Captured childhood

David Corlett

States should develop alternatives to immigration detention to ensure that children are free to live in a community-based setting throughout the resolution of their immigration status. Children should not be detained for migration/immigration purposes. There are alternatives, and the International Development Coalition[1] has developed a model for preventing the immigration detention of children, based on three fundamental principles: children who are refugees, asylum seekers or irregular migrants are, first and foremost, children; the best interests of the child must be the primary consideration in any action taken in relation to the child; and the liberty of the child is a fundamental human right.

These principles shift the focus from the state's right to detain children to the right of refugee, asylum-seeker and irregular migrant children to be free from the risk of being incarcerated as a consequence of states' desires to control migration.

The IDC has developed a five-step Child-sensitive Community Assessment and Placement (CCAP) model, which provides a decision-making model for governments, NGOs and other stakeholders to prevent detention.

"Some of [the other kids in detention] were really going crazy and I remember twice when I was there, there were two who tried to kill themselves. Just to get out of the prison. ... I used to just go to my room and cry and not talk to anybody. I felt I would never get out." (Grace, from South Sudan, detained in Israel aged 15)

Step 1: Prevention
Step 1 is a presumption against the detention of children. It applies prior to the arrival at a state's territory of any children who are refugees, asylum seekers or irregular migrants.

Step 2: Assessment and Referral
Step 2 takes place within hours of a child being discovered at the border of, or within, a state's territory. It includes screening the individual to determine age, the assignment of a guardian to unaccompanied or separated children, the allocation of a caseworker to children who are travelling with their families, an initial assessment of the child or family's circumstances, strengths and needs, and the placement of the child or family into a community setting.

Step 3: Management and Processing
Step 3 is the substantive component of the child-sensitive assessment and placement model. It involves 'case management', including an exploration of the migration options available to children and families, a 'best interests' determination, and an assessment of the protection needs of children and/or their families.

Step 4: Reviewing and Safeguarding
Step 4 involves ensuring that the rights of children and their best interests are safeguarded. It includes legal review of decisions already taken regarding children and their families – including decisions about where they are accommodated and about their legal status. It also includes an opportunity for states to review the conditions tied to the child or family's placement in the community following a final immigration status decision.

Step 5: Case Resolution
Step 5 is the implementation of sustainable migration solutions. International research shows that with case management support, asylum seekers and irregular migrants are more likely to comply with decisions about their status and are better able to cope with return or integration because they have been supported and empowered throughout the migration process. Building trust and respecting and valuing each person as an individual with dignity, skills, rights and needs are fundamental to this process. Providing a supportive role that is both realistic and sustainable, and also compassionate and consistent, for the period of time that the individual is awaiting a final outcome is critical. This applies to adults and, importantly, to children. The five-step Child-sensitive Assessment and Placement model takes seriously states' interests to manage migration, while at the same time recognising that it is never in the best interests of children to be detained.

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1. The International Detention Coalition (IDC) is a civil society network based in Melbourne, Australia with a membership base of 300 NGOs, faith-based groups, academics, practitioners and individuals working in 50 countries globally. http://idcoalition.org