



Ad-Hoc Query on support to apprehended foreigners for whom detention is not applicable

Requested by PL EMN NCP on 12th March 2015
Compilation produced on 23rd July 2015

Responses from Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Ireland, Lithuania, Luxembourg, Netherlands, Poland, Slovak Republic, Slovenia, Sweden, United Kingdom plus Norway (20 in Total)

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The Polish Border Guard is in the process of drafting a project proposal (to be co-financed under the Asylum, Migration and Integration Fund) aimed at providing support during return procedure to apprehended foreigners who did not apply for international protection and did not obtain legal status in Poland, but cannot be placed in detention centre (i.e. because they belong to particularly vulnerable groups). The Border Guard would therefore like to investigate whether there are any mechanisms in Member States to provide such support in place.

We would kindly ask Member States to answer to the following questions:


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1. Is there any mechanism to provide support during return procedure to apprehended foreigners who did not apply for international protection and did not obtain legal status in your MS, but are exempt from detention? **Yes / No**
2. Which categories of foreigners are subject to the mechanism (any particular groups, i.e. vulnerable persons?)
3. Please specify a kind of support guaranteed (i.e. accommodation/alimentation, basic medical aid / hospitalisation, assisted voluntary return, other forms).
4. How the abovementioned measures are financed (state/regional budget, external financing, i.e. EU funds) and which institutions provide the services (state institutions/municipalities/NGOs/religious organisations)?
5. How long the support is provided for (i.e. 3/6 months, until the return is organised or stay is legalised)?
6. Please provide us with any additional comments on possible assistance granted to the foreigners in question.

We would very much appreciate your responses by **26 March 2015** (due to time constraints related to implementation of Asylum, Migration and Integration Fund).

2. Responses¹


		Wider Dissemination? 2	
	Austria	Yes	<ol style="list-style-type: none"> 1. Yes. There is the possibility of return counseling by NGOs: i.e. at each phase of the procedure the foreigner has the possibility of a voluntary departure. If he/she decides to do so, he/she will – subject to certain criteria - be supported. 2. The Austrian Assisted Voluntary Return (AVR) Programme is in principle open to all third country nationals and is geared to the target group definition of the Asylum, Migration and Integration Fund (EU-Directive 516/2014). For victims of human trafficking there is in addition a specific return project. 3. The participation in the Austrian AVR-Programme is offered; besides the organisation of the return a small financial support is also granted. Foreigner without residence right, who cannot be deported for legal or factual reasons, are amongst others target group of the

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

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

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			<p>Basic Welfare Support Agreement. They can receive basic welfare support benefits, as long as they are target group. Apart from the admission procedure, the responsibility lies generally with the provinces.</p> <ol style="list-style-type: none"> 4. Measures are partly financed by European funds (European Return Fund and AMIF) as well as by national federal funds. 5. In the framework of the AVR-Programme the support is provided for until departure (including assistance at the airport); as regards Assisted Voluntary Return and Reintegration (AVRR) currently up to one year after the return. 6. Services/activities in the framework of the AVR-Programme: comprehensive counselling, organisation of the return journey, obtaining travel documents, funding of flights to third countries, as well as financial support; in selected destination countries, there are in addition AVRR-Programmes, which are open to the target group. Individually tailored reintegration measures are offered.
	<p>Belgium</p>	<p align="center">Yes</p>	<p>Remark: Unaccompanied children and families with minor children (accompanied children) are in principle not administratively detained in Belgium. For other groups of vulnerable persons and persons with special needs, there is no automatic exclusion from detention foreseen in the national legal framework.</p> <p>Legally, there are a number of other possibilities that can be used as an alternative to detention other than the one mentioned below (family units). These are however, until now, not often or not applied in practice. It concerns:</p> <ul style="list-style-type: none"> • The possibility for a family with minor children (not for families at the border) to stay in <u>their own house</u> under certain conditions. This alternative is very new. It has only been used for a handful of families. • The following ‘preventive measures’ to avoid the risk of absconding of third country nationals are foreseen by law, but are not (yet) used in practice: <ul style="list-style-type: none"> - An obligation to report regularly (only used by local authorities), - Paying a financial bail (not used), - Obligation to surrender a copy of identification documents (not used). <p>1. Is there any mechanism to provide support during return procedure to apprehended foreigners who did not apply for international protection and did not obtain legal status in your MS, but are exempt from detention? Yes, but the Immigration Act contains no explicit legal provisions on alternatives to detention, however there are a number of provisions that can be interpreted and are being used as grounds for alternatives to detention.</p> <p>2. Which categories of foreigners are subject to the mechanism (any particular groups, i.e. vulnerable persons?)</p> <p><u>Families with minor children (accompanied children)</u></p> <p>The Immigration Act states that families with minor children (irregularly staying on the territory, arriving at the border and not removable within 48 hours after arrival or applying for asylum at the border) are in principle not detained. However, the same legal provision makes exceptions possible ‘if the detention facilities are adapted to the needs of families with minor children’. Furthermore, concerning families with minor children who try to irregularly enter on the Belgian territory, the law also provides for the possibility of detention, ‘in adapted detention places’ and ‘for as short as possible duration’.</p> <p>In practice families with children are not detained except for a short period on arrival (maximum of 48 hours) or just before departure (the night before a removal). Instead of being detained, families at the border are sent to Family Identification and Return Units (called ‘family units’) and also families who are irregularly staying on the territory can be brought to these family units.</p> <p>(Remark: in conformity with the legal possibility to detain families with minor children in facilities adapted for families with minor</p>







