



Promising Practices in Migration Policy

Community-Based Alternatives to Immigration Detention

Introduction

As Europe sees a shift towards the securitisation and criminalisation of migrants and refugees, this policy paper highlights the effectiveness of community-based alternatives to immigration detention (ATD) in terms of compliance and achieving case resolution at a fraction of the cost of immigration detention, while leading to better and more humane outcomes.

Immigration detention and regression of human rights in Europe

As the European Union prepares to implement the EU Pact on Migration and Asylum¹ and the trilogues on a Return Regulation are under way², the expansion of immigration detention across multiple stages of the migra-

tion process appears imminent. The EU Pact introduces border procedures that are likely to lead to the expansion of detention in Europe. This will be mandatory for asylum applicants from nationalities with an EU-wide recognition rate of 20 percent or lower, as well as those considered to pose security risks or deemed to have misled authorities. Combined with the new Screening Regulation, these instruments establish pre-entry screening and border processing mechanisms that, according to legal scholars and civil society organisations, risk significantly broadening the scope and duration of the deprivation of liberty³. Rather than strengthening rights-based approaches, the trajectory of European policy is moving decisively towards securitisation, criminalisation and the normalisation of detention and other criminalisation measures, such as the externalisation of borders, forced returns and pushbacks as default tools of migration management.

¹ European Commission. (2024). Questions and answers on the Pact on Migration and Asylum. https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum/questions-and-answers-pact-migration-and-asylum_en

² Council of the European Union. (2025, December 8). Council clinches deal on EU law about returns of illegally staying third-country nationals [Press release]. <https://www.consilium.europa.eu/en/press/press-releases/2025/12/08/council-clinches-deal-on-eu-law-about-returns-of-illegally-staying-third-country-nationals/>

³ Apatzidou, V. (2025). Bordering asylum: Examining the EU's border procedures under the Asylum Procedures Regulation (EU) 2024/1348. *International Journal of Refugee Law*, 37(2), 201–218. <https://academic.oup.com/ijrl/article/37/2/201/816608pushbackcriminalisationexternalisationk7>

The recast Reception Conditions Directive (EU) 2024/1346⁴ enacts broad grounds for the detention of applicants subject to asylum border procedures. While detention must nominally remain necessary and proportionate, the Directive introduces a new ground for detention linked to determining whether an applicant subject to a border procedure has the right to enter the territory. In practice, this provision risks making detention routine rather than exceptional, as it effectively allows Member States to detain any applicant undergoing a border procedure. The fiction of non-entry, under which states deny the legal arrival of third-country nationals physically present on their territory, requires applicants to reside at or in proximity to the external border, in transit zones, or in other designated locations⁵, which could result in systematic de facto detention that circumvents the safeguards of the Directive⁶.

Two other procedures that the Pact will reshape – the asylum and return border procedures – introduce new grounds for deprivation of liberty, with only limited exceptions and insufficient safeguards for effective individual assessment. While the Pact’s recitals stipulate that children should, as a rule, not be detained, the framework still allows for the immigration detention of children as a measure of last resort. This is despite international human rights law being clear in establishing that the principle of last resort does not apply to children in the context of migration, and that child immigration detention is never in the best interests of the child⁷. Following the Pact’s adoption, UN human rights experts have pointed out this contradiction⁸. Indeed, the Joint General Comment between the UN Committee on the Rights of the Child and the UN Committee on the Protection of Migrant Workers (CMW) is clear that detaining children as a measure of last resort is not applicable in immigration proceedings, as it would conflict with the principle of the best interests of the child⁹. That the Pact nevertheless retains this possibility and that European states have repeatedly used this argument to water down negotiations

of the Progress Declaration of the International Migration Review Forum 2026 at the global level marks a significant and concerning regression at the EU level and attempts to roll back global standards, particularly in light of the momentum towards ending child immigration detention in other parts of the world.

The proposed EU Return Regulation represents a further escalation, making detention the default measure for persons issued with return decisions and potentially expanding the maximum detention period to as long as 30 months¹⁰. The International Detention Coalition (IDC) has raised deep concerns that the regulation moves the EU towards a more coercive system in which more people, including children, risk being detained for longer, while electronic tagging and monitoring is being promoted as an “alternative” despite functioning as virtual detention or an *alternate form of detention*¹¹. Over 50 civil society organisations have warned that the assumption that harsher rules including the expansion of detention will increase return rates is “both misguided and empirically unfounded”¹².

The harmful impact of immigration detention on physical and mental health is well documented. The World Health Organization Regional Office for Europe has found that immigration detention is associated with serious adverse physical and mental health outcomes, including chronic stress-related conditions, musculoskeletal pain and gastrointestinal disorders, in addition to elevated rates of depression, anxiety and post-traumatic stress disorder¹³. A meta-analysis estimates the prevalence of depression among immigration detainees at approximately 68 percent, anxiety at 54 percent, and PTSD at 42 percent, roughly twice the rates among non-detained refugees¹⁴. For children, outcomes are particularly devastating as PTSD prevalence ranged from 6.5 percent in briefly detained children to 100 percent in those detained for 12 months or longer¹⁵. Additionally, immigration detention is

4 <https://eur-lex.europa.eu/eli/dir/2024/1346/oj/eng>

5 European Parliament. (2024). Legal fiction of non-entry in EU asylum policy. European Parliamentary Research Service. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/760347/EPRS_BRI\(2024\)760347_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/760347/EPRS_BRI(2024)760347_EN.pdf)

