

Report of Third Global Online Peer Learning Exchange

Highlighting alternatives to detention in the International
Migration Review Forum

Co-hosted by the UN Network on Migration Working Group
on Alternatives to Detention and the Permanent Missions of
Colombia, Nigeria, Portugal and Thailand in Geneva

27 January 2022

Context, Participation and Overview of the Agenda

Following on from the [first global online peer learning exchange](#) on 17 November 2020, and the [second global online peer learning exchange](#) on 29 June 2021, this online workshop – held under the Chatham House Rule – brought together government peers and other key stakeholders from all regions to continue the exchange of knowledge and experience, and the work of building Communities of Practice on alternatives to detention (ATD).

The theme of this third peer learning exchange was “[Highlighting Alternatives to Detention in the International Migration Review Forum \(IMRF\)](#)”. It took place just over 100 days before the first IMRF, and focused on building on the momentum towards implementation of [Objective 13 of the Global Compact for Migration](#) (GCM). The IMRF provides an important opportunity to showcase and consolidate what has been achieved in the Progress Declaration and to take further steps forward, particularly through the [pledging initiative](#) that encourages concrete and measurable commitments to support implementation of the GCM and accelerate progress.

After an [opening video](#) the meeting started with a session on taking stock of progress on alternatives to detention since the adoption of the GCM – hearing perspectives from an advocate and campaigner with lived experience of immigration detention on the importance of whole-of-society approaches, and from a State that is currently scaling up its case management-based ATD capacity. This session also included a presentation by the International Detention Coalition (IDC) on initial findings from their current global mapping on ATD practices, also reflecting on how peer learning and communities of practices can continue supporting in moving away from immigration detention. After watching a UN Migration Network short [video](#) on ending child immigration detention, the second session focused on the future – on the roadmap towards further advances on Objective 13 of the GCM in the IMRF and beyond. This session began with scene-setting by the Deputy Director-General of the International Organization for Migration (IOM), followed by presentations from a young migrants’ rights activist about what is at stake for young people in the IMRF, from a State taking further steps forward on ATD, and from a representative of United Cities and Local Government (UCLG) about the cities’ and local government perspective on ATD.

Speakers noted that there are many roads to achieving Objective 13 of the GCM – such as:

- changing laws
- changing practice
- investing in staff, including in case management capacities
- investing in reception and care capacities
- engaging in public debate on immigration detention and ATD
- supporting city and local government leadership on ATD
- consulting and co-creating ATD with civil society experts, young migrants and with people with lived experience
- expanding trainings on ATD.

The meeting was focused on discussing how different actors can work to build and pave the road towards the IMRF and towards implementation of Objective 13 GCM beyond the IMRF. Participants were urged to ensure that ATD and ending child immigration detention features in the IMRF Policy Debate and in the Progress Declaration to be adopted at the IMRF, that they should contribute promising practices on ATD to the Network [Repository of Practices](#), and – above all – that they should make concrete pledges on Objective 13 in the lead-up to the IMRF, accelerating progress on delivering on the GCM

This was a closed meeting for representatives from relevant governmental departments at local, national, regional and global levels. 130 participants attended the third peer learning exchange, including 88 officials from 39 governments and the Quito Process and the South American Conference on Migration. The other participants were UN agencies, representatives of academia, representatives of funding bodies and civil society organisations, and members of the UN Migration Network Working Group on Alternatives to Detention. The remote format for the exchange, as a result of the COVID-19 pandemic, allowed for the presence of government practitioners from capitals and across regions, as well as officials based in Geneva, and subject experts from different countries. Overall support was expressed by participants to continue to sustain this type of peer learning exchange.

Taking stock of progress on alternatives to detention since the adoption of the GCM

“Nothing about us without us. Change must be co-created, co-designed, and co-delivered with people with lived experience.”

A campaigner and advocate with lived experience, and member of the IDC Grassroots Group - highlighted the impact of immigration detention beyond the very damaging individual experience, looking also at its negative impact on wider society, as well as on case resolution, and on financial costs to States. He called for a move towards rights-based, community-based ATD and away from a mindset of incarceration. He also emphasised that people with lived experience of immigration detention must be part of the solutions and the design of ATD – not just telling their personal stories, but being consulted for their expertise and for contributing to the development of solutions.

