

Child Migration: The Detention and Repatriation of Unaccompanied Central American Children from Mexico

Child Migration

The Detention and Repatriation of
Unaccompanied Central American
Children from Mexico

Research study

January 2010

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Catholic Relief Services
228 W. Lexington Street
Baltimore, MD 21201-3413 USA

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Study Coordinator: Betsy Wier

Edited by Erica Dahl-Bredine and Mary DeLorey

Cover photo: Migrant boy in Tecun Uman, Guatemala. (Frank de Ruiter/CRS)

Layout by Ephra Graham

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ACKNOWLEDGEMENTS

Catholic Relief Services would like to express its gratitude to all of the people and organizations that worked on this study, including:

The organizations which conducted the interviews with the child and adolescent migrants: Sin Fronteras in Mexico, Casa del Migrante Tecun Uman in Guatemala, Instituto Centroamericano de Estudios Sociales y Desarrollo (INCEDES) in Guatemala, Centro de Recursos Centroamericanos (CARECEN) in El Salvador, and Casa del Migrante Ocotepeque in Honduras.

Catholic Relief Services national staff including José Acevedo, CRS Honduras; Lucrecia Oliva, CRS Guatemala, and José Luis Perez, CRS El Salvador.

Gary Adler, Dan Martinez, and Kraig Beyerlein, researchers from the University of Arizona, who coordinated the post-data collection processes.

Gretchen Kuhner, Mexico City-based consultant, who conducted additional research, writing, and editing.

The governments of Mexico, Guatemala, El Salvador and Honduras, and in particular the migration personnel which allowed access to the detention centers, as well as child welfare staff in each country who allowed the interviewers access to its shelters.

Finally, CRS would like to acknowledge the 757 migrant children who participated in the interviews, often answering difficult questions about the painful experiences they had endured with the hope of improving their lives and being reunited with their families.

ACRONYMS

ISNA – Salvadoran Institute for Comprehensive Child and Adolescent Development (Instituto Salvadoreño para el Desarrollo Integral de la Niñez y la Adolescencia).

IHNFA – Honduran Institute for the Children and Families (Instituto Hondureño de la Niñez y la Familia)

Secretaría de Bienestar – Guatemalan child and family welfare agency

DIF – National Institute for Family Development (Sistema Nacional para el Desarrollo Integral de la Familia) (México)

IDH- Institute for Human Development (Instituto de Desarrollo Humano) (México)

DGM – Guatemalan Immigration Institute (Dirección General de Migración) (Guatemala)

DGME – Dirección General de Migración y Extranjería (Honduras y El Salvador)

INM – National Migration Institute (Instituto Nacional de Migración) (México)

EXECUTIVE SUMMARY

The journey of an undocumented migrant over land from Central America to the United States has become increasingly dangerous in recent years. Assaults by violent gangs, rape, exploitation, and abuse by authorities and smugglers alike have become commonplace. Incidents of human trafficking are on the rise. Hundreds of migrants die each year from exposure, dehydration, malnourishment and transportation accidents. Children and adolescents are now migrating in alarming numbers as well, often unaccompanied by a parent or guardian. Seeking to reunite with their parents who are already in the United States or hoping to find work to help support their families back home, this relatively new population of migrants is particularly vulnerable to abuse and exploitation.

Child Migration: The Detention and Repatriation of Unaccompanied Central American Children from Mexico is a study documenting the conditions under which unaccompanied child migrants¹ from Honduras, El Salvador and Guatemala are detained and repatriated from Mexico to their countries of origin. The study's target population consisted of children 12-17 years of age, most of whom were attempting to reach the United States, traveling as undocumented migrants and either alone or with non-guardian family members, friends or strangers. The study details the abuses experienced by child migrants on their journey and during the four stages of apprehension, detention, deportation, and reception. It also examines aspects of the detention and deportation process which may place unaccompanied child migrants at greater risk of abuse and exploitation.

The study's findings indicate a high level of vulnerability among unaccompanied children and adolescents throughout the migration process. As the study was limited to children who had been apprehended in Mexico before reaching the United States, it does not document the treacherous journey across the U.S.-Mexico border nor the many other dangers and abuses experienced by the even larger group of children and adolescents who are believed to be migrating each year without being apprehended.

¹ For purposes of this report, the following definitions of child and unaccompanied minor are utilized per the UN Committee on the Rights of the Child: "General Comment No. 6: Treatment of Unaccompanied and Separated Children Outside their Country of Origin, September 1, 2005, par. 7: Minor: "Every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier." This means that any instruments governing children in the territory of the State cannot define a child in any way that deviates from the norms determining the age of majority in that State."

Unaccompanied minor: "Children...who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so."

Major Findings: A Demographic Profile of the Child Migrant

- Of the 12-17 year-old unaccompanied migrants interviewed, more than 75% were male, although females were migrating at younger ages than their male counterparts. El Salvador had higher rates of very young (12-13 year-olds) migrants compared with Honduras and Guatemala. The rate of approximately 25% female to male is consistent with the Mexican government's statistics and other studies which have shown that between 20-30% of the overall migrant flows through Mexico is female (both women and girls).
- Most of the minors in the survey (59%) reported migrating primarily for employment reasons, but many had already been participating in the workforce in their home countries before leaving home. Thirty-four percent of the girls and 72% of the boys reported having a job outside of the home before migrating.
- Family reunification was the primary reason for migrating cited by 21% of the respondents. However, the survey asked only for the primary motivation for migration, and many of the respondents may have been migrating for both employment and family reunification purposes. Salvadorans as well as younger children (12-13 year-olds) reported higher rates of migrating primarily for family reunification than the other groups. The children and adolescents with a pre-primary level of education, regardless of nationality, were much more likely to report migrating to seek employment.²
- The girls interviewed were less likely to live with both parents and more likely to live with neither parent than the boys. Guatemalan children were the most likely to live with both parents and also had the most siblings, with 41% reporting 6 or more siblings.
- Seventeen percent of the children and adolescents interviewed for the study spoke an indigenous language.³ A much higher percentage of these children reported living with both parents than non-indigenous children and tended to have more siblings. This group also tended to have less formal education. Some 90% of the indigenous children interviewed had a primary education or less, compared with the 70% of non-indigenous children who reported having this same level of education. Finally, a larger percentage of indigenous children reported having worked to help support their families in their home country.
- The majority of the minors reported that this was their first attempt at migrating. More than 50% said they had left home with \$100 or less in cash for the journey and close to a third began the trip with less than \$50 in cash.

² It is important to note that because the question regarding the primary reason for migrating required mutually exclusive responses, it is likely that a much higher percentage of the children were migrating for both employment and family reunification reasons.

³ These respondents represent Maya ethnic and linguistic groups from Guatemala.

Abuse during all Stages of Migration

The migrant children interviewed were asked to discuss accidents and types of abuse which occurred during various stages of their journey. Overall, 42% of the children and adolescents interviewed reported at least one incident of abuse from the time they left home through their deportation. The majority of abuses occurred while they were in transit, when they were apprehended, or in detention. Twenty nine percent (29%) of the children reported having experienced some form of abuse while in transit, 18% suffered abuse during apprehension, 14% in detention and 3% during the deportation/repatriation process. The most common types of abuse reported in transit were robbery, extortion and intimidation; however, the incidents mentioned most frequently during all the stages of migration were verbal and physical abuse.

During transit and prior to apprehension, the Guatemalan minors registered a much higher incidence of abuse from migration officials, while Honduran and Salvadoran children cited higher rates of abuse by non-state actors and police. Of the minors who reported abuses while being apprehended by authorities, the rates of abuse were highest among Guatemalan youth, both male and female, followed by Honduran males. Verbal and physical abuse was most frequently cited during apprehension followed by theft of personal property and travel documents, intimidation and extortion. Migration officials, and to a lesser degree police, were the primary actors cited in this stage. Relatively few abuses were reported during detention and deportation, although the report highlights several practices which could potentially increase the vulnerability of child migrants to abuse and exploitation during these stages.

Specific Findings during Transit, Apprehension, Detention, and Deportation/Reception

Transit

Child migrants are most vulnerable to abuses by smugglers, traffickers, local law enforcement, gang members, train security guards and other non-state actors while they are in transit through Mexico. Because they have very little information about their rights and fear deportation (since they have entered Mexico without immigration authorization), if they are injured or experience abuse, they are unlikely to seek assistance from authorities or even civilians.

Twenty nine percent (29%) of those interviewed for the study reported at least one incident of abuse while traveling, and 15 children reported that they had experienced forced labor or were sexually exploited at some point in their journey. The children were reluctant to discuss these experiences in detail and not one had reported the incident to authorities or requested assistance.

Apprehension

Some of the children and adolescents in this study were apprehended by authorities such as local police, who are not authorized by Mexican migration law to enforce immigration violations. This has been an ongoing concern of civil society and international organizations for some time. In addition, some of the children were not informed of the reason for their apprehension nor were their rights explained to them. As many children are placed in provisional detention and on buses during the apprehension process, they may not have access to consular protection for several days before arriving at the detention center in Tapachula at Mexico's southern border.

Detention

Concerns during detention were related primarily to the lack of due process guarantees, such as giving the minors information about their rights, explaining the detention and deportation process, and conducting proper screening for potential asylum and trafficking cases. Although the majority of the children reported contact with their consular representatives after they were detained, there were still significant numbers of children who had no such contact at all. This varied by nationality, with 80% of Guatemalan minors reporting contact with their consulate, followed by 69% of Salvadorans and only 55% of Hondurans.

The conditions of the detention facilities where the minors were held varied greatly, depending on where they were held. The facilities in Mexico City and Tapachula, which are the newest and largest centers, received relatively good ratings. One of the chief concerns is that children and adolescents are not consistently held separately from adults. In both the Mexico City and Tapachula detention centers, girls are consistently held in the section for adult women. When children are detained in other parts of the country before they are transferred to Mexico City or Tapachula, the detention facilities are often extremely rudimentary and both boys and girls are routinely held with adults. Common complaints in all detention facilities included verbal abuse and lack of access to medical care.

Deportation and Reception

The survey indicated that most child migrants are not given sufficient information about the deportation process before being sent home and that the reception programs and procedures in their home countries are also inadequate. The reception procedures varied considerably by location. In some sites such as La Hachadura, El Salvador, the children were received by a state welfare institution which provided shelter until

they could be placed in the custody of a family member and returned to their place of origin.

In Guatemala, the children are received at a state welfare institution shelter that is often overcrowded and understaffed, limiting its ability to manage the repatriation process adequately. In the two reception locations in Honduras, the migrant children reported not being met by anyone, taken to a shelter facility or offered any services. They were generally dropped off alone at the border crossing, far from the offices of the child welfare institutions or shelters. Honduran child welfare representatives have limited transportation and staffing resources with which to meet the needs of the thousands of children deported each year. As a result, these children must often communicate with family members and/or find their way home on their own. Many turn around and begin migrating northward again as soon as they are dropped off.

Recommendations

During the past five years, increased attention has been given to the phenomenon of unaccompanied child migration by multilateral organizations and the governments in the region. This has resulted in several positive initiatives including the development of regional guidelines for the safe repatriation of children and adolescents between Mexico and Central America and the adoption of new protection mechanisms for child migrants by the Mexican government. Despite these advances, however, reports of abuses against child migrants continue to be commonplace and significant gaps remain in policy and procedure for ensuring their safe repatriation and reintegration.

The significant rates of unaccompanied migration of minors from Central America and Mexico to the United States need to be understood and responded to first and foremost in the context of the factors driving migration in general. High rates of poverty and inequality combined with limited employment and educational opportunities create the conditions for large scale migration to take root, particularly where regional disparities in income and living standards are high, as is the case between Central America, Mexico and the United States. As more parents migrate with few opportunities to legally and safely reunite their families, and push factors continue unabated in home countries, it should not be a surprise that significant numbers of minors are now migrating on their own between these countries.

These major structural and policy conditions must be addressed in any serious discussion about improving the protection of child and adolescent migrants.

EXECUTIVE SUMMARY

Based on the findings of this study, it is recommended that child welfare agencies and local and national governments in the Central American-Mexico-US migration corridor:

- Increase dissemination of public service information on the dangers of unaccompanied child migration;
- Improve collection and systematization of data on unaccompanied child migrants and secure information sharing between the countries in the region to improve the management of individual cases and overall policy responses;
- Ensure greater emphasis on child protection standards in migration policy and practice and collaboration among the countries of origin, transit, and destination in the protection of migrant children;
- Incorporate Best Interests Determinations⁴ as standard practice in cases of unaccompanied child migrants;
- Ensure alternatives to detention for children and adolescents. When minors are held in detention centers, they should be housed separately from adults and receive specialized age-appropriate care;
- Expand consular protection for unaccompanied child migrants;
- Establish clear procedures to ensure safe repatriation/reception and reintegration in the country of origin;⁵
- Increase partnerships with civil society for the protection of unaccompanied child migrants, given the inadequate resources available to local and national governments in this area.

As stated earlier, ultimately if underlying structural and policy issues are not addressed, high-risk migration of minors in the region will continue. Hence this report also calls for a serious regional commitment to:

- Increase national and regional efforts to reduce poverty and social inequality in the region, including increased education, life skills and job skills training for youth;
- Establish migration policies which create safe and legal avenues for migration and give priority to family reunification.

⁴ The “best interests of the child” principle is set forth in the Convention on the Rights of the Child. The Best Interests Determination is a formal process with specific procedural safeguards and documentation requirements conducted by courts, international bodies and other child protection mechanisms.

⁵ See Appendix III for specific recommendations, developed by CRS’ local partner organizations, on improving the protection of unaccompanied minors in each country.

INTRODUCTION

This study was initiated in response to a growing concern among governments and civil society organizations in the United States, Mexico, and Central America regarding the high levels of child migrants traveling through the region without parents or guardians. While the overall rate of Central American migration, including children, has decreased somewhat since 2006, when the initial survey was conducted, the levels of unaccompanied child migrants have remained a significant proportion of this population. By some estimates, they have actually increased. In 2008, the Mexican government reported that unaccompanied minors accounted for 72% of all child migrants in detention.⁶

Because the Mexican government has recently changed the way it classifies and records the numbers of unaccompanied migrant children repatriated to Central America, it is difficult to compare the numbers from year to year. According to Mexican government officials, however, the 2008 figures may be a better reflection of the actual numbers than the figures from past years. Previous procedures failed to register many unaccompanied child migrants, either because they or the adult they were traveling with claimed a fictitious family relationship (which could have been a smuggling or trafficking situation) or authorities recorded relationships between adult migrants and children that did not exist, presumably to expedite the repatriation process and avoid having to take special child protection measures.

In a 2009 press briefing, the International Organization for Migration (IOM) cites estimates suggesting that as many as 20,000 unaccompanied minors may be migrating through the region each year.⁷ Regardless of the challenges in quantifying the flows of unaccompanied child migrants through Mexico, it is clear that thousands of minors are making the journey each year at a great cost to their physical and emotional integrity, and that each child merits individualized protection.

Mexico repatriated 4,555 unaccompanied Central American children in 2008, which is likely a fraction of the children and adolescents who migrate alone each year without being apprehended, in conditions of extreme vulnerability. The migrant journey has grown increasingly dangerous in recent years even for adults. The legal framework for providing protection to unaccompanied minors is complex, and the social and psychological implications for the children are critical.

⁶ Interview conducted with the INM, Mexico City, August 5, 2009

⁷ International Organization for Migration. (2009, July 31). New centre for unaccompanied minors opens of Mexico's southern border. Retrieved from <http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAM/cache/offonce?entryId=25843>

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Children who migrate alone often suffer physical and emotional abuse during their journey, experiences which have long term effects on their health and well-being. Migrant children who do reach their families in the destination country often experience difficulties re-integrating and adjusting to the changes in family structure, culture and language.



A girl takes notes at school in Guatemala, one of the most dangerous countries in the Americas. Photo by Robyn Fieser for CRS.

In recent years, the phenomenon of unaccompanied child and adolescent migrants has received increased attention and response from multilateral organizations such as UNICEF, regional inter-governmental mechanisms such as the Regional Vice-Ministerial Conference on Migration, and national and state governmental institutions. This attention has led to a number of positive initiatives including the development of regional guidelines for the repatriation of child victims of human trafficking (2007)⁸; regional guidelines for the repatriation of unaccompanied children and adolescents (2009)⁹; bi-national agreements for the “safe and dignified repatriation” of Central American nationals from Mexico to Guatemala, Honduras and El Salvador, with specific clauses outlining procedures for the return of unaccompanied minors; the development of a procedures manual by the Mexican Government’s National Institute on Migration (INM) for the repatriation of Central Americans held by Mexican immigration authorities¹⁰; and a new anti-trafficking law in Mexico.

In addition, the Inter-Institutional Roundtable on Migrant Children and Women was formed in Mexico in 2007 to improve overall protection of child migrants. The group includes the Interior Ministry, Ministry of Education, Ministry of Social Development, Security Ministry, INM, Child Welfare, the IOM, UNICEF, United Nations High Commissioner for Refugees (UNHCR) and the Mexican Commission for Refugee Assistance. The Roundtable contributed to the creation of Child Protection Officers, government advocates for child migrants who now operate in the larger Mexican detention centers including Mexico City and Tapachula. Finally, the IOM is also working with the government of the state of Chiapas in southern Mexico to develop guidelines and build capacity among all institutions that come in contact with unaccompanied minors and has assisted in the recent creation of a new shelter for unaccompanied migrant children at the southern border.

Even with these notable developments, recent reports continue to document the absence of consistent and explicit policy and procedures for the safe repatriation and reintegration of child and adolescent migrants in Mexico and Central America. Those responsible for the management and enforcement of migration as well as many child welfare agencies, are unaware of, untrained in, and insufficiently resourced to implement the legal requirements, policies

⁸ Regional Conference on Migration, (2007). Regional guidelines for special protection in cases of the repatriation of child victims of trafficking. Approved in New Orleans, United States, during the XII RCM.

⁹ Regional Conference on Migration. (2009, July 9). Regional Guidelines for the assistance of unaccompanied children in cases of repatriation.

¹⁰ Instituto Nacional de Migración. (2008). Manual de procedimientos para la repatriación de extranjeros Centroamericanos a disposición de las autoridades migratorias Mexicanas. Mexico City: Instituto Nacional de Migration.

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and protocols, much less best practice standards of child protection and safe repatriation.

This study documents the major abuses experienced by the child and adolescent migrants interviewed in each stage of their migrant journey. It is also structured so as to identify gaps in specific areas of child protection, in terms of current laws and agreements, procedures, and practices which may increase the vulnerability of child migrants to human rights violations, as well as to accidents, gang violence, abusive smuggling situations, and human trafficking. Interviews were conducted with 757 children and adolescents in eight locations in four countries and with migration officials, child welfare authorities and civil society organizations. Additional research on trends and updated procedures and policies pertaining to child migration in the region was conducted in 2008 and 2009 and has been incorporated into this report and its recommendations.

The information obtained from the study has been utilized to inform programming for unaccompanied minors, and for the purpose of developing recommendations to improve the protection and care of child migrants by government authorities, child welfare institutions and civil society organizations. This report presents the principal findings from the interviews with the 757 child and adolescent migrants, as well as a discussion of the legal frameworks governing the apprehension, detention, deportation, and reception/re-integration of children and adolescents. It also provides a set of recommendations for improving protection measures for unaccompanied minor migrants in the region and reducing their risk of abuse and exploitation.

I. BACKGROUND

The Risks

The large scale migration occurring in the Central America/Mexico region has become a source of lucrative trade for those seeking to profit from and exploit the needs and vulnerabilities of migrants. The route north through Mexico is divided into territories and controlled by a variety of organized crime networks which patrol the trains, areas surrounding official check points, fields, and other places where migrants are known to rest and hide. Migration authorities routinely extort money from migrants in exchange for the freedom to continue their journey. Children and adolescents are particularly vulnerable to this pressure and are often taken into custody anyway after giving up what little money they have. Young migrants accompanied by a smuggler are sometimes abandoned in Mexico or passed off to a crime ring.

