

PLAN TOGETHER

CASE MANAGEMENT
AS AN ALTERNATIVE
TO IMMIGRATION DETENTION

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ABOUT THIS BRIEFING PAPER

In 2020 JRS Belgium began its alternative to detention pilot project, Plan Together. Since then, the pilot project's Case Managers have been accompanying undocumented families with children who are at risk of immigration detention, in order to promote and secure durable solutions for them.

The timing of the pilot project coincided with the new coalition government's announcement and subsequent work to reform Belgium's asylum and migration system. The Belgium government agreement at the end of 2020 said¹:

'To this end, the Federal Government will finance pilot projects with the aim of providing faster and more targeted guidance to persons without legal residence in the humanitarian reception of the first line towards existing residence procedures or return in cooperation with Fedasil, Immigration Office (IO), large cities, social services and non-governmental organisations. With full respect for the existing division of competences, the government is committed to a humanitarian pathway to manage transit migration that offers a sustainable solution within either the existing residence procedures or within a return pathway (...) A humane return process is worked out with all institutions involved for people in illegal residence, through extensive guidance, support and regular follow-up (...) There should be more emphasis on voluntary return, with stronger guidance in all phases of the procedure (...) Alternatives to detention are fully developed (Return Houses, regular administrative and/or police controls, house arrest, bond, electronic surveillance, etc.). These are systematically evaluated in order to adjust them if necessary. Detention with a view to forced return must be limited to the shortest possible time. The government is examining all possibilities to further reduce the average detention time and to increase the efficiency of the return policy. At the same time, the government is taking measures to prevent removal from being made impossible due to manifest lack of cooperation. (...) A solution is being sought for the very small group of people who cannot return to their country of origin of their own free will, or voluntarily, such as certain stateless persons.'



Moreover, 'in 2020, the Belgium government committed to fund a number of pilot projects to support irregular migrants to work towards durable solutions.'²

This briefing paper³ summarises JRS Belgium's preliminary learnings from the Plan Together pilot project so far, with a focus on qualitative data on the families' responses to case management. It is hoped that the paper offers an opportunity for further discussions and reflection for everyone who is involved in efforts to develop rights-compliant alternatives to detention programmes in Belgium and beyond.

The paper was written by a consultant who has carried out two evaluation exercises of similar case management-based alternatives to detention pilots in European countries, with input from an advocacy officer at JRS Belgium. The data upon which this briefing paper is based was gathered and prepared by Plan Together's case managers and was audited by the consultant for verification purposes.

¹ Regeerakkoord_2020.pdf (belgium.be), p. 94

² IDC, *Gaining Ground. Promising Practices to Reduce and End Immigration Detention*, May 2022, p. 53

³ This briefing paper presupposes existing knowledge and understanding of the latest discussions on case management based alternatives to detention pilots. Please see, for example, *Alternatives to detention from theory to practice (2018)* and *Alternatives to detention: building a culture of cooperation (2020)*.

WHAT IS PLAN TOGETHER?

Plan Together is an alternative to detention (ATD) pilot designed to assist individuals who are navigating through the immigration and asylum system towards durable solutions. The pilot project is small in size, and provides case management to 15 undocumented families with minors with complex immigration histories. The pilot runs from September 2020 to February 2023.

JRS Belgium developed this pilot as a response to their concerns, including:

- Belgium does not or hardly ever applies less coercive measures before deciding to issue a detention order;
- Return Houses are an alternative form of detention and not an alternative to detention;
- Detention of children is still possible in Belgian law.

With Plan Together, JRS Belgium is testing their hypothesis that case management is a valid alternative to detention. The pilot collects evidence and learning points to advance understanding of the impact of case management. The objectives of the pilot are therefore:

- Demonstrate case management is a valuable alternative to detention which reduces the use of detention;
- Shift the immigration authorities' approach from their exclusive focus on increasing 'return rates' of undocumented migrants towards promotion of durable solutions;
- Mobilise large-scale political and public support for the abolition of child detention;
- Promote the idea and practice of case management as an alternative to detention to local and national policy makers, as well as to other civil society organisations.

STAGES OF PLAN TOGETHER FOR FAMILIES WITH CHILDREN

Before Plan Together accepts families into the project, Case Managers check if the families meet the pilot's criteria through its screening and assessment process. The following criteria are applied when admitting the families to the pilot:

- Families with children under 18
- Undocumented
- At risk of detention
- Have access to stable accommodation
- Do not have any serious public order records
- Willingness to engage and work with Case Managers
- No major medical or psychological issues

Families work with Case Managers to explore all options about their future in an open-ended way. Options include legal stay in Belgium, legal stay in other EU member states or voluntary return.

Families initially go through the pilot project's screening and selection process with Case Managers, who will be assessing their suitability for the project. Once accepted onto the project, the families receive regular home visits to discuss their situation, identify their strengths, needs and barriers, and agree on a plan of action. As Case Managers provide case management support to implement their plan of action, they also review their progress so that case management can be tailored to the family's changing situation and needs.

The most important part of this process is to build trust between Case Managers and families and clarify their migration history so that they can work as an effective team. With the agreement of the families, Case Managers might offer assistance and interventions to overcome their barriers, such as putting them in touch with lawyers to complete legal screening, going through the documentation together to help families fully understand what is happening to their situation and liaising with other service providers so that the families can access what they need. A meticulous and comprehensive review of their legal case is an essential part of this process, reconstructing a historical timeline showing what events took place when, in order to bring order to an often chaotic account of their journey and to highlight where a lawyer's advice and interventions might be necessary. Throughout, case management is conducted in a rights- and person-centred manner that continues to empower families to take control of their own situation and make informed decisions about their future. Their cases are closed when families achieve durable solutions to their immigration status.