6 Brandt, U. (2024). Mix and match: Detention, “de-facto detention” or just restrictions of freedom of movement in the New Pact. EU Immigration and Asylum Law and Policy Blog. <https://eumigrationlawblog.eu/mix-and-match-detention-de-facto-detention-or-just-restrictions-of-freedom-of-movement-in-the-new-pact/>

7 <https://idcoalition.org/authoritative-guidance-immigration-detention-is-a-violation-of-childrens-rights/#:~:text=The%20Committees%20clarified%20the%20reason%20the%20principle,in%20the%20context%20of%20migration%2C%20stating:%20Article>

8 Office of the United Nations High Commissioner for Human Rights. (2024, May 2). Child immigration detention must be prohibited following adoption of EU migration and asylum pact, UN experts say [Press release]. <https://www.ohchr.org/en/press-releases/2024/05/child-immigration-towards-levelation-detention-must-be-prohibited-following-adoption-eu>

9 Joint General Comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and No. 23 (2017) of the Committee on the Rights of the Child. <https://www.refworld.org/legal/general/cmww/2017/en/119567>

10 Amnesty International. (2025, December 8). EU: Ministers propose unprecedented detention, sanctions, and stripping of rights based on migration status. <https://www.amnesty.org/en/latest/news/2025/12/unprecedented-detention-and-deportation/>

11 International Detention Coalition. (2025). IDC statement on the EU Returns Regulation: Council position marks further regression. <https://idcoalition.org/idc-statement-on-the-eu-returns-regulation-council-position-marks-further-regression>

12 Human Rights Watch. (2025, December 4). Joint civil society statement on the Council’s position on the Return Regulation proposal. <https://www.hrw.org/news/2025/12/04/joint-civil-society-statement-on-the-councils-position-on-the-return-regulation>

13 WHO Regional Office for Europe. (2022). Addressing the health challenges in immigration detention and alternatives to detention: A country implementation guide. Copenhagen: WHO Regional Office for Europe. <https://www.who.int/europe/publications/i/item/9789289057929>

14 Verhulsdonk, I., Shahab, M., & Molendijk, M. L. (2021). Prevalence of psychiatric disorders among refugees and migrants in immigration detention. *BJPsych Open*, 7(6), e204. <https://pmc.ncbi.nlm.nih.gov/articles/PMC8612016/>

15 Sherif, B., et al. (2025). Immigration detention of children: A systematic review and meta-analysis. *European Child & Adolescent Psychiatry*. <https://link.springer.com/article/10.1007/s00787-025-02832-4>

not gender neutral and has disproportionate effects on women and girls and gender-diverse people. Some of these effects include heightened risks of sexual and gender-based violence and difficulties in reporting, limited access to reproductive health services and a lack of gender-responsive water, sanitation and hygiene facilities and products. Migrant women's experiences in immigration detention are also affected by multiple and intersecting forms of discrimination, family separation (including from their children) and inadequate protection and gender-responsive services¹⁶.

“Crimmigration”

The increased criminalisation of migrants and migration in Europe, with the expansion of detention being one of its symptoms alongside externalisation of borders, push-backs, forced returns and the criminalisation of solidarity affecting those who support migrants, is closely related with the rise in populism in Europe. Policy making on migration is increasingly based on symbolic politics rather than on evidence of what works or doesn't work for migration governance purposes. This is resulting in the scapegoating of migrants and refugees for political purposes and in the framing of migration as a crisis. Yet, far from being a threat, migration is a normal and increasingly necessary part of public and economic life. Ample evidence shows that Europe can't function without migration to maintain its economy and its welfare systems in the context of an aging society.

The regression of rights-based migration governance, including the expansion and normalisation of immigration detention in Europe cannot be understood in isolation from broader geopolitical dynamics. The second Trump administration's enforcement-first immigration policies have exerted measurable influence on European and broader global discourse, including on more nationalist policies. A 2025 analysis by the Real Instituto Elcano documents how Trump's anti-immigration policies have left a “trail” across Europe, shifting political positions in multiple Member States¹⁷. The Council of the EU's negotiating position on the Return Regulation

has been characterised by legal scholars and civil society organisations¹⁸ as reflecting “Trump-inspired approaches”¹⁹.

Simultaneously, Europe is witnessing the growing conflation of immigration control with criminal law enforcement, a trend scholars have termed “crimmigration”²⁰. This dynamic reinforces the expansion of detention by increasingly using immigration status as a trigger for punitive treatment. Furthermore, the Council of Europe has found that conditions and safeguards for immigration detainees are often worse than for those held under criminal law, despite most immigration detainees not having been convicted of any criminal offence^{21,22}.

The Case for Alternatives to Detention

Against this backdrop of expanding detention and increasing criminalisation, rights-based, community-centred, non-custodial alternatives to detention (ATD) emerge as a viable and necessary response. The case for ATD is firmly grounded in international and regional human rights law. The right to liberty is enshrined in the International Covenant on Civil and Political Rights (Article 9), the Universal Declaration of Human Rights (Article 9), the European Convention on Human Rights (Article 5) and the EU Charter of Fundamental Rights (Article 6), establishing that detention must be lawful, necessary, proportionate and not arbitrary, and that it should always be a measure of last resort. The UNHCR's Detention Guidelines establish that detention should normally be avoided and that states must consider alternatives to detention first²³. The prohibition of child immigration detention has been established with the UN Committee on the Rights of the Child and the UN Committee on the Protection of Migrant Workers²⁴, recognising a “fundamental right” to “freedom from immigration detention”. They further stipulate that the last resort principle does not apply to children in immigration proceedings²⁵.

