



Restoring Dignity, Inspiring Change.

Protect the Children!

Boys and girls migrating unaccompanied from El Salvador, Guatemala and Honduras, 2014-August 2017

- *Background and ICMC Perspectives on Responses and Recommendations* -

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“I was escaping, that’s what I was doing, escaping and from there we walked, I walked a lot. The journey is horrible. It’s just horrible.” - Karla, 14, Honduras¹

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“They took my cellphone, my bag with my belongings, they took the same things from my cousin. They robbed us both.” - Freddy, 16, El Salvador²

Children, not statistics: introduction and focus of this study

No parent, no adult relative or guardian was with them on the way: in 2014, not a few, not a thousand, but more than 50,000³ boys and girls like Karla and Freddy journeyed unaccompanied through deserts and forests, through mountains and valleys, along rivers and railroad tracks, through villages and cities, crossing one, or two, or more borders as they moved north from the three countries of the “northern triangle” of Central America: El Salvador, Guatemala and Honduras.

This number is only of those caught and counted by US immigration officers—government authorities—who say the real number of children migrating unaccompanied that year could be significantly higher.



Source: *New York Times*

In 2015, even as Mexico stepped up enforcement along its southern border, US authorities apprehended almost 30,000 boys and girls from the Northern Triangle who had moved likewise, with no parent or relative or guardian alongside.⁴ Again, this is only the number caught and counted by the US government.

Notably, 2015 saw apprehensions of unaccompanied migrant children at US borders drop by *half* from the prior year, to 28,387 - simultaneous with a doubling of such apprehensions by Mexico: more than 20,000 children compared to about 10,000 in 2014.⁵

In 2016, 46,893 unaccompanied migrant children were apprehended at the US southern border,⁶ 17,219 in Mexico.⁷

At the same time, some of these children were moving for the second, or third time, or more—no one has reported how many times—after having been returned by immigration agencies to the same situations they had decided to flee before.⁸

These are children. How is all this possible? What compels the children to move, and this way? How have these governments, and the Church, and non-governmental actors, responded in with policies and programs? And what is the impact of those responses?

With this study, the International Catholic Migration Commission (ICMC)⁹, is responding to the call of Pope Francis “*to work towards protection, integration and long-term solutions related to migrant children and adolescents*”¹⁰—to be an agent of change in the issue of unaccompanied child migration in the Central American region, with recommendations that can be concretely implemented, through existing and/or future programs. The study takes as a framework reference the significant migration spike, in 2014, of unaccompanied children who migrated from El Salvador, Guatemala and Honduras through Mexico to the United States to analyze the development of the phenomenon and responses from 2014 to the present¹¹.

The study will be divided into five parts: (I) the general context and evolution of the phenomenon of unaccompanied migrant children in and from the region; (II) a look at responses to this phenomenon by states, (III) by the international community; (IV) by ICMC, and lastly, (V) key findings and recommendations.

I. General context and evolution of phenomenon of unaccompanied migrant children

From the beginning of human history, as the Inter-American Commission on Human Rights points out, “*human mobility has been an inherent human condition*”.¹² Migration is a broad and complex issue that can be classified depending on its characteristics, duration¹³, whether it is forced¹⁴, individual or in group.

International migration implicates at least two, and frequently more States, including countries of origin, transit and destination. More and more, it comprises a diversity of migrants, e.g., asylum seekers, refugees, victims of human trafficking, migrant workers, adults and children, male and female.¹⁵

In general, international migration is classified as either regular migration or irregular migration. Regular migration complies with rules about who can enter or stay in a country other than their own, or even leave their own country, while irregular migration¹⁶ does not. Irregular migration is often referred to as “*clandestine migration*”, “*undocumented migration*”, or even “*illegal migration*”, a term that the United Nations General Assembly has said is unequivocally wrong and should not be used.¹⁷ The United Nations High Commissioner for Human Rights has strongly condemned the term¹⁸, as have a host of other UN and international and regional bodies.

Irregular migration. By its nature, irregular migration is extremely difficult to measure.¹⁹ This becomes more dramatic when it comes to irregular migration of children. But as a starting point, besides being an “object” of study and a concern for many stakeholders, irregular migration is composed of people, real “subjects” of law and holders of rights. No matter what simple qualifying adjectives like “*irregular migrant*”, “*undocumented*”, and “*illegal*”²⁰ might be applied to these migrants, they should always be treated with human dignity as well as respect for their fundamental human rights.

Because irregular migration occurs outside the national rules on entry or stay, it is normally loaded with risk and challenge for all involved. For those migrating, the common risk is to be injured (often gravely), exploited, enslaved, kidnapped or even killed along the way. Governmental and non-governmental actors, including those associated with the Church, making efforts to respond, are constantly faced with challenge of ensuring that the migrating men, women and children do not suffer or of rescuing and healing them from such fates. For State or other authorities that focus on enforcement, efforts to catch irregular migrants and to stop such movement have increasingly pointed to the need for better solutions.

In this direction, on 19 September 2016, the United Nations General Assembly convened a first-ever High-level Summit on Refugees and Migrants. At the Summit, all 193 UN member states unanimously adopted the *New York Declaration for Refugees and Migrants*, under which States pledged, among other things, to develop a Global Compact for Safe, Orderly and Regular Migration²¹.

This unprecedented commitment makes it essential to study and make practical recommendations about these phenomena. The analysis will carefully consider the characteristics of the migrants, their motivations and their movement, and related socio-economic realities to develop a better appreciation of the reasons that drive such large numbers—even of children—to migrate irregularly.

Children in migration. Children on the move in these contexts are of particular concern; many endure an experience that can mark them negatively forever. Through the 1989 Convention on the Rights of the Child, international law has defined specific rights of children up to age 18²², including international protection of those rights, regardless of their immigration status. The Convention—which is the world’s most widely ratified international human rights treaty—legally binds States parties to take all necessary measures to protect children without exception.

According to UNICEF in 2016, “*around the world, nearly 50 million children have migrated across borders or been forcibly displaced – and this is a conservative estimate. More than half of these girls and boys fled violence and insecurity – 28 million in total.*”²³ These “numbers” are human beings, with faces and histories and challenges that need concrete solutions in the short, medium and long term; solutions that go beyond abstract commitments, poetry or just moral commitments.

Different causes force children to leave their families, homes, communities and countries, untold thousands without a future or destiny assured. In general, these are the same causes that drive other forced migrants: social, cultural; fear of being persecuted for certain reasons; or because their lives, family unity, livelihoods or security have been threatened by widespread violence, conflict, massive violation of human rights, structural inequalities and extreme poverty, natural or human-made disaster or other circumstances that have seriously disturbed public order²⁴. Many are driven by strategies for survival of the family and family unity. Indeed, for many, family, economic and social conditions are decisive factors on migrating.

As in regular migration, children in irregular migration can be accompanied²⁵, separated²⁶ or unaccompanied.

According to the United Nations Committee on the Rights of the Child, in its General Comment No. 6 (2005) “Treatment of unaccompanied and separated children outside their country of origin”, “*Unaccompanied children (also called unaccompanied minors) are children, as defined in article 1 of the Convention, 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.*”

While migratory movement of any child can be difficult, children who are unaccompanied are extremely vulnerable in migration. Risks skyrocket when their migration is irregular. UNICEF states that “*Often dependent on human smuggling, they can easily fall victim to traffickers and other criminals. Many are subjected to extreme forms of abuse and deprivation during their journeys.*”²⁷ The phenomenon of irregular migration of unaccompanied children is of concern in Africa²⁸, Asia²⁹, Europe³⁰, Oceania³¹ and the Americas³².

Focus on migration in and from the Northern Triangle. One of the world’s busiest migration corridors runs from Central America through Mexico to the United States of America (US).³³ Central America is a region with great particularity. El Salvador, Guatemala and Honduras form a region known as the “Northern Triangle”, which in recent times has seen enormous movement of unaccompanied migrant children.³⁴

Drivers of migration. With respect to migration, the Northern Triangle is known as a complex region, and UN and other actors have studied it closely. For example, the United Nations Development Programme (UNDP) notes that recent history in El Salvador, Guatemala and Honduras has been filled with conflict, and precarious - both economically and socially - especially with the rise of internal conflicts in the 80s, causing huge emigration.³⁵

Agreeing with the above, UNHCR states, in its 2014 report “Uprooted (Arrancados de raíz)” that “*The displacement of Central American people from their countries of origin is determined by the economic, political and social constraints in their countries; for the interest of being reunited with their families; and markedly from the context of violence that is undermining the lives of citizens, revealing the absence of efficient mechanisms of protection by States. In the case of unaccompanied and/or separated children, it has been found that in a significant number of cases, it is the community environment and the situation of the child’s own family that represent areas of direct insecurity. As a result, the displacement of children and adolescents becomes forced and their return to the country of origin poses a serious risk to their life, integrity and security.*”³⁶



Source: Los Angeles Press

UNHCR further states that the displacement of unaccompanied and separated migrant children “*is usually multi-causal, and factors are interrelated.*”³⁷ In short: large numbers of children are compelled to migrate by three main causes, which “*are objective and structural*”: “*1) by the context of violence, criminality and citizen insecurity prevailing in the area; 2) for economic reasons, derived from social inequality and economic precariousness; and 3) by movements aimed at family reunification.*”³⁸

Catholic Church-related actors and other civil society stakeholders have also expressed perspectives on this issue—at times pointing, more directly or with greater emphasis, to certain elements or drivers within these complex phenomena.

For example, assisting many of migrant children from the region and their families, staff of the United States Conference of Catholic Bishops observe that “*Children flee, as a strategy to escape the gangs, to help support the family, and to reunify with their parents or other loved ones, from whom they have been separated for years.*”³⁹

These intersecting forces of violence, social and economic despair, and family imperatives configure a “perfect” scenario for many children to feel cornered where they are and think that the only way out is to flee, sometimes to another part of the country and often across borders.

The following touch upon key aspects of these three tensions across the region.

Violence and insecurity. Violence afflicts the Northern Triangle in many ways, but mainly through the phenomenon widely known as “Maras” or gangs.