PLAN TOGETHER'S EXPERIENCES SO FAR

Methodology for data collection and analysis

Plan Together is a small pilot project, which is implemented by two part-time (0.5 FTE) Case Managers. The Case Managers offer intensive case management support to undocumented families with children, who often have complex needs. From September 2020 to February 2022, the pilot supported 14 families with 23 parents and 42 children (including 4 children over 18 years old). A total of 24 families requested or were referred to the pilot, and 14 families were admitted to the pilot.

For this interim analysis of the pilot's impact, we examined the data of 12 families, the vast majority of the 14 families who were supported at the time of data collection.

We were conscious that the small size of the sample data was not suited for statistical analysis to draw out general conclusions. In addition, our records showed that each family's experience of stay in Belgium was unique, characterised by their migration history, needs, vulnerabilities and internal family dynamics.

Therefore, for each family, three pieces of evidence were collated to understand their situation better. We then examined and compared these pieces of evidence against each other to qualitatively analyse the family's response to case management. We used this method to ensure that we are building, as much as possible, a comprehensive picture of each family's experience. We also paid attention to detailed and nuanced data from which we can draw out broad observations. This allowed us to consider the pilot's overall impact on each individual family.

Three pieces of evidence include:

- **The Baseline document** (Annex A) records each family's initial situation when they entered the pilot and case managers' assessment of it. This acts as a reference point when monitoring their changes over time.
- **The Client Summary Sheet** (Annex B) collects families' demographic details and monitors changes in their behaviours, attitudes and responses over time as a result of Case Management. The Client Summary Sheets were completed by JRS Belgium, based on Case Managers' observations and records. Case Managers also noted down information about families' context, details of their interactions with the families and other evidence that validates and underpins their observations and assessments.
- **The Case study** (Annex C) provides a narrative account of how case management support was applied to each family at key stages of their interactions.

The data and evidence were analysed by the consultant, who conducted a similar evaluation exercise for other civil society-led alternative to detention pilots in Europe that use case management⁴. The consultant's initial findings were shared and discussed with JRS Belgium before finalising this briefing paper.

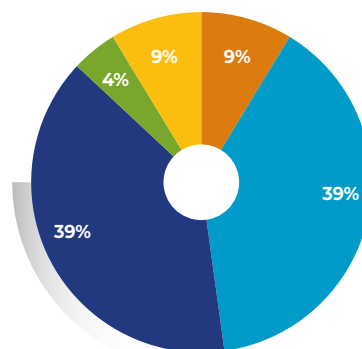
⁴ Please see *Alternatives to detention from theory to practice* (2018) and *Alternatives to detention: building a culture of cooperation* (2020).

Who are these families?

The 12 families whose case management data were examined are composed of 20 adults and 32 children. They originate from a wide range of countries: Iraq, Nepal, Morocco, Somalia, Rwanda, Democratic Republic of Congo, Pakistan, Liberia, Kosovo and Albania, including those of Roma origin. Many families come from countries from where people seek asylum in Belgium. Some also appeared to be stateless.

The duration of their stay in Belgium varies significantly from one family to another. While one family lived in Belgium for one year, three families have spent more than 10 years in Belgium (12 years, 14 years and 18 years, respectively). Overall, it is fair to say that most of the families have spent significant time in Belgium and many of their children have already spent a significant part of their lives in Belgium and consider it to be their home: eight out of 12 families have resided in Belgium for more than five years. The vast majority of them, nine families, claimed asylum upon entering Belgium.

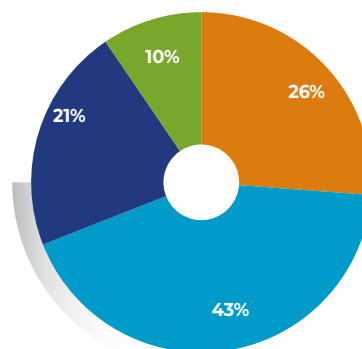
On average, the families have been supported by Case Managers for 6.5 months, and two families have been supported for more than 15 months. A total of 74 home visits were conducted for the 12 families, supplemented by regular and frequent phone calls, emails and other forms of communications. Sometimes, the families were also accompanied to appointments with lawyers, embassy appointments and other meetings relating to specific administrative and procedural tasks.



