appropriate open reception centres with proper supervision, etc. and appropriate: examples include foster care, community supervision/support, age sub cont 3. Alternative reception/care arrangements (including for families) are available

Do UASC have access to temporary/alternative care arrangements

specific arrangements dedicated to (non-national) children? (incl. accommodation) as available to national children or any other

Do families with children have access to temporary/alternative care arrangements?

UB COAL 4: Child-sensitive screening and referral procedures are in place in order to

and ensure they receive necessary services and assistance (e.g. through Best Interests refer children to relevant child protection institutions or organisations without delay

Assessment or Determination Procedures and care arrangement).

Are child-sensitive screening in place (inside immigration detention

places and also outside detention, e.g. at the borders)?

children and placement in appropriate accommodation?

appropriate, with UNHCR.

and/or as appropriate, with UNHCR for immediate release of Is there a coordination mechanism amongst national agencies

The Global Strategy Beyond

of children; (2) to ensure that

This "Detention Checklist" was

developed based on UNHCR Guidelines

on the Applicable Criteria and Standards relating to the Detention of Asylum-

Seekers and Alternatives to Detention

(2012) which reflect the state of

practice; and (3) to ensure that conditions of detention,

where detention is necessary and unavoidable, meet

international standards by, inter alia, securing access

to places of immigration detention for UNHCR and/

or its partners in order that they can carry out regular

international law relating to detention on immigration-

related grounds of asylum-seekers, refugees and other

the measure of the implementation of the international

persons of concern to UNHCR. The assessment and

standards are made through this checklist which also

corresponds to the sub-goals of the Global Strategy.

monitoring.

現物設設 回設設

Since 2014, the detention checklist has been used by UNHCR operations in their regular dialogues with immigration departments and other relevant

government counterparts such as enforcement, welfare or child protection

agencies as well as UNHCR's NGO partners to measure progress with the

Global Strategy and compliance of the detention situation with international

standards. This checklist may also be useful for other stakeholders such as

legal practitioners. Parliamentarians and civil society organisations with an

interest in assessing the state of play of detention in their national context

Ы

with a view to formulate recommendations.

Detention 2014-2019 lays out three main goals: (1) to end the detention

alternatives to detention (ATDs) are

available in law and implemented in

Are child-sensitive referral procedures in place (inside immigration

detention places and also outside detention, e.g. at the borders)?

torms of appropriate accommodation is coordinated amongst national agencies and, as

Ensure that conditions of detention where detention is necessary and unavoidable,

Is there a maximum period for immigration detention set in national legislation

SUB GOAL 2: In practice, UNHCR and other independent national and international

monitoring bodies are granted access to places of immigration detention for the

SUB GOAL 3: Authorities responsible for immigration detention are aware of and

implement international standards regarding conditions of detention and treatment of

SUB GOAL 4: Detainees are treated in a humane and dignified manner, in accordance with

SUB GOAL 5: Specific measures are taken to address the needs of persons in situation of

LEGEND: ✓ Positive assessment; K Negative assessment; ● Implementation

Karely

Do the authorities examine ATD in each individual case before resorting to detention?

and proportionality of detention in each individual case before resorting to detention.

silubA

stiubA

stlubA

asylum-seekers are allowed to live in the community (without restriction or condition(s)):

According to national legislation, policy, or in practice, the following categories of

(accommodation, medical and psychological assistance, education, legal assistance)?

When residing in the community, do asylum-seekers have access to basic rights

Is there a mechanism allowing asylum-seekers to stay legally in the community?

Ensure alternatives to detention

implemented in practice are available in law and

sub cont 1: Legal and policy frameworks include alternatives to immigration detention

sub GOAL 2: Procedures are in place to assess and review the necessity, reasonableness

proportionality of detention in each individual case before resorting to detention:

aecision is subject to periodic review:

λιεοισεικαιλ

Directed residence

SSAU

DSAU

SSAU

Keporting conditions

Deposit or surrender of documentation

Children in families

children in families

Seilimst ni nerblid.

National legislation provides for alternatives to detention for:

The policy framework provides for ATDs for:

Does national legislation provide that the detention

Sesec isom ni

Are procedures in place to assess the necessity, reasonableness and

Kesidence at open or semi-open reception or asylum centres

What types of alternatives to detention are provided in national legislation?