As the International Crisis Group reports: *“Born in the aftermath of civil war and boosted by mass deportations from the U.S., Central American gangs are responsible for brutal acts of violence, chronic abuse of women, and more recently, the forced displacement of children and families.”*⁴⁰

Regarding El Salvador, the Friedrich Ebert Foundation, in its 2016 report, *“Cultural Perspectives of the Gangs: Their Influence on Popular-Mass Culture”* observed that *“according to the Salvadoran Government, there are an estimated 60 thousand gang members. To them must be added an extensive support network to which belong close relatives and friends, which would raise the figure to 400 thousand people, approximately.”*⁴¹

Numbers are similar in Guatemala and Honduras,⁴² with clear detriment to the development of society and, even more, of the children themselves. According to the Washington Office for Latin American Affairs (WOLA), across the Northern Triangle region, *“Children and young men are often threatened or pressured to join the gangs, while young women often experience sexual assault or abuse at the hands of gang members, forcing many to drop out of school or relocate.”*⁴³

In addition, UNHCR has stated that alliances have formed between gangs and with organized crime existing in the region, which aggravates insecurity within and across borders. In fact, in some areas, these alliances *“have even taken over institutional control, imposing, replacing or coercing officials, establishing their own procedures and ‘rules of the game’ for community life.”*⁴⁴

In their own words

Nering, 15, from Honduras: **“Here, we live in fear. (...) I’ve thought of it a lot. I will go.”**⁴⁵

Another element that contributes to the insecurity faced by Central Americans, especially the children, is a widespread and deep-seated mistrust of denouncing, to the State authorities, the criminal acts they suffer. As noted by Amnesty International, *“The common thread through all the stories of those who flee dangers at home to face the unknown and serious risks of the journey to the US is an utter lack of trust or confidence in authorities to protect them or bring perpetrators of violence against them to justice”*⁴⁶

In their own words

Andrés, 16, from El Salvador: **“Because we are poor, even if we file a report, no one ever listens”**⁴⁷

Moreover, according to WOLA, the widespread violence in the region is also a threat in the context of returned children because *“Being denied refugee status or being deported can be a death sentence, as one of the key factors driving large numbers of Central Americans to leave their communities is violence. The countries of the Northern Triangle—El Salvador, Guatemala, and Honduras—continue to be plagued by endemic levels of crime and violence that have made many communities extremely dangerous, especially for children and young adults.”*⁴⁸

In fact, the International Crisis Group states that *“El Salvador became the most violent country in the western hemisphere in 2015 with a staggering murder rate of 103 per 100,000 people, while Honduras suffered 57 per 100,000 and Guatemala 30 per 100,000. Young people are the most vulnerable to violence, as both perpetrators and victims. The proportion of homicide victims under age twenty in El Salvador and Guatemala is higher than anywhere else in the world.”*⁴⁹

For 2016, the Northern Triangle countries figured once again in high rates of violence. According to InSight Crime, “*Despite a significant reduction in violence last year, El Salvador is once again the most homicidal country in Latin America. The National Civil Police registered 5,278 murders last year for a homicide rate of 81.2 per 100,000, down from the 104 per 100,000 recorded in 2015. The country's homicide rate has fluctuated significantly in recent years. Murders began going down in 2012 following the implementation of a gang truce, but began to rise again in 2014 as the truce crumbled. The homicide rate eventually reached levels unseen since the country's civil war in 2015 before falling again last year.*”⁵⁰

In Guatemala, “*Guatemala's National Civil Police reported there were 4,520 homicides in 2016, 258 fewer than in 2015. The country's murder rate fell from 29.5 per 100,000 to 27.3, continuing a trend seen in recent years following a high of 46.5 per 100,000 in 2009.*”⁵¹ And in Honduras, “*The Violence Observatory at the National Autonomous University of Honduras (Universidad Nacional Autónoma de Honduras - UNAH) announced in early January that the country finished 2016 with 5,154 homicides, nearly identical to the 5,148 registered the previous year. The data was reportedly verified by security officials as well as the medical forensics team within the Attorney General's Office.*”⁵²

Social and economic despair. Structural inequalities, lack of “decent” work in the present or for the future, and comparisons to countries further north where possibilities seem better, contribute greatly to decisions to migrate made by many in the region, including decisions by or for children. According to ICEFI (the Central-American Institute of Fiscal Studies), “*Inequality in the Northern Triangle is primarily a result of two factors: first, differences in the quality of work, which constitutes the element foremost in determining existing income inequality; second, the lack of public goods that meet minimum standards of social protection, and which would, if provided, help break the vicious cycles of poverty and marginalization.*”⁵³

An evident economic gap, rooted in the society of these countries, condemns a large part of the population, including the children, to a level of poverty that impedes their integral development. In addition, there is widespread desire for an improvement in their lifestyle. This desire increases when they observe family members or other compatriots who have emigrated abroad and have what seems to be a much more comfortable lifestyle, and identify that path as the official way out of the economic and social problems they suffer in their day to day life⁵⁴.

Family imperatives: security and unity. Family is at the heart of much of the decision-making on whether or why to migrate, or not. As a consequence of earlier migration of family members, family separation and disintegration is widespread in the region: many of the children have one or both parents living in Mexico or the United States, often involving or risking years of difficult separation and suffering.⁵⁵ This leads to a will for family reunification with parents where they reside.

However, because there are few laws or policies available—or reasonably accessible—to facilitate movement in regular migration, these children are almost systematically forced to undertake irregular migration as the only way to rejoin their families.

It is important to note, however, that children and other migrants from the region may assert that family reunification was their principal motivation for moving when, in fact, a significant driver was fear of the insecurity they perceive and feel in their local communities. This is almost inevitably exacerbated by the migration-related scattering of family members.⁵⁶ As Dr. Mauricio Gaborit of the Central American University in El Salvador observes, “*Adolescents in El Salvador are besieged by gangs . . . When the families in the United States see this is happening, they try to get them out.*

And then the threat directed at the child is directed at the family . . . Then the whole family has to leave."⁵⁷

Pointing to the multiple intersections between social and economic despair and family decision-making, UNHCR notes: "*High levels of social inequality and poverty add to fragmented family and community environments, thus creating adverse conditions for permanence in their countries.*" For many of the unaccompanied or separated children, "*this is a result of the absence of family and state protection, which increases their level of vulnerability and ends up forcing them to move in a forced way, to flee.*"⁵⁸

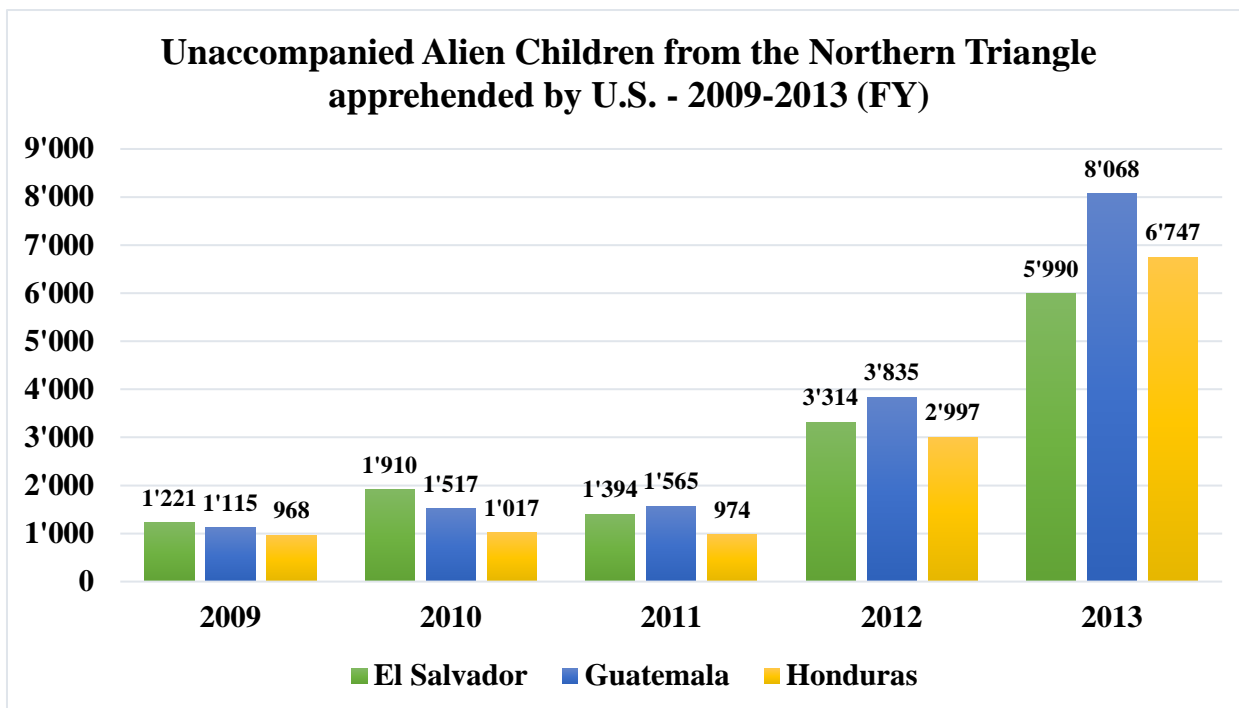
In other words, the need for family reunification should not be seen solely as a reason to move, but also as a major consequence of prior flight of family members from these countries.

Risks and suffering on the journey. Especially in irregular migration, unaccompanied migrant children face dangers from the moment they decide to undertake the journey. Few know their rights and, for many, their perception of danger is significantly distorted due to the traumas suffered in their own countries.

According to the report of the Pastoral Commission on Human Mobility of the Guatemalan Bishops' Conference and the Missionary Association of Saint Charles (Scalabrini Fathers), the children, because of this danger, "*become potential victims of organized crime, have the possibility of being caught by organized crime. There is always the possibility of suffering abuses and violations of their human rights, which are deepened depending on gender and age. There is a likelihood of being captured for labor exploitation, including sexual exploitation: prostitution, pornography, rape and sexual abuse.*"⁵⁹ Many experience "*...theft of money; of their belongings: clothing, shoes, etc.; destruction of your documents; physical and verbal aggression; extortion; sexual abuse; intimidation and threats; arbitrary arrests; denial of information*"⁶⁰

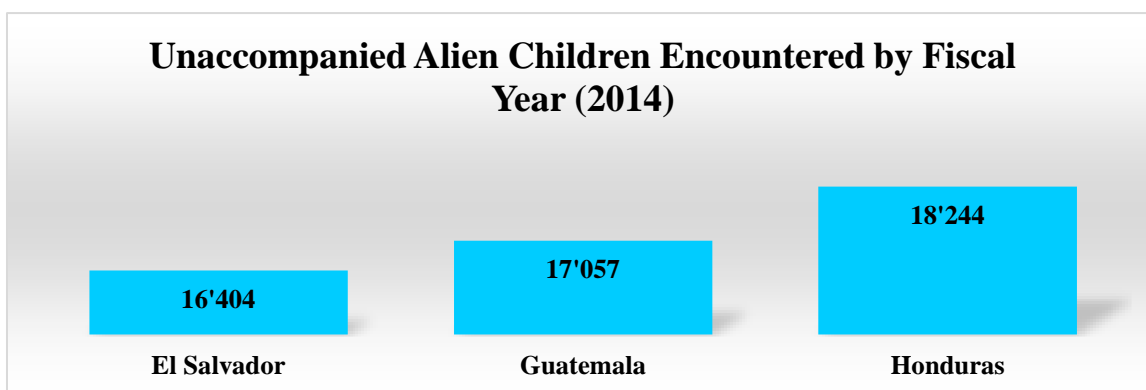
In the case of children migrating from Guatemala, many are victims of particular discrimination, accentuated by "*their status as an ethnic group, language and their physical appearance, which is markedly different from other groups of migrants.*"⁶¹ Whatever the age, Guatemalan migrants are a diverse cultural group, of indigenous origin with approximately 21 different Mayan languages, most of rural origin. As expressed by the US Conference of Catholic Bishops, they "*therefore require specialized attention, to include interpretation and translation in their language of choice and cultural understanding of Mayan culture and how that may affect the way they disclose information.*"⁶²

Increased movement in the past 5 years. The phenomenon of unaccompanied migrant children is of a critical and profound nature, but while the numbers of unaccompanied children migrating from the region has dramatically increased since 2011, the movement itself is not a recent phenomenon. As illustrated below, unaccompanied children from the Northern Triangle were on the move before, though in much smaller numbers.



