



IMMIGRATION
DETENTION
MONITORING



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MODULE 4 THE IMMIGRATION DETENTION MONITORING VISIT



UNHCR
The UN Refugee Agency



LEGEND

 **LEARNING OBJECTIVES**

 **REFLECTION ACTIVITY**

 **SUPPLEMENTARY READING**

 **SELF-ASSESSMENT**

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CHAPTER 1

LEARNING OBJECTIVES AND UNIT STRUCTURE

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

- ✓ Describe how to carry out the three main steps of a monitoring visit: preparing the visit, conducting the visit and following up on the visit.

Please read the following chapters carefully and complete the short assignments.

This module should take you around 80 minutes to complete.



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Chapter 1



CHAPTER 2

PREPARING THE MONITORING VISIT

Preparation of the monitoring visit is key to its success. A poorly planned or prepared visit, a visit that fails to comply with monitoring standards and principles, or a visit that is not conducted in accordance with the monitoring methodology, may be damaging.

Good preparation for a monitoring visit will include sufficient time to do the following:

PREPARING THE VISIT

Research, gather and collate information

Define the objective(s) of the visit

Prepare the team for its tasks

Ensure material and logistical preparation



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Chapter 2

2.1 Research, gather and collate information

As part of preparing a monitoring visit, monitors need to proactively collect information from different sources, including:

Click on the boxes to see more.



Based on all this information, it will be necessary to categorize and prioritize the issues that need to be addressed and list sources of additional information. Ultimately, this information will enable the team to frame the visit around the most critical issues and will help the team define its objectives.

What is required? Information on

- National and international norms and standards (see Module 5);
- Background information on the immigration detention context (see Module 2) and
- Specific information on the place to be visited. Let us have a closer look at what this specific information includes.





2.1.1 What should facility-specific information include?

Specific information on the place should include:

- Laws and regulations, including internal rules and any specific regulations applied to groups in situations of particular vulnerability/risk;
- The maximum capacity of the facility, the number current immigration detainees, the breakdown of immigration detainees by gender, age, particular vulnerability/risk, as well as details of any other people detained in the place;
- Details on the responsible authorities, and facility management and staffing, as well as lines of accountability (including an organigram, if possible);
- The current immigration status of the detainees, such as the number of asylum applications; information on new arrivals; those pending or finalized; the reviews, appeals or other remedies exhausted; pending removals/deportations; detention on grounds of breach of conditions of stay; and lengths of detention;
- Details of the languages spoken by detainees (to determine how many interpreters, if any, will be required and whether there are ethnic, cultural or religious tensions that need to be considered when selecting interpreters);
- Information obtained during earlier visits or from other sources (other national, regional and international visiting bodies, NGOs, released detainees, families of former or current detainees, etc.); and
- Any other relevant information.

2.1.2 Detention checklists

Detention checklists are useful tools for taking stock of the detention situation in a country. By establishing an overview of the legal/policy framework and practices, checklists provide a baseline for assessing gaps and best practices and identifying areas to prioritize during monitoring.



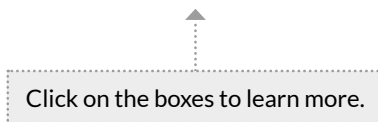
The purpose of checklists is to give a snapshot of the reality of detention in the country. Checklists are not intended to be exhaustive. They are useful tools during the preparatory stage of a monitoring visit and in fact form part of the research and information collection stage of this preparatory work.

You may wish to familiarise yourself with the [Monitoring Questionnaire](#) and a checklist developed and used by UNHCR Canada which are good examples of such checklists (See Annex 1 and Annex 2).

