



International Detention Coalition

Human rights for detained refugees,
asylum seekers and migrants

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Submission to the Committee on Migrant Workers: Day of General Discussion on the rights of migrant workers in an irregular situation and members of their families, Monday, 19 September 2011

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1. Introduction

The International Detention Coalition (IDC) welcomes the Committee on Migrant Workers' Day of General Discussion on the rights of migrant workers in an irregular situation and members of their families, aimed at improving the protection of the rights of this vulnerable group of migrant workers and members of their families.

The International Detention Coalition (IDC) works to protect the rights of migrants, refugees, stateless persons and asylum seekers in immigration detention around the world. The IDC is a global network with a membership base of more than 250 non-governmental organisations, faith-based groups, academics, practitioners and individuals working in 50 countries around the world. Coalition members research, advocate and provide a range of direct services to and on behalf of refugees, stateless persons, asylum-seekers and migrants.

This submission relates to the theme on the criminalization of migrant workers in an irregular situation and members of their families, and their vulnerability to exploitation, abuse and arbitrary detention. In particular, the submission focuses on the question related to alternative measures to administrative detention of migrants in an irregular situation and recent research completed by the IDC.

2. Summary of International Human Rights Legal Standards

International human rights legal standards state that there should be a presumption against the detention of migrants, refugees, stateless persons and asylum seekers. If individually assessed as required, detention must only ever be a last resort in exceptional circumstances, for limited periods, ensuring adequate conditions, judicial review and independent monitoring.¹

Alternatives such as supervised release, regular reporting requirements or posting bail, should be considered and pursued before detention. A person should only be deprived of his/her liberty if this is in accordance with a procedure prescribed by law and if after a careful examination of the necessity and proportionality of deprivation of liberty in each individual case, the authorities have concluded that resorting to non-custodial measures (alternatives to detention) would not be sufficient.

Migrants, refugees, stateless persons and asylum seekers should not be penalized because they were compelled to enter a country irregularly or without proper documentation. They must not be detained with criminals and must have the opportunity to seek asylum and to access asylum procedures.

Where detention is considered to be absolutely necessary and authorized under international, regional and national standards, governments should ensure that it is used only for initial identification of persons or for legitimate removal or security purposes and only as a last resort. Any decision to detain must be subject to regular judicial review and the time period must be reasonable.

Migrants, refugees, stateless persons and asylum seekers must not be subject to indefinite detention. Conditions of detention must comply with human rights standards, and there must be regular independent monitoring of places of detention. To ensure this, States should accede to the Optional Protocol of the Convention Against Torture, while ensuring that NGOs and human rights groups, including National Human Rights Institutions, are given access to visit and monitor all places of deprivation of liberty for migration related purposes.

Certain groups – such as pregnant or lactating women, children, survivors of torture and trauma, elderly persons or the disabled – should not be placed in detention.

Under international law, states are required to take all appropriate measures to ensure that children are protected against all forms of discrimination and punishment on the basis of the status, activities, expressed opinions, or beliefs of their parents, legal guardians, or family members. Children should not be detained because they or their parents, guardians or family members do not have legal status in a country. In all actions taken by a state, the best interests of the child should be the primary consideration. Given the detrimental effects that

¹ For full legal references see: *Legal framework and standards relating to the detention of refugees, asylum seekers and migrants*, Melbourne: The International Detention Coalition, 2011.

detention can have on children, these obligations imply that states should not detain children for immigration-related purposes.

With few exceptions, states should also ensure that children are not separated from their parents against their will. As a result, the IDC considers that families should not be detained. Families should instead be released or offered alternatives to detention pending the resolution of their case. States are required to ensure that children seeking refugee status or who are considered refugees, whether accompanied or unaccompanied, receive appropriate protection and humanitarian assistance.

Where a state detains children, any arrest or detention of a child must be in compliance with the law and should only be used as a measure of last resort and for the shortest time possible. Those children who are detained shall be treated with humanity and respect and in a manner that takes into account the needs of their age. In particular, children should not be separated from adults unless it is considered in the child's best interests not to do so.²

3. Criminization and detention of migrant workers in an irregular situation and members of their families

The IDC has increasingly received reports from across the globe over the past 5 years on the growing use of harmful and unnecessary immigration detention in by governments, putting vulnerable migrants, refugees, stateless persons and asylum seekers at risk of ill-treatment, human rights abuses, refoulement and negative impact on their physical and mental health.³

Countries around the world are increasingly using detention as a migration management tool in an attempt to address irregular migration. Migrants, refugees, stateless persons and asylum seekers in particular, are increasingly detained for long periods, in conditions below international standards, often with little or no access to asylum procedures and with no right to challenge their detention.