/based on US government data

But suddenly, in 2014, there was such a spike in unaccompanied migrant children on the move to the United States through Mexico that US President Barack Obama declared: *“The influx of unaccompanied alien children (UAC) across the southwest border of the United States has resulted in an urgent humanitarian situation requiring a unified and coordinated Federal response.”*⁶³ Indeed, the particularity of this context in 2014 was the number of children who left their countries of origin in an unaccompanied way.⁶⁴ According to US government figures, almost 68,000 unaccompanied and separated children were apprehended in 2014⁶⁵, most of them coming from the Northern Triangle (51,705), as can be seen in the following graphic.



/based on US government data, excluding for the interests of this section, the children of Mexico

UNICEF has stated that *“Dramatic increases in the number of children apprehended by immigration authorities at the southern border of the United States reflect underlying challenges for children in their countries of origin and underscore the importance of United States’ migration legislation, policy and enforcement decisions for children throughout the region.”*⁶⁶

With this snapshot of the central forces and aspects of child migration in and from the region, we can proceed to consider principal responses to these children on the move - by governments, the international community and actors in the Catholic Church, in particular ICMC.

II. A look at responses of States

The phenomenon of child migration is a complex, multi-causal reality that evokes different opinions and positions; however, it is a situation that warrants specific solutions, urgently.

This section will be developed with (A) national responses and (B) regional responses.

A. Notable national responses

1. Examples of programs and responses of the origin countries

In recent years, the Northern Triangle countries have launched a series of measures in their territories to counteract the significant rise of unaccompanied migrant children moving to the southern border of the United States. The responses from each of the three governments show that the main objective has been to halt migration, to show the dangers of irregular migration along the way, and to dissuade children from migrating from their countries of origin, without identifying measures to eliminate the structural causes that drive children to migrate in this dangerous way. While these responses have not been able to stop the children migratory movement, they merit examination.

AWARENESS CAMPAIGNS

A number of awareness campaigns involve broadcasts by the media, aimed at the general population and also to and through the consular network of the countries, emphasizing preventive messages about the risks of the migratory route. For example:

- **in El Salvador**, the "Do not put your life at risk" (*No pongas en riesgo tu vida*) campaign has sought to raise awareness among the population, especially parents, trying to emphasize that migration often puts the children's lives at risk.⁶⁷
- **in Guatemala**, the "Stay" (*Quedate*) campaign was launched to raise awareness among parents and children and adolescents of the danger they encounter when traveling alone to the United States.⁶⁸
- **in Honduras**, the campaign "Do not risk the life of your children, migration is abandonment" (*No arriesgues la vida de tus hijos, la migración también es abandono*)⁶⁹, aimed to prevent children from being "abandoned" by their parents or given to smugglers/coyotes with the idea of being taken to the US.

CREATION AND/OR STRENGTHENING OF SPECIALIZED INSTITUTIONS

To address the issue with better quality and consistency, permanent platforms, special commissions or service centers were created in the three origin countries.

- **in El Salvador**, the "Platform of Attention and Protection of Migrant Childhood and Adolescence" was created, and "Centers for Child, Adolescent and Family Care" (CANAF in Spanish).⁷⁰ CANAF has a process that is now divided into two phases: the first is the reception of children upon return of the country where they were detained and a second in their community to seek their reintegration.⁷¹
- **in Guatemala**, 2014, the "Commission for the Integral Care of Migrant Children and Adolescents" (*Comisión para la Atención Integral de la Niñez y Adolescencia Migrante*) was created to provide "reception, care and protection of migrant children and adolescents

*as full subjects of rights, thus constituting inputs for public policies - in a long term - with a focus on Human Rights and protection.*⁷²

Especially noteworthy is the "Permanent Platform of Migration, Human Rights and Development" (*Mesa Permanente de Migración, Derechos Humanos y Desarrollo*) created in 2014^{73 74} One of the most important contributions of this table is the proposal of a "Guatemalan Migration Code" (*Código Guatemalteco de Migración*)⁷⁵ officially accepted – after several months – by the Constitutional Court in April 2017⁷⁶ .

Also in 2014, the Social Welfare Secretariat of the Guatemalan Presidency created the "Unaccompanied Migrant Childhood and Adolescence Program" (*Programa de Niñez y Adolescencia Migrante no Acompañada*)⁷⁷. The program has two shelters: "Our Roots Shelter" (Casa Nuestras Raíces), in the city of Quetzaltenango and in the capital city, where children and adolescents returning to Guatemala from the United States and Mexico are cared for.

- **in Honduras**, which, unlike its neighboring countries, officially declared the problem a humanitarian crisis⁷⁸, the government created the National Migration Institute in 2014, replacing the Directorate General of Immigration.⁷⁹

Honduras further created and strengthened return programs in the country, through the creation of "Child Care Centers and Returned and Returned Migrant Children", known as "Centro Belén"⁸⁰ (Belen Shelter), These shelters focus on specific elements in the return process.⁸¹

RETURN

One of the most difficult terms to define in current migration phenomena is "return", and, as a result, it is extremely problematic both to measure and to consider how and how much "return" actually occurs. For example, the word "voluntary" is often used to characterize how migrants sometimes return even in circumstances where few would agree that it is voluntary at all. This paper endeavors to distinguish, whenever possible, between "return" that is *enforcement-related*, i.e., achieved in connection with detention, and/or threat of deportation, order of expulsion, etc., and return that is free from such enforcement action. Regrettably, most government statistics do not make this distinction, and both conflate and consistently report in their statistics many enforcement-related returns as voluntary, asserting that even in contexts of enforcement they can be made with the consent of the migrant being returned.⁸²

Publicly available statistics from the Mexican government related to the return of migrant children do not provide great detail on profiles of the children, beyond sex and the country from which they are returning. Nor do the statistics indicate whether the child being returned had actually migrated in the past.

- **In El Salvador:** The return is done by land from Mexico and by air from the United States, which is also the case for Guatemala and Honduras. Government statistics do not specify whether the returns are forced or voluntary⁸³ but provide some complementary information. There is a program for returned migrant children, called the *Comprehensive Care Plan for Returned Children and Adolescents (CANAF)*⁸⁴

The existence of the CANAF cannot be dismissed, but the only phase that is fulfilled in the process of these centers is the first one, which consists in receiving the returned children in

a first instance. The second phase is supposed to be carried out in the community, working on reinsertion of the children, but there is no data to support this phase.

- **In Guatemala:** Data provided by the immigration authorities⁸⁵ do not indicate if returns were enforcement-related or voluntary, nor how they were conducted. Normally however, Mexico conducts returns by land; the United States by air.

From 2014 to the present, competent authorities and civil society have acted upon the challenges and achievements of the programs launched by the Guatemalan government. More recently, in May 2017, the government, in cooperation with international entities including IOM, inaugurated at La Aurora International Airport a room especially created for returned unaccompanied immigrant children and adolescents, as well as family units⁸⁶

- **In Honduras:** Data from the National Information Center of the Social Sector of Honduras (CENISS)⁸⁷ indicates that, as in El Salvador and Guatemala, return is made by land from Mexico and by air from the United States. Also like El Salvador and Guatemala, there is no specification of whether returns are forced or voluntary, Nevertheless, Honduras' statistics have more information (e.g., reason for migrating, schooling level).

Likewise, the government seeks to implement the "Return of Joy program" (*programa Retorno de la Alegría*) which, through its volunteers, seeks to provide psychosocial assistance to deported children with various recreational activities, which aim to reinsert them in the community in which they live.⁸⁸ and "Migrant Child Joint Task Force" (*Fuerza de Tarea conjunta el Niño Migrante*) where authorities visit the detention centers in the United States in order to understand the conditions of the children's detention and also deal with the children after being returned.⁸⁹

Among the problems faced by unaccompanied migrant children who are returned to these countries are the risks that they face when they return. For many, these include the danger of being kidnapped or extorted by the gangs that operate in the country. Most return to face the same or worse economic situation as before migrating, all the while thinking and looking for another opportunity to change for the good the economic situation of his family.⁹⁰

2. Programs and Responses of the key transit country: Mexico

According to the Mexican Institute of Christian Social Doctrine, "*The geographical location of Mexico as an intermediate country between the United States and Central America makes it a transit country for thousands of migrants of all ages, mainly from the Northern Triangle.*"⁹¹

SOUTHERN BORDER PLAN

A program launched by the Mexican government in 2014 was applauded by the US government to address and reduce the flow of migrants. This program is called the "Southern Border Program" but known as the "Southern Border Plan." Its stated purpose was "*to protect and safeguard the human rights of migrants entering and transiting Mexico, as well as ordering international crossings to increase development and security in the region.*"⁹²

However, according to a WOLA study, "*the Southern Border Program has focused mostly on migration enforcement, and, at its outset, on preventing migrants from using the cargo trains, known as "The Beast," as a means of transportation. Since then, the number of checkpoints and operations has continued to climb, resulting in large numbers of detentions and deportations.*"⁹³

Also, WOLA claims that, although the aim of this program is to deter migrants from making the trip to the United States, in reality, this program has been translated into a significant increase in the number of migrant apprehensions *during the trip* and, as a result, children are being detained. What is further worrying is that in an effort to evade the program, migrants change their migratory route and expose themselves “*to new vulnerabilities, while isolating them from the network of shelters established along traditional routes.*”⁹⁴

In the view of the Guatemalan Church pastoral office on human mobility, “*Mexico has promoted a repressive and criminalizing policy for irregular migration, thus becoming the last filter of migration to the United States. The approach used by migration officials is arbitrary and discriminatory, contrary to the principles and commitments assumed in the current international framework for that country.*”⁹⁵