Although unaccompanied child migrants are extremely vulnerable while in transit, a significant number of abuses are also committed against this population by authorities as they are being detained and deported. The Regional Civil Society Network on Migration (RNCOM)¹¹ has consistently pressed the governments of Mexico and Central America to ensure that minors are not held in detention centers or jails, and that their safety and protection be monitored by child welfare agencies. However, throughout Mexico unaccompanied children and adolescents continue to be held in detention centers with adults, where conditions fall far short of minimum standards for child protection and appropriate care. Procedures to protect children during detention and deportation are often not fully implemented, and arrangements for safe repatriation and family reunification routinely function below minimum standards for the protection of children.

National and local authorities and child welfare institutions confront major challenges in their ability to consistently and comprehensively ensure that interception, detention, deportation and reception of unaccompanied minors occurs in accordance with national laws and procedures, multilateral and bilateral agreements and human rights considerations consistent with the International Convention on the Rights of the Child. These challenges are aggravated by budget and staffing shortfalls.

¹¹ The RNCOM is a regional civil society network which meets parallel to the inter-governmental Regional Conference on Migration (RCM), which includes representation from all Central American countries, the Dominican Republic, Mexico, Canada and the United States.

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In El Salvador, for example, while the Salvadoran Institute for Comprehensive Child and Adolescent Development (ISNA) does its best to deal with the dozens of unaccompanied Salvadoran minors repatriated from Mexico each week, it often does not have sufficient funds to make the daily runs to the border crossing at La Hachadura where it must pick up the children when they arrive. In Guatemala, the government shelter for unaccompanied minors has difficulty accessing affordable medical care for children who arrive in need of a doctor or psychological counseling. From the larger policy issues facing government stakeholders to the detailed practical limitations confronting child welfare providers on a daily basis, it is clear that national agendas and budget allocations are not giving sufficient priority to child welfare concerns in the case of migrant children. These challenges must be addressed to improve protection for the thousands of migrant children traveling through Central America and



A boy peeks out from a window in Guatemala, one of the most dangerous countries in the Americas. Photo by Robyn Fieser for CRS.

Mexico each year in the hopes of reaching the United States, or in some cases Canada.

The Numbers

Each year, hundreds of thousands of migrants from Central America, South America, and other regions travel through Mexico without proper migration documentation, attempting to reach the United States and to a lesser extent, Canada. The Mexican National Migration Institute estimates that some 2 million people cross the Guatemala-Mexico border each year, approximately 400,000 of whom are Central Americans entering without authorization. The Pew Hispanic Center estimates that approximately 400,000 non-Mexicans enter the U.S. every year without authorization, mostly through Mexico.

Many of the migrants in transit through Mexico without proper documentation are detained and deported by the Mexican government. In 2006, for example, Mexico conducted 84,657 deportations of Guatemalans, 59,013 deportations of Hondurans, and 26,930 deportations of Salvadorans.¹² These three nationalities represent approximately 95% of the deportations from Mexico each year. A significant number of these migrants in transit are children. According to official statistics from the INM, the total number of repatriated children for the years 2004-2008 was as follows:

Table 1: Migrant Children Repatriated from Mexico 2004-2008¹³

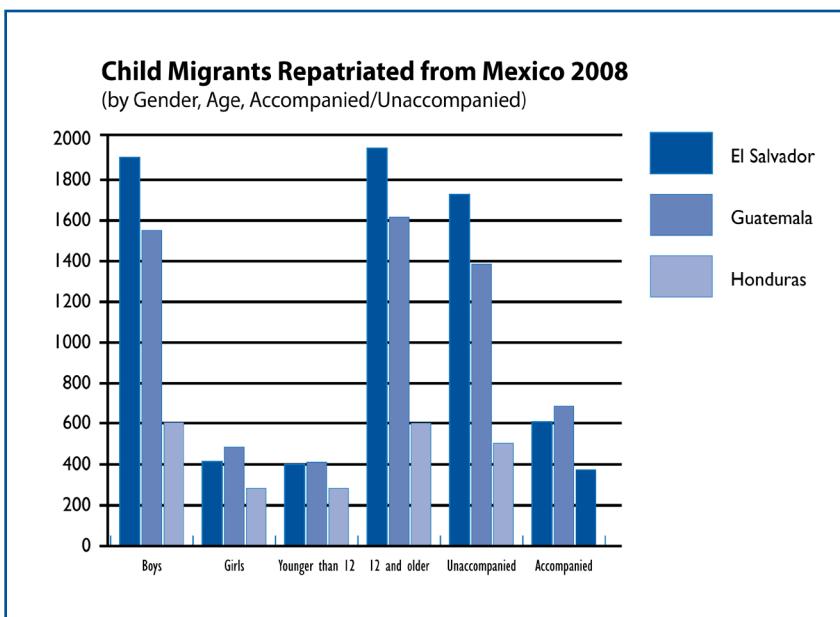
	Guatemala	El Salvador	Honduras	Unaccompanied
2004	5,559	2,302	4,713	3,722
2005	5,290	2,199	4,301	4,040
2006	3,894	1,369	2,830	4,609
2007	3,083	1,049	2,833	5,07
2008	2,486	976	2,915	4,555

Source: For 2004-2006, Interview with National Migration Institute (2007). For 2007-2008, National Migration Institute Statistics at www.inami.gob.mx and interview with National Migration Institute, July 2009.

While the overall number of Central American migrants repatriated from Mexico has decreased since 2006, the number of unaccompanied child migrants in transit has remained relatively steady. In addition, the statistics above indicate that the percentage of all child migrants who are traveling alone has increased. The repatriation of children from Mexico in 2008 reported by nationality, age and gender is demonstrated in figure 1.

¹² Statistical Overview, National Migration Institute, www.inami.gob.mx. Nicaragua was not included in this study because migration patterns from Nicaragua are very different from the other Central American countries. The majority of Nicaragua's migration is to Costa Rica.

¹³ The column for unaccompanied migrant children includes all unaccompanied Central American children who were repatriated to Guatemala, El Salvador, Honduras and Nicaragua. Because the Mexican government does not disaggregate these numbers by nationality, it is impossible to remove the Nicaraguan children from the column, even though this study did not include those children. The number of Nicaraguan children repatriated from Mexico is known to be very small, however.

Figure 1

Source: National Migration Institute Statistics, www.inami.gob.mx

The INM statistics reflect the general numbers and migration trends, but should be used with caution because of the change in record keeping procedures for repatriations of Central Americans which occurred in 2007, making comparisons across years challenging.

Other sources such as reception points and shelters in Guatemala, El Salvador and Honduras estimate that the percentage of unaccompanied Central American children may be as high as 17% of the overall population of Central American migrants.¹⁴ These organizations have observed an increase in the numbers of unaccompanied child migrants seeking assistance.

Why Do Central American Children Migrate?

Significant immigration from Central America to the United States began in the 1980s when civil wars in Nicaragua, El Salvador, and Guatemala, combined with already weak economies, created an exodus northward. Other periods of increased immigration have followed natural disasters, such as Hurricane Mitch in 1998, two earthquakes in El Salvador in 2001, and Hurricane Stan in Guatemala and Mexico in 2005. As migrant communities became established in the United States, they attracted the migration of subsequent family members and economic migrants from the same communities of origin. Today, transnational communities from Guatemala, Honduras and El Salvador

¹⁴ Comité para la Protección de los Derechos de todos los Trabajadores Migratorios y de sus Familiares. (18 de noviembre de 2005). Examen de los informes presentados por los Estados partes de conformidad con el Artículo 73 de la Convención: Informe inicial que los Estados Partes debían presentar en 2004. Mexico: Naciones Unidas.

influence society, politics and culture, and contribute significant economic support to their countries in the form of migrant remittances.

Children migrate unaccompanied for many different reasons. Similar to adult migration, children may migrate alone because of economic need, a lack of educational opportunities, or safety/asylum concerns. Central American teenagers interviewed near the Guatemala-Mexico border cited the lack of gainful employment back home as the primary reason for leaving their countries. In some cases, migration has become a rite of passage for teenagers who do not have the opportunity to complete their education or learn a trade. Adolescents often see migration as the best way to help support their families and have access to educational and work opportunities, despite the risks inherent in the journey.

Guatemala, El Salvador and Honduras all have high levels of poverty, unemployment and underemployment. In Guatemala, 56.2% of households live in poverty, while an estimated 50.7% of households in Honduras are below the poverty line, and 30.7% of Salvadoran households live in poverty.¹⁵ Unemployment and underemployment

are very high in all three countries and an increasing percentage of the population must create its own employment in the informal sector to survive. The significant wage gaps between Central America and the United States — the U.S. daily minimum wage in fifteen times higher than that of Honduras, for example — are an enormous pull factor causing migrants, both adults and adolescents, to leave home.¹⁶



A girl looks out of a bus window in Guatemala.

Photo by Robyn Fieser for CRS.

Low levels of school attendance are also a contributing factor to the decision to migrate. Central American adolescents as young as 12 often have little hope for their future given limited ability to cover school fees or access to formal education beyond the sixth grade. More often than not, they begin to contribute to their families' finances by selling wares in the market or on the street, serving as apprentices to a relative or family friend, or picking through trash in the city dump. To a child in these circumstances, the prospect of a life in the United States is worth the risk of the journey. These same children are often willing to repeat the dangerous journey more than once, if not several times, to reach their goal.

¹⁵ CIA The World Factbook: Field Listing: Population Below Poverty Line. (See <https://www.cia.gov/library/publications/the-world-factbook/fields/2046.html>)

¹⁶ Allison, J. (2003, December 29 Hereinafter Allison). Hondurans search for the 'American Dream'. Honduras This Week. Retrieved from <http://www.marrder.com/htw/2003dec/business.htm>

BACKGROUND

In addition to economic need and lack of educational opportunities, children sometimes migrate in response to abusive or difficult family situations. Domestic violence rates in Guatemala, El Salvador and Honduras are high. Some children and adolescents migrate to escape gang violence, which has increased dramatically in Central America over the past decade. Several of the minors interviewed for the study reported having left home in part to escape constant harassment and violent attempts at recruitment by gangs.

Another major reason for the migration of unaccompanied children is to be reunited with their parents or other family members already in the United States or, in some cases, Mexico. Data from a detention center monitoring project carried out in Mexico and Central America by civil society migration networks found that 90% of children intercepted in transit had family in their place of destination.¹⁷ This is not surprising considering the high levels of emigration to the United States over the last three decades. According to the 2000 U.S. census, there were 817,335 Salvadorans, or over 13% of El Salvador's population at the time, living in the United States; 480,665 Guatemalans and 282,852 Hondurans.¹⁸

Many of the children and teenagers interviewed for this study were raised by a single or separated parent or by extended family, very often because one or both parents had migrated. A large number of the Central American teenagers who are currently migrating were left behind years ago by parents who went to the United States seeking work or fleeing the political unrest at home. The parents may have planned to work in the United States for a few years and then return home. As a few years become many, children are often desperate to see their parents again. More often than not, the children's parents do not have legal residency status in the United States so they are unable to bring their children legally and for those who do, the family reunification visa backlog can cause delays of up to 10 years for immediate family members to immigrate to the United States legally.¹⁹

Some studies have shown that the increase in border controls along the U.S. Mexico border has contributed to undocumented migration by making it harder for migrants to come and go across the border as they used to. The circular migration that once characterized much of the migration from Mexico and to a lesser extent Central America, has been interrupted and undocumented migrants now tend to remain in the U.S. for longer periods of time. Parents who used to return to bring their children, or ask family members to accompany their children, are now more afraid to do so and are

¹⁷ The results of this monitoring study are cited in 'Migrant Children: Human Rights, Protection and Services in the Member Countries of the Regional Conference on Migration' from the Mexico-Canada Joint Study on Migrant Children in the Region, published in October 2002.

¹⁸ United States Census 2000 data query of Foreign-Born Profiles at <http://www.census.gov/population/www/socdemo/foreign/datatbls.html>

¹⁹ Reference is specific to Mexican immigrant applicants; this can vary by nationality.

also prohibited by the high cost of hiring a smuggler. In addition, children whose parents left during the conflicts of the late 1980s and 1990s are now old enough to decide to migrate on their own.

Legal Framework for the Protection of Migrant Children

The legal framework surrounding the issue of unaccompanied child migrants is complex, involving institutions from multiple disciplines. Unaccompanied minors require the attention of migration and consular officials, as well as national welfare institutions. The legal framework includes international conventions such as the UN Convention on the Rights of the Child and the UN Rules for the Protection of Juveniles Deprived of their Liberty as well as regional agreements between Mexico, Guatemala, El Salvador and Honduras, bi-national agreements, and national laws.

The four countries involved in protecting Central American migrant children in detention and deportation procedures from Mexico are signatories to many of the relevant international and regional instruments (see Appendix II). The basic principles stipulated in these treaties that relate to the situation of unaccompanied minors are outlined in the document entitled General Comment on the Treatment of Unaccompanied and Separated Children Outside their Country of Origin by the UN Committee on the Rights of the Child. This document summarizes international principles related to unaccompanied migrant children, in compliance with the overarching principle of the best interests of the child, and emphasizes the importance of the following:

- Providing information about risks and preventative measures,
- Carrying out a prompt evaluation of each child's situation,
- Applying the principle of non-refoulement,²⁰
- Expediting the identification of family members and appropriate guardians,
- Complying with the principle of family unity,
- Ensuring that irregular presence is not criminalized,
- Utilizing the underlying approach of care vs. detention, and
- Applying the general principle that children should not be deprived of their liberty.

The governments involved have slowly begun to incorporate some of these principles through bi-lateral and regional agreements for repatriation that include special protection measures for child migrants, and trafficking victims in particular. The repatriation procedures are currently set out in a regional agreement entitled "Memorandum of Understanding between the

²⁰ Non-refoulement is a principle of international law which forbids the expulsion of a refugee into an area or country where the person might be again subjected to persecution.

Governments of the United States of Mexico, the Republic of El Salvador, the Republic of Guatemala, the Republic of Honduras, and the Republic of Nicaragua on the Dignified, Orderly, Agile and Safe Repatriation of Central American Migrants by Land" (signed May 5, 2006).²¹

This regional repatriation agreement also includes appendices for each of the four Central American countries, which outline bilateral agreements between Mexico and each country. The two most detailed agreements – those between Mexico and Guatemala²² and Mexico and El Salvador²³ – include specific references to the protocols for the return of vulnerable populations and explicitly for the return of unaccompanied minors. These provisions include specific times of day during which minors must be repatriated to ensure their safety (daytime hours), requirements for the notification of consulates of the date and time of the repatriations, and separate transportation and services specifically tailored for minors. The appendix for Honduras is a very short document which merely establishes the hours during which repatriations from Mexico may occur. Finally, internal procedures for apprehension, detention and repatriation are established in each country's national migration laws, regulations and administrative guidelines.

In 2005, the Mexican government incorporated the National Migration Institute into the National Security system, similar to the creation of Homeland Security in the United States. This measure served to link migration to national security considerations even though Mexico has traditionally been a country of transit for migrants.²⁴ One result of this recent measure is the high level of security applied to migrant detention centers in Mexico City.²⁵ In April 2008, the Mexican Congress voted to eliminate criminal sanctions against migrants entering Mexican territory without proper immigration documentation. The General Population Law was reformed to sanction undocumented migrants with fines and community service rather than jail sentences. This has done little to eliminate the widespread abuse and extortion which migrants suffer every day at the hands of authorities in Mexico, however, or the continued treatment of migrants as people without rights. Unfortunately, this treatment too often extends to unaccompanied children and adolescent migrants as well.

21 "Memorandum de Entendimiento entre los gobiernos de Los Estados Unidos Mexicanos, de La República de El Salvador, de La República de Guatemala, de la República de Honduras, y de La República de Nicaragua, para la Repatriación Digna, Ordenada, Agil y Segura de Nacionales Centroamericanos Migrantes via Terrestre de 5 de Mayo de 2006.

22 Anexo celebrado entre los Gobiernos de Guatemala y Los Estados Unidos Mexicanos al Memorandum de Entendimiento del 5 de mayo del 2006.

23 Acuerdo entre la Secretaría de Gobernación de los Estados Unidos Mexicanos y el Ministerio de Gobernación de la República de El Salvador para la Repatriación Ordenada, Agil y Segura de Migrantes Salvadoreños via Terrestre desde México, 17 de mayo de 2005.

24 Sin Fronteras, Boletín de Prensa. (19 de mayo de 2005). Mexico, DF

25 Interview with the director of the Migration Detention Facility (Estación Migratoria), Mexico City, July 6, 2006.

II. SURVEY METHODOLOGY

Data collection for this study of unaccompanied child migrants was coordinated by Catholic Relief Services in cooperation with five NGOs: Sin Fronteras in Mexico, Casa del Migrante in Tecun Uman, Guatemala, INCEDES in Guatemala City, CARECEN in El Salvador, and Casa del Migrante in Ocotepeque, Honduras.

The interview questionnaire was designed by Catholic Relief Services in consultation with the five NGOs. It included general information about the interviewees and their families, the reasons and conditions under which the child had migrated, the circumstances surrounding the child's apprehension, the conditions under which he or she was detained, deported and received in his or her country of origin, and the child's plans upon returning to the country of origin.

Professional, trained staff members of five NGO's administered the surveys to 790 children and adolescents in detention centers, shelter facilities, border crossings, and other reception points. The interviews were conducted using a face-to-face format, and the surveys were then deposited in a central location in each country. Due to the sensitive nature of the questions, as well as the vulnerability of the minors, CRS initiated extensive conversations with detention center and/or shelter authorities prior to data collection about obtaining access to the migrant children. At each interview location, the NGO staff held a standardized workshop about the rights of those who were detained. The workshop was available to all the minors detained at the particular location, after which all were invited to participate in an interview for the study. The interview locations in each country are outlined below.

Table 2: Interview Locations

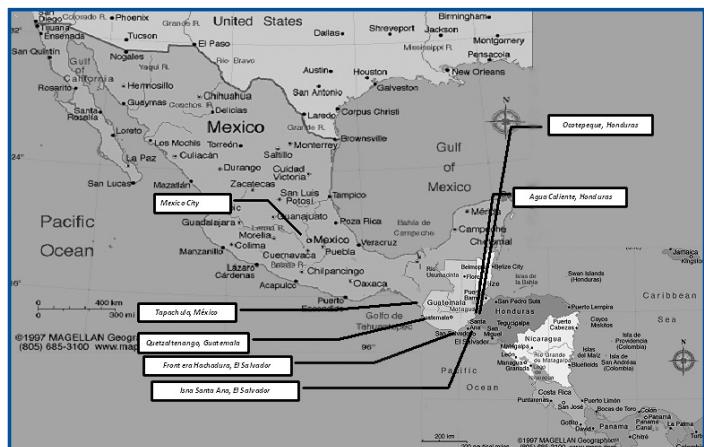
LOCATION/ NAME TYPE	CITY	COUNTRY	# OF CASES INTERVIEWED
Human Development Institute Shelter for Children	Tapachula	Mexico	39
Migration Detention Center	Mexico City	Mexico	147
Migration Detention Center	Tapachula	Mexico	66
Border Crossing	Frontera Hachadura	El Salvador	133
Government for Shelter Children	ISNA Santa Ana	El Salvador	29
Migrant Shelter (non- governmental)	Ocotepeque	Honduras	76
Border Crossing	Agua Caliente	Honduras	15
Government Shelter	Quetzaltenango	Guatemala	252

Three interview locations were included in Mexico where, by law, all minor migrants are to be detained and processed prior to deportation. In the three Central American countries, the official drop-off sites and reception centers for children and adolescents deported from Mexico served as the three interview locations. In the case of Honduras and El Salvador, the sites were at the actual border-crossings. See Figure 2 for location of interview sites.

All of those interviewed for this study were Central American unaccompanied minors, ages 12-17, who were intercepted and detained and deported to countries of origin by Mexican authorities from May to October 2006. All child migrants present at a shelter or detention center between the ages of 12 and 17 were eligible for inclusion, but only those who volunteered to participate were interviewed. There are 757 complete cases in the dataset. Another 33 cases were begun, but were removed because of incomplete data.

See Appendix I for a more detailed explanation of the survey methodology.

