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Walking together

Participatory programme design on immigration detention by Porticus



Executive summary

This summary is based on an original report by Sarah Cutler from Rise With Us Consultancy Ltd, with input from associate researchers – Hasan Al’Akraa, A&M Consultancy, Nuchnaln Leerasantana, Dr Kwanele Pakati and Bella Sankey.



In 2023, Porticus commissioned a participatory learning and design process for a new programme focused on immigration detention. This programme complements our other programmes under the People on the Move portfolio, focusing on movement building, lived experience leadership, labour migration, and community sponsorship. Here is an example of our most recent report, [Seeds in our Pockets](#).

This executive summary highlights the key points from the process, which was delivered between February and July 2023. It also points to six areas for focus during the programme delivery, which will take place over five years from July 2023. Insights and data were gathered from around 60 people and organisations at a global, regional and national level.¹ We heard from directly impacted people about why and how immigration detention needs to be tackled. We also spoke to community leaders and civil society organisations (CSOs) to learn from their approaches and priorities. We explored how Porticus can best contribute to change in this arena, given the programme’s geographical focus² and approach to systems change and movement building. The process also explored how Porticus’

plans can take power imbalances, gender equality, and social inclusion into account and consider intersectionality during programme delivery.³ Our hope is that by sharing our process and conclusions, we will continue to build a field and strategise together more.

Detention and the impact on people and communities

All human beings have a fundamental right to liberty. The circumstances in which a state can deprive a person of liberty are narrowly defined in laws and policies worldwide. Yet prolonged and disproportionate detention for immigration purposes⁴ is increasing around the globe. Its use has lasting effects on individuals and communities, violates dignity and undermines equity. Its use gives rise to extreme harm and abuse. Many see it as a symptom of broader structural injustice and violence faced by people who migrate and argue that the use of detention perpetuates xenophobic and divisive approaches to the movement of people across borders. This disproportionately impacts people who are from minoritised racial and ethnic backgrounds, women and girls, LGBTQI+ people and people with disabilities.

¹ Views were gained from 19 organisations and individuals who have been detained or work with people in detention, one to one interviews with ten funder staff, 18 interviewees with grant partners and experts, and a participatory co-design panel of seven people, and input from 5 organisations and experts at learning events held with Porticus staff and governors. For full details of the methodology, contact Porticus.

² Focal countries and regions for the programme had already been selected as: South Africa, Malaysia, Thailand and Europe (regional level)

³ As well as one-to-one interviews, a participatory approach was used for the learning process and to co-design the programme, working with a panel of people with lived experience of immigration detention. This was facilitated by expert consultants who themselves had experience of detention and forced displacement. We developed a learning process to draw on expertise from the target regions: South Africa, Malaysia, Thailand and Europe, supported by regional associates. Throughout, the methodology took account of gender equity and social inclusion (GESI) and prioritised exploring intersecting structural disadvantages when developing strategies for the programme. We prioritised the participation of people who have experienced immigration detention and who are involved in efforts to build alternatives and create movements for wider change.

⁴ Immigration detention is the deprivation of a person’s liberty and is permitted under international law “only where it is necessary, reasonable, and proportionate to the legitimate purpose to be achieved, and then only after less coercive alternatives have been found not to be suitable in each individual case.” Association for the Prevention of Torture (APT), United Nations High Commissioner for Refugees (UNHCR) and International Detention Coalition (IDC). Monitoring Immigration Detention. Practical Manual, p. 20, 2014. and Flynn, Michael. An Introduction to Data Construction on Immigration-related Detention, p. 1, 2011.

Through a co-design panel, people who had experienced detention were invited to use their experiences to help inform and shape the focus of the proposed programme.⁵ Their key message was that immigration detention has a significant impact on health, including mental health. It is dehumanising and causes long-lasting stress and trauma due to harsh conditions, abuses and humiliation. Some people we spoke to had experienced torture and inhumane and degrading treatment in detention and had been involved in legal battles to secure justice and wider accountability. The lack of time limits and limited access to legal advice and support from CSOs means people are often trapped in the system for long periods. Authorities are not usually held accountable for the harm caused. People experience overcrowding, lack of facilities and minimal access to healthcare. Detention practices typically fail to assess individual risk or factor in gender, age, sexuality or disability.

