



Global Compact for Migration Objective 13

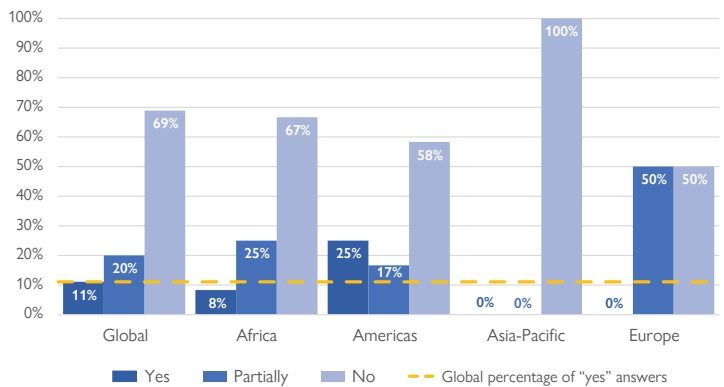
Use immigration detention only as a measure of last resort and work towards alternatives¹

“ [In most cases, alternatives to immigration detention are not applied first and the detention of migrants is not used as a measure of last resort], lacks regulation ... and falls into a legal vacuum, leaving migrants with little to no safeguards or remedies for any abuse suffered while in detention or for arbitrary or extended detention.²”

Objective 13 takeaways

- Most countries lack a policy to ensure that alternatives to immigration detention are applied first so that migrant detention is used only as a measure of last resort.
- The majority of countries lacking a national migration strategy (89%) do not have policies to ensure that alternatives to immigration detention are sought first and that migrant detention is used only as a measure of last resort.
- Countries with lower levels of gender inequality are more likely to use migrant detention as a measure of last resort.

Figure 1. Does the country have a policy or strategy to ensure that migrant detention is used only as a measure of last resort, and to work towards alternatives?



More than two thirds (69%) of MGI countries lack a policy to ensure that alternatives to immigration detention are sought first and that migrant detention is used only as a measure of last resort. Regional MGI data show that such a policy – which may include the prioritization of non-custodial alternatives to detention, including community-based care arrangements – is found only in a few countries from the Americas and Africa (25% and 8%, respectively).

Figure 2. Percentage of countries using migrant detention as a measure of last resort, by existence of a migration strategy

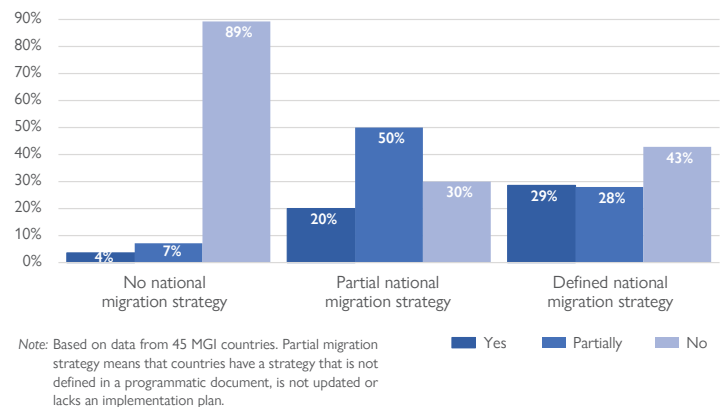


Figure 2 shows that 29 per cent of the countries that have a national migration strategy defined in a programmatic document or manifesto also have a policy to ensure that migrant detention is used only as a measure of last resort. This is the case for 20 per cent of the countries that have a strategy that is not defined in a programmatic document or lacks an implementation plan, and for only 4 per cent of the countries with no strategy at all.

¹ This bulletin is part of the publication *MGI Data Bulletins on the Global Compact for Safe, Orderly and Regular Migration*, which offers insights from MGI data for each of the 23 Global Compact for Migration objectives. Unless otherwise specified, data is based on 84 MGI countries.

² IOM, *Immigration detention and alternatives to detention*, Global Compact Thematic Paper: Detention and Alternatives to Detention. Available at www.iom.int/sites/g/files/tmzbd486/files/our_work/ODG/GCM/IOM-Thematic-Paper-Immigration-Detention.pdf.

