



**UNHCR
ACNUR**

THE INTERNATIONAL PROTECTION OF
UNACCOMPANIED OR SEPARATED CHILDREN
ALONG THE SOUTHERN BORDER OF MEXICO
(2006-2008)

**UNHCR Regional Office for Mexico,
Cuba and Central America**





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Introduction

The United Nations High Commissioner for Refugees (UNHCR) has expressed its growing concern regarding the need to safeguard the rights of asylum seekers, refugees and other persons of concern in need of international protection, who in growing numbers travel as part of large migration movements, a phenomenon known as mixed migratory flows. An even more vulnerable population is found within this group of persons: unaccompanied or separated children¹.

An **unaccompanied child** is a person under the age of 18, who is separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so.

A **separated child** is a person under the age of 18, who is not under the care and protection of his/her parents, or previous legal or customary primary care-giver, but may be accompanied by other persons.

In 2006, the UNHCR Office for Mexico, Cuba and Central America, with the cooperation of Save the Children Sweden, carried out a study on the situation of separated and unaccompanied children along the Southern border of Mexico, and several months later presented a report with recommendations to its government and non-governmental partners in Mexico.

A year later, UNHCR conducted a second study to assess the situation facing unaccompanied or separated children who are returned to their countries of origin, and determine the existence of adequate conditions to ensure respect for their rights and basic needs.

Since then, there has been some progress in protecting unaccompanied and separated children and adolescents in Mexico. Inter-agency coordination in the field of child protection has been strengthened, including amongst government agencies such as the Mexican Commission for Aid to Refugees (COMAR – Comisión Mexicana de Ayuda a Refugiados), which plays a key role in refugee protection in Mexico, the National Institute of Migration (INM – Instituto Nacional de Migración), as well as international agencies like UNHCR, the United Nations Children's Fund (UNICEF), the International Organization for Migration (IOM), and the United Nations Development Fund for Women (UNIFEM), and civil society organizations such as Sin Fronteras (Mexican NGO).

This document aims to collect some of the principal findings and conclusions reached during the two periods of study on unaccompanied and/or separated children in need of international protection, as well as the actions implemented thus far and the challenges that remain in this region. It is a contribution of the United Nations High Commissioner for Refugees to a wider debate on the protection of migrant children and adolescents, a human rights issue that requires a multilateral and inter-agency approach.

¹In 2006, the UNHCR Office for Mexico, Cuba and Central America, with the cooperation of Save the Children Sweden, carried out a study on the situation of separated and unaccompanied children along the Southern border of Mexico, and several months later presented a report with recommendations to its government and non-governmental partners in Mexico.

