**REGIONAL CONFERENCE ON MIGRATION**

**Workshop on Migrant and Refugee Boys, Girls, and Adolescents***San José, Costa Rica*

*March 27-28, 2012*

***REPORT***

On March 27-28, 2012, Member States of RCM met in San José, Costa Rica to follow up on Decision 11 of the most recent Vice-Ministerial Meeting of RCM, held in La Romana, Dominican Republic, on June 2011, in which Vice-Ministers decided to approve the initiative by IOM to conduct a “Regional forum on policies based on studies conducted by UNHCR, IOM, and UNICEF, among others, on unaccompanied migrant boys, girls, and adolescents, with collaboration from interested international organizations”.

**WORKSHOP OBJECTIVES:**

1. To present and discuss existing mechanisms and strategic issues relating to the system for the protection of migrant boys, girls, and adolescents around three central themes: institutional competencies, inter-institutional coordination, and regulatory framework.

2. To share best practices at a national, binational, and regional level that could be replicated in different national contexts.

3. To examine the feasibility of the recommendations from the studies and to develop implementation proposals at a national and regional level.

During the opening session, representatives from international organizations co-sponsoring the workshop and representatives from the government of Costa Rica spoke to the workshop participants, highlighting the most relevant aspects to be considered in protecting the rights of migrant boys, girls, and adolescents and the responsibility of States to guarantee such protection and restore the rights of boys, girls, and adolescents in view of the rights violations that were the causes of migration. In addition, the above-mentioned representatives spoke about the commitment of international organizations to collaborating with countries in this matter. The following persons spoke at the opening session:

* Eva Camps, Lead Regional Protection Officer, UNHCR
* Seija Toro, Representative, UNICEF Costa Rica
* Leonardo Ferreira, Deputy Director of the Decent Work Team of the International Labour Organization for Central America, Haiti, Panama, and the Dominican Republic
* Robert Paiva, Regional Director of IOM
* Kathya Rodríguez, Director General of Migration and Immigration, Costa Rica
* Marcela Chacón, Vice-Minister of Security of Costa Rica

During the first panel, **Paula Antezana**, International Consultant, addressed the topic of protection systems for migrant boys, girls, and adolescents in the region: strengths and weaknesses. Her presentation was based on recent relevant studies conducted by international organizations sponsoring the workshop.

The presentation was based on four basic considerations: 1. Every boy, girl, and adolescent has the right to exit any country and enter his or her own country; 2. Migration should not be criminalized; 3. States should protect migrant boys, girls, and adolescents in vulnerable situations; 4. Arguments that are not based on rights may not prevail over considerations based on the Child’s Best Interest.

Mrs Antezana pointed out that different vulnerable situations of migrant boys, girls, and adolescents should be considered, including the following: travelling unaccompanied; travelling separated; boys, girls, and adolescents applying for refugee status or asylum; boys, girls, and adolescents victims of labour exploitation; victims of trafficking; and indigenous boys, girls, and adolescents.

Furthermore, Mrs Antezana highlighted the steps to consider – and follow – in establishing a protection system: situation in the country of origin; identification and documentation; protection mechanism; protection; return; integration or local reintegration.

She addressed each step, identifying the key strategic issues for each of them (as described in the studies used as the basis for her presentation) and formulating recommendations on potential actions to be implemented by each country to resolve the strategic issues.

Finally, Mrs Antezana presented a few regional recommendations:

* To continue dialogue within the framework of RCM and to develop frameworks for regional and binational collaboration;
* To establish data recording mechanisms to enable countries in the region to record flows of migrant boys, girls, and adolescents;
* To discuss regional collaboration frameworks aimed at ensuring easily accessible documented migration at lower costs;
* To homologate migration regulation in countries in the region, making the required adjustments to comply with international standards;
* To develop regional guidelines to regulate temporary labour migration flows, mainly in cases where family groups include boys, girls, and adolescents;
* To address, at a regional level, the situation of boys, girls, and adolescents whose parents have migrated;
* Irregular migration should be addressed at a regional level, both in terms of analysing the phenomenon and finding solutions.

