: 800

Total # of People Detained: Unknown; yet, at the end of 2011, there were 4,241 asylum seekers

Maximum Length of Detention Allowed: Article 33 of the Foreigners Law provides that foreign nationals issued an expulsion order are to be detained for no more than fifteen days if they are residents and no more than eight days if they are non-residents.

However, there are reports that authorities routinely keep people in immigration detention for periods exceeding those provided in the law. In its 2008 report about detention practices in **Angola**, the WGAD stated: “Although it appears from the Immigration Act that the expulsion of foreign citizens must be enforced within 8 days for non-resident citizens and within 15 days for residents ... the Working Group observed that illegal immigrants are being detained for much longer periods of time, sometimes for months, even years, hence for potentially indefinite periods. It has to be recalled that detention of illegal immigrants must be the exception, not the rule, and indefinite detention is clearly in violation of applicable international human rights instruments governing deprivation of liberty” (WGAD 2008).

Average Length of Detention: Unknown

Medical Care in Detention Centers: It is not clear what services the immigration center provides.

Regular Judicial Review: In practice, there seems to be no regular judicial review.

Sources Used:

http://www.globaldetentionproject.org/nc/de/countries/africa/angola/introduction.html?sword_list%5B0%5D=angola



Botswana

Continent: Africa

of Immigration Detention Sites: 1 (2008)

Detention Capacity: 500

Total # of People Detained: Unknown, but at the end of 2007, there were 4 asylum seekers

Maximum Length of Detention Allowed: Non-governmental sources have alleged that Botswana's detention practices violate human rights standards, in particular its practices of detaining asylum seekers and keeping people confined for excessively long periods of time. According to Ditshwanelo, a Zimbabwe NGO, there are cases in which asylum seekers have been detained at the Francistown centre while the Refugee Advisory Committee determines their status, which can take up to 3-4 years, well beyond the 28-day limit stipulated in the Refugee (Recognition and Control) Act (Ditshwanelo 2006, 17-18).

Average Length of Detention: Unknown

Medical Care in Detention Centers: There is a small clinic at the center available to refugees.

Regular Judicial Review: There does not seem to be any procedure in place.

Sources Used: <http://www.globaldetentionproject.org/de/countries/africa/botswana/introduction.html>



Egypt

Continent: Africa

of Immigration Detention Sites: 0 (Prisons, etc. are used instead)

Detention Capacity: N/A

Total # of People Detained: Unknown, but at the end of 2010, 13,443 people were seeking asylum

Maximum Length of Detention Allowed: No limit

Average Length of Detention: Unknown

Medical Care in Detention Centers: Unknown

Regular Judicial Review: Varies, but usually nonexistent. Irregular migrants and refugees are sometimes given an appeal in court, though this appears to occur on an ad hoc basis (Undisclosed source 2011a).

Sources Used: <http://www.globaldetentionproject.org/countries/africa/egypt/introduction.html>



Kenya

Continent: Africa

of Immigration Detention Sites: 3 (2007)

Detention Capacity: Unknown

Total # of People Detained: Unknown

Maximum Length of Detention Allowed: Unknown

Average Length of Detention: Unknown

Medical Care in Detention Centers: Unknown

Regular Judicial Review: Unknown

Sources Used: <http://www.globaldetentionproject.org/countries/africa/kenya/introduction.html>



Libya

Continent: Africa

of Immigration Detention Sites: 27 (2008)

Detention Capacity: Unknown

Total # of People Detained: Unknown

Maximum Length of Detention Allowed: During its 2004 mission to Libya, the European Commission reported that the country had both short-term and long-term immigration detention facilities (European Commission 2004). However, the Global Detention Project has not been able to verify which facilities in Libya are short- or long-term, or whether there is a specified length of detention in law.

