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Ad-Hoc Query on 2024.26 Alternatives to detention and their feasibility in practice

Requested by EMN NCP Czech Republic on 19 April 2024

Compilation produced on 3 July 2024

Responses from EMN NCP Austria, EMN NCP Belgium, EMN NCP Bulgaria, EMN NCP Croatia, EMN NCP Cyprus, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Germany, EMN NCP Greece, EMN NCP Hungary, EMN NCP Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Portugal, EMN NCP Slovakia, EMN NCP Slovenia, EMN NCP Spain, EMN NCP Sweden (18 in Total)

Exported for: Wider Dissemination

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1. BACKGROUND INFORMATION

Ministry of Interior of the Czech Republic (“Mol”) is currently in the process of the informal consultations with the other relevant national stakeholders regarding the wider use of alternatives to detention in practice. These consultations are in particular focused on families with minors, who usually only transit through the territory of the Czech Republic.

These discussions within informal working group which is composed of experts with different background (experts and policy makers from Mol, Foreigner Police Directorate, Office of the national Ombudsperson, experts from the office of Government Agent for Human Rights, NGOs and academic staff, etc.) aim to increase the use of available alternatives to detention while maintaining the effectiveness of the imposing alternative to detention at the same time.

The Czech Republic is aware of the EMN study regarding this topic from 2021 (Detention and alternatives to detention in international protection and return procedures). **Taken this into account, we would like to focus on the practical issues regarding the use of alternatives to detention and their feasibility in practice. Also, we would like to explore the possible new development regarding the use of alternatives to detention in practice in the Member States since 2021. Our focus is on alternatives to detention used in a situation of transit migration.**

This ad-hoc query contains eight (8) questions. The co-chair of the ad-hoc query working group has authorized that it is launched in a single questionnaire but it will count for two ad-hoc queries for reporting purposes with a six-week deadline.

We would like to ask the following questions:

1. Does your Member State have established a ranking of which alternatives of detention are more commonly used? YES/NO. If you answer YES, please list the ranking.

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- 2. Does your Member State keep records of how many individuals who have been granted an alternative of detention have abscond? YES/NO. If yes, can you provide statistics for the period 2021-2023 (in case of the lack of relevant data, a rough estimation if possible would be very much appreciated).**
- 3. How does your Member State determine the effectiveness of the imposed alternative to detention assessed?**
- 4. Does your Member State before imposing an alternative to detention take into consideration certain indicators (such as clear statements) that person concerned may not be suitable for the alternative to detention? YES/NO.**
- 5. If you answer YES to Q.4, does your Member State place the individual directly in detention or has to analyse which other alternative to detention available can be imposed?**
- 6. When imposing an alternative to detention, do your Member State takes into account the statement of the individual concerned regarding their intentions not to stay in your Member State and to continue to another Member State? YES/NO. If you answer YES, please explain.**
- 7. When dealing with family with children which is the most common alternative of detention that your Member State imposes? Please explain.**
- 8. What challenges do you face as regards the imposing alternatives to detention in the case of families with children?**


We would very much appreciate your responses by **3 June 2024**.

2. RESPONSES

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		Wider Dissemination ²	
 EMN NCP Austria	Yes	<p>1. No, detailed statistics are not kept on the frequency of alternatives to detention pending removal, such as the order of accommodation in premises designated by the Federal Office for Immigration and Asylum, the periodic obligation to report to a police station of a provincial police directorate or the deposit of an appropriate financial security with the Federal Office for Immigration and Asylum, which is why it is not possible to rank them. --- Source: Ministry of the Interior</p> <p>2. Corresponding statistics are not kept. --- Source: Ministry of the Interior</p>	

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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3.

Alternatives to detention pending removal have been imposed on an ongoing basis since this option was introduced and have proven to be an effective means.

The so-called lenient measure, which is granted instead of detention pending removal, is regulated in Art. 77 Aliens Police Act. The lenient measure is primarily used if the purpose of detention pending removal is also achieved by:

- Accommodation in certain premises
- Periodic reports (e.g.: Provincial Police Directorate, authority)
- Deposit of a financial security.

In case of non-compliance with the individually prescribed measures / obligations, the lenient measure can be converted into detention pending removal. This means that non-compliance with the conditions leads to detention pending removal. Detailed statistics on the frequency with which the respective lenient measure is ordered are not kept in Austria.

Source: Ministry of the Interior

4.

An alternative to detention pending removal must be ordered if the purpose of detention pending removal can also be achieved in this way. The assessment of the order is carried out by the competent authority on a case-by-case basis, taking into account the legal requirements. As part of this case-by-case assessment, the purpose of the measure, the suitability of the person and the proportionality of the measure are examined, taking into account the individual circumstances.

Source: Ministry of the Interior


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			<p>5. Since the imposition of detention pending removal is a "last resort" decision, it is examined in each individual case whether the purpose of detention pending removal can also be achieved by an alternative measure. --- Source: Ministry of the Interior</p> <p>6. Yes, if the person announces their intention to travel to another Member State, there is a risk of flight within the meaning of Art. 76 Aliens Police Act. If there is a risk of flight, detention pending removal can be ordered. In principle, the Federal Office must order lenient means in accordance with Art. 77 if the reasons stated in Art. 76 Aliens Police Act apply and if it has reason to believe that the purpose of detention pending removal can be achieved by applying the lenient means. Therefore, it must always be clarified in the course of an individual examination whether the purpose of detention pending removal can also be achieved by lenient means. --- Source: Ministry of the Interior</p> <p>7. Detention pending removal is always the last resort. Detention pending removal is always imposed on a case-by-case basis. The proportionality, the need for security/risk of flight, the purpose of detention pending removal and the non-application of lenient measures must be examined. Lenient means are primarily used in cases involving minors or families with children. In such cases, the lenient measure always has priority. According to Austrian law, minors under the age of 14 must not be detained pending removal. Detention pending removal of minors over the age of 14 may only be ordered in justified, exceptional individual cases. They must be detained separately from adults in age-appropriate detention rooms. However, if detention pending removal has been imposed on a parent/legal guardian,</p>
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			<p>they must always be detained together with them. The legal regulations on the implementation of detention pending removal can be found in Art. 79 Aliens Police Act.</p> <p>Alternatives to detention pending removal for families with children are mandatory accommodation in premises designated by the Federal Office for Immigration and Asylum and the periodic obligation of legal guardians to report to a police station of a provincial police directorate.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>8.</p> <p>There are currently no challenges in this area. All measures that affect children must take into account the best interest of the child and are therefore subject to additional restrictions.</p> <p>---</p> <p>Source: Ministry of the Interior</p>
	<p>EMN NCP Belgium</p>	<p>Yes</p>	<p>1.</p> <p>NO. Belgium has not established a ranking of which alternatives of detention are more commonly used. Firstly, it's important to note that the definition of Alternatives to Detention (ATD) and non-custodial measures varies among the various institutions in Belgium. Below is an overview of the practices adopted by the Belgian Immigration Office and the Federal Agency for the Reception of Asylum Seekers (Fedasil)</p> <p><u>The Immigration Office:</u></p> <p><u>For each case, the Immigration Office decides according to the following principle:</u></p> <ul style="list-style-type: none"> • If family and border → residential/family unit • If family, no border, and no previous return decision → Individual Case Management (ICAM) trajectory

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- If family, no border, and already a previous return decision and ICAM trajectory ended negatively without voluntary return → residential/family unit
- If individual and no public order issues and no previous return decision → ICAM trajectory
- If individual and public order issues → detention
- If individual, already a return decision / previous ICAM trajectory ended negatively → detention

Federal Agency for the Reception of Asylum Seekers (Fedasil)

Voluntary return:

According to Fedasil, voluntary return is not considered an ATD. Voluntary return is offered as an option at every moment and within all steps of the migration process, not only after receiving a return decision. More information about this program can be found at <https://www.voluntaryreturn.be/>. However, Fedasil believes it's valuable to include information that can enhance the operational aspect of return rather than focusing solely on the semantic aspect.