The Executive Director of IDC, set the scene in terms of what has happened regarding ATD and the work to end child immigration detention since the adoption of the GCM, flagging how promising developments co-exist with worrying trends. She also reported that IDC is currently working on up-to-date mapping of ATD globally (as well as more detailed mapping in the Asia-Pacific region, and a focus on working to end child immigration detention in the MENA region), to assist with stock-taking for the IMRF and beyond.

Some initial findings from IDC current global research on immigration detention and ATD practices

1. Many States in different regions continue to use immigration detention as a first resort migration management tool, in contravention of international law.
2. Other States do not use immigration detention, and have been effective at managing large migratory flows without resort to detention, e.g. in the Americas region, where some rights-respecting responses based on collaboration between governments have emerged, avoiding detention, providing access to services and rights for those crossing borders.
3. There is increased collaboration between stakeholders working on ATD, e.g. promising partnerships between governments, UN agencies, civil society, local authorities, leaders with lived experience.
4. Some States have committed to significant expansions of ATD.
5. In the MENA region communities have developed community hosting programmes.
6. Children continue to be detained in practice in many States. But a number of States are making efforts towards ending child immigration detention and providing access to services and rights for migrant children and their families – with changes in

legislation to prohibit immigration detention of children, and provision of guardians and specialised services for unaccompanied children in some States.

7. There is a continuing problem of access to services and rights for those released from immigration detention, who are often released into destitution.
8. Adequate processes – individual screening, assessment and referral - are not in place to ensure support for groups with heightened vulnerabilities. Further, there is a lack of gender-mainstreaming in law, policy and practices relating to immigration detention and ATD.
9. Lack of data, or of disaggregated data – on immigration detention and on ATD – continues to be a problem in some regions
10. Peer learning - at global, regional and national levels - has emerged as a promising practice, and a key element of progress on Objective 13, laying the foundation for an incipient global community of practitioners.

Learnings and Experience from Scaling-up Individual Case Management-Based ATD

One State reported that they were scaling up their individual case management programme, based on the following values:

- Respect and an honest and empathetic treatment of clients
- Uniform working method and respecting agreements
- Encouraging engagement, independence and constructive cooperation
- Knowledge and information sharing in a safe, innovative and spontaneous way
- High-quality service through permanent evaluation and adjustment

They highlighted that effective coaching requires:

- Correct information sharing (administrative and legal procedures)
- Intensive guidance close to the client and tailor-made
- Identifying obstacles + finding a solution
- If no regular stay is possible, prepare tailor-made voluntary return in collaboration with agencies providing return and reintegration support
- Extra attention for vulnerable profiles

The roadmap towards further advances on Objective 13 of the GCM in the IMRF and beyond

“At the IMRF we all have a responsibility to identify suitably ambitious targets, the attainment of which will improve our collective efforts towards furthering the welfare of migrants.”

IOM’s Deputy Director-General set the scene by emphasising the importance of the upcoming IMRF, and that under international law immigration detention must only be used as an exceptional measure of last resort and must always be necessary, proportional and lawful, and children should not be detained. She called on peer learning participants - as we move towards the IMRF - to consider how to concretely advance non-custodial alternatives to immigration detention and end detention of migrant children.

She noted that it is encouraging to see examples of promising practices since we began collective work on this, including on temporary regularisation programmes; scaling-up community-based alternatives to immigration detention; and ending child immigration detention. She also highlighted the [UN Secretary-General’s December 2021 Report on the GCM](#) which provides further impetus on this issue and acknowledges the strong arguments in

favour of the effectiveness of advancing non-custodial alternatives to immigration detention and steps towards ending child immigration detention. Notably, the evidence base supports changing practices and policies drawing on a true whole-of-government and whole-of-society approach. She pointed to the fact that events like this peer learning exchange provide a platform for countries to openly exchange information on such measures, trading experiences and lessons learned, and this can prompt other countries to follow suit.