While the trajectory described above resulting in the expansion of detention is deeply concerning, the EU Pact also leaves room to develop and implement rights-based, com-

16 <https://idcoalition.org/publications/experiences-and-challenges-faced-by-migrant-women-affected-by-immigration-detention/>

17 Bermejo, R. (2025). The trail of Trump's (anti-)immigration policies in Europe (ARI 39/2025). Real Instituto Elcano. <https://www.realinstitutoelcano.org/en/analyses/the-trail-of-trumps-anti-immigration-policies-in-europe/>

18 <https://picum.org/blog/european-parliament-endorses-far-right-backed-deportation-agenda/>

19 Peers, S. (2025). The Council of the EU's position on the Return Proposal: Trump-inspired approaches dominate. EU Law Analysis. <https://eulawanalysis.blogspot.com/2025/12/the-council-of-eus-position-on-return.html>

20 Stumpf, J. P. (2006). The crimmigration crisis: Immigrants, crime, and sovereign power. *American University Law Review*, 56(2), 367–419. <https://digitalcommons.wcl.american.edu/aclr/vol56/iss2/3/>

21 Parliamentary Assembly of the Council of Europe. (2010). Resolution 1707: Detention of asylum seekers and irregular migrants in Europe. <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=17813&lang=en>

22 PICUM. (2025). Criminalisation of migration and solidarity in the EU: 2024 report. <https://picum.org/wp-content/uploads/2025/04/Criminalisation-of-migration-and-solidarity-in-the-EU-2024-report.pdf>

23 United Nations High Commissioner for Refugees. (2012). Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention. <https://www.refworld.org/policy/legalguidance/unhcr/2012/87776>

24 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CMW%2FC%2FGC%2F4&Lang=en

25 <https://docs.un.org/en/CRC/C/GC/23>

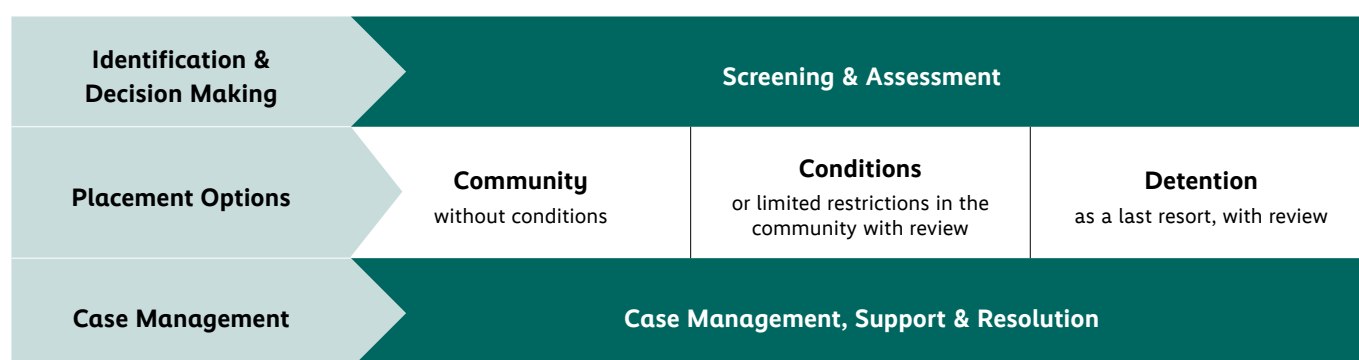
The obligation to first consider ATD is clear: “*Alternatives to detention must be duly examined and ruled out before resorting to detention, in line with the principles of necessity and proportionality*”²⁷. However, why do ATD make sense in practice, apart from the legal obligation to consider them? The answer is that community-based ATD are less costly than detention, they are more effective at fostering engagement with immigration procedures and achieving case resolution, and they avoid the severe harms to health, wellbeing and rights that detention causes. The following sections provide evidence for a community-based model and set out the aforementioned three advantages in turn.

IDC's analysis of more than 250 examples of ATD across 60 countries found that successful models engage individuals through informed, community-supported programmes, enabling individuals to engage with their cases, cooperate with authorities and remain in contact with immigration services, ultimately leading to case resolution²⁸. IDC's Community Assessment and Placement (CAP) model²⁹, which is a five-step framework for identifying, screening, assessing, placing and case-managing individuals in community settings, has the potential to benefit both states and individuals, leading to case resolution, increasing trust and avoiding prolonged uncertainty. The CAP model has become the international

In particular, IDC and its members have identified the main elements of successful ATD that work better for individuals, communities and governments, in terms of promoting wellbeing and achieving migration governance outcomes. This led to the creation of the IDC Community Assessment and Placement (CAP) model, designed as a tool for governments and other actors, which provides the practical building blocks for developing rights-based ATD. The CAP model is structured around two overarching principles, a presumption of liberty and adherence to minimum standards, and three key processes: (1) screening and assessment, (2) placement along a continuum from community to detention as a last resort, and (3) case management. The model is flexible and can be used to audit existing frameworks, develop new ATD programmes, guide decision-making, and train officials and practitioners.