During the second panel various best practices relating to the protection of migrant and refugee boys, girls, and adolescents were addressed. The following speakers addressed the following primary aspects in their presentations:

**Costa Rica**: Gladys Jiménez, Coordinator of the Committee for Children and Adolescents of the General Directorate of Migration and Immigration, highlighted the establishment of the Protocols for the Protection of Boys, Girls, and Adolescents. The Protocols were established by the National Children’s Board – PANI and the General Directorate of Migration and Immigration – DGME.

The Protocols are as follows:

* PROTOCOL FOR THE ASSISTANCE AND PROTECTION OF FOREIGN UNACCOMPANIED OR SEPARATED BOYS, GIRLS, AND ADOLESCENTS OUTSIDE THEIR COUNTRIES OF ORIGIN
* PROTOCOL FOR THE ASSISTANCE OF FOREIGN BOYS, GIRLS, AND ADOLESCENTS WHOSE FATHERS, MOTHERS, RELATIVES, OR GUARDIANS ARE IN THE PROCESS OF BEING DEPORTED
* PROTOCOL ON REGULARIZATION OF THE STAY OF FOREIGN BOYS, GIRLS, AND ADOLESCENTS UNDER THE PROTECTION OF THE NATIONAL CHILDREN’S BOARD

In addition, Mrs Jiménez mentioned that the objectives of the Protocols are as follows:

* To guide actions and establish priorities in providing assistance to boys, girls, and adolescents;
* To raise awareness and promote awareness of officers DGME and PANI in providing assistance to boys, girls, and adolescents to ensure effective protection of their rights;
* To consolidate procedures and mechanisms in order to enable an accessible, effective, timely, and expedited response of DGME and PANI to guarantee respect for the rights and comprehensive development of boys, girls, and adolescents.

**Mexico:** Patricia Fragoso, Liaison Sub-Director for Federative Institutions of National Institute of Migration, and Dora Irene Ordoñez Bustos of the National DIF spoke about the Mexican experience of protecting migrant boys, girls, and adolescents and described the steps that have been followed, leading to the upcoming entry into effect of the bylaws to the General Migration Act which will stipulate the procedure for determining the Child’s Best Interest.

The importance of this best practice is that the procedure includes assessing the Child’s Best Interest and establishing whom to include in the Committee in charge of determining the Child’s Best Interest, and in which cases this figure shall apply.

Furthermore, the speakers addressed the topic of inter-institutional coordination, which has enabled Mexico to implement this best practice, as well as other aspects, such as establishing the role of Child Protection Officers (OPIs) and implementing workshops in various countries in the region to train additional OPIs. Coordination efforts are implemented through the Inter-institutional Dialogue Group on Unaccompanied Boys, Girls, and Adolescents and Migrant Women, with participation of federal institutions and international organizations (IOM, UNICEF, and UNHCR). The Group has framed all actions within a national model for the protection of the rights of unaccompanied migrant boys, girls, and adolescents in situations of repatriation.

**El Salvador:** Mario Mena, Director of the Sub-Directorate for the Restoration of Rights of the Salvadoran Institute for the Comprehensive Development of Children and Adolescents, presented a joint project with IOM for the return and reintegration of Salvadoran boys, girls, and adolescents, highlighting the following aspects:

