



International  
**Detention** Coalition

Human rights for detained refugees,  
asylum seekers and migrants

*There are alternatives* <sup>1</sup>

# International Detention Coalition

The International Detention Coalition (IDC) is a unique global network of

over **300** civil society organisations & individuals

in more than **70** countries

who advocate for, research & provide direct services to refugees, asylum-seekers and migrants affected by immigration detention.

# Definition of alternatives

The IDC defines alternatives to immigration detention (‘alternatives’) as:

*Any law, policy or practice by which persons are not detained for reasons relating to their migration status.*

# Definition of alternatives

ATD is not a legal term, and there is no internationally agreed upon way to understand alternatives.

*“In the narrow sense, it refers to a practice used where detention has a legitimate basis, in particular where a justified ground for detention is identified in the individual case, yet a less restrictive means of control is at the State’s disposal and should therefore be used. **In the broader sense, ATD refers to any of a range of policies and practices that States use to manage the migration process . . .**”*

# The IDC's program of research

The IDC's program of research aims to identify and describe alternatives to immigration detention.

Through this research, the IDC has identified

over **250** examples of alternatives

from over **60** countries.

# The revised Handbook

The revised Handbook includes:

- The key research findings
- Our revised CAP model
- New and updated country examples



A handbook for preventing unnecessary immigration detention (revised edition)

*Including the Revised Community Assessment and Placement model (CAP)*

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# Key findings

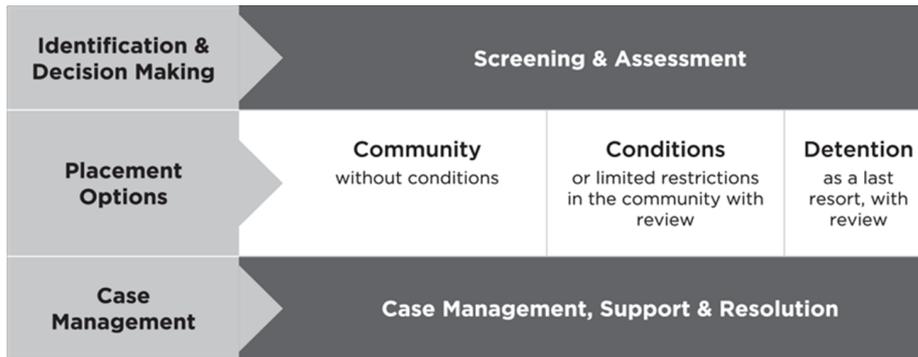
- There are alternatives
- Alternatives can be applied in the majority of cases
- Alternatives are more affordable
- Alternatives are more humane
- Alternatives are highly effective

# Benefits

- Alternatives cost less than detention  
80% average saving, averaging \$100 a day
- Alternatives maintain high rates of compliance and appearance  
90% average compliance rates
- Alternatives increase independent departure and voluntary return rates for refused cases  
65% average – up to 82% reported

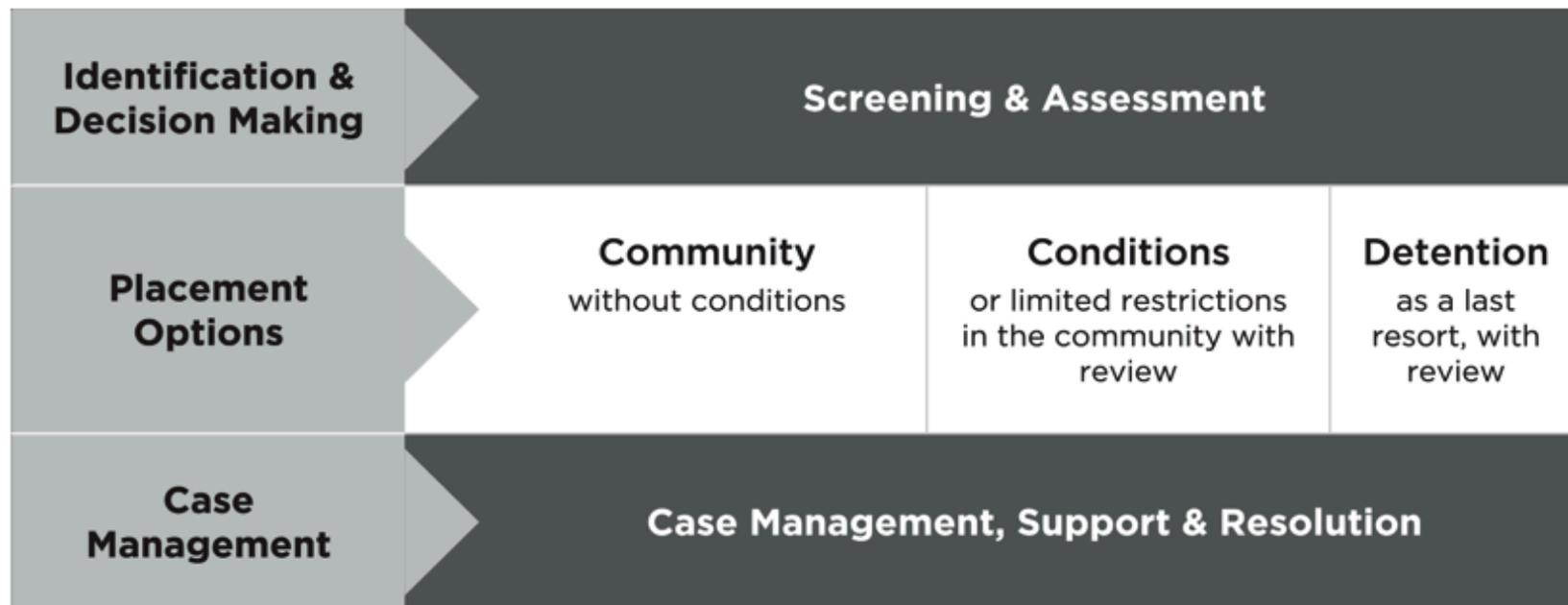
# Community Assessment and Placement : The Revised CAP model

