***Ending Immigration Detention of Children and Seeking Adequate Reception and Care for Them***

**UNICEF Submission to the Thematic Report of the United Nations Special Rapporteur on the Human Rights of Migrants**

May 2020

1. **Context**

The past decade has seen the emergence of a global consensus on the need to end the practice of child immigration detention. The Committee on the Rights of the Child clearly stated in its 2012 Recommendations[[1]](#footnote-2) and 2017 Joint General Comment[[2]](#footnote-3) that detaining children for migration-related purposes is unlawful. This position has been reinforced by international and regional jurisprudence, including the Inter-American Court of Human Rights.[[3]](#footnote-4)

Despite subsequent attempts by some Member States to weaken this consensus – most recently during the negotiations of the Global Compact for Migration (GCM)[[4]](#footnote-5) in 2018, where child immigration detention was undoubtedly a contested topic – the international community has clearly moved away from the acceptance of immigration detention of children as a measure of last resort towards a clear commitment to the complete elimination of this practice. Child immigration detention is always a child rights violation; is never in a child’s best interests; is contrary to every child’s right to non-discrimination, to survival and development, and to be heard and have her views taken into consideration in line with her evolving capacities; and it amounts to cruel, inhumane and degrading treatment.

One of the strongest arguments that contributed to firm up this commitment was the indisputable evidence about the long-lasting and devastating impact of detention on a child’s physical, emotional and psychological health, as well as wellbeing and development. Detention harms children regardless of the conditions in which they are held, and this damage can occur even if the detention is of relatively short duration and in well-appointed facilities.[[5]](#footnote-6)

Children in detention, particularly unaccompanied and separated children, are also at risk of experiencing other forms of harm, such as sexual and gender-based violence, child trafficking, neglect, abuse and exploitation. Detention aggravates existing health conditions and causes new ones to arise, including anxiety, depression, suicidal ideation and symptoms consistent with post-traumatic stress disorder. Given the often crowded and unsanitary conditions in facilities used for immigration detention, this practice exposes children to additional acute risks during public health emergencies, as we are witnessing during the COVID-19 pandemic.

Despite this, countless asylum-seeking, refugee, migrant and stateless children continue to be detained, both alone and with their families.  Places of immigration detention are rarely labelled as such, and the forms in which children are detained vary greatly, from being held for a few hours at an airport or for a few days in the last phase of a removal process to prolonged periods of imprisonment whilst awaiting the outcome of an asylum application. Every year at least 330,000 children are detained for migration-related purposes and 77 States are known to still detain children for migration-related reasons.[[6]](#footnote-7) Even in States that claim not to detain children on paper, or where there is political will to end child immigration detention, progress in ending this practice is slow at best.

1. **Key Challenges to Ending Child Immigration Detention**

Given its long-lasting and devastating impact on children, the political cost for States that are signatories of the CRC and yet violate child rights, the exorbitant cost of immigration detention itself (far exceeding any other approach to migration management), and global momentum around increasing the availability and accessibility of child rights-compliant approaches - what really are the main roadblocks standing in the way of ending this practice?

**Detention as a key proxy for enforcement in political narratives around immigration**. Detention is expensive (detaining a family can be up to 80 per cent more expensive than community-based supervision),[[7]](#footnote-8) burdensome to administer and an ineffective migration management tool (there is no evidence that it deters irregular migration).[[8]](#footnote-9) However, similarly, to returns and family separation,[[9]](#footnote-10) detention has become a proxy for strict enforcement of migration policies and a key pillar of government responses that criminalize irregular migration and actively discriminate against migrants to appease nationalist electorates – responses which in turn breed further xenophobia. This is also why immigration detention is implemented by some States in a way that clearly interferes with children’s right to family unity and limits their access to essential services such as health, education and legal representation.