Migrants, refugees, stateless persons and asylum seekers are being held:

- In removal centres, immigration detention facilities, prisons, police stations, airports, hotels, in ships and shipping containers, as well as in closed camps
- On arrival in a country, pending a final immigration decision, or while awaiting removal from the country.

Detention in these environments may last months or years, during which time men, women and children can languish in often overcrowded and unhygienic conditions. Many human rights violations can and do occur in these

² The IDC has developed a new legal resource which highlights the international human rights standards relevant for immigration detention, available at: <http://idcoalition.org/idc-guide-to-the-legal-framework-and-standards-relating-to-the-detention-of-refugees-asylum-seekers-and-migrants/>

³ Sampson, R., G. Mitchell and L. Bowring: *There are alternatives: A handbook for preventing unnecessary immigration detention*. Melbourne: The International Detention Coalition, 2011. <http://idcoalition.org/handbook/>

circumstances. The negative impact on health and wellbeing of prolonged detention is widely documented, including the high risk of self-harm and suicide of vulnerable individuals. IDC has received alarming reports from IDC members around the world on the growing number of suicides in immigration detention over the past year. In addition, there is often little or no independent oversight of detention conditions or reasons for detention, and many migrants are denied judicial review or access to bail hearings.

In a number of jurisdictions refugees and asylum-seekers in need of international protection are being denied access to the asylum and protection procedures to which international law entitles them. Stateless persons and others without documentation who are unable to be removed from the country may face being detained indefinitely. Non-criminal migrants are being mixed with criminal inmates, genders mixed in shared detention quarters, and children mixed with unrelated adults. Women and minors, particularly unaccompanied minors, are especially vulnerable to violence and abuse in such circumstances.

The impact of immigration can be severe and detrimental to many, creating increased vulnerability and disrupting and separating families and communities.

3.1 UN response

These concerns have been noted by the UN in a range of statements since January 2009 which have highlighted that immigration policies globally have been 'characterized by greater restrictions and fewer rights, with a clear trend towards introducing laws to deter and criminalize asylum-seekers who arrived irregularly or overstayed their visas.'⁴

Developments at the UN level over the last 18 months suggest there is growing international recognition among UN agencies of the issue of immigration detention, particularly the detention of children, and the importance of exploring and promoting alternatives to immigration detention. For example, the Global Migration Group, an interagency group comprised mainly of UN entities, adopted a statement this year calling for States to review the situation of migrants in irregular situations, as irregular migrants often face 'prolonged detention or ill-treatment.'⁵ The statement also recognised that children are at particular risk.

In a recent UN General Assembly meeting, the Secretary-General urged Member States to end the criminalization of irregular migrants and first explore adequate alternatives to such detention, particularly for children and to adopt comprehensive national plans of action, informed by international human rights standards, to strengthen the protection of migrants.⁶

⁴ UNHCR, *Report of the United Nations High Commissioner for Refugees to the General Assembly*, October 2010, Geneva p. 7, <http://www.unhcr.org/4cbea0d79.pdf> viewed 23 August 2010. See also, IDC Report: Immigration Detention at the UN level, available at: <http://idcoalition.org/idc-report-the-issue-of-immigration-detention-at-the-un-level/>

⁵ Global Migration Group, *Statement of the Global Migration Group on the Human Rights of Migrants in Irregular Situation*, 30 September 2010, Geneva, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10396&LangID=E> viewed 24 September 2010.

⁶ <http://www.un.org/News/Press/docs/2010/gashc3986.doc.htm>

In addition, the UN Secretary General's Guidance on Statelessness recently released, states:

"Stateless persons are also uniquely vulnerable to prolonged detention and States should be sensitized to respect the rights of stateless persons to be free from arbitrary detention as a result of their stateless status". (p6),

"Stateless person are (...) also subject to abuse, discriminatory treatment, arbitrary detention, and risk falling victim to crimes like trafficking." ⁷(p12)

and

"In this context, it is also important to note that *de facto* stateless persons face many of the same protection risks faced by stateless persons. Their situation is akin to that of stateless persons in that there is no State that will provide them with protection. Consequently, it is recommended that the States in which they find themselves extend protection to them until such time as they are able to avail themselves of the protection of their State of nationality". (fn 8 on p6)

3.2 Criminalization and detention concerns

At the 2010 Global Forum for Migration and Development (GFMD) in Mexico City, which looked at the issue of irregular migration for the first time, the increased criminalization and detention of irregular and undocumented migrants was widely reported.⁸

The IDC reported following the GFMD that:

In Asia, Africa, Europe, the Middle East and the Americas, undocumented migrants, including their dependent spouses and children, may face criminal charges, detention and deportation, without access to judicial recourse or ensuring their salaries are recovered. Detention is often for prolonged periods in conditions below basic international standards placing individuals at risk of human rights abuses.