Figure 2



III. FINDINGS:THE JOURNEY

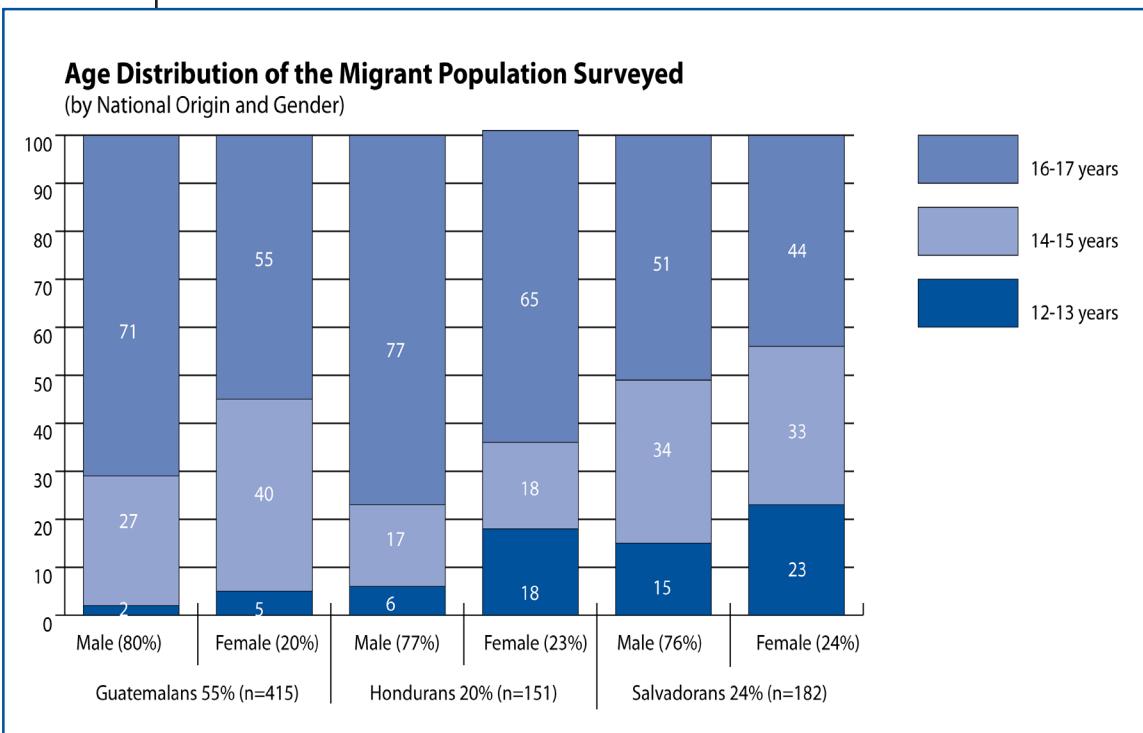
The study first identified the general characteristics of the child and adolescent migrants interviewed as well as various aspects of their migration experience prior to being apprehended, including any abuses suffered along the way.

A. General Characteristics of the Migrant Population Surveyed

Age, Family Structure and Education

Of all the child and adolescent migrants interviewed, 7% were between 12-13 years old, 28% between 14-15 years old, and 65% were 16-17 years old. Overall, females tended to be younger: 13% of the female migrants were 12-13 years old compared with only 6% of male migrants. The Salvadoran interviewees included the highest percentage of very young migrants, aged 12-13 years. Figure 3 shows the age distribution of the respondents by country of origin.

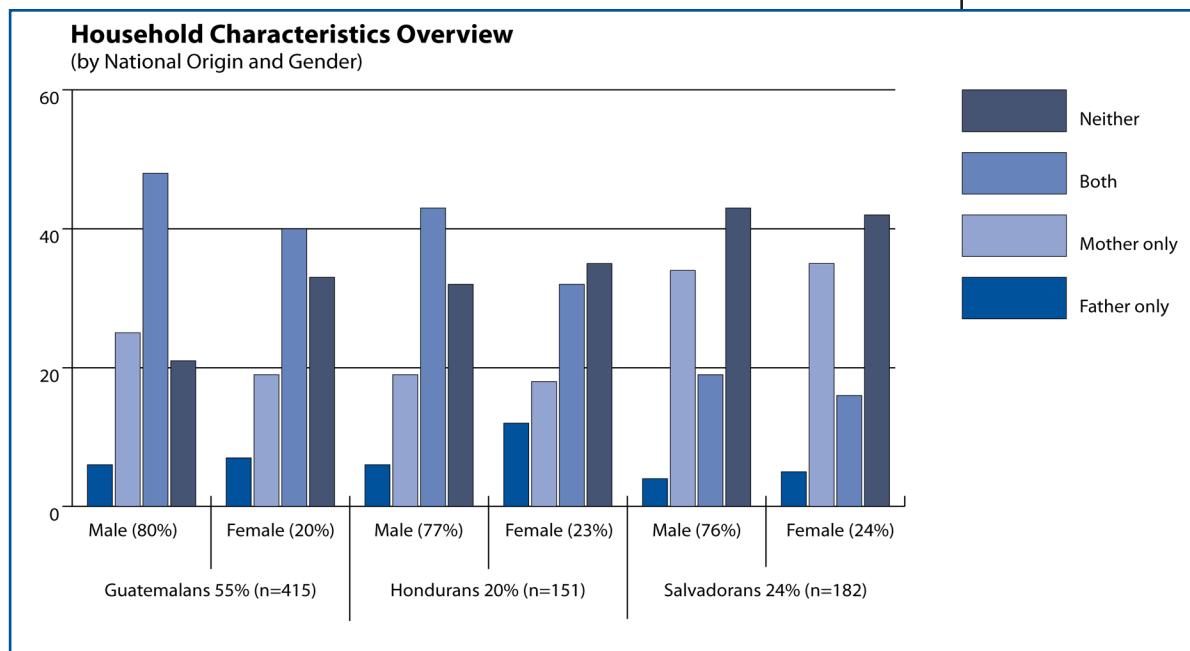
Figure 3



With respect to household composition, the girls interviewed were less likely to live with both parents and more likely to live with neither parent. The highest percentage of interviewees living with both parents was among the Guatemalan migrants. The indigenous speakers were much more likely to live with both parents and tended to have more siblings than

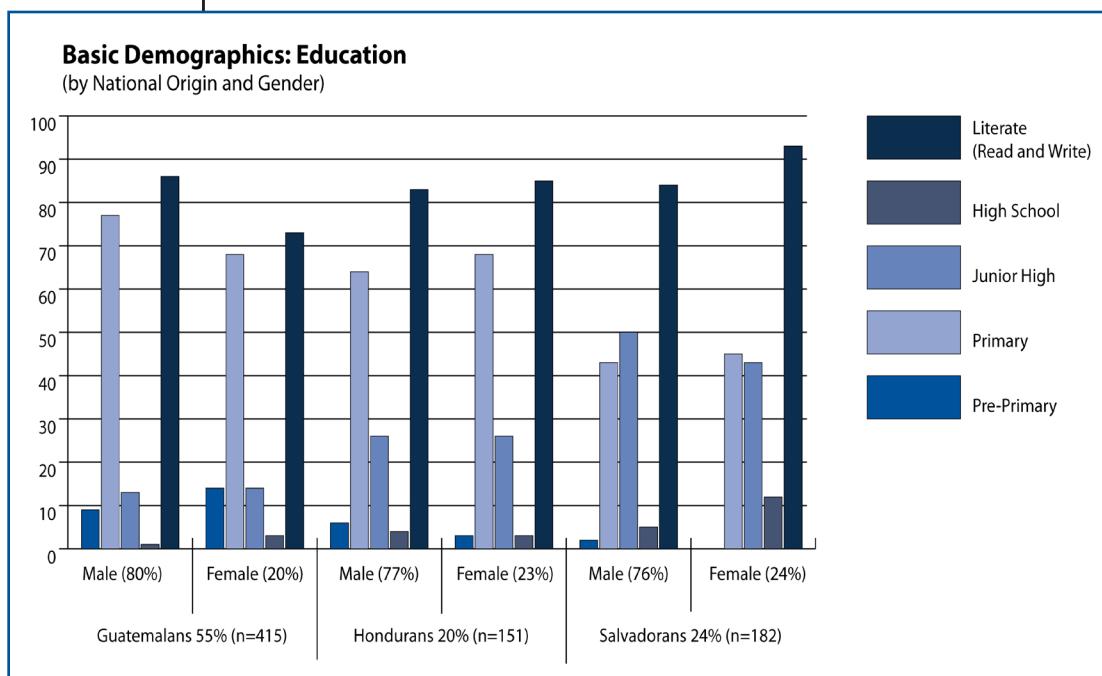
non-indigenous speakers. Of the indigenous adolescents interviewed, 45% had 6 or more siblings. Of the three countries, the Guatemalan migrants had the most siblings, with 41% reporting 6 or more siblings. The Salvadorans interviewed had fewer brothers and sisters, with 61% reporting 3 siblings or less.

Figure 4



The highest level of schooling attained by 65% of the interviewees was primary school, with 7% reporting having only a pre-primary education. Guatemalan migrants tended to have lower educational levels, with 85% reporting a primary educational level or less, while the Salvadorans had the highest education levels of the interviewees. Male and female education levels were similar, except among Guatemalans, where female migrants had slightly lower education levels. In fact, 84% of migrants reported being able to read and write, with slightly lower rates for Guatemalan females and slightly higher rates for Salvadoran females. Speakers of indigenous languages²⁶ tended to have less formal education, among both sexes: 90% had only a primary education or less, compared to the 70% of non-indigenous interviewees with this same level of education. The following graph shows the highest level of schooling obtained by the children interviewed for the study.

²⁶ The indigenous languages identified are all Mayan languages and include Mam, K'iche, Kanjobal, Chuj, Pohti, Acateco, Kekchi, Garifuna, Ixil, Achi, Banselabi, and Pocomam. The children interviewed spoke their native language in addition to Spanish.

Figure 5

Economic and Work Situation

The children interviewed were asked to describe their economic situation in their home country, including whether they had worked in or outside of the home before migrating, and if they had contributed to the family income with their work or earnings.



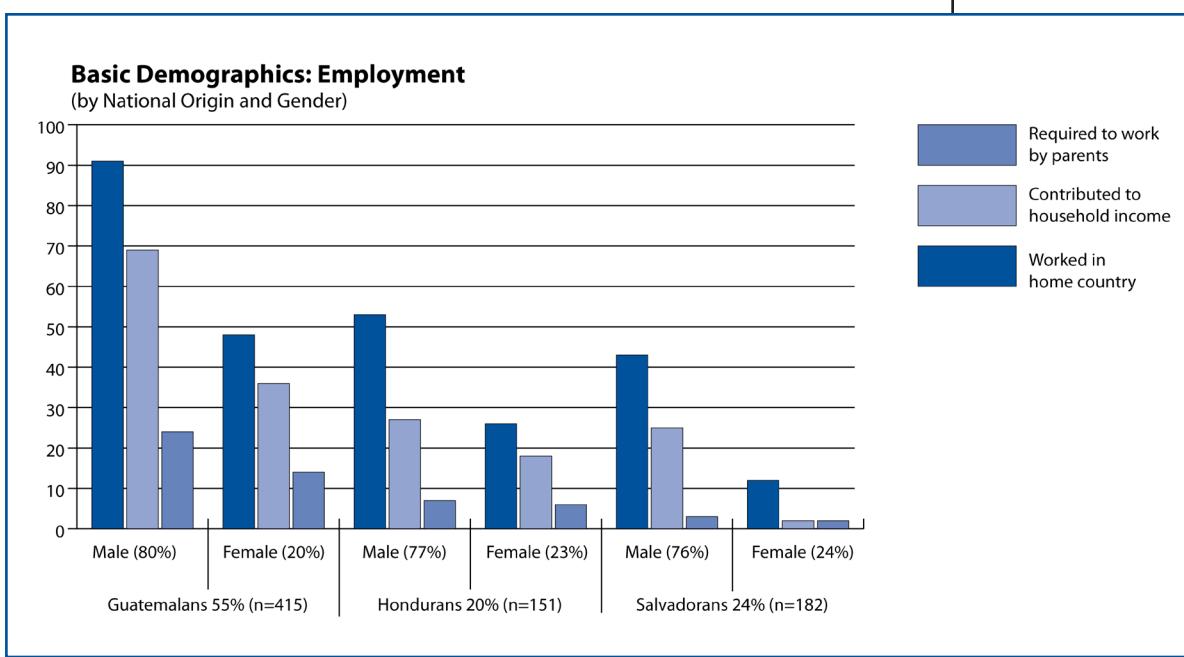
The majority of the respondents who had worked in their home countries were involved in farming or ranching activities. A significant number of teenagers had received vocational training in carpentry, agriculture and as electricians, but were unable to find work at home and hoped to earn more in the United States by using these skills. Across the occupation categories, most respondents had completed elementary school through the 6th grade.

Thirty four percent of the girls reported having a job outside of the home in their country, compared with 72% of the boys. Guatemalan

adolescents were much more likely to work outside the home than their counterparts from the other countries. Some 82% of all Guatemalan adolescents interviewed, both male and female, reported working in their home country compared to 47% of the Honduran minors and 36% of the Salvadorans.

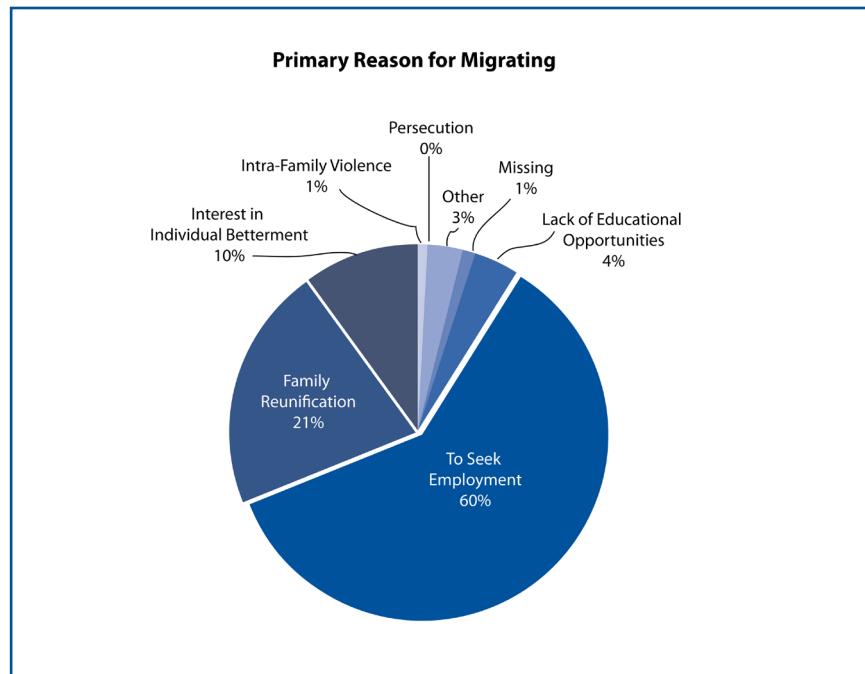
The adolescents were asked whether they were responsible for contributing to the family income in their home country. Of the boys interviewed, 45% reported some economic responsibility for their household, versus 23% of the girls. It is very likely that a much higher percentage of girls performed unremunerated work in the home. The Guatemalan adolescents reported much higher rates of household economic responsibility than the Salvadorans and Hondurans. Guatemalans of both sexes were also more likely to report being required by their parents to work. The indigenous language speakers reported higher rates of employment in the home country, as well as greater household economic responsibility. Most of these children had only completed the 6th grade; many reported that additional schooling would have been an economic burden for their families.

Figure 6



Reasons for Migrating

The children were asked their primary reason for migrating. As the responses were mutually exclusive, the survey does not indicate the number of children who left for multiple reasons, such as to find work and be reunited with family members.

Figure 7

In 59% percent of the interviews, the primary reason given for migrating was to seek employment. Guatemalans reported the highest percentage of migrating for employment purposes. Among Hondurans, those who were migrating for the first time were more likely to report migrating to seek employment than those who had already made the journey before. Salvadorans reported much higher levels of migrating for family reunification purposes, particularly among those who had already made the journey before. This is not surprising given the high rates of Salvadoran immigrants living in the U.S. Overall, the girls were more likely to report migrating for family reunification, particularly among first-time migrants.

The children and adolescents with a pre-primary level of education, regardless of nationality, were much more likely to report migrating to seek employment. As the education level increases, the likelihood of migrating for employment purposes decreases.

The motives expressed for migrating also varied by age. The 12-13 year-old children were much more likely to migrate for family reunification, while a greater number of 16-17 year-olds reported migrating to seek employment. Those living with both parents in the country of origin were the most likely to report migrating to seek employment, while the majority of those living with neither parent reported migrating for family reunification.

While the majority of the minors interviewed reported they were trying to reach the United States, 24% said that their final destination was

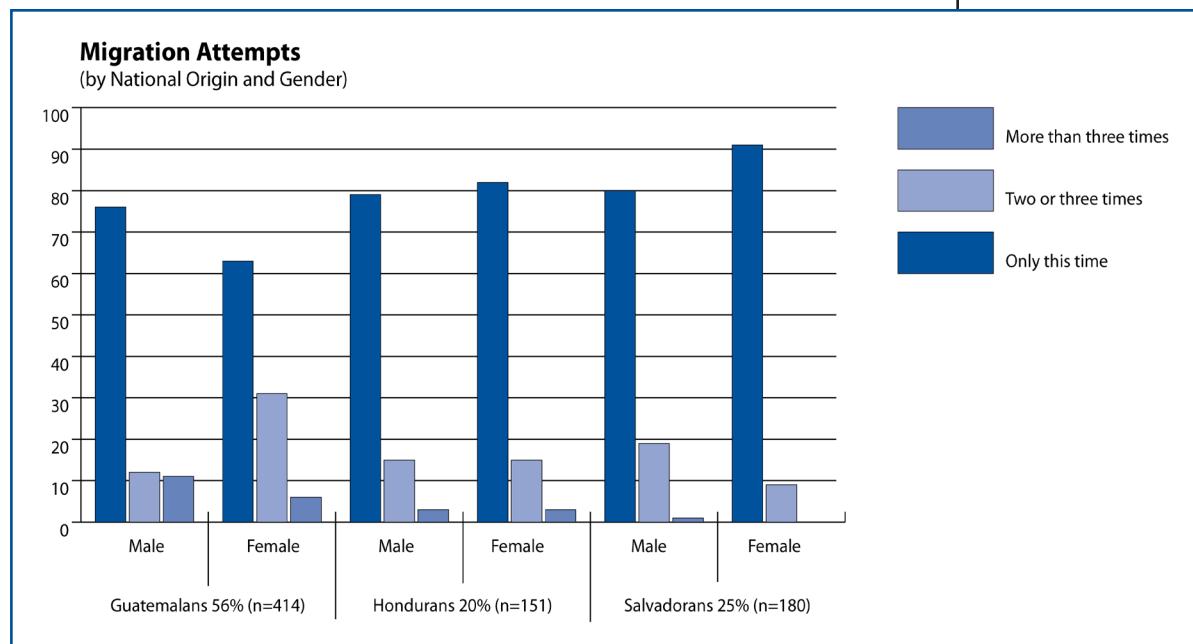
Mexico and four children informed interviewers that they were planning to go to Canada. Some of the children who reported Mexico as their final destination may have had plans to work in Mexico for a while to save enough money to continue traveling to the United States, while others may have been hoping not to be deported if they gave Mexico as their final destination. This is a relevant issue as in cases where children have family members in Mexico, there may be opportunity for these children to reunite with Mexican based family while their immigration status is reviewed.

Finally, sibling size seemed to have an important impact on motivation. Migrants with 6 or more siblings had the highest rate of migrating for employment. In contrast, migrants with 3 or fewer siblings reported higher rates of migrating for family reunification. This would seem to reflect the fact that many children choose to migrate to help support younger siblings.

B. Migration Attempts

The majority of the migrant children interviewed were attempting to migrate for the first time. Twenty six percent of Guatemalan children reported having attempted to migrate more than once, while less than 20% of Honduran and Salvadoran children reported the same. Most likely this is related to the proximity of Guatemala to Mexico and the need for fewer resources to re-attempt the journey.