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		<p>children, it was foreseen to create specialized, adapted detention units for families with minor children in the area of one of the detention centres. Due to political (and budgetary) reasons these plans have been postponed).</p> <p><u>Indigent irregularly staying families in the open return centre</u></p> <p>Certain irregularly staying families are legally entitled to a reception place on the basis of the fact that the minors (who reside with their families illegally in Belgium) are indigent. The social services of the municipality of the place of residence verify that the family fulfils the conditions and, if the families wish to benefit from reception, they are referred to Fedasil, the Federal Agency for the Reception of Asylum Seekers (and some other categories of beneficiaries) who is also competent for voluntary return.</p> <p>Before 2013, these families were provided accommodation in the reception facilities for asylum seekers. Since May 2013, they are given accommodation in a specific open return centre that became operational in the town of Holsbeek (105 places). During the stay in this reception centre (generally during one month), two different options are being looked into: the obtaining of a residence permit or the voluntary return in the country of origin.</p> <p>If these two options fail, the Immigration Office can transfer the families to the family units in order to organize their removal (see above).</p> <p>3. Please specify a kind of support guaranteed (i.e. accommodation/alimentation, basic medical aid / hospitalisation, assisted voluntary return, other forms).</p> <p><u>Family units:</u> Families with minor children are accommodated in state-owned private housing (apartments or houses which are furnished and equipped) for the time needed for their identification and to prepare their return. They are free to move with some restrictions (e.g. one person should stay in the house at all times). The families can leave the houses under specific rules, in order to e.g. visit their lawyer, bring their children to school, buy groceries or participate in religious celebrations. Visits in the family units are allowed.</p> <p>The families are assisted by a case manager/coach of the Immigration Office who provides assistance. It concerns holistic social support (legal and logistical matters, preparation of the return and/or explanations on the on-going asylum procedure or looking into possibilities to stay in Belgium). The coaches also take care of all appointments – if necessary – with lawyers, schools, municipal administration, police services, medical practitioners, local merchants, pharmacies, ... in order to give a logistical, administrative and medical support to the families. They also organize meetings with diplomatic and consular representations, in cooperation with the competent services of the Immigration Office.</p> <p><u>Open return centre:</u> All the material aid as stipulated in the Reception Act of January 2007 is foreseen in the open return centre (accommodation, food, clothing, medical, social and psychological accompaniment, pocket money, access to legal assistance, access to translation and interpreting services and training sessions as well as access to programmes for voluntary return).</p> <p>Irregularly staying families in the open return centre get counselling on return, including information on the possibilities for voluntary return and the consequences of not leaving voluntarily. This is done by officers from the Immigration Office and by return councillors of Fedasil.</p> <p>4. How the abovementioned measures are financed (state/regional budget, external financing, i.e. EU funds) and which institutions provide the services (state institutions/municipalities/NGOs/religious organisations)?</p> <p><u>Family units:</u> The Immigration Office is the competent authority. There are 23 family units in 5 different locations, spread around the country, concerning approximately 135 beds. A team of 9 coaches is available, plus a coordinator, one person for technical support and one person for logistical support.</p> <p>All educational, medical, logistical, administrative and nutritional costs are borne by the federal Immigration Office.</p> <p>There are however some limitations: there is a weekly budget per family for logistical and nutritional costs. Medical costs are only</p>
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			<p>reimbursed if the physician has been contacted by the coaches. Every family can apply for a pro bono lawyer. The Family Units are sponsored by the EU Return Fund.</p> <p>Open return centre: In the framework of an agreement with Fedasil, this facility is managed by the Immigration Office. The coaches of the Immigration Office are responsible for the legal, psychosocial and return counselling. The nursing staff takes care of the medical supervision of the residents. There are also return councillors of Fedasil present in the centre to ensure the voluntary return counselling. The costs are borne by Fedasil.</p> <p>5. How long the support is provided for (i.e. 3/6 months, until the return is organised or stay is legalised)?</p> <p>Family Units: the time needed for their identification and to prepare their return.</p> <p>Open return centre: for a limited time period (in principle 30 days).</p> <p>6. Please provide us with any additional comments on possible assistance granted to the foreigners in question.</p> <p>More information on detention and alternatives to detention in Belgium available in the focused study: "The use of detention and alternatives to detention in the context of immigration policies in Belgium", June 2014, http://www.emnbelgium.be/publication/use-detention-and-alternatives-detention-context-immigration-policies-belgium-and-eu-emn</p>
	Bulgaria	Yes	-
	Cyprus	Yes	-
	Croatia	Yes	<ol style="list-style-type: none"> 1. Yes, Temporary postponement of removal. 2. Individual assessment (vulnerable person, families with children). 3. Certificate with photo, Free legal aid, emergency health care, elementary school (in the proposal for new Law on foreigners there is also possibility of accommodation). 4. This is financed by the state budget, but according to our perennial programme for Asylum, Migration and Integration Fund, we hope that in the future this will be co-financed by the EU Fund. 5. Temporary postponement of removal can last 6 months, and can be extended for another 6 months. 6. -
	Czech Republic	Yes	<ol style="list-style-type: none"> 1. No 2-6. n.a.
	Denmark	Yes	-
	Estonia	Yes	<ol style="list-style-type: none"> 1. In Estonia IOM Varre project (Voluntary Assisted Return and Reintegration Programme from Estonia) supports persons, who are staying in a country illegally, and to whom is not been issued forced return decision by the Estonian Police and Border Guard Board officials. 2. Project does not set any restrictions for persons. 3. IOM offer for persons counselling regarding the voluntary return; assist and support to apply for a travel document, if needed; plan and organize return travel from door to door; assist and support at the airport on departure, in transit and on arrival. 4. Project is funded by the European Union through the European Return Fund and co-funded by the Estonian Ministry of the Interior.