Central to the CAP model is the role of case management, a social work approach in which an independent case manager is assigned to each individual and acts as a bridge between the person, immigration authorities and relevant support services, assessing and responding to the needs of the individual. The case manager follows each case holistically, develops a relationship of trust with the individual, and helps them navigate the legal process, access services such as legal aid, healthcare, education and housing, and

Figure 1



30 Steering Committee for Human Rights. (2019 CM(2019)147 - Steering Committee for Human Rights (CDDH) - c. Practical Guidance on Alternatives to Immigration Detention: Fostering Effective Results. Council of Europe. [https://search.coe.int/cm/#{%22CoEIdentifier%22:%5B%220900001680979cb1%22%5D,%22sort%22:%5B%22CoEValidationDate%20Descending%22%5D%7D}](https://search.coe.int/cm/#{%22CoEIdentifier%22:%5B%220900001680979cb1%22%5D,%22sort%22:%5B%22CoEValidationDate%20Descending%22%5D%7D)

understand the options available to them. Evidence from pilot programmes across Europe shows that case management-based ATD lead to high levels of cooperation, improved wellbeing, and critically, fair and timely case resolution. This is the most desirable outcome from both a human rights and migration governance perspective, resulting in a win-win for migrants and governments and avoiding situations of prolonged limbo.

Health, wellbeing and rights

Community-centred, rights-based ATD improve health and wellbeing outcomes and are far more effective at protecting rights and dignity than detention. Systematic reviews confirm that detention has an independent, negative effect on physical and mental health, with severity increasing with duration and effects persisting long after release³¹. Children subjected to detention exhibit developmental delay and regression, while parent-child separation disrupts attachment and secure parental relationships³². Immigration detention also impacts women, girls and gender-diverse people in multiple intersecting ways³³. Community-centred ATD based on case management promote stability, trust, resilience and wellbeing. This is integral to their effectiveness, since psychologically well and socially supported individuals are better able to engage with immigration processes, develop trusting relationships with their case managers and make informed decisions. They are also more likely to comply with outcomes, including return decisions.

Cost-effectiveness

Community-based ATD are consistently shown to be significantly less expensive than detention. Global comparative research found that implementing non-custodial ATD costs significantly less than detention, while achieving good compliance rates. The cost of detention is enormous, including infrastructure, personnel, food, services and the cost of litigation. The cost of ATD is a fraction of this, as illustrated by IDC global research³⁴. In the United Kingdom, the King's Arms Project pilot scheme providing

community-based ATD (case workers and legal aid) was two-thirds cheaper than detention, with 80 percent of clients offered viable options to regularise their immigration status³⁵. In the United States, the Family Case Management Program implemented in 2015 cost approximately \$38 per day per family unit, while achieving compliance rates of roughly 99 percent with immigration appointments and court hearings, at a fraction of the cost of family detention³⁶. There are similar compelling results in countries such as Australia, Thailand, Mexico, Cyprus, Poland and Bulgaria. Moreover, the Odysseus Academic Network's EU-wide study documented Member States' legal obligations to implement ATD and found that detention is inherently more expensive, reinforcing the case for investment in non-custodial approaches³⁷. Because community-based ATD are far less costly than detention, governments can redirect resources towards case management, legal assistance and other support services that improve engagement with immigration proceedings and therefore are more likely to result in case resolution outcomes that benefit both migrants and governments.

Compliance outcomes

The available evidence shows that community-based ATD achieve good compliance rates, particularly through case management models. Research by the European Philanthropic Initiative for Migration (EPIM) found compliance rates of **70 to 99 percent**, with case management-based models at the higher end. In Europe, the European ATD Network's pilot projects in Bulgaria, Cyprus and Poland found that 86 percent of 126 individuals with irregular status who received case management remained engaged with immigration procedures, while 99 percent showed improved capacity for informed decision-making, and only 10 percent disengaged and only 2 percent absconded³⁸. Compliance is not primarily a function of coercion, but of engagement, trust and informed participation. Individuals supported by holistic case management systems are more likely to comply with immigration processes (including voluntary return) than those detained without such support. IDC's research has documented a correlation between ATD participation and higher volun-

31 von Werthern, M., et al. (2018). The impact of immigration detention on mental health: A systematic review. *BMC Psychiatry*, 18(382). <https://link.springer.com/article/10.1186/s12888-018-1945-y> See also Filges, T., et al. (2024). The impact of detention on the health of asylum seekers. *Campbell Systematic Reviews*, 20(3), e1420. <https://onlinelibrary.wiley.com/doi/full/10.1002/cl2.1420>

32 Sherif, B., et al. (2025). Immigration detention of children: A systematic review and meta-analysis. *European Child & Adolescent Psychiatry*. <https://link.springer.com/article/10.1007/s00787-025-02832-4>

33 <https://idcoalition.org/wp-content/uploads/2025/12/Policy-Brief-UN-Women-Gender-5.pdf>

34 Sampson, R., Chew, V., Mitchell, G., and Bowring, L. *There Are Alternatives: A Handbook for Preventing Unnecessary Immigration Detention (Revised)*, (Melbourne: International Detention Coalition, 2015), p. 11. <https://idcoalition.org/wp-content/uploads/2016/01/There-Are-Alternatives-2015.pdf>

35 René Cassin. (2025). Updated: Alternatives to Detention Briefing 2025. <https://renecassin.org/alternatives-to-detention-briefing-2024/>

36 American Immigration Council. (2015). A humane approach can work: The effectiveness of alternatives to detention for asylum seekers. <https://www.americanimmigrationcouncil.org/report/humane-approach-can-work-effectiveness-alternatives-detention-asylum-seekers/>

37 Odysseus Academic Network. (2015). Alternatives to immigration and asylum detention in the EU: Time for implementation (study co-financed by the European Commission). <https://odysseus-network.eu/wp-content/uploads/2015/02/FINAL-REPORT-Alternatives-to-detention-in-the-EU.pdf>

38 European ATD Network. (2020). Evaluation of alternative to detention pilot projects. https://www.epim.info/wp-content/uploads/2020/07/2020-ATD-Evaluation-Report_Final.pdf. See also European ATD Network. (2018). Evaluation report of EPIM ATD pilot projects. https://www.epim.info/wp-content/uploads/2018/10/ATD-Evaluation-Report_FINAL.pdf

tary departure rates. By contrast, the European Commission states that every year more than 400,000 foreign nationals without the right to stay in the EU are ordered to leave, yet only around 20 percent are effectively returned³⁹. The expansion of detention proposed in the Return Regulation is unlikely to improve return outcomes and may, by undermining trust and engagement, actively worsen them.