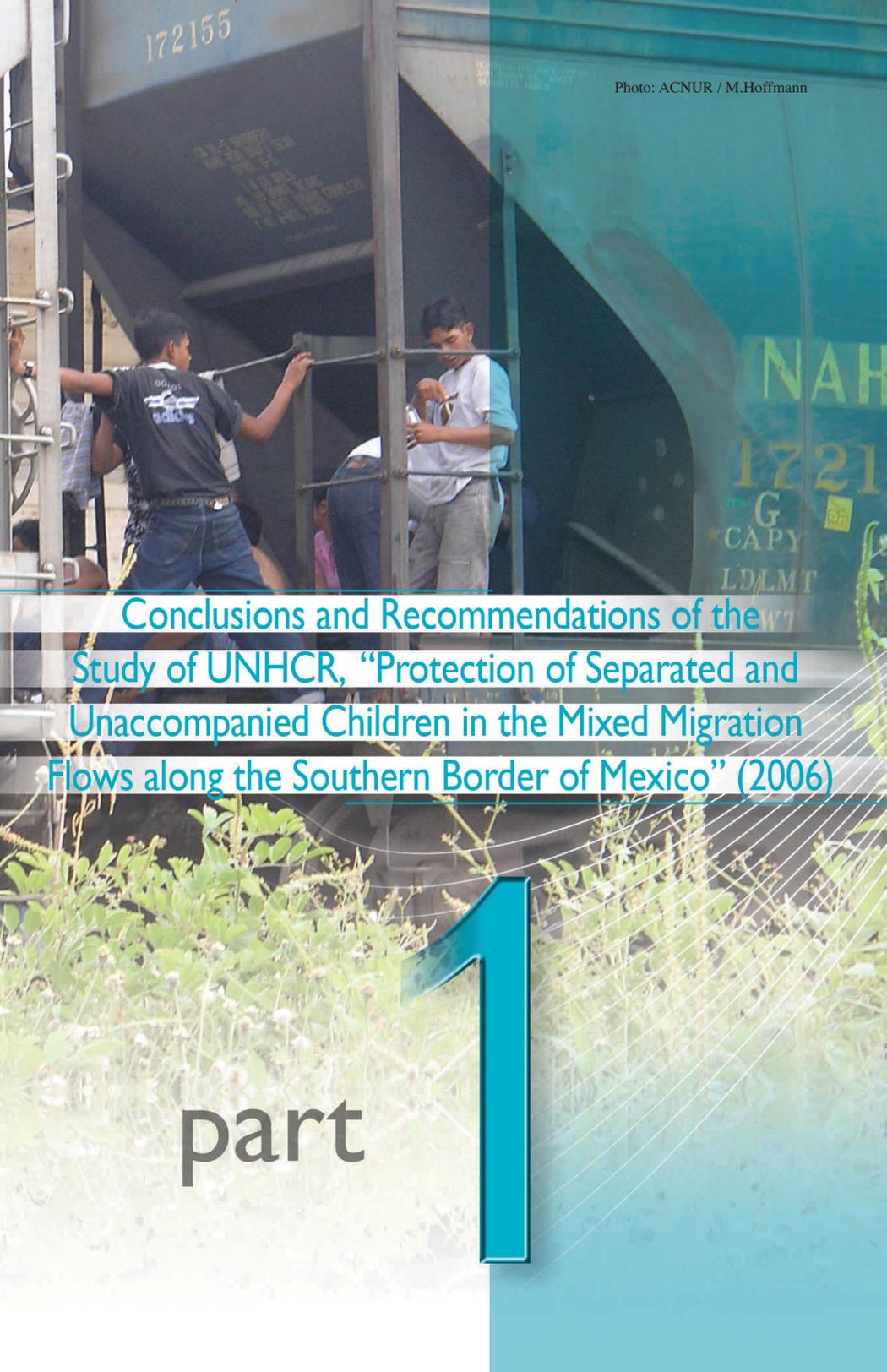


Photo: ACNUR / M.Hoffmann

Conclusions and Recommendations of the Study of UNHCR, “Protection of Separated and Unaccompanied Children in the Mixed Migration Flows along the Southern Border of Mexico” (2006)

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1. Conclusions and Recommendations of the Study of UNHCR, “Protection of Separated and Unaccompanied Children in the Mixed Migration Flows along the Southern Border of Mexico” (2006)

From May to August 2006, UNHCR, with the cooperation of a specialist in child protection from the Swedish organization Save the Children, carried out a study regarding the situation of separated and unaccompanied children within mixed migration flows along the southern border of Mexico.

The objective was to identify the main challenges for governments in the protection of separated and unaccompanied children along the Southern border, and to propose coordinated solutions.

The study consisted of: 1) an analysis of levels of vulnerability of migrant children who crossed the Southern border of Mexico; 2) an assessment of who among them might require international protection; and 3) an evaluation of existing mechanisms for the detection and referral of cases to adequate institutions.

With this study, UNHCR, in accordance with its mandate², calls upon national authorities in the region to pay the necessary attention to separated and unaccompanied migrant children within migration flows.

Although the vast majority of the 75 children interviewed in this study did not meet the criteria to be considered refugees³, some of the children interviewed reported having been subjected to abuse, aggressions or assaults during their travels. UNHCR found that within this population of separated and unaccompanied migrant children there generally were high levels of vulnerability, which called for closer inter-agency coordination to give these children adequate protection and care.

UNHCR also noted that the mechanisms to identify and refer separated or unaccompanied children requiring international protection in mixed migration flows were very weak. As a result, children in need of international protection continued in a particularly vulnerable situation and without access to protection.

¹ In its Conclusion No. 47 (XXXVIII) adopted in 1987, the Executive Committee noted the special vulnerability of unaccompanied refugee children. At the same time the Inter-agency Guiding Principles on Unaccompanied and Separated Children states that UNHCR was given a mandate by the United Nations to protect and care for refugee children, specifying that UNHCR works with a variety of inter-agency initiatives, involving actions in political as well as operational environments. On its part, the United Nations General Assembly in its resolution A/RES/58/150 related to Assistance to Unaccompanied Refugee Minors, stated “that unaccompanied refugee minors are among the most vulnerable refugees and the most at risk of neglect, violence, forced military recruitment, sexual assault, abuse (...) and therefore require special assistance and care” and takes note of “the efforts of the High Commissioner to ensure the protection of and assistance to refugees, including children and unaccompanied minors, and that further enhanced efforts need to be exerted to this effect”.

² Out of the 75 migrant children interviewed in Tapachula during the period of the study, 11 cases (13%) presented elements meriting a more thorough study of their possible need for international protection.

The outcome of the study served as a basic document for reflection, in which UNHCR, in order to carry out its mandate, urged the Mexican Government and its non-governmental partners to work more closely to put in place adequate protection mechanisms for unaccompanied and separated children along the southern border of Mexico.

UNHCR Recommendations

In addition to documenting the situation faced by migrant children during their journey, UNHCR, made recommendations for improving the protection of migrant children, including:

UNHCR recommendations to improve the protection of unaccompanied or separated migrant children

- 1) To strengthen the capacity of officials in the area of child protection.
- 2) To reinforce mechanisms of cooperation and coordination.
- 3) To reinforce the legal framework.
- 4) To identify alternatives to the detention of migrant children.
- 5) To designate guardians for children.
- 6) To implement mechanisms for the detection and referral of children in need of international protection.
- 7) To ensure fair and effective asylum procedures for separated and unaccompanied children.
- 8) To evaluate complementary forms of protection for children.

1) To strengthen the capacity of officials in the area of child protection

It is recommended that capacity- building activities and initiatives be scheduled which target immigration officers, officials of the Mexican Commission for Aid to Refugees (COMAR), members of the Eligibility Committee and staff of organizations working in the area of child protection, such as Government and non-governmental shelters. These activities should provide a broad overview of rights and responsibilities for those who take care of migrant children, especially those who require international protection.

2) To reinforce mechanisms of cooperation and coordination

National institutions and regional and international agencies must ensure the protection of children in a comprehensive and consistent manner, in accordance with their mandates. The participation of the National Agency for Family Development (DIF – Sistema Nacional para el Desarrollo Integral de la Familia) is essential, as is the participation of agencies such as UNICEF, IOM and non-governmental institutions specializing in protection and advocacy for migrant children and asylum-seekers.

The coordination mechanisms between the National Institute of Migration (INM), COMAR and DIF shelters for children should be reinforced to ensure immediate assistance for migrant children, avoiding their detention as much as possible.

It is necessary to develop a comprehensive program of regular human rights training and psychosocial activities at the migration stations, to reduce the atmosphere of punishment and establish confidence among migrant children and immigration staff.

The Working Group on trafficking in persons in Tapachula is considered a very useful platform because of its importance as a forum to discuss refugee and human rights issues along the southern border. However, it is necessary to establish a forum or a network that specializes in children and establish more agencies specializing in children's rights.

