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## Norway Detention Profile

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Although independent observers have lauded some of Norway's detention practices, its sole dedicated immigration detention facility, the **Trandum Detention Centre**, has come under intense scrutiny because of a variety of problems at the facility, including riots, fires, and escape attempts. Observers have also criticised the facility for overcrowding and using inadequately trained private security guards. The turmoil at Trandum has occurred against the backdrop of hardening immigration policies in Norway, which have resulted in increasing detentions and deportations as well as more restrictive asylum practices.

### Detention Policy

Norms governing Norwegian immigration detention practices are contained in the 2008 *Immigration Act* and the 2009 *Immigration Directive*, which amended the *Immigration Act of 1988* and the *Immigration Directive of 1990*.

Grounds for holding foreign nationals in administrative detention, which are contained in the *Immigration Act*, include: lack of identification papers or when there are reasonable grounds for believing that a person is presenting false information (**Section 106a**); when there are grounds to think that the person will try to evade a removal order (**Section 106 b**); and when a person fails to properly observe rules on entry and stay in the country (**Section 106 c**).

Only the chief police inspector and other persons specified in the law have the authority to arrest or detain a non-citizen. Non-citizens taken into custody by the police must be presented to the court (Tingretten) within 24 hours of their arrest or detention. The court then rules on whether further detention is warranted according to Chapter 12 of the *Immigration Act* and in respect of sections 174-191 of the *Penal Law*.

The maximum length of detention on grounds of sections 106b and c of the *Immigration Act* is four weeks, with the possibility of extension for up to a maximum of twelve weeks, unless there are grounds for taking "special precaution" (*Immigration Act 2008, Section 106*). In practise, non-citizens are generally detained for 3-4 days before being returned, released, or deported. They are occasionally detained for lengthy periods when, for example, obtaining travel documents is difficult (Politiets Utendingsenhet - Police Foreign Unit 2010a). In December 2010, the Norwegian Parliament adopted the **EU Return Directive**, which provides for up detention periods of up to 18 months (Ministry of Justice and the Police 2010f).

Foreign nationals detained or arrested in accordance with section 106 of the *Immigration Act* are confined in a dedicated immigration detention centre (Section 107). As of 2010, the Trandum Detention Centre, managed by the police, was the only such centre in operation (**Section 107**; UDI 2010d). Migrants in detention have various rights, including the right to receive visitors; to make and receive phone calls; to receive medical and general health care; to exercise and access outside areas; to as much privacy as is possible; and to practise religious and personal beliefs. These rights may be restricted in accordance with restraints imposed by the Penal Law (*Immigration Act 2008, Section 90, Section 107*). The police have the authority to use force, but only in accordance with the **Politi-loven (Police Act) 1995, Politi-loven 2009**, sections 6 and 99 of the *Immigration Act 2008*, and the directive on operations of Trandum Detention Centre (Forskrift om Politiets utlendingsinternat [Utlendingsinternatforskriften] 2008, **Section 9**).

Detention orders can be appealed in the ordinary court system. Decisions involving the use of force or other treatment at the detention centre can also be appealed at the National Police Directorate. Migrants who have their asylum applications rejected can appeal the decision to the Norwegian Directorate of Immigration or the Immigration Appeals Board, depending on whether the police or the directorate took the initial decision. Foreign nationals are entitled to legal aid in accordance with the Free Legal Act (**Lov om fri rettsjelp 1980**) and Section 92 of the *Immigration Act*, when general conditions are satisfied. The police are required to inform all

persons, upon their arrest or detention, of their rights.

The police, the Directorate of Immigration (UDI), the Directorate of Integration and Diversity (IMDi), and the Norwegian Appeals Board (UNE) each have responsibilities with respect to the supervision of refugees, immigration, and integration policies. (Ministry of Justice- and the Police 2010c; UDI 2006). The Police Foreign Unit is responsible for border control activities; the prevention of unauthorized immigration and residence; the registration, identity checks, and processing of asylum seekers; and the operation of detention facilities (UDI 2006; Police Foreign Unit 2010a; UDI 2010b, p.6). The police are also responsible for carrying out the deportation of rejected asylum applicants, illegal immigrants and other non-citizens. The police are obliged to follow the guidelines prepared by UDI, the Ministry of Justice, and the Police Directorate (POD) (Police Foreign Unit 2010a).

