


Denmark Immigration Detention Data Profile

 <p>The map shows Denmark and surrounding areas including parts of Norway, Sweden, and Germany. Red location pins are placed on Denmark, Copenhagen, and Malmö. Major cities like Stavanger, Kristiansand, Gothenburg, Jönköping, Aarhus, Aalborg, Odense, Kiel, Lübeck, Rostock, Hamburg, and Szczecin are also labeled.</p>	Quick Facts	
	Immigration detainees (2019)	Not Available
	Detained minors (2017)	2
	Immigration detention capacity (2016)	368
	Persons expelled (2018)	1,695
	International migrants (2019)	722,878
	New asylum applications (2019)	3,565

NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/europe/denmark>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

STATISTICS

Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	Not Available	2019	Total number of detained minors	2	2017
				119	2011
				146	2010
Number of apprehensions of non-citizens	1,135	2018	Estimated total immigration detention capacity	368	2016
	1,105	2017			
	1,390	2016			
	2,165	2015			
	2,165	2015			
	515	2014			
	395	2013			
	630	2012			
Number of dedicated long-term immigration detention centres	2	2018	Estimated capacity of dedicated long-term immigration detention centres	358	2016
	2	2016			
	1	2012			
Number of persons removed/returned (voluntary returns and deportations)	1,695	2018	Number of deportations/forced returns only	1,655	2018
	1,590	2017		1,470	2017
	1,485	2016		1,305	2016
	2,655	2015		2,480	2015
	1,400	2014		1,315	2014
	2,070	2013			
	1,375	2012			
Percentage of persons removed in relation to total number of people placed in removal procedures	48.2	2014	Criminal prison population	3,635	2018
				3,408	2016
				4,091	2013
Percentage of foreign prisoners	28.6	2018	Prison population rate (per 100,000 of national population)	63	2018
	28	2016		59	2016
	26.8	2013		73	2013

Demographics and immigration-related statistics

		Observation Date			Observation Date
Population	5,800,000	2020	International migrants	722,878	2019
	5,669,000	2015		656,800	2017
	6,600,000	2012		572,500	2015
				556,800	2013

International migrants as a percentage of the population	11.5	2017	Refugees	37,533	2019
	10.1	2015		36,631	2018
	9.9	2013		35,672	2017
				33,436	2016
			27,326	2015	
			13,170	2014	
Ratio of refugees per 1000 inhabitants	5.89	2016	Total number of new asylum applications	3,565	2019
	3.15	2014		8,789	2016
	2.13	2012		14,774	2014
				7,529	2012
Refugee recognition rate	51.2	2014	Stateless persons	7,610	2016
				4,984	2015
				4,263	2014

DOMESTIC LAW				
LEGAL TRADITION				
Legal tradition	Name		Observation Date	
	Civil law			
LAWS AND REGULATIONS				
Constitutional guarantees?	Yes/No	Constitution and Articles	Year Adopted	Last Year Amended
	Yes	Constitution of Denmark, article 71	1953	1953
LAWS AND REGULATIONS				
Core pieces of national legislation	Name		Year Adopted	Last Year Amended
	1983 Aliens Act (Consolidation Act No. 863 of 25 June 2013)		1983	2015
GROUND FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION				
Immigration-status-related grounds	Name		Observation Date	
	Detention to effect removal		2016	
	Detention for failing to respect non-custodial measures		2016	
	Detention during the asylum process		2016	
CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES				
Does the country provide specific criminal penalties for immigration-related violations?	Fines	Incarceration	Observation Date	
	Yes	Yes	2014	

CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES				
Grounds for criminal immigration-related detention/incarceration and maximum potential duration of incarceration	Grounds for Incarceration	Maximum Number of Days of Incarceration		Observation Date
	Unauthorized entry	183		2014
	Unauthorised stay	183		2014
	Unauthorized exit	183		2014
LENGTH OF DETENTION				
Maximum length for administrative immigration detention in law.	Number of Days		Observation Date	
	540		2016	
PROCEDURAL STANDARDS				
Provision of basic procedural standards	Name	In Law	In Practice	Observation Date
	Right to legal counsel	Yes	Yes	2020
	Information to detainees	Yes	Yes	2015
NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)				
Types of non-custodial measures	Name	In Law	In Practice	Observation Date
	Designated non-secure housing	Yes	Yes	2014
	Supervised release and/or reporting	Yes	Yes	2014
	Registration (deposit of documents)	Yes	Yes	2014
	Release on bail	Yes	No	2014
	Electronic monitoring	Yes	No	2014
VULNERABLE PERSONS				
Is the detention of vulnerable persons provided in law? Are they detained in practice?	Name	In Law	In Practice	Observation Date
	Accompanied minors	Provided	No	2020
	Unaccompanied minors	Provided	No	2020
	Asylum seekers	Provided	Yes	2016
	Accompanied minors		Yes	2014