Age of adults

Total :
23 adults

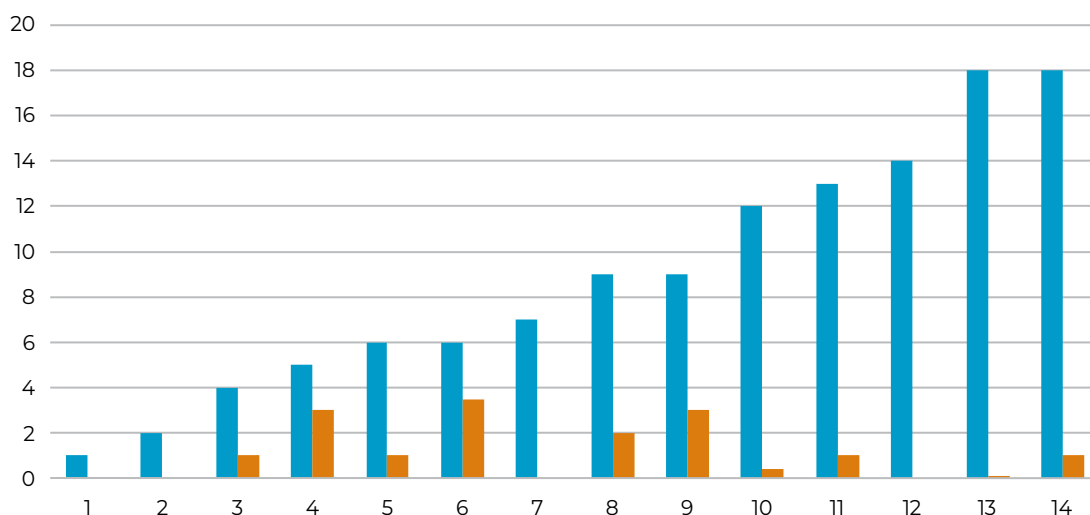
- 20-29
- 30-39
- 40-49
- 50-59
- Unclear



Age of children

Total :
42 children

- 0-5 year
- 6-11 year
- 12-17 year
- > 18 year



Stay in Belgium

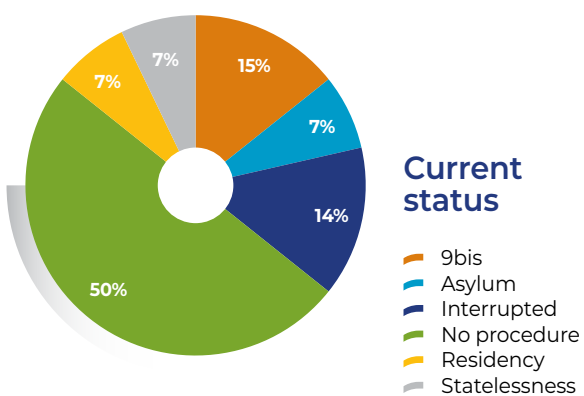
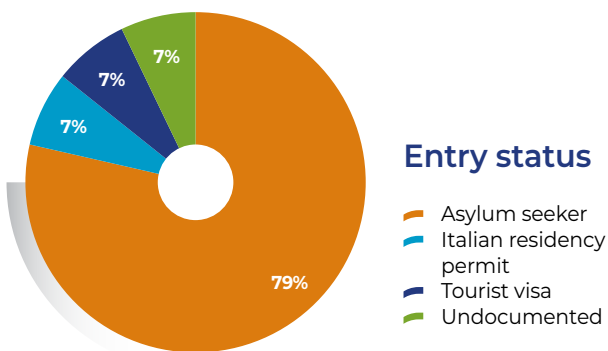
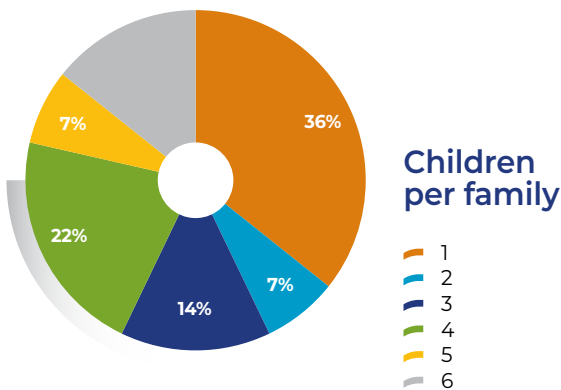
- Years in BE
- Legal stay in BE

Impact of case management

At the time of the data collection, out of the cohort of 12 families, one family's case was already resolved since the family acquired a secure residence status. Eight families continued to engage with Case Managers while three other families were no longer receiving case management, having disengaged from Plan Together, including one family which was admitted to the pilot but disengaged soon afterwards.

To understand how the families responded to case management, we analysed the data collected through the Client Summary Sheets. The Client Summary Sheets were developed in 2017 as a common tool to monitor and evaluate the work of case-management based alternatives to detention pilots funded by EPIM (European Programme for Integration and Migration). Further information about the Client Summary Sheets is provided in Annex B.

In 2022, for the purpose of this analysis, Plan Together's Case Managers were asked a number of questions about changes over time in the families' behaviours, attitudes, approaches and conditions. Their answers and comments were captured by the Client Summary Sheets.



As with the previous alternative to detention pilot evaluation reports commissioned by EPIM, this interim analysis of Plan Together aims to go beyond the basic quantitative questions that are frequently asked about alternative to detention programmes and instead focuses on qualitative questions. The examples of quantitative and qualitative questions are listed below for illustration.

Quantitative questions frequently asked about alternatives to detention (ATD)

- How many people are processed by the ATD?
- How many people return to their country of origin?
- How many people regularise their status?
- How many people abscond?
- How many times does the Case Manager have to meet with individuals?

Qualitative questions considered by the evaluation

- How do people respond to engagement-based ATD?
- How can case management be provided?
- How does case management help people to engage with immigration procedures and take steps towards case resolution?
- What can undermine the impact of case management and how?

Below is a list of questions Case Managers were asked about the impact of case management and a summary of their responses.

DID CASE MANAGEMENT INFLUENCE FAMILIES' ABILITY TO ENGAGE WITH THE IMMIGRATION AND ASYLUM SYSTEM AND THEIR PERCEPTION OF IT?

