



# Research Report

The United Nations International Children's  
Emergency Fund

Reducing the detention of refugee and migrant children by creating  
practical alternatives

Mai Le

Deputy Chair



## Introduction:

In an increasingly interconnected world, where geopolitical conflicts, persecution, and economic hardships drive people to seek refuge far from their homelands, the issue of detaining refugee and migrant children has emerged as a pressing humanitarian concern. Many European countries are continuously faced with the unprecedented amounts of migrants, seeking refuge and protection. Vulnerability lies in the migrant children, whether they arrive with their families or as unaccompanied minors. A majority ends up in administrative detention, due to existing immigration laws and policies. These detention centers form risks of abuse and neglect for these children. These children are usually unable to advocate for their fundamental rights, especially unaccompanied and separated children.<sup>1</sup>

Children often migrate to seek asylum, family reunification or to flee from violence and poverty. Women and children especially are continuously seeking refuge, hoping to find more safety and security somewhere else. Detention of children differs from countries, as some separate them from their families to place them in childcare centers. Though some do not place families with children in detention at all. However, the main reason children are mostly detained, applies the same for adults, they do not have the documents to allow them to cross international borders. It is also because sometimes it is not in the best interest of the child to be separated from their family. The campaign estimates that over 100 countries are detaining children presently for immigration reasons.<sup>2</sup>

The detention of these migrant children can have huge impacts on the child's health and well-being. It is known to exacerbate psychological distress and can have a long-lasting negative impact on the children's cognitive development. Children held in internment are at a risk of suffering depression and anxiety as well as violence and abuse.<sup>3</sup> The effects of detention mostly lies in the mental health problems children can experience, as well as it being damaging in the long run. In an earlier study it stated that post-traumatic stress disorder was commonly reported during detention,

---

<sup>1</sup> End Immigration Detention of Children. (n.d.). *Parliamentary Assembly*. Retrieved November 12, 2023, from <https://pace.coe.int/en/pages/campaign-detention-children>

<sup>2</sup> *The Issue Of Child Immigration Detention - End Child Detention*. (2018, August 8). End Child Detention. <https://endchilddetention.org/toolbox/issue-child-immigration-detention/>

<sup>3</sup> UNHCR - The UN Refugee Agency. (2022, December 12). IOM, UNHCR and UNICEF urge European States to end child detention. *UNHCR*. <https://www.unhcr.org/news/news-releases/iom-unhcr-and-unicef-urge-european-states-end-child-detention#:~:text=Placement%20in%20detention%20is%20known,well%20as%20violence%20and%20abuse.>

besides a greater trauma exposure.<sup>4</sup> As we look for ways to solve this issue, we must remember the future of these children, and the world they will inherit, rests in our hands. It is our shared responsibility to ensure that it is a future characterized by empathy, dignity, and opportunities for all, regardless of their place of origin or their circumstances.

## Definitions of Key Terms:

### Refugee:

- A person who has been forced to flee their country due to persecution, war, or violence and has a well-founded fear of persecution.

### Migrant:

- A person who chooses to move, often for economic reasons, from one place to another, whether within a country or across international borders.

### Detention:

- The act of holding individuals, including children, in a confined space, often by government authorities, as part of immigration or refugee processing.

### Alternatives to detention (ATD):

- Non-custodial, community-based measures that allow individuals to reside in the community rather than being held in detention facilities. These alternatives aim to balance immigration control with respect for human rights.<sup>5</sup>

### Child rights:

- Principles and standards that recognize the specific needs and vulnerabilities of children, as outlined in international instruments such as the United Nations Convention on the Rights of the Child (CRC).<sup>6</sup>

### Family Unity:

- The principle of keeping families together, recognizing the importance of maintaining familial bonds and providing a supportive environment for children.