3) To reinforce the legal framework

The principle of the best interests of the child must be incorporated into legislation and migratory policies. The establishment of an adequate legal framework to protect refugee children is an essential requirement to strengthen the country's child protection system. UNHCR recommends including specific provisions on the international protection of unaccompanied children and asylum-seekers, including the appointment of a guardian and identifying specific mechanisms of protection in the draft legislation on refugees.

4) To identify alternatives to the detention of migrant children

Children under the age of 12 are usually lodged at DIF's Temporary Shelter for Underaged Migrants and Mothers with Underaged Migrant Children in Tapachula, Chiapas (Albergue Temporal para menores migrantes y madres con menores migrantes del DIF). However, this is not the case with girls and boys who are between 13 and 17 years old, who also are minors according to the Convention on the Rights of the Child. The study found that there are no community alternatives to detention, including systems of protection and care for adolescents. UNHCR recommends offering alternatives to detention for all minors, and considers it should only be used as a last resort, so the best interests of the child always prevail.

5) To designate guardians for children

A major concern of UNHCR is that there is no a legal framework that specializes in the custody of unaccompanied foreign children in Mexico, which is why it is essential to implement actions, at least ad hoc, to identify de facto guardians. UNHCR recommends identifying and establishing an independent and formally accredited organization to appoint a guardian or adviser at the time that a separated or unaccompanied child in need of international protection is identified.

The adviser must have the necessary expertise in the field of child care, to ensure the interests of the child are safeguarded, and to meet the child's legal, social, medical and psychological needs during the procedure for determining refugee status and until they find a durable solution. To this end, the guardian or adviser must act as a liaison between the child and agencies or specialists who provide the care the child requires.

The term 'best interests of the child' describes, in a general manner, the 'well-being' of the child.

In order to determine the best interests of the child, all of the child's rights must be considered, as well as his opinions. In all actions affecting children, the best interests of the child must be the main consideration, although not the only one.

UNHCR Guidelines on Determining the Best Interests of the Child May 2008.

<http://www.unhcr.org/protect/PROTECTION/4566b16b2.pdf>

6) To implement mechanisms for the detection and processing of children in need of international protection

The program of dignified and orderly repatriation, whereby the Mexican government carries out the interception, administrative detention, and prompt deportation or repatriation of children to their Central American

country of origin lacks safeguards and adequate mechanisms to identify unaccompanied or separated children seeking refugee status or who may be in need of international protection.

It is necessary to establish adequate mechanisms within the migration process, particularly in two areas: case detection and referral.

Detection: Taking into account that a minor does not know his/her right to seek asylum, government officials in charge of immigration control must have adequate training and guidelines regarding the vulnerability of children, and the identification and treatment of unaccompanied and separated children, to detect why a child is outside of his/her country; is separated from his/her parents or unaccompanied by an adult; and has fled his/her country and requires international protection. If fear or resistance to return to his/her country of origin is detected or expressed by a child, he/she must be offered full support in a reliable way. He/she must be adequately and clearly informed of his/her right to request refugee status in Mexico and access existing protection mechanisms in the host country, in clear terms that take into account the age and maturity of children.

Referral: A reference mechanism must be established for children who request asylum, according to the 1951 Convention relating to the Status of Refugees and the Convention on the Rights of the Child.

During the study, some signs of trafficking in humans were revealed, which were not denounced to the appropriate authorities, and therefore, it is recommended that a mechanism to identify and process cases be established.

7) To ensure fair and effective asylum procedures for separated and unaccompanied children

UNHCR recommends that its guidelines be followed on unaccompanied children seeking asylum⁴, including access to the territory, initial identification and proper registration for children seeking asylum or otherwise in need of international protection.

Registration: Unaccompanied minors should be registered during the course of an interview. In addition to the initial registration of basic biographical data (such as sex, age, migratory status, among other

All children who express or manifest fear of being returned to their countries must be immediately referred to COMAR. During the process to determine his/her refugee status, officials should not notify the consular authorities of the child's country. All authorities involved in the procedure must ensure that the child's life is not placed at risk and that the best interests of the child are always taken into account.

categories), the file should be updated and must accompany the child whenever there is a transfer of his/her location or care arrangements. Effective documentation of the child, his/her story and all relevant information will help to ensure that subsequent actions are taken in the best interests of the child, with the aim, above all, of facilitating the search for his/her relatives.

Documentation: Separated or unaccompanied children seeking asylum or refugees must obtain a certificate or document proving that status, to facilitate the full enjoyment of their rights and guard against the risk of deportation.

All asylum claims made by children or affecting a child — whether accompanied, separated or not — should be treated fairly and expeditiously. It is necessary to adopt internal measures to ensure that the principles included in the Convention on the Rights of the Child and other relevant international instruments are applied in a consistent manner during the process of determining refugee status.

To assess the claims, examiners should expand the notion of persecution to include specific forms of persecution that may affect children (i.e. child abuse or exploitation, intra-family violence, forced recruitment by gangs, sale of children, forced marriage agreements, trafficking in human beings or extreme discrimination against street children). In addition, the identification of persecution should take into account the sensitivity of children and their emotional response because the trauma can terrify the child to such a degree that it is considered persecution.

⁴Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum. UNHCR, February 1997. www.unhcr.org/publ/PUBL/3d4f91cf4.pdf.

While determining eligibility, a formal and systematic investigation should be performed regarding national protection systems for children in their countries of origin. Such research will enable responsible parties to assess whether children are in need of international protection or whether alternatives should be explored in their own countries of origin.