The Norwegian Directorate for Immigration (UDI) is responsible for the administration, execution, and coordination of all immigration and asylum related issues (UDI 2007). The Immigration Administration Special Unit for Country Information provides information to the UDI on the social and human rights conditions in the countries of origin of asylum applicants (UDI 2010).

The Norwegian Immigration Appeals Board (UNE) accepts appeals from rejected applicants. It is an independent agency that reviews decisions in line with the Immigration Act and general immigration regulations. It has the power to overrule UDI decisions (UNE 2010).

While Norway is not a member state of the European Union—it is only a member of the European Economic Area—it cooperates closely with it, particularly in relation to its immigration policies. Norway has signed both the Schengen Agreement (2001) and the Dublin Convention (2001) / Dublin II Regulations (2003) (Sopemi 2007, p. 8), and it has adopted the EU Return Directive, all of which have led to amendments of Norway's immigration law (Justis- og Politidepartementet [Ministry of Justice and the Police] 2008). These amendments have included more restrictive grounds for granting asylum, with applicants who would have previously received asylum based on humanitarian grounds now being less likely to do so. In addition, a number of return agreements have been established, including with [Iraq](#) (11 May 2009) and [Afghanistan](#) (11 April 2010). Rejected asylum seekers are also returned on a more frequent basis, including minors (Ministry of Justice and Police 2010a).

Asylum seekers generally spend an initial period of 2-10 days in a non-secure ("open") transition screening centre upon arrival in Norway. The majority of applicants are then transferred to non-secure asylum reception centres. Reception conditions can vary depending on the specific case and the status of a person's claim, with asylum seekers being housed in a variety of non-secure facilities for differing periods of time, including reception centres, a screening centre, so-called reinforced centres, or specialized units for unaccompanied minor asylum seekers aged between 15 and 18. Persons awaiting removal after their claims have been rejected and persons whose identities have not yet been established can be transferred to a secure detention centre (The Police Foreign Unit 2010a; UDI 2010c).

The Norwegian Child Welfare Service is responsible for unaccompanied minor asylum seekers under 15 years of age. Child asylum seekers are held in reception centres called "care centres" that are adapted to children's special need for care and support (UDI 2009).

Norway is a signatory party to a number of international treaties that have influenced its immigration law. The [Refugee Convention](#), for example, forms the backbone of Norwegian refugee law and recent amendments to the Immigration Act were directed at aligning the act to the 1951 Geneva Convention and its 1967 Protocol. The [European Convention on Human Rights](#), the [UN Convention on the Rights of the Child](#), and the [Convention on the Elimination of Racial Discrimination](#) are other legal sources that form and guide Norway's detention practice in relation to the regulation and treatment of refugees and immigrants.

International organs, including the Office for the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), work in cooperation with Norway and play an important role in the administration of immigrants and asylum seekers (Ministry of Justice and the Police 2010d; UDI 2006).

## Detention Infrastructure

The Trandum Detention Centre (Trandum Utlendingsinternat) is the only centre specially designed to legally detain irregular or undocumented migrants. It is managed by the Police Foreign Unit and is authorized and operated in accordance with the [2008 Immigration Act](#) and the [Immigration Directive 2009](#) (in particular [Chapter 12 of the Immigration Act](#)).

The centre, which is a former military barracks, is a secure facility that was renovated in the early 2000s in conjunction with the opening

of Gardermoen International Airport. The centre began to take in foreign nationals in 2001 after the closure of Snarøya Aliens Detention Centre located at the former international airport. Until 2004, the facility was operated by the Oslo police district. In 2004, in an effort to enforce the policy of separate detention under the Immigration Act from detention under the Criminal Act Operations, the centre became the responsibility of the Police Foreign Unit, which was established in January 2004. (Sivilombudsmannen - Ombudsman 2007, p. 5).