2.2. Defining the specific objective(s) of the monitoring visit

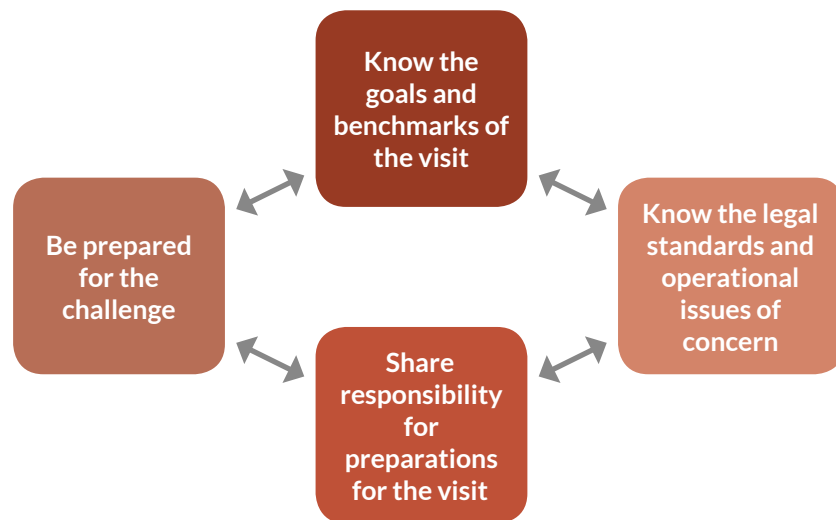
The objective(s) of the monitoring visit will vary according to the mandate of the monitoring body and the overall objectives of the monitoring strategy. These objectives will also reflect the issues and concerns identified during the preparation stage. It is crucial to be clear from the early-on on the objective(s) of the visit. These could be to:

Click on the boxes to learn more.



2.3 Make sure the monitors are well prepared

Part of preparing for a monitoring visit is ensuring that monitors are well prepared as a team, and for the individual tasks that have been allocated to each member, including any interpreter(s). This is the responsibility of the team leader as well as each individual team member. Each team member needs to:



- Be familiar with the goals, objectives, work plan, tasks and timeline of the monitoring visit;
- Be well informed about legal standards and operational issues of concern in the place of detention that they will be visiting;
- Share responsibility for gathering, reviewing and exchanging details of documentation in advance, taking into account specialist knowledge and skills; and
- Be well prepared for what to expect while remaining open-minded, and in particular be aware of the potentially very fragile psychological state in which they may find the immigration detainees.



2.3.1 Appearance of the monitoring team

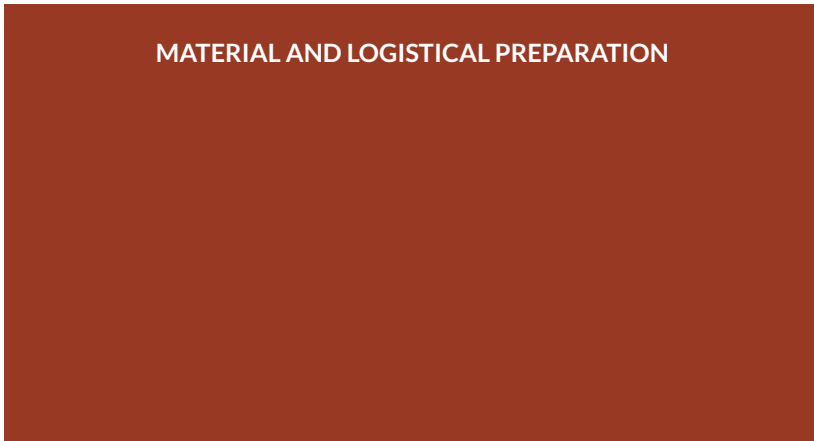
In addition, the monitoring team must think carefully about its visibility and plan dress that is respectful.



Click on the arrows to see more.

A dashed arrow pointing upwards from the text box to the space between the two red arrows.

2.4 Ensure material and logistical preparation



Click on the drawings to learn more.



CHAPTER 3

INTERIM ASSIGNMENT

You will be presented with several actions monitors may undertake while preparing a monitoring visit. Type in the answers from the box in the right column.

RESEARCH, GATHER AND
COLLATE INFORMATION

DEFINE THE
OBJECTIVE(S)
OF THE VISIT

PREPARE THE TEAM
FOR ITS TASKS

ENSURE MATERIAL
AND LOGISTICAL
PREPARATION

- Decide to focus on children in detention
- Prepare a list of key contacts
- Read the new national regulation on immigration detention
- Find out the capacity of the detention facility
- Check vehicle
- Determine the type of detention facility
- Discuss the applicable immigration detention standards among the team
- Complete the detention checklist
- Read a visit report of other monitors
- Decide on the theme of the visit
- Meeting with the team about the visit
- Prepare authorization documents for access to the detention facility
- Decide who will be the leader of the team
- Divide tasks among the team
- Decide which aspects of previous visits to follow up on
- Examine a geographical map of the area
- Examine the mandate of the authority in charge of the detention facility
- Book overnight accommodation

To see the correct answer go to the next [page](#).