---

<sup>4</sup> Von Werthern, M., Robjant, K., Chui, Z., Schon, R., Ottisova, L., Mason, C., & Katona, C. (2018). The impact of immigration detention on mental health: a systematic review. *BMC Psychiatry*, 18(1). <https://doi.org/10.1186/s12888-018-1945-y>

<sup>5</sup> Alternatives to Immigration Detention: An Overview. (2023, July 11). *American Immigration Council*. <https://www.americanimmigrationcouncil.org/research/alternatives-immigration-detention-overview>

<sup>6</sup> The United Nations Convention on the Rights of the Child. (n.d.). *UNICEF*. <https://www.unicef.nl/files/English%20child%20friendly%20convention.pdf>

## UNICEF

### Best interests of the child:

- A fundamental principle in international law (CRC) that emphasizes the primary consideration of a child's well-being and protection in all actions and decisions affecting them.<sup>7</sup>

### Non-refoulement:

- The principle that prohibits the forced return of individuals, including refugees and asylum-seekers, to a country where they face persecution or serious harm.<sup>8</sup>

### Legal Guardianship:

- The appointment of a responsible adult to act on behalf of an unaccompanied or separated child, ensuring the child's best interests are safeguarded.

### Community-Based Care:

- Approaches to refugee and migrant support that involve local communities, NGOs, and social services in providing assistance, shelter, and integration support, as opposed to detention.

### Global Compact on Refugees and Global Compact for Safe, Orderly and Regular Migration:

- Frameworks adopted by the United Nations to guide international efforts in addressing the challenges of refugees and migrants, emphasizing the importance of alternatives to detention and protection of children.

### Trauma-Informed Care:

- An approach that recognizes the impact of trauma on individuals and focuses on creating a supportive and understanding environment in the provision of services.

### Xenophobia:

- A strong and irrational fear or dislike of people from other countries, often leading to discriminatory practices and policies.

---

<sup>7</sup> The United Nations Convention on the Rights of the Child. (n.d.). *UNICEF*. <https://www.unicef.nl/files/English%20child%20friendly%20convention.pdf>

<sup>8</sup> The principle of non-refoulement under international human rights law. (n.d.). *ohchr.org*. <https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf>

## UNICEF

### Humanitarian Protection:

- Legal status and measures designed to provide protection to individuals who may not meet the strict definition of a refugee but still face serious harm if returned to their home country.

### Asylum-Seeker:

- An individual who has applied for asylum (protection) in a country but whose refugee status has not yet been determined.

## General overview:

### History:

The issue of detaining migrant and refugee children is complex and spans decades. It involves legal, humanitarian, and socio-political dimensions, and its history is shaped by global events, regional conflicts, and changes in immigration policies. Back through the 1930s, Jewish refugee children from Europe were blocked from the United States up until the early 19th century.<sup>9</sup> It is in 1980 that the States experienced a dramatic increase in numbers of fleeing migrant children. They fled Central America as a result of civil wars in those countries.<sup>10</sup> However, child migration can be traced all back to 1618 when poor children were sent to American colonies as apprentices. Child migrants that arrive unaccompanied are generally to be placed in under-school leaving age. Those between 14 and 18 are referred to as 'juvenile' or 'youth' migrants. The largest number of child migrants has been around 90,000 that went to Canada from the 1860's. From 1947 to 1965, eight approved organizations migrated a total of 3,170 children to Australia. The peak years for child migration to Australia were 1947 and 1950 to 1955. Around 400 children in total were sent by local authorities, a small percentage of the total number of children in local authority care. Overall, the number migrated to Australia during this time fell well short of the 50,000 unaccompanied children whom the Australian Commonwealth Government had planned to receive immediately Post-War. The Inquiry heard expert evidence about the enthusiasm of the Australian authorities to use child migration to increase the white population (and therefore labor capacity and future prospects for the economy) in Australia. This was heightened during World War II: Australian authorities were anxious about the vulnerability of a large country with low density

---

<sup>9</sup> Fass, P. S. (2019, July 11). If you're shocked by reports on children at the border, you haven't paid attention to American history. *Time*.