Prior to 1998, Norway detained migrants based on their status in ordinary prisons. Dedicated migrant detention facilities were introduced only after recommendations were made by the CPT (in 1994) and the Justice and Police Department (in 1998) (Sivilombudsmannen 2007; Ministry of Justice- and the Police 1998, 3.2.12).

The Trandum Detention Centre is divided into five sections, one each dedicated to: families; single men; single women; detainees in custody; and high security. People detained at the facility generally fall into one of two general categories—those whose identity needs to be established and those awaiting removal (The Police Foreign Unit 2010a).

Observers have criticised operations at the Trandum Immigration Detention Centre, including the Norwegian Labour Inspection Authority (NLIA) (2010), the [European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) (2006), the [Working Group on Arbitrary Detention](#) (2007) and the national ombudsman (2007).

The centre was temporarily closed following a demand made by the NLIA in April 2010, because of arson damage. Detainees were lodged in police stations for the few days the facility was closed and cleaned (The Police Foreign Unit 2010b).

In 2010, the NLIA restricted the intake of new detainees after several incidents created an allegedly dangerous work and living environment. The NLIA also criticized the use of private security guards and recommended a review of Trandum's operations (Sandvig 2010; Dregelid 2010). In 2007, the country's ombudsman criticised operations of the facility, highlighting, inter alia, a the lack of legal directorates and regulations and the use of private security guards—previously Falck Norge AS, now Group 4 Securicor or G4S—who used force beyond their legal mandate (Sivilombudsmannen - Ombudsman 2007, p. 9).

The ombudsman acknowledged the discontinued use of isolation cells and recommended that the centre keep records of when isolation is used and circumstances around the decision to use it (Norwegian Government 2006, p. 12). In 2009, the centre reported that isolation was used 36 times (Independent Council for Trandum Detention Centre 2010, p. 5).

The ombudsman also raised concerns about frequent security checks of detainees every 30 minute during night-time, and supervision in bathrooms, and about whether detainees right to privacy as set out in art. 8 of the European Convention on Human Rights are being violated at the facility (Sivilombudsmannen - Ombudsman 2007, p. 16).

During its visit in 2006, the CPT highlighted the use of isolation cells, which the committee said were "unsuitable for detention of any kind." It also criticised overcrowded occupancy rates in bedrooms and limited access to outdoor activities (CPT 2006, p. 22-23).

In May 2008, the Ministry of Justice and the Police appointed an Independent Council to monitor Trandum operations. Made up of three members, the council has the power to present recommendations (Police Directive of 4.11.2008 Section 17). In addition to monitoring operations at the centre in relation to the country's legal guidelines, the council has the authority to make announced and unannounced inspections of the centre; to demand information on the treatment of detainees; and to address detainee concerns if the case appears unjust (Tilsynsrådet for politiets utlendingsinternat Trandum [the Independent Council for Trandum Detention Centre] 2010, p.1).

Following the council's five visits during 2009, it recommended improvements to the facility's sanitation system, ventilation, kitchen, and general room structures. The council noted that there had been improvements to the bathrooms, in accommodations for the increased number of people residing at the facility, and in providing privacy to detainees. The small, cramped, and overcrowded rooms, however, continued to remain an issue, and could only be improved if larger scale renovations were to take place (Independent Council for Trandum Detention Centre 2010, p.3). The Police Foreign Unit responded to the criticisms stating that a new building is under construction for women and families (Independent Council for Trandum Detention Centre 2010, p.3).

The council also highlighted the use of force against detainees as an ongoing issue, and their recommendations led to a policy change that requires a monthly report detailing all instances in which force was used, and capturing information such as why it was employed, against who, by who and for how long. In 2009, 295 instances of the use of force were recorded, including 215 instances against males and 10 against females. The council put the increased use of force down to the increasing numbers of migrants detained at the facility. Instances of detainees being placed in high security or isolation have also increased (Independent Council for Trandum Detention Centre

2010, p.3).