The government of the United States has strongly supported the Southern Border Plan. As perceived by the Mexican Institute of Christian Social Doctrine, this policy is carried out “*from a national security perspective as a measure to reduce the number of irregular migrants entering the North American country and has been used to militarize the borders.*”⁹⁶

DETENTION

Human Rights Watch emphasizes that “*Detention has adverse effects on mental, and sometimes physical, health. Children in detention also appear to be deprived of the right to education.*”⁹⁷ Studies show that these effects are regardless of the reasons for immigration detention.⁹⁸

Under article 37 of the Convention on the Rights of the Child and the principle of the best interests of the child, the UN Committee on the Rights of the Child has declared that children—whether accompanied or unaccompanied—should not, as a general rule, be detained⁹⁹. This position has been widely affirmed by international and regional human rights bodies and by the Inter-American Court of Human Rights.¹⁰⁰ The UN Special Rapporteur on Torture has further found that the immigration detention of children may constitute a particular form of cruel, inhuman or degrading treatment of migrant children.¹⁰¹

As summarized recently by the *Initiative on Child Rights in the Global Compacts*,¹⁰²:

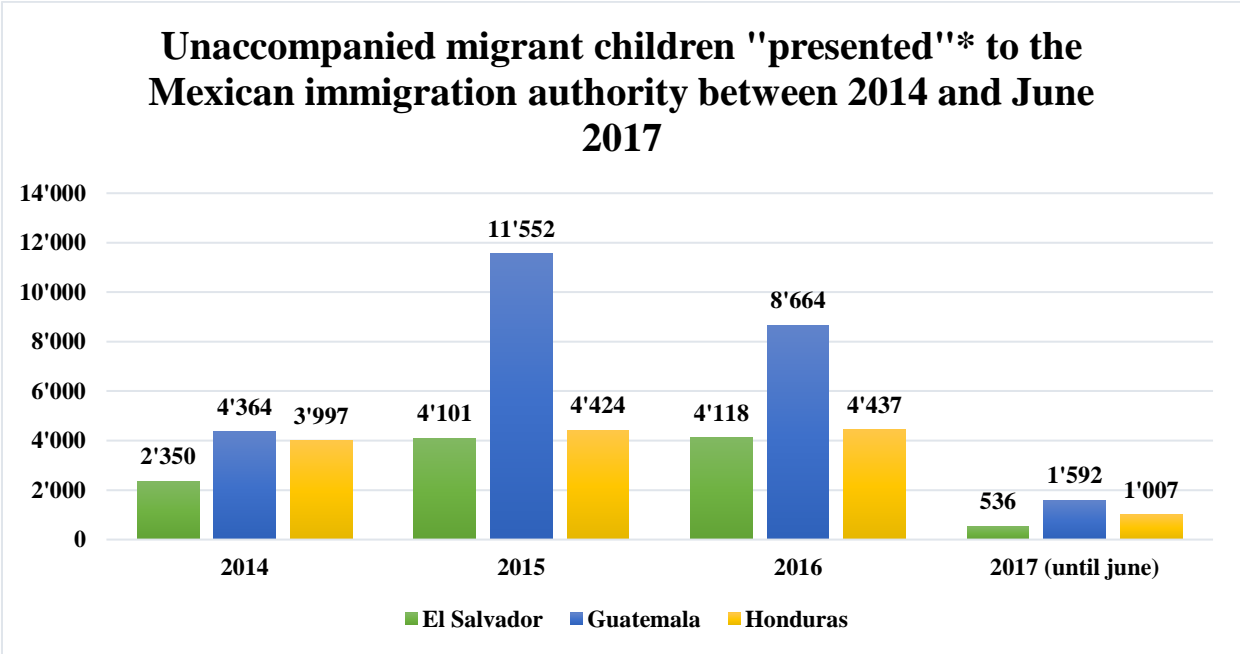
- “*Detention cannot be justified solely on the basis of the child being unaccompanied or separated, or on their migratory or residence status, or lack thereof.*”
- “*Children should not be criminalized or subject to punitive measures because of their or their parents’ migration status. The detention of a child because of their or their parent’s migration status constitutes a child rights violation and always contravenes the principle of the best interests of the child. In this light, States should expeditiously and completely cease the detention of children on the basis of their immigration status.*”¹⁰³

Yet, according to Human Rights Watch “*Detention is the rule for undocumented migrants who are apprehended by the National Institute of Migration (INM) [of Mexico], even those who apply for protection.*”¹⁰⁴

According to the End Child Detention campaign, “*On December 2, 2015, the Mexican government took an important step forward in guaranteeing migrant children’s right to freedom by directly prohibiting immigration detention of children in the official regulations for the National Child Rights Law. The regulations [Article 111¹⁰⁵] establish national norms for the implementation of the*

Child Rights Law and represent significant progress in protection policies for refugee and migrant children. The regulations recognize that immigration detention is no place for children."¹⁰⁶

As can be seen in the following chart, the number of detentions of children by Mexican authorities¹⁰⁷ underwent a dramatic change between 2014 and 2017.



/based on data Mexican government data

* The word "presented" has been used in this chart respecting the vocabulary applied by the Mexican laws in the subject of "detention"¹⁰⁸. In fact, Mexico's immigration law and its regulations do not use the word "detention" but that practice is understood as the migrants' presentation to Mexican immigration authorities.¹⁰⁹ As Human Rights Watch puts it, "Under Mexico's Immigration Law, every migrant who cannot satisfy an INM agent of his or her regular status is "presented" for "holding" (alojamiento), meaning he or she is apprehended and ordered detained—until the person can regularize his or her status or be returned to his or her country of origin."¹¹⁰

The Inter-American Institute of Human Rights, states "The increase in the number of arrests of migrant children and adolescents has not been accompanied, so far, by substantive improvements in the guarantee and protection of their rights."¹¹¹

A significant number of children are housed in migratory detention centers and not in shelters properly designated for them (The National System for Integral Family Development (Sistema Nacional para el Desarrollo Integral de la Familia; SNDIF/DIF), compromising their internationally recognized rights.¹¹²

Indeed, Human Rights Watch has also reported that their "interviews with migrant children and adults as well as organizations that work with asylum seekers and migrants suggest that generally only those who apply for recognition as refugees are actually transferred [to DIF systems], and then often only after they have spent several weeks or longer in immigration detention."¹¹³

The National Human Rights Commission of Mexico states that *“the deprivation of liberty in a migratory area is inappropriate when the children are unaccompanied or separated from their families, as the State is obliged to promote special protection measures that children require.”*¹¹⁴

ASYLUM

In Mexico, the Mexican Refugee Commission (COMAR) is the institution responsible *“to determine refugee status but it also plays an important role in referring asylum seekers and refugees to specific social services.”*¹¹⁵

UNHCR points out that under Mexican law, all the institutions involved – the government’s National Institute of Migration (INM), DIF - and their *“officials cannot limit themselves to referring only cases where children and adolescents expressly request the protection of the Mexican State, they must also actively inform the persons concerned of their right to seek and receive asylum and take measures to identify cases whose nature suggests that the individual requires or has a potential need for international protection.”*¹¹⁶

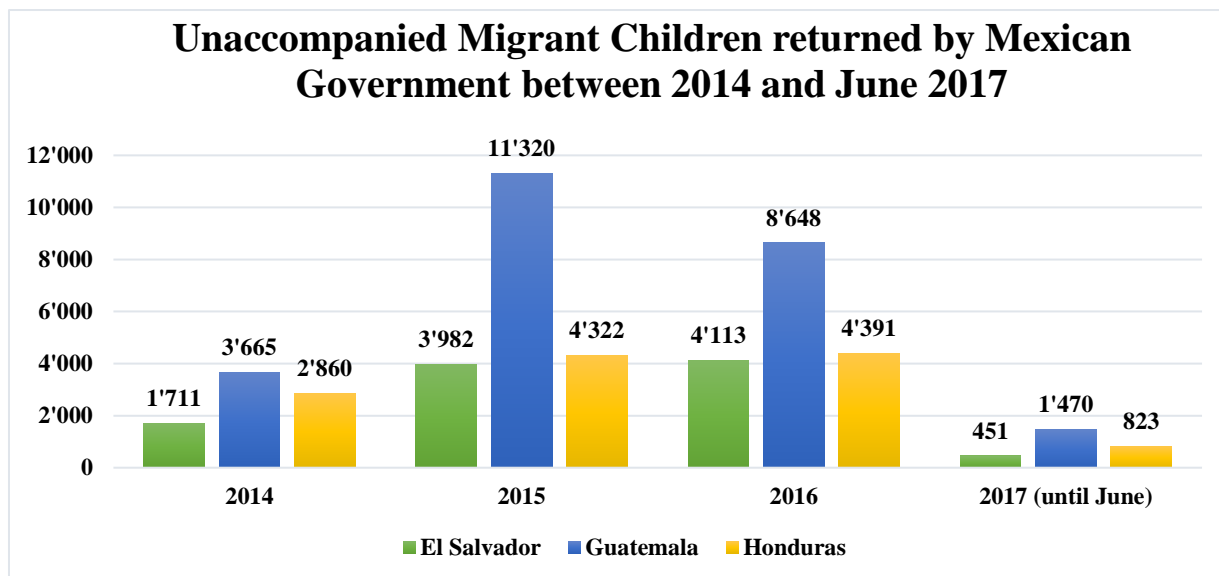
Nevertheless, according to Center for Migration Studies of New York (CMS) and the Scalabrini International Migration Network (SIMN), *“US-supported interdiction programs in Mexico do not include sufficient refugee screening safeguards. While detention officials are required to transfer persons, who express a fear or request refugee status to COMAR (Comisión Mexicana de Ayuda a Refugiados), Mexico’s refugee assistance agency, CMS-SIMN heard reports that prison officials discourage detainees from requesting protection. In addition, some migrants do not want to seek refuge in Mexico, given the strong presence in Mexico of the transnational gangs they have fled. In the United States, enforcement programs prevent de facto refugees from pursuing asylum claims and lead others to abandon their claims.”*¹¹⁷

As Human Rights Watch sees it, *“National Institute of Migration (INM) agents too often do not adequately screen children for protection needs, do not inform them of their rights, and respond to requests for information about international protection in ways that discourage them from seeking recognition as refugees.”*¹¹⁸ In such circumstances, the factors that drove children to leave their countries might not be taken into account, leaving an imminent danger to children if they are returned directly to the nightmare from which they had tried to escape - thus, violating the principle of the best interest of the child.