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			<p>5. Until voluntary return is organized.</p> <p>6. There is no other projects or supports for apprehended foreigners.</p>
	Finland	Yes	<p>1. Yes</p> <p>a) The Finnish Constitution includes the right to social security: Those who cannot obtain the means necessary for a life of dignity have the right to receive indispensable subsistence and care. Municipalities provide this through Social Services.</p> <p>b) The Finnish Health Care Act states that urgent medical care, including urgent oral health care, mental health care, substance abuse care, and psychosocial support shall be provided for patients regardless of their place of residence.</p> <p>c) National assistance system for victims of trafficking will assist potential victims of trafficking irrespective of immigration status</p> <p>d) IOM's assisted voluntary return project (until 30.6.2015)</p> <p>e) For minors, Child Welfare Act applies</p> <p>2.</p> <p>a-b) Anyone</p> <p>c) A potential victims of trafficking</p> <p>d) Irregular migrants (until 30.6.2015)</p> <p>e) Minors where there is concern for their welfare</p> <p>3.</p> <p>a) Emergency accommodation at a homeless shelter, food vouchers, assistance with contacting own consulate services</p> <p>b) Urgent medical care</p> <p>c) Based on assessment of special needs and requirements arising from the age, vulnerability, and physical and mental state of the victim, and security considerations: legal and other advice, crisis therapy, social and health care services, interpretation services and other support services, accommodation or housing, social assistance and other necessary care, support for a safe return (New legislation coming into force 1.7.2015 that will bring small adjustments to these services)</p> <p>d) Assisted voluntary return (until 30.6.2015)</p> <p>e) Necessary child welfare services</p> <p>4.</p> <p>a-b, e) Municipality</p> <p>c) State budget</p> <p>d) ERF/State budget</p> <p>5.</p> <p>a-b, e) As necessary</p> <p>c) Until the stay is legalized, the person returns, it is found that the person is not a victim of trafficking, the person does not wish to receive services (legislation will change 1.7.2015 bringing more specific regulation on when the assistance ends)</p> <p>6. -</p>
	France	Yes	<p>1. Yes, partly. However, the expression « support mechanism » does not exactly correspond to the legal framework provided for in the Code for Entry and Residence of Foreigners and Rights of Asylum (CESEDA, Code de l'entrée et du séjour des étrangers et du droit d'asile). Article L. 561-2 (CESEDA) allows prefectures to place under house arrest irregularly-staying foreign nationals</p>