In March 2010, the Police Foreign Unit began using private security guards again to perform tasks that require police authority, claiming inadequate human resources (Politiets Fellesforbund 2010; Sandvig 2010; Sivilombudsmannen - Ombudsman 2007, p. 12). The decision to use private security contractors appears to violate the Immigration Act 2008 and Section 9 of the directive regulating the operations of Trandum, which state that only the police have authority to use force to maintain order and security (Forskrift om Politiets utlendingsinternat (Utlendingsinternatforskriften) 2008, Section 9). The Police Foreign Unit countered criticism by claiming that private contractors are “transportation attendants” with limited authority, and that they have received adequate training (The Police Foreign Unit 2010c).

## Facts & Figures

Norway operates one dedicated immigration detention facility—the Trandum Detention Centre—which has a capacity to hold 150 detainees (Ministry of Justice and the Police 2010b).

The government’s increasingly restrictive policies have meant that the Trandum facility often faces overcrowding issues. The centre is meant to hold only some 30 detainees at a time, but during 2010 there were at times more than 100 detainees confined there (Ministry of Justice- and the Police 2010b). The Police Foreign Unit had an objective of 4,150 returns to meet by the end of 2009, but actually returned 4,359 persons. The objective for 2010 is to return 5,900 persons (Ministry of Justice and the Police 2010e).

During 2009, 17,200 people applied for asylum in Norway, an increase of 62 percent compared to 2008. UDI (the Directorate of Immigration) decided on more than 85,000 cases, the largest number of decisions ever (UDI 2009, p. 3). UDI claims that its biggest challenge is to treat applications in a speedy manner so as to reduce the waiting time for applicants and to meet the requirements set out in immigration policy (UDI 2009, p.3).

There were 150 reception centres in Norway with 19,600 residing asylum seekers by the end of 2009 (UDI 2010b, p. 24). An increase in the demand for asylum in Norway has seen 46 new reception centres open in 2009, providing an additional 6,600 places (UDI 2010b, p. 24). The type of reception centre asylum-seekers are offered depends on which stage and type of application process they are in and whether they have special needs.

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## Norway Detention Profile

### List of Detention Sites

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Name	Status (Year)	Location	Facility Type	Security	Authority	Management	Capacity	Reported Population on a Single Day	Demographics & Segregation
Trandum Detention Centre (Trandum Utlendingsinternat)	In use (2010)	Trandum (near Gardermoen International Airport)	Migrant Detention Centre	Secure	Ministry of Justice and the Police	Police Foreign Unit	150 (2010)	100 per day (2010)	Adult males & females; families. Gender segregation; legal segregation; family units (2010)
Snaroya Aleins Detention Centre	Closed (circa 2000)	Fornebu	Migrant Detention Centre	Secure					

### Sources

(This is only a partial list. More detailed information is available upon request.)

- *Immigration Act 2008.*
- *Immigration Directive 2009.*
- Ministry of Justice and the Police. 2010. "50 nye plasser pa Trandum utlendingsinternat." Press release. 3 February 2010. [http://www.regjeringen.no/nb/dep/jd/tema/innvandringspolitikk/utvisning\\_og\\_bortvisning\\_fra\\_norge/tilbaketakelsesavtaler.html?id=575001](http://www.regjeringen.no/nb/dep/jd/tema/innvandringspolitikk/utvisning_og_bortvisning_fra_norge/tilbaketakelsesavtaler.html?id=575001) (accessed 3 April 2010).
- Police Foreign Unit 2010. "Politiets Utlendingsinternat." Press release. 15 March 2010. [https://www.politi.no/politiets\\_utlendingsenhet/om\\_politiets\\_utlendingsenhet/utlendingsinternatet/](https://www.politi.no/politiets_utlendingsenhet/om_politiets_utlendingsenhet/utlendingsinternatet/) (accessed 4 April 2010).
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### Map of "In Use" Detention Sites

For more detailed information, see the complete [List of Detention Sites](#).