**LIBERTY: PRESUMPTION AGAINST DETENTION**



**MINIMUM STANDARDS**

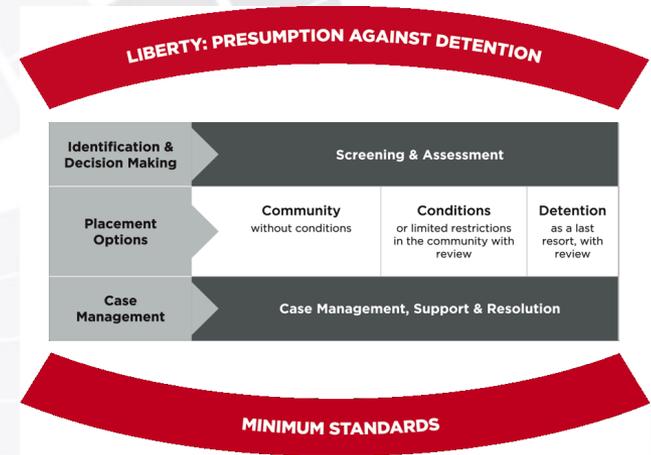
# LIBERTY: PRESUMPTION AGAINST DETENTION



# MINIMUM STANDARDS

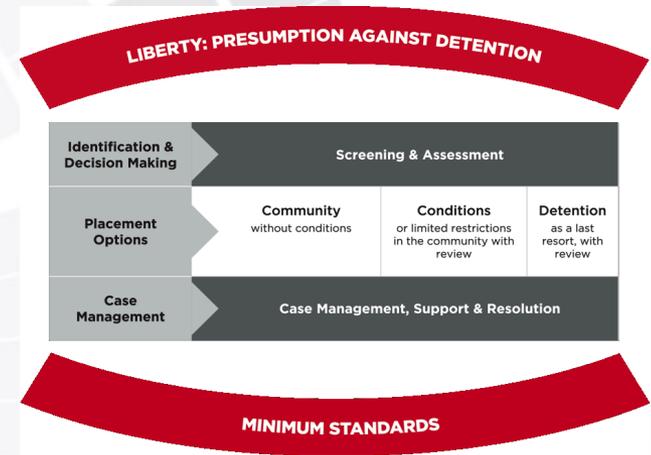
# Liberty: A presumption against detention

- Establish a presumption of liberty
- Provide a mandate to apply alternatives in the first instance
- Only permit detention when alternatives cannot be applied
- Prohibit the detention of vulnerable individuals



# Liberty: A presumption against detention

- **Argentina** has a presumption of liberty established in law
- **Poland** has alternatives to detention established in law
- **China** prohibits the detention of vulnerable individuals