RETURN

One of the concerns identified by WOLA is that *“Despite the larger number of migrants being apprehended and deported, Mexico has not stepped up its efforts to determine whether migrants face danger if deported. Rather than viewing this heavy movement of people as a refugee and protection crisis, the Mexican government sees this mostly as an issue of managing large flows of people. Mexican law recognizes a broad definition of “refugee” under which a significant number of Central Americans fleeing violence could qualify; however, few request protection and few receive it.”*¹¹⁹

According to WOLA, the Southern Border Plan program has coincided with a sharp increase in deportations by Mexico.¹²⁰



/based on Mexican government data¹²¹

Both the UN Committee on the Rights of the Child and the UN Committee on the Protection of the Rights of All Migrant Workers and their Families have urged Mexico not to expel or repatriate children without determining that deportation is in the best interests of the child.¹²² However, according to the source cited, research seems to indicate that it is a challenge to achieve and not an acquired reality. In the opinion of the National Human Rights Commission of Mexico, "*assisted return seems a constant to resolve the legal situation quickly without a proper determination of the best interests of the child and without the determination of the attention, care and protection they need, according to their circumstances of life, physical and mental maturity, among other things.*"¹²³

3. Programs and Responses of the principal destination country: the United States

In 2014, the US government launched a set of programs in response to this migration. Picking up on President Obama's characterization of the movement of so many children as an "*urgent humanitarian situation*", and the lack of adequate institutional response capacity, the US designated the Federal Emergency Management Agency to coordinate a federal response. This qualification of the situation attracted the attention of national and international media, making visible the dramatic migration reality that had existed, albeit in lower numbers, for years.

AWARENESS CAMPAIGNS

The responses of the US government have generally aimed to provide solutions in the short term and thus to stop the migration. These have included media campaigns organized by the US Office of Customs and Border Protection (CBP) emphasizing the dangers of such journeys.¹²⁴ However, according to an American Immigration Council report, such campaigns aimed at deterring (including by detention) children and/or parents to migrate irregularly and thus, making them stay in their home countries, did not have great effect.¹²⁵

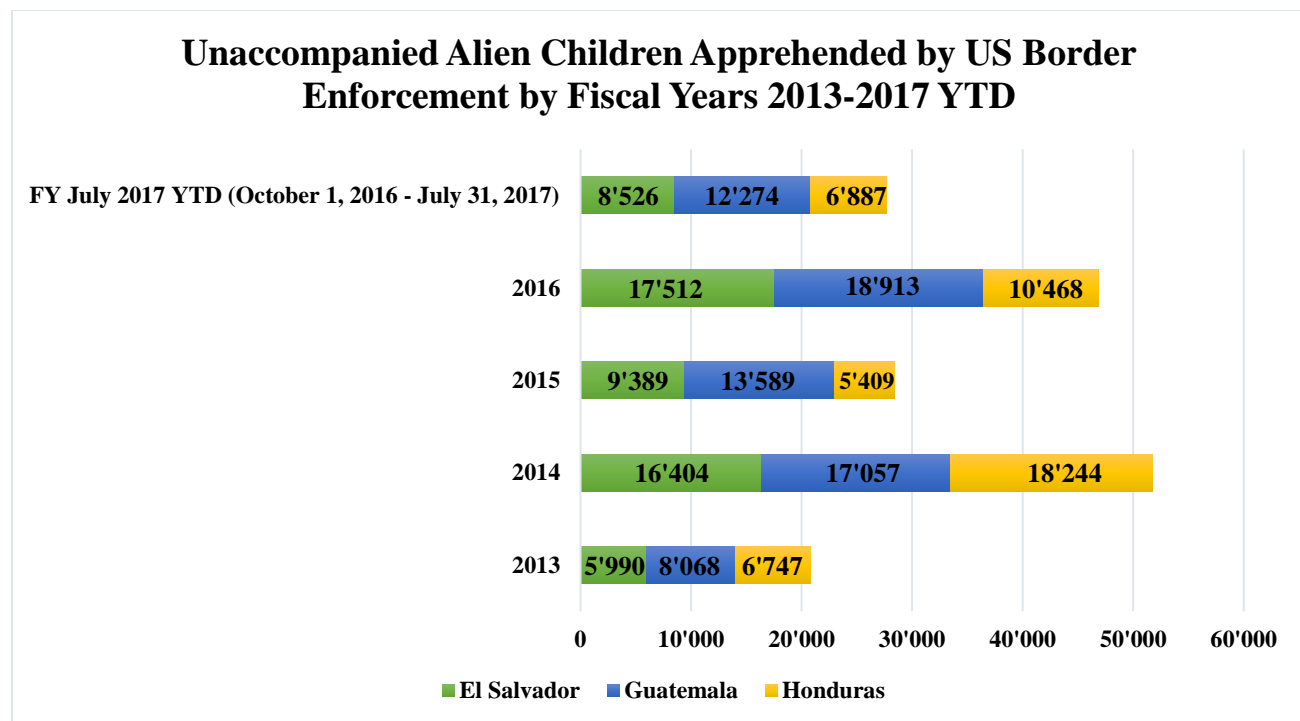
INCREASED MILITARIZATION OF THE US SOUTHERN BORDER

In addition, the militarization of the US southern border with Mexico was accelerated. Border controls and patrols were increased; many in support or opposed suggesting that the specific objective was to prevent children from migrating regardless of any social, structural or family reasons that compelled them to migrate. That is, as pointed out by Catholic Relief Services, *“The U.S. government’s 2014 response to migration fell into its usual pattern of enforcement and deterrence, exporting border security, bolstering funding to the Central American Regional Security Initiative and adjudicating immigration through the court system, rather than addressing the great humanitarian needs.”*¹²⁶

DETENTION

According to the US Congressional Research Service, *“The Office of Border Patrol (OBP) and the Office of Field Operations (OFO) are responsible for apprehending and processing Unaccompanied Migrant Children that come through a port of entry (POE) or are found at or near the border. UAC that are apprehended between POEs are transported to Border Patrol stations, and if they are apprehended at POEs, they are escorted to CBP [US Customs and Border Protection] secondary screening areas. In both cases, when CBP confirms a juvenile has entered the country illegally and unaccompanied, he or she is classified as a UAC and processed for immigration violations, and the appropriate consulate is notified that the juvenile is being detained by DHS [US Department of Homeland Security].”*¹²⁷

Between 2013 and July 2017 FYD (October 1, 2016 - July 31, 2017), the Southwest Border Patrol of the United States detained 175,477 unaccompanied migrant children from El Salvador, Guatemala and Honduras, as illustrated below.¹²⁸



/based on US government data

A 2015 report by the Center for Gender & Refugee Studies observed *“Armed and uniformed CBP [the US Office of Customs and Border Protection] officers, whose role is both to stop terrorists and*

arrest individuals who cross the border in violation of U.S. law, apprehend and question child migrants. The dual yet dramatically different functions CBP performs, stopping “terrorists” and apprehending irregular immigrants, require different approaches, training, and priorities—making it very difficult for the same agency to perform both functions.”¹²⁹

According to the Harvard Public Health Review, in 2014, temporary shelters were established by the US Department of Defense and then by the US Immigration and Customs Enforcement Agency. These shelters were considered “processing centers” for the children being apprehended by the US, among other things offering a health evaluation. However, the facilities faced allegations of abuse, squalid conditions and prolonged stays, as well as poor medical care. Moreover, children denounced the quality of the shelters, reporting cold temperatures and naming them “iceboxes” (hieleras.) There, “*children huddled together on metal benches and cement floors, and slept under heat-reflective Mylar “space-blankets.”*¹³⁰

ASYLUM

The United States has enacted several significant laws and initiated programs to address the issue of unaccompanied migrant children arriving at its borders from Central America.¹³¹ Two such initiatives are briefly discussed here: the Safe Passages Family Reunification program and the resettlement program known as “CAM” (Central American Minor) program.

- **Safe Passages:** The US Office of Refugee Resettlement (ORR) provides funds to 10 non-State organizations, including the US Conference of Catholic Bishops (USCCB), to provide home study and post-release services for unaccompanied “alien” children (UACs). The program supports community based services to help reunify UACs with their family members in the U.S. It also serves as an alternative to US detention of these children – allowing minors to live with their families while they undergo immigration proceedings. The home study component assesses the capacity of potential sponsors to protect, supervise, and ensure the safety and well-being of unaccompanied children begin considered for release from ORR custody. The post-release services include referrals to immigration attorneys, health services, and enrollment in school. In 2016, USCCB alone served over 2,500 unaccompanied migrant children through this program.
- **The Central American Minor (CAM) program** was created in December 2014 in response to the unprecedented “bulge” of spontaneous arrivals of unaccompanied minors over the Mexican border into the United States. CAM was tailored to those Central American children and youth who are in need of protection and who have a parent living in lawful immigrant status in the United States.

At this writing, over 12,000 CAM applications have been filed by the US-based parents of Central American children, of whom 10,200 are Salvadorans. These children are interviewed to establish persecution claims and protection needs that will qualify them as refugees, and then thoroughly vetted by the US Department of Homeland Security (DHS) for security concerns. Like all refugees approved for resettlement to the US, the CAM cohort receives cultural orientation and medical services prior to arrival. As of August 4, 2017, more than 1,500 children had arrived in the US under the CAM program as refugees.¹³²

In July 2016, the US Department of State (DOS) and Homeland Security (DHS) announced an expansion of the CAM program in order to include additional eligible family members.¹³³ According to a December, 2016 US Congressional Research Service report, *“While it has serious weaknesses that must be addressed, the CAM program has been a modest but meaningful intervention into this crisis and has offered a promise of safety and much-sought family reunification for youth who face terror in the Northern Triangle.”*¹³⁴

Even for those not approved for refugee status, CAM recognized that high risk conditions in the Northern Triangle could provide urgent grounds for the granting of humanitarian parole to enter the US. From the start of CAM, nearly 1,500 children traveled to the US with that parole, primarily from El Salvador; as of February 1, 2017, another 2,700 had been conditionally granted parole but had not yet traveled.¹³⁵

However, on August 16, 2017 the new US administration announced that it will no longer consider or offer *humanitarian parole* under the CAM program, and was rescinding all grants of conditional parole.¹³⁶ The termination of this legal, alternative pathway to the U.S. will surely lead to more children resorting, as before, to perilous journeys in order to enter the U.S.