In the Americas and Africa, refugees travelling on dangerous journeys to seek protection are being detained in appalling conditions where their basic human rights are often denied. In Asia and the Middle East, detained refugees and asylum seekers risk being 'refouled' or sent back to danger, as many countries have not signed the Refugee Convention and do not recognize refugees.

Industrialised countries, such as the US, EU member states and Australia continue to fund, pressure and promote immigration detention in neighbouring countries, including non-signatories to the Refugee

⁷ <http://www.unhcr.org/refworld/docid/4e11d5092.html>

⁸ <http://www.gfmd2010mexico.org/>

Convention or other human rights treaties, placing refugees at risk of refoulement and human rights abuses.

Irregular migration and government concerns related to border protection, security and people smuggling cannot be resolved through criminalization and detention. These are complex issues that must be tackled through international, regional and national cooperation, ensuring the human rights and protection of migrants.

Migrants are a vibrant and valuable part of society and must not be criminalized.⁹

3.3 Vulnerability of detainees in places of conflict, unrest and natural disasters

The IDC has also raised concerns this year to various UN bodies that recent international events have highlighted the vulnerability of people in immigration detention who rely on authorities for their basic needs and are often ‘forgotten’ during times of national crisis.

People in immigration detention are at high risk of being denied basic necessities such as food, water and medicine during conflict, civil and political unrest and natural disasters when attention is focused elsewhere. They also risk gross human rights abuses.

These concerns are especially acute in the many countries where immigration detention is unregulated and lacks independent oversight by the judiciary and monitoring bodies.

Migrants, refugees, stateless persons and asylum seekers are detained across the Middle East and North Africa. With the current unrest and conflict across the region, IDC is concerned that no public reports have been made from any State regarding the situation for individuals in immigration detention. Access remains limited or non-existent for external bodies in many countries in the region.

In particular, the past week extremely concerning reports of the harassment, mass arrest and detention of African migrants across Libya have emerged, compounding IDC’s previously expressed and ongoing concerns for migrants, refugees, stateless persons and asylum seekers detained during times of conflict.

Human Rights Watch reports that black Libyans and African migrants are being held on suspicion of having fought as mercenaries for Gaddafi, by the de facto authorities, the National Transitional Council (NTC), solely on account of their skin colour. The migrants are being held in ad hoc places of detention across Tripoli, and it remains unclear how or if the NTC plans to review each case to determine whether there is evidence of criminal activity or not.

⁹ See IDC media release: *A call to stop the criminalization of undocumented migrants*, available at: <http://idcoalition.org/wp-content/uploads/2010/11/media-release-migrants-day-final-nov-2010.pdf>

The mass arrests have created a climate of fear, with many migrants too scared to leave their houses, and others sheltering in hideouts. Whilst there is evidence that Gaddafi did engage mercenary fighters from sub-Saharan Africa, it is also known that prior to the uprising, between 1 and 2 million African migrant workers were living in Libya (HRW September 4, 2011). The IDC supports calls from the international community for the NTC to establish a judicial review system to process those currently in detention, release those for whom there is no evidence of criminal activity, and to stop the arbitrary arrest of Africans.

The IDC also expresses concern at the ongoing agreement between Italy and Libya which has seen boats of fleeing migrants, refugees and asylum seekers forced to return to Libya without any screening of protection needs, often to detention, with little or no oversight of the conditions and legality of this detention. No public information is available on access to the places of detention, to monitor standards and conditions and ensure the protection of those detained. In this regard, the IDC welcomed the news that the NTC had engaged with UNHCR to ensure community based protection for a group of recently arrived 53 Somali refugees, including women and a child, without the use of detention, and encourages this practice to continue (AFP 2011).¹⁰

In addition, natural disasters in the past year have highlighted the vulnerability of those in immigration detention. The earthquake, tsunami and nuclear power disaster in Japan this year raised concerns for the 700 immigration detainees held in the Higashi Nihon Nyukoku Kanri Center (East Japan Immigration Detention Center), located in the affected Ushiku area. The government has issued no reports on the risk to people in immigration detention, including the risk of serious radioactivity, with no information on what would happen if an evacuation becomes necessary.