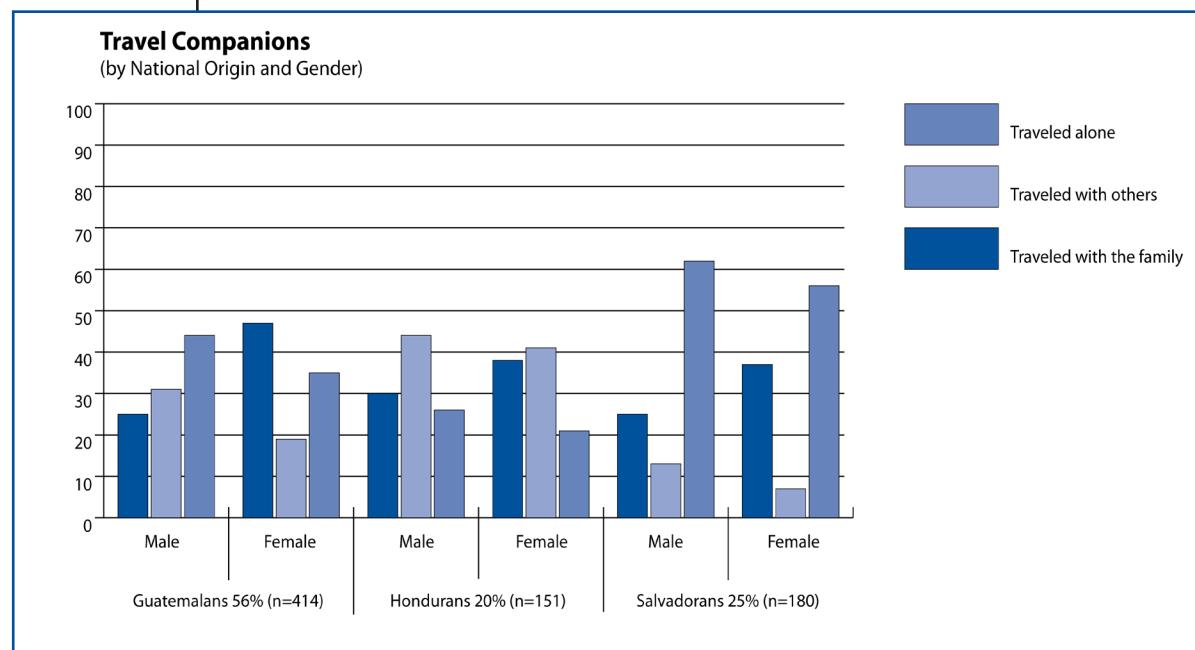
Figure 8



C. Travel Companions

All of the interviewees were considered unaccompanied minors either because they were without a guardian when they were detained, in the case of the Mexico interview locations, or because they had already been deported through the special procedures for unaccompanied children, in the case of the Central American interview sites. While 30% of the children reported that they had begun their journey with a family member, these included siblings, cousins, aunts or uncles, or other family members that were not their legal guardians, and by the time they were apprehended they were no longer accompanied by an adult or guardian. In eight cases, the migrants reported having left home with their mothers, however, it is unclear whether they were later accidentally separated from their mothers, or whether their mothers only accompanied them for part of the trip, e.g. to the closest border, as is often the case. Forty-three percent (43%) of the children said they had traveled alone from the beginning and 27% reported traveling with friends or neighbors. Twenty migrant children stated that they had begun the journey with a smuggler, but that they had lost contact with the smuggler by the time they were apprehended. Overall, the Salvadoran minors appeared most likely to travel alone, while Hondurans were the most likely to travel with friends and people they met along the way.

Figure 9



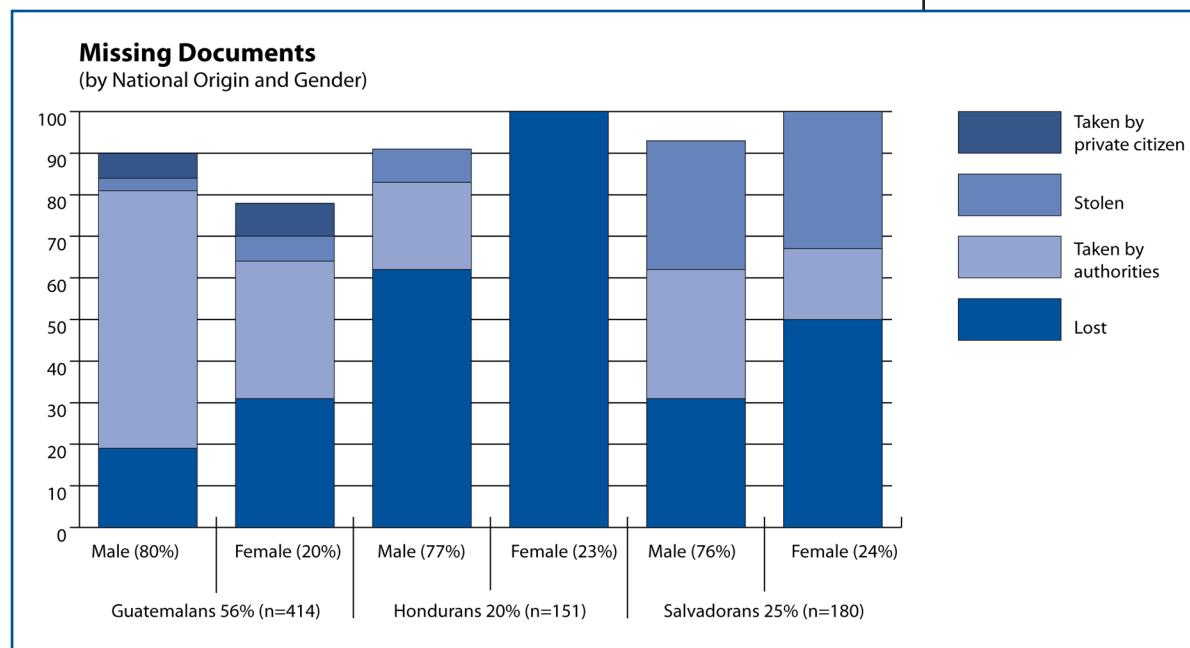
D. Travel and Identification Documents

The type of identification and/or other documentation that the minor carries is important for identification purposes in case of accidents or abuse; to help reunite the child with family members if possible; and/or to repatriate the child to the appropriate authorities. For many reasons, however, migrants often choose to

leave home without documents: they may not have documents to begin with, they may be concerned that they will be stolen along the way, or they may try to pass as Mexicans to avoid apprehension and therefore do not want to be identified as Central American.

Among the children surveyed, 55% had some type of identification document with them when they began their journey. Of those carrying documents, 91% had a birth certificate and 10% were carrying passports, while others had identity cards, visas, or other documents.²⁷ Only 26% of the minors still had their documents in their possession at the time of the interview. Of the children who had lost their documents along the journey, 44% reported they had been taken by authorities while traveling or during the apprehension process and 12% reported they had been stolen or taken away by a private citizen. The interviews indicated that the children's documents were often taken from them at the border crossings as a form of extortion, or at the detention center or other custody point. This underscores a serious problem to which minors are particularly vulnerable since they are less equipped to confront authorities when their rights are violated.

Figure 10

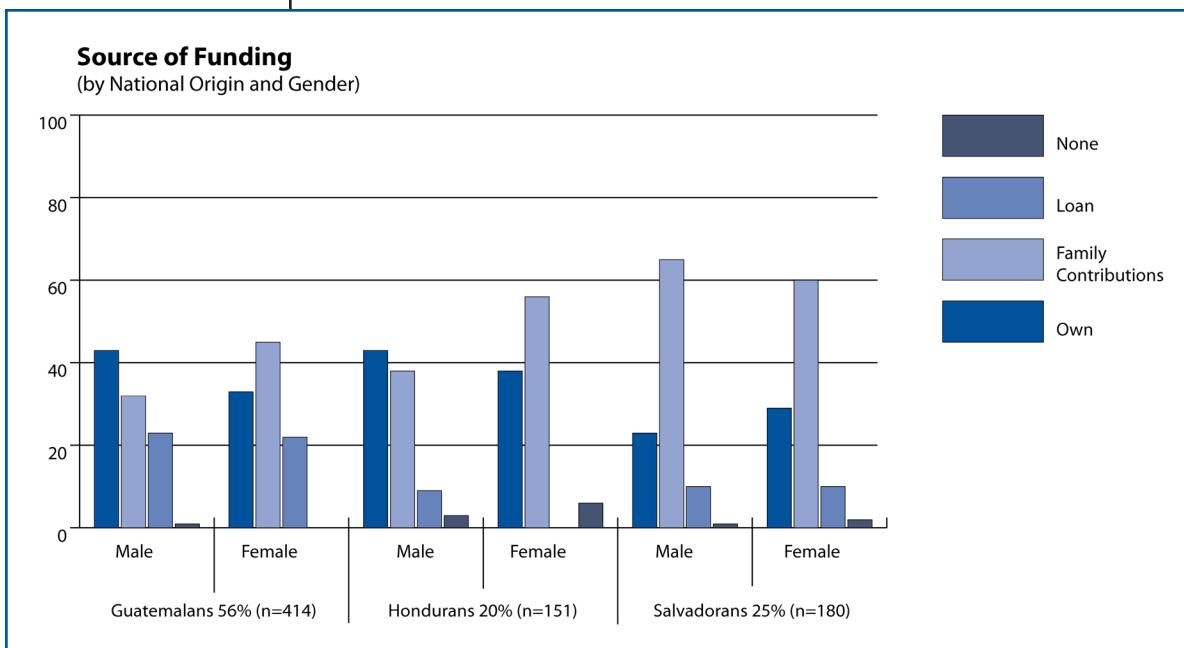


²⁷ The children could be carrying more than one document so the percentages may not add up to 100%.

E. Financing the Journey

The children reported financing their trip from a variety of sources. The Guatemalans' financing was the most diverse and included loans, family contributions and personal savings. The Salvadoran minors were twice as likely to receive contributions from family for the trip as the Guatemalans. This information coincides with the fact that more Salvadoran children reported migrating for family reunification purposes. Family members in the United States commonly finance the trips of their children or other relatives, often through wire transfers sent to different locations along the way so the migrants do not have to carry large sums of money as they travel.

Figure 11



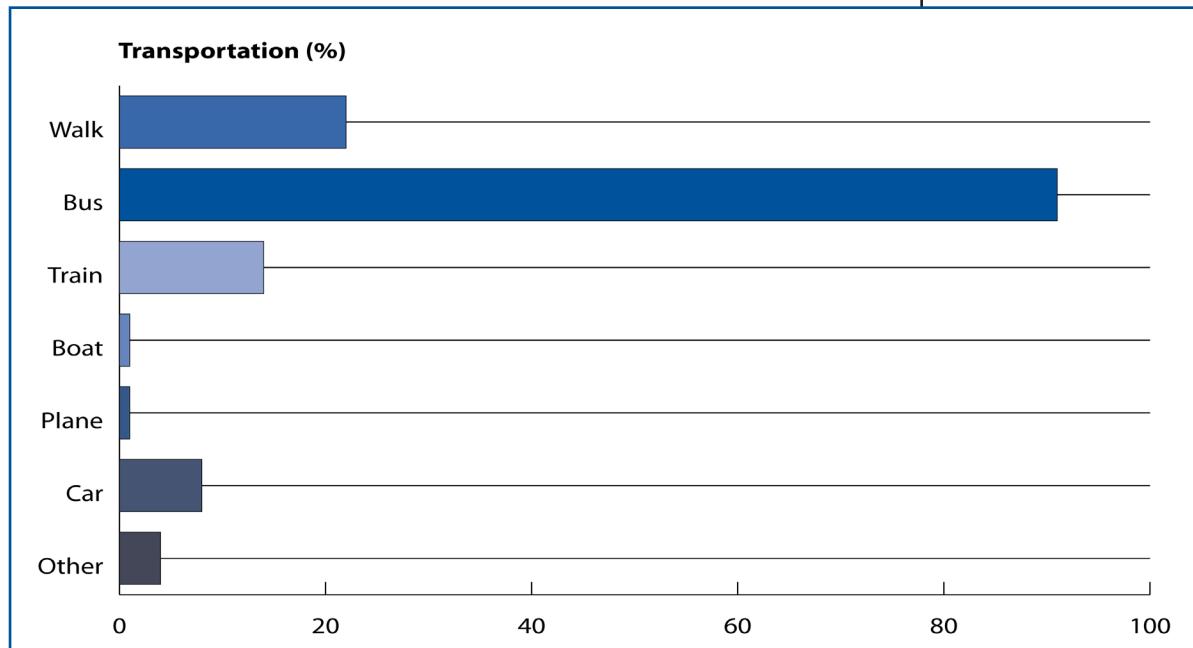
More than 50% of the migrant children interviewed were traveling with \$100 or less when they set out on their journey. In addition, 33% of the Guatemalans, 27% of the Hondurans, and 26% of the Salvadoran children left their countries of origin with less than \$50 USD, and 20% of the child migrants left their homes with less than \$18. This information reflects both the difficulties the children had in obtaining resources for the journey as well as the lack of information they may have had regarding the expenses and hardships they would incur. Given the size of most of the Central American countries with respect to Mexico, many of the children had very little sense of how large Mexico is and how far they would have to travel before reaching the U.S.-Mexico border.

F. Transportation

The migrant children interviewed utilized a range of transportation from the time they left their homes until they were apprehended in Mexico. Most commonly migrants walk across the Guatemala-Mexico border and take a bus or train from some point in Mexico. However, in order to avoid check points and immigration officials on the buses, they have to frequently get off the bus and either walk around the inspection points or try to clear them by car. Many Central American migrants also ride the freight trains through Mexico, which is by far the most dangerous mode of transport. Migrants generally ride on top of the trains, often tying themselves down with ropes to avoid falling off, or in between the cars. Accidents are all too common and significant numbers of migrants have lost one or both legs to what is sometimes referred to as "the death train," while many others have been killed. The three most common forms of transportation among the children interviewed, as indicated in Figure 12, were bus, walking, and the train. Migrants typically use more than one mode of transport during their journey.



Figure 12



ARACELI, El Salvador

Araceli was 15 years old when she was interviewed for this study. She was from El Salvador and had been under extreme pressure from one of the violent street gangs there to join them. She was harassed and threatened repeatedly for refusing to join. Her father, who had migrated to the U.S. and was very concerned about her safety, finally paid a coyote or smuggler to bring her to the U.S.

A smuggler took Araceli through Guatemala to Mexico. They crossed the river into Mexico on a makeshift raft. Once across, Araceli was turned over to a second smuggler who would take her through Mexico. She joined a group of 9 other migrants en route to the United States and Araceli became friendly with a 20-year-old woman who was also from El Salvador.

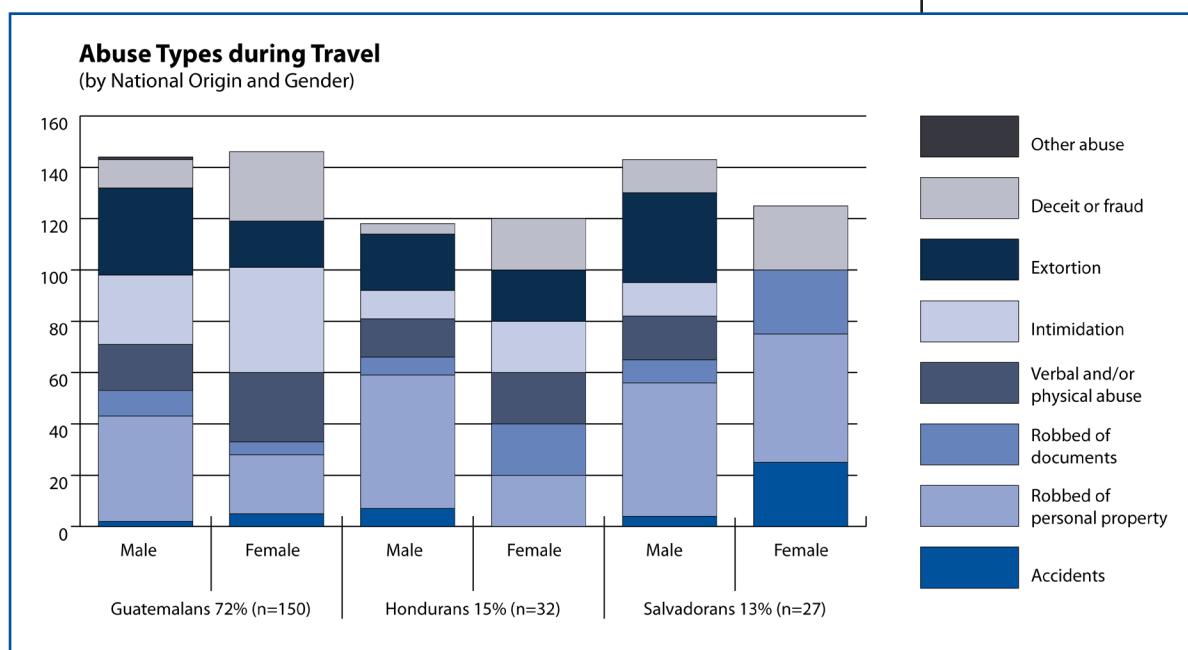
The next night, the group arrived in the town of Mapastepec, Chiapas, in southern Mexico and the two women were sent to sleep in a small shack, separately from the men. Late that night, Araceli and the other woman heard noises outside, which at first they thought were animals. The door burst open then and a group of men came in, gagged the women and dragged them outside. They took them past a small stream to a clearing and then gang raped them. During the struggle, the older woman managed to escape and ran for help. She ran to a house nearby and begged the man there to help her. The man found some other neighbor men to help him and they took guns and went out looking for Araceli. They finally found her and took her to the hospital and alerted the police.

After seven days in the hospital, Araceli was returned to El Salvador by Mexican authorities. She was interviewed for this study while at the government shelter in El Salvador waiting to be reunited with family members.

G. Abuses while in Transit

The children were asked if they had experienced accidents or specific abuses on their journey between the time they left home to the point at which they were apprehended by authorities. Approximately 29% of the interviewees reported experiencing some type of abuse or accident while in transit: 15% of all the respondents reported being robbed of personal belongings or identity documents, 9% reported acts of extortion, 7% experienced intimidation, and 5% verbal and physical abuse.

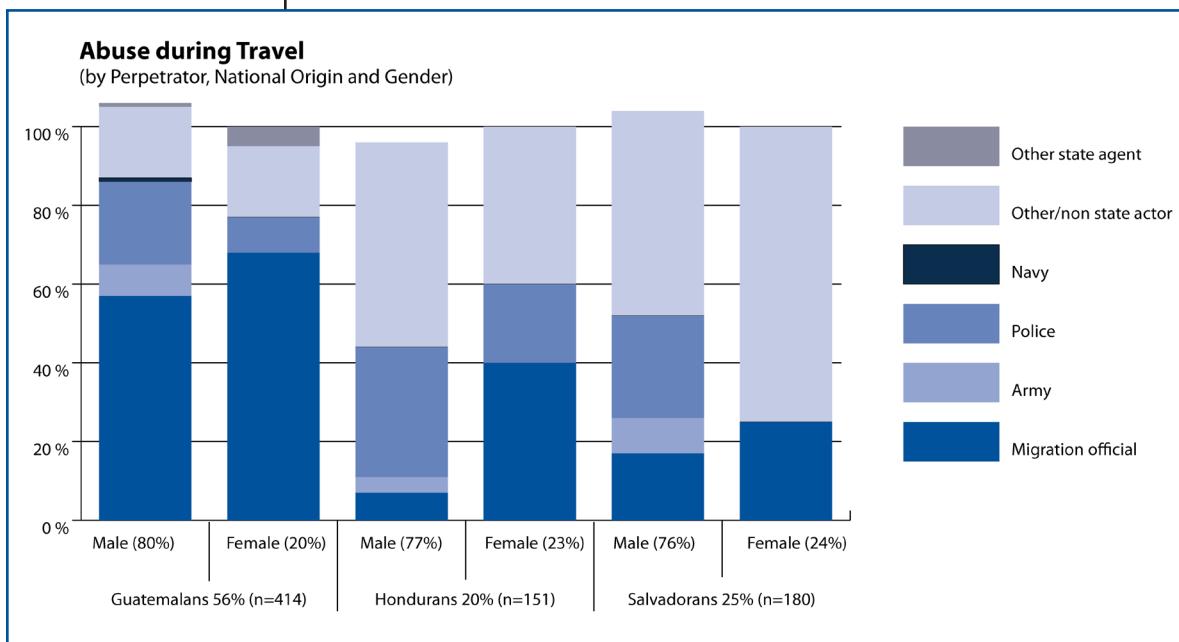
Guatemalan boys and girls reported the highest incidence of abuse, while Salvadoran girls reported the lowest. Older respondents (14-15 year-olds and 16-17 year-olds) reported higher rates of abuse than 12 to 13 year-old respondents overall and during each stage of the journey. The following chart shows the types of abuses experienced by the 29% of children reporting some incident during their journey. Some of the respondents suffered more than one incident; therefore the percentages total more than 100%. Of those children that experienced abuse or other incidents, the most common was theft of personal belongings, followed by extortion, intimidation, verbal and physical abuse, deceit or fraud, theft of documents, and accidents.