Article 6/1 of the Reception Act of 2007 outlines provisions for international protection applicants regarding their ability to opt for a personalised return trajectory. This trajectory entails individual counselling on return, focusing on voluntary return. The objectives of this return pathway include ensuring that residents are informed about voluntary return and reintegration programs, encouraging residents to consider return as a future option, and enabling residents to make well-informed decisions about their return.

For Fedasil, the process consists of three main stages:

- During the application processing by the Immigration Office (IO) and the Commissioner General for Refugees and Stateless Persons (CGRS), residents receive information about voluntary return during collective sessions at arrival centres and intake procedures at secondary phase centres.
- Following a negative decision by the CGRS, residents are encouraged to contemplate their future options, including voluntary return actively. Key moments in this stage include after

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		<p>receiving a negative decision from the CGRS and after the hearing of the suspensive appeal to the Council for Aliens Law Litigation (RVV).</p> <ul style="list-style-type: none"> • Following a final negative decision on their international protection application, Fedasil provides a return pathway via Open Return Places. Here, residents are offered support for a maximum period of 30 days to make informed decisions about their future and voluntary return. Fedasil does not consider Open Return Places located within reception centres managed by Fedasil as an alternative to detention. Counselling in open return places includes mandatory interviews with Fedasil social workers and IO ICAM coaches. No forced removal is organised as long as residents are entitled to material assistance. However, refusal to leave the reception structure when no longer entitled to material assistance and lacking authorisation to stay in the territory may lead to expulsion. <p><i>Dublin:</i> When a person subject to a Dublin procedure receives a Dublin decision, they may be assigned to a 'Dublin place' at a Fedasil reception centre. They must report to the designated location within five days. At the Dublin places managed by Fedasil, individuals must indicate whether they wish to depart to the responsible Dublin Member State voluntarily. If they choose to depart voluntarily, the Immigration Office arranges the transfer. If the person refuses to leave voluntarily, the Immigration Office may proceed with a forced removal.</p> <p>2. NO.</p> <p>3. <u>Immigration Office</u> To assess the effectiveness of ATDs—which are solely alternatives to detention—the returns facilitated through the alternative must be taken into account, as detention is aimed at facilitating returns.</p>
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			<p>However, the Individual Case Management (ICAM) trajectory serves a different purpose than solely serving as an alternative to detention for those who need to return. Its goal is to prevent unlawful stay. To evaluate whether it serves as an alternative to detention for return, one should examine the numbers of those who do not qualify for stay and how many of them have departed, either independently or voluntarily. Additionally, other outcomes, such as residence status, should be considered. Individuals under guidance with the prospect of legal residence typically would not be detained. However, without this guidance, they might potentially be detained even if they were eligible (but had not yet initiated a procedure). In this context, the ICAM trajectory as an ATD can contribute to efficiency by avoiding the occupation of detention spaces by individuals who ultimately should be exempted due to residency reasons. This ensures that the space during that time is available for individuals who could have been forcibly removed.</p> <p>Data can be found here: https://dofi.ibz.be/sites/default/files/2023-11/2022%20Activiteitenverslag_A_0.pdf</p> <ul style="list-style-type: none">• Returns organised from community-based open living units for families with children, managed by the Immigration Office <p>The Immigration Office records the number of returns organised for families with minor children from open living units.</p> <p>In 2022, out of 111 families accommodated in open family units, the Immigration Office organised returns for 34 families: 28 refoulements at the border, 3 returns of families in illegal residence and 3 returns of the families in the Dublin procedure (2 to the Dublin state and 1 to the country of origin). Approximately 30,63% of the families accommodated in open family units were returned in 2022.</p> <p><u>Fedasil</u></p> <p>Fedasil assesses effectiveness through monthly, quarterly, and yearly data monitoring, complemented by regular meetings with counsellors and partners, including municipalities and civil society organisations.</p>
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			<p>4. YES. Immigration authorities assess various factors, including the risk of absconding, vulnerability, and the suitability of available alternatives, when making decisions regarding individuals' cases. They take into account all relevant aspects discussed during individual case management coaching sessions with migrants, as well as any other pertinent information contained in the individual's record at the Immigration Office.</p> <p>5. <u>For each case, the decision is made according to the following principle:</u></p> <ul style="list-style-type: none">• If family and border → residential/family unit• If family, no border, and no previous return decision → Individual Case Management (ICAM) trajectory• If family, no border, and already a previous return decision and ICAM trajectory ended negatively without voluntary return → residential/family unit• If individual and no public order issues and no previous return decision → ICAM trajectory• If individual and public order issues → detention• If individual, already a return decision / previous ICAM trajectory ended negatively → detention <p>6. NO. The decision is determined by Immigration Office records (for example, the presence of public order issues and previous return decisions that were not followed up). When justifying the decision, the Immigration Office must also consider the statements made by the individual during the hearing.</p> <p>7. Belgium provides two alternatives to detention for families with children: Individual Case Management (ICAM) trajectories and Open Family Units.</p>
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		<p><u>Individual case management (ICAM)</u> https://dofi.ibz.be/en/ICAM The Immigration Office established its "Alternatives to Detention" department on June 1, 2021. This department focuses on implementing alternatives to detention through Individual Case Management (ICAM) coaching programs. These programs involve personalised guidance for individuals and families with irregular stays. Coaches meet with them to discuss legal and administrative aspects and provide additional information. If legal residency is possible, coaches guide them through the application process. If not, they explore alternatives to prevent forced return, including voluntary return. If individuals decline both options, coaches explain the consequences, potentially leading to a forced return or an entry ban.</p> <p><u>Family Units</u> https://dofi.ibz.be/en/themes/irregular-stay/detention/detention-families Families with minor children are housed in family units supervised by return coaches instead of detention centres. There are currently 27 such units across Belgium, providing appropriate accommodation. Families are free to leave for essential tasks but must have an adult member present. They stay there until their return or until a decision on residency is made. Return coaches support families, facilitate collaboration with authorities, and assist in understanding procedures. Families can access assistance programs for voluntary return. Non-cooperation may result in a forced return.</p> <p><u>For each case, the decision is made according to the following principle:</u></p> <ul style="list-style-type: none"> • If family and border → residential/family unit • If family, no border, and no previous return decision → Individual Case Management (ICAM) trajectory • If family, no border, and already a previous return decision and ICAM trajectory ended negatively without voluntary return → residential/family unit
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			<p>8. Since the Alternatives to Detention (ATD) cannot be enforced, the risk of absconding is high.</p>
	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<p>1. In each individual case of imposed coercive administrative measure "Return", an assessment is made of the precautionary administrative measure that could be applied. In case it is not possible to apply a lighter precautionary administrative measure and there is a danger of absconding, then the most severe precautionary administrative measure "Forced accommodation in a special home for temporary accommodation of foreigners" is imposed. When assessing the imposition of a precautionary administrative measure, different from "Forced accommodation in a special home for temporary accommodation of foreigners", the following circumstances are examined: how long the foreigner has resided in the territory of the country; whether s/he has family, relatives, friends; whether s/he has sufficient financial resources; whether s/he has a valid national travel document; whether there is a person who has guaranteed to provide housing and support to the foreigner until the implementation of the forced administrative measure "Return". The alternatives of the precautionary administrative measures "Forced accommodation in a special home for temporary accommodation of foreigners" are:</p> <ol style="list-style-type: none"> 1. the foreigner is obliged to appear weekly to the territorial structure of the Ministry of Interior at his/her place of residence; 2. the foreigner pays personally or through a third person a financial guarantee within the term and in the amount determined by the Regulations implementing the Law on Foreigners in the Republic of Bulgaria. 3. the foreigner submits a valid passport or other travel document as a temporary pledge, which s/he receives back upon the implementation of the return or expulsion. <p>More than 95% of the implemented precautionary administrative measures are: The foreigner is obliged to appear weekly at the territorial structure of the Ministry of Interior at his/her place of residence;</p>