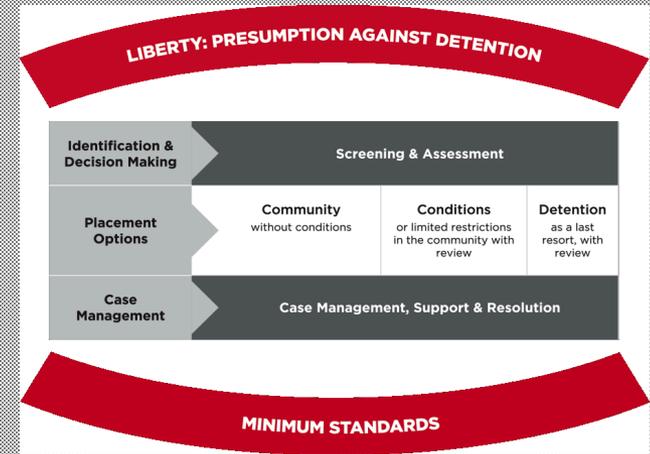


# Ensuring the right to liberty for children

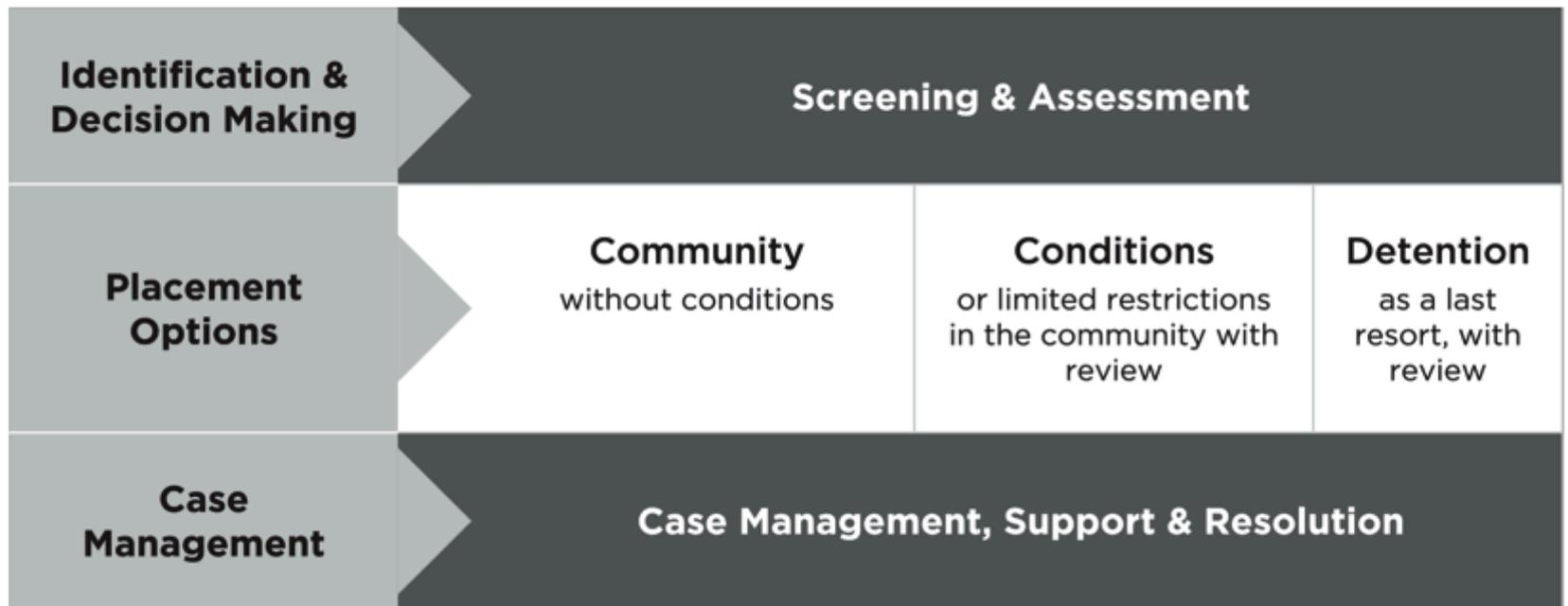
The UN Committee on the Rights of the Child has concluded that the detention of a child because of their or their parent's migration status:

- *constitutes a child rights violation; and*
- *always contravenes the principle of the best interests of the child.*

In this light, States should expeditiously and completely cease the immigration detention of children and their families.



