



Practical Steps Toward Ending Immigration Detention of Children



A way forward

We invite other countries to become world leaders on this issue and work toward practical solutions that guarantee migrant and refugee children's rights and recognize that immigration detention is never in the best interests of the child.

We believe there is an opportunity to inspire decision-makers and their advisors to imagine a different outcome, one where not all migrants - and especially not children - need to be detained in order to comply with immigration procedures. This is a critical time for decision makers to adopt alternatives and end the negative impacts of detention on children.

www.sos-childrensvillages.org

www.idcoalition.org

www.endchilddetention.org



**International
Detention Coalition**

Human rights for detained refugees,
asylum seekers and migrants



Detention is not the solution

Every day, all around the world, hundreds of thousands of migrant children and families are locked up simply because they lack the proper documents.

These children and families often undertake perilous journeys and are met with xenophobia, violence and - increasingly - with detention, despite having committed no crime and posing no threat to others. Personal liberty is a fundamental right.

Detention of children and families for migration purposes has been proven to erode family stability and be detrimental to children's physical and psychological health and development.

There are alternatives

Given the detrimental effects that detention and family separation have been shown to have on migrant children, the United Nations (UN) Committee on the Rights of the Child has stated clearly that "the detention of a child because of their or their parents' migration status constitutes a child rights violation and always contravenes the principle of the best interests of the child."

This finding has been supported by an overwhelming number of international and regional human rights experts, including the UN Secretary General, Special Rapporteur on the Human Rights of Migrants, Special Rapporteur on Torture, Secretary-General on Violence against Children, and the Inter-American Court on Human Rights, among others.



Piloting alternative care models in Mexico

In Mexico, all children who enter or remain in the country as irregular migrants are at risk of being deprived of their liberty and held in immigration detention centers (estaciones migratorias). The provision in the 2011 Migration Law to refer unaccompanied migrant children to the State child welfare institution has proved complex in its implementation. So much so that in 2015, 35,704 children and adolescents were detained for migration purposes.

However, that same year, in light of new legislation on the rights of all children, Mexican immigration authorities, the International Detention Coalition, SOS Children's Villages Mexico, and Covenant House Mexico formed a working group to jointly explore alternatives for unaccompanied migrant children.

In this way, each child's individual needs could be met, their rights fully exercised, and they could continue their migration processes outside of detention. The result was a pilot program for release from detention and referral to the community that included criteria for candidates and basic mechanisms for the identification, referral, reception, care and case management for unaccompanied migrant and asylum seeker children.

The pilot program was implemented from August 2015 to April 2016, during which time 20 children and adolescents who had fled their home countries, applied for asylum in Mexico and were in the country without the care of their parents, were released from detention centers to two open-door alternative care programs in Mexico City run by SOS Children's Village and Covenant House. Children actively participated in each organization's respective reception and quality care model, ensuring their access to education, healthcare, personal liberty, communication with families, and other rights, while authorities conducted their respective procedures. The children have been recognized as refugees and currently remain in the alternative care models.

“This is a critical time for decision makers to adopt alternatives and end the negative impacts of detention on children...”

Key results and benefits

The pilot program has been an important step in moving away from an unnecessary, over-reliance on immigration detention to greater applicability and implementation of preventative and community-based alternative models in Mexico.

Key results and benefits included:

- ✓ Improved child health and emotional well-being, guaranteeing rights to education, personal liberty, communication with families, and healthcare, among others
- ✓ Created pathways toward durable solutions, including family reunification
- ✓ Identified and strengthened existing positive practices and civil society care models
- ✓ Built mutual trust and dialogue among government and civil society stakeholders
- ✓ Enabled trust in community quality care, contributing to children and adolescents' commitment to remain in the immigration process and established procedures to mitigate risk of absconding
- ✓ Expanded identification and referral mechanisms with inclusion of the Refugee Commission
- ✓ Led to government-initiated spin-off pilots for release of single-parent families to community migrant shelters
- ✓ Encouraged commitment of international stakeholders to build alternatives to detention
- ✓ Integrated new child protection and support mechanisms with newly created Attorney General for Children's Rights
- ✓ Developed a roadmap to sustain the release of children from detention beyond the pilot, including legal support, inter-institutional coordination and expansion of open reception options