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			<p>2. In 2021, 21 precautionary administrative measures were imposed: The foreigner is obliged to appear weekly at the territorial structure of the Ministry of Interior at his place of residence. Six of them absconded and deviated from this obligation and were declared wanted. In 2022, 9 precautionary administrative measures were imposed: The foreigner is obliged to appear weekly at the territorial structure of the Ministry of Interior at his place of residence. There were no foreigners who absconded or deviated from this obligation. In 2023, 14 precautionary administrative measures were imposed: The foreigner is obliged to appear weekly to the territorial structure of the Ministry of Interior at his place of residence. Two of them absconded and deviated from this obligation and were declared wanted.</p> <p>3. In each individual case of imposed coercive administrative measure "Return", an assessment is made of the precautionary administrative measure that could be applied and its effectiveness. The following circumstances are examined: how long the foreigner has resided in the territory of the country, whether s/he has family, relatives, friends; whether s/he has sufficient financial resources; whether s/he has a valid national travel document; whether there is a person who has guaranteed that s/he will provide housing and support to the foreigner.</p> <p>4. Please see answer to Q3 above.</p> <p>5. In each individual case an assessment is made of the precautionary administrative measure that could be applied and its effectiveness.</p> <p>6.</p>
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			<p>When applying the precautionary administrative measure, an assessment is made of the possibility of its imposition and the specific type. In case there is a risk of absconding and secondary movement to another Member State, then the strictest precautionary administrative measure "Forced accommodation in a special home for temporary accommodation of foreigners" is imposed.</p> <p>7. In each individual case, an assessment of the possibility of a precautionary administrative measure, other than "Forced accommodation in a special home for temporary accommodation of foreigners" is made and the principle of "acting in the best interest of the child" is observed. In case there is a risk of absconding and secondary movement to another Member State, then the strictest precautionary administrative measure "Forced accommodation in a special home for temporary accommodation of foreigners" is imposed.</p> <p>8. Lack of national travel documents to provide as a pledge. Lack of sufficient financial resources to deposit personally or through a third person as a financial guarantee for the members of the entire family within the term and in the amount determined by the Regulations implementing the Law on Foreigners in the Republic of Bulgaria. Lack of a person who has sufficient financial means to support more than one illegally residing foreigner.</p>
	EMN NCP Croatia	Yes	<p>1. In Republic of Croatia measures for alternatives to detection are provided for in Article 213. Aliens Act, and they are:</p> <ol style="list-style-type: none"> 1. deposit of travel documents, travel documents and travel tickets 2. deposit of certain financial resources

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		<p>3. prohibition to leave a specific accommodation address</p> <p>4. reporting to the police station at a certain time.</p> <p>5. obligation to report.</p> <p>We have numbers of types of measures for past 4 years. Most common measure of alternative of detention is obligation to report, than obligation to stay on address and money deposit.</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th>2020.</th> <th>2021.</th> <th>2022.</th> <th>2023.</th> <th>total</th> </tr> </thead> <tbody> <tr> <td>Money deposit</td> <td>18</td> <td>5</td> <td>1</td> <td></td> <td>24</td> </tr> <tr> <td>Obligation to stay on address</td> <td>16</td> <td>8</td> <td>3</td> <td>1</td> <td>28</td> </tr> <tr> <td>Obligation to report</td> <td>13</td> <td>7</td> <td>5</td> <td>54</td> <td>79</td> </tr> <tr> <td>Confiscation of documents</td> <td></td> <td></td> <td>2</td> <td></td> <td>2</td> </tr> </tbody> </table> <p>2. We do not have official records on have many individuals that have been granted an alternative od detention have abscond, but our estimation is that around 95% to 99% of them have absconded.</p> <p>3. In Croatia, alternative measures to detention are not effective, because almost all migrants who were imposed a measure did not comply with the imposed measure, but left the Republic of Croatia.</p> <p>4. Yes. In the process of issuing return orders, it will first be determined whether refoulement should be imposed by the order or a period for voluntary departure, and then it will be determined whether a detection or alternative detection should be applied. It will be ascertained whether there are circumstances indicating the existence of a risk of circumvention of the obligation to leave the EEA and to a sufficient degree justifying the application of less coercive measures. The entire process of</p>		2020.	2021.	2022.	2023.	total	Money deposit	18	5	1		24	Obligation to stay on address	16	8	3	1	28	Obligation to report	13	7	5	54	79	Confiscation of documents			2		2
	2020.	2021.	2022.	2023.	total																											
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			<p>determining the conditions for the application of less coercive measures shall be carried out on the basis of consultation of data collections, interviews with the third-country national, officials and witnesses.</p> <p>5. Each case is assessed individually in order to decide whether an alternative to detention can be applied, but as Croatia is a transit country, in practice it is clear in most cases that alternatives to detention will not be effective and achieve the purpose, so detention is applied more often.</p> <p>6. Yes. If a person, even after being informed of the obligation to leave the EEA, expresses his intention not to fulfill his obligation but to continue traveling to another member state, this is a circumstance that indicates the application of a detention.</p> <p>7. Families with children are rarely detained, as are other vulnerable groups. We do not have data on the most frequently imposed alternative detention measure, but it is one of the measures from answer to question 1.</p> <p>8. In applying alternatives to detention for families with children, as in other cases where alternatives to detention are applied, the biggest challenge is that the measures are not effective and people leave Croatia despite the stated measures.</p>
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<p>EMN NCP Cyprus</p>	<p>Yes</p>	<p>1. According to CY Refugee law, regarding ATDs, the Minister of Interior may, instead of placing the applicant in detention, impose on him/her as an alternative to detention measure, for as long as he deems appropriate in the circumstances, certain obligations aimed at avoiding the risk of absconding, such as:</p> <ol style="list-style-type: none"> 1.Regular appearance before the authorities of the Republic, 2. Depositing a financial guarantee, 3. Obligation to stay in a designated place, including a hospitality centre, 4. Supervision by a supervisor. <p>*The above listed ATD measures are used in practice also for the case of imposition of ATDs to Irregular Migrants. The Republic, currently, uses mainly obligation number 1 and sometimes number 2.</p> <p>2. The number is less than 20, no official statistical data are recorded.</p> <p>3. By the number of people who absconded or not, but no official statistical data are recorded on this.</p> <p>4. Yes</p> <p>5. A first assessment is made when the individual is arrested. Then, according to our Aliens and Immigration Law, reassessments of the continuation of the detention take place at regular intervals or if new evidence appear regarding humanitarian reasons.</p>
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			<p>6. No</p> <p>7. It is noted that mothers, pregnant women, sole guardians, minors or people with serious health problems are not detained. Usually if a whole family are irregular migrants, the father is detained, if the assessment shows that there is a risk of absconding or if criminal offences were recorded and the person imposes a threat to public order and society. A vulnerability assessment is made before recommending a detention order. Said that, the ATDs used are the same as described above: 1.Regular appearance before the authorities of the Republic, mainly, and, sometimes, 2. Depositing a financial guarantee.</p> <p>8. The risk of absconding and also assessing the family situation and family ties between family members in collaboration with Social Welfare Services.</p>
	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<p>1. The Foreigners Act provides for 4 types of alternatives to detention, however, none of them is used in the situation of transit migration – the obligation to present in person at the Police station in regular intervals, the obligation to report the place of residence on the territory of the Czech Republic, the obligation to stay at the place designated by Police authorities and financial guarantee. The obligation to present in person at the Police station is the alternative to detention used in practice the most frequently.</p> <p>2.</p>


