



Ad-Hoc Query on Access to detention centres.

Requested by FR EMN NCP on 11th June 2013

Compilation produced on 13th August 2013

Responses from Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, France, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom (21 in Total)

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1. Background Information

Article 16 paragraph 4 of directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals provides that "relevant and competent national, international and non-governmental organisations and bodies shall have the possibility to visit detention facilities, as referred to in paragraph 1, to the extent that they are being used for detaining third-country nationals in accordance with this Chapter. Such visits may be subject to authorisation". Within this framework, France has created a specific system of access to detention centres for humanitarian associations. In order to improve this system, the Directorate of Immigration of the French Ministry of Interior (Removal department) would like to gather information on the rights of access of associations, as provided for by other Member States.



Member States concerned are Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom plus Norway. Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, France, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom provided answers.

We would very much appreciate your responses by **15th July 2013**


2. Responses

		Wider Dissemination?	1) Regarding the possibility to subject these visits to authorisation: - Which authority is in charge of authorising the associations?
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			<ul style="list-style-type: none"> - Which conditions must be fulfilled by the association to get the authorisation? In particular, what must be its corporate purpose? - How long is the authorisation valid for? - Under which conditions can the authorisation be refused or withdrawn? <p>2) Regarding access to detention centres:</p> <ul style="list-style-type: none"> - Is there a limited number of representatives per association? - Under which conditions can a representative of an association lose his/her right of access to detention centres? <p>3) Regarding the practical arrangements of access to detention centres:</p> <ul style="list-style-type: none"> - With whom are the representatives of the associations allowed to speak during a visit? - Is there a limited number of persons who can simultaneously visit a centre? - What area of the premises are accessible thanks to the right of access? - Do the associations have to inform the responsible of the detention centre prior to their visit? - Are there any other practical arrangements regarding the exercise of the right of visit? <p>4) Under which circumstances can the associations make remarks and recommendation to the authorities in charge of the detention centres?</p>
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Belgium	Yes	<p>1. The General Direction of the Immigration Office provides the authorisation to access detention centres in application of article 45 of the Royal Decree of 02/08/2002. Article 73 of this Royal Decree regulates that organisations and individuals are allowed to organize activities in the centres in consultation with the management of the detention centre.</p> <p>Associations must apply in writing to the Immigration Office and provide the names of the persons who will visit the detention centers. After checking on the organization and the nominees, the Immigration Office grants accreditation. The mission of the associations must have a link with immigration issues. The objectives of these associations are related to the moral, psychological, administrative or legal assistance of immigrants. Article 73 of the Royal Decree of 02/08/2002 also lists some conditions for the organisations:</p> <ul style="list-style-type: none"> - The organization of activities should be for the benefit of residents on should be developed on a regular basis and professional manner - The activities shall not be in conflict with the law on detention centers or the immigration law. - A annual activity report must be submitted to the Minister; - The organization must provide a guarantee of continuity; - The activities should be conducted in consultation with the direction of the centre. - The activities of the organization shall be evaluated annually. <p>The accreditation of NGOs is for an indefinite period. The NGO can request the replacement of accredited persons.</p> <p>According to article 41 of the Royal Decree of 02/08/2002 the authorization may be refused if there are serious indications that the NGO</p>

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			<p>is pursuing a purpose contrary to the mission of detention centers or if it undermines national security, public safety or public order.</p> <p>2. There is no limited number of representatives per association, but in practice the number of persons varies from two to four persons per association. A representative of an NGO may lose his right of access if he does not comply with the internal regulation of the center or for deontological reasons, or if he undermines national security, public safety, public order or if he attempts to facilitate the escape of a detainee. Depending on the situation, the Immigration Office can give a warning and in case of recidivism the NGO representative may be denied access.</p> <p>3. The representatives of the NGO's can speak with the residents of the centre, members of the direction or social assistants. Everything depends on the capacity of the centre to receive a certain number of persons who want to visit the centre. Until now, there have never been any problems regarding this aspect.</p> <p>Depending on the infrastructure of the center, the visitors can visit the detained persons in the residential wing of the center or the reception rooms.</p> <p>To organize the visits, the representatives of the association have to notify at least 24 hours in advance. The visits take place between 09:00 and 18:00 on weekdays.</p> <p>Article 34 and 44 of the Royal Decree of 02/08/2002 determine the authorities and institutions who have automatically access to detention centers. These are: the Parliament, the provincial governor, the mayor, UNHCR, the Office of the Commissioner General for Refugees and Stateless Persons (CGRS), the European Commission on Human rights, the General Delegate for rights of the Child and the UN Committee against torture. The Director General of the Immigration Office may also grant other institutions or organizations the right to visit the detention centers. Article 49 of the Royal Decree provides the possibility for the ministers of recognized religions and moral advisors to visit the closed centers (if the detainee wants this).</p> <p>4. NGOs have the possibility to make comments or recommendations to the Immigration Office on the basis of reports of their visitors, and on the basis of approved investigations of the centers. Office. They also have the opportunity to question the Immigration Office on individual cases. The Immigration Office also facilitates meetings with NGOs to provide additional information towards NGO's for their reports. to take</p>
	<p>Bulgaria</p>	<p>Yes</p>	<p>1. - For the implementation of the statutory duties, the officials concerned is given the opportunity to hold meetings with the foreigners accommodated in the Special Homes for Temporary Accommodation of Foreigners (SHTAF). With the permission of the head of SHTAF the foreigner can meet representatives of human rights, religious or other organizations and communities registered in the country. - Foreigners can meet representatives of governmental and nongovernmental organizations, including human rights, religious or other organizations and communities, after Migration Directorate (MD) of Ministry of Interior (MoI) have signed an agreement for cooperation</p>


