



Core Position

All refugee, asylum-seeker and migrant children should be:

- 1. Treated as children**
Children are, first and foremost, children and should be treated in full accordance with international law regarding child rights.
- 2. Free**
Liberty is a fundamental human right. Children should never be detained solely based upon their or their parents or guardians' immigration status.
- 3. Looked after**
The best interests of the child must be the primary consideration in any action that a State might take in relation to a child. The immigration detention of children always contravenes the principle of the best interests of the child. Unaccompanied or separated children should be appointed an independent guardian.
- 4. In the community**
Children and families should be accommodated together in non-custodial, community-based contexts while their immigration status is being resolved. When necessary, states should implement legislation and policies ensuring appropriate community-based placement models exist in practice.
- 5. With their parents**
Consistent with the principles of family unity, parents or primary care-givers should not be detained, but should be allowed to live in the community setting with their children, while having their status assessed.