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			<p>NO. The statistics are not available. Nevertheless, we presume that the minimum individuals have abscond, as the effectiveness of the alternative to detention is assessed prior to its imposition.</p> <p>3. The effectiveness of the alternative to detention is assessed within the procedure followed after the apprehension of the person concerned on the territory of the Czech Republic. The statements of the person concerned, the previous migration history, ties on the territory etc. are taken into account when assessing if the alternative to detention could be imposed in an effective manner. The effectiveness of the alternative to detention in an individual case is usually assessed prior to the imposition.</p> <p>4. Yes.</p> <p>5. The possibility of the imposition of the other type of alternative to detention is also taken into account, however, the detention order is issued in much more cases than the other type of alternative to detentions is imposed.</p> <p>6. Yes, these statements are taken into account very seriously and this leads to non-imposition of the alternatives in the situation of transit migration.</p> <p>7. The relevant authorities of the Czech Republic face the situation that families are usually illegally transiting through the territory of the Czech Republic. They explicitly mention that they do not have the intention to stay in the Czech Republic, so we do not impose the alternatives to detention in these cases</p>
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			<p>as they obviously are not fit for this purpose. They also do not have any background in the Czech Republic or financial means.</p> <p>8. The discussions currently held should aim to find a solution for a possible use of alternatives to detention in the case of families transiting through the Czech Republic. However, we consider as extremely difficult to find an effective solution for these families.</p>
	EMN NCP Estonia	Yes	<p>1. In Estonia there is no special regulations and practice in use for alternatives to detention in a situation of transit migration. Thus, answers are not specific to the situations of transit migration. Yes, the most commonly used alternatives to detention/surveillance measures are:</p> <ul style="list-style-type: none"> • residing in a determined place of residence; • appearing for registration at the Police and Border Guard Board at prescribed intervals; • notifying the Police and Border Guard Board of the changes in the alien's marital status. • appearing at the Police and Border Guard Board to clarify circumstances ensuring compliance with a precept; • depositing of a travel document of a foreign country or an identity document of an alien at the Police and Border Guard Board or the Estonian Internal Security Service. <p>There are no limits, how many surveillance measures can be applied per person.</p> <p>2. Yes, but at the moment there is no relevant data available due to technical issues.</p> <p>3.</p>


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			<p>The Police and Border Guard Board officials has assessed that depositing the documents is one of the most effective measure for alternatives to detention.</p> <p>The alternative to detention is considered effective: in context of international protection, if person hasn't escaped during his/her international protection procedures and in return procedures, if returnee returns during the term for voluntary compliance. If the returnee hasn't complied with the surveillance measures applied, the return decision can be enforced.</p> <p>4. Yes. National legislation stipulates that the Police and Border Guard Board or the Estonian Internal Security Service apply to an administrative court for permission to detain a person who is staying in Estonia without a basis for stay in Estonia and place him/her in a detention centre for up to two months if the application of alternatives to detention are not ensure the carrying out of the procedure for ordering a person to leave Estonia or the efficiency of the compliance with the obligation to leave. This is primarily permitted in the case where:</p> <ul style="list-style-type: none">1) there is a risk of escape;2) person does not comply with the obligation to co-operate or3) person does not have documents necessary for the return or the obtaining thereof from the admitting state or transit state is delayed. <p>If the mentioned grounds are not present for a returnee and the compliance with obligation to leave can be achieved with less burdening measures, the Police and Border Guard Board may, by a return decision or a separate decision, require a person to comply with surveillance measures/alternatives to detention.</p> <p>5. Yes, we have to examine case by case, which alternative to detention can be imposed towards a person.</p>
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			<p>6. Yes, upon applying an alternative to detention all the relevant circumstances shall be taken account in every single case and the reasoned interests shall be considered.</p> <p>7. We rarely have have to apply migration surveillance measures for families with children. Most commonly used alternatives to detention for families are residing in a determined place of residence; appearing for registration at the Police and Border Guard Board at prescribed intervals and depositing of a travel document.</p> <p>8. So far, we haven't faced challenges as there has been only a few families with children in migration surveillance procedures.</p>
	<p>EMN NCP Germany</p>	<p>Yes</p>	<p>1. No, there is no corresponding ranking list.</p> <p>2. No, no such records are kept in relation to alternatives to detention. It is possible to check individual cases via the Central Register of Foreigners, but there are no surveys on this. An estimate is therefore not possible.</p> <p>3.</p>