COVID-19 UPDATES

	Update Status	Observation Date
	<p>Responding to the Global Detention Project’s (GDP) Covid-19 survey, the Danish Department of Prisons and Probations said that there is one main special detention centre for immigration detainees, which it administers (according to GDP data, while Denmark has one long-standing dedicated facility, the Ellebaek Detention Centre, it has recently used other facilities for detaining migrants and/or asylum seekers, including Aabenraa Prison and Nykøbing Falster Arrest). The department said that because the police and the courts decide whether a non-citizen should be detained, it was unable to respond to most of the questions on the GDP survey. The department added that new immigration and asylum policies are the responsibility of the Ministry of Immigration. The department also reported that the testing of detainees in the special detention centre is supposed to be carried out on the initiative of medical staff. After the onset of the pandemic, all visits that were not considered absolutely necessary were suspended and internal measures were taken, including such as that detainees could only socialise with others from their own wing.</p>	2020
<p>Latest Update</p>	<p>In response to the Global Detention Project’s Covid-19 survey, the Danish Ombudsman’s office, which also acts as the country’s National Preventive Mechanism (NPM), forwarded to the GDP a letter it had sent to the UN Subcommittee on Prevention of Torture (SPT), the international body established by the Optional Protocol to the UN Convention against Torture. The letter was issued on 27 April following a request from the SPT for information from NPMs about their activities in response to Covid-19. The letter reported that the Danish Ombudsman’s office halted visits to detention sites on 12 March to reduce the risk of spreading infection. The Ombudsman’s office also confirmed, in telephone conversation with the Global Detention Project, that this included visits to immigration detention facilities. Monitoring would still take place through data and information collection. Regarding the Prison and Probation Service, the Ombudsman’s office reported that: - Prisoners were not allowed to receive visitors apart from lawyers and priests; they were not allowed to go on leave; if they presented any Covid-19 symptoms, prisoners would be isolated and the prisoners’ right to normal community would be restricted to 10 persons or less; - Prisoners were allowed more telephone time - in “open” prisons, prisoners had access to their mobile phones in order to FaceTime; leave days could be accumulated for later use; a medical doctor would be informed on the suspicion of Covid-19; - As of 12 March 2020, the Prison and Probation Service decided not to receive new prisoners; - 20-25 prisoners had been isolated on the suspicion of Covid-19 contagion; - Only one prisoner had tested positive for Covid-19; and - The number of prisoners had decreased and the slight overcrowding ended on 1 April 2020. Approximately 96-97 percent of the capacity was in use of 14 April 2020. The Danish Ombudsman’s office reported that no new places of detention had been established and no persons had been placed in quarantine without consent. The Ombudsman’s office had also received some 100 letters from inmates asking for a postponement of their imprisonment, although the Ombudsman’s office reported that it does not have the power to do so, which was communicated to the inmates. The Ombudsman also said that they were in close contact with their partners, the Danish Institute Against Torture (DIGNITY) and the Danish Institution for Human Rights (DIHR). DIGNITY has published “Global guidance and recommendations on how to prevent and manage Covid-19 in prisons” and DIHR was in the process of analysing the various Covid-19 laws and regulations as to their coherence with human rights. On 24 April, UNHCR thanked Denmark for its contribution (\$14.8M USD) to support the organisation’s Covid-19 appeal to protect refugees and their host communities around the world from the threat of the pandemic. The contribution places Denmark among the top four country donors to UNCHR’s Covid-19 response efforts. In their 5 May newsletter, ECRE reported that forced and voluntary returns were not being carried out and that departure deadlines for cases where departure dates were planned prior to the lock-down had been extended and were under review. They added that the government had not adopted any policy on the release of immigration detainees, leaving this question to judicial authorities. ECRE also reported that when asylum seekers are released from detention, they are directed to take up residence at an asylum centre pending the outcome of their case. Denmark currently hosts 39,000 refugees and asylum seekers. The Ministry of Health has published fliers and educational videos in multiple languages to help refugees understand the new rules about Covid-19. The Danish Refugee Council used Facebook to help refugee students with their homework by matching them with local volunteers.</p>	2020
	<p>The Covid-19 pandemic has particularly affected refugees and migrants in Denmark - a country that has pursued increasingly restrictive immigration and asylum policies in recent years. Reports indicate that all integration programmes have been put on hold and language schools are closed. (Although the country has now tentatively started to ease its lockdown restrictions, these do not yet appear to have been restarted.) Increasing the vulnerability of migrants is the fact that to get a permanent residence permit a person has to hold a full-time job for a certain period of time, but the crisis has made this nearly impossible and the government appears unwilling to ease this policy. According to a 6 April update on the European Commission’s Web Site on Integration, “One of the requirements to get a permanent residence permit is holding a full-time job for a certain period, including at the time of the decision. A large number of applicants have now lost their jobs due to social distancing measures, but the minister of integration says no special considerations will be taken.” Despite the Council of Europe’s Human Rights Commissioner call for member states to release migrants and asylum seekers in detention due to the crisis, Danish authorities have thus far refused to do so. According to the Minister of Integration, with returns now impossible and high risks of infection in closed facilities, any decision to release detainees would be up to the courts. Even in the midst of the pandemic, meanwhile, the Ministry of Immigration and Integration announced the launch of a new return office - the “Return Travel Agency” - which aims to increase deportations of people who lack valid visas and residency permits. (This announcement, however, is not a response to Covid-19.) The Danish Refugee Council has set up a new hotline which will answer questions about the coronavirus in 25 languages. This line was set up in response to the need for information for inhabitants who are not fluent in Danish.</p>	2020