Average Length of Detention: Unknown

Medical Care in Detention Centers: While there is no official Memorandum of Understanding between UNHCR and Libya, the country permits UNHCR to conduct Refugee Status Determinations (RSDs) within its territory and to issue asylum seekers with letters of attestation, which are not always recognised by Libyan authorities (HRW 2006b; USCRI 2008). Through an office located in Tripoli, UNHCR “provides living allowances, housing, medical assistance, education and legal support as well as counselling, vocational training, apprenticeships and micro-credits to the most needy among some 10,000 urban refugees and asylum-seekers” (UNHCR, “Libyan Arab Jamahiriya”).

Regular Judicial Review: The European Commission, during a 2004 mission to Libya, was unable to acquire information from Libyan authorities on procedures and criteria for the detention of non-citizens. A number of interviews conducted with irregular immigrants, however, revealed that detainees were arrested at random and issued with deportation orders based on decisions made for groups of nationalities, rather than individual cases (European Commission 2004).

Sources Used: <http://www.globaldetentionproject.org/countries/africa/libya/introduction.html>



Mauritania

Continent: Africa

of Immigration Detention Sites: 1 (2009)

Detention Capacity: 216 bunk beds

Total # of People Detained: 27,241

Maximum Length of Detention Allowed: No limit

Average Length of Detention: Unknown

Medical Care in Detention Centers: Services at the centre are provided by non-governmental organisations. The Mauritanian Red Crescent and the Spanish Red Cross fund and deliver meals to detainees, and provide them the opportunity to phone home. The Red Crescent also provides medical care. According to the Spanish Commission for Refugee Aid (CEAR), “The centre has a small and very basic clinic for first aid, and, if a migrant needs to be hospitalised, the Red Crescent accompanies them and pays their expenses, as there is no provision for medical coverage in th[e] country” (ESW 2009; Amnesty 2008a, p. 23).

Regular Judicial Review: There does not seem to be any legal mandate in place. Migrants have alleged numerous violations during detention procedures, including being arrested for not paying bribes to police officers; having residence permits torn up at the time of arrest; and being arbitrarily accused of attempting illicit travel to Europe (Amnesty 2008a, pp. 19-21).

Sources Used: <http://www.globaldetentionproject.org/countries/africa/mauritania/introduction.html>



Morocco

Continent: Africa

of Immigration Detention Sites: 0 (2013); people are detained in military camps

Detention Capacity: N/A

Total # of People Detained: Unknown

Maximum Length of Detention Allowed: 26 days in law (2013); however, this does not often apply in practice

Average Length of Detention: Unknown

Medical Care in Detention Centers: Military camps were described as having insufficient washing and medical facilities, and among the detainees was a pregnant women and young children. In addition, there were reports of sexual harassment by military personnel (AI 2006, p.29).

Regular Judicial Review: An Ad Hoc Committee including the UN High Commissioner for Refugees (UNHCR) met in September 2013 and began reviewing cases with a view to regularizing the situation of people of concern to UNHCR, in accordance with international legal standards (UNHCR 2014). The regularization operation launched in 2014 by Moroccan authorities will formally recognize the refugee status granted by the UNHCR to some 850 refugees (Engolo 2013). According to observers, a negative consequence of this campaign is that UNHCR, at the request of the government, has reportedly stopped processing new asylum claims since September 2013, pending the creation of the Foreign Affairs and Cooperation Ministry's joint processing structure with UNHCR (Chaudier 2013b).

Sources Used: <http://www.globaldetentionproject.org/countries/africa/morocco/introduction.html>



Senegal

Continent: Africa

of Immigration Detention Sites: 1 (2009)

Detention Capacity: Unknown

Total # of People Detained: Unknown

Maximum Length of Detention Allowed: The Global Detention Project has received contradictory information regarding Senegal's detention practices. According to both the U.S. State Department and the U.S. Committee for Refugees and Immigrants (USCRI), undocumented immigrants can be held in administrative detention for up to three months while they await deportation (USCRI 2008; U.S. State Department 2009).