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			<p>In Germany, due to the legal provisions in the Residence Act, it is at the discretion of the (central) foreigners' authorities whether they choose an alternative to detention pending removal in the context of a removal, so there is no valid data on this. If necessary, a case-by-case assessment is carried out based on the specifics of the individual case. Some federal states do not make use of alternatives to detention, and, thus, their effectiveness cannot be determined.</p> <p>4. Yes, alternatives to detention and detention itself are assessed in an individual proportionality assessment. Thus, any indicators questioning the suitability of an alternative to detention are taken into consideration. However, alternatives to detention must be within the range of possible solutions in order to be considerable. In addition, it is important to note that detention requires a court order.</p> <p>5. The suitability of the alternative to detention is a part of the proportionality assessment. The facts of the case are assessed on a case-by-case basis. According to the case law of the Federal Court of Justice, the (central) foreigners' authorities are obliged to provide information on whether more lenient measures were considered before the application for detention was submitted. Therefore, information on why more lenient measures are not relevant will be examined and taken into account by the (central) foreigners' authorities. Under the Aliens Act, for example, accommodation in an open center with registration requirements or other appropriate requirements in accordance with Section 61(1c) to (1e) of the Residence Act may be considered. The appropriateness of such measures must be assessed on a case-by-case basis. If there is a risk of absconding or if the foreigner is particularly dangerous, such measures are unlikely to be appropriate. In conclusion, detention remains the last resort bearing in mind the abovementioned proportionality assessment. Also, some measures may be considered to fit the notion of an alternative to detention, however, they are in fact simply measures that allow to prepare deportations or to simply provide the (central)</p>
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			<p>foreigner's authorities with options to find solutions in individual cases. As mentioned before, in Germany, there is no simple distinction to be made between detention or alternatives to detention but a number of factors need to be considered as the other options such as reporting obligations may lead to abscondement because the reporting obligation was taken as a hint to a planned deportation. The individual case-by-case assessment is therefore of great importance.</p> <p>6. No universal answer can be provided for Germany. In some federal states the (central) foreigner's authorities may take such a statement into account, however, travelling to another Member State would not lead to legal residence there, as long as the person does not have the right of residence in the respective Member State. The individual circumstances are assessed and form the basis of all actions taken.</p> <p>7. Families with children may not be placed in detention pending removal pursuant to Section 62 (1) sentence 3 of the Residence Act. In some federal states, removals are generally carried out as direct removals without detention. This means that the arrest takes place at the place of habitual residence - usually in reception centers - immediately prior to expulsion, combined with the general prohibition of family separation. In others, in addition to a daily reporting obligation to the police, there is also the possibility of a spatial residence restriction. This is decided at the discretion of the competent (central) foreigners' authority.</p> <p>8. In some federal states expulsions fail regularly because not all family members are present and special attention is paid to maintaining the family unit. Family separation is only possible in exceptional cases (e.g. felons, persons posing a threat to public safety, cases of domestic violence) or at the second</p>
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			attempt if the family has been informed of the possibility of family separation beforehand and no minor child is returned without a custodian or remains in Germany without one.
	EMN NCP Greece	Yes	<p>1. In accordance with par. 3 of article 22 of Law 3907/2011, the authorities responsible for issuing the return decision may impose, throughout the period of the voluntary departure obligations, alternative measures to detention on the third-country national, with the aim of avoiding the risk of absconding, such as regular appearance before the authorities, the deposit of an appropriate financial guarantee, the submission of documents or the obligation to stay in a certain place.</p> <p>In practice, at the present stage, the alternative measures of regular appearance before the authorities and/or the obligation to stay in a certain place (without restriction of freedom) are imposed, while the issue of applying the measure of depositing an appropriate financial guarantee is also under consideration. More specifically, the issuance of a Joint Ministerial Decision, regarding the determination of the amount and procedure for depositing a financial guarantee and any more specific issue regarding the application of paragraph 3 of article 22 of Law 3907/2011, as applicable, is pending.</p> <p>2. -</p> <p>3. -</p> <p>4. -</p> <p>5.</p>

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			<p>-</p> <p>6.</p> <p>-</p> <p>7.</p> <p>In practice, at the present stage, the alternative measures of regular appearance before the authorities and/or the obligation to stay in a certain place (without restriction of freedom) are imposed.</p> <p>8.</p> <p>-</p>
	EMN NCP Hungary	Yes	<p>1.</p> <p>No</p> <p>Considering that Hungary is still mainly a transit country for third-country nationals entering the territory of the European Union illegally, which clients typically do not intend to voluntarily return to their country of origin, are less willing to cooperate in procedures related to implementation of expulsion. With regards to all of these, during an individualised discretionary assessment, the aliens policing authority takes into account as a sign indicating a potential risk of absconding if the foreign national is not cooperating with the authority, in particular, if (s)he</p> <ul style="list-style-type: none"> a) refuses to make a statement, b) provides untrue information with regards to his/her personal data, or c) likely to leave for an unknown destination on the basis of his/her statements, <p>and thus, there are reasonable grounds for the presumption that the expulsion will be frustrated.</p> <p><i>In Hungary, in all cases under aliens policing procedures, sequestration of the respective travel</i></p>

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			<p><i>document takes place if the respective expulsion is not ordered with voluntary leave. We do not consider sequestration of the respective travel document to be an effective alternative to detention, as it does have an effect preventing secondary movements, in particular because third-country nationals arriving in the Member States of the European Union and the Schengen Area illegally typically choose illegal means of entry even if they are holders of a travel document.</i></p> <p><i>Based on the above, in cases where no aliens policing detention is ordered, the following alternatives are available:</i></p> <ol style="list-style-type: none">1. <i>ordering confinement at a designated place:</i>2. <i>Immigration bail</i> <p>2. 1 person left the designated place of mandatory residence in 2021, 5 in 2022 and 0 in 2023 to an unknown destination. The number of orders was 31 in 2021, 37 in 2022 and 28 in 2023.</p> <p>3. Asylum-related perspective: Detention is always utilized for a good reason which is supervised by local court. Any alternative is better for the asylum-seeker. But Hungary, as a transit country of some migratory routes is usually experiencing that the asylum-seekers are absconding.</p> <p>Aliens policing perspective: An alternative imposed to an aliens policing detention is to be duly effective, i.e. shall be capable of minimising the risk of absconding, and have sufficient deterrent effect.</p> <p>4.</p>
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			<p>In case the risk of absconding prevails for any reasons (cf. answer to Question 1), aliens policing detention may be ordered against the concerned third-country national. In addition to the above, aliens policing detention will be ordered against the concerned third-country national, if the person concerned violates the code of conduct of the designated place of stay.</p> <p>5. If the risk of absconding does not prevail, based on an individualised examination, alternatives of detention may be applicable.</p> <p>6. Asylum-related perspective: If the asylum-seeker clearly states the will to abscond, the authority considers the possibility of detention with higher likelihood, if the individual is suitable for detention. Aliens policing perspective: The answer to Question 1 shall prevail. In case the foreign national does not cooperate with the authorities with regards to the implementation of the expulsion, in particular, if (s)he does not intend to return to the destination country of expulsion, and where objective circumstances render that the risk of absconding prevails, aliens policing detention will be ordered.</p> <p>7. Asylum-related perspective: Placement in reception facility, in which the house-regime is the only restriction for free daily leaving and returning. No family with children has been detained in years. Aliens policing perspective: The answer to Question 1 is applicable even in case of families. With regards to families under aliens policing procedure, stay at a designated place shall be ordered at a community shelter.</p>
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			8. The risk of absconding prevails even in case of families.
	EMN NCP Latvia	Yes	<p>1. No. In removal procedure the national regulatory acts do not determine which detention alternatives should be used more often. In the asylum procedure – not determined.</p> <p>2. Removal procedure: In 2021, the alternative means of detention – registration in the State Border Guard was applied 12 times, in 1 case the document was taken from a TCN. In 2022 - the alternative to detention - registration is applied 18 times (2 persons escaped), 3 cases when a document was taken from a TCN (1 escaped). In 2023, the alternative means of detention – registration was used 23 times (8 escaped), in 8 cases when a document was taken from a TCN, of which 6 persons escaped.</p> <p>Asylum procedure: 2021 – registration at a specified time in the State Border Guard structural unit was applied one time. Taking into account the fact that the person refused the asylum procedure and expressed the desire to leave the country of residence, the restrictive measure - registration at a specified time in the State Border Guard structural unit - was canceled and the person left the territory of Latvia based on the return decision. 2022 - registration at the State Border Guard structural unit was applied to 32 persons, of which 25 have left the territory of Latvia.</p>

