

## Second Global Roundtable on Reception and Alternatives to Detention

Toronto, Canada, 20-22 April 2015

### Summary of deliberations

With the support of the International Detention Coalition and the Oak Foundation, and in close cooperation with the Canadian authorities, UNHCR convened the second Global Roundtable on Reception and Alternatives to Detention, in Toronto, Canada from 20-22 April 2015. The roundtable brought together 53 experts and officials from Government, civil society/NGOs, international organisations, academia and other experts, drawn from 24 countries.

The roundtable built on the outcomes of the first Global Roundtable on Alternatives to Detention, held in Geneva, in May 2011,<sup>1</sup> and advanced discussions on how to manage asylum and migration systems without, or with more limited, recourse to detention and through the use of alternatives to detention.<sup>2</sup> The roundtable was organised as part of UNHCR's *Global Strategy – Beyond Detention 2014-2019*,<sup>3</sup> which has the ultimate goal of supporting Governments to end the routine detention of asylum-seekers and refugees, in particular to end the detention of children.

The discussions were informed by two “Options Papers” prepared by UNHCR to raise awareness amongst governments and other stakeholders of available options for reception, alternatives to detention and other good practices.<sup>4</sup> “A Tale of Two Children”, a video on child-appropriate alternatives, was screened.<sup>5</sup> The first day of the roundtable was dedicated to small group site visits to four different reception facilities and alternatives to detention implemented in the City of Toronto. Participants visited COSTI Reception Centre, FCJ Refugee Centre, Matthew House and the Toronto Bail Program and had an opportunity to speak with the managers as well as some beneficiaries of these alternatives. These visits were an important visualisation of alternatives working in reality and informed and inspired discussions on the following days. The second and third days involved various plenary and working group thematic discussions, as reflected in this summary report.

This summary of deliberations reflects broadly the themes, issues and understandings that emerged from the discussion, although it does not necessarily represent the individual views of particular participants, or of UNHCR. The event took place under the Chatham House Rule. References to

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<sup>1</sup> UNHCR and Office of the High Commissioner for Human Rights, *Global Roundtable on Alternatives to Detention of Asylum-Seekers, Refugees, Migrants and Stateless Persons: Summary Conclusions*, July 2011, available at: <http://www.refworld.org/docid/4e315b882.html>. Other documents related to the roundtable can be found at: <http://www.unhcr.org/3e5f78bc4.html>.

<sup>2</sup> Alternatives to detention is not a legal term but rather refers to any legislation, policy or practice that allows asylum-seekers to reside in the community subject to a number of conditions or restrictions on their freedom of movement. As some alternatives to detention also involve various restrictions on movement or liberty (and some can be classified as forms of detention), they are also subject to human rights standards. See UNHCR, *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, paragraph 8, available at: <http://www.refworld.org/docid/503489533b8.html>.

<sup>3</sup> UNHCR, *Beyond Detention: A Global Strategy to support governments to end the detention of asylum-seekers and refugees, 2014-2019*, 2014, available at: <http://www.refworld.org/docid/536b564d4.html>. All documents related to the Strategy can be found at: [www.unhcr.org/detention](http://www.unhcr.org/detention).

<sup>4</sup> UNHCR, Options Paper 1: *Options for governments on care arrangements and alternatives to detention for children and families*, available at: <http://www.refworld.org/docid/5523e8d94.html> and UNHCR, Options Paper 2: *Options for governments on open reception and alternatives to detention*, available at <http://www.refworld.org/docid/5523e9024.html>.

<sup>5</sup> Video produced by UNHCR and IDC, available online at: <http://www.unhcr.org/pages/53aa90d86.html>.

country examples in this report have been made with the approval of that country concerned, or because the information is already in the public domain.

