

Immigration Detention Measures in Japan and Other Countries

※Regarding the detention of foreigners who were given deportation orders.
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	The maximum period of detention	Periodic review (Examination body)	Judicial order prior to detention	Number of detainees	Average period of detention
Australia	-	-	-	1,440 (as of 2021/8/31)	696 days (as of 2021/8/31)
Canada	-	Within 48 hours and 7 days after detention, once during each subsequent 30-day period. (judicial)	— (※ 1)	326 (average number per day in FY 2019-2020)	13.9 days (FY 2019-2020)
France*	90 days (※ 2)	After 48 hours and 30 days of detention (judicial)	— (※ 3)	53,273 (2019)	16.8 days (2019)
Germany*	6 months (※ 4)	-	○	2,777 (2018)	24 days (2018/3-2019/6) (In the case of Darmstadt-Eberstadt detention center) (※ 5)
Japan	— (※ 6)	-	-	13,216 (2019-2020) 346 (end of 2020)	549.5 days (as of 2020/1/1) (In the case of Higashi Nihon Immigration Center) (※ 7)
Rep of Korea	-	Each 3 months (administrative)	-	— (※ 8)	30-39 days (as of 2021/6/30) (In the case of three primary detention centers) (※ 9)
Sweden*	2 months (※10)	After 2 months from detention (administrative or judicial) (※11)	-	2,528 (2019-2020) 369 (end of 2020)	55.3 days (2020)
United Kingdom	-	Each 4 months (judicial)	-	14,773 (2019-2020) 910 (end of 2020)	N/A (※12)
United States	90 days (※13)	After 90 days, 180 days, and 18 months from detention. Annually examined afterward. (judicial)	-	19,254 (average number per day in 2020)	45.7 days (2020)

[Notes]

* EU directive (Return Directive 2008/115/EC) provides that 'Each Member State shall set a limited period of detention, which may not exceed six months.'

※ 1 : An independent administrative court, Immigration and Refugee Board (IRB) carries out an examination on whether there are reasonable grounds for detention, within 48 hours of the detention.

※ 2 : Foreigners who are sentenced for terrorism can be detained for up to 210 days. In such cases, examination for detention necessity is held each subsequent 30-day until 180 days and thereafter, each subsequent 15-day.

※ 3 : The administrative decision for detention is valid for only 2 days. Within this period, the Judge of Freedoms and Detention (JLD) (administrative court) examines the validity of detention based on the conditions defined by the law.

※ 4 : Shortest possible period. In case the judge decides that the person hinders their deportation, detention may be extended by an additional twelve months.

※ 5 : No nationwide statistic is available.

※ 6 : In the case of detention based on a deportation order.

※ 7 : No nationwide statistic is available.

※ 8 : No nationwide statistic is available. As of 31/7/2021, a total of 4,244 people were detained at the Hwaseong, Cheongju, and Yeosu detention centers. In addition, as of 30/6/2021, approximately 450 people were detained in the "detention room" under Immigration Control Office.

※ 9 : No nationwide statistic is available. As of 30/6/2021, the average length of detention at the Hwaseong, Cheongju, and Yeosu detention centers was 32.5 days, 30 days, and 39 days for each.

※10 : In exceptional circumstances such as the lack of cooperation by the foreigner or the lengthy period to acquire the necessary documents, a person may be detained for up to 12 months.

※11 : Additionally, examination for an alternative to detention measures would be carried out automatically after 6 months of detention.

※12 : As for 15,449 people who were released from detention in 2020, the detention period was as follows: less than 29 days for 11,924 people, 29 days and more to less than 2 months for 1,766 people, 2 months and more to less than 4 months for 1,020 people, 4 months and more to less than 12 months for 634 people, 1 year and more to less than 2 years for 97 people, and 2 years and more for 8 people.

※13 : If the deportation did not take place within 90 days and the foreigner fits within certain categories such as being convicted by a final judgment of a particularly serious crime, committed a serious nonpolitical crime outside the United States, or involved in human trafficking, detention could be extended.

[References]

Australia	· Law : Migration Act 1958	· Statistic : Immigration Detention and Community Statistics Summary
Canada	· Law : Immigration and Refugee Protection Act	· Policy : Global Detention Project · Statistic : Canada Border Services Agency
France	· Law : Code of Entry and Residence of Foreigners and of the Right to Asylum	· Policy and Statistic : Global Detention Project · Statistic : AIDA · Policy : CGLPL
Germany	· Law : Residence Act	· Statistic : Global Detention Project · Statistic : AIDA
Japan	· Law : Immigration Control and Refugee Recognition Act	· Statistic : Japan Association for Refugees · Statistic : e-Stat
Rep of Korea	· Law : Immigration Control Act	· Statistic : Global Detention Project · Statistic : The real situation of Korean Immigration Detention Center in 2021 (Civic Organization < Majeong >)
Sweden	· Law : Alien Act	· Statistic : AIDA
United Kingdom	· Law : Immigration Act	· Statistic : Immigration Statistics · Statistic : AIDA
United States	· Law : Immigration and Nationality Act	· Statistic : ICE

Statistic of Rep of Korea was provided by Mr. Taesung Oh; a member of Asia Pacific Research Center of Osaka University of Economics and Law.