In practice, UNHCR is granted access to all places of immigration

monitoring bodies are granted access to all places of immigration

In practice, NGOs are granted access to all places of immigration

Is the country a party to the Optional Protocol to the Convention against

Torture and other Cruel. Inhuman or Degrading Treatment or Punishment?

Has the country designated the National Preventive Mechanism?

Detainees are treated in a humane and dignified manner

of persons in situation of vulnerability or at risk?

Are specific measures taken in detention to address the needs

TAEVEL

community supervision arrangements

Provision of a guarantor/surety

Release on bail/bond

Are UNHCR persons of concern not detained with

detention for the purpose of regular monitoring

detention for the purposes of regular monitoring

detention for the purpose of regular monitoring

In practice, other independent national and international

persons suspected or convicted of a crime?

purpose of regular monitoring.

these international standards.

vulnerability or at risk

detainees.

meet international standards

SUB GOAL 1: Legal and policy frameworks related to detention are in accordance

with international standards and in particular provide for access to places of

Is irregular entry not criminalized under national legislation?

Is irregular stay not criminalized under national legislation?

Are the grounds for deprivation of liberty prescribed by law?

Do the authorities use appropriate screening or assessment

Are people detained informed of their right to legal advice?

Does national legislation provide for the initial decision to detain to be systematically followed by a judicial or independent

Does national legislation provide for individuals to have the

right to challenge their detention before a court of law?

In practice, do individuals have the right to challenge

Is there access given to asylum procedures to persons

their detention before a court of law?

International Governmental Organization

Community supervision arrangements

Provision of a guarantor/surety

Release on bail/bond

detained for immigration-related purposes?

administrative authority decision to release or detain?

tools to inform their decision to detain?

access to legal advice while in detention?

According to national legislation, should there be

Are these grounds consistent with UNHCR Detention Guidelines?

In practice, is there access to legal advice while in detention for all detainees?

In practice, is the initial detention to detain systematically followed by a judicial or independent administrative authority decision to release or detain?

bersons with special needs or vulnerabilities?

Is there case management provided in ATDs?

νονεκηπεητ ΝωΟ/Civil Society

:sOTA and gnitnamalqmi ni bavlovni zi onW

Deposit or surrender of documentation

Are there alternatives implemented in practice?

to ensure that asylum-seekers are referred to ATDs?

the border, upon disembarkation, prior or while in detention)

Are there screening and referral mechanisms in place (e.g.at

In practice is the detention decision subject to periodic review?

families, are prioritised.

Directed residence

Reporting conditions

UASC/Children in families/Adults

In practice, ATDs are implemented for:

conditions to community placement)

referred to ATDs

Do the existing AI Ds take into consideration the needs of

vulnerabilities. Community reception arrangements, in particular for children and

sub cont 5: ATD take into consideration the needs of persons with special needs or

Residence at open or semi-open reception or asylum centres

What types of alternatives to detention are implemented in practice?

UB GOAL 4: A variety of alternatives to detention are available (e.g. from reporting

sub cont 3: Screening and referral mechanisms exist to ensure that asylum-seekers are

monitoring bodies.

immigration detention to UNHCR and other independent national or international

sub cont s: Immediate release of children from detention and their placement in other



sub cont 1: Legal and policy framework ensure that children are not detained.

Does the legal framework ensure that children are not detained?

Does the policy framework ensure that children are not detained?

In practice, are unaccompanied or separated children not detained?

In practice, are children in families not detained?

(e.g. picture books) on asylum procedures (including how to contact UNHCR); and/or family tracing/reunification; access to age-appropriate information sub cont 2: Best interests of the child prevail: prioritisation of asylum processing

when unaccompanied or separated. guardians and/or legal representatives for children are appointed, in particular

assessment/determination of the child Does the decision to detain include a best interests

processing, in order to accelerate their release and placement Do detained children have access to prioritization in asylum

in other forms of appropriate accommodation?

Surgers to DAC have access to family tracing.

Shorts and secess to tamily reunification?

books) on asylum procedures, including how to contact UNHCR? Do UASC have access to age-appropriate information (e.g. picture

Sre UASC appointed a qualified guardian?

Sevitation a legal representative:

DETENTION CHECKLIST

and refugees.

The detention of asylum-seekers and refugees has become

commonplace in a number of countries and has serious lasting effects

immigration detention, particularly of children, UNHCR launched in

June 2014 its Global Strategy - Beyond Detention 2014-2019, which

aims to support governments to end the detention of asylum-seekers

on individuals and families. Concerned about the growing use of





Is there a maximum period for immigration detention set in national legislation?