Case Managers were asked to report whether they observed changes in the families' ability to engage with the immigration and asylum system towards their case resolution, their likelihood of disengaging from the immigration and asylum process and the level of trust they have in the immigration and asylum system.

	Negative impact	No impact	Limited impact	Some impact	Huge impact	Don't know/can't tell	Positive impact
In your view, has your case management support had any positive impact on the person's ability to engage with the immigration procedures over time?	0	1	2	6	3	0	75%
In your view, has your case management support had any positive impact on the person's level of risk over time?	0	1	0	6	3	2	75%
In your view, has your case management support had any positive impact on the person's level of trust in the system over time?	0	2	4	3	2	1	42%

The overall picture is that the case management seems to have had some positive impact on the families' ability to work towards their durable solutions, but it was still difficult to restore their sense of trust in the immigration and asylum system.

DID CASE MANAGEMENT IMPROVE FAMILIES' ABILITY TO PARTICIPATE IN INFORMED DECISION MAKING ABOUT THEIR FUTURE?

Cluster 1 – informed decision making

	Negative impact	No impact	Limited impact	Some impact	Huge impact	Don't know/can't tell	Positive impact
Has case management improved the individual's ability to participate in informed decision-making process in immigration procedures over time?	0	0	1	7	3	1	83%

Cluster 1 – prompt questions

	Yes	No	Don't know	Yes (%)	No (%)	Don't know (%)
Are they receiving more information and advice than before to help them understand their own situation and plan for their future better?	12	0	0	100%	0%	0%
Are they making more constructive choices about their immigration cases? (For example, did they have any intention to go underground / abscond before?)	7	3	2	58%	25%	17%
Are they feeling more confident in engaging with immigration procedures?	8	1	3	67%	8%	25%
Are they better engaged with case managers?	9	2	1	75%	17%	8%
Are they better able to consider consequences of their actions?	11	1	0	92%	8%	0%

Case management seems to have greatly improved the families' ability to participate in informed decision making about their future. As the table below shows, Case Managers felt that the families were able to receive more information and advice than before to help them understand their own situation and plan for their future better and were better able to consider consequences of their actions, as a result of case management.

DID CASE MANAGEMENT CONTRIBUTE TOWARDS THE FAMILIES' TIMELY AND FAIR CASE RESOLUTION?

Cluster 2 – timely and fair case resolution

	Negative impact	No impact	Limited impact	Some impact	Huge impact	Don't know/ can't tell	Positive impact
Has case management contributed towards timely and fair case resolution for the family over time?	0	6	1	1	3	1	33%

Cluster 2 – prompt questions

	Yes	No	Don't know	No answer	Yes (%)	No (%)	Don't know (%)
Are they taking more initiatives to contact the authorities? Do they more regularly work on their immigration cases? Are they taking steps to progress their case resolution?	9	2	0	1	75%	17%	0%
Can they exercise their legal and other rights better?	8	2	1	1	67%	17%	8%
Can they explore all options, including regularisation better?	9	1	0	2	75%	8%	0%
Are they cooperating better with any conditions that have been set for them by the authorities?	1	3	7 ⁵	1	8%	25%	58%
Do you think the authorities have more/better information about the individuals' cases now, because of better communication?	6	4	1	1	50%	33%	8%

The pilot's case management seemed to have had the lowest impact on the families' timely and fair case resolution: in half of the cases, Case Managers reported that it had no impact.

Case Managers pointed out the often unstable living situations of the families (such as low income and insecure housing) diverted their attention and energy away from progressing their case. In addition, the slow pace of the authorities' decision making and the sometimes lengthy waiting periods with lawyers were also perceived by Case Managers and the families to be a barrier to timely case resolution. This factor is beyond their control.

⁵ In the majority of cases, Case Managers answered either 'Don't know' or 'No' to the prompt question, 'Are they cooperating better with any conditions that have been set for them by the authorities?'. It is likely that this happened because no condition – such as regular reporting to the authorities - was set for any of the families in the pilot. In the future, this prompt question should be reworded to clarify what is being asked or even skipped when it is not relevant.



DID CASE MANAGEMENT CONTRIBUTE TOWARDS IMPROVING THE FAMILIES' COPING AND WELLBEING?

Cluster 3 – coping and wellbeing of individuals

	Negative impact	No impact	Limited impact	Some impact	Huge impact	Don't know/can't tell	Positive impact
Is case management improving coping and wellbeing of individuals (that allows them to better engage with immigration procedures) over time?	0	1	1	7	3	0	83%

Cluster 3 – prompt questions

	Yes	No	Don't know	Yes (%)	No (%)	Don't know (%)
Are they less vulnerable?	6	5	1	50%	42%	8%
Do they have a stronger hope for the future?	7	2	3	58%	17%	25%
Do they have more trust in the system than before?	6	3	3	50%	25%	25%
Is their psychosocial wellbeing better (community activities, psychological state)?	9	2	1	75%	17%	8%
Is their subsistence situation better?	3	8	1	25%	67%	8%
Is their accommodation situation better?	1	11	0	8%	92%	0%
Are they more stabilised than before? Do they more regularly keep in touch with the project?	3	9	0	25%	75%	8%

Case Managers' answers to the above prompt questions seem to indicate that while case management does have a positive impact on the families' psychological state and their perception of their future, it has very limited impact on their material conditions, such as income level and housing situation. This is understandable as the pilot does not offer any material support. At the same time, this is also a concern since Case Managers' observations of the cluster 2 question (timely and fair case resolution) seem to indicate that a lack of stability in the families' day to day living conditions can hamper their ability to focus their energy on engaging with the immigration and asylum process.