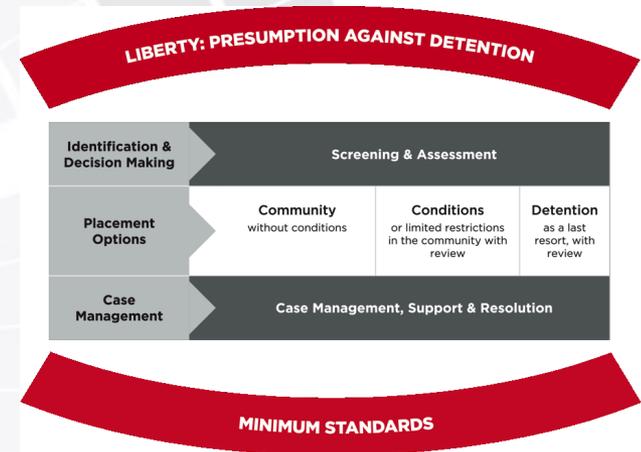
**LIBERTY: PRESUMPTION AGAINST DETENTION**



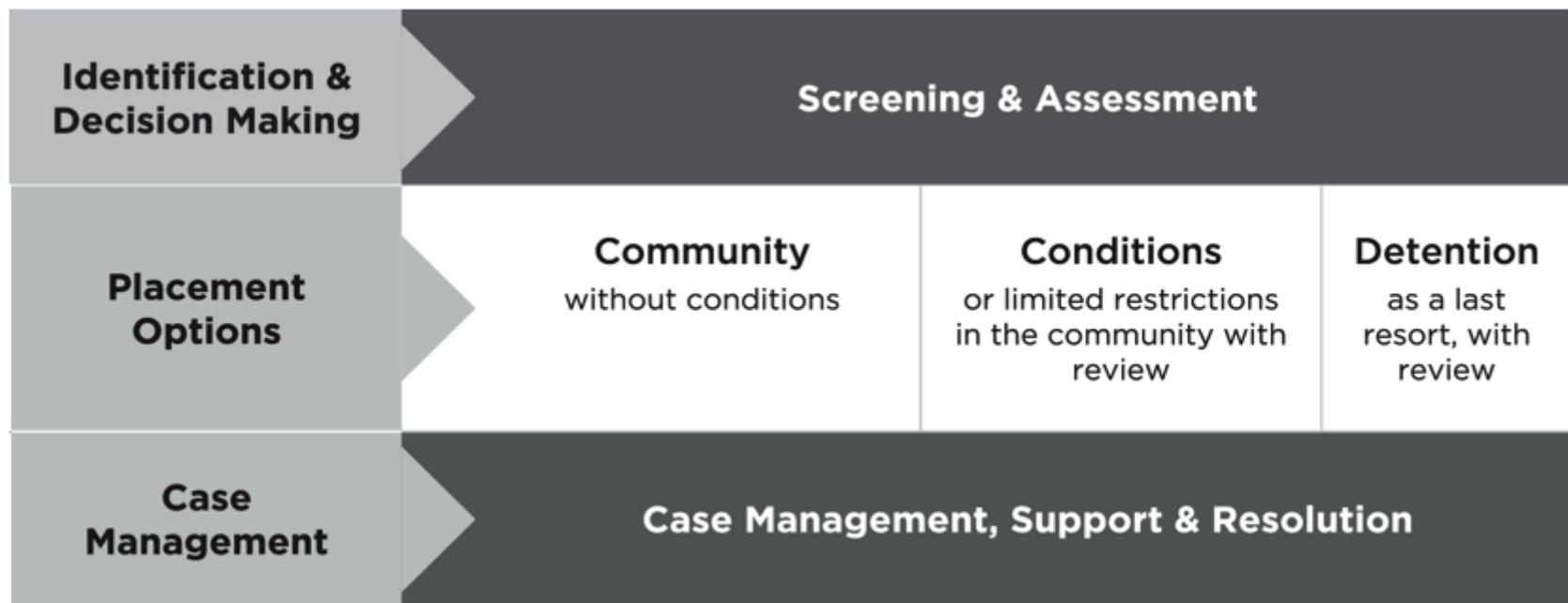
**MINIMUM STANDARDS**

# Minimum standards

- Respect for fundamental rights
- Meeting basic needs
- Legal status and documentation
- Legal advice and interpretation
- Fair and timely case resolution
- Regular review of placement decisions