Figure 13

There have been increasing reports of new forms of exploitation and abuse since the original research was conducted. In June 2009, the Mexican National Human Rights Commission (CNDH) released a comprehensive report on the growing problem of migrant kidnappings in Mexico. Based on research provided by the Mexican Bishops Conference's Human Mobility Commission, the report documented 9,758 victims of kidnapping from September 2008 to February 2009, including numerous cases involving minors. In addition, several of the victims, both boys and girls, reported being held captive along with children and adolescents whom they did not know. The kidnappings are carried out largely by organized crime rings, often with the participation of authorities, with the intent of obtaining ransom payments from the migrants' families back home or in the United States. The report documents numerous cases of physical abuse, death threats, and rape as well as forced prostitution of the victims.

H. Actors Responsible for the Abuse

The following table shows the actors identified by the respondents as the perpetrators of the abuses in the 29% of cases in which some kind of abuse was reported during transit. Among those experiencing abuse, 46% of the minors identified the perpetrator as a migration official. The rate was higher among Guatemalans, however, 58% of whom reported abuses by migration officials. In the case of Hondurans and Salvadorans, the rate of abuse by a non-state actor was much higher. Overall, 28% percent of abuses were committed by a non-state actor, 22% by a police officer, and 6% by the army.

Figure 14

I. Forced Labor or Exploitation

The minors were asked whether they had been forced to work or perform some other activity against their will during their journey. This question was included to explore the possibility that the children might have become victims of human trafficking or forced labor while migrating. Mexico, Guatemala, El Salvador and Honduras are all signatories to the Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. As such, they are obligated to establish national mechanisms to prevent trafficking, protect victims, and prosecute traffickers. In November 2007, subsequent to the survey period, Mexico passed the Law to Prevent and Sanction Trafficking in Persons, which establishes protections for child and foreign trafficking victims. By law, the government must establish mechanisms to identify trafficking victims, and to protect them. As such, all migrants in repatriation or deportation procedures from Mexico must be screened to determine whether they could be a victim of human trafficking.²⁸

Of the children and adolescents interviewed, 15 stated that they had been forced to work or perform some activity against their will during their journey. Of these, 3 stated that they had been forced to work and

²⁸ The UN Convention Against Transnational Organized Crimes and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children define trafficking as: "The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs".

2 stated that they had been sexually exploited in some way (10 of the children declined to specify the type of forced activity). Of these 5 cases, 4 children reported that they had been coerced because they did not have migration documents, and 1 reported threats of physical abuse. In one case, the perpetrator was identified as a migration official, and in 4 cases the perpetrator was a civilian. None of the children in these 5 cases reported the situation and two stated that they had not reported the abuse because they were afraid of the authorities. Because these cases were not detected by Mexican immigration officials or the children's consular representatives before repatriation, the children did not receive any special care or protection.

Detailed interviews with these children provided evidence of two principal means by which migrants become victims of human trafficking in Central America. The first generally occurs when a trafficker lures the victim in his or her home country with what appears to be an offer of legitimate work in another country, yet what they encounter upon arrival is far from the employment promised, but severe forms of labor and/or sexual exploitation. Migrants, including children, may also become victims of human trafficking when they are targeted, trapped or otherwise placed in a situation of vulnerability while in transit through Central America or Mexico. The traditional migrant routes are continually patrolled by migrant smugglers, traffickers, gangs and corrupt authorities, often working together to prey on vulnerable migrants as they make their way north. In some cases a migrant may begin his/her journey with what is more commonly defined as a migrant smuggler. He or she is then abandoned or transferred by the smuggler to another person, and at that point may fall into the hands of a human trafficker, who utilizes force, fraud or deception to profit from the forced labor or sexual exploitation of the migrant.

In addition, local advocacy organizations in the southern border region of Mexico estimate that some 3,000 children and adolescents, mainly from El Salvador, Guatemala and Honduras, are currently working in the border area as street peddlers, loading goods on and off trucks, collecting garbage, working in bars and restaurants, or as sex workers.²⁹ This number does not include many Guatemalan girls who work as domestic workers in Mexico, but because of the proximity to their villages of origin, cross the border regularly. These minors, who may be working to earn enough money to continue their journey north or have decided to stay in the border region rather than return home, are all at considerable risk of becoming victims of human trafficking or other form of exploitation.

Currently, if trafficking victims are identified by consular representatives in Mexico, these cases are reported to the country of origin and special

²⁹ International Organization for Migration (posted 2009, July 31). New centre for unaccompanied minors opened on Mexico's southern border. Mexico: IOM Press.

arrangements should be made in compliance with the memoranda of understanding between Mexico and Guatemala and Mexico and El Salvador, and the Regional Guidelines for Special Protection in Cases of Repatriation of Child Victims of Trafficking mentioned in the Legal Appendix II. In some instances child trafficking victims are repatriated on the same buses as the other unaccompanied minors, but are handled differently once they are received in their country of origin (i.e. safe accommodations are arranged while the child welfare institution investigates the situation). New procedures established through the creation of Child Protection Officers in Mexico now require that all child migrants be screened for potential exploitation including trafficking. If a Child Protection Officer suspects that a child may be a trafficking victim, the Coordinator for Migration Control will be contacted and the child will be transferred to an appropriate public or private institution. If the INM determines that the child is a trafficking victim, it must notify the consulate and, in accordance with the principle of the Best Interests of the Child, decide whether the child should be repatriated, granted migration status to remain in Mexico, or be considered for refugee status.³⁰

³⁰ Instituto Nacional de Migración (February 19, 2009). Internal INM Directive, INM/CCVM/CRII/00352/2009. Mexico: INM

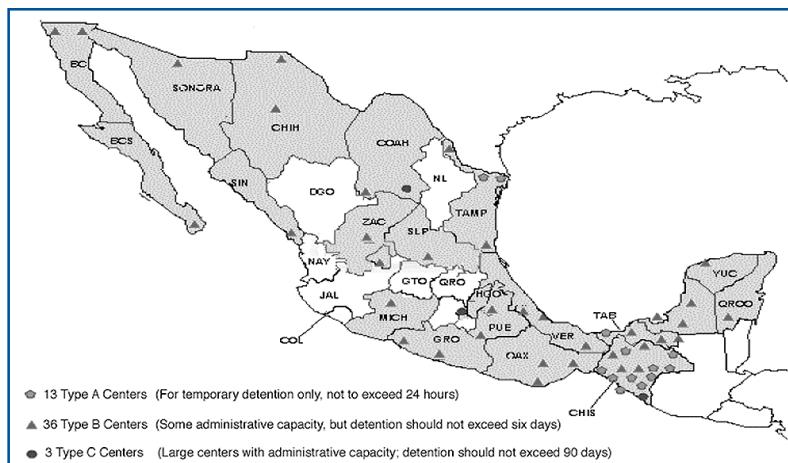
IV. FINDINGS:APPREHENSION

A. Legal and Procedural Framework

Migrants traveling through Mexico without proper documentation are apprehended and taken into custody at various points throughout the country, not just in the northern and southern border regions. Figure 15 shows the location of the migrant detention centers throughout the country, as of 2005. While agents of the INM and the Federal Police are the only officials with the authority to enforce immigration laws and apprehend unauthorized migrants, state and municipal police officers or other authorities regularly apprehend undocumented migrants and then transfer custody to migration officials, often in violation of their authority. Once the migrants have been taken into custody and it has been established that they are not Mexican citizens, they are taken to one of 48 Migration Detention Centers or INM offices located closest to the point of apprehension.

If Central American minors are apprehended in the central or northern part of Mexico, they are transferred to the detention center in Mexico City before being taken in buses to the detention center in Tapachula, Chiapas near the Mexico-Guatemala border. By law the authorities must identify themselves during the apprehension process, inform the migrants of the reasons that they are being apprehended and the place where they will be detained, and give them information regarding their rights. The migrants are generally not provided access to their consular representatives until they reach the detention center in Tapachula, which is sometimes several days after their initial apprehension. They may have passed through smaller detention centers as well as the Mexico City detention center before being screened for protection needs.

Figure 15



Source: National Migration Institute, www.inami.gob.mx

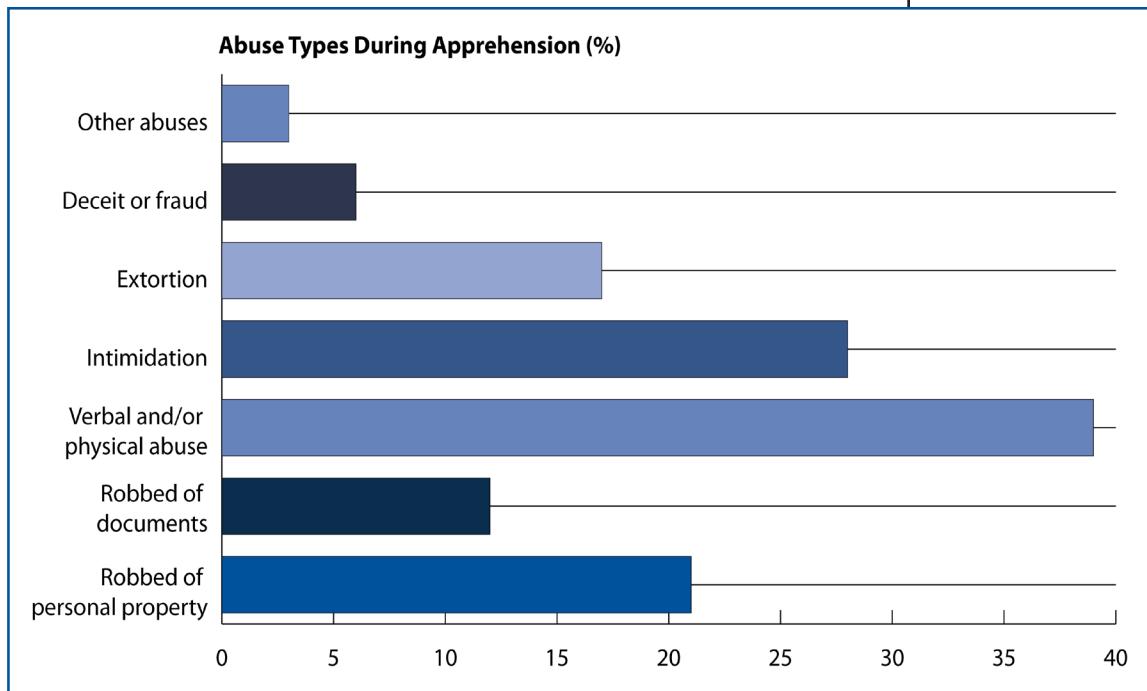
In July 2009, the Vice-Ministerial Regional Conference on Migration approved guidelines for the repatriation of unaccompanied child and adolescent migrants, which are to be adopted by all member countries. In response to the many inconsistencies in the treatment of child migrants between the time of apprehension and detention, the guidelines stipulate the following regarding the apprehension process:

- All member countries must ensure that unaccompanied children and adolescent migrants are transferred to a safe and appropriate location upon apprehension;
- Child migrants should be interviewed by qualified authorities, taking into consideration their gender and age;
- Unaccompanied minors should be informed of their rights.

B. Survey Results

Eighteen percent of the migrant children reported experiencing some type of abuse during the apprehension process. Of those that were abused, 39% reported being verbally and/or physically abused, 28% reported intimidation, 21% stated that they had been robbed of personal property, and 17% reported acts of extortion (see Figure 16). The Guatemalan children reported the highest rates of abuse with 9% of Guatemalan males and 12% of Guatemalan females reporting verbal and physical abuse.

Figure 16

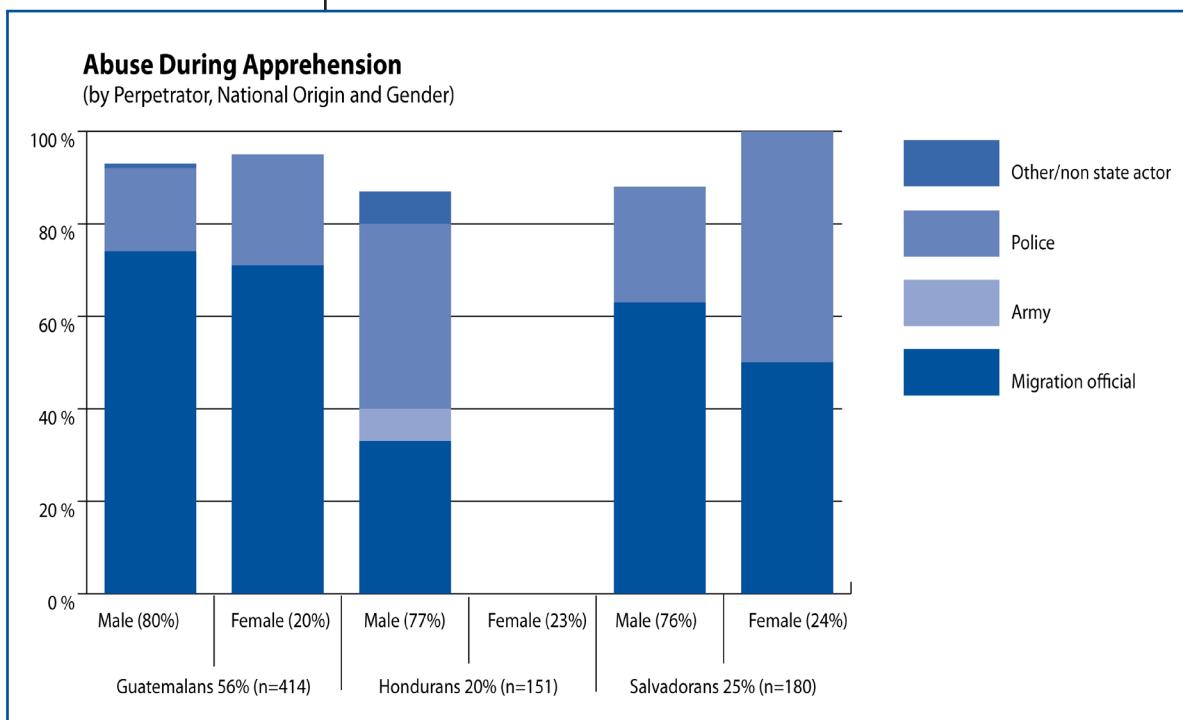


The survey data and extensive conversations with unaccompanied minors indicate that significant numbers of migration, police and military authorities in Guatemala and Mexico routinely commit acts of extortion at checkpoints, during the migration journey and throughout the detention process. These authorities often work with illicit criminal groups, especially on the train routes in Mexico, to exact bribes from migrants. Children generally have little money to negotiate bribes and if they do try to pay their way through, are often apprehended anyway after the act of extortion has taken place.

During apprehension, 62% of the adolescents interviewed stated that the authorities had properly identified themselves. Of those respondents who knew which authority had apprehended them, 88% were identified as migration agents, and 11% as police officers. In the other cases, 5 minors reported being apprehended by the army and one reported being turned into authorities by a civilian. In a separate study conducted in 2007, 50% of unaccompanied migrant children reported having been told the reason they were being detained, and 30% said they received some type of information about their rights at the moment of apprehension.³¹

Figure 17 illustrates the percentage of abuses committed by migration officials and police officers during apprehension.

Figure 17



31 Incdes and Sin Fronteras, *Modelo de Atención para Niñas, Niños y Adolescentes No Acompañados durante el Proceso de Aseguramiento en México y Deportación y Reintegración en Guatemala, Honduras y El Salvador*, 29 de noviembre de 2007.

IV. FINDINGS: DETENTION

A. Legal and Procedural Framework

The guidelines recently developed by the Vice Ministerial Regional Conference on Migration stipulate the following regarding the detention of unaccompanied minors:

- When needed, basic emergency services, particularly medical and psychological, should be provided to unaccompanied children and adolescents;
- In cases where unaccompanied children are members of the same family, every effort should be made to ensure that the group is not separated, except in cases where separation is deemed in the best interest of the child;
- The government institution coordinating the repatriation should strive to ensure that unaccompanied children receive appropriate assistance while they are in custody or during the repatriation process, including:
 - » accommodations and temporary shelters which are appropriate in terms of physical safety and the protection of the child's human rights,
 - » a balanced diet according to the needs of the child,
 - » timely access to medical and psychological care as well as educational and recreational opportunities where possible,
 - » confidentiality regarding the child's personal information,
 - » unaccompanied children should be duly informed about their legal status in language that is comprehensible to them, considering their age and level of maturity;
- The country which has the child in custody must inform his or her consular representatives of the child's location and condition. The consular officials must initiate the process of identification and documentation of the child in a timely manner and must provide consular protection and assistance during the repatriation process.

Mexico has made important strides since 2005 in various aspects of the apprehension, detention and deportation of child migrants. However, there are significant discrepancies between official procedures and the actual practices in detention centers and deportation proceedings. For example, the migrant detention centers in Mexico City and Tapachula have been expanded to create separate quarters for minors so they will no longer be held with adults. However, these new facilities for child

migrants have not been fully implemented as evidenced by the fact that female minors are consistently held with migrant adult women. Only male migrant children are held separately and are provided a social worker and special recreation activities. Unaccompanied minor girls are thus often invisible and difficult to monitor.

The Mexican Migration Institute maintains 48 permanent detention centers and as many as 116 additional spaces utilized to house migrants throughout the country. These include immigration offices and, on occasion, jail cells. Children and adolescents are often held in these centers with adults until they can be transferred to a larger detention center with separate holding cells.

The 48 permanent centers are located in 23 of the 32 states in Mexico as well as the Federal District (Mexico City). Of these, there are three large detention centers which have separate spaces for men, women and families, medical facilities, and are set up to carry out administrative proceedings in migrant detention cases. These are located in Saltillo, Coahuila, near the northern border; in Mexico City; and Tapachula, Chiapas, near the Guatemalan border. The government's National Migration Institute manages the centers with security from local or federal police forces.

Pursuant to the procedures defined in the INM's Safe and Orderly Repatriation Procedure for Minors from Central America, Guatemalan, Honduran, and Salvadoran, children are placed in the custody of INM upon apprehension. A regional INM delegate must register each child. If the child does not have a medical certificate (issued before arriving to the detention center), the regional INM delegate will request a medical exam. A file is initiated with an interview and testimony in the presence of someone who the child trusts and two witnesses. By law, the child should be informed of his or her rights and obligations during this process. Once the child's basic information, including nationality, is established, the INM notifies the corresponding consular representatives. If the child is between 12 and 17 years old, he or she will remain in the detention center's section for children. If the child is younger than 12 years old, he or she will be transferred to a migrant or state shelter for children. Child welfare advocates in Mexico have expressed concerns about the fact that children as young as 12 and 13 are held in detention facilities.

The shelter provides medical and psychological evaluations until arrangements are made for their deportation and family reunification. In some cases, the shelter accepts children older than 12. For example, a 16 year-old mother and her 8 month old baby were accepted due to the lack of facilities for lactating mothers at the detention center. This situation may change with the inauguration of a new shelter for unaccompanied minors in Tapachula, Chiapas in July 2009.

Once the consular representatives approve the repatriation, the child will be transported by the Mexican government to the border of his or her home country.

EDUARDO

Eduardo is 16 years old and from Huehuetenango, Guatemala. He has 7 brothers and sisters and worked as a carpenter's assistant. Eduardo's parents are separated and both live in the United States. He and his 14 year-old sister lived with an older sister. One day they told their older sister they were going to Guatemala City to work, but their intention was to go to the U.S. to find their mother.