**Discrimination**. Closely intertwined with the above challenge is the fact that, even in government responses that do not use immigration detention as punishment, the standard of what constitutes adequate care for non-national children tends to be lower than for national children. Asylum-seeking, refugee, migrant and stateless children are not seen as children first, despite every child’s right to non-discrimination and the clear CRC obligation for all States to fulfil the rights of every child *in* their territory, not *of* their territory. Discrimination translates in asylum-seeking, refugee, migrant and stateless children not having access to national child protection systems, ending up in parallel structures, and coming under the care of immigration and asylum authorities. Discrimination also explains the much more frequent use of residential care for unaccompanied and separated children, even in countries that have well-established family-based alternative care systems.[[10]](#footnote-11) It also explains a weaker focus on prevention of family separation for non-national children, and the justification of child immigration detention as a protective measure – an argument that is rarely used for national children in similar circumstances.[[11]](#footnote-12)

**Various capacity levels of national child protection and alternative care systems.** So-called alternatives to immigration detention are not so much physical places as they are capacities, processes and procedures (including human and financial) that take investments and time to build and strengthen. Ending child immigration detention requires adequate reception and care that is sustainable and scalable, and this can only be provided by national child protection systems – these are the first and foremost place for any child at risk of or experiencing harm regardless of migration status. However, child protection systems, policies and programmes are at different stages of strengthening depending on each country context.[[12]](#footnote-13) As a consequence, too many under-resourced and over-stretched systems are unable to respond to the specific needs of asylum-seeing, refugee, migrant and stateless children.

1. **Recommendations**
2. **States should immediately release all children** – **unaccompanied children and children in families** – **from immigration detention, in line with international law,** into alternative or appropriate care arrangements, including foster care, kinship care, other community-based mechanisms or appropriate reception centers that do not amount to deprivation of liberty.

*In March 2020, following the declaration of the COVID-19 pandemic, a number of States released children deprived of their liberty, including children in immigration detention in* ***Djibouti****,* ***Iraq****,* ***Egypt*** *and* ***Libya****, according to UNICEF monitoring.*

1. **States should explicitly prohibit the immigration detention of children in domestic legislation and ensure this prohibition in policy and practice, in line with international law.** This includes the development and implementation of relevant regulations and the allocation of resources for capacity development. Time-bound roadmaps and funded national action plans can also be useful in ensuring that the prohibition of child immigration detention is implemented in practice.

*In 2019 the Government of* ***Thailand*** *signed a Memorandum of Understanding on the Determination of Measures and Approaches Alternative to the Detention of Children in Immigration Detention Centers. While this measure falls short of the protection of asylum-seeking, refugee, migrant and stateless children from arbitrary detention, it could be recognized as a step in the right direction. The MoU prioritizes the best interests of the child, affirms the government responsibility to ensure children remain in their family’s care, and underlines that children should only be detained or transferred to shelters as a measure of last resort. The Government of Thailand is in the process of adopting detailed procedures to implement these provisions.*

1. **States and all stakeholders should reframe the conversation on ending child immigration detention away from a criminal justice response** – which warrants alternatives to detention and non-custodial measures – towards a child rights-focused approach that prioritizes the adequate protection and care of every child regardless of migration status. States are encouraged to develop alternative care, appropriate care arrangements and other community-based responses as part of their child protection and social welfare systems, and to find sustainable solutions in each child’s best interests. This reframing should take place within a broader narrative shift, away from a focus on enforcement and coercion towards a focus on rights-compliance through engagement-based solutions that use case management and case resolution.[[13]](#footnote-14) A growing body of practice and international evidence shows that case management increases participation, compliance and case resolution, while improving individuals’ coping capacity and wellbeing. By building trust in the system, providing stability and facilitating agency, case management is an efficient and cost-effective approach to governing migration without using immigration detention.[[14]](#footnote-15)

*In 2019 the Government of Mexico, with UNICEF’s support, adopted the Protocol for the Comprehensive Protection of Migrant, Asylum-Seeking and Refugee children, as well as the Model on Alternative Care, towards ending the detention of migrant children and adolescents in the country. UNICEF supported the piloting of the alternative care model in the states of Chihuahua, Sonora and Tabasco, and a pilot foster care programme with the Latin American Network for Foster Care (RELAF)*.