Case studies

Below are two case studies which illustrate the way in which Case Managers worked with the families with complex and complicated situations in a person-centred way and how the families have responded to case management. Given the uniqueness of each family's story, it would have been ideal to produce case studies for all the 12 families in the cohort.

FAMILY 3

Plan Together has supported one undocumented family with four children (12, 10, 9 and 7) over 15 months. The parents came to Belgium 18 years ago and have been undocumented since their initial tourist visas expired. All children were born in Belgium and are well integrated into their school, neighbourhood and community, speaking their parents' first language as well as both Flemish and French.

The husband works in the informal economy and though his income is low and unstable, the family has been able to survive thanks to additional help from the extensive support network which it has built over the years. The mother suffers from panic attacks, anxiety and insomnia and is now attending support groups and benefiting from psychological intervention arranged by the Case Manager. The family received the most intensive support from Plan Together, with, at the time of data collection, 17 home visits.

They were not able to benefit from the previous general regularisation programme in 2009. A comprehensive appeal submitted by their lawyer many years ago was refused by the administrative judge at the end of 2020. During the 11 years of waiting for the decision, all four children were born.

When Plan Together met the family, which was referred to JRS Belgium by a welfare organisation that supports children's education and social activities, the family was quite knowledgeable about the immigration process. However, the husband was severely demoralised by their previous lengthy wait for the authority's decision and had nearly given up on ever regularising their status. While the husband had no trust in the system, the wife was still open to the idea of exploring other options for regularisation. This goal was strongly supported by their eldest child which dreams of living like any other child in the only country it has ever known.

Through intensive and patient case management support, the family slowly picked up their morale to make a new application for regularisation. As the family was in touch with another NGO, they received the advice not to introduce a new regularisation request. The Case Manager fully re-examined their situation and made contact again with the law firm who had dealt with their case until then. It was agreed to prepare another application. The Child Rights Commissioner also provided their opinion to strengthen their case.

While preparing a large amount of paperwork for their application, the family faced many setbacks and difficulties which affected their morale, and the Case Manager was there to support the family at every step to keep them going. For example, their landlord gave the family a notice to quit and the family spent extremely stressful few months when they struggled to find an alternative accommodation. During this time, their efforts to prepare a regularisation application were put on hold. When they failed to leave the accommodation on time, they were summoned to the court and were ordered to pay the court fee. The Case Manager accompanied the wife to the court to support her. Other administrative obstacles included the husband's ID expiring because he missed his renewal deadline.

Their time in Plan Together also coincided with the mass regularisation campaign in Brussels which saw occupations of several buildings and a long hunger strike. The family worried that they might miss another chance for regularisation if they did not join, but in the end decided to stay where they were. The eldest child accompanied the mother to several demonstrations and was interviewed by a TV journalist: she was very proud to have made her voice heard.

The family continues with collecting evidence for their application. Some of the support letters are now more than 6 months old and may not be considered valid by the authorities. This makes the family anxious and worried but nevertheless they continue to engage with the process, accompanied by the Case Manager.

FAMILY 12

Plan Together supported a separated family with three children. The mother was initially referred to the project by a volunteer, but a decision was made not to take on her case: it was not possible to communicate effectively with the mother to establish her intentions because her in-laws' dominant voices and views made it impossible to understand what the mother's thoughts were, also due to a language barrier and her suspected limited cognitive ability. Months later, she was again referred to the project by her husband who was in an immigration detention centre, facing deportation.

Through the husband, the Case Manager was able to understand the mother's situation better and made contact with her again. The mother lived as an undocumented migrant for many years in Europe, moving from one country to another until she got married with a man who was documented. Their first child was also documented but the husband lost his legal right to stay due to a public order offence. Their eldest son also lost his legal right to stay and the husband, after many years in prison, was eventually sent back to his country of origin.

While the mother wished to voluntarily return with her husband and their children to her country of origin, their country does not recognise her and the two youngest children as their citizens: the Immigration Office therefore advised her to start statelessness procedures.

In much of the mother's life, spanning over decades, other people made decisions for her – whether in institutionalised settings where she spent her childhood, or in a family environment where her in-laws presided over all aspects of her life. It was therefore a struggle for Case Managers to encourage and support her to have her

voice heard and make her own decisions about herself independently – which was a new experience for her. This was also hampered by her limited cognitive ability which has not been formally diagnosed or addressed. However, the mother recognised that the Case Manager was trustworthy and was pleased to be with them, and slowly they started to work as a team to seek a durable solution to her situation.

Pursuing statelessness procedures is a lengthy and complicated process. For the mother who has never seriously engaged with the immigration system, it was difficult to comprehend the full implication of working with lawyers and going through an administrative system. The Case Manager worked with the mother to navigate the process in a supportive way so that she stays confident enough to remain engaged with it.

The mother and the children had been detained in a Return House a few years previously and absconded, and were afraid of being detained again. After many discussions and negotiations, Plan Together were able to arrange a document, issued by the immigration office, which the family can carry with them. The document states that the family is already known to the authorities and Plan Together, so that they can avoid being detained in case they are apprehended. This reduced the mother's fear of the authorities while she continued to engage with the immigration process.