However, the Global Detention Project was unable to verify the law or regulation that stipulates the 3-month administration detention policy. A representative of the West African aid agency OFADEC, which works closely with refugees, told the Global Detention Project that he was unaware of the 3-month detention policy.

Average Length of Detention: Unknown

Medical Care in Detention Centers: Unknown

Regular Judicial Review: In 2007, it was reported that Authorities could hold persons in administrative detention for up to three months before deportation. No court reviewed refugees' or asylum seekers' detention. Generally, authorities informed UNHCR of arrests and, when necessary, UNHCR intervened to assure release" (USCRI 2008).

Sources Used:

http://www.globaldetentionproject.org/fileadmin/docs/Senegal_Detention_Profile_2009.pdf



South Africa

Continent: Africa

of Immigration Detention Sites: 1 (2009)

Detention Capacity: 6,500

Total # of People Detained: Unknown; the UN High Commissioner for Refugees reports that the total number of pending asylum claims by the end of 2007 was 170,865 (UNHCR 2008).

Maximum Length of Detention Allowed: Up to 30 days, with 90 day extension

Average Length of Detention: Unknown

Medical Care in Detention Centers: Unknown, but believed to be limited.

Regular Judicial Review: None in practice. The group contends that although detention is governed by a legal framework provided in the Immigration Act, key provisions of the act have yet to be fully implemented.

Sources Used: <http://www.globaldetentionproject.org/countries/africa/south-africa/introduction.html>



Tanzania

Continent: Africa

of Immigration Detention Sites: 0 (held in camps, etc)

Detention Capacity: N/A

Total # of People Detained: According to information from Rutinwa, as of May 2011, “the total number of refugees in the remaining two camps is slightly under 100,000.

Maximum Length of Detention Allowed: No limit

Average Length of Detention: Unknown

Medical Care in Detention Centers: Unknown

Regular Judicial Review: Unknown

Sources Used: <http://www.globaldetentionproject.org/countries/africa/tanzania/introduction.html>



Tunisia

Continent: Africa

of Immigration Detention Sites: Unknown (2011) Tunisia has been extremely secretive about its criminal and administrative detention estate. Since 2008, a number of non-governmental sources have reported that the country has up to 13 dedicated immigration detention centres. However, the Global Detention Project has been able to confirm the location of only one facility, the Al Wardia Centre, which is located in Tunis and operated by the Interior Ministry (Boubakri 2011).

Detention Capacity: Unknown (2011)

Total # of People Detained: Unknown; in 2010, *El Watan* reported that some 300 detainees were languishing in these 13 detention centres, which according to the newspaper had been financed by the Italian government (Benouaret 2010).

Maximum Length of Detention Allowed: Unknown

Average Length of Detention: Unknown

Medical Care in Detention Centers: In its 2009 Country Reports on Human Rights Practices, the U.S. State Department highlighted for particular criticism Tunisia's prisons, stating: Prison conditions generally did not meet international standards. Overcrowding and limited medical care posed significant threats to prisoners' health. During the year there were credible reports that authorities sometimes denied injured or sick prisoners prompt access to medical care. ... According to human rights organizations, prison conditions in the country continued to fall short of minimum adequate standards. Hygiene was extremely poor, and prisoners rarely had access to showers and washing facilities.

Regular Judicial Review: Nonexistent; although Tunisia administratively detains asylum seekers and undocumented immigrants and has apparently received funds from Italy for this purpose, Tunisian law does not have any specific provisions providing for the administrative detention of non-citizens (Boubakri 2010b).

Sources Used: <http://www.globaldetentionproject.org/countries/africa/tunisia/introduction.html>



Bahrain

Continent: Middle East

of Immigration Detention Sites: 1 (2008)

Detention Capacity: Unknown

Total # of People Detained: Unknown

Maximum Length of Detention Allowed: No limit

Average Length of Detention: Unknown

Medical Care in Detention Centers: Basically nonexistent.

Regular Judicial Review: Nonexistent.