**General understandings on alternatives to detention emerging from the roundtable:**

- Alternatives to detention contribute to a humane and cost-effective management of asylum and migration processes.
- Alternatives to detention need to be developed and implemented in a way that is context-specific, taking into account the particularities of each situation/country context. No single alternative to detention will be fully replicable in another context; however, certain elements of successful alternatives to detention are consistent across good practices.
- Empowering and building the trust of migrants and asylum-seekers in programmes and partnerships were often key to the success of alternatives, in particular partnerships between Government and civil society.
- A holistic approach to alternatives to detention is required, in the sense that they should identify and address individual needs in a comprehensive way, exploring all available options to resolve individual cases, and be made available from initial entry through to the departure phases of the asylum/migration process.
- The leadership of Government ministers and parliamentarians is often essential, as well as the collaboration and support of local authorities, host communities and asylum-seekers or migrants themselves, all of which can be instrumental in the successful design, implementation and sustainability of alternatives to detention.
- Successful alternatives will frequently involve joint Government and civil society collaboration. In such joint programmes, the clear delineation of roles and responsibilities is elementary, especially between the support, case management and service provision functions and any compliance or enforcement aspects. “Good old fashioned social work” was also praised as an appropriate approach and methodology.
- Alternatives to detention have been shown to be nearly universally more cost-effective than detention; however, alternatives need to be appropriately funded in order to be successful.
- A period of “trial and error”, where alternatives are developed, piloted, and then evaluated to ensure that they are adapted to the national and local contexts as well as to the needs and specific situation of individual asylum-seekers and migrants, can ensure positive outcomes for the future.
- Perceptions of fairness, efficiency and transparency are important for building trust in asylum and migration systems, and are also key to ensuring compliance with any conditions imposed on asylum-seekers or migrants.
- Successful alternatives to detention encourage asylum-seekers to develop and strengthen links with the local community and preserve family life. For those whose claims for international protection are successful, their acceptance into the local community can be accelerated.
- Ensuring that a robust system of community-based alternatives to detention is in place will assist States in preventing and reducing cases of wrongful or arbitrary detention, also avoiding costly litigation.
- Alternatives to detention are also applicable in the returns context and, combined with case

management, have been shown to result in solid voluntary return / independent departure rates.

### **Policy-making on detention and alternatives to detention**

1. It was widely acknowledged that migration and asylum policies need to be built on facts. Studies on alternatives to detention consistently demonstrate their added value, notably in terms of efficiency, cost effectiveness, humane treatment, community integration, and compliance rates.<sup>6</sup> It was also noted by many participants that detention policies and practices have no deterrent effect on irregular migration or numbers of persons seeking international protection;<sup>7</sup> yet, at times, detention is used by States to respond to other social phenomena such as human migration and some participants warned against the normalisation of detention policies, practices and infrastructure.
2. One challenge for all States - particularly in today's complex environment - is that of national security and knowing who is in one's territory. It was noted that particularly harsh or arbitrary detention practices can undermine, rather than enhance, security by encouraging people to live clandestinely.
3. Many participants reiterated that successful alternatives to detention, on the other hand, are premised on individuals engaging constructively with asylum and migration processes, rather than seeking to evade them. In order to facilitate such engagement, well-functioning screening and assessment procedures, registration and documentation systems, including birth and other civil registration,<sup>8</sup> and access of asylum-seekers to those systems, were acknowledged to be fundamental.
4. In the removals context, it was noted that the physical and mental effects of detention on individuals can not only thwart cooperation with removal, but also make individuals less able to cope with return to and reintegration in their countries of origin. In this context, States were encouraged to explore, develop and implement community-based alternatives specifically tailored to building trust and understanding barriers to removal for those found not to be in need of international protection.

### **Screening**

5. Screening was highlighted as a key component of successful asylum and migration systems. In particular, screening provides for the identification of persons with protection needs and helps front-line officials decide the most appropriate alternative to detention in the individual case.

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<sup>6</sup> See *There Are Alternatives*, section 4.2, International Detention Coalition (IDC), 2011, available at: <http://idcoalition.org/there-are-alternatives/>. See also *Back to Basics: The Right to Liberty and Security of Person and "Alternatives to Detention" of Asylum-Seekers, Stateless Persons, and Other Migrants*, April 2011, UNHCR Legal and Protection Policy Research Series, PPLA/2011/01.Rev.1, by Alice Edwards, available at <http://www.refworld.org/docid/4dc935fd2.html> and *Building Empirical Research into Alternatives to Detention: Perceptions of Asylum-Seekers and Refugees in Toronto and Geneva*, June 2013, by Cathryn Costello and Esra Kaytaz, UNHCR Legal and Protection Policy Research Series, PPLA/2013/02, page 10, available at: <http://www.refworld.org/docid/51a6fec84.html>.