RESEARCH, GATHER
AND COLLATE
INFORMATION

DEFINE THE
OBJECTIVE(S) OF
THE VISIT



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Chapter 3

Click on each box
to see more.



PREPARE THE TEAM
FOR ITS TASKS

ENSURE MATERIAL
AND LOGISTICAL
PREPARATION

Click on each box
to see more.



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MODULE 4

Chapter 3



CHAPTER 4

GUIDING PRINCIPLES OF MONITORING

When devising the immigration detention monitoring strategy, it is crucial to keep in mind the overarching considerations of detention monitoring, namely:

OVERARCHING CONSIDERATIONS OF MONITORING

Understanding the immigration detention context (Module 2)

Know the standards applicable to immigration detention (Module 5)

Stay within your mandate

Moreover, there are several guiding principles of monitoring that monitoring bodies must keep in mind and respect at all times. These are essential for the effective fulfilment of the monitoring responsibility in the context of immigration detention.



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MODULE 4

Chapter 4



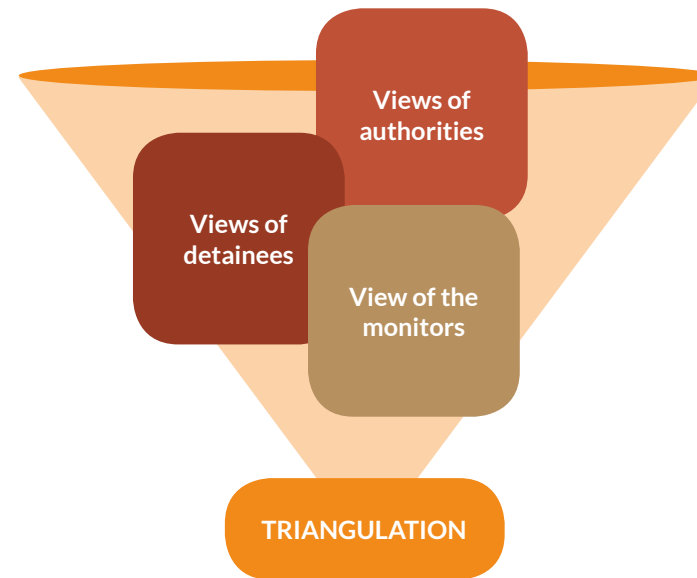
Click on each circle
to learn more.



CHAPTER 5

GATHERING INFORMATION AND TRIANGULATION

To properly examine the conditions of detention and the treatment of detainees, monitors need to cross-check various sources of information, because no information should be taken at face value. The process of cross-checking information from different sources is called **triangulation**. During the monitoring visit, these sources are:

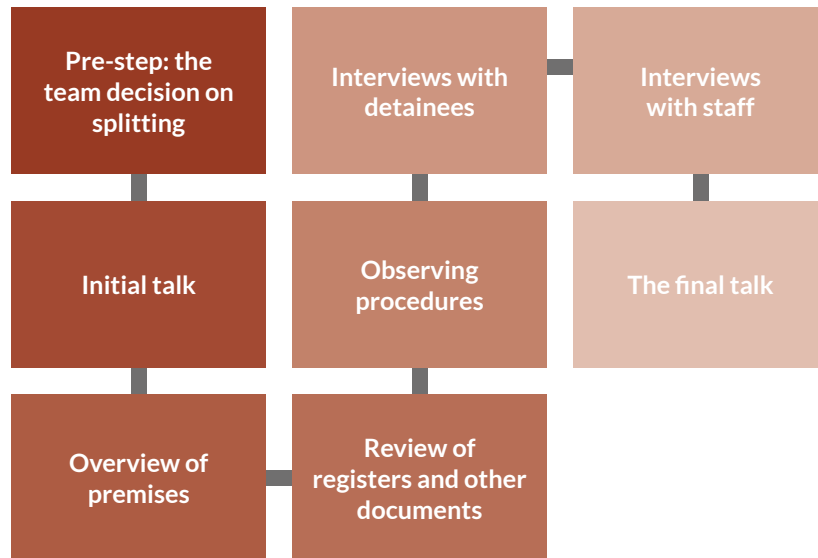


By listening to detainees and authorities and by making their own observations, monitors are likely to gather as comprehensive a picture as possible of how the detention facility operates. It is crucial that monitors be aware of these three key sources of information from the very outset of the monitoring visit, and that they do not rely only upon one or two of these sources.