<https://time.com/5624256/american-history-protecting-migrant-children-border/>

<sup>10</sup> Linton, J. M., Griffin, M., & Shapiro, A. (2017). Detention of immigrant children. *Pediatrics*, 139(5), e20170483. <https://doi.org/10.1542/peds.2017-0483>

## UNICEF

population to military threat from the north. The catchphrase of ‘populate or perish’ came to drive Australian immigration policy.<sup>11</sup>

What is known about the first practices of immigration detention, starts in the United States. This officially began with the opening of the Ellis Island in 1890, where every coming immigrant had to enter through the Port of New York, to be processed on the island. It depended on the situation, but many were merely detained for a couple hours, while some were held overnight or even longer. Beginning in the 1920s, changes to American law decreased immigration levels significantly and delegated immigrant processing to American embassies in the countries of origin, so Ellis Island became chiefly a deportation and detention center for those who had entered the United States illegally. During World War II it was used to hold enemy aliens—both American citizens of German, Italian, and Japanese descent as well as citizens of those countries who were in the United States at the time war broke out. It was eventually closed entirely in November 1954. Immigration detention continued even after the closure of Ellis Island. In 1996, Bill Clinton began a policy of mandatory detention that continues to this day. This requires that all unauthorized entrants to the United States, whether they are illegal immigrants, asylum-seekers, or have a different status, must be detained until their situation is regularized or they are deported. Immigrants who are deemed to not be a security risk to the United States may be released on bond until their court date. Others may be detained for weeks if not months. Although the common perception today is that most illegal immigrants are from Mexico, in recent years more have been arriving from the Central American countries of Honduras, Guatemala and El Salvador than México. In 2018, President Trump decided that the previous policy of releasing families on bond with the promise of appearing in court was too ineffective. He changed this policy, which was derogatorily known as "catch and release" after the fishing program of the same name, to one of mandatory detention for all. Since it is illegal to house children in an adult prison facility, this resulted in children being separated from their parents at the border and being housed in dedicated juvenile facilities.<sup>12</sup>

### Current Status:

---

<sup>11</sup> I. *A brief history of child migration*. (2019, March 12). IICSA.

<https://www.iicsa.org.uk/reports-recommendations/publications/investigation/child-migration/part-b-child-sexual-abuse-child-migration-programmes/1-brief-history-child-migration.html#:~:text=Child%20migration%20can%20be%20traced,of%20the%20child%20migration%20programmes>.

<sup>12</sup> *Library: Immigration: Border Detention*. (n.d.).

<https://library.uhv.edu/immigration/border-detention>

## UNICEF

Currently migrant children younger than 18 years are processed through the immigration system through several ways, depending on where they are first detained, if they are accompanied or unaccompanied and whether they come from a contiguous or noncontiguous country. An unaccompanied alien child, referred to as an unaccompanied immigrant child in this policy statement, is defined by the Homeland Security Act as a child who “has no lawful immigration status in the United States; has not attained 18 years of age; and with respect to whom—(i) there is no parent or legal guardian in the United States; or (ii) no parent or legal guardian in the United States is available to provide care and physical custody.” A parent or legal guardian is considered “not available” if not present at the time of the child’s apprehension. Accompanied children are those who are detained with their parent or legal guardian, most often the mother. DHS refers to accompanied children as part of a family unit. Most children who come into immigration custody are first detained at the border; a smaller number are apprehended within the country (ie, more than 100 miles away from a border), known as internal apprehensions. Lastly, the immigration process is different for children who come from contiguous countries (most from Mexico and smaller numbers from Canada). When the Trafficking Victims Protection Reauthorization Act (TVPRA) was passed in 2008, Congress mandated that CBP screen children from Mexico and Canada for trafficking (child labor or sex) and other harms before allowing them to return to their countries and before they are placed in US immigration proceedings. Specifically, CBP must screen a child from Mexico or Canada to ensure that the child is not a potential victim of trafficking, has no possible claim to asylum, and can and does voluntarily accept return. If a child from Canada or Mexico does not have authorization to enter the United States and can be returned safely, the child can be repatriated without ever being placed in immigration proceedings. If any of the answers to the aforementioned inquiries into protection concerns are positive, or if no determination of all 3 criteria can be made within 48 hours, the TVPRA mandates that the child shall “immediately” be transferred to custody of ORR. Once transferred to ORR, Mexican and Canadian children are treated like all other unaccompanied children in detention.<sup>13</sup>

### Consequences:

The consequences for many children lies in the risk of developing negative impacts on their mental and physical health. Detention of these children does not only violate their basic rights and deprives them of access to general education and proper health care. Children are also exposed to physical, sexual and emotional violence.