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			<p>with them. The Sector SHTAF is part of the MD. The agreements are not obligatory but they facilitate the access.</p> <ul style="list-style-type: none"> - The working meetings and order of visits of the organizations are specified by the staff of SHTAF and are in working time at designated area according to the Internal rules. - After signing an agreement with an organization by MD, it shall be reviewed and if is necessary to change or cancel the agreement, a decision shall be taken according to the requirements and provisions of the agreement. If it is associated with a particular visit, the latter shall comply with the notification letter and the period specified in it. - Permission may be refused in the event of a crisis situation, when the visit is out of working time, the organization has not an authorization by the Head of Sector SHTAF or the meeting is not regulated in advance. <p>2. - There is not a limited number of representatives per organization during a visit in SHTAF.</p> <ul style="list-style-type: none"> - A representative of an organization may lose his/her right of access to SHTAF when he/she does not belong to the same body or the signed agreement between the parties no longer exists. If there is an evidence that the visit to SHTAF represents a threat to the public order, the head of SHTAF or his deputy may take the following measures to the visitor: to terminate the visit / to deny an access to SHTAF. <p>3. - There is not constraint for the representatives of organizations to speak with the staff and foreigners accommodated in the SHTAF when they agree with it. Foreign residents can not be exposed to the public interest and interviewed by journalists and other persons without their consent. Representatives of the media are allowed to meet an accommodated alien after a request for meeting and a written notification to the head of Press and Public Relations Directorate - Ministry of Interior, in coordination with the Director of Migration Directorate.</p> <ul style="list-style-type: none"> - There is not a limited number of persons who can simultaneously visit a centre. Their number depends on the working time and the capacity of the premises designated for the visits with representatives of different organisations and institutions. Meetings with officials of the diplomatic or consular representations, representatives of the legislative, executive and judicial bodies are held every day from 9 to 16 h. in designated for this purpose areas. These persons may visit the accommodated foreigners after they have certified their status and demonstrated the need of holding the meeting. - Meetings with lawyers are held every day from 9 to 16 h. Meetings outside the regulated time are held only in urgent cases, with the permission of the Head of SHTAF. Meeting with lawyers is done at the request of the accommodated person or at the request of the lawyer and takes place in a designated room. Lawyers and their interpreters are allowed to meet accommodated person after legitimating with the appropriate documents. Accommodated foreigners meet organizations in the designated areas. - Organizations visit SHTAF in regulated working time and in days and hours assigned to them when an agreement is available, except in emergencies after permission of the Head of SHTAF. There is a practice to provide a list of foreigners that they wish to hold a conversation. <p>4. There is defined a time for meetings between the organizations and the leaderships of Migration Directorate and SHTAF who can express recommendations on each case.</p>
	<p>Cyprus</p>	<p>Yes</p>	<p>In 2011, the Law and Regulations for the establishment of premises of Illegal Immigrants (L. 83(I)/2011 and Regulations 161/2011) was</p>