8) To evaluate other complementary forms of protection

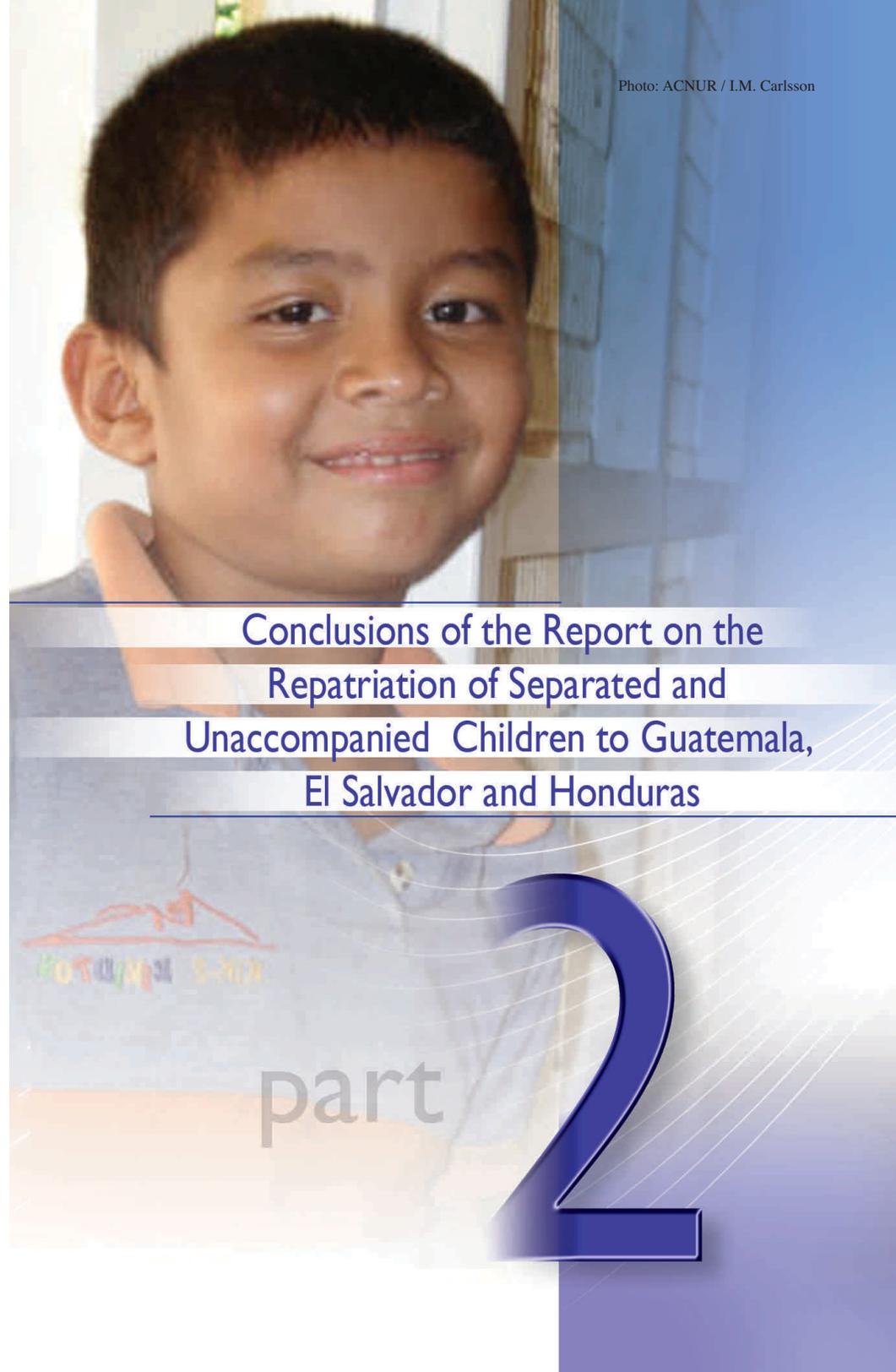
Complementary protective measures should be established for unaccompanied or separated children who do not meet the refugee criteria, but whose lives, freedom or emotional or physical integrity would be endangered if returned to their country of origin. In such cases, granting a permanent stay for humanitarian reasons should be considered.⁵ Special care should be given to the protection needs of victims of intra-family violence, sexual and gender-based violence, and trafficking in humans.

Repatriation should not be seen as the ultimate goal to be met at all costs, since other factors may be at play, including threats to the life of the child after the repatriation or limited possibilities of reintegration for children in their countries of origin. The assessment of these factors can prevent children from emigrating again, in conditions of greater risk, after being deported.



Photo: ACNUR / M. Hoffmann

⁵To this effect, the Mexican government, through the National Institute of Migration and COMAR, issued in 2007 the following documents: Circular regarding Internment or Regularization for Humanitarian Reasons (CRM-004-07) and Circular regarding Complementary Protection (CRM-016-07) issued by the National Institute of Migration on April 12 of 2007 and July 3 of 2007, respectively.



2. Conclusions of the Report on the Repatriation of Separated and Unaccompanied Children to Guatemala, El Salvador and Honduras

Further to the recommendations of UNHCR for the protection of separated and unaccompanied children along the Southern border of Mexico, and in order to verify the situation facing separated and unaccompanied children after repatriation to their countries of origin, from April to July 2007 a Child Protection Officer assigned by UNHCR accompanied the repatriations of Central American children organized by the INM from Tapachula to their places of origin (Guatemala, El Salvador and Honduras). The Officer also met with national authorities and members of civil society in these three countries and visited some border points and shelters for children, in order to evaluate reception conditions.⁶

It should be emphasized that, outside the context of the voluntary repatriation of recognized refugees, UNHCR's interest in repatriation procedures and reception conditions for migrants is generally limited to the dignified and safe return of rejected asylum seekers. In situations, however, where it is unclear whether all persons who are potentially in need of international protection are identified and receive protection, UNHCR may assess the conditions in which such persons are repatriated. If repatriation systems and reception conditions lack the necessary safeguards, pre-existing vulnerabilities may be exacerbated and, in some instances, lead to a vicious cycle of migrations and deportations which give rise to the need for international protection. This is particularly true in the case of separated and unaccompanied boys, girls and adolescents who, by definition, are vulnerable to human trafficking and smuggling, sexual exploitation, forced labor, recruitment by youth gangs and street violence, among others.

