

Global Online Peer Learning Exchange

How to sustain and expand the use of alternatives to immigration detention in the aftermath of the COVID-19 pandemic?

Tuesday, 17 November 2020, 14:30 – 17:30 (CET)

The event is co-hosted by the UN Network on Migration Working Group on Alternatives to Detention, the Permanent Mission of Portugal in Geneva and the Permanent Mission of Thailand in Geneva.

Concept Note

Overview

At a pivotal moment for immigration detention policy and practice, with many States making decisions that will determine whether or not the COVID-19 pandemic is a watershed moment in the use of detention for migration-related reasons, this online workshop will bring together governments from all regions to discuss how we can build on the momentum created by the ongoing health crisis to sustain and expand the use of alternatives to immigration detention.

Participants will establish a dialogue with actors at the forefront of recent developments and with stakeholders who have been actively working on the development of alternatives to immigration detention over the past decade – government officials spearheading changes in migration governance practices; health experts researching the impacts of detention on physical, mental and public health; case managers assisting migrants in community-based settings; and migrants benefiting from the prioritisation of alternatives to detention. The meeting will provide an open space to analyse States' experiences; share challenges and concerns; identify promising practices that can be sustained post-pandemic; and explore opportunities for multi-stakeholder cooperation and technical support.

This will be a closed meeting for representatives from relevant governmental departments at national, regional and global level convened by the UN Network on Migration Working Group on Alternatives to Immigration Detention, the Permanent Mission of Portugal in Geneva and the Permanent Mission of Thailand in Geneva.

Background and Rationale

The public health risks associated with the use of immigration detention facilities and the difficulties in undertaking returns of migrants in the context of COVID-19 have led to significant changes in States' policies and practices towards immigration detention in 2020 and have prompted some States to turn to alternatives to immigration detention. From the outset of the pandemic, many States have de-congested or closed immigration detention facilities, finding alternatives to detaining people for migration governance purposes.

The COVID-19 pandemic has created momentum for alternatives to immigration detention as a viable solution to mitigate public health concerns while ensuring access to rights and services for migrants. It has thereby created an opportunity for all of us to show how migration governance without detention looks in practice. However, many States have faced practical challenges in ensuring rights-based alternatives to immigration detention, particularly in

guaranteeing adequate living conditions and access to services and rights for released migrants.

There have also been States that have responded to the pandemic by detaining more migrants for longer periods of time (using quarantine as a form of immigration detention); using public health concerns to justify discriminatory blanket detention of migrants without legal safeguards; or releasing detainees only to deport them unlawfully. These practices have resulted in indefinite detention in overcrowded facilities for some, prolonged situations of vulnerability for others, and heightened risk of infection for all: detainees, staff, their families and their communities.

While the decisions of some States to adapt their migration-related detention practices have been primarily motivated by immediate concerns about public health, the pandemic is providing an opportunity for governments to road test various elements of alternatives to detention. The COVID-19 crisis is prompting a long-term re-think of how States can govern migration both effectively and humanely without resorting to detention.

This peer-learning meeting will be an opportunity for States to share their experiences of moving away from migration-related detention, and of finding and implementing alternatives to immigration detention in the context of COVID-19. Government participants will have the opportunity to reflect on the challenges faced; the different strategies used to address these; the types of partnerships that have been most successful; the role of civil society organizations and UN agencies; what has been learned that can be sustained in the long run; as well as outstanding challenges, gaps and specific technical support needs.

The workshop will contribute to supporting the establishment of a global community of practice on alternatives to immigration detention, building on different peer-learning efforts ongoing since 2018, such as the Cross Regional Peer Learning Platform on Alternatives to Child Immigration Detention.

Draft Agenda

14:30 Opening remarks by co-hosts

14:45 Session I – Recent changes in immigration detention practices: the actors

Opening panel:

- Government representative on how COVID-19 has accelerated the use of alternatives to detention (TBC)
- Case manager assisting migrants in community-based settings
- Expert with personal experience of benefitting from alternatives to immigration detention

15:15 Session II – Health implications of detention for individuals and societies: how public health considerations have changed immigration detention in 2020

Discussion-starters:

- Robert Paterson, Doctor and Adviser in the ICRC Health Care in Detention Unit
- Speaker on how the mental health implications of detention affect individuals and societies
- Government representative on shifts in immigration detention practices during the pandemic

Q & A and interventions from government participants

15:55 BREAK

16:00 Session III – Creating an enabling environment for sustaining and expanding the use of alternatives to immigration detention in the aftermath of the COVID-19 pandemic

Discussion starters:

- Canada – on its move towards increasing the use of alternatives to detention (pre-pandemic and during COVID-19); promising practices and lessons learned on ATD programming; internal engagement within the government for implementing ATDs; and planning the next phase
- Mexico (TBC) – how its move towards a comprehensive legal and policy framework for ending immigration detention of children is taking place, the challenges faced and remaining gaps towards full implementation in practice
- Thailand (TBC) – on how its pre-COVID progress towards alternatives to child and family detention is being sustained during the COVID crisis, the role of different stakeholders and the challenges ahead

Q & A and interventions from government participants

17:00 Session IV – Where do we go from here?

After a presentation of common elements that have emerged through the promising practices, challenges and examples of successful collaboration shared during the online exchange, government participants will discuss specific opportunities for technical support and multi-stakeholder cooperation, including upcoming regional convenings led by some of them and the establishment of a global peer learning community of practice.

17:25 Closing remarks by co-hosts

Participation

All States are invited. Participation by government representatives working in capitals at the technical level on migration management and migration-related detention issues is encouraged.

Representatives of the UN Migration Network Working Group on Alternatives to Immigration Detention will participate to facilitate the exchange and contribute their specific expertise, as well as a handful of external speakers.

Interpretation

Simultaneous interpretation will be provided in English, French and Spanish.

The UN Network on Migration Working Group on Alternatives to Immigration Detention

The UN Migration Network Working Group on Alternatives to Detention aims to provide technical assistance to States to facilitate the practical application of non-custodial community-based alternatives to immigration detention that are in line with international law, respect the human rights of migrants and respond to the migration governance needs of governments.

In April 2020, the Working Group published a [policy brief on COVID-19 & Immigration Detention](#) to support States and other stakeholders in preventing and responding to COVID-19 by prioritizing alternatives to immigration detention and operationalizing the Global Compact for Migration. The brief calls on States to:

1. Stop new detentions of migrants for migration- or health-related reasons and introduce a moratorium on the use of immigration detention.
2. Scale up and urgently implement non-custodial, community-based alternatives to immigration detention in accordance with international law.
3. Release all migrants who are detained into non-custodial, community-based alternatives, following proper safeguards.
4. Improve conditions in places of immigration detention while alternatives are being scaled up and implemented.

The Working Group is co-led by UNHCR, UNICEF and the International Detention Coalition (IDC). Members of the Working Group include: Asia Pacific Refugee Rights Network (APRRN), Asylum Access Thailand, Better Care Network, Bloque Latinoamericano, Cornell Law School, Global Detention Project (GDP) (observer), HOST International, Initiative for Child Rights in the Global Compacts, International Social Service (ISS), International Organization for Migration (IOM), the International Committee of the Red Cross (ICRC) (observer), Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR), Office of the High Commissioner on Human Rights (OHCHR), Platform for International Cooperation on Undocumented Migrants (PICUM), the Special Rapporteur on the Human Rights of Migrants, United Cities and Local Governments (UCLG), and United Nations Major Group for Children and Youth (UNMGCY).