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Alternatives to Detention for Families with Minor Children in Belgium

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▶ Since 2015 : coaching at home

- **For a limited amount of irregularly staying families (linked to capacity) : coaching at home :**
 - Families are given the opportunity to organize their return from their homes ;
 - Families are invited for an interview ; signing of a “convention” between families and Immigration Office
→ families can stay in their homes during the return process, provided that they fulfill some conditions plus show their willingness to comply
 - → If no compliance: transfer to open family units
 - See also legal basis (infra)

▶ Family Units as an alternative : a short history before and since alternative

- Until 1998: no detention of families with children (exception: border cases)
- Until 15.05.2001: detention of one of the parents; rest of the family free → problem: rest of the family did not present themselves at date of removal
- Until 01.10.2008: detention of families as a whole
- From 01.10.2008: no detention of families with children (exception: border cases)
- Since 01.10.2009: also border cases no longer detained

▶ Why this change?

- Pressure of NGO's and parliament to seek for alternatives
- 2006-2007: report made by external study agency with presentation of different alternatives
- 2007: report presented to parliament
- March 2008: test with invitations to the Immigration Office – unsuccessful (only 10 % of invitees came)

▶ Creation of Family Identification and Return Unit 1 October 2008

- Return officers (coaches) of Immigration Office
- Assist families in preparation of return, legal questions, logistical matters, ...
- Cooperation with IOM
- Sponsored by EU Return Fund
- Cooperation with local authorities and NGO's
- Also looking for staying alternatives if asked by families (depending on information given by families)
- Now: 9 coaches + 1 coordinator + 2 technical support

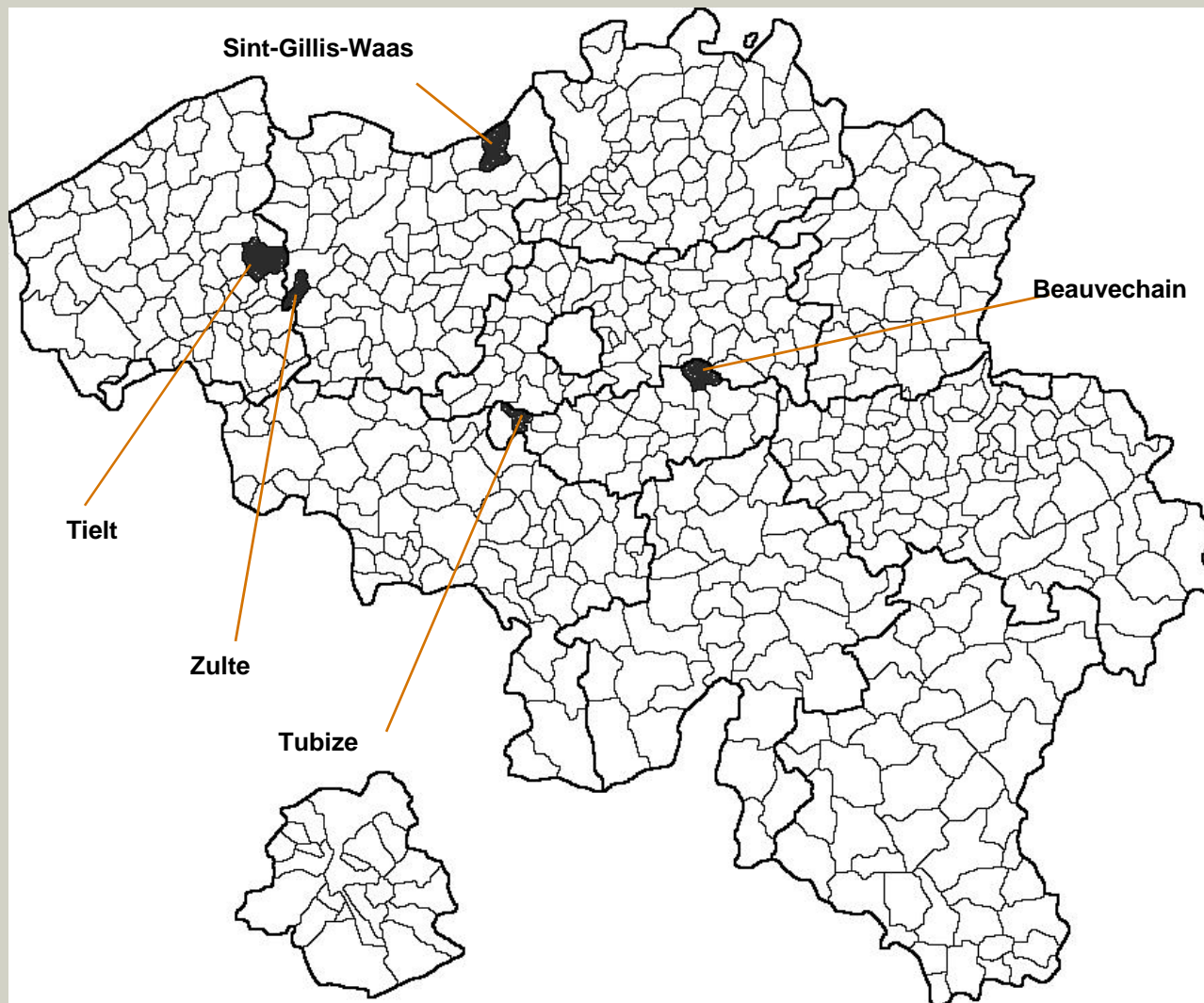
▶ Family Units

- Alternative = community based individual houses or apartments for families (former police force houses)
- 27 family units in use (on 5 different sites)
- Completely equipped and furnished
- One family per unit because of privacy – in bigger houses possibility to put 2 families (but seldom used)

▶ Family Units (2) :

- Children can go to school (agreements with primary schools; on case by case for secondary schools)
- Toys, TV, DVD in the family units; children's books in foreign languages are in limited amount available (more difficult to find)
- Internet access (ad hoc) via coaches → project to get systematic internet access (depends on infrastructure, costs)
- Medical support : children get vaccines, ...
- Special needs : also specifically for children
- Contacts with children's welfare agencies, ...