In principle, every consulate in Tapachula collects the necessary information on children before returning them to their countries of origin, but many children were found to have been repatriated before their identities were sufficiently verified, or without prior identification of their families or some appropriate temporary reception institution in the country of origin.

Also, there were several instances in which, after the children arrived in their country of origin, those responsible for their reception were not properly identified. According to several sources, information on children sent to their countries of origin was frequently incorrect, not verified, or did not arrive on time.

Furthermore, it should be added that reception systems for separated or unaccompanied children in Guatemala, El Salvador and Honduras did not appear to fully meet international standards. On many occasions, civil society and NGOs have carried out functions which fell within the purview of the State, which did not always have the capacity to fulfill its commitments to protect children.

⁶This document names some governmental institutions and non-government organizations contacted while the Child Protection Officer accompanied the repatriations in 2007, but it does not intend to thoroughly reflect the work or presence of the local organizations in the three countries.

It is necessary for the governments of Guatemala, El Salvador and Honduras to identify and implement appropriate measures to ensure family and social reintegration of separated and unaccompanied children who are repatriated, to prevent children from being unprotected and ending up on the street and/or making further attempts to leave the country, in even more vulnerable conditions.

GUATEMALA

The National General Attorney's Office (PGN – Procuraduría General de la Nación) is the institution responsible for receiving Guatemalan children who are deported from other countries and it is also responsible for locating their families and delivering the children to them. Years ago, this work was the responsibility of the Secretary of Social Welfare (Secretaría de Bienestar Social), responsible for implementing the legislation on behalf of children in Guatemala. However, the Secretary remains in charge of this task in Quetzaltenango, where it receives in its shelters unaccompanied children deported from Tapachula. The PGN, despite having a local office, has no shelters of its own, and refers them instead to Social Welfare.

In cases of trafficking or violation of the rights of children, the PGN submits complaints directly to the Public Ministry, which is responsible for preliminary investigations. The Office of the Attorney for Minors adjudicates cases and, by law, must follow up on cases for a period of two years or until the child reaches the age of majority.

Department of Quetzaltenango: The Secretary of Social Welfare in Guatemala is responsible for implementing the legislation on behalf of children in Guatemala and ensures services and family reunification for children. Social Welfare receives the list of children from Mexican authorities and accommodates them at its shelter in Quetzaltenango, "Our Roots" (Nuestras Raíces), for a maximum of four days, as established by national legislation. Children are interviewed the day after their arrival, in order to obtain the appropriate information. The Secretary of Social Welfare also is a guardian for unaccompanied or separated children. This shelter also receives separated or unaccompanied children from other countries, and the Secretary is responsible for contacting the respective consulates in order to repatriate them.

The Secretary of Social Welfare has the option of identifying foster families for special cases, particularly during the adoption process. In the past the Secretary had a program of foster families, which involved 500 families, but in 2006 the program was closed down, due to a lack of monitoring and problems with the families, many of which resided in remote villages.

Guatemala has only four shelters for the reception of children: Manchen in Antigua, for girls between 7 and 17 years; San Gabriel in San José Pinula, for children between 7-17 years; and Las Gaviotas and Los Gorriones for juvenile offenders.

The San Gabriel Home has a capacity for 120 children and is located on the outskirts of the Guatemalan capital, in San José Pinula. Years ago it was a penitentiary facility. It houses youngsters serving court sentences, as well as children and adults with disabilities or mental illness caused by abuse, neglect or a life on the streets consuming drugs. There are also foreign undocumented children who have been intercepted in Guatemala. Guatemalan children who have been deported from Tapachula while the PNG is processing their cases also stay in this home. When these children have no relatives with whom they can be reintegrated, they remain at the shelter until they reach 18 years of age.

The San Gabriel Home has conditions similar to a detention centre. Authorities have many problems with the behaviour of children who are there. The children are offered education classes daily, as well as recreational activities and sometimes have the opportunity to go out for a walk. Children also have access to a psychologist. Similarly, they receive visits from the Evangelical Church that helps them meet their needs for clothing.

Organizations such as Casa Alianza have an important role in comprehensive care for children in Guatemala, including victims of sexual exploitation and migrant children. In addition to accommodation, this NGO provides legal advice in criminal matters, civil (in cases of alimony) and notary services (processing identity documents through the Civil Registry). The attention for children is focused on family and sociological support (counseling, health screenings, among others), as well as making decisions about the best interests of the child, which is the result of a review by multidisciplinary teams. On some occasions, Casa Alianza has implemented actions for the rescue of children.

EL SALVADOR

A day before deportation, the Salvadoran immigration office receives the list from their Mexican counterparts. However, the authorities of El Salvador do not keep a copy of the children's files.

Children and women who are deported by land are received (along with the report containing the names, ages and number of repatriated children) by Immigration and Foreign Ministry delegates in the Ministry's Care Centre, located in Hachadura, on El Salvador's border. If parents or persons responsible for picking up children do not show up, the minors are brought temporarily to a shelter of the Salvadoran National Institute of Adolescents and Minors (ISNA – Instituto Salvadoreño Nacional de Adolescentes y Menores). The National Civil Police works in conjunction with ISNA in receiving children.

⁷ Youth gangs.



Photo: ACNUR / I.M. Carlsson

ISNA is the institution in charge of conducting in-depth interviews of children upon their arrival, through a team of social workers and psychologists, and delivering children to their relatives or, in their absence, to a shelter. The facilities are deteriorated and only take care of boys up to 7 years of age and girls up to 17 years of age. Their stay at the shelter is temporary, and if the children cannot be handed over to a relative, ISNA refers them to specialized attention centres or to an NGO with which it has agreements.



