Mr. Chair, Ladies and Gentlemen,

This statement has been drafted in consultation with a wide range of NGOs and aims to reflect the diversity of views within the NGO community.

NGOs thank UNHCR for its increasing attention to the arbitrary detention of refugees, asylum seekers and stateless persons, including the recent adoption of a *Global Strategy: Beyond Detention*.

Globally, countless millions of refugees, asylum seekers and stateless persons are at risk of immigration detention each year, and this harmful practice continues to be used by states despite evidence that immigration detention is costly, overwhelmingly arbitrary, and seriously harms the mental and physical health of those detained.

Immigration detention not only infringe fundamental rights to liberty and freedom of movement, it is simply not an effective way for states to manage migration. Detention policies in destination countries have no impact on irregular arrivals, and research increasingly shows that detention hinders long-term integration and return prospects.

In the case of children and families, the use of immigration detention is never appropriate. In 2012, the UN Committee on the Rights of the Child found that immigration detention “constitutes a child rights violation and always contravenes the principle of the best interests of the child.” More recently, the UN Special Rapporteur on torture found that child immigration detention amounts to “cruel, inhuman or degrading treatment.” In short, detention is a costly, ineffective, and harmful practice, especially for children and other vulnerable groups.

Therefore, NGOs would like to draw the Standing Committee’s attention to the effective implementation of alternatives to detention (ATD). There is no agreed-upon definition of ATD, but NGOs define ATD as "any law, policy or practice by which persons are able to reside in the community, without being detained for migration-related reasons." This includes a number of innovative strategies for effectively supporting and managing individuals in the community; such as the provision of legal aid, counseling services and case management.

Research demonstrates that the most successful ATD are those that use constructive engagement, rather than enforcement, to ensure safety and compliance. Rather than
imposing unnecessary restrictions or conditions, successful ATD work to ensure individuals have the necessary support and protection within the community to comply with migration authorities. When effectively implemented, alternatives can substantially reduce or eliminate the need for detention at all.

Such reforms have already been welcomed by a broad range of international bodies, however there is a still need for broader understanding and agreement upon the meaning of ATD, as well as what ATD practices are most effective while still respecting fundamental rights. NGOs stand ready to help UNHCR and states further explore the elements of effective and rights-based ATD so that they can be implemented as a matter of priority.

Thank you, Mr Chair