<sup>7</sup> See *Briefing Paper: Does Detention Deter?* IDC, April 2015, Available at: <http://idcoalition.org/does-detention-deter-new-briefing-paper/>. Ibid., Edwards. See also, UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau*, 2 April 2012, A/HRC/20/24, paragraph 8, available at: <http://www.refworld.org/docid/502e0bb62.html>.

<sup>8</sup> UNHCR, Executive Committee of the High Commissioner's Programme (ExCom), Conclusion on Civil Registration, No. 111 (LXIV) – 2013, available at: <http://www.refworld.org/docid/525f8ba64.html>.

It can also provide information so that initial basic needs can be met, and appropriate referrals made to relevant service providers.

6. Screening also allows for better case by case determination of the possible necessity and proportionality of any decision to detain. To be compliant with international law, experts noted that this individualised screening and assessment needs to be undertaken at the moment of intake, whether at the border or upon identification/arrest in the territory.
7. Screening involves identity, security and health checks, as well as importantly the detection of specific vulnerabilities. Particularly vulnerable groups or individuals include children, torture survivors, asylum-seekers and victims of past persecution, victim of trafficking, physical or mental disabilities, elderly, pregnant or nursing mothers, or parents with a primary caretaker responsibility, as well as persons with serious physical illness, serious mental illness, or differing sexual orientation/gender identity.
8. National examples of successful screening tools provided to roundtable participants showed that they incorporate both an assessment of patterns of (i) past cooperation and (ii) past non-cooperation. Factors to be assessed include a heightened risk of non-compliance, such as previously non-executed removal orders, but also examine positive factors, such as the existence of faith, ethnic or cultural communities, family members, or civil society organisations in the community who can support and assist the individual. Assessments as to flight risk need to be based on facts, they cannot be purely speculative.
9. A growing number of screening tools such as checklists or guidance were hailed as elementary, as decisions taken need always to be properly taken and documented, with tools helping decision-makers do so. UNHCR was encouraged to develop a generic screening tool to support States.
10. Participants also noted the need for ongoing observation over time *inside* places of detention in order that staff are able to identify new or pre-existing vulnerabilities not originally presented or detected at the time of the decision to detain. Such observations should lead to a review of the decision to detain. Training for detention centre staff in ongoing observation as well as social work approaches was underscored.
11. The importance of proper coordination between first line officers on the one hand, and protection actors and other service providers on the other, was emphasised. Codified guidelines and clear instructions/standard operating procedures for referrals need to be in place. In order to ensure appropriate implementation of screening and assessment procedures, capacity building and reinforcement of referral mechanisms need to be part of the migration and asylum systems. Also, participants noted the need for greater transparency and ongoing monitoring of the quality of the screening mechanisms as well as their implementation.

### **Decisions to detain, independent detention reviews and release options**

12. International law requires that decisions to detain or to extend periods in detention are to be subject to minimum procedural safeguards, including that asylum-seekers and migrants are informed at the time of arrest or detention of the right to legal representation, the reasons for their detention and the applicable review procedures. Such information must be provided in a language and in a manner the detainee understands.
13. Persons detained for immigration-related purposes should be brought promptly before a judicial or other independent authority to have the detention decision reviewed; regular periodic reviews should also be in place. A number of States reported that such detention

reviews take place within 48 hours after the initial decision, which was considered a positive practice. Likewise, the holding of detention reviews in a separate location within the detention centre was considered useful and avoided transportation delays in bringing detainees to court. Video conferencing was mentioned when the caseload was large, but otherwise face-to-face reviews were considered most effective.

14. All decisions to detain or decisions that impose restrictions on movement need to be in writing and properly motivated. The name and signature of the official making the decision is needed, also to ensure accountability.
15. Information about the right to contact UNHCR for asylum-seekers is best reflected in law. Likewise, for migrants without protection needs, access to their consular authority must be provided. At no time should consular authorities be given information on or access to asylum-seekers, without the consent of the asylum-seeker.
16. A particularly good practice mentioned is to hold a consultation/conference among relevant officials involved in alternatives to detention prior to taking the decision to detain, to ensure that the alternative is best tailored to the individual's particular needs.