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		<p>enacted. According to article 6 (6), Representatives of Non-Governmental Organizations (NGOs) who wish to visit such premises must put a written request to the Chief of Police or Deputy Chief of Police or the Officer in charge of the detention center. This authorization should be carried during the visit. Representatives of association can:</p> <ul style="list-style-type: none"> (a) Speak with the detainees in the presence of members of the Police (audio and visual). (b) Inspect the premises of the detention center as well as the detention conditions, only with a written authorization. <p>It should be noted that the access of representatives to the above mentioned premises is safeguarded by Law 153(I)/2011 amending Aliens and Immigration Law (implementation of Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals).</p> <p>Additionally, in 2012 the Chief of Police sent a circular letter to Police members which defines the procedures that must be followed during the visits of international and national organizations as well as NGOs to detention centers. The procedure is also mentioned in the Police Standing Order 5/3 “Rights and Treatment of Detainees”.</p> <p>1. According to article 6 (6) of the Regulations 161/2011 the authorization is given either by the Chief of Police or Deputy Chief of Police or the person in charge of the detention center.</p> <p>The Law does not provide standard conditions that must be fulfilled to get the authorization. Each case is examined separately. The purpose of the visit is a major element that is always taken into account to grant or reject the visit.</p> <p>The authorization is valid only for the dates requested. If the same association wants a revisit, it must put a new request which will be proceeded according to article 6(6) of the Regulations 161/2011.</p> <p>As mentioned above the Law does not provide standard conditions, each case is examined separately. The purpose of the visit is a major element that is always taken into account to grant or reject the visit.</p> <p>2. The Law does not provide the number of representatives per association that can access the detention center. Usually, the requests concern access of small groups maximum 3-4 Representatives. In cases, of larger group, this is separated into smaller teams.</p> <p>No relevant provision exists in the Law for a representative of an association lose his/her right of access to detention centers.</p> <p>3. According to article 6(7)(a) of the Regulations 161/2011 the representatives are allowed to speak with the detainees in the presence of members of the Police (audio and visual). The representatives can also speak with members of the Police or/and with the person in charge of the detention center.</p> <p>The Law does not provide a number of persons who can simultaneously visit a detention center. Usually, the requests concern access of</p>
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			<p>small groups maximum 3-4 Representatives. In cases, of larger group, this is separated into smaller teams.</p> <p>All areas of the detention center are accessible provided that a written authorization is obtained. In fact there are three categories of authorization:</p> <p>(a) Permission for interviewing detainees, (b) Permission for inspecting the detention center and (c) Permission for both (a) and (b).</p> <p>The associations do not have to inform the responsible of the detention center prior to their visit. The Coordinating Office of the Police Headquarters is responsible to inform the Officer in charge of the detention center as regards the date and time of the visit, the names and number of representatives, etc.</p> <p>4. Associations are free to prepare and circulate reports with remarks and recommendations about their visits. If their reports are submitted to the Police, the responsible Office studies these reports and if it is deemed necessary, the appropriate measures are applied.</p>
	<p>Czech Republic</p>	<p>Yes</p>	<p>1)</p> <ul style="list-style-type: none"> • Refugee Facilities Administration of the Ministry of Interior (RFA) who operates the detention facility in CZ. • As regards legal counseling, the authority must declare to be authorized for legal counseling and be represented by a person with university degree in law. Also, there are organization who are contracted by the RFA for different activities (leisure time for instance) where rights, duties and conditions of their activities in detention facility are laid down. Any authority, body or person who aims to visit the detention facility is obliged to follow the rules under which the visit can be realized. All bodies who want to enter detention facility have to fill in the form where they indicate their personal data, date of the visit and purpose of the visit. This serves as an approval for the visit. • Usually for single entry. Contractual NGOs have a long term authorization. • If someone disrespects Visitor Rules or instructions of staff of detention centre. These Rules describe what is permitted and denied to bring in the centre, what activities are denied and can be a reason for interrupting the visit). Also, the manager of the centre is entitled to interrupt the visit in case he finds a serious reason for it. <p>2)</p> <ul style="list-style-type: none"> • No (but there is, for example a limited number of place in premises for legal counseling). • In case someone disrespects Visitor Rules or instructions of staff of detention centre. <p>3)</p> <ul style="list-style-type: none"> • With anyone of the staff and with all foreigners who are willing to meet the visitors. • No. But the manager of the detention centre can stop entering other visitors, if it was not safe for operation of the detention centre.



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	<p>Estonia</p>	<p>Yes</p>	<p>1. In Estonia pursuant the Obligation to Leave and Prohibition on Entry Act § 26¹⁰ the expulsion center (detention center) is structural unit of the Police and Border Guard Board which function is to enforce the judgments on the detention of persons to be expelled and authorization to visit detention center is issued by head of the center.</p> <p>Visits by the following are allowed for persons to be expelled:</p> <ol style="list-style-type: none"> 1) consular officers of the country of nationality; 2) legal counsels; 3) ministers of religion with regard to whose reputation the head of the expulsion centre has no reasoned doubts; 4) representatives of competent authorities, international or non-governmental organisations. <p>With the permission of the head of an expulsion centre, a person to be expelled may be allowed to receive short-term supervised visits of personal, legal or commercial interest from persons in matters which the person to be expelled cannot conduct through third persons, unless the visits impede enforcement of the expulsion.</p> <p>Persons to be expelled shall be visited pursuant to the procedure, at the times and in rooms prescribed by the internal rules of the expulsion centre. The officials of the expulsion centre have the right to process the identity data of the person who is requesting visit in order to check the trustworthiness of the person requesting a visit to the person to be expelled. There is no time limit for how long the authorisation order is valid, but the duration of visits specified shall be determined by the head of the expulsion centre and shall not exceed three hours.</p> <p>2. No and the persons to be expelled are permitted to receive visits only from persons with regard to whose reputation and motives the head of the expulsion centre has no reasoned doubts. Visiting a person to be expelled is not allowed if:</p> <ol style="list-style-type: none"> 1) the activities of the person requesting a visit have been directed or are directed against the Republic of Estonia or its security; 2) the person requesting a visit is connected with an organisation or movement that ignores public order with its activities; 3) the person requesting a visit has been punished for an intentionally committed criminal or another offence and the data concerning the punishment have not been expunged from the punishment register; 4) the person requesting a visit has provided incorrect information or a falsified document upon request for a visit; 5) there is good reason to doubt the trustworthiness of the person requesting a visit; 6) a visit to a person to be expelled may have an impact on the efficiency of expulsion or 7) there are other good reasons.


