



CDCJ LIMITED WORKING GROUP ON MIGRATION (CDCJ-MIG)

TERMS OF REFERENCE¹

Role

1. In line with [Resolution CM/Res\(2021\)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods](#) (applicable as of 1 January 2022), and article 14 (b)² of Appendix I, a limited working group of CDCJ on migration (CDCJ-MIG) will be established to assist the CDCJ in its mandate related to the elaboration of a Guide for practitioners on administrative detention of migrants to support the implementation of existing standards in this field (deliverable 8 of its terms of reference).

Specific Tasks

2. The CDCJ-MIG will support the work of the CDCJ by:
 - a) Finalising, for examination and adoption by the CDCJ in December 2022, the draft Guide for practitioners, taking into account the work previously carried out by the Committee of experts on administrative detention of migrants (CJ-DAM) and any relevant legal developments since then;
 - b) referring to the CDCJ any significant issues arising in the context of the drafting process, with proposed solutions if possible;
 - c) providing, upon CDCJ's request, support to the implementation of actions or activities related to statelessness decided by the CDCJ as a follow-up to the 2021 International Conference.

Composition

3. The CDCJ-MIG will be composed of up to 8 experts designated by CDCJ heads of delegations³, who are interested in contributing to the Guide and have a thorough knowledge of law, policy and practice in the field of administrative law and administrative detention, including experience in developing practical guidance in this area for relevant professionals.

4. Participation is also open to one representative from participating institutions, organisations, bodies and committees with relevant experience in this area, in line with the terms of reference of the CDCJ.

¹ Adopted by the European Committee on Legal Co-operation at its 97th plenary meeting (1-3 December 2021), excerpt from document CDCJ(2021) 21.

² « Where necessary, in order to expedite the progress of their work, committees may entrust a rapporteur or a limited number of committee members with a specific task to be fulfilled by their next meeting, using primarily information technologies.»

³ In case of a large number of nominations, the participation of designated experts will be confirmed following a selection process led by the CDCJ Bureau, taking into account experts' established expertise in the relevant field, and due regard being given to geographical and gender representation.

Working methods and expected results

5. The working group will perform its functions and responsibilities online between February and October 2022, with a possible finalisation of the handbook for adoption by the CDCJ in December 2022.

6. It shall be assisted in its work by the Secretariat of the CDCJ, and within the limits of budgetary appropriations, by up to 2 consultants with specific knowledge and expertise relating to immigration detention issues at international level and/or in different member States, as well as relevant case law of the European Court of Human Rights.

7. CDCJ delegations' substantive input and comments would also be sought by electronic means, in between meetings and at appropriate stages, to enable the working group to deliver a proposed text that would reflect the views of the membership. The CDCJ will take the final decision on any changes of a substantive nature of the draft text of the Guide for practitioners submitted by the CDCJ-MIG.