RETURN

The US Immigration and Customs Enforcement (ICE) is responsible for the return process of unaccompanied migrant children *“who are ordered removed from the United States to their home countries.”*¹³⁷ In that function, *“ICE has established policies for repatriating UAC [unaccompanied children], including: returning UAC only during daylight hours; recording transfers by ensuring that receiving government officials or designees sign for custody; returning UAC through a port designated for repatriation; providing UAC the opportunity to communicate with a consular official prior to departure for the home country; and preserving the unity of families during removal.”*¹³⁸

A 2015 report by the Center for Gender & Refugee Studies, states that *“In general, the U.S. repatriation process for unaccompanied children is not transparent and varies greatly from country to country. While the practices for children apprehended by and transferred from DHS [the US Department of Homeland Security] to the custody of the Office of Refugee Resettlement (ORR) of the [US] Department of Health and Human Services (HHS) are generally known, it is much less clear what happens to children in the reverse scenario, when they are picked up by DHS from ORR for removal to their country of origin. The key government actors in the repatriation process are the DHS, ORR, the [US] Department of State (DOS), and the Department of Justice (DOJ). Essentially, the decision on repatriation takes place in the removal proceeding before an immigration judge of the Executive Office for Immigration Review within DOJ.”*¹³⁹

Moreover, according to the US Congressional Research Service, *“The U.S., Salvadoran, Guatemalan, and Honduran governments are concerned that as the cases of the nearly 52,000 Central American children apprehended in FY2014, and those apprehended in subsequent years, are processed, minors will be deported in numbers larger than the receiving countries are equipped to handle. The U.S. government has previously indicated that El Salvador and Honduras are not capable of handling large influxes of deportees.”*¹⁴⁰

B. Notable Regional Responses

At the regional level, there are various efforts to jointly address the issue of child migration, especially within the framework of the Regional Conference on Migration,¹⁴¹ including its Extraordinary Declaration of Managua.¹⁴²

INTER-AMERICAN COURT OF HUMAN RIGHTS

The Inter-American Court of Human Rights issued an advisory opinion oc-21/14, August 19, 2014, related to the “*Rights and guarantees of children in the context of migration and/or in need of international protection*”, with concrete recommendations to the States on promoting comprehensive protection of the rights of children.¹⁴³

ALLIANCE FOR PROSPERITY

One concrete effort in the Northern Triangle is the Alliance for Prosperity Plan (APP), presented November 14, 2014 at the headquarters of the Inter-American Development Bank (IDB). The Plan officially aims to promote the coordination and articulation of joint actions among the countries of the North Triangle over a 5-year period (2015-2020), in order to “*build the roots of the population with their countries, through a structural change that provides economic opportunities and transforms the quality of life of citizens, especially in areas of greater poverty, emigration and vulnerability.*”¹⁴⁴

This plan differs from other strategies taken in the region because it focuses primarily on addressing the structural factors that have led to the migration exodus rather than focusing on initiatives aimed at security and containment.¹⁴⁵ The axis of the plan is based on four guidelines¹⁴⁶ that will guide the strategies to be developed, aiming to revitalize the economy and bring prosperity to the region by creating a good climate for business development. The United States plays a key role in financing the program.¹⁴⁷

From 2014 to the present, different meetings have been organized among governments to strengthen the implementation of the Plan. In 2015, the northern triangle countries made concrete commitments with the US government to comply with the agreement.¹⁴⁸ In addition, the governments involved have made statements at the United Nations, showing the efforts made towards the Plan.¹⁴⁹ In February 2017, the US Government signed grant agreements through USAID to El Salvador “*in support of the Plan, focusing on areas such as citizen security and economic growth.*”¹⁵⁰ Also in 2017, Honduras signed “*three agreements for the disbursement of US \$125 million approved by the United States in the framework of Washington's assistance to the Alliance for Prosperity Plan of the Northern Triangle of Central America.*”¹⁵¹ and Guatemala created a special cabinet to “*coordinate the design and management of policies and actions aimed at generating economic and social conditions that will foster the establishment of populations with a high migratory vocation.*”¹⁵²

Civil society has an important role in monitoring implementation of the Plan. The governments of the three countries have held forums for discussion with civil society groups.¹⁵³ Advisory groups of the North Triangle Prosperity Alliance Plan include civil society in El Salvador¹⁵⁴, Guatemala¹⁵⁵ and Honduras.¹⁵⁶ Nonetheless, ICEFI, the Central-American Institute of Fiscal Studies, has claimed that “*the preparation of the Road Map for the Plan of the Alliance for Prosperity in the Northern*

Triangle (2014) lamentably did not observe participatory, transparent and open processes. For example, the Inter-American Development Bank (IDB), the Technical Secretary of the Plan, did not publicly convene civil society organizations to participate and contribute to the elaboration of the guidelines, and consultations were limited to governments and business representatives in the region, in what was a closed and opaque process."¹⁵⁷

Despite the lack of participation in the preparatory meetings, civil society is more and more engaged and advocating for positive implementation of the Plan.¹⁵⁸ For example, Oscar Chacon, Executive Director of the US-based NGO Alianza Americas, has pushed for more to be done in "three key areas of transformation (education, health and tax laws) that the Alliance for Prosperity barely addresses" and that "the Partnership for Prosperity is an initial step. Initial that goes in the right direction, but certainly insufficient and needs to be expanded. He argues that a strategy of such ambitions - poverty alleviation and migration prevention - requires a different approach and a projection of at least 15 to 20 years in order to produce sustainable and long-term effects."¹⁵⁹

In June 2017, the US and Mexican governments organized the *Conference on Prosperity and Security in Central America*, in Miami, US, "bringing together a diverse group of government and business leaders from the United States, Mexico, Central America, and other countries to address the economic, security, and governance challenges and opportunities in El Salvador, Guatemala, and Honduras."¹⁶⁰ Notably, part of the conference was held at the base of the US Southern Command, which directs US military operations in Latin America.

According to the US Department of Homeland Security, "Throughout the conference, the United States highlighted its support for the Alliance for Prosperity and its efforts to address the economic, security, and governance challenges in the region. Since the launch of the Alliance for Prosperity in 2014, the United States has allocated \$1.3 billion to Central America. The U.S. Congress included \$655 million in Fiscal Year 2017 to continue U.S. support for the region. The U.S. Administration's FY 2018 budget request includes \$460 million to further advance these goals. The United States is committed to continue to improve the delivery of U.S. foreign assistance to the region. The United States also recognizes the efforts of the Northern Triangle countries to mobilize their domestic resources to implement the Alliance for Prosperity."¹⁶¹

Nevertheless, ICEFI expressed concern about "the exclusion of civil society in previous meetings of the Plan, and regrets that the Conference on Prosperity and Security in Central America is no exception. The Institute considers that a space should have been included for civil society expressions, in addition to governments and business leaders, especially migrant organizations - who should be a priority sector in all matters concerning the Plan - as a key action for the legitimacy of discussions on rethinking priorities, as well as for safeguarding its original purpose and purpose." ICEFI further warned that "a sudden change in the priorities of the Plan that precede the actions of security and combat drug trafficking, distorting the original objective of addressing the structural causes of irregular migration, the continuity of a bias pro-business, the exclusion of organizations of civil society, in particular those of the migrants of the Northern Triangle, severely compromise their legitimacy."¹⁶²

III. A look at responses by the International Community

In recent years, the UN General Assembly has adopted several resolutions related to this issue.¹⁶³ The UN Human Rights Council has also examined a range of reports and adopted a number of pertinent resolutions, especially on unaccompanied migrant children.^{164 165}

QUICK SNAPSHOTS OF UN AGENCY RESPONSES

Among the UN agencies:

- **UNICEF**¹⁶⁶, implements a wide range of activities, among them Awareness Outreach, and Care of unaccompanied Children and Adolescents from Northern Triangle of Central America. Awareness-raising, dialogue, dissemination and training of representatives of civil society are designed and carried out throughout the region.
- **IOM's** (the International Organization for Migration) substantial work throughout the northern triangle countries ranges from raising awareness and prevention of irregular migration of children¹⁶⁷, to support of the returned population,¹⁶⁸ through surveys or financial assistance in return centers¹⁶⁹, and training and capacity-building of institutions involved in the issue.¹⁷⁰
- **UNHCR** (the UN refugee agency) plays an important role in the region. Given the challenges faced by the countries of the Central American region in different areas, UNHCR implements, in El Salvador, Guatemala and Honduras, the *Protection and Solutions Strategy for the NTCA [Northern Triangle Central America] situation*, which is framed under the *Brazil Declaration and Plan of Action* adopted in December 2014. The purpose of the strategy is to enable UNHCR to support authorities in countries of origin, transit and asylum in the establishment of strengthened protection systems, preservation of asylum space and strengthening of asylum frameworks and policies, internal displacement and Solutions. The strategy covers related activities in these countries, as well as the United States, Mexico, Costa Rica, Belize, Nicaragua and Panama, which are the main destinations for these flows of refugees, in order to ensure a regional approach that is comprehensive and harmonized.¹⁷¹

In 2016, UNHCR issued “*UNHCR’s Views on Child Asylum Claims Using international law to support claims from Central American children seeking protection in the US*,”¹⁷² with landmark analysis of whether the children from Central America could be recognized as refugees. UNHCR stated “*Recognizing that many of these children are in need of international protection, UNHCR has taken the view that the refugee definition, found in Article 1 of the 1951 Convention relating to the Status of Refugees and Article 1 of the 1967 Protocol relating to the Status of Refugees, 2 should be read to encompass claims from Central American children fleeing gang recruitment and/or gang related harms.*”¹⁷³

On the ground, UNHCR has increased its efforts to protect these refugees, provide them with financial assistance, shelters in operation, and establish legal and psychological assistance services. In these directions, UNHCR promotes the *Economic Campaign for the Assistance of Migrant Children and Adolescents*.¹⁷⁴ “*As the number of children fleeing gang violence in El Salvador, Guatemala and Honduras soars, UNHCR is launching a campaign for US\$18 million in vital aid. To meet their needs, UNHCR, the UN Refugee Agency, is today launching the Children on the Run campaign, calling on donors and the public to join them in raising US\$18 million to make sure everyone fleeing the mayhem engulfing the region has a place of refuge*”.¹⁷⁵ “*But with the crisis showing no sign of letting up, UNHCR cannot support the thousands of children and families desperate for a safe haven without your help.*”¹⁷⁶

In further response, UNHCR organized a High-Level Round Table in 2016, entitled "*Call for Action: Protection Needs in the Northern Triangle of Central America*." Representatives of the states of Belize, Canada, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Panama and the United States, with the participation of Argentina, Brazil, Chile and Uruguay came together to discuss the "growing phenomenon of mixed migratory movements, including forced displacement of those fleeing violence and exploitation by organized criminal groups in the Northern Triangle of Central America." The RoundTable concluded the *San José Action Statement*¹⁷⁷ and the commitments of the participating States on specific actions in the matters of migration and forced displacement. The *San José Action Statement* recognizes and designs mechanisms for measures taken in coordination with state institutions in countries affected by this phenomenon. UNHCR saw the Statement as "*a positive sign ahead of UN and US summits held in New York in September on refugees and migrants*." in which, "*the governments of Belize, Canada, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Panama and the United States acknowledged the need for stronger protection of asylum seekers, refugees and internally displaced people in the region. The statement, an outcome of an unprecedented gathering of concerned governments organized by UNHCR and the Organization of American States (OAS) in Costa Rica, noted that the swelling flow of refugees and migrants in the region was due to a variety of factors with violence being one central reason.*"¹⁷⁸ Notably, El Salvador did not make any commitment in the San José Action Statement because El Salvador does not recognize violence as a central reason for the migration flow, rather, migration is a multi-causal issue.¹⁷⁹

NEW YORK DECLARATION FOR REFUGEES AND MIGRANTS

According to UNHCR and many others, the *New York Declaration for Refugees and Migrants*¹⁸⁰ that all 193 UN Member States unanimously adopted at the UN General Assembly Summit on Refugees and Migrants 19 September 2016 is a milestone for global solidarity and refugee protection at a time of unprecedented displacement worldwide¹⁸¹. The set of commitments agreed by Member States in the Declaration are emphatic that the protection of those who are forced to flee, and support for the countries that shelter them, are a shared international responsibility – a responsibility that must be borne among states more equitably and predictably.