1. **States should facilitate access to child-friendly and gender-responsive asylum procedures guided by the Refugee Convention and the principles of the Convention of the Rights of the Child.** The right to seek asylum free of fear of punishment or retribution requires access to territory without the risk of border push-backs or refoulement.

*According to Article 16, Paragraph 5 of the Law on Asylum in the Republic of* ***Albania*** *(Law No. 8432), unaccompanied minor asylum seekers under 16 years "shall not be held in prison-like conditions, only as an absolute last resort measure. Instead special arrangements will be made that are suitable for children."*

1. **States should ensure that every asylum-seeking, refugee, migrant and stateless child, whether unaccompanied or with family, has access to and is included in national child welfare and child protection services, including:**
2. **Reforming existing legislation and making the necessary provisions in law and policy so that every child in the country, regardless of status, is included in the national child welfare and protection system without discrimination.**

*In 2010 the UK Government made a commitment to end the immigration detention of all children. This has been achieved for unaccompanied asylum-seeking children (UASC), who are considered as ‘in need’ and are covered by the general duty on Local Authorities to safeguard and promote the welfare of children within their area. UASC have the same status and entitlements as UK children with no responsible adult to care for them. The Local Authority provides for and ensures their accommodation, education, health and other services. Numbers of child detainees have gone down significantly in the UK, from over 1,000 per year before 2010 to 67 in 2017 and 63 in 2018.*

1. **Establishing minimum reception and care standards.**

*In 2016 UNICEF and the German Ministry for Family Affairs, Senior Citizens, Women and Youth launched a national, multi-partner initiative to strengthen existing child protection systems. One major achievement of the initiative was the Minimum Standards for the Protection of Refugees and Migrants Living in Refugee Centres, developed in a participatory process that involved over 30 partners. UNICEF produced training materials and tools to ensure the effective implementation and monitoring of the standards by service providers. Over 2,500 refugee centre managers, protection coordinators and staff were trained in the 100 refugee centres across Germany.*[[15]](#footnote-16)

1. **Developing national child protection case management frameworks and advancing multi-sectoral collaboration between child protection, health, education, justice and immigration authorities.**
2. **Strengthening the capacity of the social service workforce by prioritizing investments in and progressively increasing budgetary allocations towards the recruitment, training, certification, licensing and oversight of the social service workforce.** The workforce is critical in preventing the immigration detention of children and families through effective case management. This includes prompt identification, screening, registration, assessment and referral to appropriate services. The workforce can also assess the needs of vulnerable migrant families to prevent family separation, unless separation is necessary to safeguard a child’s best interests.

*In 2019, UNICEF collaborated with the National Academy of Public Administration (APA) in Kazakhstan to develop a training programme for civil servants, immigration officers and social workers on (1) international standards and best interests assessment; (2) immigration procedures, alternatives to detention, family tracing and reunification; and (3) case management for the protection of children in migration processes, including access to education and health.*

1. **Developing effective referral mechanisms among service providers** to ensure the availability of direct assistance, interim care, decentralized service provision and sustainable solutions for children vulnerable to immigration detention. Effective referral mechanisms promote gender-responsive and child-friendly procedures and services, including the highest attainable standard of physical and mental health and quality and accessible education.

*In 2019, child protection referral pathways were developed in Barbados by the Child Protection Working Group, comprising UNICEF, UNHCR, UNFPA, IOM, the Children's Authority and national actors. Standard operating procedures for family and community based alternative care mechanisms to address the protection needs of migrant and refugee children, with a specific focus on unaccompanied, separated and trafficked children, were also developed.*

1. **Extending social protection programmes, including cash transfers, to vulnerable asylum-seeking, refugee and migrant families regardless of migration status, as well as providing pathways to regular migration status, including the right to work and engage in economic activities.** Such support can be facilitated through effective linkages with the social service workforce and service providers within referral mechanisms.

