

## Alternatives to Immigration Detention Roadmap for the Global Compacts

Milestones	<p><b>i.</b> We will develop National Action Plans for reducing unnecessary immigration detention and expanding non-custodial alternatives to detention</p>	<p><b>ii.</b> We will provide detailed reports on our use of immigration detention and alternatives each year</p>	<p><b>iii.</b> We will implement and expand alternatives to immigration detention</p>	<p><b>iv.</b> We will establish a presumption against detention in law and regulation</p>	<p><b>v.</b> We will report on our progress in reducing unnecessary immigration detention and expanding alternatives at international and regional intergovernmental forums on migration, and during UPR reporting procedures</p>		
Timeframe	June 2019		December 2019 and then annually	Pilot projects by June 2020 National rollout by June 2025		By June 2025	Beginning 2019
Messages	<p><b>Comprehensive, collaborative national action plans</b> are needed to effectively implement this. Such plans will need to outline clear responsibilities, with coordination and collaboration between government, civil society, UN, INGOs, and migrant and refugee communities.</p> <p>It is encouraged that the National Action Plan review:</p> <ul style="list-style-type: none"> <li>• Current caseload</li> <li>• National law and regulation regarding detention, alternatives and oversight</li> <li>• Processing systems including screening and assessment</li> <li>• Placement options including with and without restrictions</li> <li>• Rights / minimum standards</li> <li>• Supports including case management</li> </ul> <p><b>Funding must be made available</b> to develop and implement these plans, including for <b>monitoring and evaluation</b>.</p>		<p><b>Public reporting</b> on immigration detention and on the use of alternatives is an important step in working towards monitoring and limiting the application of detention and restrictive measures.</p> <p><b>Reporting should include</b> a range of demographic information to assist with the development of appropriate alternatives. This would include reporting on the following factors:</p> <ul style="list-style-type: none"> <li>• Number of people detained</li> <li>• Gender</li> <li>• Age</li> <li>• Grounds for detention</li> <li>• The places in which people are detained</li> <li>• Any conditions applied when placed in a community setting</li> </ul>	<p><b>Alternatives to immigration detention</b> must be developed and expanded to ensure detention is only applied as a last resort.</p> <p><b>Pilot projects</b> are one avenue for governments to test and refine alternatives before upscaling to national systems. Incorporating a strong monitoring and evaluation process in a pilot program will ensure that learnings are captured and used to strengthen mechanisms when upscaling.</p> <p><b>Collaboration between government, civil society, UN, intergovernmental agencies, and migrants and refugees themselves</b> is encouraged to ensure pilots are designed in a way that meets the needs of key stakeholders.</p> <p><b>Monitoring and evaluation</b> will assess whether alternatives are meeting government objectives and complying with human rights.</p>	<p><b>International standards are clear:</b> any kind of immigration detention should only be applied as a last resort when all other measures have been shown to be inadequate in the individual case.</p> <p><b>States must review and improve their laws</b> to ensure compliance with international obligations to avoid arbitrary and unnecessary immigration detention. Specifically, States should establish a presumption against detention in law; establish a mandate to apply alternatives in the first instance; only permit detention when alternatives cannot be applied in the individual case; and prohibit the detention of vulnerable individuals, including children.</p> <p><b>Ratification</b> of relevant international Treaties is encouraged (ICCPR, ICESCR, OPCAT, CRC, CMW, 1951 Refugee Convention)</p>	<p><b>Immigration detention must be a last resort</b>, used only when shown to be necessary and proportionate in the individual case on a limited set of grounds as outlined in law.</p> <p>States are encouraged to commit to regularly report on their progress in reducing immigration detention and expanding alternatives at <b>international, regional and national forums on migration</b>.</p> <p>States are required to report on their compliance with relevant human rights in the context of migration as part of their Universal Periodic Review reporting to the Human Rights Council.</p>	

