



ALTERNATIVES TO DETENTION

MODULE 0 – Introduction



UNHCR
The UN Refugee Agency





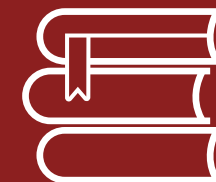
INTRODUCTION

This short module introduces and provides an overview of the Alternatives to Detention Self-Study Modules.



BY THE END OF THIS MODULE, YOU SHOULD BE ABLE TO:

- Describe the Alternatives to Detention Self-Study Modules;
- Explain the objectives of the Alternatives to Detention Self-Study Modules; and
- Explain what you will be doing over the course of the Self-Study Modules to achieve these objectives.



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RATIONALE FOR THE SELF-STUDY MODULES

Despite the growing use of detention as part of stricter immigration control measures and policies around the world, the interest of governments in alternatives to detention (ATDs) has recently grown as well. More governments are undertaking detention reforms and taking steps to implement alternatives. The implementation of alternatives to detention, following an individualized assessment of the need and specific circumstances of each case, is also the subject of increasing interest on the part of international human rights bodies.

At the same time, it appears from the different forums where States are exchanging practices around alternatives to detention and from various studies on ATDs in recent years that:

- There is still a significant lack of understanding about the definition of ATDs and their implementation modalities;
- There is little sign of systematic implementation or development of ATDs, so they have remained limited in scale and reach;
- Few examples of good practice involve full case management, despite evidence that this is the crucial element of the most effective alternatives to detention; and
- ATDs have largely been shaped by States and regional bodies, with little input from communities or asylum-seekers themselves. At the same time, the most effective alternatives are those that place asylum-seekers at the centre of the process, feature heavy involvement of civil society in design and delivery, and prioritize the rights and welfare of asylum-seekers alongside migration governance objectives.

To be able to introduce and effectively apply alternatives to detention, we need to understand why these alternatives are better placed than detention to achieve the goal/expected result in the immigration context. We also need to understand how these alternatives to detention operate in practice. In these Self-Study Modules we will answer the following questions:

- What are ATDs and why are they important?
- What is the international legal framework that shapes ATDs?
- How should decisions on ATDs be made?
- What are the different models of ATDs?
- What specific modalities exist for refugee children?
- How can we advocate for ATDs within specific national contexts?

The overall objectives of this programme are to enable learners to:

- Differentiate between reception arrangements and ATDs;
- Specify appropriate ATD mechanisms;
- Support the design and implementation of ATDs;
- Introduce elements of an advocacy strategy related to establishing appropriate ATDs in law; and
- Apply specialized knowledge regarding child care arrangements in immigration procedures.



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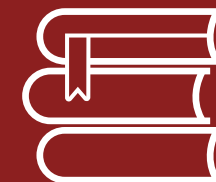
METHODS OF SELF-STUDY MODULES



CONCEPTUALIZATION OF THE SELF-STUDY MODULES

These Self-Study Modules on Alternatives to Immigration Detention are designed to equip you with knowledge and skills related to advocating for, developing and implementing alternatives to immigration detention in your national context. It is addressed to asylum and migration officials, staff of international organizations, NGOs and other stakeholders working on protection of asylum-seekers and refugees.

These Self-Study Modules were developed in the context of UNHCR's global strategy 'Beyond Detention (2014-2019)', which aims to support governments to end the detention of asylum-seekers and refugees. These Self-Study Modules were developed within the project 'Global technical assistance and capacity building programme to prevent detention of children and to protect children and other asylum-seekers in detention', which was funded by the European Union.



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OVERVIEW OF THE THE SELF-STUDY MODULES

A prerequisite for starting these Self-Study Modules is completion of the e-learning on the Fundamentals of Immigration Detention, which equips you with basic knowledge and concepts related to immigration detention.

The self-study part following the e-learning contains more specific material on alternatives to detention and it is composed of six modules.

The modules and topics you will study during each phase are outlined below.

MODULE 1. DEFINITION AND RATIONALE OF ATDS

- The benefits of using ATDs
- Differences between reception, detention and ATDs
- Recognizing and qualifying reception, detention and ATDs

MODULE 2. INTERNATIONAL LEGAL FRAMEWORK ON ATDS

- The components of the international framework on ATDs
- Applying international standards on ATDs in a national context
- Identifying national provisions on detention and ATDs

MODULE 3. DECISION MAKING ON ATDS

- Decision-making processes on ATDs
- How to carry out necessity and proportionality tests
- Applying the steps of decision making in a context-specific situation
- Planning country-specific litigation interventions on ATDs

MODULE 4. IMPLEMENTATION MODALITIES FOR ATDS

- Different types of ATD models
- ATD implementation models
- Standards for ATD implementation modalities

MODULE 5. RECEPTION ARRANGEMENTS FOR CHILDREN

- International standards on reception and care arrangements for children;
- Child care arrangements in the reception context; and
- Child needs assessment for reception and care arrangements in individual cases.

MODULE 6. ADVOCATING FOR ATDS

- Elements and design of an advocacy strategy
- Stakeholders in ATD design and implementation

The readings and activities of these modules should take you about ten hours to complete. If you cannot do them all at once, you can come back to the programme later and continue where you left off.



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METHODS OF LEARNING ASSESSMENT

The methods of assessing your learning during these Self-Study Modules consist of both self-assessment tools and more formal learning objective assessments. Self-assessment is through self-reflection exercises which appear at the end of most topics covered during the self-study phase. There is generally one self-reflection question per topic.

HOW TO COMPLETE THE SELF-CHECK EXERCISES

Self-check exercises can be found in the self-study modules. Questions preceded by this symbol should be answered in the self-study modules in the empty space provided after the exercises. We encourage you to save each module on your computer and keep working on these saved versions, keeping your comments for each self-reflection exercise directly in the PDF file. Alternatively, you can print the modules and write your comments with a pen or pencil on the hard copy.

Self-reflection exercises are meant to stimulate **your own** reflection in a structured manner to reinforce your learning of each topic. They are also intended to make you think about how the content of each module or topic relates to your own operational reality.

While self-check exercises are not mandatory to complete the Self-Study Modules, we strongly encourage you to go through them because they are an opportunity to continue your learning through an activity that can generate useful insights.

Taking notes will enable you to go back to your reflections at a later stage and to share them with the other participants at the workshop. Writing also encourages focus and engagement; it allows you to take 'time out' to reflect on what might be happening in your operational context. Last, but not least, it is important to note that your self-checks and self-reflections are personal and confidential. There is no requirement to share them with anyone.



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This material was developed within the project 'Global Technical Assistance and Capacity Building Programme to Prevent Detention of Children and to Protect Children and Other Asylum-Seekers in Detention' funded by the European Union.

The views expressed herein can in no way be taken to reflect the official opinion of the European Union.