Promising Practice in Europe

As this section demonstrates, promising practices of rights-based, community-centred ATD already exist, including across Europe, showing that these models can be implemented effectively and at scale.

The European ATD Network (EATDN)⁴⁰ is a group of European NGOs, coordinated by the International Detention Coalition, which aims to reduce and end immigration detention by building evidence and momentum on engagement-based ATD. The network brings together NGOs running case management-based ATD pilot projects or programmes in nine European countries (**Belgium, Bulgaria, Cyprus, Greece, Italy, Poland, Portugal, Spain and the UK**) with regional-level and international organisations. EATDN member organisations in Bulgaria, Poland, Cyprus and the UK have run community-based case management pilot projects over several years, with independent evaluations demonstrating significant positive outcomes. An initial 2018 evaluation of the pilot projects in Bulgaria, Cyprus and Poland⁴¹ found that 97 percent of the 93 individuals supported through community-based case management remained engaged with immigration procedures and did not abscond, with positive movement towards case resolution in 88 percent of examined cases. A subsequent 2020 evaluation of pilots providing case management and legal support to 126 individuals with irregular status reported that 86 percent remained engaged, 99 percent demonstrated improved ability to participate in informed decision-making, and 96 percent showed improved ability to engage with immigration procedures over time⁴². Furthermore, the EATDN's Impact Report⁴³ provides evidence on the effectiveness of casework, better engagement between government, local authorities and civil society in the form of formal and informal partner-

ships, increased institutional capacity for ATD in government departments, and enhanced understanding of and increased interest in ATD among local NGOs, academia and the media.

Belgium has demonstrated progress on the implementation of alternatives to detention in recent years, despite a complex political landscape. As the EU Pact on Migration and Asylum was being negotiated, paving the way for expanding child immigration detention, Belgium enacted a new law that prohibits child immigration detention, preventing the detention of children in closed centres⁴⁴. This positive move came as part of a broader set of migration reforms more focused on surveillance that also include stricter measures on forced returns, family reunification and mandatory health testing. This legislation still allows families with children to be kept in "return houses", or semi-closed residential facilities in the community, whilst awaiting a decision on their asylum case, their removal from the country or their voluntary return. As such, it illustrates progress at the national level in Belgium that is in contrast with the significant backsliding witnessed at the regional level.

In June 2021, Belgium's Immigration Office established its Alternatives to Detention Department⁴⁵ to develop and implement alternative solutions to detention, mainly by creating Individual Case Management (ICAM) coaching programmes. The coaching programmes, operational since 2022, are open to individuals in Belgium who have received a return decision. They offer case management support to the individuals concerned so that they can make informed decisions about their case and their future, enabling them to remain in the community⁴⁶. In 2025, ICAM coaches enrolled 8,812 unique individuals in the support programme and conducted intake interviews with 5,759 of them. It identified 1,362 sustainable outcomes, of which 439 resulted in a right to stay and 923 in voluntary return. The Belgium ATD Department works in close partnership with NGOs, as does Fedasil, which supports community-based projects with local authorities and NGOs. One such example of an effective pilot programme on ATD is the ongoing five-year project for families in Belgium, *Plan Together*⁴⁷, a community-based NGO case management model implemented by the Jesuit Refugee Service Belgium, a member of the European

39 European Commission. (n.d.). An effective, firm and fair EU return and readmission policy. https://home-affairs.ec.europa.eu/policies/migration-and-asylum/irregular-migration-and-return/effective-firm-and-fair-eu-return-and-readmission-policy_en

40 <https://atdnetwork.org/>

41 Ohtani, E. (2018). Evaluation of the EPIM alternative to detention pilot projects: Briefing paper. European Programme for Integration and Migration (EPIM) <https://www.statewatch.org/media/documents/news/2018/sep/eu-epim-alternatives-to-detention-final.pdf>

42 <https://atdnetwork.org/news/evaluation-of-alternative-to-detention-pilot-projects-shows-positive-impact-of-case-management/>. Pilz, B., & Kiernan, M.-L. B. (2020). Building a culture of cooperation: Evaluation of engagement-based alternative to immigration detention pilot projects in Bulgaria, Cyprus and Poland. <https://idcoalition.org/new-evaluation-report-building-a-culture-of-cooperation-through-atd-in-europe/>

43 <https://atdnetwork.org/wp-content/uploads/2023/12/EATDN-Impact-Study-2023.pdf>

44 <https://idcoalition.org/belgium-bans-child-immigration-detention-amidst-broader-legislation/>

45 <https://dofi.ibz.be/en/themes/irregular-stay/alternatives-detention>

46 <https://dofi.ibz.be/sites/default/files/2025-09/2024%20activiteitverslag%20DVZ.pdf>

47 <https://atdnetwork.org/news/plan-together-gathering-evidence-and-learning-on-case-management-as-an-alternative-to-detention-in-belgium/>

ATD Network⁴⁸. The project offers community-based ATD to families with children, connecting them with legal, social and psychological support and thus leading to improved engagement and case resolution. Individuals are supported in informed decision-making in final case outcomes which may result in legal stay or voluntary return, where appropriate. An independent evaluation published in 2023⁴⁹ found that home-based case management had a positive impact on families' ability to stay engaged with migration processes, improved their capacity for informed decision-making, and contributed to improvements in overall wellbeing. According to the latest project data shared in January 2026, on average, families received case management support for 22 months, with a total of 514 home visits conducted for 36 families, supplemented by regular phone and email communication. Case management led to a very high percentage (93%) of families engaging in immigration processes, with 72% of cases reaching resolution, including both regularisation and return. Case management correctly identified when regularisation was the appropriate approach, with a 100% success rate for those applying for residency permits in Belgium.