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			<p>for whom there is “a reasonable prospect” for the execution of a removal order.</p> <p>This provision has been inspired by the “Return Directive” which was transposed in France by the law of June, 16th 2011 regarding immigration, integration and nationality. House arrest is taken for a period of 45 days and is renewable once. It is valued as an alternative to detention. The foreign person is bound to reside at his/her domicile, if he/she has one, or in any other accommodation (hotel, dedicated structure). The administration can constrain him/her to weekly check off to the police and gendarme services (to verify compliance with house arrest) and to carry out formalities with the diplomatic authorities of his/her country (embassy, consulate) to obtain a consular laissez-passer when he/she does not have any travel document (passport).</p> <ol style="list-style-type: none"> In theory, house arrest applies to all irregularly-staying foreign nationals for whom prefectures consider that there are perspectives of return to the country of origin or transit (in the country where he/she is legally admissible). Nevertheless, house arrest is rather used for families who can no longer be placed in detention centers since a circular of July 2012 of the Ministry of the Interior was implemented (except in cases of denied boarding, escape or failure to respect the obligations linked to house arrest). The decisive criterion for house arrest is not solely the “vulnerability”. If a foreign national does not have a domicile or any other accommodation, the prefecture can offer him/her a hosting solution (hotel) under its responsibility. If he/she has sufficient resources, the prefecture is not required to give him/her assistance for basic needs (food namely). Expenses linked to house arrest (accommodation mainly) are funded on the budget of the Ministry of the Interior as expenses linked to the fight against irregular immigration. The period for house arrest is 45 days, renewable once. If the foreign national has not left the territory at the end of this period, he/she can be placed in an administrative detention center if he has not respected the obligations linked to house arrest (check off, formalities for obtaining a consular laissez-passer). He can also be judicially prosecuted for subtraction to the execution of a police order for escort to the border (with possible sentence of imprisonment). Irregularly-staying foreign nationals who have a one month period for voluntary return can ask for a financial support (50 euros for EU nationals, 500 euros for third-country nationals) granted by the French Office for Immigration and Integration (OFII, Office de l’immigration et de l’intégration). This support is given to the foreign national on the departure day (the airplane ticket is also borne by the OFII).
	Germany	Yes	<ol style="list-style-type: none"> No 2-6. n.a.
	Greece	Yes	-
	Hungary	Yes	<ol style="list-style-type: none"> Yes. 3. Beneficiaries of IOM’s assisted voluntary return and reintegration programmes are all third-country nationals who do not or no longer fulfil the conditions for entry and/or stay in Hungary, including (1) individuals whose application for asylum was rejected or withdrawn, (2) stranded migrants, (3) victims of trafficking in human beings and (4) other vulnerable groups, including unaccompanied migrant children, or those with health-related needs. Furthermore, for those third country nationals whose return decision cannot be enforced, the Office for Immigration and Nationality implemented a project in Balassagyarmat Community Shelter where they were provided with accommodation, psycho-social assistance, community programmes and medical (psychiatric)