Unsatisfactory reception conditions in most member states generate violence, including sexual violence, especially against migrant girls. In practice, when identity

---

<sup>13</sup> Linton, J. M., Griffin, M., & Shapiro, A. (2017b). Detention of immigrant children. *Pediatrics*, 139(5), e20170483. <https://doi.org/10.1542/peds.2017-0483>

## UNICEF

documents have been destroyed or forged, the national authorities may choose to detain a child (even an asylum seeker) while the child's identity is being established. In many countries, separated children are routinely denied entry or detained by border or immigration officials and given no opportunity to seek asylum. This denial of rights has two aspects: firstly, the denial of applying for asylum, which puts children in danger of refoulement, and secondly, the harm that detention may cause to children in cases where they are not immediately subject to refoulement, but are detained until removed from the country. Unfortunately, in many member states, children are treated in the same way as adults and are also detained upon arrival. In such cases, children may have difficulty in understanding the situation and consider it as a "punishment". The situation may be aggravated if children are denied the right to information about their detention and their right to be represented by a lawyer in immigration proceedings conducted in a language they understand. Undocumented children may be arbitrarily detained, held in cells with adults and subjected to mistreatment by police and other authorities and also by inmates. They are most often detained with adults who are not related to them and they may even be detained with criminals.<sup>10</sup> Children in detention may suffer different types of violation of their basic rights, including a lack of basic medical care. They are often held in conditions that are below international standards for appropriate facilities for children deprived of their liberty. Much of the research on detention centers has focused on the fact that these centers are usually ill-equipped for housing children. Conditions for detained children can be even inhumane and degrading, as it is reported that in many cells it is too hot and dirty, which can cause illnesses. In some countries, the food regime is not adapted to children. In some detention facilities, boys who are detained in small cells together with adult men may develop health problems due to the smoking of adults.

Detention therefore impacts directly on the physical health of children, but also on their psychological health. Children experience psychological deterioration connected to the prolonged, ill-defined wait in immigration detention. The duration of the confinement in a closed space also impacts the social life of the child. The research on "vulnerability in detention" conducted in the EU member states shows that minors have great difficulty in coping with the conditions of detention. "Slightly over half the children admit that they have experienced a change in the level of severity of the difficulties imposed by detention [and] 85% [of those] say that such difficulties have worsened. For most minors the difficulties of detention are a daily occurrence. Almost three quarters do not know when they will be released, which causes very high levels of stress, tension, anxiety and self-uncertainty". It should be noted that, according to the Havana Rules, placement in any type of closed institution should be considered as a deprivation of liberty.



## UNICEF

Therefore, even temporary placement of a child in a social or educational institution should be considered a deprivation of liberty and may have a negative impact on their resocialization.<sup>14</sup>

---

<sup>14</sup> *A study of immigration detention practices and the use of alternatives to immigration detention of children.* (n.d.). Council of Europe Publishing.  
<https://edoc.coe.int/en/migration/7533-a-study-of-immigration-detention-practices-and-the-use-of-alternatives-to-immigration-detention-of-children.html>

## Major parties involved:

### The United States of America:

The states have been a focal point of international detention, regarding migrant and refugee children. This is particularly due to the immigration policies and practices at the south border. Under the States' law, unaccompanied children are defined as migrants under eighteen years old with no lawful states in the U.S and have no legal guardian available to take care of them. Most of these children are detained at or near the southern U.S border, often turning themselves in to authorities. Usually the procedure for the child differs from temporary detention to long-term custody while the cases are being heard. This either leads to deportation or winning asylum, thus being legally allowed to stay in the United States.<sup>15</sup>

### Mexico:

In many Mexican shelters, children represent at least 30 percent of the migrant population. Half of them have traveled without their parents, which is one of the highest proportions ever recorded in Mexico. Mexico has become a country of origin, transit and return for these migrant children coming mostly from Honduras, Guatemala, El Salvador and Mexico. Mexico is mostly important in terms of crossing over to the borders of the United States.<sup>16</sup>