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			3. Migration official has the right to search the person who is permitted to visit a person to be expelled, and the personal effects of the visitor. It is prohibited to review the content of the written material brought along by legal defence counsel. An official of the same sex as the visitor shall conduct the search. Items the holding of which is prohibited in an expulsion centre shall be temporarily deposited during the duration of the visit. Persons to be expelled shall be visited in the presence of an official of the migration official. Visits from a legal defense counsel or a minister of religion are allowed within sight but not within hearing distance from migration official.
	Finland	Yes	<p>1. In accordance with the Act on detained aliens and the detention unit, the detained person is entitled to have visitors during the visiting hours. This right may be restricted by an ordinance which is approved by the Immigration Service. The Act does not regulate any conditions that should be fulfilled by the visitor.</p> <p>2. N/A</p> <p>3. This depends on the ordinance of the Detention unit.</p> <p>4. NGOs etc. are free to make remarks/recommendations to the competent authorities at all times. NB! The law obliges the Finnish Ombudsman to conduct on-site inspections and to monitor the treatment of persons confined in them.</p>
	France	Yes	<p>1. The Minister in charge of immigration defines the list of associations whose representatives can access detention centres. The association must have been regularly declared for at least 5 years in order to ask for an authorisation. The association must also state in its corporate purposes to defend third-country nationals, to protect human rights or to provide for medical and social care. Authorisation is only granted for three years, renewable for the same amount of time. The refusal of an authorisation must be motivated, particularly regarding the number of authorised associations. The Minister in charge of immigration can, under a motivated decision, withdraw the authorisation of an association.</p> <p>2. The authorisation can be granted to up to five representatives per association. A representative can lose his/her right of access for three reasons:</p> <ul style="list-style-type: none"> - when the Minister in charge of immigration withdraws, under a motivated decision, his authorisation; - when the association asks for a withdrawal of the authorisation; - when the association itself loses its authorisation (because of a withdrawal or expiration). <p>3. During a visit, the representatives can speak with the chief of the centre or the responsible of the detention premises. They can also speak with the officers of the French Office for the Protection of Refugees and Stateless Persons (OFPRA), the officials of the French Office for Immigration and Integration (OFII) and with the authorised representatives of associations in charge of informing third-country nationals of their rights and helping them to exercise them. They can also speak confidentially with the detained persons. Maximum five persons can visit a detention centre at the same time. The legislation does not specify the accessible area of the premises, but access is usually granted to the areas where the persons are detained (e.g. access to the cloakrooms of the people in charge of the centre is not allowed). The authorised representatives must inform the chief of the centre or the responsible of the detention premises at least 24 hours before his/her visit, and plan together the practical arrangements of the visit. The representatives of several authorised associations cannot access the detention centre on the same day.</p> <p>4. The associations can send their observations by email to the Ministry at any time. Legislation also provides that a meeting on the</p>



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			functioning of the detention premises is organised every year, under the initiative of the Minister in charge of immigration, together with the Presidents of the authorised associations, their authorised representatives and the relevant State services. The minute of this meeting is written collectively and made available to the public.
	Hungary	Yes	<p>1. There is no such an authority in Hungary. The relevant associations do not need to get any authorisation to have access to the detention facilities.</p> <p>2. There is no limit for the number of representatives per association. Hungary does not have any regulation concerning excluding representative of an association. According to Decree of the Minister of Justice and Law Enforcement 27/2007 (V.31.) on the executive rules of alien policing detention 7(1)(c)-(f):</p> <p>(1) The detainee under security supervision may consult without control with</p> <p>c) a representative of a social organisation or foundation, whose goal is the protection of human rights based on its rules or statutes of the organisation,</p> <p>d) the Committee of Council of Europe that is in charge of prevention of torture and inhuman or degrading treatment, human rights, designated members organisations of the United Nations and the Council of Europe,</p> <p>e) human rights organisations authorised by the Hungarian legislation, authority members who are entitled to supervise the conditions of detention,</p> <p>f) his/her country's accredited diplomatic representative to Hungary, the consular official, a state representative, in the absence of these people the representative of a country who represents his/her interest.</p> <p>3. They are allowed to speak with the detainees, but during their monitoring activities, they can speak with the representatives of the authorities. There is no limit for the number of visitors at the same time. During their monitoring activity, the competent associations (its representatives) have the right to enter any premise used by detainees. According to the Decree of the Minister of Justice and Law Enforcement 27/2007 (V.31.) on the executive rules of alien policing detention 7(1) the detainee may consult without control with the representatives of the association (under security supervision), therefore association do not have to inform the responsible authority prior to their visit. The Hungarian Helsinki Committee's Police Jail Monitoring Program: The goal of the project is to monitor the conditions of detention implemented in police cells on the basis of an agreement concluded with the National Police Headquarters.</p> <p>4. There is no restriction, consequently the associations can make remarks and recommendations freely to the authorities in charge of the detention.</p>
	Italy	Yes	1. -The authority in charge of authorising the associations is the Prefect, who reports to Ministry of the Interior on the authorisations