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			<p>assistance, as well as they had the chance to participate in the IOM AVRR programmes (they were entitled to the support as long as they were accommodated at the community shelter).</p> <p>4. Both projects were financed under the European Return Fund during the period 2007-2013 and similar activities are included in the National Programme of Hungary for AMIF in terms of the next period. In Hungary, the AVRR programmes are implemented by IOM Hungary.</p> <p>5. The assistance is provided until the return is implemented and the reintegration allowance is allocated.</p> <p>6. The Office of Immigration and Nationality implemented the project in partnership with the NGO Menedék - Hungarian Association for Migrants. The grant was awarded on the basis of an open call for proposal.</p>
	Ireland	Yes	<p>1. No.</p> <p>2-6. Not applicable.</p>
	Italy	Yes	<p>1. Yes. The Department for Civil Liberties and Immigration in the Ministry of the Interior is responsible for planning voluntary return programmes. The Ministry of the Interior may use international and intergovernmental organizations with experience of returns, regional and local authorities and associations working in the area of migration with experience of returns.</p> <p>1. In particular, as regards vulnerable persons, Italy and the <i>International Organization for Migration</i> have put in place a Programme for assisting voluntary return from Italy and reintegration into the countries of origin (P.A.R.T.I.R. VI) since 1 July 2014.</p> <p>2. In this regard, by Decree-Law 23 June 2011 No 89, Italy transposed Directive 2008/115/EC on the return of illegally staying third-country nationals. Under this Decree, the Ministry of the Interior has to adopt <i>Guidelines</i> for the implementation of assisted voluntary return programmes, with a particular attention to persons in situations of vulnerability.</p> <p>3. For the purposes of determining the groups of foreign nationals who may fall in the notion of vulnerable persons, Article 19(2 bis) of the <i>Consolidated Act on Immigration</i> and Article 4 of the del above-mentioned Decree of Ministry of the Interior dated 27 October 2011 apply. Under these measures, the following persons are considered to be vulnerable: persons affected by disabilities; the elderly; single parents; the victims of serious psychological, physical or sexual violence; pregnant women; the victims of trafficking and those affected by serious conditions, international protection applicants and beneficiaries of international or humanitarian protection; and asylum-seeking unaccompanied minors.</p> <p>4. Generally speaking, according to the <i>Guidelines</i>, assisted voluntary return programmes should provide for the following: dissemination of information on the existence of these programme and how to access them; assistance to third-country nationals in submitting applications and following the procedures required for their return, including the liaison with the consular posts of their countries of origin to obtain travel documents; information on the rights and duties of third-country nationals in connection with their participation in return programmes; organization of transfers and assistance of third-country nationals, especially of vulnerable persons before departure; payment of an allowance for the immediate needs as well as the assistance and possible support of the third-country nationals, with a special attention to vulnerable persons at the arrival in the countries of destination; and collaboration with the countries of destination of the third-country nationals in order to foster suitable conditions for their reintegration.</p> <p>5. In addition to the above, the P.A.R.T.I.R. VI programme covers the following: meal and accommodations costs in Rome the day before departure for migrants coming from other Italian provinces (if needed); assistance of OIM staff at the airports of departure</p>