Photo: ACNUR / I.M. Carlsson

When a child arriving to an ISNA shelter declares having any connection with the maras, he/she is brought to the 'City of the Child' (Ciudad del Niño), a shelter located in Santa Ana, with a capacity for 350 children.

ISNA is also responsible for representing children as guardians in judiciary proceedings for administrative protection. For his part, the Attorney for Minors (Procurador de la Niñez) provides legal representation for children charged with committing a crime.

HONDURAS

Unlike El Salvador and Guatemala, in practice there is no repatriation procedure between Honduras and México specifically for children, nor a formal reception procedure. The Honduran Institute for Children and Family (IHNFA – Instituto Hondureño para la Niñez y la Familia) does not have a proper place to receive deported children in Aguacaliente (Ocotepeque), the first Honduran population centre after crossing the border with Guatemala. IHNFA only goes to Aguacaliente to receive repatriated unaccompanied children under 15 years of age to bring them to their relatives or to a shelter. Unaccompanied children aged 15 or older who are repatriated are not received by any public institution and depend on whether their relatives go to collect them or not. Many of them restart their journey northward again and again, having less money every time, and becoming more vulnerable to abuse and exploitation.

Today there is no shelter or adequate physical space along this border where children can rest and receive food upon arrival. The closest shelter is the 'Home of the Migrant' (Casa del Migrante) in Ocotepeque, 27 kilometers away from the border. This shelter belongs to the Catholic Church and has approximately 60 beds for men, 20 for women and 15 for children. However, at times it has given shelter to more than 100 people in one night. In 2006, the Home of the Migrant cared for 8,834 persons who were deported during that year. During the months of March and April 2007, 29 children were cared for. Most children at the shelter are between 14 and 18 years old and come from poor families. The average stay of children in the Home of the Migrant is one week, depending on whether the parents collect them or if IHNFA officers come to collect them from San Pedro Sula, which occurs once a week. Many children prefer to leave on their own before being referred to IHNFA, since they do not want to be taken to the shelter of the State.

When the staff from the Home of the Migrant travels to the border to pick up children, they take only those who want to be at the shelter on a voluntary basis. Often children arrive undocumented, and the person in charge of the shelter interviews children and makes contact with the parents, who must come to collect them and show documentation regarding their family relationship. In most cases, the Home of the Migrant has no information in advance about the arrival of children to the border.

The IHNFA shelter closest to the border with Honduras is in Gracias, Lempira Department, some 130 kilometers from Ocotepeque. In 2006, IHNFA reached an agreement with the Home of the Migrant, facilitated by IOM, to move children from the Aguacaliente border to Ocotepeque and to provide shelter and food during the waiting period until they are handed over to their parents. However, during the visit of UNHCR in 2007, no such agreement had been signed.

In the case of children returning to the border of Amatillo or those returning by air, the onus is on the IHNFA's office in Tegucigalpa. However, sometimes IHNFA does not have the capacity to receive children or there is a delay in going to the airport in Tegucigalpa due to a lack of resources. These children are taken to the 'Casitas Kennedy' centre when they are younger than 12 years old and to the 'October 21' centre when they are between 12 and 18 years old. The average stay in these shelters varies between one to two weeks. These shelters do not receive migrant children who are not Hondurans.

The Care Centre for Migrants of the Human Mobility Pastoral set up the 'Las Brisas' shelter in 2007 to help migrants who are not from Tegucigalpa. Some 25 volunteers from the Church receive and interview the deported daily. However, they have to begin from zero since they are not given any documentation on these persons.

There are two care centres for children, the ABC for boys and La Casita for girls. Accommodation is temporary, but many of the children who stay longer periods receive classes at the centre to learn a trade.

The La Casita facilities are in poor condition and are designed to prevent the escape of girls, with windows and walls with sharp prong security measures, without physical spaces suitable for adolescents. At the time of the study in May 2007, the population of the centre was 58 girls, with a very diverse profile: pregnant girls, victims of sexual exploitation, street girls, children with mild and moderate mental retardation, and some girls whose mothers brought them to the facility because they regarded their conduct as undesirable. There also are deported girls waiting to be handed over to their relatives. All girls share the same premises and do not receive individual attention. The centre has only one psychologist to deal with all girls. In addition, the centre has some activities such as computer classes, tortilla making and literacy classes. The average age of girls who are at the centre is between 12 and 17 years.

For its part, the Casa Hogar Querubines shelter receives trafficked children exclusively.

The procedure for repatriated children who are taken to shelters consists of IHNFA calling their parents, at the phone numbers provided by the same children. Parents have to come with proper identification and show the birth certificate of the child for INFHA to hand over the child. If the child does not want to be with his/her parents, and the INFHA social worker verifies that a risk would exist if the child went with the parents, the minor is accommodated with a close relative, but there is no monitoring of this program. In interviews done by INFHA of children, it has been noted that most deported children come from broken homes, their parents have migrated to the United States, or they have been victims of trafficking or sexual abuse. The main cause of migration is poverty and most times people emigrate again after being deported.



Photo: ACNUR / A.S. Alfonso

UNHCR recommendations for the reception of children in their countries of origin

- Before repatriation, the authorities must ensure that children have relatives in their countries of origin willing and capable of caring for them, or failing that, that there is an appropriate social service agency to host them.
- The return of unaccompanied children to their countries of origin should only occur when it is in the best interests of the child.
- It is necessary that the countries of origin of repatriated children provide resources for their care and protection, including the appointment of a welfare agency to house unaccompanied children and, where appropriate, reunite them with their families.
- It is essential to ensure that the reception centres for unaccompanied minors meet basic standards of health and safety and give children the protection and care that they need.



Actions implemented in Mexico after the Study

3. Actions implemented in Mexico after the Study

The following is a chronology of actions carried out by governmental and nongovernmental institutions, which comport with the recommendations mentioned in the aforementioned studies carried out by UNHCR.