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			<p>granted.</p> <ul style="list-style-type: none"> - Authorisations can be granted to members of UNHCR, IOM and Italian Red Cross. Representatives of cooperatives and volunteering associations are admitted to perform specific assistance tasks only on the basis of agreements with local authorities or with the prefectures (eg, interpreting, health care, psychological counseling or legal advice, etc.). An example of good practice refers to the "Praesidium project". - The authorisations are valid for the time necessary to carry out the activities agreed. - The authorisation can be refused or withdrawn by the Prefect for reasons of public order, as well as for safety reasons if the structure is under restructuring or, anyway, is subject to the execution of relevant and extraordinary maintenance works. <p>2.</p> <ul style="list-style-type: none"> - No, in principle. De facto, the amount of issued authorisations is aimed to ensure the proper management of the facilities, also in terms of security. However the number is established by the Prefect on the basis of proposals made by the Director of the centre in agreement with the bodies responsible for security. - A representative of an association can lose his/her right of access to detention centres when the agreements expires, or even earlier in case of abuse. <p>3.</p> <ul style="list-style-type: none"> - Representatives are allowed to speak during a visit to all the people indicated in the agreement as beneficiaries of the services provided by the association, while respecting data protection rights of foreign citizens hosted in the center. - The number of persons who can simultaneously visit a centre is usually established by the agreement, but it can be reduced for particular safety reasons. - Accessible areas depend on the kind of services offered by the associations, but access is usually limited to common areas (cafeteria, outdoor spaces, and the like) and those intended for specific services (eg health). - Yes, associations have to inform the responsible of the detention centre prior to their visit. - Concerning other practical arrangements regarding the exercise of the right of visit, it should be noted the time indicated in the Regulation. <p>4. There are no restrictions on the right of representatives of associations to make criticisms or recommendations, that may be submitted directly to the director of the center, or to the Prefect or the Ministry of Interior.</p>
	Latvia	Yes	<p>1. The Immigration Law of the Republic of Latvia does not provide a direct right for competent national, international and non-governmental organisations and bodies to visit the detention facilities. In practice such organizations are allowed to visit the detention facilities.</p> <p>Article 59² foresees that a detained foreigner in an accommodation centre has the right to meet with family members or relatives, as well as with representatives of international and non-government human rights organisations.</p> <p>Internal Procedures Regulations of the Accommodation Centre regulates the meetings of third-country nationals with visitors. A visitor can be any person.</p> <p>In accordance with Internal Procedures Regulations of the Accommodation Centre the Head of the Accommodation Centre is in charge of authorising the visits. The Head of the Accommodation Centre while making a decision takes into account the agenda and technical capabilities.</p>


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			<p>The Head of the Accommodation Centre may determine a general temporary prohibition of meetings (for example, due to quarantine or mass riot). An official of the Accommodation Centre shall notify a visitor regarding a temporary prohibition. There are no special conditions defined in national law to be fulfilled by the associations. The purpose of visit shall be notified. The authorisation is valid for one visit. The meeting shall take place not longer than two hours for one third-country national.</p> <p>2. In accordance with Internal Procedures Regulations of the Accommodation Centre a third-country national may not meet more than two visitors at the same time. In case if visitor violates the Internal Procedures Regulations of the Accommodation Centre or performs an illegal action.</p> <p>3. Depending on the aim of a visit. In accordance with Internal Procedures Regulations of the Accommodation Centre a third-country national may not meet more than two visitors at the same time. A meeting shall take place in premises specially equipped for such a purpose. In case if an international or non-governmental organisation or association wants to visit the detention facility it informs the Detained Foreigners Accommodation Centre of the State Border Guard on the date and aim of a visit and the Head of the accommodation centre after assessment of the possibility of such visit takes a decision to grant the authorisation for this institution to visit the detention facility. There are no special practical arrangements.</p> <p>4. Not regulated by national law. In practice international or non-governmental organisations or associations have the right to submit recommendations in writing to the Head of Detained Foreigners Accommodation Centre of the State Border Guard or the Head of the State Border Guard.</p>
	Lithuania	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Luxembourg	Yes	<p>1. In Luxembourg some legal entities such as associations and NGOs acting in the field of providing assistance to people placed in detention have access to the holding facility from Monday to Sunday, 8.00 AM to 12.00 AM and from 13.00 PM to 18.00 PM. This requires a previous and double agreement, one from the Minister of Immigration for the NGO's themselves as legal entities and another one for all individual member of the agreed NGO's wanting to access the Center from the Director of the holding facility (art. 27 of the Grand-ducal regulation of 17 August fixing the holding conditions in the Center). The authorization is granted for an unlimited term. The Minister in charge of immigration can, under a motivated decision, withdraw the authorisation of an association. Actually, Amnesty International, ASTI, Caritas, ACAT, CLAE, and the Red Cross have an agreement as legal entities and some 50 individual visitors from those NGO's have been allowed to access the Center. In that context, it seems important to point out that the Ombudsman and the Ombuds-committee for the rights of children may access the Center whenever they want.</p> <p>2. The authorisation can be granted to an unlimited number of representatives per association. A representative can lose his/her right of access for three reasons: - when the Minister in charge of immigration withdraws, under a motivated decision, his authorisation to an NGO;</p>