The lack of publicly available information from these countries gives rise to grave concerns for people in immigration detention, including women, children and those with health issues.

Past experience has highlighted the risk to detainees of neglect during natural disasters, for e.g. immigration detainees in New Orleans in the United States left abandoned in cells following Hurricane Katrina, which led to the US government development of comprehensive evacuation policies and procedures in the event of future crises affecting the safety of immigration detainees.

The IDC seeks an urgent response from governments in these and other crisis-affected countries to verify that they are meeting their duty of care and responsibility to ensure the rights of individuals are upheld. This includes ensuring adequate food, medical services, conditions and treatment, and that protective measures are in place. Vulnerable individuals, such as children, women at risk, refugees, stateless persons, torture survivors, the elderly, disabled and unwell, should be released into the care of community groups.

¹⁰ See references at: <http://idcoalition.org/libya-ongoing-and-renewed-concerns-for-detained-migrants/>

We urge States to ensure National Human Rights Commissions, human rights groups and UN bodies are granted access to monitor the situation for people in places of immigration detention, and to respond to recommendations, including the development of evacuation and safety policies and procedures.

We encourage UN visiting bodies to prioritize the visitation and monitoring of places of immigration detention in areas of conflict, unrest and natural disaster to ensure the protection and human rights of refugees, stateless persons, asylum seekers and migrants are upheld.

3.4 Detention of Children

The detention of refugee, asylum seeker and migrant children, as practiced in many countries, is in breach of International Law. The 1989 UN Convention on the Rights of the Child stipulates that children should be detained only as a last resort, and for the shortest possible period of time.¹¹

Children around the world are experiencing psychological harm and physical and sexual abuse in places of detention, with urgent action was needed to protect the growing numbers of refugee, asylum seeker and migrant children affected by immigration detention policies worldwide. Unaccompanied and separated children are of particular concern given their heightened vulnerability. The negative impact of even short-term detention on the mental health and cognitive development of children is well known and of deep concern.

A recent study presented to the Human Rights Council calling for States to focus on the care of children in irregular migration situations and to avoid the use of detention.¹² The study by the Office for the High Commission for Human Rights (OHCHR) on the implementation of the international framework for the protection of child rights in the context of migration stated:

Children in immigration detention are often exposed to severely inadequate conditions, including deplorable living conditions, lack of adequate medical care (including psychological care), physical and sexual abuse and violence, overcrowding and inadequate nutrition. They can be detained along with unrelated adults, or arbitrarily separated from their parents or other family members.

The OHCHR study urges States to consider alternatives to detention for children and their families, ensuring family unity and the best interest of the child.

Alternatives to the immigration detention of children and families has been given increasing attention over the past two years following policy change by countries such as the UK, Belgium and the Netherlands relating to the reduction in the use of immigration detention for children and their caregivers. The following section details empirical evidence relating to the development of alternatives to immigration.

¹¹ See references at: <http://idcoalition.org/wp-content/uploads/2010/11/media-release-childrens-day-idc-2010-1.pdf>

¹² http://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.15.29_en.pdf

4. Latest research and findings on alternative measures to administrative detention of migrants in an irregular situation

Significant international research has been undertaken over the past year on immigration detention and the availability, implementation and impact of non-custodial alternatives measures. This includes research by UNHCR¹³ and also the IDC¹⁴, which were presented to UN bodies and governments in May 2011 in Geneva in the first ever Global Alternatives to Immigration Detention Roundtable, co-hosted by OHCHR and UNHCR.¹⁵

4.1 Detention does not deter

Existing international evidence and government statements suggest a policy of detention is not effective in deterring irregular migrants, refugees, and asylum seekers. Despite increasingly tough detention policies being introduced over the past 20 years, the number of irregular arrivals has not reduced.

