

IMRF virtual side-event – Working to end child immigration detention through peer learning

Date and time: 19 May 2022, 9:00 – 10:00 NY-time

Notetakers: Melanie Teff

This virtual side event was focused on GCM Objective 13h. There were interventions by 8 panelists, as well as the showing of the UN Migration Network’s video on ending child immigration detention.

Panel discussion

- ***H.E. Mrs. Suphatra Srimaitreephithak, Ambassador and Permanent Representative of Permanent Mission of Thailand to the UN in Geneva***
Thailand is committed to upholding children’s best interests and supports non-detention of children in Immigration Detention Centres. Thailand supports a whole-of-government approach, from leaders to front-line officers. Thailand highlights the strategy of peer learnings – an invaluable practice in which States can openly discuss progress and challenges, to seek the most suitable way to apply alternatives to detention (ATD) for their own countries. The Thai cabinet just approved Thailand’s pledge to effectively apply ATD measures for migrant children in line with GCM Objective 13.
- ***Mr. Hayat Akbari, Campaigner and advocate with lived experience***
His one year in immigration detention had a severe effect on his mental health. When resettled he had trouble sleeping, and he had to see a psychologist to enable him to study. Encourages States to follow good examples of ATD, and to include leadership of young people with lived experience, as part of the solution.
- ***Ms. Krisavarna Varamisra, Social Development Officer , Ministry of Social Development and Human Security, Government of Thailand***
In 2019 Thailand implemented ATD MoU and in 2020 they developed Standard Operating Procedures (SOPs) – which have been instrumental in reducing children in immigration detention. More than 300 children and their families have been released and received assistance and social support in the community, with strong collaboration between government, UN agencies and civil society. ATD is a better public policy choice. Healthy and self-sustained migrants in the community can stimulate cultural exchanges and contribute to the country’s socio-economic development. Challenges include: lack of awareness on ATD and SOPs at local level; insufficient capacity; insufficient resettlement places, delays in assistance due to COVID-19. In 2022 they developed MOU-ATD monitoring, evaluation and learning framework, trained social workers and law enforcement officers, and held an advocacy workshop and consultation led by children and youth affected by migration.
- ***Ms. Guadalupe Arbeláez, Head of Legal Affairs, Migración Colombia, Government of Colombia***
Colombia does not practice immigration detention of children – they are subject to special protection. They get access to services and , including education and higher



studies, regardless of migration status and nationality. They focus on children's best interests. Colombia has granted nationality to all children born in Colombia since 2015. Colombia's Temporary Protection Status for Venezuelans has a basis in children's best interests and family unity, among other aspects. They have found it essential to work together with public and private institutions, UN agencies, NGOs and CSOs. They will share their experiences and good practices to end child immigration detention.

- ***Ms. Rosaria Farmhouse, President of the National Commission for the Promotion of the Rights and the Protection of Children and Young People, Government of Portugal***

Portugal does not practice immigration detention of children, in line with the Committee on the Rights of the Child's position. Portugal commits to the Convention on the Rights of the Child and to children's best interests, including in the context of migration. If children do not have regular status, they protect their rights, with highly-tailored responses. If children are with a family with irregular status, they only spend 1 – 2 days in a temporary reception centre before return. Immigration and Border Services collaborate with other departments. They invite participants to come to Portugal to visit their work.

- ***Ms. Carolina Gottardo, Executive Director, International Detention Coalition***

IDC is launching two research pieces – on immigration detention and ATD in Asia Pacific; and on global promising practices to end immigration detention. Immigration detention of children is still prevalent in practice. But they saw some momentum towards ending child immigration detention and community-based ATD for families. Several countries do not detain children in practice and/or in law. There are increased partnerships between government, civil society and international organisations to develop community-based ATD, and interesting peer learning efforts, sharing successes, challenges and lessons. Promising practices reported include:

- Joint work to strengthen child protection systems and alternative care arrangements
- Introducing legal protections for children
- Including migrant children in mainstream child protection systems and shifting responsibility for children from immigration departments to child protection authorities
- Working to improve identification processes
- Providing pathways and referral mechanisms into alternative care arrangements, including case management and service provision
- Including whole-of-government and whole-of-society approaches with a range of actors

On addressing gaps, the research found that many stakeholders are working to:

- address gaps in alternative care
- ensure that best interests are upheld in all decisions regarding children
- build more child-sensitive age assessment procedures
- ensure that the right to family life is respected
- move from over-reliance on institutional care for unaccompanied children, investing in community-based measures, including foster and kinship care, and supported independent living arrangements for older children



- ***Dr. Najat Maalla M'jid-Special Representative of the Secretary-General on Violence against Children***

The UN Task Force on Children Deprived of Liberty decided last year to focus its work on ending child immigration detention, through joint advocacy, and collecting and sharing promising practices. With more children than ever on the move - often with migration as their only survival solution, and at high risk of exposure to various risks of violence and exploitation - there is an urgency to end child immigration detention. In over 60 countries worldwide child rights-based measures to prevent detention and to provide ATD for children are in place. States are showing that this is possible, in line with the CRC. Challenges – undocumented and unaccompanied children lack access to child protection services. To an age- and gender-sensitive determination process, to legal representation, to accessible information about their rights. Detaining migrant children is never in their best interests. It is a form of violence and of violation of children's rights. If we want to achieve SDGs on ending violence against children, we must end child immigration detention. Peer learning is especially important, to share States' experiences. Action must be informed by children's views and experience and build on children's effective participation. Children on the move and first and foremost children and their rights move with them.

- ***Jacopo Giorgi, Senior Legal Officer and Head of the Asylum and Migration Unit, Division of International Protection, UNHCR***

Peer learning represents extreme added value to the goal of ending child immigration detention. Topic of importance to UNHCR, as immigration detention affects both refugees and migrants. UNHCR's position is that detention is never in the interests of the child and should be eliminated. We have seen progress on ATD. Second report of UN Secretary-General (SG) saw encouraging steps taken on ATD in the context of the COVID-19 response. Wide array of 35 pledges made on Objective 13. Commend the role that national and regional courts have played, e.g. European Court of Human Rights has recently established that administrative detention pending removal of children is in contravention of international standards. SG did also report that there are still worrying trends, with States sometimes resorting to detention for longer periods, using public health concerns to justify detention or unlawful deportation. To reverse these trends we should learn from the promising practices that have emerged. We should embrace SG's call to take further steps to make liberty the norm.

Although there was no time for interventions from the floor, questions were raised and answered in the online Q&A function.