1) Roundtable on Inter-agency Dialogue on Unaccompanied Children and Adolescents and Migrant Women

This Roundtable is a forum for discussion of policies and responsibilities for migrant children, whose goal is to create comprehensive protection mechanisms for them. The Roundtable was launched in March 2007 in Mexico City by the Undersecretary of Population, Migration and Religious Affairs of the Interior Ministry (Subsecretaría de Población, Migración y Asuntos Religiosos de la Secretaría de Gobernación). Members include UNICEF, UNIFEM, UNHCR, IOM, the national division of DIF, the INM, COMAR, the Social Development Ministry (SEDESOL – Secretaría de Desarrollo Social), the Public Education Ministry (SEP – Secretaría de Educación Pública), and the Health & Assistance Ministry (SSA – Secretaría de Salud y Asistencia), among other institutions.

The Roundtable is coordinated by the Assistant Secretary for Population, Migration and Religious Affairs of the Interior Ministry and was established as a strategic inter-agency body to address the situation of unaccompanied children and adolescents and migrant women. The Roundtable seeks to evaluate inter-agency coordination, exchange information and agree on measures and mechanisms to ensure the rights and protection of unaccompanied children and adolescents, in addition to women, entering or leaving the country.

There is a technical working group, in which all of the institutions of the Roundtable are represented, which identifies priority needs, proposes joint actions, coordinates strategic activities and elaborates documents for discussion at the Roundtable.

2) Model to care for and protect the rights of repatriated, unaccompanied migrant children and adolescents

In July 2007, INM presented the proposal for a diagnosis on the situation, care, and migratory management of unaccompanied children and adolescents along the southern border, as well as a model to care for and protect the rights of repatriated, unaccompanied migrant children and adolescents. This model aims to ensure the protection of the rights of migrant children throughout the process of repatriation and their safe return to their communities of origin, and benefits from the participation of UNICEF, IOM, UNHCR, DIF, INM and other institutions belonging to the Roundtable on Inter-agency Dialogue on unaccompanied children, adolescents and migrant women.

COMAR and UNHCR participated in the development of this model to ensure that children requesting refugee status and refugees receive adequate protection in the country of reception and that they are not returned to their countries of origin.

This model contemplates a flowchart or critical path which specifies the actors, actions and key stages during the repatriation process for foreign children in Mexico, focusing on respect for the rights of children throughout the procedure and taking into account the best interests of the child.

UNICEF is providing technical support in the form of a study on legal standards, regulatory competence and collaboration agreements applicable in cases where children are victims of common crimes, in addition to drafting a Operational Reference Manual on the implementation of the attention and care model to protect the rights of repatriated, unaccompanied migrant children and adolescents, for all involved in the process.

3) Cooperation Agreement between COMAR, INM and DIF Chiapas

In July 2007, COMAR, the INM and the DIF Shelter in Tapachula signed a Cooperation Agreement to improve the protection and care of migrant children in the state of Chiapas. In that agreement, DIF undertook to accommodate all migrant children under 12 years of age until they were repatriated or reunified with their families and give shelter to asylum-seeking children and refugees of all ages. Also, the INM and DIF pledged to channel to COMAR all children requesting refugee status or who are otherwise in need of international protection. The agreement also stipulates that DIF should provide shelter to children requesting refugee status until the resolution of their cases. Concrete mechanisms for the systematic implementation of this agreement are still required

4) Child Protection Officers

Child Protection Officers (OPI – Oficial de Protección a la Infancia) are officials of the National Institute of Migration who were appointed in November 2007 to ensure the full protection of the rights of unaccompanied migrant children along the Northern and Southern borders of Mexico. There are two OPIs in each of the 32 INM delegations throughout the country. They were trained in early 2008 by the various institutions represented at the Inter-agency Roundtable. Under the model for the protection of the rights of repatriated, unaccompanied migrant children and adolescents, the OPIs should detect and respond to the most urgent needs of migrant children; use the necessary tools for crisis intervention; facilitate the lodging of asylum claims; assist victims of trafficking; and inform children and adolescents, in appropriate language, about their rights; and answer their questions about their immigration proceedings.

Likewise, the OPIs should channel children and youth to the appropriate entities (COMAR, DIF shelters) and accompany them throughout the immigration station, asylum or repatriation procedures, as appropriate, ensuring their protection at all times.