A clear finding of both the IDC and La Trobe University research, and also recent UNHCR research, has been that detention does not deter asylum seekers and irregular migrants. Detention fails to impact on the choice of destination country and does not reduce numbers of irregular arrivals. Studies have shown asylum seekers and irregular migrants either are:

- Not aware of detention policy or its impact in the country of destination
- May see it as an inevitable part of the journey, and
- Do not convey the deterrence message back to those in country of origin¹⁶

UNHCR research on alternatives to detention, *Back to Basics*, states:

*Pragmatically, there is no empirical evidence that the prospect of being detained deters irregular migration, or discourages persons from seeking asylum. In fact, as the detention of migrants and asylum-seekers has increased in a number of countries, the number of individuals seeking to enter such territories has also risen, or has remained constant. Globally, migration has been increasing regardless of governmental policies on detention.*¹⁷

4.2 Alternatives to Immigration Detention

IDC and La Trobe University research into alternatives to detention also found immigration detention is not necessary in the majority of cases to manage and process undocumented or irregular individuals. This can be effectively

¹³ Back to Basics: *The Right to Liberty and Security of Person and 'Alternatives to Detention' of Refugees, Asylum-Seekers, Stateless Persons and Other Migrants*
Alice Edwards, UNHCR 2011 <http://www.unhcr.org/4dc949c49.html>

¹⁴ Sampson, R., G. Mitchell and L. Bowring: *There are alternatives: A handbook for preventing unnecessary immigration detention*. Melbourne: The International Detention Coalition, 2011. <http://idcoalition.org/handbook/>

¹⁵ <http://idcoalition.org/update-on-the-first-global-alternatives-to-detention-roundtable/>

¹⁶ See references on pages 11: Sampson, R., G. Mitchell and L. Bowring: *There are alternatives: A handbook for preventing unnecessary immigration detention*. Melbourne: The International Detention Coalition, 2011. <http://idcoalition.org/handbook/>

¹⁷ Back to Basics: *The Right to Liberty and Security of Person and 'Alternatives to Detention' of Refugees, Asylum-Seekers, Stateless Persons and Other Migrants*, Page 1
Alice Edwards, UNHCR 2011 <http://www.unhcr.org/4dc949c49.html>

undertaken in the community. The research found that irregular migration is an every day occurrence in most countries, and is becoming a normal part of operating government. How governments manage irregular migration greatly differs however.

International human rights laws and standards make clear that immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case. Despite the clear direction to authorities to first consider less onerous options, there is little clarity over how this can be achieved in a systematic manner. This research was undertaken to address this gap.¹⁸

The aim was to identify and describe any legislation, policy or practice that allows for asylum seekers, refugees, stateless persons and migrants to reside in the community with freedom of movement while their migration status is being resolved or while awaiting deportation or removal from the country. This was achieved through an extensive review of existing literature; an international on-line survey of 88 participants in 28 countries; and international field work in nine countries including in-depth interviews with 57 participants and eight site visits. Participants included representatives of governments, non-governmental organisations, international human rights organisations and key UN agencies. The research has identified a range of mechanisms currently in use that can assist in preventing unnecessary detention by ensuring detention is only applied as the last resort in exceptional cases. In particular, the research found that the most significant policies for preventing unnecessary detention lie in the process of determining who should be detained and the reasons for their detention, rather than in traditional conceptions of 'alternative to detention' programs. In addition, those countries that only used detention in a small number of cases or for short periods of time did not see themselves as making use of 'alternative to detention' programs. Instead, their normal way of operating involved managing most irregular migrants and asylum seekers in a community setting. The research also identified common characteristics of successful community management programs and, where able, established the reasons why these factors contributed to compliance, cost and health and wellbeing outcomes. Such 'alternative to detention' programs rely on a range of strategies to keep individuals engaged in immigration procedures while living in the community.

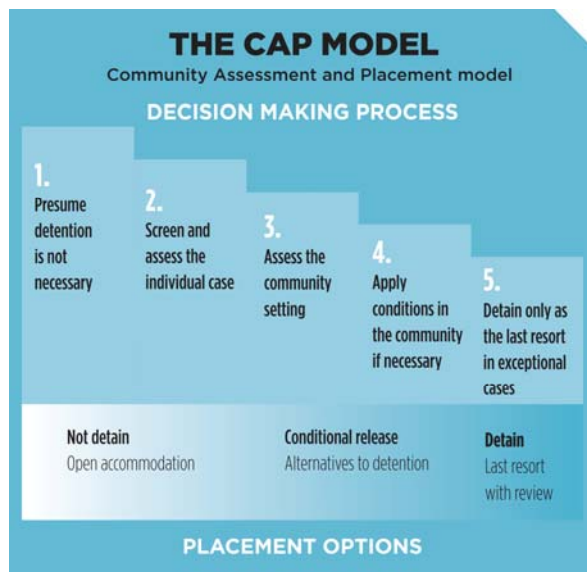
Although such programs sometimes make use of residential facilities as part of a management system, the location of the individual is not of primary concern. Instead, the focus is on assessing each case and ensuring that the community setting contains the necessary structures and conditions that will best enable the individual to work towards a resolution of their migration status with authorities. By taking a strengths-based approach to this area of policy, the research has been able to identify and incorporate positive examples from a range of countries into one framework.