INTERNATIONAL LAW

Relevant international treaties and date of ratification

International treaties	Name	Ratification Year
	OP CRC Communications Procedure	2015
	OPCRPD, Optional Protocol to the Convention on the Rights of Persons with Disabilities	2014
	CRPD, Convention on the Rights of Persons with Disabilities	2009
	CTOCSP, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	2006
	OPCAT, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	2004
	CTOCTP, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2003
	CRC, Convention on the Rights of the Child	1991
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1987
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women	1983
	ICCPR, International Covenant on Civil and Political Rights	1972
	ICESCR, International Covenant on Economic, Social and Cultural Rights	1972
	VCCR, Vienna Convention on Consular Relations	1972
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination	1971
	PCRSR, Protocol to the Geneva Convention Relating to the Status of Refugees	1968
	CRSSP, Convention Relating to the Status of Stateless Persons	1956
CRSR, Geneva Convention Relating to the Status of Refugees	1952	
Ratio of relevant international treaties ratified	16/19	

Relevant international treaties and date of ratification

International treaty reservations	Name	Reservation Year	Observation Date
	CRC Article 40	1991	1991

Relevant international treaties and date of ratification

Individual complaints procedure	Name	Acceptance Year
	CRC, [Third] Optional Protocol to the UN Convention on the Rights of the Child establishing a communications procedure, 2011	2015
	CRPD, Optional Protocol to the Convention on the Rights of Persons with Disabilities	2014
	CEDAW, Optional Protocol to the Convention on the Elimination of Discrimination against Women, 1999	2000
	CAT, declaration under article 22 of the Convention	1987
	ICERD, declaration under article 14 of the Convention	1985
	ICCPR, First Optional Protocol to the International Covenant on Civil and Political Rights, 1966	1972