THE VISIT

Conducting a visit is the key stage of the monitoring process. Visits usually include the following steps (some of them are interchangeable):



The importance given to each step will depend on the type of visit. The sequence described above is not a rigid model. Monitors must be prepared to be flexible and to react to whatever situation they find; they may need to change their plans and the usual order of activity if necessary.

6.1 Team decision: to split or not to split

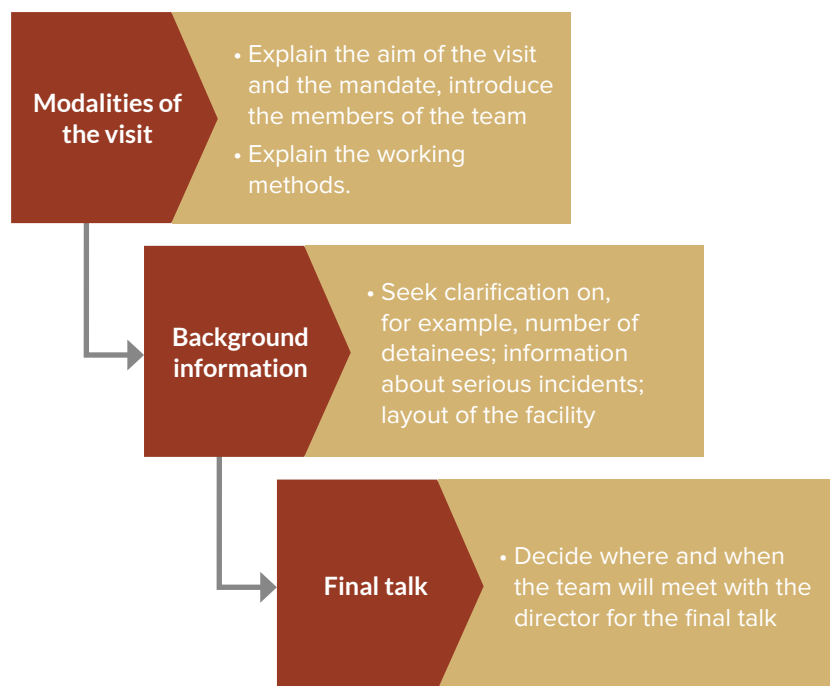
Although the initial talk with the head of the centre is usually considered to be the first step of a monitoring visit, it is useful for the team to decide prior to the initial talk on the way the visit will be carried out and, in particular, to decide whether the monitoring team will split or not.

Click on the arrows to see more.



6.2 The initial talk with the head of the centre

The visit to the immigration centre ought to begin with a conversation between the visiting body and the person in charge, or the deputy. This is the first step in establishing a dialogue with the authorities. The aim of the initial talk is threefold:



If the monitoring body has already carried out several monitoring visits to the facility without encountering any serious hindrance, the introductory formalities may be limited to courtesies and basic updates and, in the absence of specific adjustments to the monitoring programme, reassurance that the visit will be conducted along the same lines as in the past.

[Watch the video](#) about the Initial conversation with the person in charge of the place of detention.

The aim of the initial talk is to explain the reasons for and the approach of the visit. The monitoring team should explain the aims of the visit as well as its own mandate to carry out the visit; all members of the team should be introduced and the anticipated duration of the visit should be stated. It is important that working methods are explained, including, in particular: what the team expects to be able to do and where it expects to be able to go, the need to move freely about the place of detention unaccompanied, how the team will work (e.g. subgroups dispatched within the facility), and that all interviews ought to take place in private.

The initial talk is also an important opportunity to gather background information about the place. For example, the monitors need to clarify the exact number of detainees; ascertain whether there have been any serious incidents; and seek an explanation about the layout of the facilities and locations of different groups of detainees. This is also an opportunity to ask the person in charge for their opinion about the challenges they encounter in their work, and how they see possible solutions to these challenges.