Although no resolution of the case has been achieved so far, the mother has come a long way from where she started, growing in confidence and sense of herself. Now that she is able to assert her rights better, she describes her past life as living 'like an animal'.

DISCUSSIONS

Below is a list of key learnings and observations that have emerged from our analysis of the pilot data, which we hope will enrich further discussions about case management and alternatives to detention.

Centrality of trust in successful case management - Positive collaboration between Case Managers and families happens when there is a high degree of trust between them, which takes time to build. Often, Case Managers and families had to work together very closely to overcome many barriers in case resolution, which required patience, dedication and honesty. Rapport between Case Managers and families is absolutely critical so that they can work towards the goal of case resolution together.

Managing expectations can be tricky – Although the pilot makes it very clear from the beginning that case management is open ended and will explore all options, talking about return as one of the options with the families is a delicate matter and can be raised only after everything else has been tried. Some families who have been undocumented for a long time and have an established support network might decide to remain undocumented rather than to pursue durable solutions, deciding that living undocumented is preferable to contemplating return.

Case management progress is not linear - In case management, intensive support is provided at a very careful pace over a long period of time. During that period, participants' willingness and ability to engage can go both up and down, and case management needs to respond to that to produce a positive outcome. It needs to be recognised that going through the immigration process can become stressful and exhausting, and is not a simple mechanical process. Sometimes, the families need to have extra time and space to consider what their next step should be, which might pause case management.

Previous negative experiences of the system makes families reluctant to engage - The families' perception of the authorities and their approach to them are strongly shaped by what they had already experienced prior to joining the pilot, including incidents that happened a long time ago. It is challenging for case management to address their past negative experiences and encourage them to keep an open mind. The bureaucratic nature and discrimination of the systems and processes of non-immigration authorities can also discourage individuals from accessing services and information that they are entitled to. Because of this, case management should not stop at the point of the residency paper being issued but to continue while the families are formally integrated into society.

High quality legal advice is a key to successful case management - A substantial amount of case management time is spent to obtain reliable legal advice, understand what legal options are available and ease the communication between the families and their lawyers as they make their decision about what to do next. Without good quality, reliable legal advice, it is almost impossible to progress families' cases even with case management. It can become very difficult to get a clear picture of what has happened or what the families should do next, when there is a change in lawyers or when the families did not receive good quality legal advice. The situation can also become complicated when the families move from one lawyer to another. It is therefore essential that a good working relationship is established between Case Managers and lawyers.

Unique family dynamics of each family - Case Managers face a delicate task of navigating the family dynamics, when trying to understand what the family wishes to do. Sometimes spouses do not share the same idea about what they should be doing next as a family, but it is hard to establish this when one of the spouses has a "spokesperson" role and Case Managers cannot communicate directly with the other spouse. In other instances, children become unofficial interpreters on behalf of the families or even act more like parents to their parents to protect them, making it harder for Case Managers to understand their parents' real intentions or feelings.

Families' basic needs must be met before they can focus on their case resolution - Many families who enter the pilot have already resided in Belgium for a long time, and have often already established connections with many informal support networks to survive, including through their children and their schools. A tremendous amount of voluntary work and support are sustaining these families to survive. However, lack of right to work means their livelihood remains unstable and their worry about their material conditions can take precedence over resolving their immigration cases. This includes access to medical care. The families' desperate search for means of survival can also expose them to risks of exploitation in the context of informal housing and work arrangements.

Structural failures of the immigration system limit the effectiveness of case management - Families often need to go through a lengthy, complicated process, which inevitably creates a great deal of frustration and anguish for them. These long periods of uncertainty seem to compound family tension, which can trigger psychological problems, domestic tension and violence and negative impact on children's well-being. These are external factors that undermine the impact of case management that are beyond the control of the families and of Case Managers. In addition, the longer the cases run, the more complicated that situation becomes, creating even more barriers and negative factors, which can undermine their overall credibility and ability to regularise their status.

Unreturnability and statelessness of some families need to be humanely addressed - Some of the families the pilot has worked with were unreturnable for one reason or another. The current lack of legal pathways for unreturnable families to regularise their status leaves them in a protracted legal limbo which seriously affects children. We have also observed that for a person to be identified as potentially stateless takes a long time, making it impossible for them to get on with their lives.

RECOMMENDATIONS

We welcome the Belgian government's efforts to explore developing alternatives to detention programmes, with participation of and input from civil society organisations and municipalities. We share the following recommendations to inform and assist their evolving work.

— Alternatives to detention programmes for families with children should:

- use independent case management that has a flexible, person-centred approach to deal with specific individual and family circumstances;
- allow enough time for trust to develop between the families and Case Managers and for them to untangle their complex situation and develop an action plan as a team;
- involve all actors who are supporting the families working constructively and collaboratively with each other, respecting the families' wishes;
- come hand in hand with good quality, reliable legal advice, that is free or low cost, delivered in a way that can be understood easily by the families;
- guarantee access to housing and the right to work and/or subsistence support so that the families can maintain a level of stability that allows them to focus on resolving their cases.