The Deputy Director-General highlighted the Network's [pledging initiative](#) towards the IMRF, to build momentum for the continued implementation of the GCM, and called on participants to consider potential pledges in this field. She highlighted examples of potential pledges related to Objective 13 GCM from the list of ideas below, which could be adapted to national circumstances. This list of ideas for potential pledges was produced by the Co-leads of the UN Migration Network Working Group on Alternatives to Detention. These build on the actionable commitments included under Objective 13, and are intended to be food for thought and to provide a spark for discussion for States to consider potential pledges.

Ideas for potential IMRF pledges by States on Objective 13 of the Global Compact for Safe, Orderly and Regular Migration

1. Expand use of non-custodial community-based alternatives to detention and improve reception and alternative care facilities
2. Build partnerships with civil society organisations and experts with lived experience of detention to develop or expand alternatives to immigration detention
3. Champion whole-of-government approaches to implementing Objective 13 by building up communication channels among relevant departments
4. Ensuring engagement of national departments and actors related to alternatives to detention and protection of migrant children.
5. Establish a Memorandum of Understanding (MoU) to determine responsibilities and provide common guidelines for all relevant government agencies on non-detention of migrant children and on limiting immigration detention of adults to a measure of last resort only
6. Establish Standard Operating Procedures and train front-line staff on rights-respecting screening, assessment and referral processes that divert vulnerable migrants into appropriate community-based alternatives to detention
7. Facilitate access to free or affordable legal advice and assistance of a qualified and independent lawyer, and to interpretation services, to migrants at risk of immigration detention
8. Provide temporary legal status for migrants who might otherwise have been detained because of their migration status
9. Provide access to services and rights in the community for migrants who might otherwise have been detained because of their migration status
10. Establish or scale-up case management support for migrants at risk of immigration detention
11. Provide disaggregated data on detention and on alternatives to detention
12. Fund research on effective and rights-respecting alternatives to immigration detention
13. Gather and disseminate promising practices, progress and learnings on alternatives to immigration detention
14. Develop monitoring and evaluation tools to track and assess the implementation of alternatives to detention and identify areas of improvement
15. Improve independent monitoring of migrant detention and increase civil society access to places of detention.
16. Pass legislation to limit and restrict the use of immigration detention
17. Pass legislation to end immigration detention of migrant children
18. Take leadership on global, regional and/or national peer learning exchanges on alternatives to detention and/or on ending child immigration detention to further progress international collaboration, whole of government and whole of society approaches (GCM Objective 13 and Objective 23)

“Young activists’ ideas and feelings should be listened to. Young people aren’t just the future. We belong to the present. Our leadership should be recognised.”

A young migrants’ rights activist and a focal point for Latin America for the UN Major Group for Children and Youth, challenged participants to consider what impact it would have on them if they felt they had to put their whole life in a backpack and head towards an uncertain destination, where they will face xenophobia and discrimination, where they may face detention, deportation, criminalisation and re-victimisation. She emphasised that the international community must protect and safeguard human rights, regardless of a person’s migratory status, in countries of reception and transit, and in countries of origin. She noted that the inhumanity of immigration detention will not deter migration, and that if a migrant is detained, it is much harder for them to integrate into their new community or to reintegrate into their country of origin, negatively affecting society. She called for recognition of young migrants’ leadership, and that they can be agents for change in their societies.

“States, local authorities and civil society must work together to welcome migrants and to provide accessible community services at local level.”

A representative from United Cities and Local Governments Africa reported on the high levels and different types of migration experienced in the African continent. In November 2018, at the Africities Summit in Marrakesh, the [Charter of Local and Subnational Governments of Africa on Migration](#) was adopted. This Charter “Opposes firmly and unequivocally... the construction on its territory of detention camps to accommodate African migrant populations expelled from other parts of the world.” The idea behind this Charter was to build strategic alliances between cities and local and subnational governments, to respect human dignity and migrants’ rights. He reported that local authorities understand that migration crises will not be solved without collaboration between States and civil society, to create new narratives around migration that put respect, dignity and human rights at the centre of the debate, leading to access to services and rights by migrants, including the right to work. He noted that during the COVID-19, pandemic migrants have contributed to economies and to health-care services in host countries.