# LIBERTY: PRESUMPTION AGAINST DETENTION

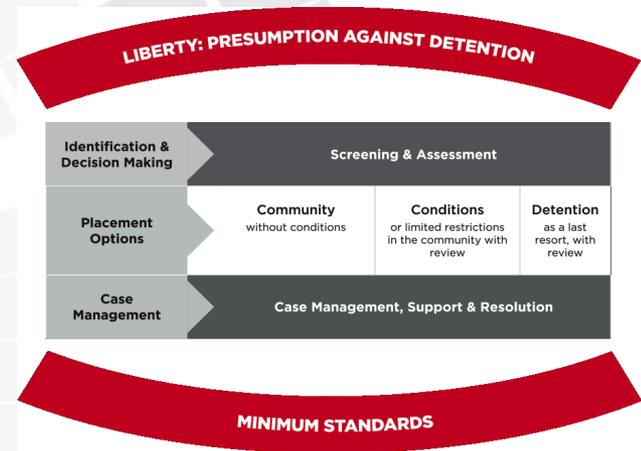


**MINIMUM STANDARDS**

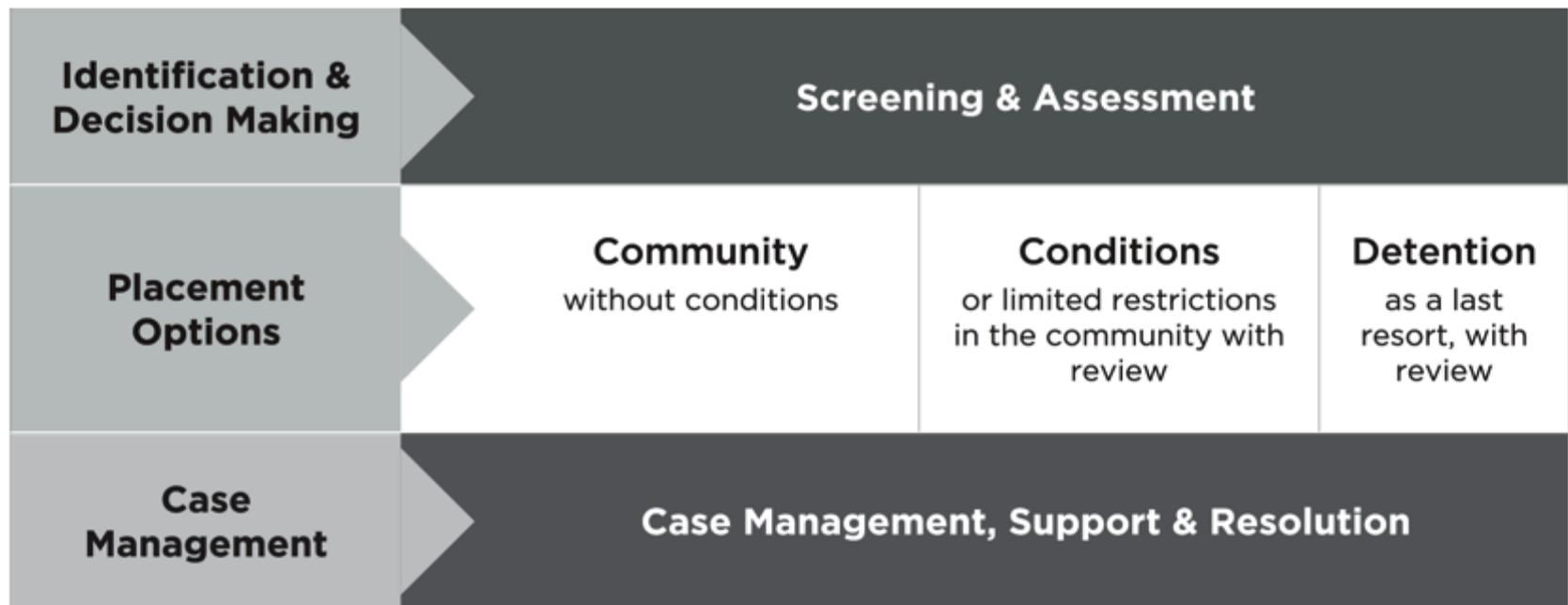
# Screening and Assessment

Detention should never be systematically applied for the purposes of screening and assessment. Key areas to screen & assess include:

- Legal obligations
- Identity, health and security checks
- Vulnerability
- Individual case factors
- Community context



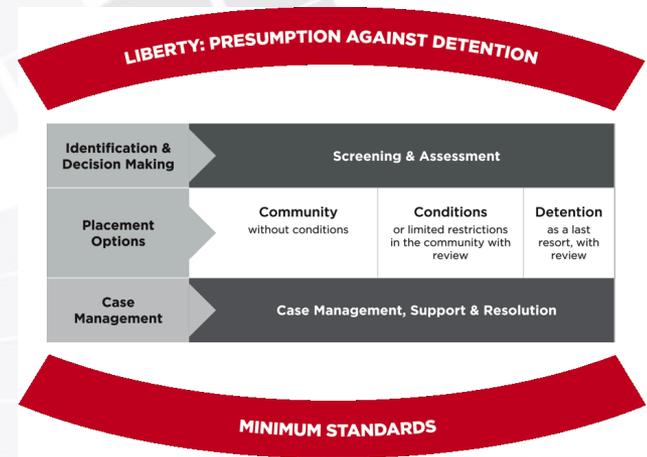
# LIBERTY: PRESUMPTION AGAINST DETENTION



