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Questionnaire of the Special Rapporteur on the human rights of migrants: Ending immigration detention of children and seeking adequate reception and care for them

Pursuant to Human Rights Council Resolution 34/21, the Special Rapporteur on the Human Rights of Migrants is mandated “to examine ways and means to overcome the obstacles existing to the full and effective protection of the human rights of migrants, recognizing the particular vulnerability of women, children and those undocumented or in an irregular situation” (para. 1 (a) [A/HRC/RES/34/21](#)). In carrying out his mandate, the Special Rapporteur dedicates his forthcoming report to the 75th session of the General Assembly to explore ways and means towards ending immigration detention of children and seeking adequate reception and care for them.

Children should never be detained for reasons related to their or their parents’ migration status. This applies to unaccompanied and separated children, as well as to children with their families. Detention of children in the context of migration is never in the best interests of the child. States should cease immigration detention of children and explore alternatives by developing and implementing rights-based non-custodial reception alternatives that fulfil the best interests of the child, and respect their rights to liberty, family life, and providing the conditions necessary to ensure the comprehensive protection of the rights of the child.

Through compiling and analysing information on legislative measures, policies, practices, and initiatives concerning rights-based non-custodial alternatives to immigration detention of children and their adequate reception and care, the Special Rapporteur intends to identify good practices and initiatives that demonstrate detention can be avoided. The Special Rapporteur wishes to provide recommendations to States on how to better protect the rights of migrant children and their families, based on existing reception solutions that do not involve deprivation of liberty. He is also interested in learning from States any challenges or obstacles they face in eliminating immigration detention of children; as well as views on how States’ efforts can be better supported by other stakeholders to ensure that their operationalisation respects and protects the rights of migrant children and their families.

Questions:

1. Please provide information on any legislation or policy that prohibits or restricts the use of immigration detention of children and their families in your country. Grateful if you could kindly submit the original text of the legislation or policy, accompanied by an English translation if it is in a language other than English, French or Spanish.



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2. Please provide information on existing non-custodial alternatives to immigration detention of children in your country (e.g. community-based reception solutions) and elaborate how these alternatives effectively enhance the protection of the rights of migrant children and their families.
3. Please provide information on any existing good practices or measures taken in your country to protect the human rights of migrant children and their families while their migration status is being resolved, including *inter alia* their rights to liberty, family life, health and education (e.g. by ensuring effective access to *inter alia* adequate reception, healthcare, education, legal advice, family reunion).
4. Please indicate any challenges and/or obstacles in the development and/or implementation of non-custodial alternatives to immigration detention of children and their families.
5. What support could other stakeholders (other than your Government) provide to strengthen the development and/or implementation of non-custodial alternatives to immigration detention of children and their families that enhance the protection of their rights?