The broader impacts of immigration detention include the effects on families, friends and communities. However, they lack the resources and power to tackle this issue and support those affected. All those we spoke to want immigration detention to end but felt passionately that interim actions to improve detention policy and practice are crucial to remaining hopeful for the future.



Supporting systems change on immigration detention

Those we consulted in this process were clear about the need to focus on dual strategies of improving conditions and working to end detention. Key priorities for their work to protect rights while detention is used include pushing for:

-  Improved access to health care, in particular mental health care
-  Access to communication with families, friends and communities
-  Improved access, communication and coordination with CSOs and lawyers
-  A time limit and legal safeguards in laws, policies and practice

Focusing on immediate priorities for better practice and protections encourages people with lived experience to join the advocacy movement and build a stronger movement to address system challenges. These system challenges⁶ include unjust laws and harmful policies, practices and conditions in detention, and a lack of resources to invest in safe migration routes and humane, dignified alternatives to detention. Inequity in funding practice means resources do not reach communities whose members may have been detained, so they cannot respond effectively. We heard about the importance of addressing power dynamics, leading to a lack of access and space for lived experience representation and participation in detention reform efforts. Changing the system in the long term will require building a movement to challenge underlying societal attitudes and mental models which underpin every level of policy, practice and public debate and challenge the assumption that people who migrate are criminals, ‘less than human’ and a threat to security and stability.

⁵ Due to limitations, the process focused on broad themes and learning that could apply across the programme approach, not detailed regional analysis. Due to visa and immigration restrictions on freedom of movement, we were unfortunately unable to meet in person with the panel members, so all work was conducted online. The translation was offered as needed. All panel sessions were conducted in English.

⁶ The Water of Systems Change, John Kania, Mark Kramer & Peter Senge, https://www.fsg.org/resource/water_of_systems_change/

Change is coming: we found multiple examples of positive change across geographies, holding the line against abuse and harm and inspiring collaboration tailored to political and social contexts. Change efforts include:



Building networks and collaborations to shift the use of detention, focusing on community-based support and improved access to migration status and refugee protection mechanisms. We heard about the importance of networks and coalitions in policy and advocacy efforts, allowing capacity and expertise to be pooled and draw on comparative examples. Coalitions and networks provide important safety in numbers and enable grassroots groups to feed information privately to larger CSOs.



Securing rights and liberty for individuals, including preventative approaches to protect people from arbitrary arrest, prolonged detention and expulsion, and ensuring access to protection advice and legal support. Some focus on legal rights training and self-help mechanisms. In contrast, others were focused on representing individual people in applications for release on bail or in their substantive legal case to remain in the country.



Strategic legal challenges to address rights infringements and to secure wider safeguards. Legal wins can protect many people and trigger important practice and policy changes. Despite the effectiveness of this work, litigation was identified as an area that is hard to fundraise for.



Resisting detention expansion and misuse. This includes campaigners and lived experience leaders from other social movements standing in solidarity with those in detention and opposing new detention expansion.



Changing the legal and policy framework means using strategies including evidence gathering, policy influencing, lobbying, campaigning and media work, and inside-track influencing. It also means trying to shift the mindset of politicians and officials, including building ‘inside track’ relationships with officials to secure improved conditions, change practices, or pursue accountability for misuse of detention.



Reducing the incentives to detain by providing alternatives. There was a widespread recognition that alternatives to detention were an important part of change efforts. We found there is an appetite for pragmatic approaches that acknowledge the need to reduce harm to people but also recognise the state’s goals in terms of maintaining contact or enforcing immigration decisions. The organisations we spoke to are primarily focused on alternatives to detention as an advocacy tool to demonstrate that there are community-based, human rights-compliant ways to maintain contact. However, pilots are generally small-scale, hard to sustain and resource, and can struggle to demonstrate that they are transferable beyond their geographical context.