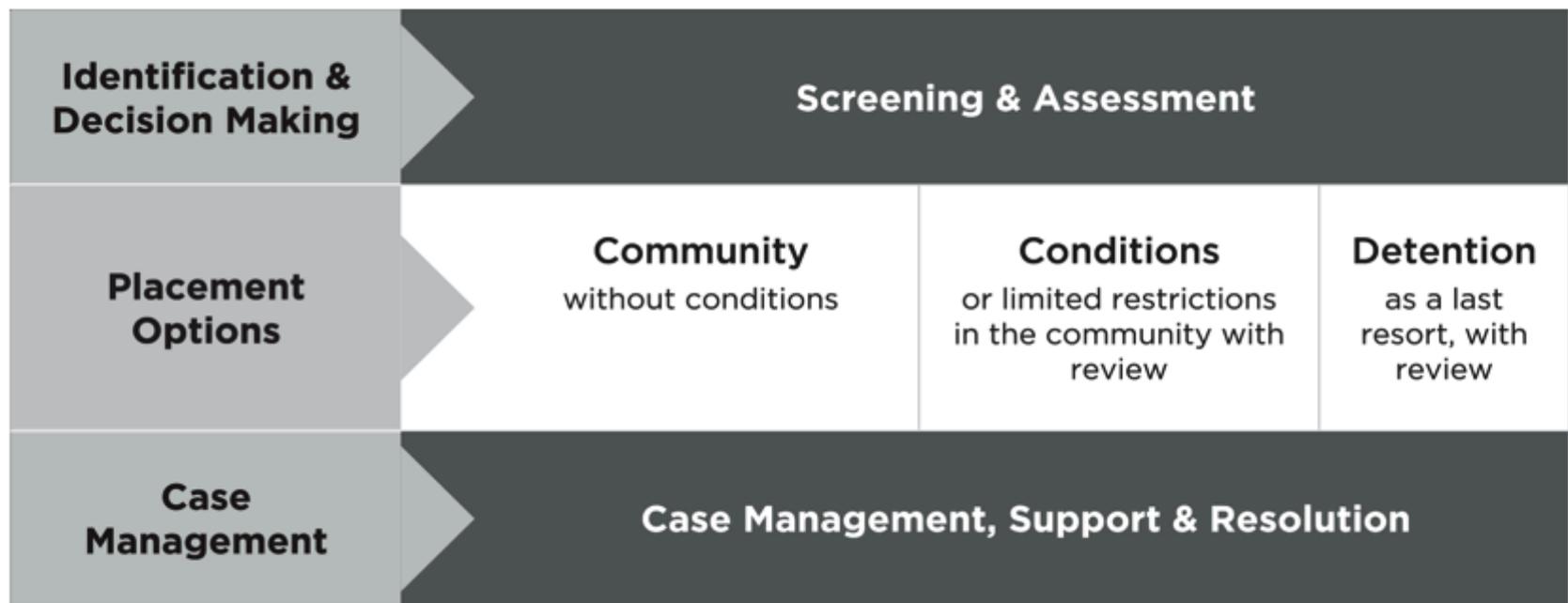
## MINIMUM STANDARDS

# Case management and case resolution

- **Case management** ensures a coordinated and comprehensive approach to support each case to reach case resolution.
- **Case resolution** is focused on a permanent or temporary migration outcome.



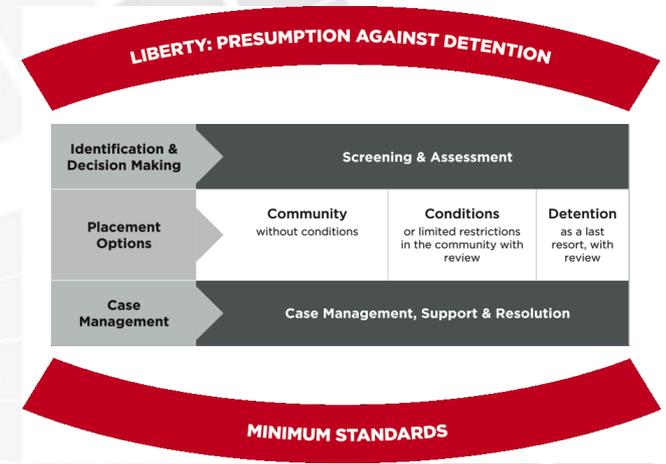
# LIBERTY: PRESUMPTION AGAINST DETENTION