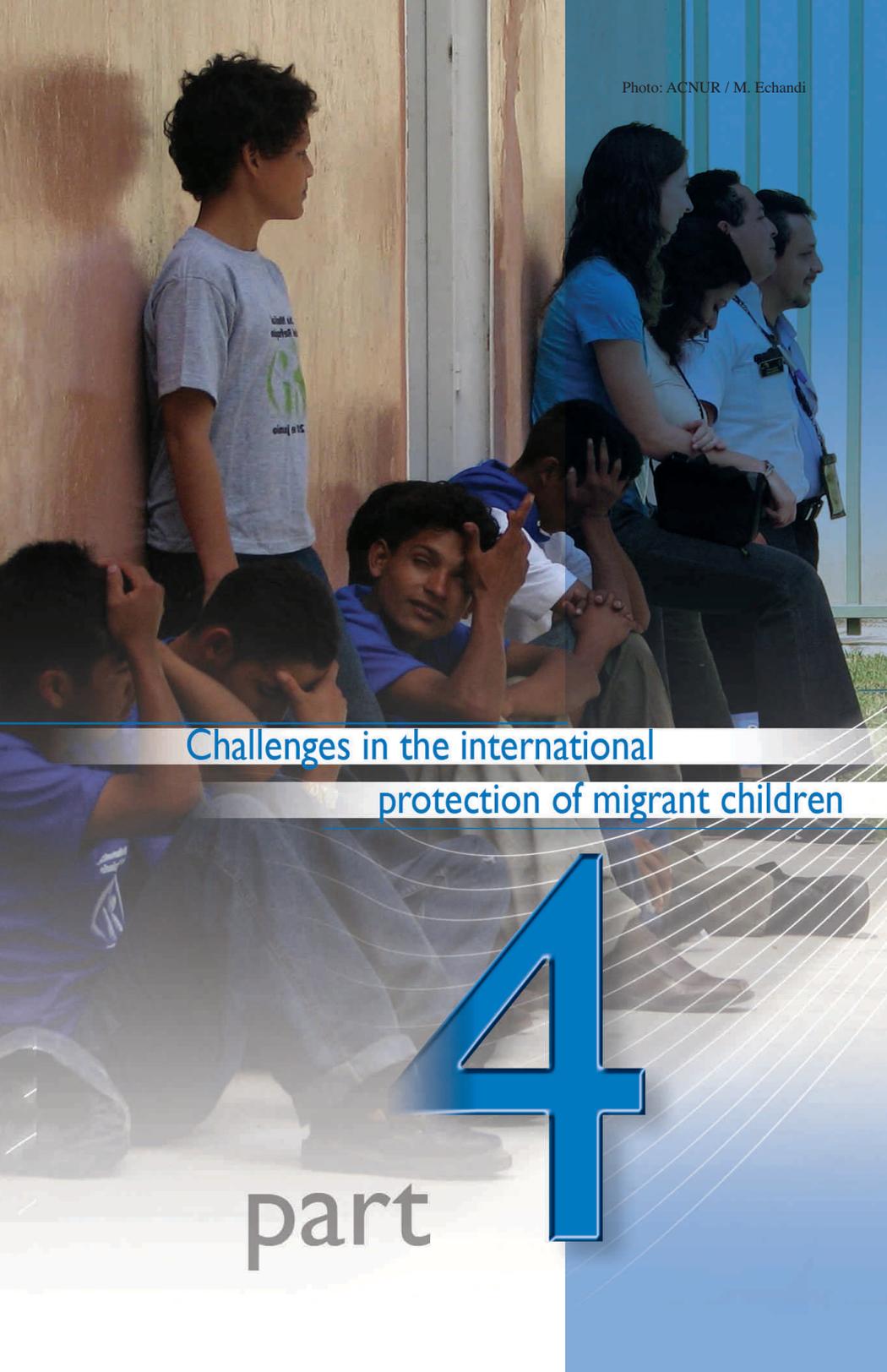
The INM is working on an administrative directive to formally establish the functions of OPIs and the mechanisms required for them to carry out their duties properly.

5) Implementing the flowchart in Tapachula

In April 2008, COMAR, INM, IOM and UNHCR conducted a training for agents of the DIF of Tapachula and newly appointed OPIs. The flowchart or model for the protection of unaccompanied migrant children and adolescents along the Southern border was presented. The need to establish mechanisms to improve coordination among institutions in relation to the detection and referral of children in need of international protection was also discussed in detail. In addition, UNHCR took advantage of the meeting to reiterate its request that DIF also provide hospice to children up to 17 years of age who request refugee status and are particularly vulnerable, or, if they cannot receive them, that they search for other alternatives to detention.



Photo: ACNUR / G.Maza



Challenges in the international protection of migrant children

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4. Challenges in the international protection of migrant children

The actions implemented constitute significant progress in the protection of unaccompanied or separated children. However, challenges remain to ensure that migrant children fully enjoy their rights in Mexico, both in the areas of detection and referral of children in need of international protection, as well as in the process of repatriation and return to their countries of origin.

It is therefore recommended that the close coordination and collaboration among members of the Roundtable for Inter-agency Dialogue on unaccompanied children, adolescents and migrant women continue, and that its members continue to develop concrete projects focused on protection delivery. Within this inter-agency framework, the development of **standard operating procedures** has been proposed, and should be completed based on the joint discussions and proposals of INM, COMAR, DIF, UNICEF, IOM and UNHCR, among others.

UNHCR has previously pointed out the multiple challenges that exist in the repatriation of Central American children. Steps must be taken to ensure that the fundamental human rights of each child who is repatriated are protected. In cases where children do not seek asylum, it is necessary to work closely with consulates to ensure all information required prior to any repatriation is gathered, verified and sent to the competent authorities, before proceeding to an orderly, dignified and safe repatriation of separated or unaccompanied children, to facilitate their reinsertion or family reunification, if that is in the best interests of the child.

For UNHCR, it is essential that mechanisms be put in place to implement the following actions:

- The registration and documentation of unaccompanied or separated children.
- The identification of children in need of international protection.
- Referral to institutions that provide protection and assistance.
- The establishment of a system that will alert COMAR and competent bodies about the arrival of unaccompanied children who might need international protection, so that they receive the necessary protection and assistance according to their special needs.

- Conducting training programs to facilitate the early detection and assistance of unaccompanied and separated children, which include information about rights, international standards and norms contained in the Convention on the Rights of the Child.
- An analysis of national structures and networks existing in the countries of origin for the protection and assistance of repatriated children.
- The confidentiality of information in all asylum proceedings — particularly those related to children under the responsibility of COMAR, the INM and the DIF — must be ensured.

Some recommended ways to achieve these goals are as follows:

1) Strengthening **inter-agency coordination**, communication and cooperation through regular meetings and planning.

2) **Regular training activities** aimed at capacity building, through courses and guidelines on protecting children, including their needs and vulnerability, and on the identification and assistance of unaccompanied and separated children, particularly those who may wish to request refugee status.

3) Frequent **monitoring exercises and constant contact with children who are detained** or in shelters.

4) **The establishment of a framework agreement** between INM, COMAR, UNHCR, IOM, NGOs and other **institutions with expertise in the reception, detection of children in need of international protection and referral to the appropriate instances**, which ensures adequate protection for children, while respecting their fundamental rights, including the right to a fair asylum procedure, and the designation of a guardian to ensure their interests at all times.



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