### United Nations High Commissioner for Refugees (UNHCR):

The UNHCR is mainly responsible for leading and coordinating international action to protect refugees and asylum-seekers. UNHCR's position in the issue is that children should not be detained for their immigration related purposes or legal/migratory status of their patents. The UNHCR has mostly been important in acknowledging and welcoming various laws and practices of, for example, the States or Mexico to provide care arrangements and alternatives for these detained children.<sup>17</sup>

### Human Rights Watch (NGO):

---

<sup>15</sup> Cheatham, A. (2023, March 27). U.S. detention of child migrants. *Council on Foreign Relations*. <https://www.cfr.org/background/US-detention-child-migrants>

<sup>16</sup> *Nine times more migrant children in Mexico over the past three months - UNICEF*. (n.d.). <https://www.unicef.org/press-releases/nine-times-more-migrant-children-mexico-over-past-three-months-unicef>

<sup>17</sup> UNHCR's position regarding the detention of refugee and migrant children in the migration context. (n.d.). *United Nations High Commissioner for Refugees*. <https://www.refworld.org/pdfid/5885c2434.pdf>.

## UNICEF

Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all. In many cases they have welcomed countless opportunities to provide input on the issue of detaining migrant children. As this organization strives for measures to improve the circumstances the children are detained in, for example, Greece and Canada. Furthermore, they have provided countless key recommendations to major involved parties.<sup>18</sup>

### **International Organization for Migration:**

In the EEA+ Region, IOM advocates promoting child-sensitive migration policies and programming, alternatives to detention of migrant children and facilitating children's access to protective and assistance services that address their specific needs regardless of their migratory status. IOM also works with partners to encourage responses to migration crises recognizing that children are entitled to specific rights, including protection.<sup>19</sup>

### **United Nations Children's Fund (UNICEF):**

UNICEF works around the world to help protect the rights of migrant and displaced children. They also provide life-saving humanitarian supplies in refugee camps as well as running child-friendly spaces – safe places where children on the move can play, where mothers can rest and feed their babies in private. They also provide spaces for families to reunite. Lastly, they support national and local governments to put in place laws, policies, systems and services that are inclusive of all children and address the specific needs of migrant and displaced children, helping them thrive.<sup>20</sup>

---

<sup>18</sup> Children's rights and alternative care. (2022, March 29). *Human Rights Watch*.

<https://www.hrw.org/news/2021/06/30/childrens-rights-and-alternative-care>

<sup>19</sup> *Protection of Children in Migration | IOM Regional Office for the European Economic Area, the European Union and NATO*. (2023, November 9).

<https://eea.iom.int/protection-children-migration#:~:text=In%20the%20EEA%2B%20Region,regardless%20of%20their%20migratory%20status>.

<sup>20</sup> *Migrant and displaced children*. (n.d.). UNICEF.

<https://www.unicef.org/migrant-refugee-internally-displaced-children>

## Timeline of Key Events

### Nationality Act of 1790:

This was the first law to define eligibility for **citizenship** by **naturalization** and establish standards and procedures by which immigrants became US citizens. In this early version, Congress limited this important right to “free white persons.”

### Alien and Sedition Acts of 1798:

Congress enacted deportation laws targeting persons deemed political threats to the United States in response to conflicts in Europe.

### 14th Amendment:

Ratified in 1868 to secure equal treatment for African Americans after the Civil War, the Fourteenth Amendment guaranteed **birthright citizenship** for all persons born in the United States. It also provided for equal protections and due process for all legal residents.

### Chy Lung v. Freeman (1875):

This Supreme Court decision affirmed that the federal government holds sole authority to regulate immigration.

### Immigration Act of 1882:

Legislated a few months after the Chinese Exclusion Law, this immigration legislation expanded the ranks of excludable aliens to include other undesirable persons and attributes such as "convicts," "lunatics," and "those likely to become a public charge."

### Elk v. Wilkins (1884):

The Supreme Court ruled that the Fourteenth Amendment did not apply to Native Americans who did not automatically gain citizenship by birth and could therefore be denied the right to vote.

### Immigration Act of 1891:

This 1891 immigration law clarified and centralized the immigration enforcement authority of the federal government, extended immigration inspection to land borders, and expanded the list of excludable and deportable immigrants.