Learnings and experience from steps taken towards ending immigration detention of children

One State reported on some elements and “ingredients” that have proved to be key to their progress:

- (1) political will (which also translates into bureaucracies’ determination and readiness);
- (2) whole-of-government and whole-of-society approach and innovation; and
- (3) an overarching principle of always placing the best interests of the child at the centre of any decision or consideration.

They continue to increase the use of community-based alternatives to immigration detention. This allows children to enter into the country’s child protection system and gain access to services.

However, challenges remain.

- The lack of awareness on ATD and Standard Operating Procedures (SOPs) among agencies at local levels, and at times, insufficient capacity to implement.
- Long-term care may be needed, given the fact that the resettlement quota is very limited. This required additional budget and long-term strategy.

Whole-of-government approach

A key achievement was the drafting of a “Memorandum of Understanding” (MOU) signed among 7 different government agencies, which indicates clear roles and responsibilities of relevant agencies. The SOPs attached to the MOU provide guidelines and procedures for the use of ATD for migrant children and for the provision of social and other services for children and their family. Under the MOU, a multi-disciplinary working group, comprising immigration and child protection officials and representatives of UN agencies, plays an important role in trying to find alternative care measures for children. The MOU and its SOPs have been instrumental in reducing the numbers of migrant children in Immigration Detention Centres.

Whole-of-society approach

The Government has been working very closely with NGOs and international organizations and the private sector, as well as engaging with children and youth who are directly affected. In 2021, a national migrant children and youth-led advocacy workshop was organized by the Ministry of Social Development and Human Security (MSDHS) in collaboration with partners. In 2022, they are planning for another round of consultation with migrant children in order to draft a national plan on rights of the child in the context of migration.

Improvement of the application of ATD measures

In 2021, trainings of officials on the protection of migrant children were conducted in collaboration with relevant UN agencies to raise awareness and strengthen capacity of immigration officers and social workers. In order to track progress on the MOU, a Monitoring, Evaluation and Learning framework was developed, in collaboration with UNICEF and IDC. Related government agencies are now discussing how to develop a set of indicators which will serve as a basis for further review and improvement of the application of the MOU process, and ensure that the system is sustainable.

Going forward

Participants reflected that they hoped that this process of peer learning exchanges would become a tradition that will continue beyond the first IMRF, because of their multiplier effect.

It was noted that progress made on Objective 13 was under-reported in the GCM Regional Reviews, and participants were encouraged to report on what has been achieved in this area – contributing promising practices on ATD to the Network [Repository of Practices](#), and ensuring that progress on Objective 13 is included in the IMRF Policy Debate and is reflected substantively in the Progress Declaration.

The UN Network on Migration Working Group on Alternatives to Detention offered its continued support to States, as they formulate their pledges on Objective 13 in the lead-up to the IMRF. The Working Group Co-leads confirmed their willingness to be available to support discussions and exchanges between States - to connect, liaise between, and support “twinning” of States that may want to team up with like-minded States or with States that face similar challenges, perhaps those along the same migratory route. The Working Group Co-leads also offer their technical support in developing concrete pledges that will break ground in the implementation of the GCM.

The United Nations Network on Migration was established to ensure effective, timely and coordinated system-wide support to States in their implementation, follow up and review of the Global Compact for Safe, Orderly and Regular Migration.

The Working Group on Alternatives to Immigration Detention is tasked with promoting the development and implementation of human rights-based alternatives to detention in the migration context. The Working Group is co-led by UNHCR, UNICEF and the International Detention Coalition (IDC) and its members comprised of representatives of UN agencies, civil society organizations, young people, local governments and technical experts working on immigration detention and alternatives all over the world.

For further information/to contact the UN Network on Migration Working Group on Alternatives to Detention: gteff@unicef.org.

For resources produced by the Working Group, click [here](#).