

ENDING IMMIGRATION DETENTION OF CHILDREN AND ALTERNATIVES TO DETENTION



Photo: Dreamstime

Ahmad's Story:

Ahmad was locked up in the Plaisir detention center (CRA) in France for months. He was supposed to be deported to Italy. Ahmad was 15 years old.

He was not well, his physical and psychological health continued to deteriorate. The volunteers at the shelter who visited him were worried. They found him weakened, talking with difficulty. He no longer ate, lost weight. He had to swallow oral nutritional supplements that are usually prescribed for malnourished people.

"We saw in his eyes that he was completely lost, his gaze was sad, his beautiful smile had disappeared," said people who visited him.

JP's Story:

JP came to the UK with her mother when she was four. JP's mother had been subjected to domestic violence by her partner. The violence stemmed

Why It Matters

Immigration detention - the deprivation of liberty for purposes linked to immigration or asylum procedures - is an extreme measure with long lasting harmful impacts to the individual.

Medical professionals report that 85% of parents and children in detention experience negative mental health consequences*. Harassment, sexual violence, rape, abuse, self-harm, and suicide are not uncommon. Poor living conditions increase the transmission of infectious diseases.

Inadequate provision of medical care means that illnesses are often not properly treated. Avoidable disability and deaths have been reported. EU legislation requires immigration detention to be applied only exceptionally and as a last resort, when alternatives to detention would not be sufficient. However, migrants are detained systematically across Europe.

Children in Detention

The [End Child Detention Campaign](#) states that: "Regardless of the conditions in which children are held, studies show that detention has a profound and negative impact on child health and development. Even very short periods of detention can undermine child psychological and physical well-being, and compromise their cognitive development. Children held in detention are at risk of suffering depression and anxiety, and frequently exhibit symptoms consistent with post-traumatic stress disorder (PTSD) such as insomnia, and nightmares. Feelings of hopelessness and frustration can manifest as acts of violence against themselves or others."

The Committee on the Rights of the Child has [clearly reiterated](#) 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."

European Union law (the '[Return Directive](#)') governing the detention of irregular migrants does not currently meet child rights standards as it does not prohibit the detention of children and families. It provides for the detention of children and families only as a measure of last resort and for the shortest appropriate period of time.

Detention of children as 'a last resort' leaves states the freedom to define when detention is needed, especially when alternatives to detention do not exist.

Advocates to end child detention have launched a scorecard which tracks around 20 states worldwide on their progress in ending child immigration detention.

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from the mother's reluctance to allow her child to be circumcised.

After arrival in the UK, JP flourished. However, some years after living in the UK, she and her mother were subjected to a dawn raid and taken to Yarl's Wood IRC [Immigration Reception Centre]. An attempt was made to remove JP and her mother from the UK, but this was cancelled because of the extreme distress JP was experiencing.

The mother was again detained after a few months and her daughter lived with a relative for a further few months. In this period, an independent psychotherapist assessed JP and raised concerns that she was suffering from post-traumatic stress disorder (PTSD), and that another period of detention could instigate 'a further deterioration in her functioning, suicidal thoughts and possibly a shift into psychosis'. Nonetheless, in the following month JP was detained and the relative was not allowed to accompany her to Tinsley House.

Within a few days of being taken to Tinsley House, JP was found, tying an electrical cord around her own neck, stating that she wanted to die. JP was assessed again a few days later by an expert psychologist who concluded she was suffering from depression, anxiety, and PTSD.

- Source: [End Child Detention Campaign](#)

Why Alternatives to Detention?

The International Detention Coalition (IDC) defines [alternatives to detention](#) as a policy and practical solution by which migrants are able to reside in the community, without being detained for migration-related reasons. Alternatives can be effectively implemented to prevent detention at all stages of a migration procedure, including upon arrival, during processing of migration-related claims, or when preparing for departure. It also recognizes that practical alternatives should include a range of options that address the specific needs of a given person and national legal context.

EU Member States have made insufficient use of alternatives to immigration detention, including for children and families, despite the requirement in the Return Directive to use less coercive measures whenever possible. Alternatives to detention, based on engagement with migrants, could contribute to effective migration management while safeguarding their rights in line with international standards and at a fraction of the cost.

There is a particularly urgent need to implement alternatives to detention for migrant children and families. [Research has proven](#) that placing children in immigration detention results in severe and lifelong harm to their mental and physical health and development. Even relatively short periods of detention in so-called "child friendly" detention centres do not provide children with appropriate care, support and protection.

Resources

*Australian Human Rights Commission: "[The Forgotten Children. National Inquiry into Children in Immigration Detention](#)", 2014.

**[NextGen Index](#) ranking states on their progress in ending child immigration detention.

- General Comments from the UN Child Rights Committee and the Migrant Workers Committee ([GC no. 22](#) and [GC no. 23](#)).
- Council of Europe, End Immigration Detention of Children: "[A study of immigration detention practices and the use of alternatives to immigration detention of children](#)" (2017)
- Untold Stories. Immigration Detention and Deportation, in [English](#) and [Spanish](#), PICUM, 2017.
- End Child Detention Campaign: <https://endchilddetention.org/>
- [DIIS Policy Brief on Post-deportation risks](#), Jill Alpes, Nyberg Sorensen, 2016.
- [Mini Feature in Forced Migration Review on Post-deportation risks in Turkey, the DRC, Sri Lanka, Eritrea, Afghanistan and Uganda](#) (available in English, French, Arabic and Spanish), Jill Alpes, 2017.

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