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			<p>from Italy; payment of an accommodation allowance equivalent to € 100,00 to all beneficiaries of a voluntary return before departure (one allowance per family); and assistance and counselling for the development of individual reintegration plans, to be assessed on a case-by-case basis according to the needs of the migrants and their degree of vulnerability, in close cooperation with OIM offices in their countries of origin.</p> <p>6. 4. Return programmes are funded by an ad hoc fund set up at the Ministry of the Interior. The Fund consists of half the revenue from residence permit issuing and renewal fees, and EU allocations for this purpose (the European Return Fund). The P.A.R.T.I.R. VI programme is funded by the European Return Fund.</p> <p>7. 5. Neither the above-mentioned programme nor the <i>Guidelines</i> make reference to a specific time period.</p> <p>8. 6. -</p>
	Latvia	Yes	-
	Lithuania	Yes	Lithuania does not have any special support system for apprehended foreigners outside the Foreigners registration center under the State border guard service. In Lithuania all apprehended and illegally staying third country nationals are placed at the Foreigners registration center. Only unaccompanied minors (asylum seeking and non-asylums seeking) are accommodated at the Refugee reception center, a social institution.
	Luxembourg	Yes	<p>1. Yes.</p> <p>2. According to article 111(1) of the amended law of 29 August 2008 on the free movement of persons and immigration (Immigration Law) refusal decisions declaring a third-country national's stay to be irregular, shall carry with them an obligation requiring the individual to leave voluntarily the territory, and shall state the time allowed for doing so. According to article 111 (2) of the Immigration Law with the exception of duly substantiated urgent cases, the third-country national shall have 30 days from the date of notification of the return decision to comply voluntarily with the obligation imposed on him/her to leave the territory, and may, to that end, ask to benefit from an assisted voluntary return scheme. Where necessary, the Minister may exceptionally allow an additional time for the voluntary departure exceeding 30 days, taking into consideration the circumstances of each case such as, the duration of the stay, the existence of family and social links or if the children are in school. In principle, article 120 of the Immigration Law does not forbid the placement of detention of vulnerable persons, unaccompanied minors and persons with special needs, but as general administrative practice these groups of persons are not placed in the detention center by Luxembourgish authorities. Article 125bis (1) of the Immigration Law establishes that when a third-country national is unable to leave the territory for reasons not of his/her own making, or if he/she is unable either to return to his/her country of origin or to travel to any other country the Minister may postpone the removal for a period determined in accordance with the specific circumstances to each case and until there exists a reasonable prospect of performing the removal. The specific needs of vulnerable persons, namely minors, unaccompanied minors, handicapped persons, pregnant women, single parents with minor children, "elderly persons" and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence shall be taken into account.</p> <p>3. The persons can benefit of the Assisted Voluntary Return and Reintegration Programme Luxembourg (AVRRL) which is run by the International Organisation for Migration (IOM).</p>



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			<p>During the period where the removal is postponed the third-country national shall be provided humanitarian assistance as defined in article 27 of the law of 18 December 2009 organising social aid. This humanitarian aid includes lodging and healthcare (medical aid, hospitalization, psychological aid, etc.). Minors shall have, depending on the length of their stay, access to the basic education system.</p> <p>4. AVRRL is run by the OIM based on an agreement between the Ministry of Foreign and European Affairs (Directorate of Immigration) and the OIM within the framework of the European Return Fund. Social aid is financed by the state budget.</p> <p>5. The aid will be maintained until the return is organized. A postponement for medical reasons can be renewed up to a maximum of two years and the aid will be maintained during this period. After two years the third-country national can be granted an authorisation of stay for private reasons (article 131 (1) and article 132 (2) and (3) of the Immigration Law). In the case of victims of human trafficking after the reflection period is past the Ministry can grant a temporary residence permit for a duration of six months and it can be renewed for the same period (article 95 (1) and (2) of the Immigration Law). This residence permit grants access to protection and assistance measures and allows the beneficiary to a salaried activity. At the expiration of this residence permit the beneficiary can be granted an authorisation of stay for private reasons (article 78 (3) in regards to article 98 of the Immigration Law).</p> <p>6. -</p>
	Malta	Yes	-
	Netherlands	Yes	<p>1. Yes, there is such a mechanism for foreigners who did not apply for international protection and did not obtain a legal status in the Netherlands. If they are willing to return to their country of origin (or third country) or if the Repatriation and Departure Service can arrange the actual return within a period of, in principal, 12 weeks, they can receive shelter in a so-called freedom-restricting location. The foreign national can carry on with his preparations for departure in this facility. Foreign nationals housed in the freedom-restricting accommodation are permitted to leave the centre but they have to stay within the boundaries of the respective municipality and report to the centre every day (article 56 of the Dutch Aliens Act). Family locations house families with minor children who don't have a right to reception. Shelter is provided if this is deemed necessary to prevent the minor children will find them self in a situation of humanitarian need. The stay at a family location can be ended only when the family leaves the Netherlands or the youngest child in the family turns eighteen. The above mentioned forms of shelter are paid for by Dutch Government. No other forms of shelter than the above mentioned are provided for by Dutch Government. However, foreigners who illegally reside in the Netherlands and are unwilling to return to their country of origin, sometimes end up in municipalities when shelter is no longer being provided by Dutch government. Some municipalities offer them a form of support or shelter. Foreigners who did not apply for international protection and did not obtain a legal status in The Netherlands and are willing to return to their country of origin (or third country) can apply for support based on the Return Programme of IOM (REAN, Return and Emigration of Aliens from the Netherlands), Dutch subsidy arrangement (Subsidy framework for the voluntary departure of foreign nationals who illegally reside in the Netherlands (OZV)) and a reintegration project by the European Reintegration Network (ERIN) with European subsidy (Post Arrival Assistance projects).</p> <p>2. The category of foreigners who are willing to return to their country of origin (or a third country) voluntary. The Post Arrival</p>