As they were traveling by bus through southern Mexico, they were stopped at a checkpoint. Eduardo was taken into custody, but his sister was able to go on. Eduardo was deported to Guatemala, but he told officials he had no family so that he wouldn't be sent home to his older sister. In the meantime, his younger sister was also apprehended in Veracruz, Mexico and deported. Eduardo was sent to a shelter in Guatemala City where he stayed for 2 months.

Eduardo left again for the United States, this time carrying 700 Mexican pesos in bribe money. He made it to Guanajuato on foot and by train but then was robbed at gunpoint and lost his last 200 pesos. He was then taken into custody by the municipal police who beat him up. The police offered to let him go for 100 pesos, but because he had no money, they turned him over to Mexican immigration authorities.

Eduardo was held in a small detention facility with adults. He slept on a piece of cardboard on the floor near an overflowing toilet full of excrement. After 20 days in detention, he was deported to Guatemala, where he was sent to a home for juvenile delinquents in Guatemala City.

B. Survey Results

Due Process Guarantees in Detention

In order to determine the extent to which the migrants were informed of and understood the administrative procedures involved in their detention experience, they were asked the following:

1. Whether they had given a statement to migration authorities regarding their situation
2. Whether they received a copy of the statement
3. Whether they understood the content of the written statement.
4. Whether their fingerprints had been taken

While most of the minors who had given a statement had also had their fingerprints taken (91%), only 9% indicated that someone had explained to them why their fingerprints were being taken.³² In addition, only 5% of the minors said that they had received a copy of their statement, which is required by law and is the only record of their detention in Mexico. Finally, only 6% stated that they understood the content of the statement.

³² Civil society organizations have expressed concern about the fact that INM has developed a database with the fingerprints of child migrants who have no legal capacity. However, INM states that the fingerprints are taken as a precautionary and humanitarian measure to assist with the identification of children should they be lost or injured.

Consular Protection

The right to consular protection is established in the Vienna Convention on Consular Relations and is re-iterated in the case of migrants in the Migrant Worker's Convention. The Vienna Convention specifically calls on consular authorities to safeguard the interests of minors and other persons lacking full legal capacity, particularly where any guardianship is required. In addition, upon request by the migrant, consular authorities must be informed of his or her or detention without delay. The detainee must also be informed without delay of the right to consular protection.

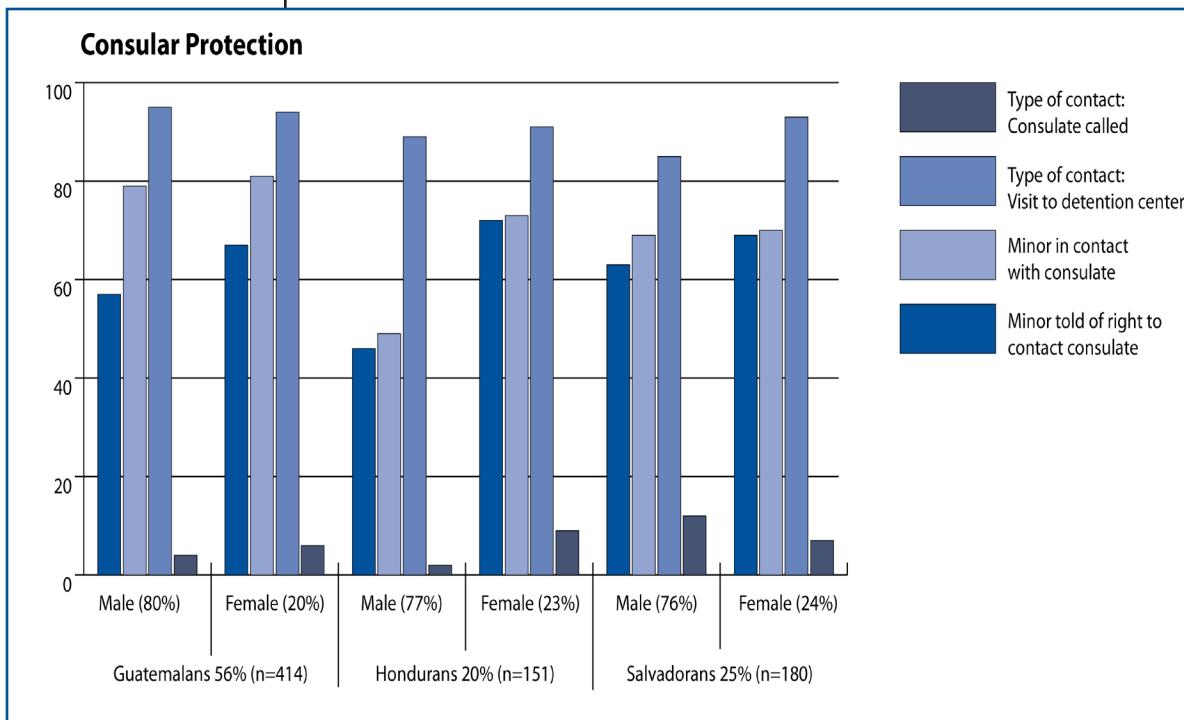
The INM has specific procedures for consular notification. A standardized letter is sent to consular authorities to notify them that a migrant child has been detained and is in transit to the detention center in Tapachula. Once the child arrives in Tapachula, notification is sent to the consulate to verify the child's identity and nationality. Interviews with children in Tapachula and in the Central American countries to which they had been repatriated indicated that, although the consular representatives frequently visit the detention centers, they generally do not speak with each child individually. During the course of the study, interviewers spoke with several adolescents who had experienced serious physical and sexual abuse but were not given a chance to discuss this with their consular representatives. From the standpoint of procedure, the appropriate place to handle consular interviews for children detained north of Mexico City would be the Mexico City detention center. The consulates in Mexico City have more resources and are much better equipped to deal with cases of abuse, human trafficking, and other special circumstances than those at the southern border.

The United Nations High Commissioner for Refugees (UNHCR) and the Mexican National Commission for Human Rights (CNDH) do maintain on-site offices at the Mexico City Detention Center, however they are often unstaffed. The children held at this Detention Center are not granted consistent access to either one of these offices during their stay.

Interviews with Mexican child welfare experts identified an additional challenge for consular representatives. Honduran and Salvadoran child migrants are often known to lie and say they are from Guatemala so they will only be deported to the Guatemalan border and can more easily turn around and migrate again. The consulates often do not take the time to investigate the child's claim of nationality and therefore many non-Guatemalan children are believed to be routinely returned to Guatemala rather than to their countries of origin. In addition, consular representatives often do not take the time to sufficiently investigate claims of parental relationships or guardianship between adults and children traveling together.

As indicated in Figure 18, 80% of the Guatemalans interviewed reported having direct contact with consular authorities, while only 69% of the Salvadorans and 55% of the Hondurans reported the same. Of those children that had contact with their consular representatives, 92% received a direct visit with these authorities, while 8% spoke to them by phone.

Figure 18



Detention Center Conditions

The conditions in the detention centers throughout the country and often between the different areas within the same detention center vary greatly. However, overall, it is clear that beds were lacking in a majority of cases and in some cases access to a toilet. This is particularly true of detention facilities in the north and central parts of the country. Conditions in the larger centers in Mexico City and Tapachula have improved significantly in recent years. There are reports that in the Tapachula facility, the migrants, including minors, often have to sleep on mats on the floor and that medical assistance is not always available, however, overall conditions in the largest detention facilities are considered adequate. The biggest concern is the small, often makeshift facilities used to detain migrants in the interior of the country, where more often than not children and adolescents are held together with adults, and sometimes with adults of the opposite sex.

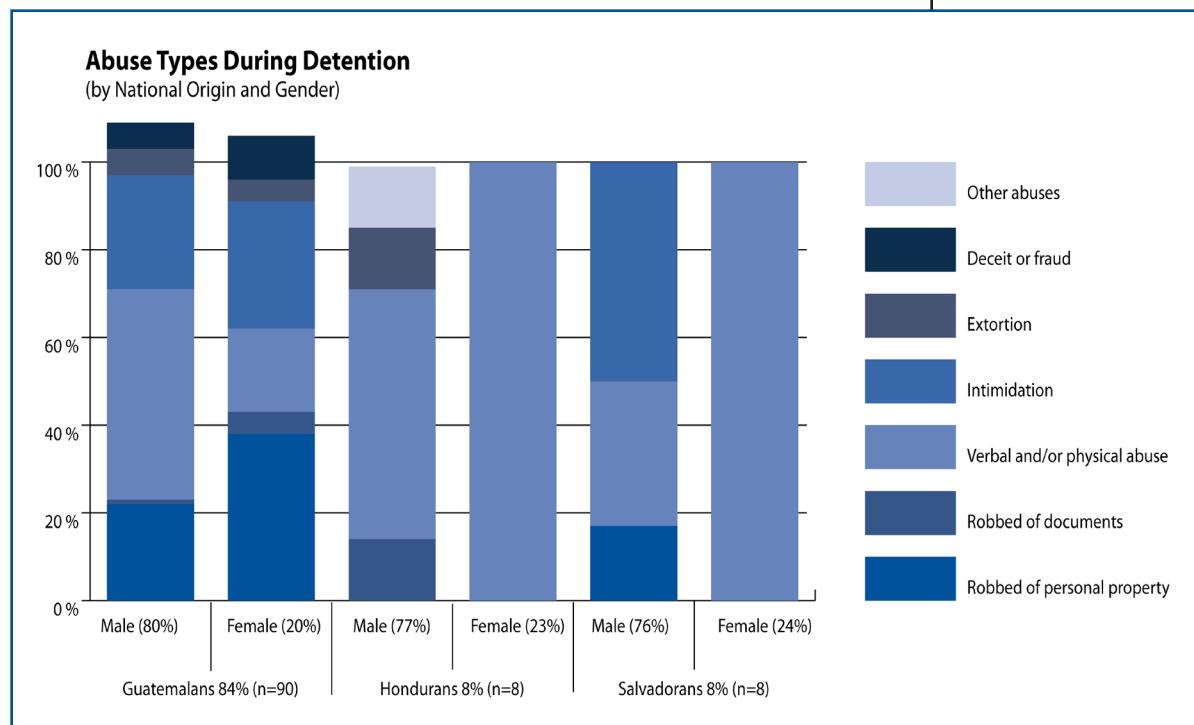
In July 2009, the state government of Chiapas, Mexico, in partnership with the IOM, the UNDP (United Nations Development Programme), and UNICEF, announced the inauguration of a new shelter for

unaccompanied child migrants from Central America in Tapachula on Mexico's southern border. The center, which is funded by the governments of Australia, Canada and New Zealand and managed by local authorities, provides basic health care and psychosocial support, telephone access for the children to their family members, recreational activities, and vocational training opportunities.

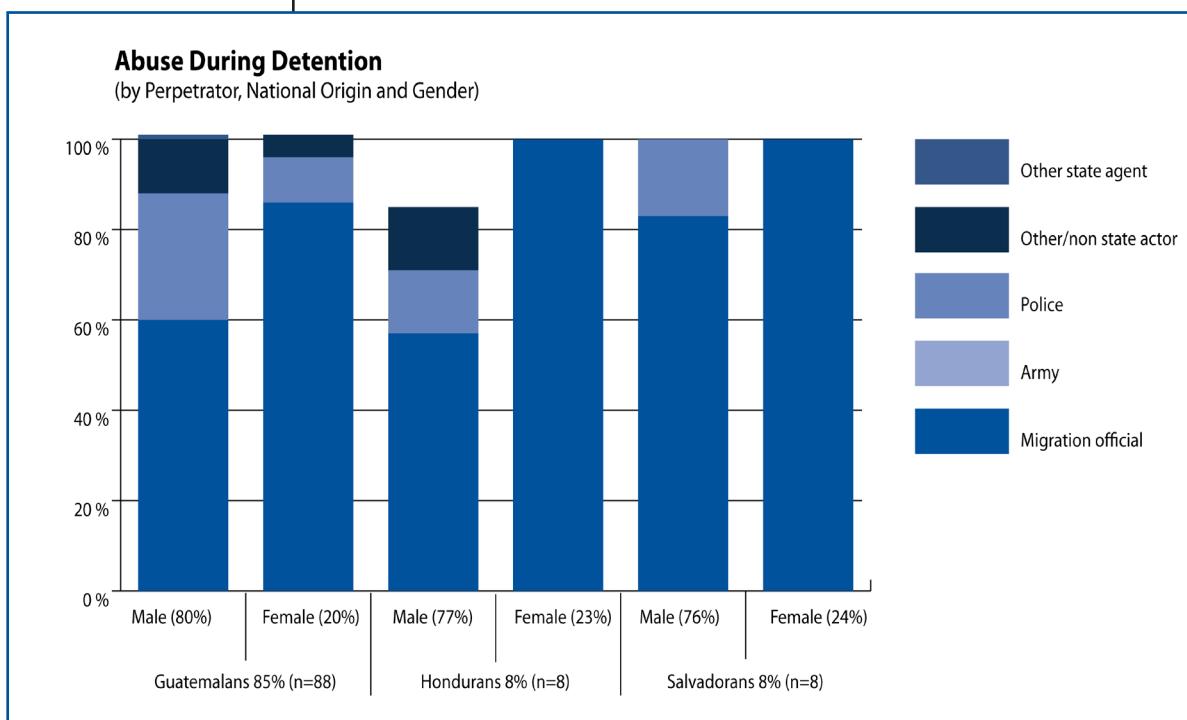
Abuse during Detention

Fourteen percent (14%) of respondents reported some type of abuse during detention. Of those who experienced abuse, 43% reported having been verbally and/or physically abused, 25% reported intimidation, 23% reported that they were robbed of personal property, 6% experienced extortion and another 6% deceit or fraud. Figure 19 refers to the types of abuse experienced by the 14% who reported an incident of abuse during detention.

Figure 19



The interviews also indicated that at least two-thirds of the abuses which occurred during detention were committed by migration officials, followed by police. Figure 20 shows the perpetrators of the abuses as reported by the 14% of respondents who experienced some type of abuse while in detention.

Figure 20

Fear of Returning to Country of Origin

Interviewees were asked whether they feared returning to their country of origin to determine if there were minors with potential asylum cases. According to the 1951 Refugee Convention and the Mexican General Population Act, the Mexican government has the responsibility to screen all migrants to determine if they have a credible fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion if returned to their country of origin, or are otherwise in need of international protection.³³ According to a new Mexican government migration directive effective February 2009, the Child Protection Officers will also conduct credible fear screenings of migrant children.³⁴ If the Child Protection Officer determines credible fear, he or she will help the child fill out the initial refugee application and contact officials of the Mexican Commission for Refugee Assistance (COMAR) so that the migrant may be interviewed to determine eligibility for refugee status. Additionally, Mexican migration regulations allow for migrant children who have been victims of or witnesses to a crime in Mexico, including the crime of human trafficking, to remain legally in Mexico on humanitarian grounds.

³³ See Committee on the Rights of the Child. "General Comment No. 6 (2005):Treatment of Unaccompanied and Separated Children Outside their Country of Origin." 1 September 2005. Respect for the principle of non-refoulement: "States should not return a child to a country where there are substantial grounds for believing that there is a real risk of inseparable harm to the child.", and Return to country of origin "Not an option if it would lead to a 'reasonable risk' that such return would result in the violation of fundamental human rights of the child."

³⁴ Instituto Nacional de Migración (February 19, 2009). Internal INM Directive, INM/CCVM/CRII/00352/2009. Mexico: INM

The standard form used to take the migrant's statement during the apprehension process includes a notification to the migrant that assistance is available to those who fear returning home. The interviewers observed, however, that this information was rarely read to the unaccompanied migrant children and if they did not read the information on their own, they would have no way of knowing this option existed. While these procedures should change under the new system with the Child Protection Officers, it is unclear to what extent they are currently being implemented.

Of the minors interviewed, 6% (43 children) declared that they were afraid to return home. Of those, 27 claimed that they had received death threats or had been persecuted in their country of origin. Nine migrants reported having left home as a result of family violence. Children fleeing family violence are not covered under refugee/asylum protections, and should be referred to the appropriate child welfare institution for further review of their case and best interests determination. Of the 43 children who reported fear of returning home, 30 specifically stated that they had not received information regarding the possibility of requesting refugee status, while 5 stated that they had received this information.

VI. FINDINGS: DEPORTATION/ REPATRIATION

A. Legal and Procedural Framework

The Mexican government is currently responsible for transporting all repatriated Central American migrants to each country's border. In the case of Hondurans and Salvadorans, upon arriving at the Guatemalan border, the Guatemala immigration officials inspect the Mexican buses, verify the passenger manifests, and then provide a Guatemalan police officer to accompany the bus through the country to the next border.

The Memorandum of Understanding for the Dignified, Orderly, Agile and Secure Repatriation of Central American Nationals by Land referenced above outlines proper procedures for verifying the nationality of each migrant and for the notification of migration and consular authorities of repatriation schedules, establishes times of day during which the repatriations may occur, dictates the maximum number of migrants that may travel per bus, stipulates that family members should not be separated during the repatriation process, and that the participating countries must ensure the safety and protection of the buses transporting Central American migrants through their territory en route to their countries of origin. The agreement also refers to the financing of deportation activities, encouraging collaboration with international organizations in order to help share the transportation costs involved in repatriating Central Americans.

The agreement addresses the general migrant population, however it also includes a short section about vulnerable groups, including pregnant women, the elderly, disabled, trafficking victims and minors. The agreement stipulates that these groups should be addressed separately from the rest of the migrant population and should be given special care.

Furthermore, bilateral agreements have been signed between Mexico and El Salvador and Mexico and Guatemala to establish general guidelines and procedures for deportation. Guatemala and El Salvador have also signed an agreement regarding the repatriation of Salvadoran nationals who travel by land through Guatemala to El Salvador.³⁵ While these agreements establish schedules for the repatriation of different populations to each border crossing and outline basic procedures for custody transfer, many details are left open to interpretation by migration officials. In addition, compliance with the agreements is sometimes hampered by national legislation and institutional practices.

³⁵ The agreement is referred to as the Mechanism to Facilitate the Safe, Orderly and Timely Repatriation of Salvadoran Migrants by Land from Mexico (August 18, 2005).

No bi-national agreement exists between Honduras and Mexico, which has left a gap in procedures when Honduran migrants are repatriated from Mexico through Guatemala, particularly in the case of unaccompanied children and adolescents.

The Regional Guidelines for Assistance to Unaccompanied Children in Cases of Repatriation, approved in July 2009, stipulate the following regarding the deportation/repatriation process:

- Unaccompanied minors must be informed of their rights during the repatriation process and of the intention of the repatriating country to protect their physical and psychological safety;
- The sending and receiving countries should determine the procedures to be applied in special cases in order to safeguard the child's physical and psychological well being. When the protecting country considers that repatriation involves serious risk for the unaccompanied child, temporary or permanent legal and/or humanitarian alternatives to repatriation should be offered in accordance with international law and national legislation;
- The countries should ensure that the repatriation of unaccompanied children and adolescents is carried out according to pre-established procedures, schedules, and ports of entry designed to protect the physical integrity and safety of the child and guarantee his or her human rights;
- The repatriating country should designate an appropriate escort for the unaccompanied child, taking into account the child's gender and age among other factors. The escort should accompany the child during transfer and ensure that he or she is separated from adult passengers;
- The child should travel by suitable and safe means of transportation, and not be subjected to long or tiring routes;
- The unaccompanied child's basic needs should be met for the duration of the journey;
- Notification of appropriate authorities in the receiving country, including the date and time of the repatriation, should be provided with enough notice to allow authorities to take the required action for reception;
- To the extent possible, it is recommended that officers interacting with unaccompanied children wear different uniforms than those worn by law enforcement officials.