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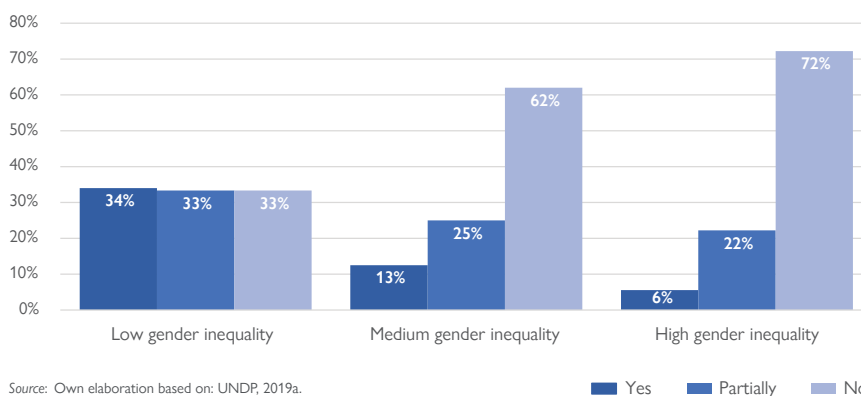
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Figure 3 shows that countries with lower levels of gender inequality are more likely to have a policy to ensure that migrant detention is used only as a measure of last resort. Such a policy is in place in over one third of the countries with a low gender inequality index (GII)³ score, in contrast with 6 per cent of those with a high GII score.

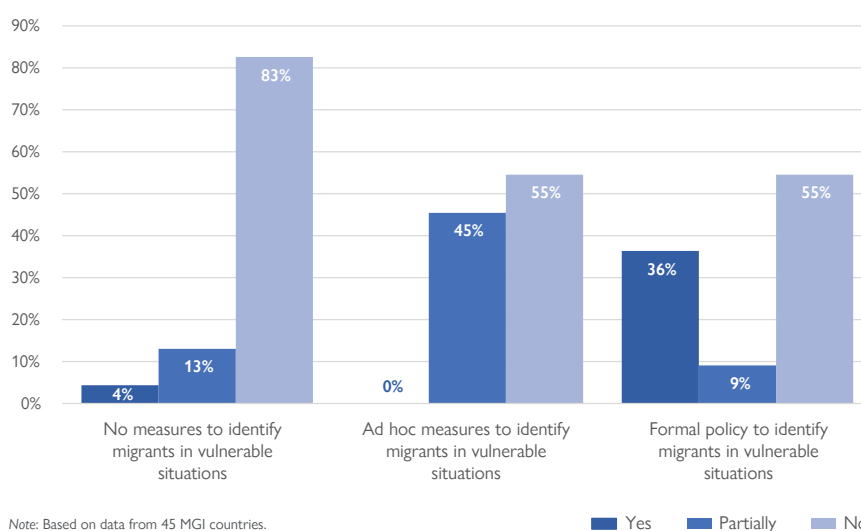
Figure 4 shows that a policy to ensure that migrant detention is used only as a measure of last resort is more likely to be found in countries that also have a formal policy to timely identify migrants in vulnerable situations and provide them with adequate referral and protection services.

Figure 3. Percentage of countries using migrant detention only as a measure of last resort, by gender inequality index tier



Source: Own elaboration based on: UNDP, 2019a.
Note: GII results are based on data from 37 MGI countries.

Figure 4. Percentage of countries using migrant detention only as a measure of last resort, by type of measures to identify vulnerable migrants



Note: Based on data from 45 MGI countries.

MGI data insight

All the MGI countries that have a policy to ensure that alternatives to immigration detention are applied first so that migrant detention is used only as a measure of last resort also have a government agency responsible for designing and coordinating the implementation of an overall migration policy.

Source: Own calculations based on MGI data.

Selected example from MGI data: Canada

In June 2018, the Canada Border Services Agency initiated the national roll-out of its expanded Alternatives to Detention (ATD) programme, a key pillar of the National Immigration Detention Framework. The ATD programme, which provides an extended set of tools and programmes to more effectively release individuals, was developed in consultation with stakeholders. In addition to in-person reporting, cash deposit or the establishment of a bondsperson, the ATD programme includes additional release mechanisms, such as a national Community Case Management and Supervision programme and a national Voice Reporting programme.*

* Canada Border Services Agency, Alternatives to Detention Program (2019). Available at www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/pia-efvp/atip-airpr/atd-srd-eng.html.

³ The GII is a composite measure reflecting inequality in achievement between women and men in three dimensions: reproductive health, empowerment and the labour market. The GII ranges between 0 and 1. Higher GII values indicate higher inequalities between women and men and thus higher loss to human development (UNDP, 2019b). For this publication, three tiers were created: low GII (score below 0.25), medium GII (between 0.25 and 0.50) and high GII (above 0.50).