Relevant international treaties and date of ratification			
Ratio of complaints procedures accepted	Number	Observation Date	
	6/7		
	6/7		
Relevant international treaties and date of ratification			
Relevant recommendations issued by treaty bodies	Name	Recommendation Excerpt	Recommendation Year
	Human Rights Committee	32. The State party should, while taking measures to control immigration, ensure their full compliance with the rights of migrants, including asylum seekers, as protected under the Covenant. In particular, the State party should: [...] (b) Ensure that the detention of migrants and asylum seekers is reasonable, necessary and proportionate in the light of the circumstances, in accordance with the Committee's general comment No. 35 (2014) on liberty and security of person, and that alternatives to detention are found in practice; (c) Consider reducing the length of detention for migrants and asylum seekers who are awaiting deportation and improve the detention conditions of such persons, in particular at the detention facility of Vridsløselille; (d) Repeal the amendment introduced to the Aliens Act in November 2015 in order to ensure that, in all cases, detained migrants have full access to fundamental legal safeguards, in particular to judicial review of the legality of their detention; [...]	2016
	Committee against Torture	§ 25: (a) Reduce the length of administrative detention of asylum seekers authorized under the Aliens Act for as short a period as possible, bearing in mind that detention should be used as a measure of last resort; (b) Ensure that facilities accommodating asylum seekers are appropriate for their status and situations, especially as some of them may be victims of torture or ill-treatment. As such, the State party should alter layout and fixtures so as to change the carceral appearance of facilities hosting asylum seekers.	2016
	Committee on the Rights of the Child	§ 62: The Committee urges the State party to take effective measures to safeguard the rights of children in their territory, especially those of unaccompanied children, to ensure that they do not fall prey to trafficking. In so doing, the Committee urges the State party: (a) To ensure that children who are suspected victims of trafficking will not be imprisoned as a result of conditions which are the consequence of them being trafficked , and that they are provided with specialized assistance services;	2011
Regional treaties, regulations, and directives			
Regional legal instruments	Name	Year of Ratification (Treaty) / Transposed (Directive) / Adoption (Regulation)	
	CPCSE, Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	2009	
	ECHR, Convention for the Protection of Human Rights and Fundamental Freedoms (commonly known as the European Convention on Human Rights)	1953	
	ECHR1, Protocol 1 to the European Convention on Human Rights (amended by protocol 11)	1953	
	ECHR7, Protocol 7 to the European Convention on Human Rights (amended by protocol 11)	1988	
	ECPT, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment	1989	
	CATHB, Convention on Action against Trafficking in Human Beings	2007	

Regional treaties, regulations, and directives

	Name	Recommendation Excerpt	Recommendation Year	Observation Date
<p>Recommendations issued by regional human rights mechanisms</p>	<p>European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)</p>	<p>"The CPT recommends that the Danish authorities put an end to the detention of children at Ellebæk, in the light of the above remarks. §78: The CPT recommends that efforts be made to maintain the establishment in a decent state of repair and to limit the carceral environment to a minimum. Further, arrangements should be made to ensure that regular activities are not cancelled due to lack of staff. Consideration should also be given to extending the possibilities for detained persons to cook their own food. §79: The CPT recommends that the Danish authorities ensure that every newly-arrived detainee is clinically assessed by a medical doctor or by a fully qualified nurse reporting to a doctor, as soon as possible after his/her admission to Ellebæk. Such health-care screening should be conducted in an appropriate and confidential setting. §81: The CPT recommends that the Danish authorities make the necessary arrangements for interpretation services to be provided when required, taking into account the above remarks. §82: The CPT recommends that the Danish authorities takes steps to improve the provision of information to irregular migrants from the outset of their detention and that they improve the possibilities for contact with the outside world such as permitting persons detained at Ellebæk to possess mobile phones, in the light of the above remarks.</p>	<p>2014</p>	<p>2014</p>
	<p>European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)</p>	<p>§17: persons detained under the Aliens Act to be guaranteed a right of access to a lawyer as from the very outset of their custody; §82: custodial staff at the Elleboek Institution to be reminded that they must always treat detainees in their custody with respect; §85: efforts to be made to clean and refurbish the detention units of the Elleboek Institution, to improve the bedding arrangements and to make the environment more appealing; §90: the Danish authorities to take urgent steps to introduce systematic medical screening of all persons admitted to the Elleboek Institution as soon as possible after their admission; §91: measures to be taken to ensure regular attendance by a psychiatrist and a psychologist at the Elleboek Institution and to step up psycho-social interventions; §95: steps to be taken to ensure that the information leaflet about the administrative detention of foreigners and the regime applicable is systematically provided to all detained persons upon their arrival at the Elleboek Institution</p>	<p>2008</p>	<p>2008</p>