Sources Used: <http://www.globaldetentionproject.org/countries/middle-east/bahrain/introduction.html>



Israel

Continent: Middle East

of Immigration Detention Sites: 3 (2011), and 3 prisons used (2011)

Detention Capacity: 2,500

Total # of People Detained: Unknown; however, at the end of 2010, there were 30,000 asylum seekers

Maximum Length of Detention Allowed: No limit

Average Length of Detention: The average imprisonment period of foreign citizens is 521 days. Among them there is a resident of Togo who has been incarcerated in the Givon Prison since 2004—that's six years” (quoted in Branovsky 2010). Commenting on these statistics, the organization said: "Instead of these huge amounts, the State could have released and allowed these detainees to work for a living, or at the very least decided who among them should be granted refugee status. Instead the country just imprisons over 1,000 people, including children who have harmed no one and whose only vice was to enter Israel illegally” (quoted in Branovsky 2010). In 2009, detention periods for asylum seekers averaged four months (UNHCR 2009b).

Medical Care in Detention Centers: Very limited, and sometimes understaffed.

Regular Judicial Review: The *Prevention of Infiltration* law authorizes the Ministry of Defence to detain any “infiltrator,” regardless of whether the person poses a security threat. Article 30 of the *Infiltration Law* allows the Minister of Defence to issue a deportation order to “infiltrators,” and states that the deportation order is also to be considered a detention order providing for administrative confinement until deportation. This law has no provisions for judicial or administrative review of detention (Berman 2011). In contrast to the *Infiltration Law*, the *Entry Law* provides for “semi-judicial” review of detention orders, although people can be detained for up to four days before the review must take place. **Hotline for Migrant Workers** characterizes this review as “semi-judicial” because it is undertaken by a panel of lawyers appointed by the Interior Ministry in consultation with the Justice Ministry, and thus it is not considered to be an independent panel (Berman 2011b).

According to a source in Israel, persons apprehended at the border can sometimes be detained for periods exceeding four days before being afforded a review. Typically, border detainees are initially issued a deportation/detention order by the IDF. They are held by the IDF for a few days with no review, then they are transferred to a prison and issued an order under the provisions in the *Entry Law*. At this point, they are afforded a review within four days (Berman 2011).

Sources Used: <http://www.globaldetentionproject.org/countries/middle-east/israel/introduction.html>



Lebanon

Continent: Middle East

of Immigration Detention Sites: 1 (2010); 22 prisons used as detention centers (2010)

Detention Capacity: There have reportedly been severe overcrowding problems in the prison system. Although the official capacity of the system is 3,653, one rights group reports that 5,324, were confined in prisons at one time (CLDH 2010, p.20).

Total # of People Detained: Unknown

Maximum Length of Detention Allowed: No limit

Average Length of Detention: Unknown

Medical Care in Detention Centers: A unique MOU was signed between Caritas Lebanon (CL) and the Lebanese General Security (GS) allowing CL to provide social, medical, and legal assistance to all non-citizen detainees in Lebanese (CL 2009, pp. 6-7). Based on interviews with inmates and visiting prisons, CLDH reports a high frequency of overcrowding, lack of bed space, heating and cooling issues, poor ventilation, insufficient nourishment, lack of access to hot water, inadequate medical services and treatment, antiquated sanitary facilities, among other problems (CLDH 2010, p.21-25, 33-35).

Regular Judicial Review: There seems to be a lack of procedure. A 2004 government *Circular (n. 4662)* stated that a foreigner incarcerated in Lebanon must be transferred to an administrative detention centre run by the General Security at the end of his/her sentence in order to regularize his/her situation or carry out removal orders. However, the lengthy judicial process migrants are subject to before deportation has led to acute overcrowding at the detention centre and prevents many non-citizens from being transferred there. Thus, large numbers of non-citizens who have completed their prison sentences remain in prisons until deported (CLDH 2010, p.44).

Sources Used: <http://www.globaldetentionproject.org/countries/middle-east/lebanon/introduction.html>