Are UNHCK persons of concern not detained with

bersons suspected or convicted of a crime?

purpose of regular monitoring. monitoring bodies are granted access to places of immigration detention for the BUB GOAL 2: In practice, UNHCR and other independent national and international

detention for the purpose of regular monitoring In practice, UNHCR is granted access to all places of immigration

monitoring bodies are granted access to all places of immigration In practice, other independent national and international

detention for the purposes of regular monitoring

detention for the purpose of regular monitoring In practice, NGOs are granted access to all places of immigration

seenieren. mplement international standards regarding conditions of detention and treatment of BUB GOAL 3: Authorities responsible for immigration detention are aware of and

lorture and other Cruel, Inhuman or Degrading Ireatment or Punishment? Is the country a party to the Optional Protocol to the Convention against

Has the country designated the National Preventive Mechanism?

sub cont 4: Detainees are treated in a humane and dignified manner, in accordance with

chese international standards.

Detainees are treated in a humane and dignified manner

vulnerability or at risk. sub cont s. Specific measures are taken to address the needs of persons in situation of

of persons in situation of vulnerability or at risk? Are specific measures taken in detention to address the needs

LEGEND: V Positive assessment; X Negative assessment; • Implementation

decision is subject to periodic review?

Does national legislation provide that the detention

In most cases Rarely Systematically Never

Do the authorities examine ATD in each individual case before resorting to detention?

proportionality of detention in each individual case before resorting to detention?

Are procedures in place to assess the necessity, reasonableness and

SUB GOAL 2: Procedures are in place to assess and review the necessity, reasonableness and proportionality of detention in each individual case before resorting to detention.

Residence at open or semi-open reception or asylum centres

Directed residence Community supervision arrangements

Reporting conditions

Provision of a guarantor/surety

Deposit or surrender of documentation Release on bail/bond

What types of alternatives to detention are provided in national legislation?

The policy framework provides for ATDs for: UASC Children in families Adults

UASC Children in families Adults

National legislation provides for alternatives to detention for

UASC Children in families Adults

asylum-seekers are allowed to live in the community (without restriction or condition(s))

According to national legislation, policy, or in practice, the following categories of

(accommodation, medical and psychological assistance, education, legal assistance)?

When residing in the community, do asylum-seekers have access to basic rights

SUB GOAL 1: Legal and policy frameworks include alternatives to immigration detention

Is there a mechanism allowing asylum-seekers to stay legally in the community?

mplemented in practice

Ensure alternatives to detention

are available in law and



الم الم

te le l

800 E

of children; (2) to ensure that main goals: (1) to end the detention Detention 2014-2019 lays out three

The Global Strategy Beyond

ni bətnəməlqmi bne wel ni əldelieve alternatives to detention (ATDs) are

to places of immigration detention for UNHCR and/ international standards by, inter alia, securing access where detention is necessary and unavoidable, meet practice; and (3) to ensure that conditions of detention,

developed based on UNHCR Guidelines This "Detention Checklist" was monitoring.

or its partners in order that they can carry out regular

international law relating to detention on immigration-(2012) which reflect the state of Seekers and Alternatives to Detention -mulysA to noitnote Detention of Raylumon the Applicable Criteria and Standards

standards are made through this checklist which also the measure of the implementation of the international persons of concern to UNHCR. The assessment and related grounds of asylum-seekers, retugees and other

corresponds to the sub-goals of the Global Strategy.

with a view to formulate recommendations. interest in assessing the state of play of detention in their national context legal practitioners, Parliamentarians and civil society organisations with an standards. This checklist may also be useful for other stakeholders such as Global Strategy and compliance of the detention situation with international agencies as well as UNHCR's NGO partners to measure progress with the government counterparts such as enforcement, welfare or child protection their regular dialogues with immigration departments and other relevant Since 2014, the detention checklist has been used by UNHCR operations in

SUB GOAL 3: Alternative reception/care arrangements (including for families) are available

and appropriate: examples include foster care, community supervision/support, age

Do families with children have access to temporary/alternative care arrangements?

SUB GOAL 4: Child-sensitive screening and referral procedures are in place in order to

refer children to relevant child protection institutions or organisations without delay

SUB GOAL 5: Immediate release of children from detention and their placement in other

forms of appropriate accommodation is coordinated amongst national agencies and, as

and ensure they receive necessary services and assistance (e.g. through Best Interests

appropriate open reception centres with proper supervision, etc.