The Declaration calls upon UNHCR to develop and initiate the application of a *Comprehensive Refugee Response Framework* (CRRF) in particular situations, in close coordination with relevant States, other UN agencies and stakeholders.¹⁸² Central America, according to UNCHR, is "*fertile ground for a CRRF to take root*"¹⁸³ due to the socio-economic turmoil and high levels of violence resulting in a multi-causal large movement of internally displaced persons, refugees and migrants throughout the region. Host countries are being confronted with a growing number of persons displaced across borders, creating pressure at a national and regional level.¹⁸⁴ In the region to date, Honduras, Costa Rica and Mexico have formally accepted to be part of a CRRF project.¹⁸⁵

Most notably, Annexes I and II of the Declaration¹⁸⁶ set in motion a process of intergovernmental consultations and negotiations culminating in the planned adoption in 2018 of two new Global Compacts: one, for Safe, Orderly and Regular Migration, and the other for Refugees.¹⁸⁷ It is expected that the processes to develop both Compacts will take into account the situation of all children on the move, unaccompanied and accompanied, in the Americas and everywhere, in order to provide concrete long-term solutions.

IV. A look at related ICMC advocacy and projects

The Catholic Church is completely and always committed to the cause of the most vulnerable. Pope Francis urges, “*Let our hearts be attentive and open to the pain of our neighbours, especially where children are involved.*”¹⁸⁸ Indeed, the 2017 Message of His Holiness for the World Day of Migrants and Refugees focused entirely on migrant children, especially the ones who are alone. Pointing to the profound vulnerability of so many of these children, Pope Francis said “*we need to work towards protection, integration and long-term solutions. We are primarily concerned with adopting every possible measure to guarantee the protection and safety of child migrants.*”¹⁸⁹

- **ICMC**

Founded in 1951 by Pope Pius XII, the International Catholic Migration Commission (ICMC) is an international organization of the Catholic Church serving and protecting uprooted people – refugees, internally displaced persons, victims of human trafficking and migrants – regardless of faith, race, ethnicity or nationality. ICMC facilitates a worldwide network of national Conferences of Catholic Bishops, religious orders, and Catholic organizations engaged in responding to the needs of the uprooted. With staff and programs on the ground in 50 countries in every region of the world, ICMC advocated for rights-based policies and durable solutions directly and through its network. ICMC has advocated, on a long-term basis, for the protection of children on the move, working with authorities, agencies, and other faith-based and civil society organizations at international, regional, and national levels.

SNAPSHOTS OF ICMC ADVOCACY FOR CHILDREN ON THE MOVE

In the framework of the 34th and 35th sessions of the United Nations’ Human Rights Council, ICMC delivered two joint statements to raise awareness of this matter. In March 2017, ICMC “*called for more person-centred attention to be given to the most vulnerable, especially unaccompanied children.*”¹⁹⁰ In June 2017, ICMC highlighted the fact that “*we must take care of children,*”¹⁹¹ putting practical mechanisms of multi-actor cooperation that respond immediately to children into both new Global Compacts currently in development, on refugees and for safe, orderly and regular migration.

Indeed, ICMC worked directly and successfully to promote the remarkable, unanimous commitment of UN Member States at the September 2016 High-level Summit on Refugees and Migrants to develop the two Compacts. In February 2017, at UN Headquarters, ICMC presented summaries of its work throughout 2016 as one of the global leaders of civil society, both within the Global Forum on Migration and Development¹⁹², the civil society activities of which were once again organized by ICMC’s Migration and Development (MADE) Network¹⁹³, and with the civil society Action Committee,¹⁹⁴ which ICMC initiated to organize global civil society strategies and advocacy toward the September Summit.¹⁹⁵ ¹⁹⁶ ICMC and the Action Committee continue to meet, develop messages and strategies, and advocate collectively to ensure that civil society priorities are reflected in the two Compacts.

ICMC Secretary General Monsignor Robert Vitillo has participated in a number of international dialogues on the issue, like IOM’s International Dialogue on Migration in 2017 where he stated that “*The Global Compact defining the future of international migration governance will only be successful if it sets clear goals, targets, and indicators - just as it was done for the Sustainable Development Goals (SDGs)*”¹⁹⁷

In this precise direction, ICMC has been an active member of the international Steering Committee for the *Initiative for Child Rights in the Global Compacts*.¹⁹⁸ Comprising 26 NGOs, UNICEF, IOM, UNHCR and the UN Office of the High Commissioner for Human Rights, the Steering Committee

oversaw clear elaboration and wide dissemination, for *both* compacts, of specific goals, targets and timelines for action in six areas of priority for children, all of them profoundly relevant to the movement of children in the Americas: non-discrimination, best interest of the child, child protection, child immigration detention, access to services, and sustainable solutions in children's best interests.

At the start of the large exodus of unaccompanied minors to the US in 2013, Jane Bloom, ICMC's U.S. Liaison Officer in Washington, DC, served as a delegate on the first U.S. Bishop's Mission to Mexico and the Northern Triangle (further described below) and helped write its report, "*Mission to Central America: The Flight of Unaccompanied Children to the U.S.*"¹⁹⁹ She continues to represent ICMC in its advocacy on the issue of migrant children with the U.S. government and as a founding non-government organization member of the U.S. Interagency Working Group on Unaccompanied and Separated Children.

SNAPSHOTS OF INTER-REGIONAL WORK BY ICMC MEMBER BISHOPS CONFERENCES

ICMC's member Catholic Bishops Conferences, including those from Central America and from the US, have constantly provided service, accompaniment and advocacy with and for all those engaged in the migratory journey, including those hurt, stranded or detained along the way and those returned. The bishops act locally, nationally, regionally and inter-regionally. At the inter-regional level, for example, in November 2013, a delegation of the U.S. Conference of Catholic Bishops made a week-long visit to southern Mexico and Central America to witness and better understand the flight of unaccompanied children migrating from the region. The delegation noted "*since 2011, the United States has seen an unprecedented increase in the number of unaccompanied migrating children arriving to the country, predominately at the U.S./Mexico border*"²⁰⁰ Then in the framework of the Extraordinary Declaration of Managua of the Regional Conference on Migration²⁰¹, in July 2014 the Bishops of the United States, Mexico, El Salvador, Guatemala and Honduras issued a statement²⁰² on the crisis of migrant children, renewing their commitment to advocate for children and to collaborate as much as possible with governments to ensure that durable solutions are provided.

SNAPSHOTS OF ICMC PROJECTS AND PARTNERSHIP IN THE REGION

Within ICMC's commitment to the Central American children on the move, ICMC supports projects on the ground in Honduras and Mexico.

- **Honduras**

The Pastoral Service of Human Mobility/Missionary Sisters Association of San Carlos Borromeo Scalabrini, of the Conference of Catholic Bishops of Honduras has been supported by ICMC since 2016, with specific focus on the project "*Accompaniment of children of migrant parents with disabilities*". Benefiting children of migrant parents returning with disabilities, this project has been implemented in the department of Francisco Morazán, Honduras, in the municipalities of Cedros, Vallecillos, San Ignacio, Guaniquillo, Porvenir and Talanga.

The project was launched on the basis of a socio-economic study that identified children with the greatest need of support—and found enormous need among those whose parents had returned from migration journeys injured along the way, falling off the train, being hurt by smugglers, and the like. The project organizes follow-up with one-on-one activities and training for the parents, mothers or others responsible for the children, with a psychological evaluation of each child to determine proper accompaniment.

Project coordinator Sister Lydia Souza explained the importance of parental guidance, since many have not been able to get over the accident during the migratory journey, — and were therefore not able to close the cycle. Many are in a mourning phase; feel victimized, and there are instances of repressive tendency and chemical dependence.

A significant focus of the project however, is on orientation for both parents to improve the development possibilities for the children. The project now serves 20 children (7-12 years old). One of the goals is for these children to graduate from primary school.

In addition to the purchase and delivery of uniforms and school supplies, the project has a close relationship with the professionals of the educational centers where the children study, for proper monitoring and follow-up. The project has also sought the support of a network of psychologists to provide psychosocial care to children and their caregivers.

- **Mexico**

A second project supported by ICMC in the region is *"Support to the Transit Shelter for Minors and their families in Mexico; Support for comprehensive accompaniment to unaccompanied minors."* Organized by the Scalabrinian Missionary Sisters (SMS) based in Mexico, and specifically between the organizations Madre Assunta AC and SMS Institute, Scalabrinians: Mission with Migrants and Refugees, the project aims to strengthen exchange of practice among Scalabrinian Sisters in Mexico in order to optimize interventions in favor of migrant children and adolescents in that country.

The project has two specific objectives: in the Institute, to strengthen the physical and psychological integrity of children and adolescents and women, hosted at the Madre Asunta Center through a comprehensive development program; in SMS (Scalabrinian Mission for Migrants and Refugees), to reduce the situation of vulnerability of children and adolescents in transit through Mexico. This is achieved through the integral accompaniment (legal, psychological and medical) and regularization of the migratory situation of children and adolescents who are victims of crime, and regularization of the migratory situation of migrant children and adolescents working in the garbage dump of Tapachula. Among other things, regular migration status facilitates their access to essential health care and education.

This includes 50 children and adolescents working in the municipal garbage dump of Tapachula and 25 children and adolescent victims of crime in Mexico City. In the Madre Assunta Center, there are 700 adult people (99% women) and 400 migrant children and adolescents.

V. Findings and recommendations

The phenomenon of migration undertaken by unaccompanied children is a vital issue that must be dealt with collaboratively. This longstanding component of migratory movement in many parts of the world, the migration of unaccompanied children underwent a significant change in the Americas in 2014, with a dramatic increase in the number of the children traveling from the northern triangle of El Salvador, Guatemala and Honduras to the United States.

A. Key findings of this report

First of all, this boom has brought to light the **vulnerability and rights of each one of these children**, who need immediate protection. But they should not be considered only as a victims. They also are protagonists who need and deserve spaces of dialogue to show that they are not just another number. They are human beings, with rights and lives that deserve to be developed in an integral way, and to enjoy their rights and guarantees according to what has established under international law. In particular, the principle of the best interest of the child must be guaranteed in every procedure or decision-making process that affects a child in such situations, especially where they are unaccompanied.