*In Peru, an initiative by the Ministry of Social Development to provide cash transfers (Bono Social) in the context of the COVID-19 crisis left out undocumented migrants. UNICEF is providing technical guidance to the Ministry to reach at least 63,000 migrants in extreme vulnerability with cash transfers.*

1. **States are urged to protect children without parental care, ensuring appropriate alternative care arrangements and facilitating family tracing and reunification according to the best interests of the child, including:**
2. **Ensuring through protocols and policies that child protection authorities participate in identifying unaccompanied and separated children and are informed and involved from the outset**. Once identified, child protection case management follows, including an assessment to determine the child’s immediate needs, appointment of a guardian to safeguard the child’s best interests and a multi-disciplinary determination of the best interests of the child. The individual assessment and best interests determination specific to the needs of the child informs referral, care and protection procedures, family tracing, and the eventual identification of a sustainable solution in a timely manner.

*In 2019, UNICEF collaborated with authorities and civil society organizations in Bosnia and Herzegovina, supporting the operation of Child Friendly Spaces at key transit sites; providing capacity building for more than 250 frontline workers; and deploying additional social workers and mobile outreach teams. This improved identification and referral of unaccompanied and separated children to reception facilities and relevant support services.*

*Italian Law 47/2017 established a revised legal framework for the protection and care of unaccompanied and separated children (UASC) and included a model of volunteer guardians. These are citizens selected and trained by the Regional Ombudspersons* *for Children. UNICEF has invested in establishing a Guardian Support and Monitoring Office within the Ombudsperson’s facility in Palermo, Sicily, a region that has hosted more than 50 per cent of all UASC in the Italian reception system. The Office provides technical support and guidance to the volunteer guardians.*[[16]](#footnote-17)

1. **Supporting the development, resourcing, capacity building and oversight of alternative care arrangements**, in conformity with the UN Guidelines for the Alternative Care of Children, the CRC, the CRPD and all relevant international conventions and human rights treaties. This involves reviewing and reforming national laws and policies and promoting access to quality community-based alternative care that allows asylum-seeking, refugee, migrant and stateless children without parental care to live in a family setting within a community, including kinship care, foster care, *kafalah*, and small group settings for older children. These arrangements should have the clear purpose of offering children a safe, stable, protective and nurturing environment whilst a sustainable solution in line with the child’s best interests is pursued.
2. **Facilitating access to services**, including healthcare, mental health and psychosocial support (MHPSS), education, and legal representation and assistance.

*In 2019, UNICEF and the government of Niger established four One Stop Social Welfare Shops in the region of Agadez and rehabilitated a temporary transit center for unaccompanied child migrants.*

*The Mexican municipality of Villahermosa, with UNICEF support, has created an open-door long-term shelter for migrant and asylum-seeking children. Children receive psychosocial support and have access to education, health services, legal information and assistance.*

1. **Provide** **unaccompanied adolescents aging out of alternative care arrangements appropriate support in preparing for their transition to independent living**, including access to education, skills development, training, employment, housing and MHPSS, in line with their best interests.

*In January 2018, UNICEF, in partnership with the Greek NGO METAdrasi, launched the first-ever pilot supported independent living (SIL) care model in Athens and Thessaloniki. While limited in scale, the aim of this project is to enhance quality community-based care for a greater number of UASC in Greece. This will be achieved by expanding this alternative model and establishing SIL as one of the key means of care for UASC available within the Greek national child protection system.*[[17]](#footnote-18)

1. **Promoting active coordination among national authorities (child protection, immigration, asylum, law enforcement) and civil society organizations to respond to the diverse and complex needs of all children without parental care regardless of status**, including unaccompanied and separated children, trafficked children, stateless children and children in irregular situations.

*In 2019, UNICEF supported the functioning of the national Children on the Move Taskforce in Egypt, which developed National SOPs on the Protection and Assistance of Child Asylum-Seekers, Refugees, Smuggled Migrants and Victims of Trafficking in Persons and a Child Helpline for children on the move to promote universal access to services and prevent immigration detention.*

1. **Invest in robust international, regional and bilateral cooperation mechanisms**, including through local-level cross-border working groups to facilitate case management, family tracing and appropriate care placements across borders.