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		<p>2023 - 714 persons were applied for registration at the State Border Guard structural unit at a certain time, of which 525 have left the territory Latvia arbitrarily.</p> <p>3. Removal procedure: Alternative means to detention in the field of return are effective enough, but this is due to the fact that these means are applied directly as an alternative to detention, that is, only in relation to a TCN who should be detained (reasons for detention exist), but due to humanitarian considerations (age, health condition etc.) his/her detention would not be proportionate. On the other hand, the conditions of detention are related to the TCN's cooperation with state institutions, connection with Latvia, existence of a place of residence, previous history of illegal residence, threats to national security and public order.</p> <p>In case if return decision is issued (it has been assessed and decided that the person will not abscond and leave the EU voluntarily), alternative means of detention shall not be applied to him/her. Mentioned practice was recognized as a deficiency during the Schengen evaluation and it is planned to be changed and determined by analogy as it is in asylum procedure.</p> <p>Asylum procedure: According to statistical data, the alternative to detention applied within asylum procedure - registration at a specified time at the State Border Guard structural unit - is not effective, as several cases have been found when persons who were already returned within the framework of the Dublin Regulation or readmission procedures, repeatedly left the territory of Latvia.</p> <p>4. Removal procedure - Yes. Asylum procedure - Yes.</p>
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			<p>5.</p> <p>In removal procedure following conditions are applied to alternative means of detention:</p> <ul style="list-style-type: none">1) assess whether there is a risk of escape or whether the person will avoid the removal procedure or interfere with the preparation of the procedure;2) assess whether humanitarian considerations exist;3) if only the conditions mentioned in point one are found, then the person is detained, if the conditions mentioned in points one and two are found - alternative means of detention can be applied. If only the conditions mentioned in point two are found - the person is not detained and not used for detention in alternative means funds. <p>Asylum procedure: The need to apply for registration at a certain time in the structural unit of the State Border Guard is evaluated, taking into account the individual situation and circumstances of the asylum seeker.</p> <p>The State Border Guard may impose an obligation to register with the State Border Guard structural unit at a certain time, but not less often than once a month, if there is reason to believe that any of the following conditions exist:</p> <ul style="list-style-type: none">1) the application was submitted in order to unjustifiably obtain the right of residence;2) the application was submitted in order to unreasonably avoid the execution of the return decision or removal order;3) the asylum seeker will avoid the asylum procedure;4) circumstances have been established which are the basis for detaining the asylum seeker, but taking into account his individual situation and circumstances, the detention would be a disproportionately restrictive measure. <p>6.</p> <p>Removal procedure - if a person declares that he/she has the right to stay in another EU Member State, this fact is checked and, if it is confirmed, the person is asked to immediately emigrate to the relevant EU Member State. If a person does not have the right to stay in another EU MS and declares his</p>
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		<p>intention to leave for this EU MS, then, taking into account the individual circumstances, the person may be detained to prevent secondary movement, as there is a possibility of absconding.</p> <p>Asylum procedure: During the asylum procedure, the asylum seeker is obliged to stay in the territory of Latvia. Therefore, if the State Border Guard has reasonable suspicions that the asylum seeker may leave the territory of Latvia or the person announces his/her intention to leave for another EU Member State, then, taking into account the individual circumstances of the person, the person may be detained in order to prevent secondary movement. because there is a possibility of escape.</p> <p>7. Removal procedure - if the person has travel documents, then they are handed over to State Border Guard. If there are no documents, then registration is applied. In the asylum procedure - registration at a specified time at the State Border Guard structural unit and detention. Before detaining a person, the possibility of applying an alternative to detention - registration at a specified time at the State Border Guard structural unit is evaluated.</p> <p>8. Removal procedure - there are no specific problems for families with children. Persons will try to do everything to avoid being detained. If they are going to be detained with the purpose of removal, they apply for asylum, because in the asylum procedure there are other grounds for detention and more chances to not be detained. In the asylum procedure similar to the removal procedure, there are no special problems for families with children. As it was already mentioned, if person's goal is to apply asylum in another EU Member State, then there is no difference between family with children or single adults - person tries to do everything possible to not be detained.</p>
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			<p>Therefore, the largest part of asylum seekers, incl. families with children to whom an alternative to detention was applied - registration at a specified time at the State Border Guard structural unit, in most cases they leave Latvia.</p>
	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<p>1. No</p> <p>2. No</p> <p>3. In Lithuania, when deciding on the detention of a foreigner or the imposition of alternative measures to detention, courts carry out an individual assessment based on the grounds and conditions specified in the Law on the Legal Status of Foreigners. The judicial process hinges on a thorough evaluation of all individual circumstances specific to each case, ensuring that every decision is tailored to the person's unique situation. However, to the best of our knowledge, there has been no comprehensive review of the effectiveness of alternative measures to detention in Lithuania.</p> <p>4. Yes. The court evaluates the application of alternative measures to detention based on specific conditions outlined in the Law on the Legal Status of Foreigners. These measures are considered when several criteria are met: (1) the foreigner's identity has been conclusively established, (2) the individual poses no threat to state security or public order, and (3) the individual cooperates in clarifying their legal status within the Republic of Lithuania, among other relevant circumstances.</p>

