



Effective Alternatives to the Detention of Migrants

**International Conference organised jointly by the Council of Europe,
the European Commission and the European Migration Network**

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CONCEPT NOTE

The Conference seeks to identify ways to make alternatives to the detention of migrants more effective while ensuring compliance with immigration procedures and upholding human rights. The emphasis is on supporting States in strengthening their capacity to implement alternatives to detention, and to share practical know-how and concrete methods of achieving success in the field.

Under European Union legislation relating to return and asylum, administrative detention can be used only if other sufficient and less coercive alternatives cannot be applied effectively in a specific case. In relation to asylum applicants, Member States of the EU are obliged to ensure that the rules concerning alternatives to detention are laid down in national law. In recent years, a number of European States have undertaken reforms to limit the use of administrative detention of migrants and to provide for alternative measures in their national legal frameworks. However, existing legal and practical challenges can limit the implementation of alternative measures across Europe.

International organisations including the Council of Europe have emphasized the need to consider alternatives to the administrative detention of migrants and produced guidance on their effective implementation. In this vein, the Conference seeks to support authorities to overcome challenges on the ground and ensure successful alternatives in practice. Particular attention will be paid to individuals in a vulnerable situation, including children.

The Conference will contemplate the effectiveness of alternatives to the detention of migrants in light of the following three criteria:

- i. Respecting human rights in accordance with the relevant Council of Europe and the European Union standards;

- ii. Ensuring compliance with immigration procedures, including:
 - Prompt and fair case resolution
 - Facilitating voluntary and enforced returns
 - Preventing absconding
- iii. Promoting cost-effectiveness.

The Conference will, *inter alia*, identify:

- key approaches and essential elements of effective alternatives to the detention of migrants in the context of asylum and irregular migration;
- ways to secure individual compliance with migration procedures;
- challenges in implementing alternatives and how to overcome them;
- good practices and lessons learnt in diverse national settings;
- avenues for further cooperation and future practical work.

The Conference will bring together key national practitioners and policy makers from across Europe, aiming to provide a forum for a constructive exchange.