

Council of the European Union General Secretariat

Brussels, 09 December 2024

WK 15883/2024 INIT

LIMITE JAI

MIGR RELEX COMIX

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Integration, Migration and Expulsion (IMEX Expulsion)
Subject:	Working Party on Integration, Migration and Expulsion (IMEX Expulsion) - presentation

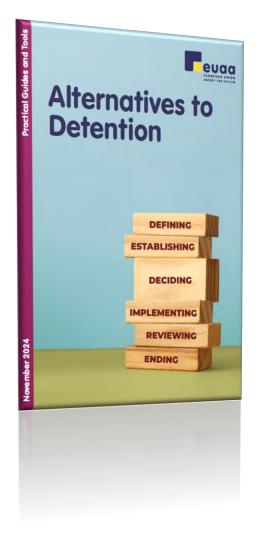
Delegations will find enclosed the presentation given by EUAA (item 2 on agenda) during the meeting of the Working Party on Integration, Migration and Expulsion (Expulsion) held on 4 December 2024.

Guidelines on Alternatives to Detention

IMEX, 4 December 2024



Legal basis



Return Border Procedure Regulation Detention: Article 5(5)

'By 12 December 2024, the European Union Agency for Asylum [...] shall [...] develop guidelines on various practices alternative to detention, that could be used in the context of a border procedure'.



Guidelines on Alternatives to Detention (AtD) Sections

fundamental rights

standards and

principles

1. DEFINING	2. ESTABLISHING	3. DECIDING	4.IMPLEMENTING	5. REVIEWING	6. ENDING
GUIDELINE 1 AtDs must be applied only if a legitimate ground for detention exists GUIDELINE 2 AtDs must not	GUIDELINE 3 AtDs must be established by laws that specify criteria for application, available options and responsible authority	GUIDELINE 5 AtDs must be duly ruled out before resorting to detention GUIDELINE 6 AtDs must be based on an assessment of individual circumstances and specific needs	GUIDELINE 8 AtDs must be effectively implemented, with safeguards and processes to increase rate of compliance.	GUIDELINE 9 AtDs must be subject to a judicial review that considers changes in the individual circumstances.	GUIDELINE 10 AtDs must be temporary in nature
amount to deprivation of liberty	GUIDELINE 4 AtDs must uphold				10 guidelines applicable in all procedures

GUIDELINE 7

AtDs must be

children, in line

child

applied as a rule for

with the principle of best interests of

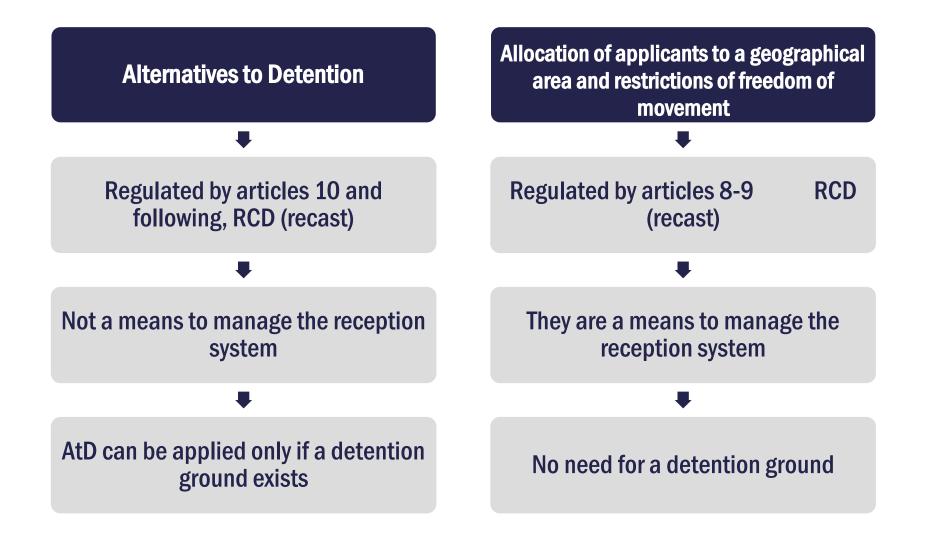


Types of Alternatives to Detention





Alternatives to detention (AtD) and restrictions of freedom of movement







Support is our mission

www.euaa.europa.eu