Do UASC have access to temporary/alternative care arrangements

(incl. accommodation) as available to national children or any other specific arrangements dedicated to (non-national) children?

Assessment or Determination Procedures and care arrangement)

Are child-sensitive screening in place (inside immigration detention

Are child-sensitive referral procedures in place (inside immigration

detention places and also outside detention, e.g. at the borders)?

Is there a coordination mechanism amongst national agencies

and/or as appropriate, with UNHCR for immediate release of

children and placement in appropriate accommodation?

places and also outside detention, e.g. at the borders)?

appropriate, with UNHCR.



The UN Refugee Agency



and retugees. sims to support governments to end the detention of asylum-seekers June 2014 its Global Strategy - Beyond Detention 2014-2019, which immigration detention, particularly of children, UNHCR launched in on individuals and families. Concerned about the growing use of commonplace in a number of countries and has serious lasting effects The detention of asylum-seekers and refugees has become

Are UASC appointed a legal representative?

Are UASC appointed a qualified guardian?

Do UASC have access to age-appropriate information (e.g. picture books) on asylum procedures, including how to contact UNHCR?

Do UASC have access to family reunification?

Do UASC have access to family tracing?

Do detained children have access to prioritization in asylum processing, in order to accelerate their release and placement in other forms of appropriate accommodation?

Does the decision to detain include a best interests assessment/determination of the child

SUB GOAL 2: Best interests of the child prevail: prioritisation of asylum processing and/or family tracing/reunification; access to age-appropriate information (e.g. picture books) on asylum procedures (including how to contact UNHCR); guardians and/or legal representatives for children are appointed, in particular when unaccompanied or separated.

In practice, are children in families not detained?

Does the policy framework ensure that children are not detained?

Does the legal framework ensure that children are not detained?

In practice, are unaccompanied or separated children not detained?

End the detention of children

SUB GOAL 1: Legal and policy framework ensure that children are not detained.



aneet international standards ,eldebiovenu bne γsesessen si noitneteb Ensure that conditions of detention where

monitoring bodies. immigration detention to UNHCR and other independent national or international with international standards and in particular provide for access to places of sub cont 1: Legal and policy frameworks related to detention are in accordance

Is irregular entry not criminalized under national legislation?

Is irregular stay not criminalized under national legislation?

Are the grounds for deprivation of liberty prescribed by law?

Are these grounds consistent with UNHCR Detention Guidelines?

Do the authorities use appropriate screening or assessment

tools to inform their decision to detain?

According to national legislation, should there be

access to legal advice while in detention?

In practice, is there access to legal advice while in detention for all detainees?

Are people detained informed of their right to legal advice?

Does national legislation provide for the initial decision to

administrative authority decision to release or detain? detain to be systematically followed by a judicial or independent

judicial or independent administrative authority decision to release or detain? In practice, is the initial detention to detain systematically followed by a

Does national legislation provide for individuals to have the

right to challenge their detention before a court of law?

In practice, do individuals have the right to challenge

their detention before a court of law?

sesodrud betaion-related purposes? Is there access given to asylum procedures to persons

Release on bail/bond

Provision of a guarantor/surety

Community supervision arrangements

families, are prioritised. Do the existing ATDs take into consideration the needs of

persons with special needs or vulnerabilities?

Who is involved in implementing the ATDs:

vulnerabilities. Community reception arrangements, in particular for children and

SUB GOAL 5: ATD take into consideration the needs of persons with special needs or

Is there case management provided in ATDs?

Government NGO/Civil Society International Governmental Organization

In practice, ATDs are implemented for: UASC/Children in families/Adults

Are there alternatives implemented in practice?

Deposit or surrender of documentation

Reporting conditions

Directed residence

SUB GOAL 4: A variety of alternatives to detention are available (e.g. from reporting conditions to community placement)

What types of alternatives to detention are implemented in practice?

Residence at open or semi-open reception or asylum centres

Are there screening and referral mechanisms in place (e.g.at the border, upon disembarkation, prior or while in detention) to ensure that asylum-seekers are referred to ATDs?

SUB GOAL 3: Screening and referral mechanisms exist to ensure that asylum-seekers are referred to ATDs

In practice is the detention decision subject to periodic review?