The Community Assessment and Placement model (CAP model) identifies five

¹⁸ Sampson, R., G. Mitchell and L. Bowring: *There are alternatives: A handbook for preventing unnecessary immigration detention*. Melbourne: The International Detention Coalition, 2011. <http://idcoalition.org/handbook/>

steps which prevent and reduce the likelihood of unnecessary detention. These steps are to:

1. Presume detention is not necessary.
2. Screen and assess the individual case.
3. Assess the community setting.
4. Apply conditions in the community if necessary.
5. Detain only as the last resort in exceptional cases.



Throughout the report, examples of current practice are provided to assist in understanding how such a process can be implemented in a range of settings. For example:

- Argentina operates with a presumption against detention.
- New Zealand has established alternatives to detention in law.
- Hong Kong has developed criteria to assess the need to detain with release on 'own recognisance' and basic needs met for eligible groups.
- Indonesia has established a mechanism by which irregular migrants holding UNHCR documentation may live in the community.
- The United Kingdom has increased investment in early legal advice because it results in quicker and more durable decisions, saving money overall.
- Belgium has expanded its return counselling program for families because compliance rates remained high and children were no longer detained.

The research identified a range of benefits associated with the prevention of unnecessary detention and in the use of alternative to detention programs, including that they:

- Cost less than detention
- Maintain high rates of compliance and appearance
- Increase voluntary return and independent departure rates
- Reduce wrongful detention and litigation
- Reduce overcrowding and long-term detention
- Respect, protect and fulfil human rights

- Improve integration outcomes for approved cases
- Improve client health and welfare

This handbook is designed to expand current policy debates beyond the traditional interpretation of an ‘alternative to detention’ by looking more broadly at mechanisms that prevent and reduce unnecessary detention. Policy makers and other stakeholders will be able to use this handbook when assessing current practice in their own countries by providing a conceptual framework for discussion of systemic issues and by describing a range of concrete examples for exploring possibilities for practice and implementation. Despite its focus on national systems, the handbook is also a resource for stimulating debate in regional and international forums by establishing a shared understanding of key concepts and presenting a range of examples for consideration.

Dealing with irregular migration is an everyday issue of governance. As this handbook shows, with effective laws and policies, clear systems and good implementation, managing asylum seekers, refugees, stateless persons and irregular migrants can be achieved in the community in most instances. By learning to screen and assess the case of each individual subject to or at risk of detention and introduce appropriate supports and conditions in the community as needed, authorities can learn to manage people in the community in the majority of cases without the financial and human cost that detention incurs. The research shows that cost-effective and reliable alternatives to detention are currently used in a variety of settings and have been found to benefit a range of stakeholders affected by this area of policy.

5. Conclusion

The IDC welcomes the increasing recognition, at the UN level, including this meeting of the Committee on Migrant Workers, of the growing criminalisation and detention of irregular migrants, the detrimental effect of immigration detention and the need for the exploration and development of alternatives to immigration detention, particularly children.

There has been some encouraging discussion of alternatives to immigration detention at an international level and some countries have established models that demonstrate alternatives can work well and cost less than detention. However, detention continues to be widely used as measure of first resort, without proper consideration of viable community- based mechanisms.

There is much more work to be done to build on these positive developments and ensure the rights, dignity and wellbeing of migrants, refugees, stateless persons and asylum seekers affected by immigration detention.

Identified gaps at the international level include the need for greater monitoring and reporting on places of immigration detention, including countries that have recently begun to implement immigration detention policies. With access to detention facilities continuing to be limited or non-existent in many countries, increased advocacy is needed to encourage states to accede to the CAT and the OPCAT.

There is a need for enhanced coordination across UN agencies on immigration detention, and further consultation and collaboration with civil society groups on research, advocacy, education and service provision to detainees, such as legal advice and social and health services.

In addition, with governments are cooperating bilaterally and multilaterally in detention initiatives that attempt to restrict migration flows and the growing regionalization of immigration detention, regional and national dialogue on alternatives to detention and improving conditions and protection of those in detention is urgently needed.