### **Exploring, developing and implementing alternatives to detention: a multi-stakeholder process**

17. A focus on how to start and/or sustain the process of setting up community-based alternatives to detention was welcomed. The importance of the initial political decision was highlighted. Mention was made of involving national Parliaments and other decision-makers, such as local authorities, NGOs, community leaders and asylum-seeker and migrants themselves or their associations.
18. In many countries, successful alternatives to detention are implemented in partnership with a wide range of stakeholders. In some countries, alternatives to detention have grown out of the goodwill or initiative of private actors, such as charities or NGOs. It was considered that, in many cases, effective alternatives are those implemented in coordination with NGOs, civil society organisations and other service providers. Preference for formalised agreements was noted, although some alternatives to detention work in an informal way. In some situations, it has proven useful to complement formal initiatives with informal networks such as diaspora, religious organisations, etc.

### **Case management support**

19. The roundtable heard that community-based alternative to detention models are characterised by case management and other support, which allow individuals and families to live freely in the community. The type and degree of support and guidance takes into account the specific needs and vulnerabilities of each person or family. These arrangements can vary greatly depending on the implementation context yet best practice indicates that they include support for finding accommodation, accessing education and health services, referrals to legal representation, and support in finding work or other related opportunities, as applicable.
20. Although case management operates differently in different contexts, it was generally understood that case management is a strategy for supporting and managing individuals and their asylum/migration claims and other needs, and can be an integral part of the success of alternatives to detention. It helps orient and support individuals to navigate the asylum/migration system, while also responding to their individual needs to allow them to engage fully with those processes. Case management may involve legal representation and, in

the case of unaccompanied or separated children, would need to include guardianship arrangements (see paragraphs 25-34 on children).

21. Experts noted that individualised coaching or case management should start as early as possible after arrival or arrest in the country and be delivered in a holistic and continuous manner throughout the entire migration/asylum process (it is not a “one off” coaching session). Early access to case management fosters trust in the system and cooperation on the part of the asylum-seeker.
22. Examples were given of how case management assists timely, fair and efficient resolution of the asylum or migration case, including by: (i) improving informed decision-making of authorities and individuals; (ii) improving cooperation and compliance with immigration requirements; and (iii) preparing, supporting and empowering individuals throughout their asylum or migration process.
23. Even during the departure phases where they are applicable, experience was shared that persons who have been supported by case management to explore all of the case resolution options available to them generally understand their options better and feel they have been through a fairer process. Voluntary return/independent departures of persons have been shown to be higher for those who have been guided throughout the process by a case manager.
24. Participants strongly emphasised that a sole enforcement-oriented approach can be counter-productive, and that new approaches and skills need to be developed across relevant departments to allow individuals to feel in control of their lives and empowered to make or contribute to decisions affecting them.

#### **Child appropriate care arrangements**

25. A number of good practices in relation to care arrangements for unaccompanied or separated children (UASC), as well as children in families, were shared.
26. A strong national legislative or policy framework was considered fundamental to ensure that children are not detained and enjoy freedom of movement. In a number of countries a presumption against the detention of children or a total ban on child detention is included in national law. Mechanisms to provide guardianship and legal representation to all non-national children (independently of their asylum or migration status) and the best interest principle are often, as well, foreseen in law.
27. Child-appropriate screening also was highlighted with further sharing of State practices requested. In some countries, each child undergoes an intake assessment with continuous monitoring. A first social, psychological and medical profile is established and referrals are organised to specific services. Best practice ensures that continuous monitoring and observation takes place as long as the child is in the country and throughout the asylum or migration process.
28. Coordination and consultation between different State authorities (child protection, immigration, health, etc.) were identified as critical for the comprehensive care of non-national children. For example, in Argentina, a *Protocol for the Protection, Assistance and Search for Durable Solutions for Unaccompanied or Separated Children who Seek Asylum* outlines the roles and responsibilities of different governmental bodies and other actors. This multi-stakeholder mechanism supports the coordination between the relevant bodies and their

interventions. Monitoring of the situation of UASC is undertaken by the Public Defender's Office.<sup>9</sup>