### Wong Wing v. United States (1896):

This Supreme Court decision that detention by immigration authorities does not constitute a criminal punishment, affirming the lesser rights of excludable aliens.

## UNICEF

### **Immigration Act of 1924 (Johnson-Reed Act):**

To further limit immigration, this law established extended "national origins" quotas, a highly restrictive and quantitatively discriminatory system. The quota system would remain the primary means of determining immigrants' admissibility to the United States until 1965.

### **Undesirable Aliens Act of 1929 (Blease's Law):**

Blease's Law criminalized crossing the border outside an official port of entry. Primarily designed to restrict Mexican immigration, the law made "unlawfully entering the country" a misdemeanor and returning after a **deportation** a felony.

### **Displaced Persons Act (1948):**

In contrast to lawmakers' widespread indifference before World War II, after the war, under pressure from the White House and Department of State, Congress authorized admissions for **refugees** from Europe and permitted **asylum** seekers already in the U.S. to regularize their status.

### **The 1951 Refugee Convention:**

This UN Refugee Convention set international standards for refugee rights and resettlement work. It is administered by the United Nations High Commission on **Refugees**. Wary of international obligations, President Truman refused to sign the U.S. government on to the convention.

### **United Nations High Commissioner for Refugees Refugee Protocol:**

The UNHCR issued this protocol in 1967 to implement the goals of the 1951 Refugee Convention, which set forth the key principle of **refoulement**, or that persons in flight from persecution and danger cannot be forced to return to places of danger

### **Final Rule on "Public Charge Ground of Inadmissibility":**

In 2019, the Trump administration's Department of Homeland Security finalized a rule that expanded the list of received benefits and other factors to be considered in determining whether an applicant for admission or adjustment of status is **likely to become a public charge**.<sup>21</sup>

---

<sup>21</sup> *Immigration history Timeline*. (n.d.). Immigration History. <https://immigrationhistory.org/timeline/>

### **Previous attempts to solve the issue:**

Many states have attempted to solve this issue before by, for example, implementing effective alternatives for children and families. This has been done by providing appropriate accommodation and care to the migrant children without resorting to unnecessary immigration detention. Several states have established legislation prohibiting the detention of immigrant children or pledging to end child immigration as a matter of priority, including states such as, Argentina, Austria, Hungary, Italy, Japan, Spain and the United Kingdom.

The UN Guidelines for the Alternative Care of Children were formally endorsed by consensus by the United Nations General Assembly in 2009, signaling that no country in the world had objections to their content. The UN Guidelines help to embed the UN Convention of the Rights of the Child in alternative care provision for children, such as fostering, residential child care and kinship care.<sup>70</sup> Articles 9 and 10 of the Alternative Care Guidelines specifically stipulate that appropriate care and protection must be sought for vulnerable children including unaccompanied and separated children, internally displaced and refugee children, children of migrant workers and children of asylum-seekers. These widely adopted guidelines provide a framework for child-sensitive care in the community. A wealth of informed recommendations regarding guardianship and criteria for decisions of alternative care placements is available in the “Moving forward” tool which compliments the Guidelines.

The Global Campaign to End Immigration Detention of Children was launched during the 19th Session of the UN Human Rights Council in 2012, to draw attention to the many detrimental effects that immigration detention has on children, and to encourage states to cease the immigration detention of children consistent with their CRC obligations.<sup>71</sup> The Global Campaign urges states to adopt alternatives to detention that fulfill the best interests of the child and allow children to remain with their family members and/or guardians in non-custodial, community-based contexts while their immigration status is being resolved. The Campaign coordinates international, regional and national activities with the goal of raising awareness of the issue of child immigration detention and encouraging states to “expeditiously and completely cease the immigration detention of children” consistent with the CRC Committee’s guidance.<sup>22</sup>

---

<sup>22</sup> Ending Child Immigration Detention. (n.d.). *ID Coalition*.  
[https://idcoalition.org/wp-content/uploads/2016/09/End-Child-Detention-Advocacy-Brochure\\_web\\_spreads\\_190816-1.pdf](https://idcoalition.org/wp-content/uploads/2016/09/End-Child-Detention-Advocacy-Brochure_web_spreads_190816-1.pdf)