# MINIMUM STANDARDS

# Community without conditions

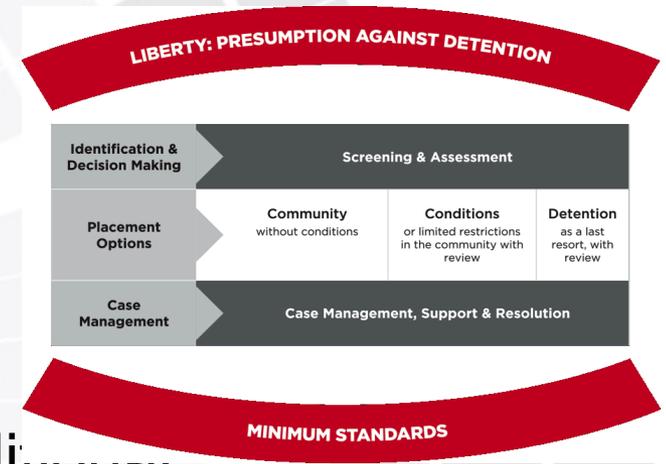
- Option of first resort
- Maintains freedom of movement and access to fundamental rights
- States can provide support to individuals in order to ensure compliance
- Individuals remain responsible to:
  - Appear at appointments, hearings or interviews
  - Undertake acts to assist case resolution
  - Respect visa or residency status conditions



# Conditions or limited restrictions

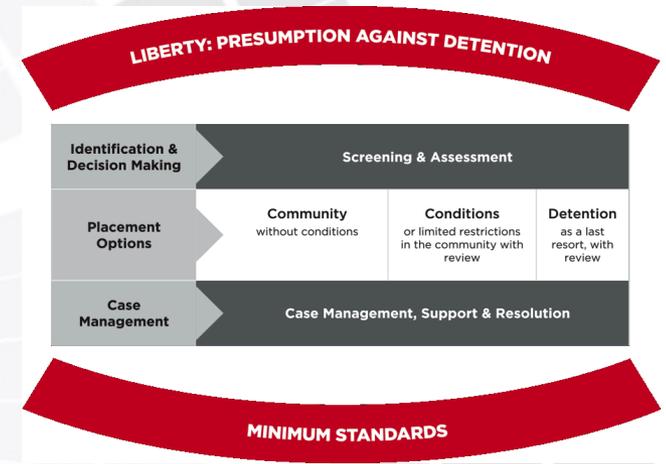
If serious concerns arise about unconditional placement in the community, there are a range of additional ATD mechanisms that can be introduced to promote engagement and compliance with authorities.

As conditions invariably involve some restrictions on an individual's right to liberty, these must always be shown to be necessary, reasonable and proportionate in the individual case.



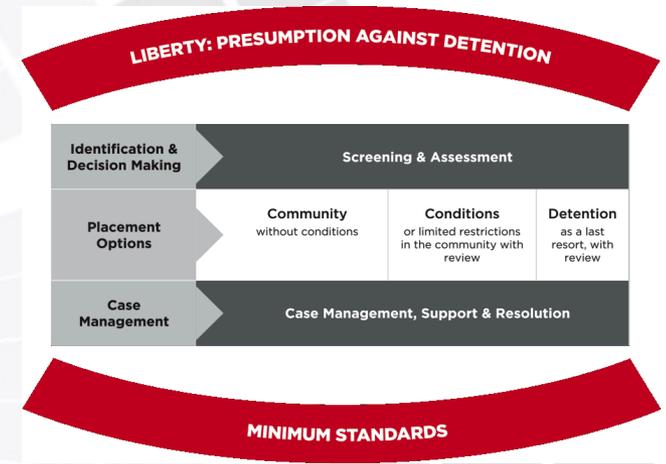
# Conditions or limited restrictions

- Monitoring
  - Registration with authorities
  - Nominated address
  - Handover of travel documents
  - Reporting requirements
  - Directed residence