29. The principle of the best interests of the child was underlined throughout the discussions.<sup>10</sup> There were some reflections on how to assess this in relation to children in families where there are grounds to detain the parent. More guidance on the best interests principle in the detention context was requested. Determination procedures that involve the child's guardian, legal representative and relevant departments, or advisory panels, were recommended. Children should be given an opportunity to present their views and to be informed of the process and its possible consequences for them. The Mexico video on the asylum system, which is in an animated child-friendly format, was considered a good practice. Also considered a good practice was the fact that child protection workers in Mexico are required to talk to the child after viewing the video and ascertain their level of understanding of the procedure.
30. Participants noted the special importance of documenting children and to give them a legal status, while their immigration or asylum case is being resolved. A number of good State practices were shared. Child-friendly case management was described as an important component for the establishment of trust with children, leading to better engagement in the asylum process. In Belgium, the Belgian Federal Agency for the Reception of Asylum-seekers (Fedasil) has set up orientation and observation centres where all UASC are first received in such a centre, for a period of 2 to 4 weeks. After this initial period, children are moved into collective reception centres specialised in the reception of children. After they reach 16 years of age, and if they are sufficiently autonomous, they can move into individual reception facilities such as a studio in the community, gathering five to 10 teenagers, provided with appropriate supervision of a caseworker.
31. Individual care plans designed with the child and his or her guardian, based on his or her specific needs and the expression of his or her views, were presented. In Belgium, such plans focus on basic skills related to the stay in the country, on the definition of a "life project" that is consistent with the migration procedure and its possible outcome, and on school and vocational training. This document is "owned" by the child and accompanies him or her through the different reception phases, with continued adaptation. Child-friendly case management is coordinated throughout the different reception phases thanks to the provision of consistent messages by the different adults and multi-disciplinary teams around the child.
32. Various methods that contribute to protect children from traffickers and others, and to discourage their absconding from alternative care arrangements, were given. For example, it was found that if an alternative care arrangement is based on the agreement of the child, absconding is minimised. A balance between appropriate staff supervision and the enjoyment of freedom of movement also contributes to create a safe environment and to build trust with the child. Structured activities and time schedules as well as behavioural benchmarks were held to create an important sense of security and responsibility in the child. Awareness raising activities over the risks related to irregular or clandestine lives, trafficking and re-migration are given to children, with peer counselling. Measures to control for any negative networks are also needed. Early interventions to prevent trafficking in children were highlighted, with options for referrals to protective shelters readily available.

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<sup>9</sup> For more information on all the examples in this section, see UNHCR Options Paper 1.

<sup>10</sup> See *UNHCR Guidelines on determining the best interests of the child*, 2008, available at <http://www.unhcr.org/4566b16b2.pdf>.

33. Integration of children into the local community and access to local services were described very positively for the development of the child. In Israel, for example, refugee youth over the age of 14 years are accommodated in “youth villages” (i.e., residential homes), with the objective to integrate them alongside Israeli youth groups where they benefit from education and comprehensive services under the supervision of the Ministry of Education. This programme emphasises a community approach to the follow-up of the child’s needs – for example, staff live with their families alongside the students.
34. A number of other challenges for States were discussed, such as the process of “aging out” of child protection programmes and services before a final immigration/asylum decision has been given, and the uncertainty regarding the future of some young people whose status has not been resolved before they reach 18 years of age. Prioritised processing for children was emphasised as important to reduce at least part of the problem. A tension between the educator’s expectations to enrol the child in educational activities and the pressure felt by some youth to earn money to send home to their families in their countries of origin or former places of refuge was noted as a particular challenge. Allowing youth to benefit from national youth programmes to provide a transitional solution in some cases was encouraged by participants.

#### **Alternatives to detention in transit contexts**

35. The notion of “transit countries” has been defined as a fluctuating one, since it heavily relates to that of the individual’s “preferred destination”, and this may change over time or vary from individual to individual. For example, when there is a supportive environment, a person may decide to settle in a so-called “transit country” and it may become his or her “final” destination. Working on alternatives to detention in countries which are not, initially, the preferred destination should be done jointly with the improvement of general asylum systems, reception conditions and integration factors (unimpeded access to local services, barrier to languages, family reunification perspectives, work rights, etc.).
36. Participants stressed the need to engage in further research on alternatives to detention in so-called “transit countries”, especially to understand absconding rates.

