detention that only have a focus on return tend to perform poorly compared to those that explore all the ways in which a person’s immigration case could be resolved. Even if in reality certain options are closed off, such as legal residence, it is still important for migrants to have every option thoroughly explained and explored so they can be assured that every step has been taken. This is how trust can be built between migrants and governments.

Finally, all the above factors would work well if they were provided at the onset of a person’s asylum or immigration case. There should be as little delay as possible. Governments that are frank and transparent with migrants, inform them of all conditions, procedures and opportunities, and offer comprehensive support may find that rates of compliance increase as migrants develop trust towards the authorities. Frontloading support does not mean accelerating immigration procedures but rather making sure that migrants are well-equipped from the start.

Empirical research continues to show rather convincingly that people are harmed by being put into detention. Virtually anyone who is detained experiences high levels of stress and symptoms related to severe anxiety and depression. Despite this, states continue to use detention as they remain convinced that it is the best way to manage asylum and migration flows. Research done by ourselves and others, however, shows that government fears that migrants will abscond if not detained are largely unfounded. Furthermore, community-based alternatives are far more cost-effective than detention; the alternative in Belgium not only achieves high compliance rates but is also half the cost of detaining one person per day. In addition to cost savings, resolving people’s immigration cases in the community is much less stressful for migrants and states alike than doing the same in a detention centre. Above all, alternatives preserve people’s human dignity, which is what immigration procedures ought to do in the first place.

Philip Amaral europe.advocacy@jrs.net is Advocacy and Communications Coordinator for the Jesuit Refugee Service Europe. www.jrseurope.org

3. See evaluations of pilot projects in Glasgow and Millbank in the UK: http://tinyurl.com/JRS-UKpilots-evaluation
4. 75-80% compliance: i.e. 20-25% rate of absconding.

Thinking outside the fence

Robyn Sampson

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
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, 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. 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.

Robyn Sampson robynsampson@gmail.com is a PhD candidate at the School of Social Sciences, La Trobe University
http://latrobe.academia.edu/RobynSampson

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