Finally, monitors must agree on a time, date and venue for the final meeting with the director, where they will provide a summary of the outcomes of the visit and raise any matters requiring the director's urgent attention.

IMPORTANT! Security considerations: As the monitors start the tour of the facilities, it is paramount that the safety and security of the monitors be considered carefully, a topic which we shall examine in detail in Module 7.





6.3 Overview of the premises and observations

If this is the first monitoring visit or you have new members in the monitoring team, visiting the facility for the first time, it is important to see **all areas** of the premises. However, even if this is not the first visit, a short general tour of the entire facility should be made by all the members of the team. This will enable monitors to gain a first impression of the physical environment and the general atmosphere and mood of the place.

The tour may be carried out with the director or other official able to give useful information about the layout of the premises and provision of services.

After the general tour, monitors need to privately discuss their initial observations briefly among themselves. The monitoring team could then, if appropriate, divide into smaller groups, each with its own area of responsibility, and specific premises (such as reception, medical care) can be revisited and followed up by a more thorough examination of the conditions.



TAKE NOTES! During the general tour, monitors can make a note on specific issues to follow up during the remainder of the visit, e.g. identifying people in a situation of vulnerability/risk to interview in private.

REMEMBER! All information gathered during the initial tour of the premises needs to be cross-checked with information provided during private interviews with both detainees and individual staff members.

Click on all boxes to learn more about different components of a detention facility and to see what areas will an initial overview tour cover.



6.4 Reviewing registers and other documents

Registers and other documents are important sources of information about the detainees and the facility. Consulting this documentation at the beginning of a visit (or if possible in advance) can be useful, especially if the visit is to take place over several days. The information obtained from this documentation should be verified during the visit.

To understand as clearly and thoroughly as possible the day-to-day regime and functioning of a facility, monitors can, as a first step, request access to (and, where possible, copies of) basic documentation. Consulting registers, in turn, will provide insight into the extent to which the detention facility is operating as envisaged by the basic documentation.





6.5 Observing procedures

Monitors should be able to observe and understand the processes that operate within the detention environment. A review of formal processes and records, cross-checked with the monitors' own observations and testimony of what happens in practice, will help them determine whether there are any major concerns.

For example: monitors may decide to observe the processes of the arrival, reception and registration phase. For asylum-seekers and stateless people in particular, this is one of the points of highest vulnerability. The monitors can check the admission procedures:

- How and by what means asylum-seekers arrive at the facility;
- What happens to them upon arrival and what the procedure is for registering them; and
- What the induction procedures are for introducing newly arrived detainees to the detention place and its internal rules.

If, during the visit, certain activities cannot be observed but are highlighted as problematic, it may be worthwhile to schedule a follow-up or return visit.

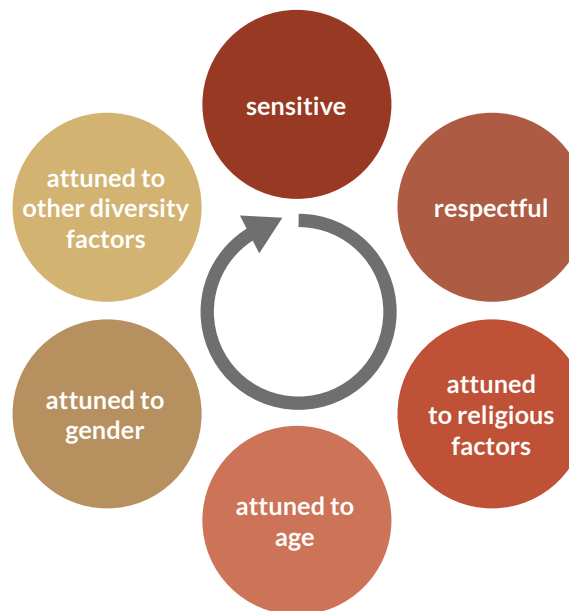
Click on the numbers to see more.



6.6 Interviews with detainees

We will examine the process of conducting interviews in detail in Module 6.