EMN Ad-Hoc Query: Support to apprehended foreigners for whom detention is not applicable

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			<p>Assistance can also be provided in case of forced return.</p> <p>3. The stay in the return centre is bound to certain restrictions; foreign nationals housed in the freedom-restricting accommodation or family location are permitted to leave the centre but they have to stay within the boundaries of the respective municipality and report to the centre every day (article 56 of the Dutch Aliens Act). Other than that they have to comply with certain conditions, among which to be willing to cooperate with his/her return at the freedom-restricting location. This is not a condition at the family locations.</p> <p>Occupants in the freedom-restricting accommodation receive shelter, food and pocket money. Occupants are only entitled to urgent medical health care.</p> <p>Family locations have basic facilities. Only the facilities which are absolutely necessary are provided. There are no restrictions on the facilities available for children, which are the same as those at other locations.</p> <p>If foreigners are willing to return to their country of origin, they can apply for different kinds of support: <u>Post Arrival Assistance:</u> persons are facilitated with their reintegration in the country of origin or third country. The provided assistance may consist of temporary housing, setting up trade or job assistance. The support provided by IOM based on the <u>REAN programme</u> consists of: information on return issues; assistance during departure at the airport and if applicable during transit and arrival; an airline ticket to the airport nearest their end destination; remuneration of the costs for travel documents; a financial contribution to help during the first period after leaving The Netherlands. Persons who have not applied for residence in The Netherlands are not eligible for a financial contribution. <u>Subsidy framework OZV:</u> persons receive in-kind support up to an amount of € 1500, such as psychosocial support, training, jobsupport and setting up a company. The support is aimed at sustainable reintegration.</p> <p>4. The above mentioned forms of shelter are paid for by Dutch Government. The REAN programme is funded by the Repatriation and Departure Service from the Dutch Ministry of Security and Justice. The projects financed by the subsidy framework OZV are funded by the Dutch Ministry of Security and Justice. The Post Arrival Assistance projects are based on EU funds. The majority of institutions who provide the services are NGO's and IOM (IO).</p> <p>5. Shelter in the freedom-restricting accommodation can be offered under the condition that the actual return can take place within a period of, in principle, 12 weeks. The stay at a family location can be ended only when the family leaves the Netherlands or the youngest child in the family turns eighteen. The support by the REAN programme is provided in the Netherlands and during transit and arrival. Post Arrival Assistance is only offered after arrival in the country of origin or third country and the length of the assistance depends on the duration of the project (the assistance offered cannot exceed the duration of the project). The support by the subsidy framework OZV can partly be offered in the Netherlands, but mostly in the country of origin or third country and the length of the assistance also depends on the duration of the project.</p> <p>6. See answer 3.</p>
	Poland	Yes	<p>1. No 2-6. Not applicable.</p>
	Portugal	Yes	-