I*n Togwaajale, a border point between Somaliland and Ethiopia, UNICEF is supporting referrals of unaccompanied migrant children by law enforcement authorities to social workers by deploying social workers on both sides of the border and providing technical assistance to develop appropriate care and protection protocols.*

1. **States are urged to promote family unity and prevent family separation in line with international children’s rights norms and standards, including:**
2. **Providing necessary safeguards to ensure that children are only separated from their parents** in accordance with existing laws and procedures, following the decision of a competent authority and when established to be necessary for the best interests of the child.
3. **Developing family-based alternative care options for children in need, such as foster care and kinship care, through legislative and policy reform.** States should invest in community-based services and family-based alternatives, monitoring systems, and support caregivers to promote alternative and appropriate care arrangements for children and their families.
4. **Taking appropriate measures to prevent and respond to family separation**. Contingency plans in humanitarian and emergency contexts should be put in place in preparedness and response phases to keep families together and facilitate rapid family reunification, especially in the context of migration.
5. **Implementing programs in development and humanitarian contexts** to promote family unity by prohibiting the immigration detention of children and families and prioritizing alternative and appropriate care arrangements for children and families. This includes adequate reception and care standards and SOPs that delineate roles and responsibilities.
6. **Promoting the right to a nationality and legal identity, beginning with birth registration.** The right to a name and nationality is a fundamental right and should not be determined based on a child or her parents’ migration status. States should advance universal birth registration and the right to a legal identity for all children in order to promote family unity and avoid children’s contact with the criminal justice system in respect of migration-related violations.

*In 2019, UNICEF supported 3,790 children affected by migration in Tajikistan by facilitating access to social welfare services, including birth registration and certificates for 2,502 children.*

1. **States are encouraged to promote robust measures to regulate and provide oversight to alternative and other care arrangements within the community, including:**
2. **Strengthening the regulation, oversight, accountability and monitoring of all alternative care settings** to ensure that the rights and the best interests of the child are upheld and that mechanisms to report violence, exploitation and abuse are accessible by all children regardless of migration status.
3. **Establishing a competent independent monitoring mechanism**, such as a children’s ombudsperson, commissioner or inspectorate to monitor compliance with the rules and regulations governing the provision of care, protection and treatment of asylum-seeking, refugee, migrant and stateless children, with unimpeded access to immigration detention facilities where they exist.
4. **States are urged to improve data collection in line with data protection protocols, and to collect comprehensive data on the forms of deprivation of liberty amounting to the immigration detention of children and families**. Age-, gender- and disability-disaggregated data on children and families held in immigration detention should be continuously updated, including to inform the periodic review of their situation and their release into alternative and appropriate care arrangements. Data on children that are collected at national level to inform the status of immigration detention should not include any identifiable details and must meet data protection protocols and confidentiality.

*In Albania, the National Institute of Statistics (INSTAT) compiled an extended list of 47 child-relevant indicators and provided figures and data on 17 of them, including, children in detention.*

1. **States are encouraged to partner with a wide range of stakeholders (including local governments, civil society, UN entities and children and youth) and to engage in peer learning.** Around the world, examples of progress ending child immigration detention show the key role of multi-stakeholder partnerships. Succeeding in ending child immigration detention and putting in place adequate reception and care for all children entails addressing challenges while scaling up existing promising practices. International cooperation, technical support and peer learning are critical to galvanize progress on the ground.

*IDC and UNICEF are co-convening a global multi-stakeholder initiative to support States in addressing the practical challenges they face when putting in place alternatives to child immigration detention. The Platform provides an umbrella for government experts to come together and engage in peer exchange and learning across regions, with technical support from stakeholders. It provides an open space to discuss common challenges, share progress, exchange positive practices, explore opportunities for peer support, and build capacities through meetings and site visits. Since 2018 regional peer learning events co-hosted by different governments, IDC and UNICEF have taken place in Ecuador, Namibia, Tunisia and Thailand. These exchanges among States have helped develop the Platform, tailoring it to actual needs on the ground.*

*The Working Group on Alternatives to Immigration Detention is one of six thematic working groups established under the UN Network on Migration and is comprised of representatives of UN agencies, civil society organizations, young people, local governments and technical experts working on immigration detention and alternatives all over the world. In April 2020, the Working Group produced practical recommendations for States and other actors to avoid immigration detention in the context of the COVID-19 pandemic, including by immediately releasing children and families.*[[18]](#footnote-19)

