European Network on Statelessness Conference

PROTECTING STATELESS PERSONS FROM ARBITRARY DETENTION

European Youth Centre, Budapest; 4-5 May 2017   **DRAFT AGENDA**

Thursday 4 May

8.30 – 9.00   **Registration**

9.00 – 9.30   **Welcome and introduction**
Chris Nash, European Network on Statelessness

Opening Address
Nils Muižnieks, Council of Europe Commissioner for Human Rights

9.30 – 10.45   **Keynote Presentations**

- Greg Constantine, Award-Winning Photographer, Nowhere People
- Vincent Cochetel, Director of the Europe Bureau, UNHCR
- Manlio Di Stefano, Member of the Parliamentary Assembly of the Council of Europe

10.45 – 11.15   **Coffee break**

11.15 – 13.00   **Presentation of ENS research findings: what needs to change & why?**

The session will, through the lens of regional and country specific research carried out by ENS, set out existing standards and practices pertaining to the detention of stateless persons in Europe. It will also look at what changes in law, policy and practice are required to better protect stateless persons from arbitrary detention and discrimination at all stages of the process, from identification, to removal and release.

Moderated by Amal de Chickera, Institute on Statelessness and Inclusion (& coordinator of ENS's research)

- Amal de Chickera, Institute on Statelessness and Inclusion
- Katarzyna Przybysławska, Halina Niec Legal Aid Center, Poland
- Katia Bianchini, Max Planck Institute (and UK researcher)
- Denitsa Georgieva, Foundation for Access to Rights, Bulgaria

13.00 – 14.00   **Lunch**

14.00 – 16.00   **Additional national and global perspectives: Practical steps and tools to protect stateless persons from arbitrary detention**

The session will present various resources, research and tools developed by UN and civil society actors to protect stateless persons from arbitrary detention. Presentations will explore the identification of statelessness, assessment of vulnerability, implementation of alternatives to detention, monitoring of detention conditions and other ways in which existing standards can be utilised to strengthen protection.

Moderated by Neil Falzon, Aditus Foundation, Malta

- Marie Huberlant, UNHCR
- Stephania Kulavea, ADC Memorial
- Ostap Tymchiy, HIAS, Ukraine
- Ben Lewis, International Detention Coalition

-   Laura Lungarotti, International Organization for Migration

16.00 – 16.30 **Coffee break**

16.30 – 18.00 **Choice of three parallel workshops**

-   **Workshop A:** *Piloting alternatives to immigration detention for stateless persons*
    Facilitated by Jem Stevens, International Detention Coalition and Danae Psilla, Detention Action

-   **Workshop B:** *Visual storytelling and documenting stateless persons in detention*
    Facilitated by award-winning photographer Greg Constantine

-   **Workshop C:** *From arrival to detention - Mapping a stateless migrant's journey through host state's institutions so as to avoid arbitrary detention*
    Facilitated by Adrian Berry, Barrister, Garden Court Chambers and Cynthia Orchard, Asylum Aid

Friday 5 May

9.00 – 10.30 **Choice of three parallel workshops**

-   **Workshop D:** *Using checklists and vulnerability assessment tools to identify and protect stateless persons from arbitrary detention*
    Facilitated by Inge Sturkenboom, UNHCR, Nina Murray, ENS and Ben Lewis, IDC

-   **Workshop E:** *Measuring and gathering data on immigration detention for evidence-based advocacy*
    Facilitated by Mariette Grange, Global Detention Project

-   **Workshop F:** *Unreturnability and evidencing statelessness – A practical guide*
    Facilitated by Marlotte van Dael, ASKV Refugee Support, Attila Szabo, Menedek and Catherine Blanchard & Sarah Joy, British Red Cross

10.30 – 10.45 **Coffee break**

10.45 – 12.30 **An Agenda for Change - Taking action against arbitrary detention of stateless persons**

This session will look forward through the lens of the ENS Agenda for Change, to identify practical steps, advocacy, litigation, storytelling and campaign actions to push for stronger commitment at national and regional levels to ensure that stateless persons are not arbitrarily detained.

Moderated by Chris Nash, European Network on Statelessness

-   Jan Brulc, European Network on Statelessness
-   Marlotte van Dael, ASKV Refugee Support
-   Tim Parritt, Oak Foundation
-   Tamas Molnar, Fundamental Rights Agency
-   Jean Lambert, Member of the European Parliament

12.30 **Conference close**

WORKSHOP DESCRIPTIONS

Workshop A: *Piloting alternatives to immigration detention for stateless persons*
Facilitated by Jem Stevens, International Detention Coalition and Danae Psilla, Detention Action

Research shows that alternatives to immigration detention (ATD) that use case management and support migrants to engage with immigration processes can be effective in achieving government policy goals and better ensuring the welfare of individuals. Governments are obliged to pursue alternatives before detention. Yet, in practice, we know that stateless persons are often detained without any real chance of benefitting from alternatives, and as a result are at a heightened risk of arbitrary and even indefinite detention.