— At a larger level:

- All national and local government departments should simplify administrative processes that migrants and asylum seekers must deal with and treat them with respect;
- It should be recognised that for many undocumented families who have resided in Belgium for an extended period of time, return is no longer a realistic option. Wider and easier routes into regularisation should be made available so that families can start living more independently and the informal community resources that are currently being used to support them can be rerouted to support other needs of the community;
- The immigration and asylum system, policies and procedures must recognise the humanity and human dignity of people seeking asylum and migrants regardless of their legal, administrative status. The current system, policies and procedures create enormous hardship for the families and children that the Plan Together pilot has worked with. Case management is in part an attempt to repair the damages already caused by this system.



ANNEXES

Annex A

BASELINE FOR CLIENT SUMMARY SHEET – PLAN TOGETHER

File n°: xxx

Prepared on date: xxx referring to the situation at intake (date)

Methodology : this is drawn up as soon as it is decided that the family will be admitted to the project. Give a score on a scale from 0 to 10 and describe per question in a concise and clear way the situation and the motivation why you give that score.

1. How would you estimate the risk of the family leaving the programme?

Scale: X

Why?

2. How self-reliant/independent(?) is the family?

Scale: X

Why?

3. What is their level of trust in authorities/procedures?

Scale: X

Why?

4. What is their level of trust in their lawyer or lawyers in general?

Scale: X

Why?

5. How well informed are they about the content of procedures?

Scale: X

Why?

6. Are they still able to take action/decisions by themselves?

Scale: X

Why?

7. How enthusiastic are they to cooperate with the case manager?

Scale: X

Why:

8. How is their general well-being?

Scale: X

Why?

9. How vulnerable are they?

Scale: X

Why?

10. How hopeful towards the future are they?

Scale: X

Why?

11. How qualitative is their housing situation?

Scale: X

Why?

12. How extensive is their social network?

Scale: X

Why?

13. How stable is their living situation?

Scale: X

Why?

14. How high is the risk of detention?

Scale: X

Why?

Annex B

CLIENT SUMMARY SHEET

The Client Summary Sheet was developed as a monitoring and evaluation tool to analyse the qualitative impact of case management. It has been used by a number of case management based alternative to detention pilots funded by EPIM and run by civil society organisations in Europe. The sheet was designed to capture deep, individualised qualitative data - particularly changes in individuals over time in response to case management. For more information about the pilots and the client summary sheets, please read the evaluation reports *Alternatives to detention from theory to practice* (2018) and *Alternatives to detention: building a culture of cooperation* (2020).

EPIM ATD network – client summary sheet March 2019.

ATD pilot location _____ **Client reference number** _____

When answering multiple questions, please highlight your answers. Thank you!

PROFILE INFORMATION

	QUESTION	ANSWER	
1	Gender		
2	Age		
3	Nationality		
4	Any vulnerabilities	Child	
		Pregnant woman or girl, or nursing mother	
		Sole or primary carer/s (of dependent child, elderly person or person with a disability)	
		Gender-based violence, sexual violence, family violence and abuse	
		Sexual orientation and gender identity	
		Physical and mental health concerns	
		Risk of suicide	
		Disability	
		Elderly person	
		Substance addiction	
		Destitution	
		Refugee and asylum-seeker	
		Survivor of torture and trauma	
		Survivor of sexual or gender-based violence or other violent crime	
		Victims of trafficking in persons	
Stateless person			
An individual may belong to a minority that in the country of arrival gives rise to the risk of xenophobic violence requiring careful management and safeguards.			

		As a general observation, men and boys are often ignored in discussions about vulnerability yet they can be at risk of violence, self-harm, and recruitment by violent groups.	
		For persons held in detention there can be vulnerability factors additional to those highlighted thus far that can result in continued detention being injurious to the individual's health and welfare. Also, past experience of detention (immigration or otherwise) can be associated with trauma. Persons entering the community from detention can require considerable and complex support.	
		Language barriers (especially for indigenous or rare languages), illiteracy, learning and educational barriers, social isolation, lack of understanding of legal processes and lack of access to legal advice can all reduce a person's capacity to seek help and to engage in the asylum or migration system.	
		Natural disasters are likely to increasingly render people vulnerable, resulting in migration flows with implications for migration systems and support options.	
		New arrivals requiring critical health care unavailable to them in their home country raise the right to health with implications for migration systems and support options.	
5	Any family and community ties in the country		
6	Any conditions the person has been placed under by the authority		
7	The length of the time the person has been in the country (years, months, weeks)		
8	Any experience of detention (length, number of instances of re-detention)		
9	The length of the time in the pilot (months and weeks)		
10	The frequency and duration of your interaction with the person (a brief description, such as if you have had face to face interactions and how long each such session was. Or frequency of telephone or		
11	How the person came into the project (from detention, from community, referred by another organisation, self-referral, other)		
12	If you made contact with the person while s/he was in detention, was the person released into the community subsequently?		
13	Was this person known to the organisation before s/he was introduced to the pilot?		
14	What was your assessment of risk (of disengaging and/or absconding) at the time of induction? (High risk, medium risk, low risk, don't know)		
15	Is the individual staying in touch with the project, disengaged from the pilot, absconded from the authorities, has moved on as a result of case resolution (regularisation, return, removal), re-detained or other?		
16	Anything else you want to add about this person's personal resources, vulnerability, protection factors or risk factors?		

CASE MANAGEMENT INFORMATION

1. In your view, has your case management support had any positive impact on the person's ability to engage with the immigration procedures over time?