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		<p>When determining whether to impose an alternative measure to detention, the court considers the risks of absconding as outlined in Article 113(5) of the Law on the Legal Status of Foreigners. These risks include:</p> <ol style="list-style-type: none"> 1. Lack of cooperation: The foreigner does not have an identity document and does not assist in establishing his/her identity or nationality. This includes refusing to provide personal data, providing false information, or submitting forged documents. 2. Residency issues: The foreigner does not have a permanent residence in Lithuania or does not live at the declared residence address. 3. Lack of local ties: The foreigner has no family, social, economic, or other connections with Lithuania. 4. Financial instability: The foreigner lacks means of subsistence within Lithuania. 5. Non-compliance with departure obligations: The foreigner has not adhered to the obligation to leave Lithuania within the prescribed timeframe, nor left voluntarily within the time specified by the return decision, or within an extended period based on valid reasons as per Paragraph 32 of Article 127 of the law. 6. Violation of previously imposed measures: The foreigner has not complied with an alternative measure to detention previously imposed by the court. 7. Violations at the border: The foreigner has breached the rules regarding temporary departures from the State Border Guard Service accommodations. <p>5. If the criteria for detention outlined in Article 113 of the Law on the Legal Status of Foreigners are met, the State Border Guard Service requests the court to either detain the foreigner or impose an alternative measure to detention. Should there be no justification for any alternative detention measures as specified in Article 115 of the Law, the court mandates the detention of the foreigner at the Foreigners Registration Centre operated by the State Border Guard Service.</p>
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			<p>In situations where a foreigner has breached a previously imposed alternative measure that did not restrict freedom of movement, the court may escalate to a stricter alternative measure that includes such restrictions. Before making such a decision, the court thoroughly evaluates all pertinent aspects of the foreigner's legal status in Lithuania and the specifics of the violation of the earlier measure.</p> <p>6. Yes. The declaration by a foreign national of their intention to travel to another Member State may be perceived as a risk of absconding. As a result, the court may decide against imposing an alternative measure to detention. This decision is made after considering the criteria for such measures set forth in the Law on the Legal Status of Foreigners, along with other relevant factors pertaining to the case.</p> <p>7. Court practices in Lithuania indicate that families with minors are commonly subject to the alternative measures to detention specified in Article 125(1)(4) and (5) of the Law on the Legal Status of Foreigners:</p> <ul style="list-style-type: none">4. Accommodating the foreigner in a State Border Guard Service facility without restrictions on freedom of movement.5. Accommodating the foreigner in a State Border Guard Service facility with a requirement that they do not leave the premises without permission from the head of the facility or their authorized representative. <p>Other alternative measures to detention are considered if the foreigner has an established identity, poses no threat to state security or public order, assists in clarifying their legal status, and either has sufficient means of subsistence or maintains social and family ties within Lithuania. However, reviews of court cases reveal that foreigners, particularly those for whom Lithuania is not the final destination, often do not meet these conditions. Consequently, such alternative measures are rarely imposed on them.</p>
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			<p>8. Foreigners often fail to comply with the imposed alternative detention measures and leave the Foreigner Registration Center without authorization. To prevent absconding, courts have recently begun to detain one adult family member (e.g., a father) in the Foreigner Registration Center, while an alternative detention measure is applied to the mother and her minor children.</p>
	<p>EMN NCP Luxemb ourg</p>	<p>Yes</p>	<p>1. No. In Luxembourg there is no ranking of alternative of detention measures. Article 125 (1) of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law) establishes the list of alternatives to detention:</p> <ol style="list-style-type: none"> 1. the obligation for the third country national to report regularly, at intervals to be determined by the Minister in charge of Immigration, to the Minister's offices or to another authority designated by the Minister, after surrendering the original passport and any document proving his or her identity, in exchange for a receipt valid as proof of identity; 2. house arrest for a maximum period of six months at a location determined by the Minister; if necessary, house arrest may be accompanied by electronic surveillance, with the third country national prohibited from leaving the area determined by the Minister. 3. the obligation for the foreign national to deposit a financial guarantee of five thousand euros- <p>2. NO.</p> <p>3.</p>


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			<p>The efficiency of an alternative to detention is established when the third country national does not abscond, and the decision of removal can be executed.</p> <p>4. YES.</p> <p>5. Yes. Article 120 (1) of the Immigration Law states that in order to prepare for removal the third country national may, by decision of the Minister, be placed in detention in a closed structure, unless other less coercive measures as provided for in article 125, paragraph (1), can be effectively applied. A decision to detain shall be taken against the third country national in particular if there is a risk of absconding or if the person concerned avoids or prevents the preparation of the return or removal procedure.</p> <p>6. See answer to Q.5.</p> <p>7. Even though article 6 (3) of the amended law of 28 May 2009 on the creation of the Detention Center establishes that individuals or families accompanied with children can be placed in detention in a specific unit of the detention center for a maximum deadline of seven day while organizing the removal, in practice, the Luxembourgish authorities do not place families with children in detention.</p> <p>8. See answer to Q.7. The major challenge is that the whole family can abscond and the return decision cannot be executed.</p>
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	<p>EMN NCP Portugal</p>	<p>Yes</p>	<p>1. In addition to the coercive measures provided for in the Code of Criminal Procedure (term of identity and residence; bail; obligation to appear periodically; suspension of the exercise of functions, profession and rights; prohibition of permanence, absence and contacts; obligation to remain in the home (also known as house arrest), the legal regime for the entry, stay, exit and removal of foreigners from national territory (Aliens Law or Immigration Law), provides for the following alternatives to the detention / placement of the expellee in a temporary installation center or similar space in the event of a danger of flight: (i) periodic presentation to the police authorities (National Republican Guard and Public Security Police); (ii) obligation to remain in the dwelling with the use of electronic surveillance means. The most commonly used alternative measures to detention are the term of identity and residence as well as periodic presentation to the police authorities.</p> <p>2. No. There are no statistics available. However, it should be noted that the application of coercive measures falls within the jurisdiction of the court, and when applying detention, the court assesses the danger of absconding, taking into account the personal, family, social and economic situation of the foreign national.</p> <p>3. It should be noted that the application of coercive measures falls within the jurisdiction of the court, and that when applying detention, the court assesses the danger of absconding, taking into account the personal, family, social and economic situation of the foreign national, in order to determine the likelihood that he or she will abscond to an unknown location in order to evade the enforcement of the expulsion decision or the duty to abandon, particularly in situations where his or her personal or professional address in the country is unknown, where there are no family ties, when there are doubts about his or her identity or when there are known preparatory acts of absconding. The effectiveness of the alternative to detention is also assessed as part of the coercive removal procedure.</p> <p>4. Yes.</p>
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			<p>5. The possibility of imposing another type of alternative to detention is taken into account by the court when presenting the foreign national for first questioning. See answer to question 3.</p> <p>6. Yes. See answer to question 3. If the foreign national has declared that he or she does not wish to remain in the country and wishes to move to another Member State, i.e. if there is a danger of absconding, the court may not apply an alternative to detention.</p> <p>7. It is not very common for Portugal to encounter situations involving families with children. When this happens, an identity and residence order or an obligation to appear before the police authorities is applied.</p> <p>8. Nothing to report.</p>
	<p>EMN NCP Slovakia</p>	<p>Yes</p>	<p>1. No.</p> <p>2. No.</p> <p>3. Effectiveness is only assessed in the context of the case where an alternative to detention has been provided.</p> <p>4.</p>