Spain's Humanitarian Reception Program⁵⁰, a de facto ATD established in 2006, provides an example of community-based migration management. Through this programme, implemented by organisations such as Fundación Cepaim, migrants are accommodated in open facilities with no restrictions on liberty and access to services including legal assistance, psychological support and language instruction⁵¹. This non-custodial reception and support following irregular arrival enables identification, legal counselling and case management. During the COVID-19 pandemic, Spanish authorities released detainees from the Foreign Detention Centres (*Centros de Internamiento de Extranjeros* – CIE) into these reception programmes rather than continuing detention, demonstrating that community-based ATD can function at scale. The programme performs a key protection function by enabling the identification of vulnerabilities and opening pathways to regularisation on humanitarian grounds, thereby linking reception to sustainable outcomes, rather than simply deferring resolution. Spain's broader legislative and practical framework has likewise remained less restrictive than that contemplated by the EU New Pact,

positioning the country to demonstrate at the European level that dignified, rights-respecting solutions to migration governance are viable and can be scaled up. This approach represents a model in which central government retains exclusive competence over the status of foreigners under the Spanish Constitution, while the autonomous communities hold competence over social assistance to migrants, where civil society organisations such as Fundación Cepaim provide operational expertise. Such an institutional configuration is well-suited to expanding community-based ATD in partnership across different levels of government⁵².

Spain has recently announced the regularisation of 500,000 people, including asylum seekers and migrants living in Spain for more than five months, with no criminal record, who were in the country and had applied for asylum before 31 December 2025. The application process opened in April 2026 and will remain open until late June 2026. By providing a pathway to regular status, such regularisation efforts also serve to prevent detention by resolving the immigration status of individuals who might otherwise face enforcement action⁵³. Furthermore, Spain is currently considering the implementation of formal ATD pilots in partnership with Fundación Cepaim and IDC in the context of border procedures and screening.

There has also been some progress in **France**, with the prohibition of the detention of children for migration-related reasons in mainland France. All children have the right to reside in France and may apply for a residence permit up to six months before reaching the age of 18⁵⁴. The detention of unaccompanied children has been prohibited in law since June 2023, and since January 2024, Article 40 of the Law for Controlling Immigration and Improving Integration (CIAI) has prohibited the immigration detention of all children, including those accompanying a parent against whom a removal order has been issued. The exception is the French overseas territory of Mayotte, where the detention of children with families has been extended to July 2028. The law does allow for de facto detention of children with families in mainland France, in the form of house arrest of their parent or caregiver⁵⁵.

The Government of **Ireland** has established a policy where children are generally not detained for immigra-

⁴⁸ <https://atdnetwork.org/>

⁴⁹ Vanderbruggen, M. (2023). Plan Together: Case management as an alternative to detention in Belgium. JRS Belgium. <https://atdnetwork.org/news/plan-together-gathering-evidence-and-learning-on-case-management-as-an-alternative-to-detention-in-belgium/>

⁵⁰ <https://www.inclusion.gob.es/web/migraciones/acogida-y-atencion-humanitaria>

⁵¹ Human Rights Watch. (2021, November 3). Dismantling detention: International alternatives to detaining immigrants. <https://www.hrw.org/report/2021/11/03/dismantling-detention/international-alternatives-detaining-immigrants>

⁵² CONVIVE Fundación Cepaim and International Detention Coalition (2025). Más allá de la detención: Alternativas a la detención migratoria como modelo de política basado en derechos [Beyond detention: Alternatives to migration detention as a rights-based policy model]. <https://idcoalition.org/wp-content/uploads/2025/09/Informe-ADT-vf.pdf>

⁵³ https://www.euaa.europa.eu/sites/default/files/2026-03/27_fundacion_cepaim.pdf#:~:text=The%20new%20Regulation%20restricts%20access,from%20being%20counted%20towards%20residence

⁵⁴ L611-3 of the Code on the Entry and Stay of Aliens and the Right of Asylum https://tbiinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FFRA%2FIR%2F1&Lang=en

⁵⁵ Loi n° 2024-42 du 26 janvier 2024 pour contrôler l'immigration, améliorer l'intégration) [Law No 2024-42 of 26 January 2024 for controlling immigration and improving integration, 26 January 2024]. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000049040245>

tion or asylum-related reasons, and unaccompanied children in the international protection system have been specifically protected from detention. Section 20(6) of the International Protection Act 2015 prohibits the detention of any protection applicant under the age of 18. Where the parent(s) of the child are being detained for immigration or protection-related reasons, that child will be taken into the care of Tusla, the Child and Family Agency⁵⁶. While Ireland is demonstrating that states can manage migration and asylum procedures without making the deprivation of children's liberty a routine tool of governance, the practice has some concerning aspects as it separates children from their parents which is not in the best interest of the child either. The International Protection Bill 2026 has prompted concerns from both parliamentary researchers and children's rights bodies, because it would allow for the detention of individuals, including children, at the state's borders to verify nationality or identity⁵⁷. Ireland is therefore relevant both as an example of the progress that can be made towards ending child immigration detention, the gaps in some practices and as a reminder that such safeguards require continued political and legal protection.