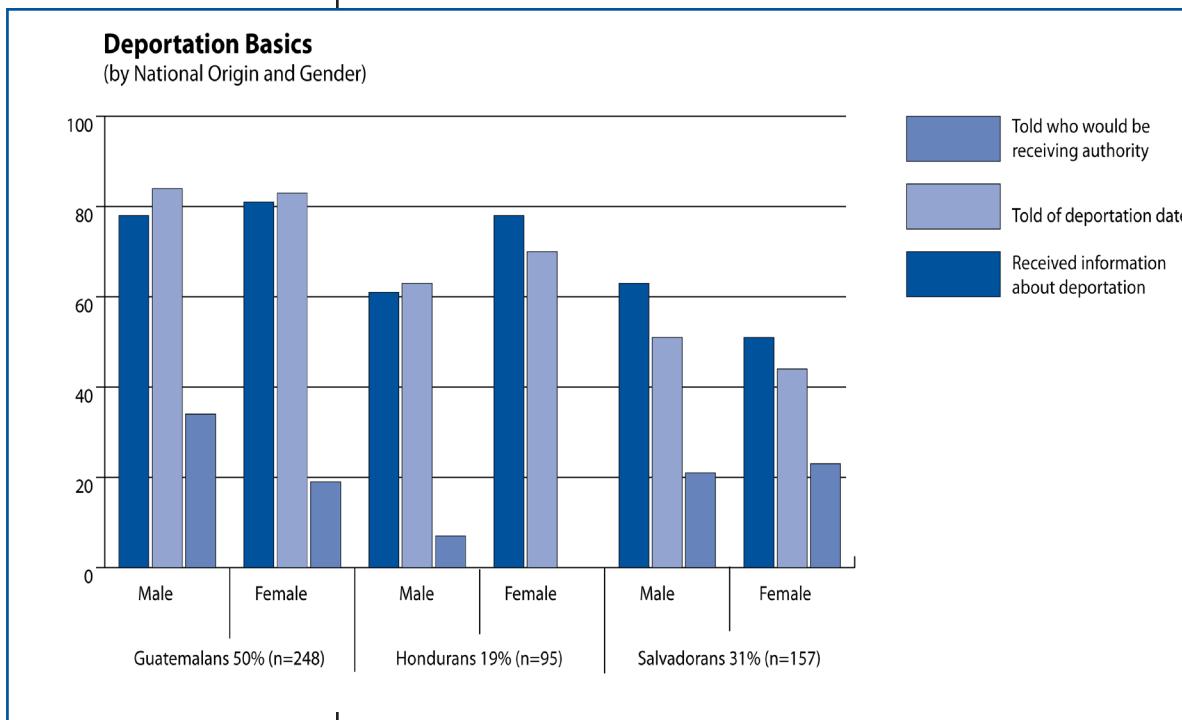
In addition to the regional guidelines, the new Mexican government migration directive referenced above provides that all children under

the age of 13 should be repatriated by plane. Those unaccompanied minors between 13 and 17 must be accompanied to the country of origin by a Child Protection Officer who will directly place the child in the custody of the appropriate officials in the receiving country. Appropriate training and resources need to be made available to ensure implementation of these new procedures.

B. Survey Results

The following graph indicates the level of information provided to the child migrants who were interviewed about the deportation process beforehand.

Figure 21



The interviews indicated that the deportation conditions and procedures varied significantly by destination. The minors were asked the time of their deportation and arrival to monitor whether or not they were being dropped off during the night or early morning hours, periods in which they could be at greater risk. They were also asked whether adults were riding on the bus or boarded the bus at any time during the deportation procedure, and whether any of the children on the bus disembarked at any time during the deportation procedure.

Almost all of the interviewees reported being deported together with adults and 41% of the minors interviewed at the ISNA Santa Ana reception point in El Salvador reported that adults had boarded

their bus at some point during the deportation procedure. Guatemalan advocacy groups report seeing unaccompanied children and adults getting off the same deportation buses at the Guatemalan border as recently as July 2009. Child welfare advocates in Mexico have expressed concerns about the detention and deportation of unaccompanied sibling groups which are sometimes separated because one of the children is under 12 and the other over 12.



Only three percent of respondents reported some type of abuse during the deportation process, most of those cases involved verbal and physical abuse. Overall, the most significant concerns with respect to the deportation process are the lack of adequate information provided to the unaccompanied minors before being deported and the contact with adults during the deportation process, which could potentially place them at risk for exploitation and other types of abuse.

VII. FINDINGS: RECEPTION & REINTEGRATION

A. Legal and Procedural Framework

The reception and reintegration process occurs once the minor has been returned to his or her country's border and custody has been transferred from the deporting country government to that of the country of origin. Strict policies and procedures should be in place to ensure that the child's welfare is protected at all times during this process, that any special needs are met, and that proper safeguards and procedures for reintegrating the child with appropriate family or legal guardians are followed. This should include a thorough assessment by officials of the receiving country to determine whether returning the child to family members is in the child's best interests.

In 2005, the governments of Mexico and Guatemala created special shelter facilities for child migrants to better manage the detention, deportation and reception of this special population between the two countries. The shelters were created in response to the growing number of children and adolescents migrating alone and the need for special mechanisms to ensure that children are repatriated safely to their countries of origin. These new facilities have processed large numbers of migrant children since their inception yet still face many challenges to ensuring a safe repatriation and reintegration process for all the children they assist.

The Salvadoran government operates a full service shelter for children in need in the western city of Santa Ana, which also accepts repatriated migrant children. Children are held at this shelter until arrangements can be made for reunification with their families.

In Honduras, however, there is no shelter for child migrants at the border crossing. Since the survey was conducted, the repatriation of Honduran migrants, including unaccompanied minors, has changed to a different border crossing. Instead of the Agua Caliente border in western Honduras, all migrants repatriated from Mexico are now taken to the Corinto border on the Atlantic Coast. This crossing is located an hour from the nearest town, and three hours from the closest offices of the Honduran Child Welfare Institution (IHNFA) in San Pedro Sula, making reception of repatriated migrants more difficult.

In 2008, UNICEF provided funds to create a small drop-in facility which provides emergency assistance to repatriated children and adolescents at the Corinto border. Unaccompanied minors are now repatriated from Mexico only on Wednesdays, ostensibly to make reception by the IHNFA

easier, however, frequent strikes in the IHNFA, budget difficulties, and personnel shortages, have led to many inconsistencies in the reception of the repatriated minors. As a result, children and adolescents continue to be dropped at the border without being met by anyone. The reintegration of the unaccompanied children with their families is also hampered by numerous problems and irregularities.

B. Survey Results

The minors were asked what type of official received them when they arrived in their home country, where they were taken once they arrived, whether they suffered any type of abuse, and if they knew who was going to come for them to take them to their home (interviews were conducted at the shelter where the children were waiting to be reunited with their families or at the border crossing points just after they had arrived in their home countries, but not to their final destination).



In Guatemala, a very large percentage of the children did not know what role the official that received them held (i.e. police, border patrol, child welfare staff) when they arrived in their home country. At the two reception points in El Salvador, the majority of the children stated that they had been received by a migration official or a police officer. At the Honduran border crossing, an overwhelming number of children said that no one had met them. In El Salvador and Guatemala, the majority reported being taken to a government-operated shelter.

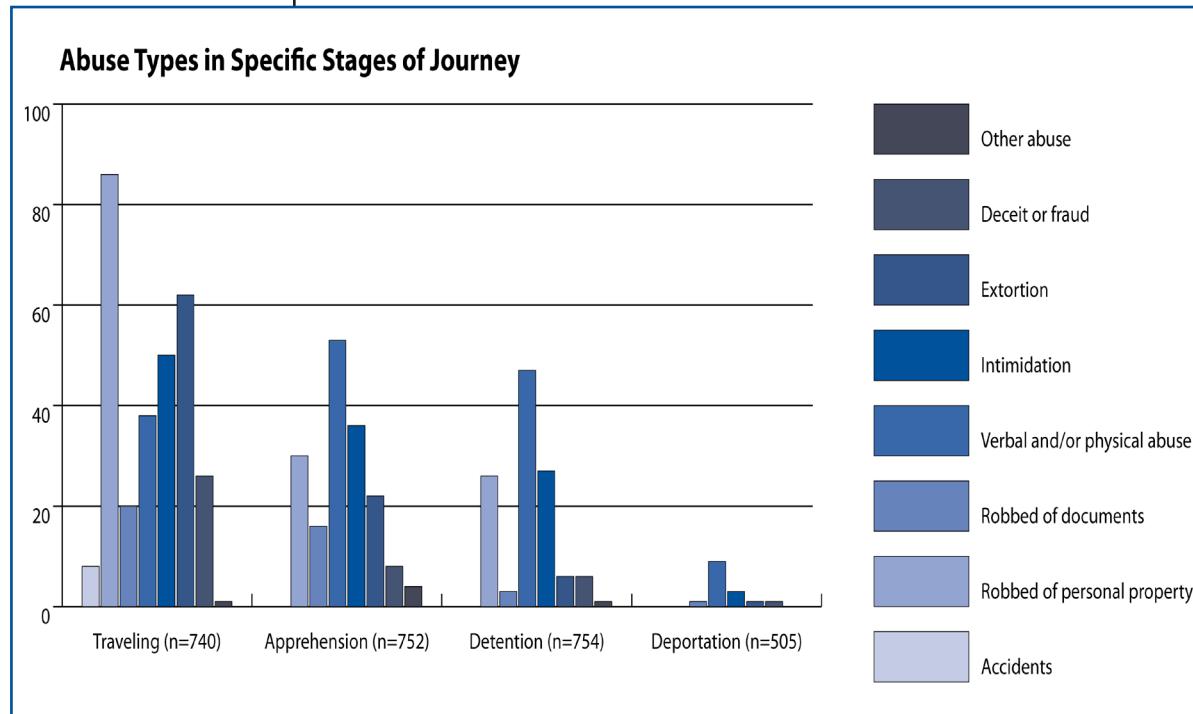
At the non-governmental shelter in Ocotepeque, Honduras, located 30 kilometers from the Agua Caliente border, 29% of those interviewed said they had been met by a migration official, suggesting that these children somehow made contact with their country's immigration officials upon arriving, even though there was no official process established for this purpose. Interviewers at Agua Caliente border crossing estimated that up to 50% of minors deposited at the border turned around immediately to attempt to cross again and begin the migration journey once more. As described above, although some progress has been made in the reception and reintegration of Honduran children and adolescents since the survey was conducted, many irregularities continue to exist and children are still frequently left at the border alone. This is clearly one of the largest concerns regarding the welfare of unaccompanied child migrants in the region.

VIII. FINDINGS: OVERALL ABUSES THROUGHOUT THE MIGRATION PROCESS

Overall, 42% of the children and adolescents interviewed reported at least one incident of abuse from the time they left home through their deportation. The highest rates of abuse were reported during the travel portion of the journey, followed by apprehension and then detention. The 12-13 year olds, however, reported a higher rate of abuse while they were in detention than during apprehension. The most common types of incident were theft, verbal or physical abuse, intimidation and extortion. Males reported higher rates of abuse throughout the journey than females. Forty-five percent of all males reported at least one incident of abuse during the journey, while 33% percent of females reported the same. The Guatemalan minors reported higher rates of overall abuse than non-Guatemalans. Of the children and adolescents who experienced some type of abuse during their journey, 88% reported that the abuse occurred in Mexico and 12% in Guatemala.

Figure 22 shows the types of abuses committed in each stage of the migration process. While robbery, extortion and intimidation were the principle abuses during travel, physical and verbal abuse were the main abuses overall as demonstrated by the following chart:

Figure 22



FINDINGS: OVERALL ABUSES THROUGHOUT THE MIGRATION PROCESS

Relatively little abuse occurred during deportation and reception, with the vast majority of incidents of abuse reported during the travel and apprehension portions of the journey. The biggest concern with respect to deportation and reception, however, stems from the irregularities which occur systematically throughout this process, exposing the unaccompanied minors to significant risk. Incidents such as adults boarding the buses transporting children and adolescents, the lack of official reception procedures at some border crossings, and the lack of adequate information provided to the minors about what to expect in the deportation process all increase the vulnerability of the children and adolescents to abuse, exploitation and human trafficking.

IX. RECOMMENDATIONS

The significant rates of unaccompanied migration of minors from Central America and Mexico to the United States need to be understood and responded to first and foremost in the context of the primary factors driving migration in general. High rates of inequality and poverty, limited opportunities for dignified employment or educational opportunities in countries of origin creates conditions for large scale migration to begin and become normative within societies, and particularly in regions where disparities in income and living standards are as great as they are between Central America, Mexico and the United States.

As large numbers of parents and heads of households migrate, with few opportunities to legally and safely reunite their families, and push factors continue unabated in home countries, it should not be a surprise that significant numbers of minors are now migrating on their own between these countries. These major structural and policy conditions are more difficult to address, but they must not be left off the table in any serious discussion of improving the protection of unaccompanied child migrants.

Recommendations

1. *Disseminate public service information on the dangers of unaccompanied migration in countries of origin and with diaspora communities in countries of destination.* The study noted a number of cases in which adolescents were encouraged by parents and family members to migrate to provide additional financial support for the family. It has been consistently demonstrated that neither the children nor their families are sufficiently aware of the dangers inherent in the migration of a minor. It is recommended that greater efforts be made to disseminate specific information on the added risk for minors in schools and home communities as well as with diaspora migrant communities (where parents may reside and funding often originates for the minor's migration). As it is recognized that minors are likely to continue to attempt this perilous journey, it is recommended that the "Know Your Rights" trainings and emergency contact information which is often provided at migrant shelters also include information specific to the unique needs of minor migrants.
2. *Improve data collection, systematization and secure information sharing.* Throughout the region of Central America, Mexico, and the U.S., efficient and accurate collection of data on unaccompanied minors is seriously lacking, making it more difficult to appropriately respond both to the overall phenomenon and to individual cases. This

study recommends that the countries of origin, transit and destination establish a functional and secure process for information sharing between local, national and regional child welfare organizations on unaccompanied migrant cases from point of first contact (apprehension/detention) to repatriation/reintegration, which include appropriate privacy protocols and data protection. Additionally, a systematized process should be established for aggregation of data on national/regional unaccompanied minor migration, interception and repatriation trends and practices. This database should also provide information on child welfare agencies and civil society resources in each country.

3. **Prioritize child protection standards.** In the design of national and regional migration policies, much greater attention and prioritization of child protection issues needs to be incorporated into standard operating practices. This should include at a minimum, review of current legal instruments, bi-national agreements and international commitments to identify and address gaps in the policy framework (to include clear policies on repatriation of children and assessment of family or alternative reintegration options for children). These policies should be broadly disseminated and ongoing technical assistance and capacity building with child welfare agencies and authorities who will be in contact with unaccompanied minor migrants (migration agents, police, legal representation, medical personnel), and establishment of consistent internal and external monitoring and oversight mechanisms of detention and repatriation processes. Particular attention should be given to addressing the problem of corruption of public authorities, and cases of systemic impunity in the treatment of migrants in general, with particular emphasis on the protection of minors.

Protection for migrant children must be a shared endeavor, including the countries of origin, transit and destination. However, countries of origin have a difficult time providing for the needs of some children, particularly those whose family members have already migrated, and with no safe migration channels available, children will continue to migrate unaccompanied and/or under very risky conditions. With this in mind, the countries involved – Honduras, El Salvador, Guatemala, Mexico and the United States need to work to prevent abuses. Efforts toward this end should include improved protections for all migrants in transit, with special emphasis on children and adolescents, particularly from extortion and abuse by migration agents and police officials during the apprehension process. Only those authorities with specific migration responsibilities should be involved in apprehension activities.

Deportation proceedings should follow established procedures in the regional repatriation agreements, ensuring that adult migrants do not ride with the migrant children and that the children are dropped off at

official reception sites according to the established schedules. Meals, water, medical attention and breaks should be provided. Social workers should be available to detect emotional and psychological trauma, abuse and other important issues. Interpreters should be provided for those children who do not speak Spanish. During detention, children should be able to make free telephone calls to family members.

4. **Ensure Best Interest Determinations.** Minors should be evaluated by qualified social workers, psychologists and/or child welfare agents as soon as possible after they are intercepted or detained, and best interest determinations established and incorporated into official decision making and placement determinations appropriate to the individual case of the children in question. Particular attention should be given to the identification of potential trafficking or asylum cases, children fleeing domestic or gang violence, and other aspects of increased vulnerability. In cases where specific vulnerabilities are recognized or criminal allegations are alleged, minors should have access to appropriate reporting and review mechanisms (for asylum claims, access to legal representation, reporting of trafficking, abuses by migration authorities).
5. **Provide alternatives to detention.** In general, specialized alternatives to detention should be sought, including small scale community based alternatives which can provide more individualized care for unaccompanied child migrants. When unaccompanied minors are housed in detention centers, they should be housed separately from adults and receive specialized age-appropriate care.
6. **Strengthen consular protection:** In the past few years, regional guidelines have been developed through the Regional Conference on Migration process, to expand the protection provided by national consulates to their citizens who are apprehended and/or deported as unauthorized migrants. Unaccompanied minors are one of the most vulnerable groups of migrants, and consulates should be further encouraged to strengthen their child protection mechanisms. Monitoring and reporting mechanisms should be established to identify problems minors may encounter in receiving prompt access to and services from their consular representatives.
7. **Establish clear procedures to ensure safe repatriation/reception and reintegration:** One of the greatest concerns continues to be the transfer of minors from the responsible authorities of one country to another, and the shelter and reintegration needs of the repatriated minors. These concerns are particularly acute when the reception point is a border area far from the offices of the child welfare agency responsible for reception, and where procedures are neither clear nor standardized for the return of unaccompanied minors. It is recommended that bi-national

agreements for the return of foreign nationals be reviewed to ensure that they incorporate explicit procedures for the protection and repatriation of unaccompanied minors. Additionally, it is strongly recommended that child welfare agencies establish satellite offices at border reception areas, dedicate greater staffing and transport resources to the reception of minors at the border or potentially contract vetted civil society organizations to provide reception and initial protection related services (secure shelter or transportation) until the appropriate authorities are able to directly receive the repatriated minors.

Migrant children arriving in their country of origin should be screened for abuses and receive legal and social assistance if necessary.

Thorough assessments should be conducted by the receiving country to determine whether returning the child to family members is in the child's best interests. In addition, reception countries should document abuses that children may have experienced in a systematic way so that these abuses can be reported to the country where the abuses occurred.

8. ***Increased partnerships with civil society.*** National and local governments continue to face many challenges in providing adequate resources and specialized services for the significant numbers of unaccompanied minors in transit, detention and in repatriation processes, and the array of protection needs they present. Additionally, centrally located government child welfare agencies do not have adequate geographic presence (in relation to interception and repatriation locations) to provide for this population. It is recommended that a greater number of collaborative relationships be formed between government agencies and specialized civil society institutions at the national and local levels to more effectively respond to currently unaddressed protection and service needs of unaccompanied minor migrants.

See Appendix III for specific recommendations on improving the protection of unaccompanied minors at the country level, developed by CRS' partner organizations in each country.

Ultimately if underlying structural and policy issues are not addressed, high-risk migration of minors in the region will continue. Hence this report also calls for a serious regional commitment to:

9. ***Increase national and regional efforts to reduce the poverty and social inequality driving high rates of migration.*** National governments have the primary responsibility for meeting the basic economic needs of their societies, and greater attention to national development, poverty

reduction and job creation are essential to reduce the need to migrate. However, in a period of increased economic integration between Central America, Mexico and the U.S. (in the context of current trade frameworks), it is time to seriously evaluate the negative impacts on vulnerable sectors in all of the countries in question (particularly on the rural poor and small businesses) and the responsibility shared by all the participating countries to more effectively address these problems.

10. *Establish migration management policies which create safe/legal avenues for migration, and prioritize family reunification.* The focus of this study is the migration of unaccompanied minors, many of whom are seeking to reunite with their families or have experienced family disintegration as a result of migration of one or both parents. Current migration policies throughout the region in question should be reviewed in terms of their implications for families and children. However, given that the U.S. is the primary destination country for this migration and many of the parents of the children in the study reside in the U.S., this recommendation focuses primarily on U.S. immigration policy. There are currently very few avenues for Central Americans and Mexican (adults) to migrate legally to the United States for employment purposes, and fewer still for them to migrate as family units. Once in the U.S. even migrants with permanent residence status, with the legal right to reunite their immediate family members, can find their applications for spouses and minor children languishing for years. Migrants are not only workers but members of families, and as such any immigration reform initiative must give particular attention and priority to family reunification policies and practices.