### Possible solutions:

Possible ways to avoid the risk of detention for unaccompanied or separated children is swift identification, referral to national child protection authorities and provision of a guardian. These alternatives include a range of options such as supported community placement, including placement with host families, bail schemes to ensure compliance with immigration proceedings or reporting requirements, or schemes whereby guarantors or sponsors agree to support the care and supervision of a migrant family in the community.<sup>23</sup> Moreover, to prevent children from crossing alone, the government should stop separating children without parents from nonparental adult family members and release them. They could also restart accepting applications for asylum for families and children at ports of entry. While these short-term solutions would save many children from harm as a direct consequence of U.S. policy at the border, the government should implement long-term policies that open legal immigration options to make traveling to the U.S. border unnecessary for families and children.<sup>24</sup> Alternatives to detention could be any law, policy or practice that allows people to live freely in a community setting while they wait for their immigration status to be resolved. A foster system for example to allow asylum seekers to live in a community can also be an alternative that provides the best care for children.<sup>25</sup>

### Further Readings

For further readings, these links might be useful to take another look at:

1. A study of immigration detention practices and the use of alternatives to immigration detention of children. (n.d.-b). *Council of Europe*.

<http://www.assembly.coe.int/LifeRay/MIG/EndImmigrationDetention/2017/2017-ImmigrationDetentionPracticesStudy-EN.pdf>

---

<sup>23</sup> *Alternatives to immigration detention of children*. (n.d.). UNICEF.

<https://www.unicef.org/documents/alternatives-immigration-detention-children>

<sup>24</sup> *Immediate Solutions for Migrant Children*. (2021, March 17). *Cato Institutions*.

<https://www.cato.org/publications/immediate-solutions-migrant-children>

<sup>25</sup> *Ending Child Immigration Detention*. (n.d.). *ID Coalition*.

[https://idcoalition.org/wp-content/uploads/2016/09/End-Child-Detention-Advocacy-Brochure\\_web\\_spreads\\_190816-1.pdf](https://idcoalition.org/wp-content/uploads/2016/09/End-Child-Detention-Advocacy-Brochure_web_spreads_190816-1.pdf)

## UNICEF

2. Council of Europe member states' policies, procedures and practices respectful of children's rights in the context of migration. (n.d.). *Council of Europe*.  
<https://rm.coe.int/age-assessment-council-of-europe-member-states-policies-procedures-and/168074b723>
3. "Children in Custody: A Study of Detained Migrant Children in the United States" by Emily Ryo and Reed Humphrey. (n.d.).  
[https://scholarship.law.duke.edu/faculty\\_scholarship/4250/](https://scholarship.law.duke.edu/faculty_scholarship/4250/)
4. Captured Childhood. (n.d.). *Refworld*. <https://www.refworld.org/pdfid/510a604c2.pdf>
5. Lee, J. J., & Velázquez, E. O. (2020). The detention of Migrant Children: A comparative study of the United States and Mexico. *International Journal of Refugee Law*. <https://doi.org/10.1093/ijrl/eeaa014>

### **Bibliography:**

*A brief history of child migration*. (2019, March 12). IICSA.  
<https://www.iicsa.org.uk/reports-recommendations/publications/investigation/child-migration/part-b-child-sexual-abuse-child-migration-programmes/1-brief-history-child-migration.html#:~:text=Child%20migration%20can%20be%20traced,of%20the%20child%20migration%20programmes>.

Alternatives to Immigration Detention: An Overview. (2023, July 11). *American Immigration Council*.  
<https://www.americanimmigrationcouncil.org/research/alternatives-immigration-detention-overview>

*A study of immigration detention practices and the use of alternatives to immigration detention of children*. (n.d.). Council of Europe Publishing.  
<https://edoc.coe.int/en/migration/7533-a-study-of-immigration-detention-practices-and-the-use-of-alternatives-to-immigration-detention-of-children.html>



## UNICEF

Cheatham, A. (2023, March 27). U.S. detention of child migrants. *Council on Foreign Relations*. <https://www.cfr.org/background/US-detention-child-migrants>