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			<p>- when the Director of the holding facility withdraws its authorisation to the NGO's representative because s/he has committed a violation of the law or regulations concerning the Centre;</p> <p>- when the association or its representative ask for a withdrawal of the authorisation;</p> <p>3. a. The individual visitors of agreed NGO's provide information and moral assistance to the persons placed in detention.</p> <p>3.b. Theoretically, an unlimited number of members of the NGO's can visit the centre simultaneously. Practically they try to be at least 2 when they come along.</p> <p>3.c. Agreed NGO's have limited access to the facilities. They may nonetheless access to the main living areas of the Center, excepted dormitories and specified areas.</p> <p>3.d. and e. The agreed visitors can access the Center without prior information at any time from Monday to Sunday, 8.00 AM to 12.00 AM and from 13.00 PM to 18.00 PM. As mentioned above the Ombudsman and the Ombuds-committee for the rights of children may access the centre at any time, night and day.</p> <p>4. The Ombudsman and the Ombuds-committee, as well as the agreed NGO's and their members, can make remarks and comments to the Ministry or to the Director of the holding facility at any time and by any means.</p>
	<p>Netherlands</p>	<p>Yes</p>	<p>1. An organisation that wants its employees / volunteers to visit foreigners in detention and removal centres, should submit a request to the Director of the Directorate Special Facilities (head office of the Dutch Custodial Institutions Agency) to be designated as an authorised organisation within the meaning of this Directive.</p> <p>These are social organisations like FairWork (trafficking victims) and the Red Cross (tracing), but also other organisations that somehow may contribute to the (willingness to) return to the country of origin and may support aliens in this.</p> <p>An application for authorisation is made by submitting:</p> <ul style="list-style-type: none"> - The organisation's statutes - A recent extract from the register of the Chamber of Commerce - The most recent annual report or another overview of the functioning of the organisation <p>Cooperating organisations like the Dutch Council for Refugees and an organisation for free legal advice are also present in the detention centre for foreign nationals awaiting removal. These employees are screened by the Bureau Integrity and Safety.</p> <p>The authorisation is granted for a period of two years.</p> <p>The authorisation may be refused if in the three years preceding the application an incident has occurred within a Special (detention or removal) Facility in which an employee or volunteer organisation concerned was involved. The application will be rejected if in the opinion of the Director of the Directorate Special Facilities the organisation can make no meaningful contribution to the alien's (willingness to) return to the country of origin.</p>



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			<p>2. In any case, as soon as an employee or volunteer who is registered as a potential visitor is no longer part of the designated organisation, he will lose his right of access to detention centres.</p> <p>3. The visitor is given the opportunity to speak to the alien in a specially provided space outside the presence of third parties.</p> <p>An authorised organisation may submit a written request to the location director of a detention or removal centre for a named employee or volunteer to make a visit as meant in this Directive. Such a request will only be granted if the alien himself agrees to the visit. With this written request, a copy of a valid ID of the employee or volunteer must be included.</p> <p>The visit of an employee or volunteer of a designated organisation to an alien is not deducted from this alien's regular rights to receive visits.</p> <p>4. These organisations are always free to make their observations known to the Ministry or to the management of the detention centre.</p>
	Poland	Yes	<p>1.</p> <ul style="list-style-type: none"> - Permits for visits in Guarded Centres for Foreigners (as referred to in Article 16(4) of the Returns Directive) are issued by the Border Guard. - NGOs and relevant international organisations competent for foreigners are entitled to visit Guarded Centres for Foreigners within the scope of their duties specified in their statute and pursuant to the national law provisions, mainly <i>the Act of 13 June 2003 on foreigners</i> which in its Article 117(1)(2) ensures foreigners the right to contact non-governmental or international organisations providing help, especially legal, to foreigners based on Article 16(4) of the Returns Directive. - In order to obtain permission for a visit, it is only necessary to notify the competent Border Guard Department Commander (with regard to the location of the centre) of the date and scope of the visit. - The validity period of such a permission is not specified. In practice, it is valid since approval until the actual time of the visit. - Permission for a visit is hardly ever refused or withdrawn. Such a situation may only occur when there is a risk of a threat to health or life (of detained or visiting persons, e.g. due to health circumstances). In reality, there have been no instances of withdrawing permission issued by the BG. In contrast, it happened that after issuing permission for a visit, on the very day of the visit, the foreigners refused to have any contact with NGO representatives. <p>2.</p> <ul style="list-style-type: none"> - There are no such limitations. - No instances of this kind were recorded. <p>3.</p> <ul style="list-style-type: none"> - Representatives of non-governmental organisations may talk to all persons detained in Guarded Centres for Foreigners, as well as with the staff of such Centres. - There are no limits as to the number of persons subject to monitoring during one visit. - A visit (meeting with foreigners) is held in special rooms intended for visits. In the case of monitoring, NGO representatives have