This session will explore how NGOs can pilot engagement-based ATD as a strategy for achieving changes in policy and practice to protect stateless persons from arbitrary detention. ATD pilots can open up dialogue with governments, present practical examples of working ATD models and demonstrate that government aims can be better achieved without detention. In this session, participants will hear about examples of pilot ATD contributing to change and discuss strategies for piloting ATD for stateless persons in their national contexts.

Workshop B: *Visual storytelling and documenting stateless persons in detention*
Facilitated by Greg Constantine

Greg Constantine is an award winning photographer who has for over a decade worked with stateless people across the globe to bring their stories to the forefront of the fight to end statelessness. This workshop will look at how visual storytelling can be employed to boost advocacy and campaigning, as well as to convey simple stories of resilience and needless suffering of those stateless people who end up in detention. It will present a hard-hitting short film "*No one will notice*", which explores the devastating impact detention has on stateless people throughout Europe. Furthermore, the session will also focus on what makes for successful long-term partnerships between organisations and journalists and how organisations can integrate story-telling into their core work.

Workshop C: *From Arrival to Detention: Mapping a stateless migrant's journey through host State institutions to avoid arbitrary detention*
Facilitated by Adrian Berry, Barrister, Garden Court Chambers and Cynthia Orchard, Asylum Aid

This workshop will examine how the risk of detention may arise at any stage in the journey through a host State's institutions. We will look at this through the eyes of a recently arrived migrant in a fictional State to identify points at which detention may occur: arrival at port, contact with immigration officials/police, in-country contact with immigration/justice authorities, applications for protection and regularisation, applications for material support, applications for permission to work, geographical dispersal in the host State, administrative decision making, removal procedures, and in seeking legal remedies. We will then discuss in small groups stateless persons' 'journeys' in particular host countries and map detention risk points, potential solutions, and opportunities for influencing detention policy/practice at each stage. Finally, each group will present their map in plenary and discuss country-specific problems and potential solutions.

Workshop D: *Using checklists and vulnerability assessment tools to identify and protect stateless persons from arbitrary detention*
Facilitated by Inge Sturkenboom, UNHCR, Nina Murray, ENS and Ben Lewis, IDC

To ensure stateless persons are not wrongfully detained, States have an obligation to establish appropriate screening and assessment procedures. These procedures are often characterised as "fundamental" elements of effective alternatives to immigration detention because they assist decision makers in understanding the individual circumstances of each person for whom alternatives to detention are being considered and help authorities to make informed decisions about the most

appropriate placement options, including whether detention is truly necessary. They consist of two different but mutually supportive procedures. Screening is the process of obtaining basic individual information such as identity, nationality, asylum or migration status, health status, and any particular vulnerabilities.

Identifying statelessness is part of this process. Assessment involves a more in-depth evaluation of an individual's particular circumstances, including risk, needs and vulnerability factors identified during screening, and is used to evaluate the appropriate solutions to respond to these specific needs.

This session will present UNHCR's Guidance for the identification of stateless persons in detention, UNHCR-IDC Vulnerability Screening Tool and the different ENS checklists.

Workshop E: *Measuring and gathering data on immigration detention for evidence-based advocacy*
Facilitated by Mariette Grange, Global Detention Project

Researching immigration-related detention can be daunting. States often use opaque language, immigration laws are constantly changing, and statistics are not readily available. Advocates need tools and solid and comparable research findings to push for the adoption of evidencebased policies. Over the last decade, the Global Detention Project has established a research methodology and developed an on-line country specific database as well as country and thematic reports to track and analyse issues concerning immigration detention. Through collaborations with in-country NGO partners, direct contact with national authorities, and interactions with human rights mechanisms, the GDP has developed data on more than 100 countries and 2000 places of detention across the world. This workshop addresses the challenges of research on detention of migrants, asylum-seekers, refugees, and stateless persons and provides tip to assess the practice, hold states accountable and measure trends."

Workshop F: *Unreturnability and evidencing statelessness – A practical guide*
Facilitated by Marlotte van Dael, ASKV Refugee Support, Attila Szabo, Menedek and Catherine Blanchard & Sarah Joy, British Red Cross

Undocumented refugees will be faced with deportation attempts by authorities to a designated country. When there is no clear proof of nationality, this designated country is often based on a "former place of habitual residence" or on demonstrable ties with a certain country. Stateless persons or persons without clear proof of previous registration who are subjected to this process will often face issues of unreturnability. Non-response and noncooperation of embassies and other representative bodies is a common problem. This exposes them to recurring detention while attempts to effectuate their return continue to fail.

This workshop will focus on the causes of unreturnability and its consequences. Furthermore, with the help of case studies of the Netherlands and Hungary it will step by step go through the process of evidencing statelessness in practice, while looking at residency options in the host country and its areas for improvement. The workshop will include a brief presentation of recent research from the UK which highlights the harsh human impact on unreturnable individuals