#### **Reception and alternatives to detention mechanisms in post-disembarkation contexts**

37. Protection sensitive entry systems include mechanisms to facilitate disembarkation of asylum-seekers or migrants rescued at sea and their referral to appropriate reception procedures, including alternatives to detention.
38. A number of measures were highlighted in order to improve the reception and treatment of rescued people, including but not limited to:
- Strengthening identification, registration and referral mechanisms to support services and alternatives to detention upon disembarkation.
  - Search and rescue capacity needs to be strengthened in the context of high level sea migration routes, with persons disembarked on safe shores as early as possible.
  - Further engage with civil society and other relevant stakeholders for the development and implementation of alternatives in this context.
39. The need to compile some good practices on post-disembarkation alternatives to detention and other practices was suggested.



## **Alternatives to detention for complex cases**

40. It was noted that alternatives to detention can be particularly helpful in resolving complex cases, such as those affected by the negative aspects of crime and/or drugs, as well as on the complexities of vulnerability including child cases, family reunification, trafficking, torture/trauma, etc. It was also noted that alternatives are also relevant for individuals with complex legal issues.
41. One-to-one support with the case manager was posited as the cornerstone of alternatives to detention programmes designed for complex cases. In some examples shared, the case managers are regularly available to resolve practical and emotional problems, with interpretation as required. Through their case manager, people are connected with or referred to the necessary services. One core mission of the case manager is to establish trust and treat the person in a human way: these are the main ingredients that will lead to voluntary compliance with the immigration and asylum proceedings, including, when applicable, return.
42. Some of the programmes explored observed that participation in community events should be encouraged, as it allows asylum-seekers and migrants to share their experiences of the asylum-migration process with peers. Training on life skills aid integration/reintegration into host communities or raise awareness about future risks related to, for example, onward migration.
43. Positive examples of engagement in alternatives to detention for complex cases were presented.
44. In the UK, the NGO Detention Action has developed a community support pilot project for non-national ex-offenders aged 18 to 30 years, with previous criminal convictions and barriers to removal, who have been detained for a period of between 9 months and 4 years. Participants are provided with case management and training in order to comply with conditions of release. The project also aims to minimise risk to the public of re-offending, through reintegration and community participation. A transitional planning phase based on a probation service model is followed, while the person is also referred to local services based on his or her individual needs. On-site coaches provide information, practical assistance and discussion of return.
45. In Canada, the Toronto Bail Program (TBP) is another example of alternatives to detention run by a non-profit entity and available to asylum-seekers, migrants awaiting removal, as well as migrants with drug addictions or presenting psychological or other medical needs. The TBP carries out interviews to assess suitability of candidates for their supervision and their willingness to participate. They are expected to engage in meaningful activities and are supported to do so.
46. One central component of these and other programmes is the preparation, together with the beneficiary, of a life plan or transitional plan. These plans include measures to address his or her specific needs and to gather the services that the individual will need to access after his or her release (mental health services, drug clinics, etc.) as well as to focus on future prospects and opportunities in the country of asylum or origin, depending on the case.
47. These types of ATD programmes are built on common interest of the Government and civil society in promoting compliance and reducing offending while taking a more humane approach. Strong working relationships and regular dialogue between the Government and civil society are important ingredients for success.