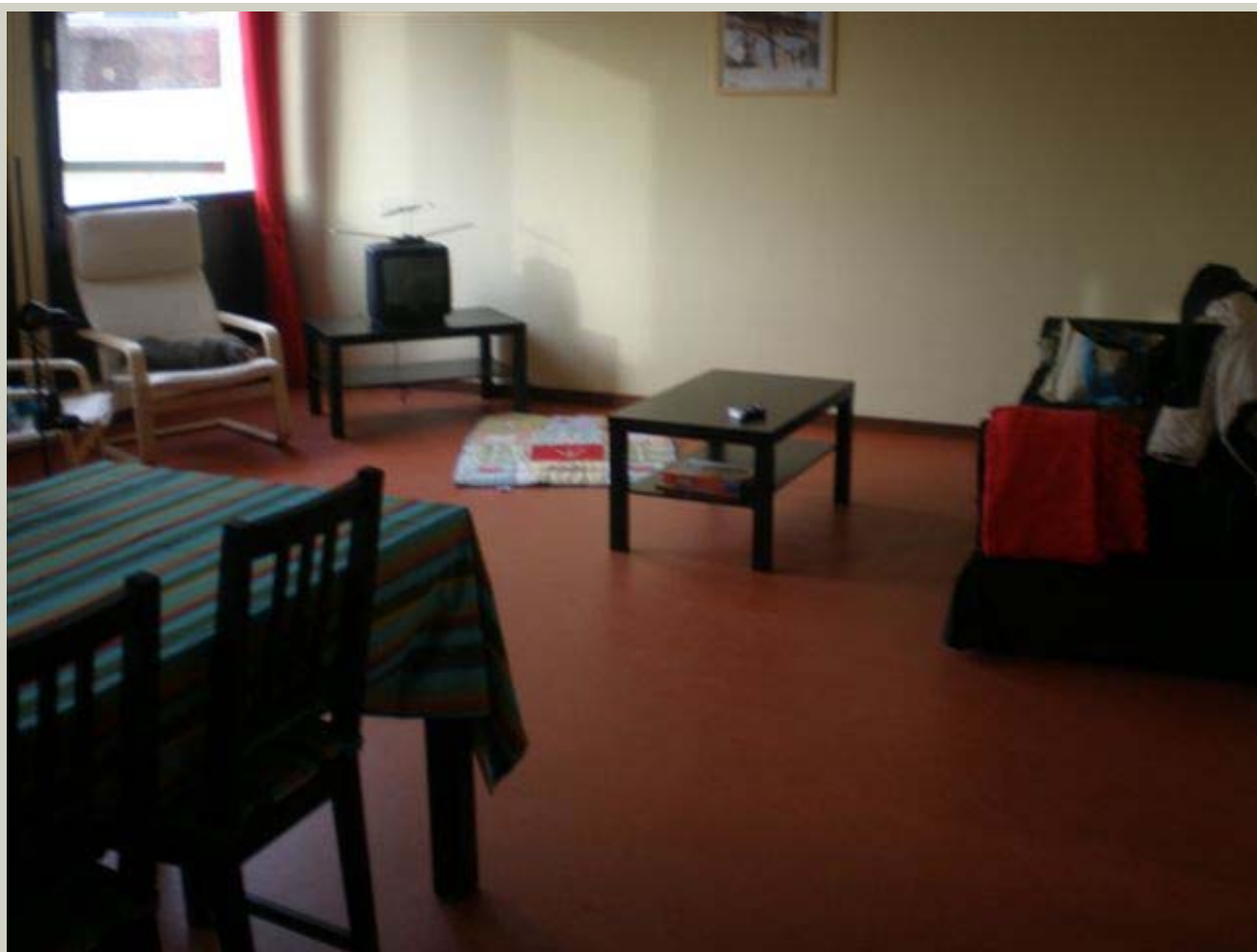
► 5 Sites



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▶ Family units in detention Centre

- Recent ECHR decisions: no detention of families unless specific infrastructure and accompaniment
- Decision of State Secretary for Migration and Asylum Policy in 2011: creation of specific family units in the detention centre at the airport → separated from rest of detention centre; 5 prefab vacation houses with necessary infrastructure + dedicated staff
- Who can be detained: specific border cases (INAD), families who did not respect rules in family units → only short time (max. 2 weeks, in order to be in compliance with appeal possibilities) and **ONLY AS LAST RESORT**
- Timing: beginning of 2018

▶ Legislative framework

- Royal Decree of 14 May 2009: rules for the family units, rights and obligations for families
- Planned: Royal Decree stipulating which categories of families with children can be detained in future
- Law 20.07.2011: children should not be detained unless in specific circumstances + coaching at private houses (framework in Royal Decree 17.09.2014)

► Evaluation

- Relatively positive evaluation by NGO's and by administration; international interest in system (Council of Europe, EU, other EU member states, third country authorities)
- BUT: concerns about large number of absconding (35 %)
- Exhaustive internal evaluation on different criteria, which can be used for future continuous evaluation
- Family units are no longer Project but are embedded return procedure
- Still necessity to further develop cooperation with other State Agencies (e.g. reception centres)

► Questions?

- geert.verbauwhede@ibz.fgov.be
- www.dofi.fgov.be
- **DOCUMENTARY DUTCH TELEVISION:**
- **“the return coach (de terugkeercoach)” :**
www.human.nl