



Funded by the
European Union



EMN REG WORKSHOP

Effective Alternatives to Detention in return procedures

13 June 2023 (09:30-16:30 local time) and 14 June 2023 (09:00-13:00 local time)

Larnaca, Cyprus

Address: Hotel Indigo, Adonidos Street 12-16, Larnaca, 6020

1. RATIONALE AND AIMS

The Pact on Migration and Asylum introduces a European framework for migration and asylum management that relies on swift, clear and fair rules interlinking border management, asylum and return procedures. The successful implementation of the Pact will in part rely on the capacity to successfully prevent and respond to unauthorised movements and absconding of applicants and irregular migrants.

The EU acquis indirectly requires the development of effective alternatives to detention, as detention can only be used as a measure of last resort and only when other sufficient but less coercive measures cannot be applied effectively. Furthermore, discussions in the European Parliament and Council have shown the need to further explore the use of measures for preventing unauthorised movements through the increased availability and use of effective alternatives to detention.

The study of the European Migration Network on detention and alternatives to detention has provided an overview of current practices on alternatives to detention in Member States and aimed to provide insights into what types of alternatives are effective for which groups of migrants, also taking into account the migratory situation in the Member State and their geographical specificity (e.g. transit / destination country, application of measure in a contained area such as an island).

The study aimed at identifying similarities and good practices in that area, and also showed the need to increase the knowledge and understanding of effective alternatives to detention and spur on implementation and use of alternatives to detention through sharing of good practices and drawing on stakeholders' expertise.

The objective of this event is to increase the knowledge and understanding of effective alternatives to detention and spur on implementation and use of alternatives to detention through sharing of good practices and drawing on stakeholders' expertise.

The event notably aims to:

- Provide an interesting development update since the European Migration Network study on detention and alternatives to detention was published
- Discuss best practices, implementation challenges and possible future innovative measures
- Provide a peer learning opportunity for return practitioners in EU Member States, Norway and Switzerland.

Therefore, the publication of the study provides a solid opportunity of further exchanges in the EMN-REG. Building on past EMN activities, this event seeks to keep promoting stakeholders and practitioner exchanges on exploring effectiveness of Alternatives to Detention

2. PRACTICAL INFORMATION

FORMAT

Day 1:

- 13 June 2023, 09:30-16:30 **local time**
- EMN REG wider group (Practitioners + Wider)
- Interactive workshop
- In person only

Day 2:

- 14 June 2023, 09:00-13:00 **local time**
- REG Practitioners only
- Interactive workshop, under Chatman House rules
- In person only

AUDIENCE

The workshop is for EMN REG Wider participants (day 1) and REG practitioners (Day 1 and Day2).

It is important that EU+ representatives have extensive knowledge of and direct responsibility on Detention and Alternatives to Detention.

Participants are kindly asked to confirm their participation by registering using this link: [EUSurvey - Survey \(europa.eu\)](#) .

AGENDA

Time	Day 1 – 13 June 09:30-16:30 (local time)
9.00 – 09.30	Walk-in
09.30 – 09.45	Welcome and opening: Setting the aims, focus, key questions and expected outcomes of the workshop <ul style="list-style-type: none">▪ EMN Cypriot (Host)▪ Sandra Sampaio, DG HOME
09:45– 11:15	Session 1: Alternatives to Detention (ATD) in return procedure: definition and assessment procedures – <i>the session will set a common ground for discussion by establishing the legal and policy framework for ATD in EU and international law, with focus on the definition and procedures to apply ATD. Participants will be asked to</i>