Bilateral/Multilateral agreements linked to readmissions

Bilateral/multilateral agreements linked to readmission	Name	Year in Force	Observation Date
	Germany	1954	2017
	Estonia	1997	2017
	Finland	1957	2017
	Latvia	1997	2017
	Sweden	1957	2017
	Iceland	1957	2017
	Norway	1957	2017
	Switzerland	2013	2017
	Armenia	2004	2017
	Bosnia and Herzegovina	2004	2017
	Macedonia	2007	2017
	Georgia	2016	2017
	Moldova	2011	2017
	Montenegro	2003	2017
	Serbia	2003	2017
	Russian Federation	2011	2017
Ukraine	2009	2017	
Sri Lanka	1998	2017	

Non treaty-based international human rights mechanisms

Visits by special procedures of the Human Rights Council	Name	Year of Visit	Observation Date
	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	2008	2016

Non treaty-based international human rights mechanisms

Relevant recommendations by UN Special Procedures	Name	Recommendation Excerpt	Recommendation Year	Observation Date
	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	§ 75: With regard to detention of foreigners and asylum-seekers the Special Rapporteur, while being encouraged by the low number of asylum-seekers in detention as compared with some other European countries, is concerned by the fact that there is no maximum period for such administrative detention. Prolonged deprivation of liberty for administrative reasons without knowing the length of the detention may amount to inhuman and degrading treatment. Furthermore, although mandatory habeas corpus proceedings exist, the Special Rapporteur received information indicating that legal challenges to administrative deprivation of liberty of foreigners are not effective in practice.	2009	2009

Non treaty-based international human rights mechanisms			
Relevant recommendations of the UN Universal Periodic Review	Recomendation Issued	Year Issued	Observation Date
	Yes	2016	2017
	Yes	2011	

INSTITUTIONAL INDICATORS

Governing structures

Federal or centralized governing system	Federal or centralized governing system	Observation Date
	Centralized system	2016

Governing structures

Centralized or decentralized immigration authority	Centralized or decentralized immigration authority	Observation Date
	Centralized immigration authority	2016

Institutions responsible for immigration detention

Custodial authority	Agency	Ministry	Ministry Typology	Observation Date
	Department of Prison and Probation	Ministry of Justice	Justice	2016

Institutions responsible for immigration detention

Detention Facility Management	Entity Name	Entity Type	Observation Date
	Danish Prison and Probation Service	Governmental	2016
	Danish Prison and Probation Service	Governmental	2009

Institutions responsible for immigration detention

Formally designated detention estate?	Formally designated immigration detention estate?	Types of officially designated detention centres	Observation Date
	Yes		2016

Institutions responsible for immigration detention

Types of detention facilities used in practice	Immigration detention centre (Administrative)	Immigration field office (Administrative)	Transit centre (Administrative)	Reception centre (Administrative)	Offshore detention centre (Administrative)	Hospital (Administrative)	Border guard (Administrative)	Police station (Criminal)	National penitentiary (Criminal)	Local prison (Criminal)	Juvenile detention centre (Criminal)	Informal camp (Ad hoc)	Immigration detention centre (Ad hoc)	Surge facility (Ad hoc)	Observation Date
	Yes									Yes					

Detention monitoring institutions

Authorized monitoring institutions	Institution	Institution Type	Observation Date
	The Danish Institute for Human Rights (DIHR)	National Human Rights Institution (or Ombudsperson) (NHRI)	2016
	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)	International or Regional Bodies (IRBs)	2014

Detention monitoring institutions		
Is the national human rights institution (NHRI) recognized as independent?	Is the NHRI recognized as independent by the International Coordinating Committee of National Human Rights Institutions?	Observation Date
	Yes	2016
Detention monitoring institutions		
Does national preventive mechanism (NPM) carry out visits?	Does NPM carry out visits in practice?	Observation Date
	Yes	2017
Detention monitoring institutions		
Does NPM publicly release reports on immigration detention?	Does NPM publicly release reports on immigration detention?	Observation Date
	Yes	2017
Detention monitoring institutions		
Do international and/or regional bodies (IRBs) visit immigration-related detention facilities?	Do international and/or regional bodies (IRB) regularly visit immigration-related detention facilities?	Observation Date
	Yes	2019
	Yes	2014
Detention monitoring institutions		
Do IRBs publicly report their findings from inspections?	Do IRBs publicly report their findings from detention inspections?	Observation Date
	Yes	2019
	Yes	2014

More information about immigration detention in Denmark is available at the website of the Global Detention Project (www.globaldetentionproject.org)