

Thinking outside the fence

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The way in which we think about detention can shape our ability to consider the alternatives. What is needed is a shift in thinking away from place-based control and towards risk assessment, management and targeted enforcement.

High walls, fences, locks, guards. These are the things that come to mind when we think about immigration detention, and justifiably so. The incarceration of migrants in jail-like facilities is a growing phenomenon worldwide and a serious concern due to its terrible consequences for people's health and wellbeing. More and more forced migrants are being held in closed facilities at some point during their journeys of flight and displacement.

Although there is no single definition of detention, at its core is a deprivation of liberty. This deprivation limits the area in which people can move about freely, often restricting their movements to the confines of a single room, building or site. The places in which migrants are detained take many forms, including immigration detention centres built to purpose, airport transit zones, closed screening facilities, prisons or police stations, hotel rooms and retro-fitted

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structures such as cargo containers. This place-based concept has specific implications for those working to introduce alternatives to detention. In particular, this focus on the place at which detention occurs can constrain our understanding of alternatives to detention, as they do not rely on a particular location but rather involve a set of tools or strategies that can be applied to an individual wherever they might be located in the community.

In my research into alternatives to detention with the International Detention Coalition,¹ we identified a range of mechanisms that can assist in successfully managing migration cases without detention. Such alternatives to detention rely on a range of strategies to keep individuals engaged in immigration procedures while living amongst the local community.² Although such programmes sometimes make use of residential facilities as part of a management system, the location of the individual is not of primary concern. Instead, the focus is on assessing each case and ensuring that the local setting contains the necessary structures and conditions that will best enable that person to work towards a resolution of their migration status with authorities. This relies on five steps, which we developed in our Community Assessment and Placement model (CAP model). These steps are:

- Presume detention is not necessary.
- Screen and assess the individual case.
- Assess the community setting.
- Apply conditions in the community as needed.
- Detain only as a last resort in exceptional circumstances.

For instance, as seen in programmes in countries like Australia and Canada, someone facing deportation after reaching the end of their application process may be appropriately and effectively managed in the community if their individual circumstances

are assessed; if they are supported in the community with case management, legal advice and an ability to meet their basic needs; and if they undertake to participate in preparations for their departure, to report regularly and to be supervised with more scrutiny if required.

In these situations, it may be necessary for two things to happen. Firstly, the concept of control through confinement in a particular location needs to be replaced with one of management through appropriate supervision. This entails a shift in thinking away from place-based control and towards risk-assessment, management and targeted enforcement. Secondly, the success of community-based programmes must be highlighted. Our research shows that cost-effective and reliable alternatives to detention are available and achievable. Community management programmes maintain compliance rates of 80-99.9% with a range of groups (including those facing return), deliver significant cost benefits on operational and systemic measures, and protect the health and wellbeing of migrants subject to these measures. Through stronger alternative to detention programmes, governments are learning that they can effectively manage the vast majority of migration cases outside the walls of detention.

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1. See report *There are Alternatives: A Handbook for Preventing Unnecessary Immigration Detention*, 2011 www.idcoalition.org/cap

2. I use the word 'community' to refer to the wider society found in that local area and not to a group of peers with the same cultural background (as in 'ethnic community').