## **Alternatives to detention and returns procedures**

48. Alternatives to detention were also noted as relevant to individuals in the returns phase, including for persons found not to be in need of international protection.
49. Assisted voluntary return and reintegration programmes (AVRR), such as those promoted by some States and NGOs through specific programmes or in conjunction with the International Organisation for Migration, aim to provide humane, safe and dignified return and reintegration options for irregular migrants and for asylum-seekers whose claim to protection has not been upheld and who wish to return voluntarily to their country of origin (or a third country where they have a residence permit).
50. AVRR programmes are generally tailored to the context and needs of each individual and their family circumstances, offering individual logistical, financial and psycho-social support. Comprehensive AVRR projects include at a minimum the following components: pre-departure information, transportation, and post-arrival and reintegration assistance, including monitoring and evaluation in the country of origin. Post-arrival and reintegration assistance may include financial support for the implementation of self-reliance projects, for example.
51. Amongst the key principles of AVRR is that the voluntariness of the return means: (i) freedom of choice, which is defined by the absence of any physical or psychological pressure and (ii) an informed decision, which is reliant on the availability of adequate, accurate and objective information upon which to base such decisions. In view of these strict criteria, AVRR would generally only be applicable without a forced removal or deportation order.
52. To ensure a voluntary, safe, well-prepared return with dignity and in confidence, States can either implement a return programme directly, or rely on NGOs offering services and preparation, including personal coaching to support the reintroduction into the community of origin. Some commented that NGOs have a greater capacity to carry out effective personal coaching.
53. Programmes such as Bridge to Better by the Bridge to Better Foundation in the Netherlands focus on empowerment, business, financial planning and skills training, and other practical assistance for the migrant who opts to return voluntarily. Thanks to continued contacts with partners in countries of origin and evaluation after return, such programmes can mobilise returnee networks, local partners and organisations and expand future (re)integration prospects for returnees and the local community they return to.
54. Another example to support returns with limited recourse to detention was that of the United Kingdom's Home Office Family Return Process, active since May 2010. This progressive / gradual return process applies to families with a dependent child or children (aged under 18) in which there is an adult family member liable to be removed and for whom there is a realistic prospect of removal. Once they receive a removal decision, a Family Engagement Manager (FEMs) is allocated to the family. Co-located with all Immigration Compliance and Enforcement Teams across the UK, the FEMs are responsible for interacting with the families and progressing their case in order to ensure safe return to the country of origin.
55. In context of returns, alternatives to detention provide a better set up for the required preparations than detention does, as it allows individuals to prepare properly for their departure, to deal with settling in-country matters, and focus on how to re-establish themselves in their country of origin.
56. Furthermore, it was noted that gradual return programmes, such as the UK example, can empower families who have exhausted all in-country appeals and have no legal right to remain

on the territory, to take control of their departure and to understand the available options to facilitate their reintegration in the home countries.

57. In all cases, preparation time was accepted as key to success. Counselling/preparation phase and a customised care should support the return process; economic support and work rights in the host country contribute to the ability to arrange own independent return. However, it was also noted that too long a preparation phase can undermine the likelihood of constructive engagement with the process, for example, if return is continually postponed.

### **Recommendations for specific follow-up**

58. For further implementation of alternatives to detention, participants noted the need for:

- Further **sharing of good practices**, in particular with respect to identity verification, especially in the absence of documentation and vulnerability screening.
- **Training tools and curricula** on, for example, the identification of vulnerabilities, for example through the development of an **online interactive course**.
- A **global screening tool**, to be adapted to different national contexts, was requested. *Note:* UNHCR, together with the International Detention Coalition, with the support of the Oak Foundation, are preparing a first example of such a screening tool, in 2015. Participants from different countries offered to share their own specific forms, checklists and other guidance to inform its development.
- Further **guidance and good practice collections on case management, age assessments, best interests and guardianship arrangements** in the detention and alternatives to detention context.
- In the area of independent departure/voluntary return, additional research and sharing of good practices on alternatives in this context. A **follow-up roundtable** on alternatives in the returns context was suggested.
- **Monitoring and evaluation criteria** need to be foreseen to measure successful implementation of alternatives to detention. A matrix gathering the different roles of the different stakeholders in various models of ATDs (e.g. migration, police, social workers, NGOs, health workers, guardians, and child welfare agencies) could be developed at the national level highlighting contextual specificities, and how this may impact on compliance.
- There was a call for **further research** in a number of areas, such as the costs of immigration detention taking into account the impacts post-detention, the impacts of short-term detention on children, and alternatives in transit and returns contexts (including absconding rates).
- Better and more transparent **collection and analysis of statistics** on detention and alternatives to detention was recommended.
- There was a call for an **evaluation of the reintegration** of persons after independent departure/voluntary return and forced return.
- Support for **quality assurance** projects in respect of initial decision-making on detention was proposed.

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