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			<p>In each individual case, before the decision on detention is issued, an assessment is made as to whether an alternative can be used. The statement is also be taken into account, but this does not affect the decision itself if the conditions for the provision of alternative are not met.</p> <p>5. If the conditions for providing an alternative to detention are met, it will be provided and the person in question will not be detained.</p> <p>6. If the person in question makes such a declaration, he or she does not qualify for the alternative to detention because there is a risk of absconding.</p> <p>7. Residence reporting and financial guarantee.</p> <p>8. When deciding whether to use alternatives to detention, the police department takes into account, in particular, the circumstances of the third-country national and the degree of threat to the purpose of detention, and decides on the type and manner of detention. Residence reporting is the most commonly used alternative to detention. However, it can be seen from practical experience that the problem arises regarding the real chance of a third-country national to find an accommodation. Thus, the Bureau of Border and Foreign Police introduced gradual steps to increase the capacity of detention alternatives, especially during the COVID-19 pandemic, when detention alternatives were used to a greater extent to mitigate the negative effects of the pandemic. For example, the problem of limited accommodation capacities was solved in close cooperation with the Migration Office of the Ministry of Interior of the Slovak Republic by providing free capacities of the asylum centre for temporary accommodation of persons entitled to alternative to detention. Thanks to this memorandum, it was possible to</p>
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			accommodate persons who could be granted an alternative to detention in the accommodation facility of the Migration Office of the Ministry of Interior of the Slovak Republic.																																								
	EMN NCP Slovenia	Yes	<p>1. No official ranking set, in accordance with the provisions of the Foreigners Act, one or more ATD can be imposed:</p> <ul style="list-style-type: none"> - Determination of a place of residence at a specific address; - Obligation to report regularly to a police station; - Submission of identity documents. <p>2. Measures imposed:</p> <table style="margin-left: 40px;"> <thead> <tr> <th></th> <th>2021</th> <th>2022</th> <th>2023</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Decisions issued</td> <td>8</td> <td>4</td> <td>4</td> <td>16</td> </tr> <tr> <td>Total</td> <td>8</td> <td>4</td> <td>4</td> <td>16</td> </tr> </tbody> </table> <p>Categories of persons subject to a measure:</p> <table style="margin-left: 40px;"> <thead> <tr> <th></th> <th>2021</th> <th>2022</th> <th>2023</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>UAM</td> <td>2</td> <td></td> <td>1</td> <td>3</td> </tr> <tr> <td>Male</td> <td>5</td> <td>3</td> <td>2</td> <td>10</td> </tr> <tr> <td>Female</td> <td>1</td> <td>1</td> <td>1</td> <td>3</td> </tr> <tr> <td>Total</td> <td>8</td> <td>4</td> <td>4</td> <td>16</td> </tr> </tbody> </table> <p>Conclusion of the measure:</p>		2021	2022	2023	Total	Decisions issued	8	4	4	16	Total	8	4	4	16		2021	2022	2023	Total	UAM	2		1	3	Male	5	3	2	10	Female	1	1	1	3	Total	8	4	4	16
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	2021	2022	2023	TOTAL
Permitted stay	1			1
End of reasons	2	2	1	5
No extension	1			1
Removed unaccompanied			1	1
Absconding	2	1	1	4
Active	4			4
TOTAL	46	3	3	16

3.
According to the rules, a foreigner is obliged to reside at a particular address assigned and the police may at all times verify compliance with that obligation. The foreigner must inform the authority in charge of any absence. Where a foreigner is obliged to report regularly to a police station, the foreigner must report in person to the police station designated by the decision on the day and at the time specified in the decision. Where the obligation to report to the police station has not been fulfilled, the foreigner must, within five days of the date set for reporting to the police station, deliver an explanation.

4.
Yes. Before a decision is issued, the foreigner in the procedure must be heard and the individual circumstances are taken into account when deciding on detention or alternatives to detention. These circumstances include in particular:

- The provision of false information or non-cooperation in the procedure, as well as the refusal to take biometric data;
- The use of false or forged identity documents, as well as the intentional destruction of documents;
- Entry into the Republic of Slovenia during the period of a valid entry ban;
- A final sentence for an offence of illegal residence within the last three years;


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		<ul style="list-style-type: none"> - A clear intention not to comply with the return decision; - The fact that the foreigner has been convicted of a criminal offence for which the perpetrator is being prosecuted ex officio in the Republic of Slovenia in the last two years prior to the issuance of the return decision; - The fact that the foreigner has been sentenced to a final sentence in the Republic of Slovenia at least three times in the last two years prior to the issuance of the return decision for offences under the rules on public order or for offences under the rules on the state border and foreigners, weapons and illegal drugs. <p>5. If it is assessed that return can be achieved by less severe measures, the police will use an alternative to detention instead of restriction of movement and detention in a centre. In any case, the detention decision must provide reasons and facts why a less restrictive measure is not applicable in the particular case.</p> <p>6. Yes, as answered in the response to question no. 4.</p> <p>7. The rules for alternatives of detention for families with children are the same as for other categories, except for the case of UAMs. There is one dedicated reception and accommodation centre for UAMs established by the State and managed by the Government Office for the Support and Integration of Migrants. Only if accommodation in the facility for minors is not possible, The Foreigners Act stipulates that the minors and families with minors can be placed in the Centre for Foreigners (detention). Detention of UAMs and families with minors in the centre is provided separately from other detainees, in order to ensure their privacy.</p>
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			<p>Where a foreigner submits a declaration by a non-governmental organization or an individual person who has a registered permanent or temporary residence in the Republic of Slovenia that he or she will provide accommodation for the foreigner, the foreigner and family with children may be assigned a place of residence at that address.</p> <p>8. Slovenia does not have dedicated accommodation facilities for alternatives to detention for families with children, so the same challenges arise in such cases as for other categories of foreigners. As Slovenia is still mainly a transit country and is located in the Schengen area, the risk of absconding is relatively high.</p>
	EMN NCP Spain	Yes	<p>1. No</p> <p>2. No</p> <p>3. Based on the experience of the operational units. Alternatives to detention have very limited effectiveness.</p> <p>4. Yes. The individual case is assessed by the operational unit. Based on the assessment , detention may be requested to the judge or alternative measures may be imposed.</p> <p>5.</p>

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			<p>No. Detention has to be authorized by the judge. Assessment of the most convenient measures takes place before submitting such a request to the judge.</p> <p>6. Yes. If that intention is expressed, there is a clear risk of absconding that will render alternatives to detention ineffective.</p> <p>7. These cases are rarely found adequate for detention. Normally submission of travel documents and periodic appearance at the police station are imposed.</p> <p>8. No particular challenges are faced, compared to other cases.</p>
	<p>EMN NCP Sweden</p>	<p>Yes</p>	<p>1. Yes. Supervision is an alternative measure to detention, which means that the foreigner is obliged to register at certain times with the Migration Agency or the Police Authority.</p> <p>2. No.</p> <p>3. At present, there is no reliable way to measure the effect of having a person under supervision.</p>

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			<p>4. Yes. A decision on detention or supervision may be taken:</p> <ul style="list-style-type: none">• If it is necessary to investigate a foreigner's identity or right to stay in Sweden, or:• If it is likely that the foreigner will receive a decision on rejection or deportation and that there is a risk that he or she will commit a crime in Sweden, abscond, stay away or in other ways prevent or complicate the rejection or deportation. <p>Detention is applied in cases when it is assessed that the foreigner will not abide to a decision on supervision, for example if he or she is believed to not report in line with the requirements, or in other ways do not cooperate with the responsible authorities. An individual assessment is made in all cases.</p> <p>5. Decisions on detention or supervision are taken based on the criteria mentioned in the answer to question 4. An individual assessment is made in all cases.</p> <p>6. Yes. As mentioned above, a foreigner might be placed under supervision (or be detained), for instance, if there is a risk that he or she will abscond or stay away from the responsible authorities.</p> <p>7. The only alternative to detention in Swedish law is supervision. Hence, this is the alternative at the disposal of the relevant authorities when dealing with families with children.</p> <p>8. Parents/guardians of children can be placed under supervision on the same terms as adults without children. Sweden generally sees a difficulty in finding effective solutions for families with children.</p>
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			A major challenge when families are under supervision is the children's schooling, which is affected. This usually leads to teachers and guardians contacting the SMA being upset and wanting us to reverse the decision on supervision.
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