REFERENCES

Center for Public Policy Priorities. (2008). *A child alone and without papers, a report on the return and repatriation of unaccompanied undocumented children by the United States*. Austin, Texas: Center for Public Policy Priorities.

Conferencia Regional Sobre Migración, Borrador. (2009). *Lineamientos regionales para la atención de niños, niñas y adolescentes migrantes no acompañados en casos de repatriación*.

Escobar Sarti, C. (2008). *Los pequeños pasos en un camino minado: Migración, niñez y juventud en centroamérica y el sur de México*. Guatemala City, Guatemala: Consejería en proyectos.

Instituto Nacional de Migración. (2008). *Manual de procedimientos para la repatriación de extranjeros Centroamericanos a disposición de las autoridades migratorias Mexicanas*.

McGuigan, C. (2005). *Menores migrantes, no acompañados: Informe preliminar para CRS/LACRO*. Baltimore: CRS.

Action Canada for Population and Development and the Colegio de Michoacán. (2002). *Migrant children: HR protection and services in the member countries of the Regional Conference on Migration: The Mexico-Canada Joint Study on Migrant Children in the Region*. Action Canada for Population and Development and the Colegio de Michoacán.

Regional Conference on Migration, (2007). *Regional guidelines for special protection in cases of the repatriation of child victims of trafficking*. Approved in New Orleans, United States, during the XII RCM.

APPENDIX

I. DETAILED SURVEY METHODOLOGY

Data Collection and Analysis

Data collection was coordinated by Catholic Relief Services in cooperation with five NGOs: Sin Fronteras in Mexico, Casa de Migrant in Tecun Uman, Guatemala, INCEDES in Guatemala City, CARECEN in El Salvador, and Casa de Migrante Ocotepeque in Honduras.

Researchers Daniel E. Martinez, Gary Adler Jr., and Kraig Beyerlein of the University of Arizona planned and coordinated post-data collection processes to analyze, clean, and produce an improved and updated dataset. These steps included assigning unique ID numbers, organizing systematic data checking of hard copy surveys stored in Central America, merging records of site-specific databases, checking the accuracy of and recoding variables for usage, translating original variables into English, providing statistical analysis, and describing the project's methodology.

The interpretation and use of analyses from this dataset are the responsibility of the organization or individual analyst. This appendix is meant only as a description of the dataset and not an endorsement of particular analysis methods or conclusions.

Data Collection Instrument

The interview questionnaire was designed by Catholic Relief Services in consultation with the five NGO's. It included the following thematic sections and related variables:

1. Interview Identification Details: Interview date, name of interviewer, where interview was conducted.
2. General Information about Interviewee: Gender, place of birth, family, education and economic activity.
3. General Migration Context: Date of departure from home, reasons for leaving, other people (friends, family members) they traveled with, economic resources used for the journey, documents used, abuses committed by individuals, gangs or authorities.
4. Interception Conditions: Which authorities took them into custody, if the authorities explained the reason for the arrest, abuses committed by authorities, if a statement was taken by the authorities and the minor.
5. Detention Conditions: If information was provided about rights in detention, basic needs, how and if the statement was taken, support provided by the corresponding consulate, abuses committed by authorities.

6. Deportation Process: If minors were informed about the deportation process, the conditions of the deportation, abuses committed by authorities and/or others on the bus.
7. Reception: Who received the minors, type of support received during reception process, abuses committed during reception.
8. Reintegration: Plans upon returning to country of origin.

Three interview locations were used in Mexico where, by law, all minor migrants are to be detained and processed prior to deportation. These locations were the Federal Migration Detention Center in Mexico City, the Migrant Detention Center in Tapachula, and the Shelter for Minor Migrants in Tapachula. All minors detained in central Mexico were first channeled to the Federal Migration Detention Center in Mexico City. Children detained in the southern part of Mexico were first channeled to the Migrant Detention Center in Tapachula. The Shelter for Minor Migrants in Tapachula housed some children up to 14 years of age, who were detained by local, non-police organizations.

During the initial phase of questionnaire construction, staff in the four participating countries pre-tested the instrument to determine the ability of interviewers to complete the interview in a reasonable amount of time, to articulate accuracy specific terms/vocabulary and to define protocols for working with children and adolescents. Each country pre-tested the questionnaire using 5 to 20 interviews, with feedback integrated into the final questionnaire.

As the span of time from 2006 lengthens, current minor immigration circumstances may differ from those collected in this dataset.

Supplemental research was conducted during 2009, however, to update the information provided by the data and original interviews and those updates are included in this report.

Professional, trained staff members of five NGO's administered the surveys using a face-to-face interview format and then deposited surveys to a central location in each country. All staff members had worked with international human rights issues including child migration and detention issues prior to this project, so they had the necessary background to understand the purposes and special challenges of data collection for this population. Due to the sensitive nature of the questions, as well as the vulnerability of the minors, CRS initiated extensive conversations prior to data collection with shelter authorities about access the migrant children. At each interview location, NGO staff would hold a standardized workshop about the rights of those who were detained. This workshop was available to all the minors detained at the particular location, after which all were invited to participate in an interview for this study.

The two locations in El Salvador were the Border Crossing at La Hachadura and the Government Shelter Ciudad de los Niños in Santa Ana. The Border Crossing at La Hachadura was a small shelter run under the Secretary of State. Minors were often released to family members from this location. The children at the Government Shelter Ciudad de los Niños in Santa Ana arrived without processing from the border and often had special circumstances that needed more attention before reunification.

The two locations in Honduras were the Border Crossing at Agua Caliente and the Migrant Shelter in Ocotepeque. The Border Crossing at Agua Caliente only had a rudimentary check-in process one mile from the physical border. The Migrant Shelter in Ocotepeque, which is a significant distance from the border, was run by the Catholic Church and served minors transported from the border area.

One location in Guatemala was the Government Shelter Nuestras Raíces in Quetzaltenango. At this shelter, interviewers had easy access to the population of children and adolescents. The shelter had 60 beds. Minors usually stayed less than 24 hours and were usually only dropped off two times a week.

Table 2: Field Visits

Interview Location	Time Period of Field Visits	Total Number of Interviews at Location
Tapachula – Shelter	May 17 – September 29	39
Mexico City	May 16 – September 23	147
Tapachula – detention center	July 6 – September 15	66
Frontera Hachadura	July 26 – September 29	133
ISNA Santa Ana	July 7 - September 28	19
Ocotepeque	June 13 – September 26	76
Agua Caliente	July 27 – September 26	15
Quetzaltenango	July 28 – October 31	252

The data collection strategy consisted of interviewers making multiple visits to each location throughout each specified data collection time period (see Table 2). The pattern of visits varied according to the availability of interviewers, the remoteness of interview locations, and the communication from authorities regarding arrival of child migrants to each location. The frequency of the visits differs between interview

locations for two reasons. First, in a small number of cases, interviewers were prevented from accessing detained minors, necessitating return visits (see below for more information about the affect of this on the dataset). Second, unpredictable bus schedules, and poor communication between local authorities and interviewers, meant that the shelters were sometimes empty when interviewers arrived, necessitating return visits to encounter cases in these locations.

This is a very difficult population to find, interact with, and gather information from. During data collection, interviewers invited all minors present, who had just attended a session about their rights, to participate in short interviews. There was no record kept of the rate of participation among eligible minors at an interview location, so there is no known response rate.

Users of this data should keep in mind the unique challenges of collecting data with this population, as well as the research design, when considering its representativeness. The data are about detained children and adolescent migrants during a particular period who voluntarily participated in an interview.

Challenges and Difficulties

There were a few reported occasions when, despite having been granted official access, interviewers were prevented from seeing all parts of a shelter location and/or prevented from interviewing all minors present. CRS professional staff visited each location at least once during the research to monitor interviewing activities and ensure access.

The interview location in Tapachula, Mexico provided the most difficult access challenges. These challenges included restricted access to the building in general as well as restricted access to the female detained migrant population, with whom minor girls were held. This may have resulted in an over-representation of male children at this site.

The interview location at the Border Crossing in Agua Caliente, Honduras presented unique conditions. Interviewers at this location estimated that up to 50% of children deposited at the Honduran border immediately attempted a repeat crossing. This could result in some bias among the Honduran minors, since the ones who were interviewed were those who did not immediately attempt to re-cross the border.

Those cases, therefore, may have different characteristics than the population of Honduran minors attempting a repeat crossing immediately after arriving at the border.

By using detention and reception locations, interviewers were able to access all points of the official migration detention, deportation, and reception system. Due to inadequate reception processes in some places, like the border in Honduras, or non-regular deportation schedules, it is impossible to gain access to or pinpoint the actual population of minor migrants at any given moment. The inclusion of detention and reception centers, while mitigating this problem, made for the possibility of duplicate cases. All minors and completed cases were screened to determine duplicate interviews. Ten duplicate cases were discovered and removed from the data set.

The strategy of including both detention and reception locations also means that a portion of respondents were interviewed while still detained in Mexico, prior to deportation. Of course, this type of situation if dealt with improperly, could be coercive. A challenge of learning about this population, though, is their lack of interaction with institutions except when under detention. The interview process worked out by CRS protected migrant participation and their confidential information. A more practical consequence of interviewing migrants while they were still detained in Mexico was that a subset of questions about deportation conditions was not applicable to these respondents.

APPENDIX

II. LEGAL FRAMEWORK

International Level:

The four countries involved in protecting Central American migrant children in detention and deportation procedures from Mexico are signatories to the relevant international and regional instruments including:

- International Covenant on Civil and Political Rights (adopted Dec. 16, 1966 by U.N. G.A. Res. 2200/XXI)
- International Covenant on Economic, Social and Cultural Rights (adopted Dec. 16, 1966 by U.N. G.A. Res. 2200/XXI)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (adopted Dec. 18, 1990 by U.N. G.A. Res. 45/158)
- Convention on the Rights of the Child (adopted Nov. 20, 1989 by U.N. G.A. Res. 44/25)
- Convention Relating to the Status of Refugees (adopted July 28, 1951 by U.N. Conference on Plenipotentiaries on the Status of Refugees and Stateless Persons)
- Protocol Relating to the Status of Refugees (adopted January 31, 1967)
- Convention against Transnational Organized Crime (adopted Nov. 15, 2000 by U.N. G.A. Res. 55/25, annex I)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (adopted Nov. 15, 2000 by U.N. G.A. Res. 55/25, annex II)
- Convention on the Elimination of All Forms of Discrimination Against Women (adopted Dec. 18, 1979 by U.N. G.A. Res. 34/180)
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (adopted May 25, 2000 by U.N. G.A. Res. 54/263),
- International Convention on the Elimination of All Forms of Racial Discrimination (adopted Dec. 21, 1965 by U.N. G.A. Res. 2106/XX)
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted Dec. 10, 1984 by U.N. G.A. Res. 39/46)
- Vienna Convention on Consular Relations (adopted April 22, 1963 by U.N. Conference on Consular Relations),

- American Convention on Human Rights (Pact of San Jose, Costa Rica) (adopted Nov. 22, 1969 by Organization of American States)
- Inter-American Convention to Prevent and Punish Torture (adopted Dec. 9, 1985 by OAS)
- Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belem do Para) (adopted June 9, 1994 by OAS),
- Convention on Political Asylum (adopted Dec. 26, 1933 by OAS)
- Convention on Diplomatic Asylum (adopted March 28, 1954 by OAS)
- Convention on Territorial Asylum (adopted March 28, 1954 by OAS)
- Inter-American Convention against Corruption (adopted March 29, 1996 by OAS)
- Convention Concerning Forced or Compulsory Labor (adopted June 28, 1930 by International Labor Organization [hereinafter ILO])
- Convention Concerning the Abolition of Forced Labor (adopted June 25, 1957 by ILO),
- Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (adopted June 17, 1999 by ILO)

In addition to these treaties, the UN Committee on the Rights of the Child has issued a General Comment on the Treatment of Unaccompanied and Separated Children Outside their Country of Origin. This document summarizes international principles related to unaccompanied migrant children, in compliance with the overarching principle of the best interests of the child. It emphasizes the importance of prompt evaluation of the situation, information about risks and preventative measures, the application of the principle of non-refoulement, expedited identification of family members and appropriate guardians, compliance with the principle of family unity, non-criminalization of irregular presence, the underlying approach of care vs. detention, and the general principle that children should not be deprived of their liberty.

II. Regional Framework and Bi-national Agreements

In 2005, the Regional Network of Civil Organizations for Migration (RROCM) published a compilation of international and regional standards relevant to migrants in the region. The Regional Guidelines for the Protection of Human Rights of Migrants in Situations of Migration, Detention, Deportation and Reception include specific rights for migrants in each of these possible migration phases.

Repatriation Agreements

Mexico has entered into two bi-lateral and one multi-lateral agreement regarding the Repatriation of Central Americans.

- Agreement between the Ministry of Interior of the United Mexican States and the Ministry of Interior of the Republic of Guatemala on the Safe and Orderly Return of Guatemalan, Salvadoran and Honduran Nationals on the Borders of Mexico and Guatemala (signed June 28, 2005);
- Agreement between the Ministry of Interior of the United Mexican States and the Ministry of Interior of the Republic of El Salvador on the Orderly, Swift and Safe Repatriation of Salvadoran Migrants by Land from Mexico (signed May 17, 2005), and
- Memorandum of Understanding between the Governments of the United Mexican States, the Republic of El Salvador, the Republic of Guatemala, the Republic of Honduras, and the Republic of Nicaragua on the Dignified, Orderly, Agile and Safe Repatriation of Central American Migrants by Land (signed May 5, 2006).

In addition to the regular repatriation agreements, Mexico has signed agreements with Guatemala and El Salvador regarding cooperation in the protection of trafficking victims. These include:

- Memorandum of Understanding for the Protection of Women and Children Victims of Trafficking and Smuggling on the Border Mexico-Guatemala (March 2004), and
- Memorandum of Understanding for the Protection of Persons, Especially Women and Children that are Victims of Trafficking and Smuggling between Mexico and El Salvador (May 2005).

Mexico, Guatemala, El Salvador and Honduras, as members of RCM should also comply with the Regional Guidelines for Special Protection in Cases of the Repatriation of Child Victims of Trafficking. These guidelines were developed as a result of a consultation process with government officials of RCM in response to concerns that child trafficking victims were being repatriated without special protections. In particular, RCM member states have committed to:

- protect child victims of trafficking in persons from discrimination, revictimization, and all forms of exploitation enumerated in the Trafficking Protocol;
- guarantee their rights to life, safety, and dignity; repatriate them without undue delay;
- cooperate in ascertaining their identity and nationality;
- assess the environment to which they would return at the conclusion of the repatriation process, including their family situation;

- and determine what protective measures are required for their social reintegration.

In addition, relevant authorities should inform diplomatic or consular representatives of the country of nationality or residence of the child victims about their status and location, and the diplomatic or consular representatives should promptly provide child victims with the necessary documentation to facilitate their return, when appropriate. If a decision to repatriate a child victim is made, the country providing protection and the country of nationality or residence should coordinate the logistical details for the transfer.

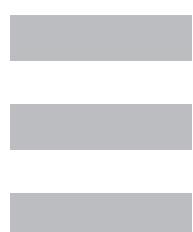
III. National Legal Framework (Mexico)

Procedures relevant to migrant children are regulated by migration laws and regulations as well as laws and regulations pertaining to the child and family welfare institutions within each country.

The national laws for Mexico, the country that intercepted/apprehended, detained and deported the minor migrants interviewed for this project include:

- General Population Act (Federal Registry, 1974) – stipulates that the National Migration Institute (INM) of the Foreign Ministry should enter into agreements with the Ministry of Family Affairs (Desarrollo Integral de la Familia) to create programs to assist minor migrants in repatriation proceedings.¹
- Regulations of the General Population Act (Federal Registry, 2001)
- Agreement establishing the Guidelines for the Administration of the National Migration Institute Detention Centers (Federal Registry, 2001).
 - » Article 53 of this agreement specifies that girls will be housed with their mothers and allowed to do recreational activities during the day, while boys will participate in the recreational activities during the day, but sleep in separate quarters.
- Safe and Orderly Repatriation Procedure for Minors from Central America (2006).

¹ INM y DIF NACIONAL. 29 Mayo 2005. Convenio de Colaboración para Establecer Acciones Conjuntas en Beneficio de Niñas, Niños y Adolescentes Migrantes y Repatriados Mexicanos y Extranjeros no Acompañados.



APPENDIX

III. COUNTRY SPECIFIC RECOMMENDATIONS

The following recommendations have been developed by Catholic Relief Services' local partner organizations in each country for advocacy efforts with their respective governments.

Mexico

1. The Mexican government should clarify the distinction between how children are handled in interception, detention and deportation proceedings according to age groups (Under 12, 12-17).
2. The Mexican Government should define how and where children are evaluated by a social worker or a psychologist while in detention to determine if a child is able to be deported or if further intervention is needed in their case.
3. The Mexican Government should establish procedures for training, supervising and monitoring border immigration officials to reduce corruption (extortion, physical abuse, sexual abuse, etc.)
4. Children should not be held with adults at any time during their apprehension and detention.
5. Sibling groups should not be separated during the detention and deportation/repatriation process under any circumstances.
6. Official statements should be taken from unaccompanied minors as soon as possible upon apprehension and in the presence of a social worker, whether in Mexico City or Tapachula.
7. Children should be evaluated by a psychologist (minimally a social worker) in the detention phase in order to report any abuses, irregularities, or special needs to consulates or representatives of COMAR(UNHCR) or the Comisión Nacional de Derechos Humanos (CNDH).
8. Children should be allowed to make a phone call once in detention in Mexico City or Tapachula.

Guatemala

1. The Guatemalan Government should activate the "Multidisciplinary Support Coordination" found in the Statutes of the Welfare Secretariat, the purpose of which is to establish partnerships with civil society organizations and legal aid organizations.
2. The Guatemalan Government should establish formal procedures for the custody transfer of children from one authority to another at border crossings.

3. The Guatemalan Government should establish formal procedures for reintegrating children with their families or legal guardians.
4. The Guatemalan Government should establish procedures for training, supervising and monitoring border immigration officials to reduce corruption (extortion, physical abuse, sexual abuse, etc.)
5. The Welfare Secretariat should consider including translators in their reintegration process as many children speak Mayan languages as their primary language.
6. The government shelter in Quetzaltenango should implement strict policies for the handover of unaccompanied children to family members, requiring official documents (birth certificate, passport, etc.) that can be verified by the national police.
7. The shelter in Quetzaltenango should seek community partnerships to provide children and adolescents with adequate medical attention and other services.

Honduras

1. A bilateral agreement should be established between Mexico and Honduras to strengthen the procedures for the custody transfer of unaccompanied children to Honduran immigration authorities at the border, in keeping with the regional guidelines established by the Regional Conference on Migration.
2. The Honduran Government should draft an amendment to the Migration Law to include special procedures for minor migrants.
3. The Honduran Government should create inter-institutional agreements between the Ministry of Foreign Relations, IHFNA, the Children's Section of the Attorney General, and the Honduran Immigration Service to define responsibilities and procedures for the reception and reintegration of unaccompanied minors.
4. The Honduran Government should outline the roles of the Ministry of Foreign Relations and the IHNFA in handling minor migrants upon arrival at the Guatemala/Honduras border.
5. The Honduran Government should establish working partnerships between the IHNFA and civil society organizations which provide social and legal services for children.
6. The Honduran Government should establish formal procedures for the custody transfer of minors from one authority to another at border crossings.
7. The Honduran Government should establish formal procedures for reintegrating children with their families or legal guardians.

8. The IHNFA should establish an agreement with an existing shelter to temporarily house children or transport children to their office in San Pedro Sula to begin reintegration proceedings.

El Salvador

1. The Salvadoran Government should establish working partnerships between the IHNFA and civil society organizations which provide social and legal services for children.
2. The Salvadoran Government should establish formal procedures for the custody transfer of minors from one authority to another at border crossings.
3. The Salvadoran Government should establish formal procedures for reintegrating children with their families or legal guardians.
4. The ISNA should document the procedure for custody transfer to family members at the border crossing La Hachadura.

The IHNFA should keep statistics of minor migrants according to data gathered during reintegration proceedings.



Child Migration: The Detention and Repatriation of Unaccompanied Central American Children from Mexico



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228 W. Lexington St.
Baltimore, MD 21201
www.crs.org