For now, you must remember that interviews with detainees are an integral part of every detention monitoring visit. In fact, the most important part of the visit is the time spent talking with detainees and hearing directly from them about their experience and about conditions and treatment in detention. It is paramount that interviewing is carried out in a manner that is:



6.7 Interviews with staff

Interviews with staff are a key element of every detention monitoring visit. Staff members are integral to the daily life of detainees and therefore a vital source:

➔ To gather as comprehensive as possible a picture about the facility: the well-being of staff and management is not only important in and of itself, but also has a direct bearing on the well-being and safety of detainees

➔ To establish primary information (for example, what time detainees are allowed to go outside or how are they transferred to medical facilities)

➔ To verify or cross-check issues raised by detainees or noted by monitors

Staff may be interviewed to get primary information or for the purposes of verifying or cross-checking issues raised by detainees or others.

Staff who maintain safety and security (for example, guards and security officers)

Staff who deliver services (for example, teachers, medical staff)

Generally speaking, staff members serve two functions: maintaining safety and security and delivering services. Whether these functions are carried out by different staff groups will depend on the size and nature of the detention facility. Information about both functions is relevant for the monitoring team.





6.8 The final talk with the head of the centre

Given the importance of constructive dialogue to the monitoring function, every monitoring visit should end with a meeting with the person in charge of the place of detention, unless otherwise agreed with these authorities that follow-up can be done at another appropriate time.

This is important on several levels:

Click on the arrows to learn more.



The final meeting should take place at a pre-agreed time at the end of the monitoring visit. If no specific problems have been identified, the final meeting with the director can be a formality and more conversational in nature.

IMPORTANT! The monitoring team needs to meet alone before the final meeting with the person in charge and agree on the agenda and content of this final meeting.

INTERIM ASSIGNMENT

Please carefully read the following statements made by the monitoring team and identify them as correct or incorrect.

	Statement	Correct	Incorrect
1.	'There are three of us on the monitoring team and two of us have no previous monitoring experience. We have therefore decided not to split the team during the visit.'		
2.	'Even though we've completed the detention checklist, it is still good to ask basic questions about the detention facility during the initial talk.'		
3.	'We've been to this facility many times before and although the director is new, he'll know about the monitoring visit so we can keep the initial talk very brief.'		





	Statement	Correct	Incorrect
4.	'During the initial tour of the premises, it is helpful to note the location of key facilities like the medical unit and punishment unit.'		
5.	'Note-taking during the initial tour is not essential because a more detailed examination of the facilities will follow anyway, when detailed notes must be produced.'		
6.	'This register does not have page numbers and pages are not bound so I am unsure whether there have been any falsifications by, for example, inserting or removing pages.'		
7.	'Triangulation is a process of cross-checking information from different sources during the monitoring visit.'		



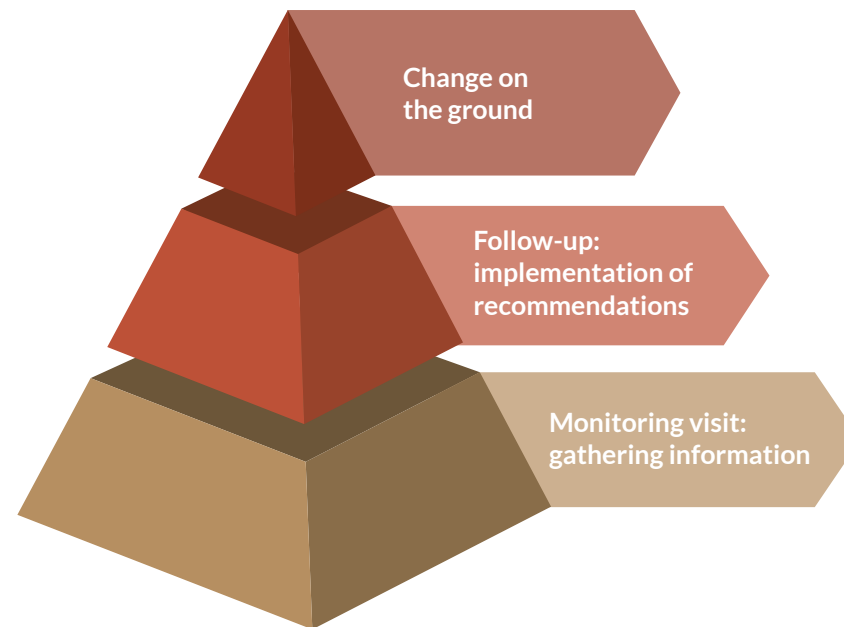
	Statement	Correct	Incorrect
8.	'Interviews with detainees are not necessary during the follow-up visits, which examine specific issues.'		
9.	'Interviews with staff are not helpful because they will always only give you 'the official story'.'		
10.	'A final talk with the director is only necessary if serious problems have been identified during the visit.'		



