UN Network on Migration Briefing with Member States

Thematic Working Group 2 on Alternatives to Immigration Detention

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Who are we?

- The **Thematic Working Group on Alternatives to Immigration Detention** is an example of the Network's multi-stakeholder approach, particularly through close collaboration with civil society experts across the world.

- This WG is co-lead by UNHCR, UNICEF – two UN agencies with long-standing expertise on the matter – and by the International Detention Coalition (IDC) - a global network of civil society organizations' experts on alternatives to immigration detention. Further, the membership of the WG includes representatives of civil society, UN agencies, young people, local governments, research institutions and technical experts with presence in all regions. This composition of the WG is a strong statement acknowledging the specific complexities and the particular needs for support and collaboration that arise for States when implementing and expanding the use of alternatives to immigration detention.

What are our workplan objectives?

- Our Work Plan Objectives are very much tailored to the framing agreed by States under Objective 13 of the GCM aiming at supporting States to prevent and reduce instances of arbitrary detention and to end the practice of child immigration detention by prioritizing rights-based and community-based alternatives to detention and adequate care arrangements for all children, whether unaccompanied and separated or in families.

How has the COVID-19 pandemic impacted our work?

- The implementation of our work plan, as that of others, has been highly impacted by COVID-19.

- In the case of this thematic WG, the COVID-19 pandemic has created a momentum and a need to turn to alternatives to immigration detention as a viable solution to mitigate public health concerns while ensuring access to rights and essential services, particularly access to health, for migrants. Thus, creating an opportunity for all of us to look into and to demonstrate how migration governance without detention looks like in practice.

- As alternatives to immigration detention has emerged as a response to the pandemic in some countries, it has been made even more clear that when we talk about rights-based alternatives to detention, we are not just talking about providing adequate accommodation without unnecessarily depriving people on the move of their liberty. We are talking about the broader protection space that allows for the governance of migration without criminalization of migrants. We are talking about access to rights and services regardless of status, adequate screening and referral mechanisms, community-based approaches, case management, access to information, etc. - many elements that touch upon and connect with the thematic focus of other Working Groups under the umbrella of the Network.

- As a Working Group, we want to support States and other stakeholders in building on the positive steps taken during this crisis and the elements of alternatives to detention that the pandemic has brought forward, revisit positive practices in place before the pandemic and reflecting on lessons learned.

How are we doing that? What have we done so far in the context of the crisis and what is our broader vision going forward?

Policy Guidance
- In April, the WG produced the Network's **Policy brief on *COVID-19 & Immigration Detention,*** with practical recommendations to States and other relevant actors to move away from the use of immigration detention by highlighting emerging promising practices and existing models of alternatives to detention to draw from.

- The WG is currently working on **an Annex to update the policy brief** to make our recommendations relevant and useful to the rapidly changing context. This annex will reflect on key developments and trends, focusing on promising elements but also practical challenges that have emerged while implementing releases of migrants and moratoria on the use of detention, as well as flagging negative trends that we find particularly worrying. All of this with the aim of identifying gaps, challenges and needs for support to sustain and keep expanding promising steps and existing alternatives to immigration detention programmes and pilots.

Peer Learning
- In direct connection to this, and building on years of work and collaboration among WG members and State practitioners/implementers, one of the key methodologies of work of the WG is peer to peer learning.

- In particular, the WG is planning a global **online peer learning meeting the coming 17th November**. Drawing advantage of the remote element, we are looking at engaging the relevant national departments and experts working directly on the matter and thus turning into practice the whole-of-government approach of the GCM.

- This will be a closed-door exchange for governments that will build on the current momentum and offer a space to have a constructive and frank discussion on States' experiences of implementing alternatives to immigration detention in the context of the COVID-19 pandemic and to revisit positive practices in place before the pandemic. Focusing on how to overcome current challenges, gaps and concerns; how to sustain and expand promising practices long-term post-crisis; which technical support and capacity are required; and how to create opportunities for ongoing peer collaboration and support.

- This exchange will contribute to the upcoming GCM regional reviews and will overall be a further stepping stone into one of the key objectives of the WG which is to support the establishment of a **cross regional community of practitioners on alternatives to immigration detention**.

- The Working Group is extending an open invitation to all States interested in engaging with our work and to feel free to reach out for support and collaboration as we go. We look forward to working with all States within the context of the Network in Geneva, in your regions and on the ground with your capitals.

- Many thanks.