These examples at the national level show how case management, changes in legislation and a whole-of-government and society approach have been key to the implementation of ATD programmes and initiatives that could result in case resolution. They point to gaps in such efforts but also show that, if implemented right, they can be mutually beneficial for governments and migrants alike.

Alternative places of detention

While promising ATD exist and should be promoted, there is also an increasing practice which should be avoided. Alongside formal immigration detention, states are increasingly using alternative places of detention (e.g. closed reception centres, transit zones, ships, remote facilities and repurposed hotels or military sites) which operate as de facto detention despite not being officially classified as such. It is important to distinguish between genuine ATD (community-based, non-custodial measures) and alternative forms of detention (facilities that restrict liberty under a different name)⁵⁸. Research by AIDA and ECRE has docu-

mented how multiple European countries confine asylum seekers in transit zones without formal detention orders⁵⁹, yet both the European Court of Human Rights and the Court of Justice of the EU have consistently held that confining a person in a restricted, closed zone constitutes detention under EU law. Under the EU Pact, such arrangements are expected to increase. As IDC research has documented, programmes that restrict freedom of movement or deny reasonable access to family, occupational or social activities may amount to an alternate form of detention, rather than a genuine ATD.

The use of technology in immigration enforcement and alternatives

While often framed as ATD by some states, digital tools, including electronic monitoring and tagging, tracking applications and other surveillance technologies function as alternate forms of detention in migration management rather than alternatives to detention. IDC, Kaldor Centre and Refugee Law Lab's report "From Surveillance to Empowerment"⁶⁰ shows that surveillance-based monitoring (GPS-enabled ankle monitors, tracking applications and biometric reporting systems) can function as an "invisible leash", extending detention into digital form and operating as alternate forms of detention with psychological and physical harms caused by constant monitoring⁶¹. While some governments and institutions present these technologies as increasing operational efficiency, they also raise significant concerns regarding legality, transparency and the protection of fundamental rights. It is essential to distinguish between surveillance technologies, digital reporting tools and digital support services (case management platforms, communication tools) that can genuinely empower migrants and support case resolution, and those that constitute an alternative form of detention. The report sets out 10 guiding principles to ensure that technology reduces, rather than extends, detention. Governments are encouraged to shift their focus towards leveraging digital tools to promote justice, empowerment, inclusion and integration as part of community-based, rights-based ATD which in turn support case resolution. IDC's "There Are Alternatives" report highlights evidence from 13 ATD programmes with **compliance rates** ranging between **80 and 99.9 per cent.**⁶²

⁵⁶ Government of Ireland. (2020). Submission of Ireland for the report "Ending immigration detention of children and seeking adequate reception and care for them". Office of the United Nations High Commissioner for Human Rights. https://www.ohchr.org/Documents/Issues/Migration/CallEndingImmigrationDetentionChildren/Member_States/Ireland_submission.docx

⁵⁷ Ombudsman for Children's Office. (2026, February). Strengthening the International Protection Bill 2026 from a children's rights perspective. <https://www.oco.ie/app/uploads/2026/02/OCO-amendments-to-the-International-Protection-Bill-2026.pdf>

⁵⁸ International Detention Coalition. (2023). Alternatives as fiction? What the EU Pact on Migration and Asylum means for alternatives to detention. <https://idcoalition.org/publication/alternatives-as-fiction/>

⁵⁹ AIDA/ECRE. (2018). Boundaries of liberty: Asylum and de facto detention in Europe. <https://asylumineurope.org/wp-content/uploads/2020/11/boundariesliberty.pdf>

⁶⁰ Kaldor Centre for International Refugee Law, International Detention Coalition, & York University Refugee Law Lab. (2025). From surveillance to empowerment: Advancing the responsible use of technology in alternatives to detention. <https://www.unsw.edu.au/content/dam/pdfs/law/kaldor/2025-09-technology-in-alternatives-to-detention.pdf>

⁶¹ Kaldor Centre for International Refugee Law, International Detention Coalition, & York University Refugee Law Lab. (2025). From surveillance to empowerment: Advancing the responsible use of technology in alternatives to detention. <https://www.unsw.edu.au/content/dam/pdfs/law/kaldor/2025-09-technology-in-alternatives-to-detention.pdf>

⁶² <https://idcoalition.org/wp-content/uploads/2016/01/There-Are-Alternatives-2015.pdf>

Conclusion and Recommendations

Rights-based, community-centred alternatives to detention are humane, effective and affordable. They protect the dignity and agency of people affected by migration processes. They achieve compliance, better health and wellbeing outcomes, and fair and timely case resolution. And they do so at a fraction of the cost of detention. Across Europe, community-based pilots have demonstrated these results in practice, in admission and return contexts alike. The evidence is clear: rights-based, community-centred alternatives to detention work, therefore governments should be investing in them, not expanding immigration detention. The EU Pact on Migration and Asylum and the proposed Return Regulation create serious risks of entrenching detention as the default tool of migration governance. Instead of using and normalising this cost-inefficient, rights-infringing and often harmful tool, implementation should consider existing promising practices of affordable, rights-based and community-based solutions that reduce detention, increase compliance and benefit both states and individuals.