	<p><i>share updates and views regarding the definition applied in their national context or organisation, and considerations concerning how ATD are understood and applied in practice.</i></p> <p>Moderator: Sandra Sampaio, DG HOME</p> <ul style="list-style-type: none"> ▪ Legal and policy provision on Alternatives to detention in return procedures: Definition of ATD, and individual assessment <ul style="list-style-type: none"> > <i>Lilian Tsourdi, Odysseus expert</i> > <i>Tamas Molnar, FRA</i> ▪ Legal and policy framework on ATDs in EU+ as for EMN Study detention and alternatives to detention in international protection and return procedures – <i>Sara Bagnato, ICF</i> ▪ Individual assessment in detention orders & ATDs -<i>Sarah Edwards-Economidi, ICRC</i> ▪ Tour de table and discussion on: <ul style="list-style-type: none"> > <i>Does legal or policy framework in your country provide an explicit definition of Alternatives to Detention?</i> > <i>Does legal or policy framework in your country provide an explicit set of criteria to use in the individual assessment to determine the risk of absconding and once established, determine the opportunity of applying an ATD accordingly?</i> > <i>Is guidance provided on how to best select the ATD best adapted to the individual circumstances?</i> > <i>Is there any link between the modalities and added value of your national ATD to a specific profile of migrants? If so, describe the procedure and your experiences.</i>
11:15-11:45	Coffee break
11:45– 12.30	<p>Session 2: Availability and use of Alternatives to Detention: Developments since 2020 - <i>the session will map available ATD and their practical use.</i></p> <p>Moderator: Sandra Sampaio, DG HOME</p> <ul style="list-style-type: none"> ▪ Presentation by ICF on available ATD and their practical use, based on the EMN Study on Detention and alternatives to detention in international protection and return procedures-<i>Sara Bagnato, ICF</i> ▪ Tour de table and discussion on: <ul style="list-style-type: none"> > <i>New ATD introduced since 2020</i> > <i>Changes in the practical use of available ATD</i> > <i>Challenges in the use of available ATD</i>
12.30 – 14:00	Lunch
14.00 – 15.15	<p>Session 3: Examples of promising alternatives to detention- <i>the panel will present a set of examples of innovative or promising ATD to highlight their effectiveness against three criteria: ensuring compliance with migration procedures, enhanced protection of fundamental rights (including protection of well-being of migrants) and best cost/ benefit ratio.</i></p> <p>Moderator: Sandra Sampaio, DG HOME</p>

	<ul style="list-style-type: none"> ▪ Community assessment and placement model – Carolina Gottardo, representing the International Detention Coalition (IDC) and UN Migration Working Group ▪ Government-civil society partnerships and promising pilot projects in EU – Hannah Cooper, Coordinator of the European ATD Network and Europe Regional Manager at IDC ▪ Intensive case management – Annelise Sparsis, Case Manager, Cyprus Refugee Council ▪ Canada Border Services Agency’s Alternative to Detention (ATD) program (Community Case Management and Supervision (CCMS), Voice Reporting (VR), Electronic Monitoring (EM)) - Rick Dvorski, Canada Border Services Agency / Government of Canada <p>Q&A</p>
15.15 – 15.45	Coffee break
15.45 – 16.30	<p>Session 4: Trust building in a multi-stakeholder environment – <i>through open moderated discussion the session will serve to explore the need for, the benefit of and examples of cooperation and trust building among multiple stakeholders (i.e. central and local level authorities, government) and with the concerned migrant, in order to increase the effectiveness of ATD.</i></p> <p><i>Participants will notably elaborate on the effectiveness of the presented ATD against three criteria: ensuring compliance with migration procedures, enhancing protection of fundamental rights (including protection of well-being of migrants), improve cost-benefit ration of migration management.</i></p> <p><i>The participants will be divided in 3 groups, with separate discussion topics on:</i></p> <ul style="list-style-type: none"> ▪ <i>ensuring compliance with migration procedures,</i> ▪ <i>enhancing protection of fundamental rights (including protection of well-being of migrants),</i> ▪ <i>improve cost-benefit ration of migration management)</i> <p>Moderator: Sandra Sampaio (DG HOME), Nuno Pinheiro (Frontex), Michalis Beys (EMN CY)</p> <ul style="list-style-type: none"> ▪ Moderated group discussion ▪ Reporting back in plenary
16.30 – 16.45	Closing remarks and takeaway messages
19:30	Dinner – hosted by EMN Cyprus
Time	Day 2 – 14 June (09:00-13:00) local time
09.00- 09.15	Walk -in
09: 15– 09:30	<p>Opening</p> <ul style="list-style-type: none"> ▪ Arrival ▪ Key points from day one and introduction to day 2- Sandra Sampaio, DG HOME
09.30 – 09.45	<p>Session 5: Frontex Role in Alternatives to Detention – <i>Legal framework and the assistance to the EUMS/SAC. The challenge in preventing absconding and enhancing returns while further applying and developing ATD. Possibilities to address current challenges in</i></p>