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Examples of practice	<p>All 15 States of the Southern African Development Community have an action plan to implement their commitment – made at <a href="#">MIDSA</a> – to develop alternatives to immigration detention. This is reflected in a <a href="#">Regional Action Plan</a>, with national action plans coordinated by IOM in partnership with government authorities and civil society.</p> <p>The UNHCR <a href="#">Beyond Detention</a> strategy countries have all committed to developing national action plans on immigration detention. These countries are:</p> <ul style="list-style-type: none"> <li>• <a href="#">Canada</a></li> <li>• <a href="#">Hungary</a></li> <li>• <a href="#">Indonesia</a></li> <li>• <a href="#">Israel</a></li> <li>• <a href="#">Lithuania</a></li> <li>• <a href="#">Malaysia</a></li> <li>• <a href="#">Malta</a></li> <li>• <a href="#">Mexico</a></li> <li>• <a href="#">Thailand</a></li> <li>• <a href="#">United Kingdom</a></li> <li>• <a href="#">United States</a></li> <li>• <a href="#">Zambia</a></li> </ul>	<p>A number of countries regularly publish immigration detention statistics. Examples include:</p> <ul style="list-style-type: none"> <li>• <a href="#">Australia</a></li> <li>• <a href="#">Canada</a></li> <li>• <a href="#">United Kingdom</a></li> </ul> <p>UNHCR’s <a href="#">Beyond Detention Baseline Report</a> and <a href="#">Progress Report</a> analyse the use of detention and alternatives to detention in 12 countries.</p>	<p>A number of countries have established alternatives to detention, including in the returns process in <a href="#">Belgium</a>, <a href="#">Canada</a>, the <a href="#">Netherlands</a>.</p> <ul style="list-style-type: none"> <li>• Law and regulation</li> <li>• See Commitment iv</li> </ul> <p>Processing systems including screening and assessment</p> <ul style="list-style-type: none"> <li>• <a href="#">Central America</a></li> <li>• <a href="#">Germany</a></li> <li>• <a href="#">Zambia</a></li> </ul> <p>Placement options without restrictions</p> <ul style="list-style-type: none"> <li>• <a href="#">Indonesia</a></li> <li>• <a href="#">Lithuania</a></li> <li>• <a href="#">Yemen</a></li> <li>• <a href="#">Mexico</a></li> </ul> <p>Placement options with restrictions</p> <ul style="list-style-type: none"> <li>• <a href="#">Austria</a></li> <li>• <a href="#">Ireland</a></li> <li>• <a href="#">United States</a></li> </ul> <p>Rights / minimum standards</p> <ul style="list-style-type: none"> <li>• <a href="#">Spain</a></li> <li>• <a href="#">Uruguay</a></li> <li>• <a href="#">Jordan</a></li> <li>• <a href="#">Sweden</a></li> </ul> <p>Supports including case management</p> <ul style="list-style-type: none"> <li>• <a href="#">Honduras</a></li> <li>• <a href="#">United Kingdom</a></li> <li>• <a href="#">Transnational Network in West Africa</a></li> <li>• <a href="#">Netherlands</a></li> <li>• <a href="#">Germany</a></li> </ul>	<p>Many countries have established a presumption against detention in law and outlined alternatives to detention that can be applied to address identified risks while a person remains in the community. Examples include:</p> <ul style="list-style-type: none"> <li>• <a href="#">Brazil</a></li> <li>• <a href="#">New Zealand</a></li> <li>• <a href="#">Estonia</a></li> <li>• <a href="#">Japan</a></li> <li>• <a href="#">Croatia</a></li> <li>• <a href="#">Hong Kong</a></li> <li>• <a href="#">Austria</a></li> </ul> <p>Some countries have a policy or practice to avoid unnecessary detention, but have not established this protection in law. Examples include:</p> <ul style="list-style-type: none"> <li>• <a href="#">Lithuania</a></li> <li>• <a href="#">Mexico</a></li> <li>• <a href="#">Hong Kong</a></li> </ul>	<p>Examples of States that have reported on their use of immigration detention and on their application of alternatives in UPR reports include:</p> <ul style="list-style-type: none"> <li>• <a href="#">Australia</a></li> <li>• <a href="#">Finland</a></li> <li>• <a href="#">United States</a></li> <li>• <a href="#">United Kingdom</a></li> </ul> <p>The Progress Reports for UNHCR’s <a href="#">Beyond Detention Strategy Countries</a> assess, among other things, their work in limiting detention for populations of concern:</p> <ul style="list-style-type: none"> <li>• <a href="#">Canada</a></li> <li>• <a href="#">Hungary</a></li> <li>• <a href="#">Indonesia</a></li> <li>• <a href="#">Israel</a></li> <li>• <a href="#">Lithuania</a></li> <li>• <a href="#">Malaysia</a></li> <li>• <a href="#">Malta</a></li> <li>• <a href="#">Mexico</a></li> <li>• <a href="#">Thailand</a></li> <li>• <a href="#">United Kingdom</a></li> <li>• <a href="#">United States</a></li> <li>• <a href="#">Zambia</a></li> </ul>			

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<b>Reference documents/ guidelines</b>	<p>Guidelines on alternatives to detention include:</p> <p>IDC's 2015 <i>There Are Alternatives: A Handbook for Preventing Unnecessary Immigration Detention</i></p> <p>UNHCR's 2011 <i>Back to basics: The right to liberty and security of person and 'alternatives to detention' of asylum-seekers, stateless persons, and other migrants</i></p>	<p>Data on immigration detention for a wide range of countries is published by the Global Detention Project.</p> <p>Data on alternatives to immigration detention for a range of countries is available in the IDC's <i>Alternatives to Immigration Detention Database</i></p> <p>Regional Mixed Migration Secretariat. <i>Behind bars: The detention of migrants in and from the East &amp; Horn of Africa</i></p>	<p>Reports describing and analyzing alternatives to detention include:</p> <ul style="list-style-type: none"> <li>• The IDC's <i>Community Assessment and Placement model (CAP model)</i></li> <li>• UNHCR's 2015 <i>Option Paper 2: Options for governments on open reception and alternatives to detention</i></li> <li>• European Migration Network's 2014 <i>The use of detention and alternatives to detention in the context of immigration policies'</i></li> <li>• Costello and Kaytaz's 2013 <i>Building empirical evidence into alternatives to detention for UNHCR</i></li> <li>• IDC's 2017 <i>Alternatives to immigration detention in North Africa</i></li> </ul>	<p>Working Group on Arbitrary Detention Revised <i>Deliberation No. 5 on deprivation of liberty of migrants</i></p> <p>OHCHR <i>Recommended Principles and Guidelines on Human Rights at International Borders</i></p> <p>Inter-American Court of Human Rights <i>Advisory Opinion OC-21/14</i></p>	<p>UPR <i>reporting guidelines</i></p> <p>OPCAT <i>reporting guidelines</i></p> <p>APT, UNHCR and IDC <i>Monitoring immigration detention: A practical manual</i></p> <p>Article on the MIDSA <i>Reporting Process on alternatives to detention</i></p>