Building an evidence base to ensure a reduction in the overall use of detention. A growing body of material and evaluations points to the value of a case management approach to immigration status determination, which focuses on holistic support to the family or person involved. CSOs highlighted the risk that alternatives are often in addition to detention and do not lead to a reduction in overall use. There are also concerns about the use of ‘alternatives’ that violate liberty and human dignity and fail to have safeguards to check necessity or proportionality, for example, excessive use of reporting requirements and electronic tagging. Building an evidence base to support advocacy efforts is a priority for many organisations.

Success factors

We heard concrete examples of progress made, including introducing new legal safeguards such as a time limit on detention, support for alternatives to detention for children in Thailand, and use of statutory public inquiries for change in the UK. Contributors highlighted the following six factors that had contributed to their success.



1. Importance of sharing practices and tactics through global, regional and national networks of CSOs and civil society organisations and building political and policy relationships.



2. Focusing on values and a commitment to equitable and authentic participation of those with lived experience, including on the staff team.



4. Harnessing broader public support and using legal levers, reinforced by international pressure.



5. The importance of connecting global actors with national-level organisations



6. Importance of relationships, agility and persistence.

The role of philanthropy and independent funders

There was a strong plea for independent funders to commit to this agenda, given the lack of public funding available and the global trends among states in favour of increasing the use of detention. As in most areas of migration, all those interviewed commented on the limited capacity of CSOs and how this acted as a barrier to pursuing long-term change work. Funders are encouraged to commit to long-term approaches and be flexible about strategies and outcomes, allowing organisations to adapt their work to the context. They also pointed to the role that funders can play in convening and supporting the sharing of learning, approaches to monitoring, evaluation, and building the field of other funders investing in this crucial area. Several interviewees noted that resources need to be more equitably distributed to support community- and refugee-led organisations, which may entail different funding methods. Finally, as with other areas of migration movement building and leadership, particular attention must be paid to supporting those who lead from experience.



Six recommendations for the programme implementation phase

1 Adopt a movement-building approach, with impacted people at the heart: there is not yet a powerful movement to end detention and harmful practices. It will be vital to take the principles of the [MOVE programme](#) and learn about systems change to help support this area of work. Supporting and investing in front-line work to challenge detention and promote legal and human rights and dignity should remain an essential strand of this work. This should also mean supporting grant partners to engage with communities and supporting legal and policy organisations to support broader change efforts.

2 Build the focus and evidence based on intersectionality, gender equality, social inclusion and structural inequality: we did not find a well-developed evidence base or conversation about gender equity and social inclusion, intersectionality and structural barriers among most CSOs working in this space. Efforts to build the evidence base and explore these issues more intentionally will help lay the foundations for solidarity and connection within and beyond those focusing their change efforts on detention.

3 Prioritise leadership, lived experience, equity and participation: some impressive grassroots organisations and community initiatives build from lived experience and a need to protect themselves from state harm. But these efforts are dwarfed by the scale of the challenge. Too many organisations in this space still speak for and about people rather than investing in building power within communities. More intentional funding and convening on this agenda, including through intermediary grant-making, could be fruitful. Paying close attention to security and collective care will be extremely important, given the high levels of threat and the devastating traumatic impacts of detention, torture and ill-treatment.

4 Support organisations to develop and connect to strategic communications and narrative change on the issue of detention and alternatives: several CSOs and funders interviewed made a case for supporting more focus on equipping organisations to understand public attitudes and values and how detention is used to polarise public opinion on rights. Most organisations do not have the capacity or capability related to strategic communications or narrative change, but this work could be some shared tools across existing networks.

5 Support context-specific strategies but co-create space to learn with partners: there is a desire to connect more across geographies. Existing networks do a great job and could be supported to have more depth and breadth. Context-specific strategies will remain essential, but there are points of connection and synergy that can be explored. Agendas for learning together should be co-created by those doing the work.

6 Amplifying learning and the case for investing in programming on immigration detention: the independent funding input on this issue is vital, but few funders focus on it. The programme is a significant opportunity to build funder confidence and engagement on this global, regional and national issue. A specific donor engagement strategy should be developed, highlighting the crucial significance of combatting detention as part of efforts for a safer, more dignified world.



Contact

For more information please get in touch with the programmatic team at this email address: porticusvienna@porticus.com

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