1. **The Way Forward**

Ultimately, ending child immigration detention will take targeted advocacy and public engagement to make what would be unthinkable for national children also unacceptable for asylum-seeking, refugee, migrant and stateless children. Beyond open-ended debates on definitions and terminology, focusing on alternatives to immigration detention reinforces the idea that **non-national children belong in a parallel system where different standards and rules apply, distracting us from the fact that detention is just a symptom of a deeply entrenched reality: discrimination.**

Shifting the conversation from alternatives to immigration detention **to adequate reception and care for all children *in* a country is an important step in uncovering and addressing this structural challenge.** It also sheds light on situations of children who have not typically been the focus of discussions on child immigration detention, such as **children detained with their families or children in pre-removal detention**.

We will not end child immigration detention unless we support governments in gathering the political courage and leadership it takes to shift public perceptions of this practice, **reframing it as an entirely unnecessary and preventable child rights violation**. For this shift to happen we must project a compelling vision of how child-sensitive migration management could look like in practice, and sharpen our investment case **for including all children in national systems and services regardless of status as a win-win solution that benefits all – children, families, communities and States**.

The COVID-19 pandemic presents a unique window of opportunity to showcase concretely how migration can be governed without resorting to detention. This will require that all actors build on the positive steps forward taken during this crisis, document their positive impacts for children and societies at large, reflect on lessons learned, and seize this moment to end once and for all the immigration detention of children and families.

1. **Key Resources**
* UNICEF Working Paper (first published in September 2018, updated in February 2019), [Alternatives to Immigration Detention of Children](https://www.unicef.org/media/58351/file/Alternatives%20to%20Immigration%20Detention%20of%20Children%20%28ENG%29.pdf)
* UNSG Report on the status of the Convention on the Rights of the Child, with a focus on children without parental care, including unaccompanied migrant children, A/74/231
* 2019 Resolution on the Rights of the Child, which includes a particular focus on children without parental care, adopted by the General Assembly on 18 December 2019 on the report of the Third Committee (A/74/395)
* [Global Study on Children Deprived of Liberty](https://undocs.org/A/74/136), 2019
* [Joint General Comment](https://www.refworld.org/docid/5a1293a24.html) No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration
* [Joint General Comment](https://www.refworld.org/docid/5a12942a2b.html) No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return
* Lumos Foundation, [Rethinking care: Improving support for unaccompanied migrant, asylum-seeking and refugee children](https://www.wearelumos.org/resources/rethinking-care/), April 2020
* UNICEF, [Beyond Borders](https://www.unicef.org/publications/index_101735.html), 2017

1. Committee on the Rights of the Child, [Report and Recommendations](https://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2012/DGD2012ReportAndRecommendations.pdf) of the 2012 Day of General Discussion on the Rights of All Children in the Context of International Migration, pages 18-19. [↑](#footnote-ref-2)
2. “[C]hildren should never be detained for reasons related to their or their parents’ migration status and States should expeditiously and completely cease or eradicate the immigration detention of children. Any kind of child immigration detention should be forbidden by law and such prohibition should be fully implemented in practice.” [Joint General Comment](https://www.refworld.org/docid/5a12942a2b.html) No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, para 5, pages 2-4. [↑](#footnote-ref-3)
3. Inter-American Court on Human Rights, [Advisory Opinion OC-21/14](http://www.corteidh.or.cr/docs/opiniones/seriea_21_eng.pdf) of August 19, 2014, Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection, Inter-American Court on Human Rights, paragraph 157-160. [↑](#footnote-ref-4)
4. Under Objective 13 h) of the [Global Compact for Safe, Orderly and Regular Migration](https://undocs.org/en/A/CONF.231/3), Member States committed to “[p]rotect and respect the rights and best interests of the child at all times, regardless of migration status, by ensuring availability and accessibility of a viable range of alternatives to detention in non-custodial contexts, favouring community-based care arrangements, that ensure access to education and health care, and respect the right to family life and family unity, and by working to end the practice of child detention in the context of international migration.” [↑](#footnote-ref-5)
5. American Academy of Pediatrics, [Policy Statement: Detention of Immigrant Children](https://pediatrics.aappublications.org/content/139/5/e20170483.full). *Pediatrics*. 139:4. April 2017. [↑](#footnote-ref-6)
6. [Global Study on Children Deprived of Liberty](https://undocs.org/A/74/136), 2019, para 57, page 12. [↑](#footnote-ref-7)
7. Immigration Detention Coalition, [There are Alternatives - A Handbook for Preventing Unnecessary Immigration Detention (Revised Addition),](https://idcoalition.org/publication/there-are-alternatives-revised-edition/) Immigration Detention Coalition, Melbourne 2015, page 11. [↑](#footnote-ref-8)
8. Ryo, Emily, [Detention as Deterrence](https://www.stanfordlawreview.org/online/detention-as-deterrence/), Stanford Law Review, Vol. 71, March 2019; Edwards, Alice, [Back to Basics: The Right to Liberty and Security of Person and ‘Alternatives to Detention’ of Asylum-Seekers, Stateless Persons and Other Migrants](https://www.unhcr.org/4dc949c49.pdf),