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			<p>access to all rooms in the Centre (except for the places which must not be entered due to medical concerns, e.g. a medical isolation cell).</p> <ul style="list-style-type: none"> - NGO representatives should inform in advance about the date of a visit. - No. <p>4. Any comments and recommendations following visits to Guarded Centres for Foreigners are prepared in the form of reports and publications, which are submitted for information purposes to institutions competent for foreigners detained in Guarded Centres for Foreigners (i.e. National Border Guard Headquarters, the Division for Foreigners, which is responsible for coordinating the functioning of Centres) and, depending on the contents of the report, to various competent institutions dealing with foreigners' affairs, such as the Migration Policy Department at the Ministry of the Interior, Director of the Office for Foreigners, Human Rights Defender.</p>
	Portugal	Yes	<p>Portugal does not have this legal framework. Nevertheless there is a Installation Centre called St. Anthony's Housing Unit (Unidade Habitacional de Santo António), in the city of Porto, which has as main objective to welcome foreigners in irregular situation, who have been under duress as placement in Installation Centre during the instruction removal process.</p> <p>The Portuguese Immigration Borders Service (SEF) is the main entity responsible for the installation, organization, operation and management of the safety of this unit, with the collaboration of Jesuit Refugee Service (JRS) and the International Organization for Migration (IOM).</p> <p>The hospitals of Saint Anthony, S. John provide medical care, when necessary and Magalhães Lemos NGO "Médecins du Monde" of the Piaget's Institute works in the area of nursing. The medical and psychiatric support is provided by a psychiatric specialist from Hospital S. John (the immigrant query).</p>
	Slovak Republic	Yes	<p>1. The Bureau of Border and Aliens Police of the Police Force Presidium in consultation with the director of the facility is in charge of authorising the associations.</p> <p>The activities of these associations should be subsidiary to the activities and tasks of this facility. At the same time their activity should be performed for the benefit of the third country nationals placed in this detention facility – provision of social, legal or materials aid/support. The realisation of these activities should be based on a plan or a project consulted beforehand with the facility in order to avoid duplication of activities or realisation of activities with little or no effect for the persons placed there.</p> <p>The authorisation is valid for the duration of the project/plan.</p> <p>When the conditions as stated above are not fulfilled, i.e. when the main aim or goal does not fulfil the mentioned terms or due to the operational issues of the facility the activity could not be realised, the authorisation is refused. When during the realisation of the activities the agreed terms are violated mainly in the field of the facility operation or there are negative reactions from the third country nationals placed there the authorisation may be withdrawn.</p> <p>2. This is dealt by on a case by case basis depending on the activities and project to be fulfilled. In general this concerns from 2 to 6 persons.</p>

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			<p>When during the realisation of the activities the agreed terms are violated mainly in the field of the facility operation or there are negative reactions from the third country nationals placed there the authorisation may be withdrawn.</p> <p>3. The representatives of the associations are allowed to speak with third country nationals placed in the facility (target group) – irregular migrants, asylum seekers, vulnerable persons, etc.</p> <p>Yes, the size of the facility and the operational regime has to be taken into account.</p> <p>This depends on the main goal of the activities of such associations. In general the visitors room, office of the social worker, dayroom can be visited, however the security of the associations' members and the security risks always have to be taken into account.</p> <p>The associations have to inform the responsible of the detention centre prior to their visit, mainly for organisational reasons.</p> <p>In line with the rules of the facility operation the employees of these associations are obliged to:</p> <ol style="list-style-type: none"> 1) follow the instructions of the duty police officer 2) to hand over to the cloakroom any guns, mobile phones, other audiovisual technique or things like alcohol, drugs, precursors, poison, explosives by which the health of the persons in the facility could be in endangered 3) to undergo a personal security check up and to let to check their belongings 4) to wear a badge with "VISITOR" identification on a visible place. <p>4. The associations can make remarks and recommendation to the authorities in charge of the detention centres Anytime, there are no restrictions in this regard.</p>
	Slovenia	Yes	<p>1. Head of detention centre authorises visits. There are no special provisions in this regard. Usually access is granted for purpose of external audit and assistance. Authorisation is generally valid for a single visit. It hasn't happened by now. It may be revoked because of abuse.</p> <p>2. N/A.</p> <p>3. The representatives of the associations may speak with detainees and employees. There is no limited number of representatives per association. All the areas may be accessible. It is essential to inform the responsible of the detention centre prior to their visit. No special arrangements apply,</p> <p>4. Freedom of speech based on Constitution enables free communication.</p>
	Spain	Yes	<p>1. Authorization must be given by the General Commissariat for Aliens and Borders, in consultation with the director of the detention</p>