Negative impact	No impact	Limited impact	Some impact	Huge impact	Don't know/ can't tell
-----------------	-----------	----------------	-------------	-------------	------------------------

2. In your view, has your case management support had any positive impact on the person's level of risk over time?

Negative impact	No impact	Limited impact	Some impact	Huge impact	Don't know/ can't tell
-----------------	-----------	----------------	-------------	-------------	------------------------

3. In your view, has your case management support had any positive impact on the person's level of trust in the system over time?

Negative impact	No impact	Limited impact	Some impact	Huge impact	Don't know/ can't tell
-----------------	-----------	----------------	-------------	-------------	------------------------

CLUSTER 1 – INFORMED DECISION MAKING

1. Has case management improved the individual's ability to participate in informed decision making process in immigration procedures over time?

Negative impact	No impact	Limited impact	Some impact	Huge impact	Don't know/ can't tell
-----------------	-----------	----------------	-------------	-------------	------------------------

2. Were there particular barriers to engaging with immigration procedures with regards to participating in informed decision making (at the beginning of or during case management support)? What were they? Have they been overcome?

CLUSTER 1 – PROMPT QUESTIONS:

3. Are they receiving more information and advice than before to help them understand their own situation and plan for their future better?

Yes	No	Don't know
-----	----	------------

4. Are they making more constructive choices about their immigration cases? (For example, did they have any intention to go underground / abscond before?)

Yes	No	Don't know
-----	----	------------

5. Are they feeling more confident in engaging with immigration procedures?

Yes	No	Don't know
-----	----	------------

6. Are they better engaged with case managers?

Yes	No	Don't know
-----	----	------------

7. Are they better able to consider consequence of their actions?

Yes	No	Don't know
-----	----	------------

CLUSTER 2 – TIMELY AND FAIR CASE RESOLUTION

1. Has case management contributed towards timely and fair case resolution for the individual over time?

Negative impact	No impact	Limited impact	Some impact	Huge impact	Don't know/ can't tell
-----------------	-----------	----------------	-------------	-------------	------------------------

2. Were there particular barriers to contributing towards timely and fair case resolution (at the beginning of or during case management support)? What were they? Have they been overcome?

CLUSTER 2 – PROMPT QUESTIONS:

3. Are they taking more initiatives to contact the authorities? Do they more regularly work on their immigration cases? Are they taking steps to progress their case resolution?

Yes	No	Don't know
-----	----	------------

4. Can they exercise their legal and other rights better?

Yes	No	Don't know
-----	----	------------

5. Can they explore all options, including regularisation better?

Yes	No	Don't know
-----	----	------------

6. Are they cooperating better with any conditions that have been set for them by the authorities?

Yes	No	Don't know
-----	----	------------

7. Do you think the authorities have more/better information about the individuals' cases now, because of better communication?

Yes	No	Don't know
-----	----	------------

CLUSTER 3 – COPING AND WELL-BEING OF INDIVIDUALS

1. Is case management improving coping and wellbeing of individuals (that allows them to better engage with immigration procedures) over time?

Negative impact	No impact	Limited impact	Some impact	Huge impact	Don't know/ can't tell
-----------------	-----------	----------------	-------------	-------------	------------------------

2. Were there particular barriers to improving the individual's coping and well-being (at the beginning of or during case management support)? What were they? Have they been overcome?

CLUSTER 3 – PROMPT QUESTIONS:

3. Are they less vulnerable?

Yes	No	Don't know
-----	----	------------

4. Do they have a stronger hope for the future?

Yes	No	Don't know
-----	----	------------

5. Do they have more trust in the system than before?

Yes	No	Don't know
-----	----	------------

6. Is their psychosocial wellbeing better (community activities, psychological state)?

Yes	No	Don't know
-----	----	------------

7. Is their subsistence situation better?

Yes	No	Don't know
-----	----	------------

8. Is their accommodation situation better?

Yes	No	Don't know
-----	----	------------

9. Are they more stabilised than before? Do they more regularly keep in touch with the project?

Yes	No	Don't know
-----	----	------------

Final question

10. Any other observations?

What undermined, blocked or limited potentially positive impact of your case management support for this individual? Or what factors led to a particularly favourable outcome for this person?



Annex C

CASE STUDY TEMPLATE

ATD pilot evaluation – March 2019

ATD pilot location _____ Client reference number _____

Please ensure that you complete this form by following the instructions given in the evaluation data collection framework.

STAGES IN CASE MANAGEMENT	DESCRIPTION
Client profile	
Screening and Assessment	
Case planning	
Interventions	
Review	
Case closure / outcome / status	

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JRS Belgium is a member of the European Alternatives to Detention Network, a group of European NGOs which aims to reduce and end immigration detention by building evidence and momentum on engagement-based alternatives. The Network brings together NGOs in seven European countries (Belgium, Bulgaria, Cyprus, Greece, Italy, Poland and the UK) with regional-level and international organisations.





Jesuit Refugee Service (JRS) is an international Catholic organisation whose mission is to **accompany, serve** and **advocate** for the rights of refugees and other forced migrants. JRS Belgium provides psychosocial and spiritual support in detention centres, legal counselling, future planning, awareness programmes in schools and at universities. JRS Belgium advocates for community-based alternatives to detention and structural changes in migration policy and legislation both at national and European level. JRS Belgium thus strives for an inclusive and welcoming society in which human rights, integration and reconciliation are central and detention for migration reasons is no longer used.

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