	<p><i>implementation of existent ATD, notably by applying the most suitable ATD to each individual case. Enhance effectiveness of ATDs to ensure compliance with the return process: A glimpse of a possible future – return counselling and upscaling of voluntary return; implementation of technical solutions.</i></p>
<p>09.45- 10.30</p>	<p>Session 6: Challenges in identifying and applying effective ATD: country examples – <i>Through concrete country examples of promising practices, the session will present challenges and solutions in conducting individual assessments, identify the most suitable ATD and apply it effectively. It will notably focus on ATD to be applied to more complex cases (such as not returnable people for which detention is not suitable because of the risk of too long period of detention, repetitive period of detention or serious possible impact on wellbeing of the returnee).</i></p> <p><i>Participants are invited to flag to organisers whether they wish to share one of their practices, or if there is a type of practice they would be especially interested in learning about.</i></p> <ul style="list-style-type: none"> ▪ Denmark- <i>Kristina Ousmanova, Head of Section, The Danish Ministry of Immigration and Integration, Danish Return Agency</i> ▪ Lithuania- <i>Aleksandras Kislovas, the Head of the Foreigner's registration centre of the SBG</i> ▪ Sweden – <i>Niclas Axelsson, the Swedish Migration Agency</i> ▪ Belgian – <i>Kimberly Cuypers, Immigration Office</i>
<p>10.30 – 11.00</p>	<p>Coffee break</p>
<p>11.00 – 12:00</p>	<p>Session 7: Effectiveness of Alternatives to Detention – <i>through group discussions, the session will consider challenges hampering the effectiveness of ATD, and thus their consistent application instead of detention. Discussion will be structured around two key aspects: the availability of ATD and the identification of the ATD best suited to the individual case; the practical implementation of ATD in order to effectively prevent absconding, reduce costs and ensure a better protection of migrant rights and wellbeing. Discussion will start from a critical reflection on presentations and inputs given in Day 1.</i></p> <p>Moderator: <i>Sandra Sampaio (DG HOME), Nuno Pinheiro (Frontex), Michalis Beys (EMN CY)</i></p> <p><i>Participants will discuss in two simultaneous groups:</i></p> <p>Group I: Individual assessment and identification of ATD</p> <ul style="list-style-type: none"> ▪ <i>What criteria are used to assess the opportunity to apply an ATD instead of detention, and to identify the ATD most suitable for the individual case (including complex cases)?</i> ▪ <i>How is the individual assessment used to identify the most suitable ATD (or combination of ATD) for the specific individual circumstances? What are the challenges and example of possible solutions?</i> ▪ <i>How is the individual assessment used to identify the most suitable ATD (or combination of ATD) in countries of entry/transit and destination?</i> ▪ <i>How can EU develop a more coherent approach to determine the risk of absconding?</i> ▪ <i>How can the EU help EU+ countries in strengthening their capacities to identify effective ATD?</i>

	<p>Group II: Practical implementation of ATD</p> <ul style="list-style-type: none"> ▪ <i>What are the critical challenges and possible solutions to implement ATD according to the different categories of migrant (e.g. vulnerable groups and migrants where forced return is not possible)?</i> ▪ <i>What are the essential elements of ATD of migrants, able to ensure engagement in migration procedures/ prevent absconding?</i> ▪ <i>How can various ATD be combined to enhance their effectiveness? Do you have concrete examples?</i> ▪ <i>What evidence is available on the cost-effectiveness of ATD compared to detention? How do you measure/ evaluate the cost-benefit ration of ATD compared to detention?</i> ▪ <i>How can the EU help EU+ countries in implementing Alternatives to Detention?</i>
<p>12:00 – 12:30</p>	<p>Session 8: How EU can play a role in supporting Member States in strengthening their capacity to implement effective alternatives to detention: Future perspective</p> <ul style="list-style-type: none"> ▪ Reporting back from working group discussion ▪ Stock taking from discussion over day 1 and 2
<p>12:30 – 12.45</p>	<p>Closing remarks by the European Commission - Sandra Sampaio, DG HOME</p>