Children's rights and alternative care. (2022, March 29). *Human Rights Watch*. <https://www.hrw.org/news/2021/06/30/childrens-rights-and-alternative-care>

"*Children in Custody: A Study of Detained Migrant Children in the United States*" by Emily Ryo and Reed Humphrey. (n.d.). [https://scholarship.law.duke.edu/faculty\\_scholarship/4250/](https://scholarship.law.duke.edu/faculty_scholarship/4250/)

Captured Childhood. (n.d.). *Refworld*. <https://www.refworld.org/pdfid/510a604c2.pdf>

Council of Europe member states' policies, procedures and practices respectful of children's rights in the context of migration. (n.d.). *Council of Europe*.

<https://rm.coe.int/age-assessment-council-of-europe-member-states-policies-procedures-and-168074b723>

Ending Child Immigration Detention. (n.d.). *ID Coalition*. [https://idcoalition.org/wp-content/uploads/2016/09/End-Child-Detention-Advocacy-Brochure\\_web\\_spreads\\_190816-1.pdf](https://idcoalition.org/wp-content/uploads/2016/09/End-Child-Detention-Advocacy-Brochure_web_spreads_190816-1.pdf)

End Immigration Detention of Children. (n.d.). *Parliamentary Assembly*. Retrieved November 12, 2023, from <https://pace.coe.int/en/pages/campaign-detention-children>

Fass, P. S. (2019, July 11). If you're shocked by reports on children at the border, you haven't paid attention to American history. *Time*. <https://time.com/5624256/american-history-protecting-migrant-children-border/>

*Immigration history Timeline*. (n.d.). Immigration History. <https://immigrationhistory.org/timeline/>

Lee, J. J., & Velázquez, E. O. (2020). The detention of Migrant Children: A comparative study of the United States and Mexico. *International Journal of Refugee Law*.

<https://doi.org/10.1093/ijrl/eeaa014>

## UNICEF

*Library: Immigration: Border Detention.* (n.d.).  
<https://library.uhv.edu/immigration/border-detention>

Linton, J. M., Griffin, M., & Shapiro, A. (2017). Detention of immigrant children. *Pediatrics*, 139(5), e20170483. <https://doi.org/10.1542/peds.2017-0483>

*Migrant and displaced children.* (n.d.). UNICEF.  
<https://www.unicef.org/migrant-refugee-internally-displaced-children>

*Nine times more migrant children in Mexico over the past three months - UNICEF.* (n.d.).  
<https://www.unicef.org/press-releases/nine-times-more-migrant-children-mexico-over-past-three-months-unicef>

*Protection of Children in Migration | IOM Regional Office for the European Economic Area, the European Union and NATO.* (2023, November 9).  
<https://eea.iom.int/protection-children-migration#:~:text=In%20the%20EEA%2B%20Region,regardless%20of%20their%20migratory%20status.>

*The Issue Of Child Immigration Detention - End Child Detention.* (2018, August 8). End Child Detention. <https://endchilddetention.org/toolbox/issue-child-immigration-detention/>

The principle of non-refoulement under international human rights law. (n.d.). *ohchr.org*.  
<https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf>

The United Nations Convention on the Rights of the Child. (n.d.). *UNICEF*.  
<https://www.unicef.nl/files/English%20child%20friendly%20convention.pdf>

UNHCR - The UN Refugee Agency. (2022, December 12). IOM, UNHCR and UNICEF urge European States to end child detention. *UNHCR*.  
<https://www.unhcr.org/news/news-releases/iom-unhcr-and-unicef-urge-european-states-end-child-detention#:~:text=Placement%20in%20detention%20is%20known,well%20as%20violence%20and%20abuse.>

UNHCR's position regarding the detention of refugee and migrant children in the migration context. (n.d.). *United Nations High Commissioner for Refugees*.  
<https://www.refworld.org/pdfid/5885c2434.pdf>.

## UNICEF

Von Werthern, M., Robjant, K., Chui, Z., Schon, R., Ottisova, L., Mason, C., & Katona, C. (2018). The impact of immigration detention on mental health: a systematic review. *BMC Psychiatry*, 18(1). <https://doi.org/10.1186/s12888-018-1945-y>