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*Parliamentary Campaign to End Immigration
Detention of Children*

**Presentation of the Study of
Immigration Detention Practices and the Use of
Alternatives to Immigration Detention of Children**

Prof. Dr. Athanassia P. Sykiotou

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Major findings

- Immigration detention of children remains a rather under-reported area of research, with scattered and incomplete information available
- Most non-EU member states lack child-specific legislation in the area of immigration detention and particularly, alternatives to detention of children, as well as screening systems for the identification of children in need of specific protection.

Table 1
**National provisions of non-EU member States on
immigration detention of children**

Detention of all migrants irrespective of age in closed centres	Immigration detention of children as <i>derogation</i>	No specific rules on imm. detention, but detention in practice irrespective of age	Restriction of movement or placement in closed centre	No imm.detention of children or no detention below certain age
Azerbaijan	Albania	Liechtenstein	Bosnia and Herzegovina	Andorra
FYROM	Georgia	San Marino	Montenegro (<16)	Armenia
Moldova	Serbia			Iceland
Norway				Switzerland (<15)
Russia				
Turkey				
Ukraine				

Table 2

Maximum length of detention and responsible authority for issuing the detention decision

Decision by admin. authority	Decision by Court	Mixed system
Albania 6 months (+6 months) (Local authority of border and migr.)	Georgia up to 3 months	Azerbaijan 3 days by Admin. + unlimited (court's decision)
Bosnia and Herzegovina placement in NGO shelter (no limit) (Service for Foreigners' Affairs)	Moldova 6 months (+ 1 month)	Switzerland 6 months (+6 months) Cantonal authority (extension agreed by cantonal court)
FYROM 12 months (Ministry of Internal Affairs)	Norway 24 hours Immigr. Service	Ukraine* 3 days (preliminary adm. det.) 12 months State Border Guard S.
Montenegro 90 days (+90 days)		
Russia Indefinite (Gen. Dir. on Migr. Affairs)		
San Marino 24 hours (Police)		
Serbia 24 hours (Police)		
Turkey 6 months (+6 months) (Dir. Gen. for Migr. Management)		

Table 3

Measures to safeguard family unity

Specific provisions on family unity	Prohibition of separation of a child from his/her parents	No provision but in practice family members stay together	Related provisions only with regard to asylum seekers	No provision - families separated
Albania	Georgia	Moldova →		Ukraine
Azerbaijan		Montenegro	Montenegro	
Bosnia and Herzegovina			Serbia	
FYROM				
Norway				
Russia				
Switzerland				
Turkey				

Table 4
Support systems in place

Guardian ship	Social ass.	Info.	Interpret ation	Medical care	Psycholog. assistance	Legal aid	Contact family +/- or cons. auth.
Albania	✓ mandatory	✓.	-	-	✓ mandatory	-	-
-	Azerbaijan	-	✓.	✓.	✓.	✓.	✓.
BiH	✓.	-	-	-	-	✓ free	-
FYROM	✓.	-	-	-	-	-	✓.
-	-	-	Georgia	-	-	✓ free	✓.
-	-	-	-	-	Liechtenst.	-	-
Moldova	✓.	-	✓.	✓.	✓.	✓.	✓.
Montenegro	(only a/s)	-	-	-	-	-	-
Norway	✓.	✓.	-	-	-	✓ free	-
Serbia (a/s)	-	✓.	-	-	-	✓.	✓.
Switzerland	-	-	-	-	-	✓.	✓.
-	-	-	-	-	-	Turkey	
-	-	-	Ukraine	-	-	✓.	✓.

Table 5
Non-discriminatory access to national services

	Access to national health services	Access to social services	Access to education
Albania	✓ (only for a/s)	✓.	✓.
Azerbaijan	-	✓.	-
Bosnia and Herzegovina	✓ (only emergency cases)	✓.	✓.
Georgia	✓.	-	✓.
Norway	✓ (free medical care for children <12 years)	✓.	✓.
Serbia	✓.	✓ (only a/s)	✓.
Switzerland*	✓.	-	-
Turkey	-	-	✓.

Table 6

Screening & Assessment procedures

	System for age determination of undocumented children				Screening system to identify specific categories of children
	Forensic / other medical examination	DNA test	Witnesses/ consular authorities	Presumption of minority	
Albania		✓.		✓.	
Bosnia and Herzegovina				✓.	✓.
Georgia			✓.		
Moldova				✓.	
Montenegro				✓.	Based on docs or info by consular authorities
Norway	✓.		✓.		✓.
Serbia					✓.
Switzerland*	✓.				✓.

Table 7

Alternatives to immigration detention for children

States that provide for alternatives	States that apply alternatives for children of certain age	States that do not provide for alternatives to detention	States that provide for alternatives but they do not apply them in practice	States whose alternatives equal to detention (placement in a closed institution)
<p>Iceland* (obligation to report or order to stay in a specified place)</p>	<p>Montenegro (for children < 16 years no restriction of movement unless as last resort)</p>	<p>Albania</p>	<p>Georgia</p>	<p>Montenegro for children over 16 years</p>
<p>Norway (reporting to police or imm. authorities; obligation to surrender passport or travel document; obligation to stay in specific place)</p>	<p>Switzerland** (Some cantons consider as alternative the placement of the child in a special accommodation centre; some providing for a foster care accommodation and/or imposing reporting requirements)</p>	<p>Azerbaijan, FYROM, Moldova, Russia, Ukraine</p>	<p>Turkey</p>	<p>Bosnia and Herzegovina, Liechtenstein</p>

Recommendations

1. States should immediately put an end to the immigration detention of children by implementing the relevant PACE resolutions and recommendations, in particular, the PACE Recommendation 2056 (2014) / Resolution 2020 (2014) on putting an end to detention and promoting and facilitating the application of alternatives.

2. States should set a maximum time limit after which children should be given access to the territory if their return is not implemented.
3. Referral mechanisms and support systems should be created, common for the country.
4. Immediate appointment of a guardian for UAMs with possibility of temporary guardian for UAMs to decide on their best interests and protection of their rights.

5. Migrant families should not be held in separate facilities.
6. Qualified professionals, such as social workers, psychologists, medical staff, educators, and legal counselors specialised in children's issues should be able to assist especially unaccompanied children from the first stage of the process.

7. States should include express legal provisions for the clear presumption of minority if there is a doubt on the age.
8. States should develop provisions for the non-discriminatory access for migrant children to national services such as health and social services and education and effective access to justice.
9. States should immediately improve reception conditions, adopt immediate alternatives to detention & facilitate safe access to asylum.

10. States should develop effective systems of alternatives such as:

- the adoption of community housing with individual case managers (after having assessed the community setting),
- placement in a foster family or regular reporting,
- duty to report regularly to the police,
- residence restrictions and counseling,
- duty to surrender documents,
- sureties/bail.