



European Migration Network Belgium

ALTERNATIVES TO DETENTION: A STATE OF PLAY

15 December 2020

Online conference

9.30 am – 12 pm

The webinar on **Alternatives to Detention** organised by the European Migration Network (EMN) Belgium and the Return Expert Group (REG) takes place on **Tuesday 15 December 2020 from 9.30 am to 12 pm**.

Rationale and aims

According to the 2008 EU Return Directive, Member States may only detain illegally staying migrants if “less coercive measures”¹ cannot be applied effectively. These measures, “alternatives to detention”, adopted by states may take a range of forms, including regular reporting to the authorities, the deposit of a financial guarantee, or the submission of documents.² The European Commission is working in close cooperation with Member States and civil society to develop and implement effective alternatives to detention as these are crucial from both migrant and state perspectives. In Belgium, such non-custodial measures are to be “developed to the full extent”³ in the years to come, as was announced by the newly formed federal government on 30 September 2020. Yet the prerequisites for effective alternatives to detention remain largely unexplored.

This webinar aims at providing participants with insights into the current legal framework on alternatives to detention, the implementation of these alternatives in practice and the identification of emerging good practices and pilot projects from across Europe and beyond. By sharing know-how on the costs and benefits, the conditions and challenges of today’s alternatives to detention, the online seminar is intended as a follow-up to the [Conference on Effective Alternatives to the Detention of Migrants](#) organised by the Council of Europe, the European Commission and EMN in April 2019.

At the same time, the objective is to collect valuable input for the upcoming EMN Study on “Detention and Alternatives to Detention in international protection and return procedures” (2021). The EMN Study aims to identify similarities, differences, practical challenges and best practices concerning the use of detention and alternatives to detention by Member States and Norway in the framework of international protection and return procedures. More specifically, the study aims to provide a comparative overview of the scale of detention and available alternatives in each Member State; to give an overview of the process and criteria used by national authorities to assess whether to place

¹ Art. 15 [Directive 2008/115/EC](#).

² See the [EMN Glossary definition](#) of “alternatives to detention”, derived from Art. 8(4) of Directive 2013/33/EU.

³ [Regeerakkoord 30 september 2020 – Accord de gouvernement 30 septembre 2020](#), p. 95.

a third-country national in detention or apply an alternative; and to assess the impact of placing third-country nationals in detention or applying alternatives on the effectiveness of Member States' international protection and return procedures.

Practical information

The webinar is open to policy-makers, practitioners, academics and other stakeholders interested in (alternatives to) detention. [Please register here](#).

The webinar will be carried out via WebEx and can be accessed directly through your browser, following the link which will be sent to registered participants only. Please join the webinar 10 to 15 minutes ahead of schedule to allow for technical support if needed.

Agenda

Overall webinar moderators: Martine Hendrickx and Jessy Carton, Staff members, EMN Belgium

09:00 – 09:30	Log-in and technical tests
09:30 – 10:00	<p>Keynote speeches – <i>introduced by Isabelle Raes, Coordinator, EMN Belgium</i></p> <ul style="list-style-type: none"> • <i>Astrid Van de Velde, Advisor to the Secretary of State for Asylum and Migration, Belgium</i> • <i>Mauro Gagliardi, Deputy Head of Unit, Irregular Migration and Return Policy, DG Home, European Commission</i>
10:00 – 10:20	Alternatives to detention in international and EU law – <i>Lilian Tsourdi, Assistant Professor of European Law, Maastricht University; Member of the Coordination Team, Odysseus Network</i>
10:20 – 10:30	<i>Q&A and short break</i>
10:30 – 11:30	<p>Alternatives to detention in practice: emerging good practices and pilot projects – <i>moderated by Marta Gionco, Advocacy Officer, PICUM</i></p> <ul style="list-style-type: none"> • <i>Overview of the Belgian return houses: from the perspective of NGOs. Baudouin Van Overstraeten, Director, JRS Belgium and Maaïke Vanderbruggen, Advocacy Officer, JRS Belgium</i> • <i>Agreement in the Netherlands on undocumented migrants: results after two years. Jan Braat, Senior Policy Advisor on Migration and Integration, Municipality of Utrecht</i> • <i>Building a culture of cooperation: case management ATD projects in Bulgaria, Cyprus and Poland. Eiri Ohtani, Consultant, EPIM</i> • <i>The Canada Border Services Agency's detention & ATD programs. Trishann Pascal, Manager of the National Detention Programs, Canada Border Services Agency</i>
11:30 – 11.45	<i>Q&A session</i>
11:45 – 12:00	Closing remarks – <i>Lilja Gretarsdottir, Head of Division a.i., Head of Unit on Migration and Displacement, Secretary to the Council of Europe Drafting Group on Migration and Human Rights, Human Rights Directorate, Council of Europe</i>