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			<p>centre. Information is asked about the organization intending to visit the detention centre, which must be registered according to law. Each subsequent visit requires a new authorization, but without having to submit again information that is already known.</p> <p>2. The number of representatives allowed access each time depends on the purpose of the visit, without a fixed maximum.</p> <p>3. The areas to be visited and the persons to be contacted (staff and / or detainees) depend on the purpose of the visit.</p> <p>4. Visiting organizations are free to make remarks and recommendations to the authorities in charge, other authorities or the public.</p>
	Sweden	Yes	<p>1. - The Swedish Migration Board is in charge of authorising the associations. - An alien in detention shall be allowed to receive visits and otherwise having contact with persons outside the premises except if the visit or contact in a particular case would hamper the activities related to the detention center If it is necessary with respect to safety, a visit may be supervised. It is not so much an authorisation as a notification from the visitor to the detention centre. A visit may only be refused if there are practical obstacles to allowing it or security reasons against. The main rule is that a visit should be allowed to as far an extent as possible. A visit is usually notified and granted on a time-to-time basis. - The authorisation can be refused or withdrawn only under extraordinary conditions, with regards to safety for example</p> <p>2. - There is no limited number of representatives per association. - That has not happened but hypothetically they could lose the right due repeated inappropriate behaviour.</p> <p>3. - Tthe representatives of the associations are allowed to speak during a visit with a part of management and staff, they who agree to a conversation. - Generally there is no limited number of people allowed, but if many visits coincide or if the number of visitors is very large then the visitors can be asked to come back another day. - All areas are accessible except of course the rooms of the detainees unless they invite them to visit. - It is advisable that the associations inform the responsible of the detention centre prior to their visit. The detainees will be informed of the visit so that they can choose for themselves whether they want to take part or not. - No other practical arrangements exist.</p> <p>4. The associations can make remarks and recommendation to the authorities in charge of the detention centres during the visit or later to the management of the detention center or to the management of the Swedish Migration Board.</p>
	United Kingdom	Yes	<p>1. Section 53 of the Detention Centre Rules 2001 sets out that only persons mentioned in statute, or those approved by the Secretary of State or the manager may enter the centre. There are no arrangements for lists of authorised organisations for either statutory or non</p>

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		<p>statutory purposes to have access for set periods of time.</p> <p>Section 56 of the Rules states that no outside person shall be permitted to view inside a detention centre unless authorised to do so by statute or the Secretary of State. Rule 57 states that “Without prejudice to any other powers to prohibit or restrict entry to detention centres, and to his powers under rule 28, the Secretary of State may, with a view to ensuring safety and security or the prevention of crime or in the interests of any persons, impose prohibitions on visits by a person to a detention centre or to a detained person in a detention centre for such periods of time as he considers necessary.” This does not apply in relation to any visits to a detention centre or detained person by a member of the visiting committee of the detention centre, or to prevent any visit by a legal adviser for the purposes of an interview.</p> <p>2. There are no limits on the numbers of representatives for each organisation, except where it would impact on the safety and security of the centre and dignity of the detainees in residence. The conditions of entry for individuals visiting detainees for statutory, social, legal or welfare reasons are set out in the Detention Services Order (DSO) 4/2012 which is available at http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/detention-services-orders/</p> <p>In broad terms, entry will be denied where there is a failure to comply with the requirements of the DSO, such as the requirement to produce acceptable evidence of identity. Visitors may be banned from entry for limited periods of time where they are deemed to have an impact on the safety and security of the centre or for the prevention of crime.</p> <p>3. For those organisations with a statutory right of access for inspection, or monitoring, there is no restriction with regard to whom they may speak. There are no limits on the number of individuals who may enter because inspection teams and monitoring boards are limited by their available resources. They may access all parts of the centre. Her Majesty’s Inspectorate of Prisons (HMIP) is not required to provide advance notice of an inspection. Service providers are expected to facilitate the visits of the inspectorate and to provide, in the case of independent monitoring boards, facilities for the boards to carry out their functions, such as accommodation and support. The only restriction on these visits would be in the interests of security and safety.</p> <p>For others, without a statutory right of access, contact with detainees and employees is limited to specific local arrangements for particular purposes, for example to provide a legal advice service or welfare visits to particular detainees. Access is therefore limited and visits may be subject to appointment.</p> <p>4. HMIP and the Independent Monitoring Boards (IMBs) publish their reports and make recommendations to the Secretary of State. These are considered in line with established protocols and where the recommendations are accepted, these are taken forward as part of service improvement plans which are then placed in the public domain and monitored for implementation.</p> <p>Non statutory organisations, such as NGOs, or academics may submit reports with recommendations. These are carefully considered by the relevant policy experts and responded to outside of the formal arrangements for HMIP or the IMBs.</p>
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