Legal and Protection Policy Research Series, UNHCR, Geneva, 2011. [↑](#footnote-ref-9)
9. Some governments actively design and implement family separation policies despite the well-documented serious harm caused to children by family separation, such as experiencing a sense of intense fear and helplessness and resorting to coping mechanisms that are focused exclusively on the preservation of life at the expense of all peripheral learning and relationships. [↑](#footnote-ref-10)
10. Lumos Foundation, [Rethinking care: Improving support for unaccompanied migrant, asylum-seeking and refugee children](https://www.wearelumos.org/resources/rethinking-care/), April 2020. [↑](#footnote-ref-11)
11. States often justify the use of child immigration detention as a way to ensure the child’s safety, prevent child trafficking, ensure family separation, assess the child’s age, or conduct a vulnerability assessment. [↑](#footnote-ref-12)
12. For a global overview of programmatic advances for children without parental care and ongoing challenges to care reform, see the 2019 UNSG Report on the status of the Convention on the Rights of the Child, A/74/231. [↑](#footnote-ref-13)
13. PICUM, [Advocating for Alternatives to Detention in the Context of Migration. Toolkit for NGOs](https://picum.org/wp-content/uploads/2020/02/Alternatives-To-Detention-Toolkit-for-NGOs-EN.pdf), Brussels, November 2019. [↑](#footnote-ref-14)
14. PICUM, [Implementing Case Management Based Alternatives to Detention in Europe](https://picum.org/wp-content/uploads/2020/04/Concept-Paper-on-Case-Management_EN.pdf), Brussels, March 2020. [↑](#footnote-ref-15)
15. BMFSFJ and UNICEF, [Minimum Standards for the Protection of Refugees and Migrants in Refugee Accommodation Centers](https://www.bmfsfj.de/blob/121372/ab3a1f0c235a55d3b37c81d71f08c267/minimum-standards-for-the-protection-of-refugees-and-migrants-in-refugee-accommodation-centres-data.pdf), June 2017. [↑](#footnote-ref-16)
16. UNICEF, [The Palermo Model of Volunteer Guardianship](https://www.unicef.org/eca/media/9386/file), December 2019. [↑](#footnote-ref-17)
17. UNICEF, [Building on Promising Practices to Protect Children in Migration Across the European Union](https://www.unicef.org/eca/media/5866/file/Promising%20practices%20in%20protection%20of%20refugee%20and%20migrant%20children%20in%20Europe.pdf). [↑](#footnote-ref-18)
18. UN Network on Migration, [COVID-19 and Immigration Detention: What Can Governments and Other Stakeholders Do?](https://www.migrationnetwork.un.org/sites/default/files/docs/un_network_on_migration_wg_atd_policy_brief_covid-19_and_immigration_detention_0.pdf), April 2020. [↑](#footnote-ref-19)