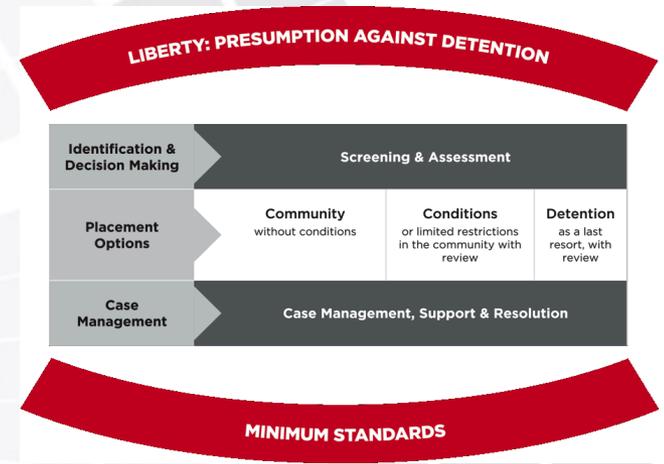


# Conditions or limited restrictions

- Supervision
  - Supervision by migration authorities
  - Delegated supervision
- Surety and other consequences for non-compliance
  - Bail, bond, surety or guarantee
  - Other consequences.



# Detention as a last resort in exceptional cases



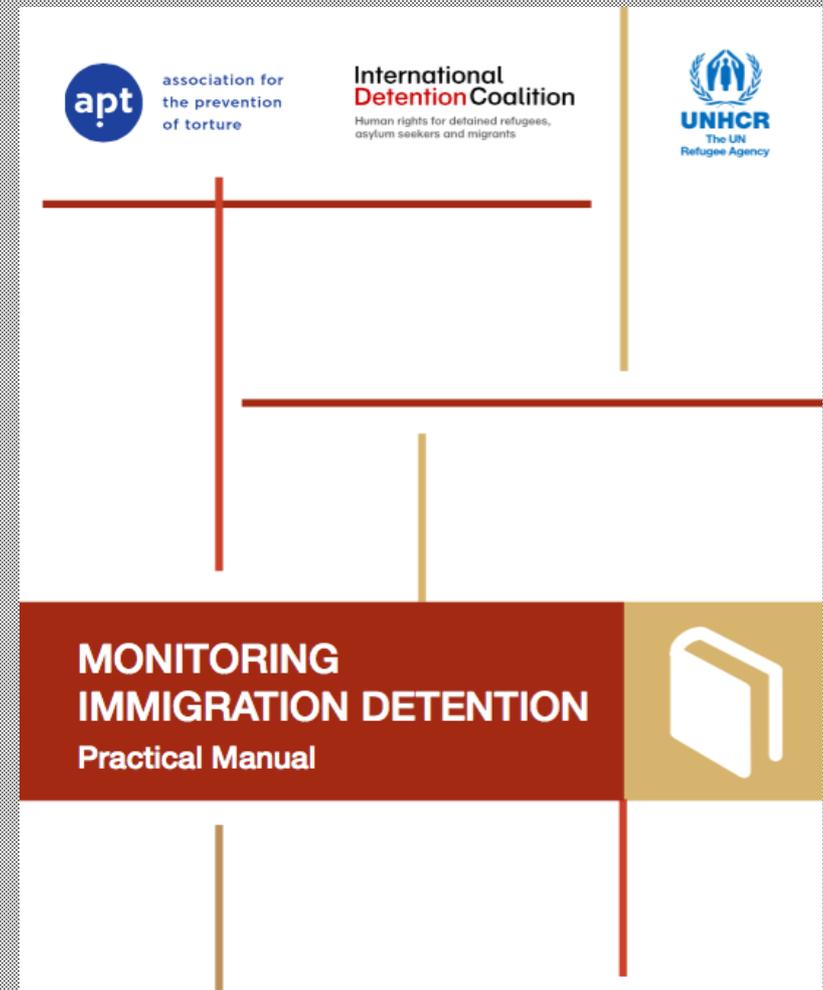
## Detention must be:

- Lawfully applied
- Necessary and reasonable in the circumstances
- For a legitimate purpose
- Proportionate to achieve that legitimate purpose
- Applied without discrimination
- The last resort based on evidence there are no alternatives that can achieve that legitimate purpose.

# Monitoring immigration detention

Transparency and independent oversight of immigration detention is a critical safeguard to reduce the risk of arbitrary detention, torture, and other cruel, inhuman or degrading treatment or punishment.

<http://idcoalition.org/publications/monitoring-immigration-detention-practical-guide/>



# Conclusion

There are alternatives that can be effectively applied in a variety of contexts and for a variety of populations. The benefits of alternatives include:

- Cost less than detention
- Maintain high compliance rates
- Are more humane

To read our revised research, *There are alternatives*, visit [www.idcoalition.org](http://www.idcoalition.org)



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