CHAPTER 8

A MONITORING VISIT IS NOT AN END IN ITSELF

A monitoring visit is not an end in itself. It is only one part of a process aimed at improving the treatment of immigration detainees and the conditions of their detention. After the visit, follow-up starts which is just as important, and arguably more so. The follow-up needs to be in the form of a gap analysis looking at what is expected and what the actual situation is. It is this gap that needs to be looked at further. This is the point at which meaningful change on the ground can be made.



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Chapter 8



CHAPTER 9

AFTER THE VISIT

As a general rule, after the visit the monitoring body should:

Click on the
boxes to
learn more.



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9.1 Debrief

Debriefings have two core aims:

DEBRIEFINGS

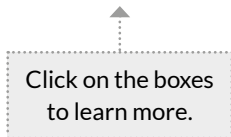
Click on the boxes
to learn more.

The team leader is instrumental in making sure debriefings occur and for ensuring the coherence of the visit. He or she is usually in charge of note-taking during the debriefings.



9.2. Analyse findings

The monitoring team should collate and analyse all the information gathered during the monitoring visit and prepare an internal report. This document represents the monitoring body's most comprehensive record of the visit and is a vital resource for return visits. The aims of the internal report are twofold:



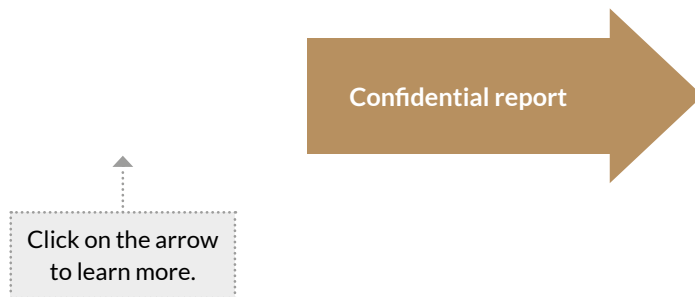
9.2.1 Contents of the internal report

Click on the boxes
to learn more.



9.3 External report

Reports are one of the most important tools that a visiting body has at its disposal for protecting detainees and improving their situation. Such reports provide a basis for dialogue with governments on issues of concern and a reference point for future follow-up. Reports can be public or confidential; both have some advantages and disadvantages.



HAVE A LOOK at these examples of external reports:

- UN High Commissioner for Refugees (UNHCR), [UNHCR monitoring visit to the Republic of Nauru](#), 26 November 2013.
- UN High Commissioner for Refugees (UNHCR), [UNHCR monitoring visit to Manus Island](#), Papua New Guinea, 26 November 2013.
- Her Majesty's Inspectorate for Prisons, [Report on an unannounced inspection of Morton Hall Immigration Removal Centre \(21–25 November 2016\)](#), London, 2017.
- Australian Human Rights Commission, [The health and well-being of children in immigration detention: Report to the Australian Human Rights Commission Monitoring Visit to Wickham Point Detention Centre, Darwin, NT, October 16th–18th 2015](#).

IMPORTANT! It is preferable that decisions whether to issue public reports are made in advance of the visit and communicated to the authorities.





9.3.1 Principles of reporting

The monitoring body must determine its own strategy around reporting. This will depend on the circumstances in which monitoring takes place and the issues that arise. Ultimately, the monitoring body must ensure that the detaining authorities are informed of the outcomes of its visits through formal written reports.

You will read about tips on report writing in Module 6.

While the content of the report is ultimately a decision for the monitoring body, all reports should be based on carefully documented materials from individual visits and should comply with the following five principles of reporting:

IMPORTANT! Oral briefings are insufficient!

← Click on each box to see more.



9.3.2 Information that must be included in the report

While the content of the report is ultimately a decision for the monitoring body, certain information should always be included:

- Date of the report;
- Composition of the monitoring team;
- Date and time of the visit;
- Reason for conducting the visit;
- Monitoring methodology, including verification and cross-checking techniques;
- Key findings (positive and negative), ranked according to the seriousness and urgency of the issues;
- Relevant recommendations;
- Report on the implementation of previous recommendations (if applicable); and
- Follow-up (follow-up visits and other actions).