Secondly, the boom exposed the endemic **structural violence throughout the region** that was compelling the children (and so many other migrants) to flee their homes and countries—even if they had to do so alone.

Thirdly, the movement has illustrated both the centrality of **family and family unity** in decisions to migrate and the effects on family. The family is being severely fragmented because of this movement. But even as efforts to achieve family reunification rightfully have been seen as a *cause* of migration, family unity is heavily burdened, broken and blocked by long distances and periods of separation - sometimes forever- as a *consequence* of migration.

Among responses by states:

- It is clear that migration policies centered on **exclusion and deterrence** have failed to achieve stated objectives of halting migration, even of unaccompanied children. Despite detention and even massive deportations, statistics have shown that unaccompanied children continue to migrate, and, in fact, turn to smugglers, human traffickers and those conducting them on dangerous journeys and leaving them at the mercy of fear, insecurity and violence.
- **Detention** of children continues to be a regular practice, when international treaty bodies and juridical bodies are increasingly explicit that detention of migrating children because of their or their parent's immigration status is never in a child's best interest and is always a human rights violation. Both the UN Committee on the Rights of the Child and the Inter-American Court of Human Rights have spoken emphatically about this. Arrests and detention of children have been shown to cause irreparable physical, psychological, and emotional impacts.
- **Data** are sorely lacking, and much of what does exist is inconsistent in definitions, collection and reporting within and between countries, including basic statistics on detention and return. There are no data on recidivism in the migration process, such as re-migration after enforcement-related returns.
- There is an appreciable effort to address the phenomenon of migrant children, through the creation of **specialized institutions** to address the issue, and the launch of programs focused

on children, such as the CAM program and the awareness campaigns. However, the main objective of awareness campaigns has been to stop children migrating, with little result.

- **Processes for identification, referral and protection** of children with international protection needs are inconsistent across the region, on the whole inadequate and frequently counter-productive.
- Even though there are efforts and a number of organized **programs for the return of children to the region**, there has not been enough comprehensive follow-up to the process of reintegration of children in their countries of origin.
- Although still in its initial phase, the regional **Alliance for Prosperity Plan** will be worth applauding if it truly addresses the structural causes that move children to migrate. That remains to be seen however, especially with regard to results in favor of unaccompanied migrant children.

The presence of the international community in the region continues to be strong and consistent. At both the national and regional levels, UN agencies have shown full commitment to the cause of children. Thanks to this presence and commitment, the countries involved have expanded cooperation with the international community, e.g., through training and return programs, in follow-up to the San José Declaration, within the Comprehensive Refugee Response Framework (CRRF) and ultimately the two new Global Compacts.

Among responses by non-State actors, the Catholic Church continues to be a key actor in this field, notably with clear personal leadership by Pope Francis, strong inter-regional advocacy and cooperation among Catholic Bishops' Conferences, and international advocacy and direct projects like organized by the Scalabrini Sisters and supported by ICMC in Mexico and Honduras.

B. Recommendations

These recommendations are addressed first to the governments in Central and North America, as first actors with principal responsibilities. Given that these are regional and not just national displacement and migration dynamics, it is important for governments in the region to work together, pool and coordinate resources and inculcate real protection of the children into migration policies and practices.

The recommendations are addressed, as well, to international and regional agencies actively engaged in the region, and to non-State institutions and organizations that cooperate with authorities and agencies in fulfilling these responsibilities to the children and society.

- **To address the causes of forced displacement, forced migration and irregular movement of unaccompanied migrant children:**
 1. First and most importantly, **recognize and remedy the targeted and generalized violence** and other causes of displacement within and across countries in the region, with ongoing day-to-day protection and also longer-term durable and comprehensive solutions.
 2. Immediately expand **legal channels** that facilitate safe, orderly and regular movement or stay for those fleeing persecution and violence and members of their families to join them, including humanitarian corridors and temporary protected status where appropriate, and regularization programs. These channels must respond to the specific needs and rights of refugee and migrant individuals, families, and children, acknowledge that family unity and family life are universally recognized rights, and recognize family as the first place and protector of children.

3. Implement the **2030 Agenda for Sustainable Development**, with particular emphasis on the goals and targets in that Agenda (including achieving peaceful societies, ending poverty, and increasing decent work and education) that support the right to *not* migrate, i.e., the right of children and others to remain, voluntarily, safely and with the hope of integral human development in their country of origin, rather than to be forced to migrate, so that all migration will be undertaken by choice, rather than by necessity.
- **Meanwhile, to address the effects of this displacement: the immense suffering of children**
 4. **Respond immediately, “needs-first”** to unaccompanied children and all migrants in vulnerable situations, followed by careful and consistent differentiation to identify assistance and protection that correspond both to vulnerabilities and to rights.
 5. **Guarantee respect and implementation of rights** that already are defined under international human rights, refugee, labour and humanitarian law as well as at regional and national levels, with related training of all authorities that encounter migrants and refugees on the move, including specialized training and oversight for those engaging with children.
 6. **Review, assert and harmonize refugee protection in the region** for children and others fleeing targeted and generalized violence there.
 7. Provide **spaces for migrant children who have been apprehended or involved in processes of return** to express their opinions, ideas and concerns. They are not victims but protagonists who must be cared for and listened to.
 8. Establish **distinct child-welfare oriented systems** in countries or transit and destination for shelter, processing foster care or guardianship, and access to essential healthcare, education and justice for children who are unaccompanied or separated from family.
 9. Empower child protection authorities to work systematically with unaccompanied migrant children to **trace and reconnect them with their families**, regardless of their migration status.
 10. Implement the universal right of children on the move, as children, to **best interest determinations** (BIDs) in all procedures affecting their rights, especially and without exception regarding decisions on custody, penalty or return of the children; train Mexico’s asylum officers to conduct Best Interest Assessments and BIDs.
 11. **Strengthen Mexico’s asylum system**, including training of Mexican asylum officers to conduct Best Interest Assessments and BIDs.
 12. **Reinstate the US Central American minor (CAM) parole** option to ensure an alternative legal and safe pathway for children to reunite with parents in the United States.
 13. Explore and adopt, without delay, **community-based and other alternatives to end detention of children** for reasons of their, or their parents’, immigration status.
 14. Immediately and objectively **audit current practices and effects of return of migrant children** and others to the Northern Triangle region in light of the universal obligation of *non-refoulement* and, until that audit is completed, desist from enforcement-related return, unless there is direct, independent monitoring of those returns with systems to provide protection where needed.
 15. **Strengthen data collection and analysis** on the full number and circumstances of children migrating, apprehended, in custody, detention and return processes, and re-migrating in and from the region.
 16. **Reinforce the consular networks** in transit and destination countries.
 17. Actively **engage with a broad range of stakeholders**, not only States and agencies, but also civil society—including Church and faith-based organizations, migrants, refugees and the diaspora, in regional policy and program-building and decision-making processes, and immediately within the *Alliance for Prosperity* plan.
 18. Examine the human, financial and social costs in current trends of **externalizing, criminalizing and militarizing hard borders** throughout Latin America, with particular

attention to evidence and effects on safety and well-being of diverting or linking humanitarian assistance and development aid to emigration control and return.

19. Consolidate the commitment and action of States to protection and assistance to children at risk in these situations, beginning with El Salvador, Honduras and Guatemala but also Mexico, the United States, and the international community, through multi-actor **implementation of the San Jose Action Statement and the New York Declaration for Refugees and Migrants**, in particular, the *Comprehensive Refugee Response Framework* and the new *Global Compact on Refugees* and *Global Compact on Safe, Orderly and Regular Migration*.
20. Integrate these recommendations with **concrete mechanisms in goals, targets and timelines for implementation in the two Global Compacts**.

Finally, as ICMC put it in a recent report on children on the move²⁰³, “All actors should also work on the ground to support these children. First and most, simply because they are children! “Whether we are conservative or liberal doesn’t matter. Whatever we think about immigration policies doesn’t matter. These are children. And we need to take care of them.”²⁰⁴

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⁸ *Deported Central America child migrants face threats, death at home* – UN <http://news.trust.org/item/20150203172819-24oo8/?source=jtOtherNews1>

⁹ ICMC is an international non-governmental Catholic organization, whose mission is to protect and serve uprooted people, including refugees, asylum seekers, internally displaced people, victims of human trafficking, and migrants - regardless of faith, race, ethnicity or nationality.

¹⁰ Message of His Holiness Pope Francis for the 103rd World Day of Migrants and Refugees (15 January 2017) “Child Migrants, the Vulnerable and the Voiceless”.

¹¹ While the focus of this study is on the movement of children across borders, it is important to recognize that their movement takes a variety of forms, some better understood than others. For example, the scope of children internally displaced in the region (i.e., forced or obliged to leave their homes but still within their own country’s borders) remains largely unknown, with related needs and service responses unreported.

¹² Inter-American Commission on Human Rights, “Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American Human Rights System”, 2015

¹³ Migration may be temporary or permanent.

¹⁴ Forced migration is a migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes, ranging from persecution, serious human rights violations and war to environmental disasters, chemical or nuclear disasters, extreme poverty, famine, or the effects of certain development projects. Definitions, however, vary in scope and acceptance, and often widely: see for example IOM Glossary on Migration, 2nd Edition, 2011, and the Action Paper “Development solutions for Forced Migrants”, prepared for session 2.2 of the 2015 Civil Society Days of the Global Forum on Migration and Development, http://madenetwork.org/sites/default/files/background-documents/D.-ENG-GFMD-2015_Action-Paper-Session-2.2_final1.pdf

¹⁵ Inter-American Court of Human Rights, Advisory opinion OC-21/14 “Rights and Guarantees of Children in the context of migration and/or in need of international protection”, par 36, august, 2014.

¹⁶ According to the UN International Organization for Migration (IOM), irregular migration is movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries, it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term “illegal migration” to cases of smuggling of migrants and trafficking in persons. IOM Glossary on Migration, 2nd Edition, 2011.

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²³ UNICEF, “Uprooted, the Growing Crisis for refugee and migrant children”, September 2016.

²⁴ *Inter-American Court of Human Rights, Advisory opinion OC-21/14 “Rights and Guarantees of Children in the context of migration and/or in need of international protection”*, par 35, august, 2014.

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³¹ “Child migrants constitute a high proportion of all children in Oceania. Six in every 100 children in the region are migrants. The 670,000 child migrants living in Oceania represent 2 per cent of child migrants in the world. Children represent a relatively small proportion of the migrant population in Oceania, making up just 8 per cent of all migrants in the region” UNICEF, “Uprooted, the Growing Crisis for refugee and migrant children”, September 2016.

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