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	Romania	Yes	-
	Slovak Republic	Yes	<ol style="list-style-type: none"> 1. No. Vulnerable persons (i.e. minors, persons with disabilities, victims of human trafficking, persons over 65 years old, pregnant women, single parents with minor children, persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence) can be detained in the conditions of the Slovak Republic but only as a last resort and for the shortest possible period. According to the legislation of the Slovak Republic, unaccompanied minors may not be detained. Upon identifying the apprehended person as an unaccompanied minor, the Ministry of Labour, Social Affairs and Family of the Slovak Republic takes over the responsibility for him/her. Unaccompanied minors may not be administratively expelled. 2– 6. N/A
	Slovenia	Yes	<ol style="list-style-type: none"> 1. Yes. 2. All the persons in the Return procedure. Also those exempt from the detention because of any justified reason – i. e. disabled persons. 3. Slovenian Centre for Foreigners is appropriate also for the accommodation of s. c. vulnerable persons. In some rear cases there is a need for the accommodation of the person in the return procedure out of the Centre premises. In this case person could be provided with the appropriate accommodation in private or state facilities and granted with all other support as a person in return procedure. 4. State (Police) budget, EU funds. 5. The support is provided till the person is returned or the person could be placed in the Centre (no more need for special treatment). 6. The costs for the persons in the return procedure placed because of their need i. e. in Hospital are covered from the State/Health budget (like to the all other persons not having appropriate health insurance).
	Spain	Yes	-
	Sweden	Yes	<ol style="list-style-type: none"> 1. No. There is one ongoing project between Swedish Migration Agency and the Stockholm county administrative board helping victims of trafficking etc to a safe return. 2-6. Not applicable.
	United Kingdom	Yes	<ol style="list-style-type: none"> 1. No. The question is not applicable because the powers of detention in UK immigration law do not exclude particular groups. Decisions on whether to detain are made on a case by case basis. However, UK detention policy states that the following groups of vulnerable individuals are only detained in very exceptional circumstances: <ul style="list-style-type: none"> - unaccompanied children under the age of 18; - the elderly; - pregnant women; - those suffering serious medical conditions or serious mental illnesses that cannot be satisfactorily managed in detention; - those for whom there is independent evidence of torture; - those with serious disabilities that cannot be satisfactorily managed in detention; - persons with independent evidence of having been victims of torture; and

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			<p>- persons identified by the competent authorities as victims of trafficking.</p> <p>What constitutes 'very exceptional circumstances' is a judgement taken on a case-by-case basis. This might, for example, include instances in which the individual concerned has a serious criminal record. All factors arguing both for and against detention must be taken into consideration. Where someone is being detained for removal, detention can only be lawfully exercised where there is realistic prospect of removal within a reasonable period of time. Where it becomes clear that there is no longer such a prospect, the person will be released from detention back into the community.</p> <p>2-6. Not applicable.</p>
	<p>Norway</p>	<p align="center">Yes</p>	<ol style="list-style-type: none"> 1. No. They can, however, be eligible for assisted return (voluntary) including some reintegration support if they initiate and cooperate on their return, but this support will be paid out in their country of origin upon return. The Norwegian immigration authorities will not provide any kind of support in Norway during return procedure. 2. Foreigners who have either received a negative decision on an application for international protection, or on an application for residence, or asylum seekers awaiting the results of their application, and <u>people who do not have legal residence in Norway</u> and who have not previously been registered by the authorities, as well as persons whose applications are being considered according to the Dublin 3 Ordinance, <u>can</u> apply to participate in an Assisted Return (voluntary) Programme. Citizens from the USA, Canada, Australia, New Zealand, Japan, Switzerland, EU/EEA MS and persons whose applications are handled through the 48hr.-procedure are all exempted from this option. 3. Those foreigners who are accepted into the Assisted Return (voluntary) Programme, have the right to receive basic/emergency medical aid and basic life support according to the basic principals of the national social security system (simple room and board). As mentioned under the first point, persons belonging to this group can apply for assisted voluntary return, and receive actual support upon arrival in home country. 4. Assisted voluntary return is funded by the state. Basic/emergency life support/medical aid is provided in the municipality where the persons are living, but of course this is also a form of government funding. 5. Assisted voluntary return and reintegration support can be granted at any time return is initiated by the foreigner. Life support and medical aid is based on assessment of emergency. 6. -