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### Country View

1. [Trandum Detention Centre \(Trandum Utlendingsinternat\)](#)

### Sources

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- *Immigration Act* 2008.
- *Immigration Directive* 2009.
- Ministry of Justice and the Police. 2010. "50 nye plasser på Trandum utlendingsinternat." Press release. 3 February 2010. [http://www.regjeringen.no/nb/dep/jd/tema/innvandringspolitikk/utvisning\\_og\\_bortvisning\\_fra\\_norge/tilbaketakelsesavtaler.html?id=575001](http://www.regjeringen.no/nb/dep/jd/tema/innvandringspolitikk/utvisning_og_bortvisning_fra_norge/tilbaketakelsesavtaler.html?id=575001) (accessed 3 April 2010).
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*Politiets utlendingsinternat pa Trandum.* Document nr 41 (2006-2007). Arne Fliet. Oslo. 15 February 2007.

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## Country Links

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### Government Agencies

Directorate of Integration and Diversity (Integrerings- og Mangfoldsdirektoratet)  
<http://imdi.no/en/Sprak/English/>

Ministry of Justice and Police (Justis- og Politidepartementet) <http://www.regjeringen.no/en/dep/jd.html?id=463>

Norwegian Directorate for Immigration (Utlendingsdirektoratet)  
<http://www.udi.no/Norwegian-Directorate-of-Immigration/>

Norwegian Immigration Appeals Board (Utlendingsnemnda)  
<http://www.une.no/>

Police Foreigners Unit (Politiets utlendingsenhet)  
[https://www.politi.no/politiets\\_utlendingsenhet/](https://www.politi.no/politiets_utlendingsenhet/)

### International Organisations

International Organisation for Migration – Norway Country Information  
<http://www.iom.int/jahia/Jahia/norway>

UNHCR – Regional Office for the Baltic and Nordic Countries  
[http://www.unhcr.no/en/index\\_en.html](http://www.unhcr.no/en/index_en.html)

UNHCR – Norway Country Information  
<http://www.unhcr.org/pages/49e48ed26.html>

### NGOs and Research Institutions

Norwegian Organization for Asylum Seekers  
<http://www.noas.org/>

Nasjonalt kunnskapssenter om vold og traumatisk stress, NKVTS <http://www.nkvts.no/Pages/Index.aspx>

Norsk senter for menneskerettigheter (Norwegian Centre for Human Rights) <http://www.jus.uio.no/smr/english/>

Den Norske Helsingforskomité (The Norwegian Helsinki Committee) [http://www.nhc.no/php/index.php?module=fatcat&fatcat\[user\]=viewCategory&fatcat\\_id=63&module\\_title=article&lng=en](http://www.nhc.no/php/index.php?module=fatcat&fatcat[user]=viewCategory&fatcat_id=63&module_title=article&lng=en)

Flyktninghjelpen (Norwegian Refugee Council)



[www.flyktinghjelpen.no](http://www.flyktinghjelpen.no)

Institutt for Arbeidsliv- og Velferdsforskning (Institute for Labour and Social Research)

<http://www.fafo.no/indexenglish.htm>

Redd Barna (Save the Children Norway) [http://www.reddbarna.no/default.asp?V\\_ITEM\\_ID=11539](http://www.reddbarna.no/default.asp?V_ITEM_ID=11539)

Amnesty International Norge (Amnesty International Norway) [www.amnesty.no](http://www.amnesty.no)

Institutt for samfunnsforskning

[www.samfunnsforskning.no](http://www.samfunnsforskning.no)

Røde Kors

[www.redcross.no](http://www.redcross.no)

Servicesenteret for utenlandske arbeidstakere (Service Centre for Foreign Workers)

<http://www.sua.no/eng.html>

Statistisk sentralbyrå (Statistics Norway)

[www.ssb.no/innvstat](http://www.ssb.no/innvstat)

## Media

Norway News

<http://www.norwaynews.com/en/>

Norway Post

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