Recommendations

Embed screening, assessment, placement and case management at the centre of national migration systems. The recast Reception Conditions Directive requires Member States to consider ATD before resorting to detention. In order to achieve migration management outcomes at scale, Member States' investment in screening, assessment, placement and case management is key. IDC's Community Assessment and Placement model can be used as a blueprint for this approach. Therefore, Member States should invest in individualised screening and needs assessment, together with an established continuum of community-based placement options and professional case management services across asylum and return procedures. This will lead to high levels of cooperation, improved wellbeing, and fair and timely case resolution. The Reception Directive provides the legal basis to build such comprehensive community-based frameworks.

Distinguish between alternatives to detention and alternate forms of detention. Measures that restrict freedom of movement, impose intrusive surveillance or deny reasonable access to family, work and social life should be recognised as alternate forms of detention, extending deprivation of liberty under a different name. GPS-enabled ankle monitors, tracking applications and biometric reporting systems function as an "invisible leash" that extends detention into digital form. Member States should therefore stop labelling coercive restrictions as ATD. Evidence from community-based programmes

shows that measures relying on surveillance, confinement or coercion produce compliance outcomes no better, and often worse than, genuine ATD. Governments should use technology only where it demonstrably reduces detention, supports rights and strengthens agency, and reject digital tools that monitor, stigmatise or extend detention-like control in the community. Coercive measures increase anxiety and mistrust, *which are the primary drivers of absconding*; by contrast, case management-based approaches allow people to live in the community and build the trust needed for individuals to engage with their immigration procedures and cooperate towards case resolution.

Invest in scaling workable community-based pilots and embed them in the system. The pilot projects across Europe have demonstrated distinct strengths that together illustrate the key ingredients of effective ATD: Bulgaria's programme showed that legal counselling and individualised case management can achieve high levels of cooperation even in contexts with limited ATD infrastructure; Cyprus demonstrated successful community-based placement as an alternative to its overcrowded detention facilities; Poland's pilot proved that professional case management leads to high engagement with immigration procedures and voluntary compliance with return decisions; and the United Kingdom's community engagement programme showed that holistic support, combining casework, legal advice and access to services, results in higher case resolution rates than detention. With only around 20 percent of return decisions currently enforced across the EU, expanding detention will not close this gap. However, scaling community-based alternatives to detention approaches can work towards closing this gap, while being rights-based and safeguarding the wellbeing and health of the individuals concerned. The European Commission and the EU Asylum Agency should therefore encourage Member States to replace detention-led approaches with community-based case management systems embedded in law, policy and practice.

End child immigration detention. International human rights law is unambiguous that child immigration detention is never in the best interest of the child. Where EU instruments fall short of an outright prohibition, Member States must go further and legislate national bans as several European countries have already done. Research consistently demonstrates that immigration detention causes severe harm to children's mental and physical health, including elevated rates of anxiety, depression, developmental regression and post-traumatic stress disorder, with symptoms persisting long after release⁶³. The detention of parents also has devastating effects on family cohesion and unity and the wellbeing of the wider community. Non-custodial, community-based care is the

⁶³ Lorek, A., Ehntholt, K., Nesbitt, A., Wey, E., Githinji, C., Rossor, E., & Wickramasinghe, R. (2009). The mental and physical health difficulties of children held within a British immigration detention center: A pilot study. *Child Abuse & Neglect*, 33(9), 573–585.

only permissible response, and it is also the most effective: community-based programmes for families have been shown to achieve high compliance rates while safeguarding children's development and family unity. There are no exceptions, no qualifications and no circumstances under which detaining a child for immigration purposes can be justified or can be in their best interest.

Adopt gender-responsive approaches in alternatives to detention. Women migrants, particularly survivors of gender-based violence and trafficking, face distinct vulnerabilities that detention exacerbates. ATD programmes should incorporate gender-sensitive case management, access to specialised support services and safe accommodation. IDC has called for ATD to systematically integrate gender-responsive screening and placement, ensuring that women's specific protection needs are identified early and addressed through tailored community-based support. In the United Kingdom, immigration rules include provisions granting leave to remain for survivors of domestic violence whose immigration status was dependent on an abusive partner, offering a model for integrating gender responsiveness into immigration case resolution. This shows that including a gender-responsive approach is feasible and effective. An intersectional approach that accounts for gender, age, disability, sexual orientation and other factors can and should be embedded in all stages of the screening, assessment and placement process.

The expansion of immigration detention across Europe is a political choice, not a political necessity. It is costly, harmful and ineffective. Rights-based, community-centred ATD offer a credible, tested and humane path forward, one that achieves the outcomes governments claim to seek while upholding the rights and dignity of everyone in the migration process. The evidence is clear. The models exist. What is needed now is the political commitment to reduce and ultimately end reliance on immigration detention by building rights-based migration systems.

About the IDC

International Detention Coalition (IDC) is the world's leading movement to end immigration detention. In 2025, the organisation was awarded the Friedrich-Ebert-Stiftung's Human Rights Award. IDC is focused on practical alternatives to fairer, cheaper and more effective solutions to approach migration governance. Through policy change, IDC has helped prevent human rights abuses and secured a brighter future for refugees, migrants and their families all over the world.

Imprint

Published by

Friedrich-Ebert-Stiftung e.V.
Godesberger Allee 149
53175 Bonn
Germany
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Issuing Department

Friedrich-Ebert-Stiftung | European Union & Global Dialogue |
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Design/Layout

pertext | corporate publishing
www.pertext.de

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June 2026
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