9.3.3 Types of reports

There are various reports that the monitoring body can issue. Which to use and when to release them are considerations that need to fit the goals of your overall detention monitoring strategy, so please remember to think about this when developing your strategy.

Reporting usually includes:



← Click on each arrow to learn more.



9.3.4 Making recommendations

It is crucial that every report contain recommendations, because without these authorities may not know what action is required to remedy any reported shortcomings.

Formulating meaningful recommendations can be one of the most difficult parts of a monitoring visit. Recommendations should be clear (formulated in clear language which allows understanding of what action is required), specific (formulated in a way that lays out concrete actions that need to be taken) and actionable (formulated in a manner which shows how these concrete action can be taken).



We shall examine the guiding principles of formulating recommendations in Module 6. For now, remember that recommendations need to be pitched at the right level of authority: that is, at those officials that have the authority to make the changes and adjustments necessary to give effect to the recommendations. Where the root causes of a problem lie elsewhere, recommendations might take a multi-level approach that addresses a problem both operationally and systemically.

9.3.5 Dissemination of reports

Monitors must make strategic decisions about the dissemination of the reports and should carefully consider three main audiences:



The foremost audience for reports will be detaining authorities.

Reports may also be disseminated to other stakeholders, in particular those who may be in a position to influence, support or monitor the implementation of recommendations. These include, for example, UN and regional agencies and mechanisms, local government officials and parliamentarians, NGOs and other civil society actors.

With due regard for considerations of privacy and confidentiality, it may also be important for reports to be made public. Depending on the monitoring body's communication strategy, reports, or summaries of reports, can also be made available to the media.

The timing of publication will be a question of strategy to be decided by the monitoring body.



9.4 Monitoring implementation

It is important to remember that a visit, followed by a report, is not the end of monitoring work. In many respects, it is just the start of the work.



We examined in Module 3 the various follow-up actions.

In terms of the follow-up to a visit and report, it is particularly important that authorities enter into a constructive dialogue with the monitoring body about the findings in the report and the implementation of recommendations. The overall aim is to seek practical solutions to any problems identified by the monitoring team.

The monitoring body should carefully assess the implementation of recommendations it has issued and keep a clear record of actions that have been undertaken to implement these recommendations. Follow-up visits must be conducted to see whether recommendations have been implemented.



INTERIM ASSIGNMENT

Please read the following scenarios carefully and complete the tasks.

1. You are a team leader of the monitoring team and you have just arrived back from the monitoring visit with your team. Please select two steps from the following that you would undertake immediately:

Ask team members to submit their notes

Draft an outline of the report

Arrange a first meeting with the authorities

Call a team debriefing

2. There are five guiding principles of reporting. There are two of them in the list below. Which are they?

Accuracy

Inclusion of visual evidence (e.g. photos)

References to international human rights instruments

Consistent use of language

Detailed explanation of UNHCR's mandate





3. There are two main reasons for internal reporting. Can you identify them both from the list below?

To safeguard the monitoring body against libel accusations	
To allow for comparative analysis of practices and trends	
To provide a blueprint for the external report	
To collate and analyse all the information from the monitoring visit	

4. Individual debriefing of the monitors is primarily necessary (please select one)

To ensure that the requisite monitoring methodology was followed	
To check on the well-being of team members	
To discuss the preliminary findings	
To discuss which authorities to approach during follow-up	

5. The recommendations should (select one)

Cite relevant human rights law	
Be precise, clear and actionable	
Be actionable, strong and explanatory	
Be clear, legal and instructive	



CHAPTER 11

KEY MESSAGES



- Preparation of the monitoring visit is key, and it is crucial that all members of the monitoring team are prepared for the visit both individually and as a team.
- Material and logistical preparation for the visit must be ensured.



- The monitoring visit usually involves a number of steps, and the importance given to each step will depend on the type of visit.
- The visit is a key stage of the monitoring process.
- The follow-up to the visit is just as important as the visit itself.



- Reports are crucial tools for monitors to protect detainees and improve their situations.
- Recommendations are a crucial part of reports and ought to be clear, specific and actionable.
- Monitors should seek constructive dialogue with authorities about the implementation of their recommendations.



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Chapter 11



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.