* Project Objectives: Three spheres of assistance – institutional and community sphere; education, health, and comprehensive development; and social and family sphere.
* Components: Return of boys, girls, and adolescents to their communities of origin and family reunification; social reintegration; prevention in communities and schools; research and monitoring.
* Phase 1. A pilot plan for the reintegration of unaccompanied migrant boys, girls, and adolescents. Developing a reintegration manual (beneficiaries: 52 boys, girls, and adolescents).
* Phase 2. On-going assistance. Inclusion in the protection system; accompaniment of families; restoration of rights; strengthening work capabilities; training staff from ISNA, Education, and RAC.
* Sustainability: Assistance with a sub-system and an Ad Hoc programme; from programme to policy, strengthening RAC and local rights systems; preventing female migration with an approach of preventing trafficking in persons.
* Advances. Highlighting the issue of migration of boys, girls, and adolescents as a matter of human rights; demystifying the acceptance of irregular migration in the community sphere; special protection: *sui generis* assistance for migrant boys, girls, and adolescents.
* Final reflections: Technical cooperation to strengthen public capacities. Not replacing public actors; assistance for migrant boys, girls, and adolescents based on the local rights systems and RAC; the inclusion approach determines the effectiveness of the assistance for returned boys, girls, and adolescents.

Finally, **Marcos Filardi,** Guardian of Refugee and Refugee Status Applicant Boys, Girls, and Adolescents in Argentina, addressed the topic of how the figure of Guardian is established in Argentina and what is the basic role of this person, highlighting the following aspects:

* From the moment when a boy, girl, or adolescent applies for refugee status, the institution in charge of guardianship is notified and a member of the inter-disciplinary team is designated to accompany the child at all times. This person speaks English and French, as a minimum. Legal representation was not sufficient; therefore, it was necessary to provide, in addition, a person accompanying each boy, girl, or adolescent throughout the entire process.
* The services provided by the institution in charge of guardianship are: legal representation; guardianship; and accompaniment until the boy, girl, or adolescent reaches the legal age.
* A family judge intervenes in all cases, appointing a legal guardian.
* An Inter-institutional Protocol was established with various government institutions, international organizations, and the General Ombudsman’s Office of the Nation. The development of the Protocol was initiated in 2008 and the Protocol was approved in 2011. Before that, the policy in Argentina was rejection. Through this Protocol, currently no boy, girl, or adolescent may be rejected at any border post.
* Assistance was only provided to applicants for refugee status and refugees, but the Protocol establishes that every migrant boy, girl, and adolescent in a vulnerable situation should be assisted.
* International human rights obligations are being honoured.
* 95% of the migrant boys, girls, and adolescents that have applied for guardianship have stayed in Argentina.

After the presentation, workshop participants had a chance to ask questions and share additional best practices.

Subsequently, working groups were established by country. Each group worked based on matrixes that had previously been developed by United Nations agencies (see Appendix 1), identifying the strategic issues for each step in the establishment of a protection mechanism and considering different vulnerable situations of migrant boys, girls, and adolescents. The primary issues identified by each country are described below:

**El Salvador:** Improving the quality of life and seeking family reunification. Data on indigenous and migrant boys, girls, and adolescents or child workers have not been systematized; difficulty in accessing protection mechanisms in transit and destination countries; lack of expedited and simple protocols to determine the vulnerability of migrant boys, girls, and adolescents and possible actions to implement. In addition, absence of the figure of guardian; lack of resources to create spaces with optimum conditions for a dignified stay; lack of psychological assistance; the documents agreed on within RCM need to be updated in regard to return; seeking not only family reintegration but in addition, social, economic, and educational integration; strengthening institutions and reintegration manuals; completing the procedure to identify various types of vulnerable situations; integrating all these aspects, as well as reintegration options, into the country’s agenda; working at a local level, primarily with local and immigration authorities.

**Costa Rica**. Problems with identification and documentation processes; lack of commitment by consular authorities; limited access to information; lack of availability of office hours or staff for referral of migrant boys, girls, and adolescents; institutional competencies need to be established; limited protection options; the Child’s Best Interest and the principle of non-refoulement should always prevail; absence of parameters and indicators to enable assessing specific cases of vulnerability.

**Honduras**. Family disintegration; lack of control of children dropping out of school – no relevant records are available; high poverty levels in communities, especially indigenous and black communities; very limited impact of State campaigns to prevent violence; not identifying children that could apply for refugee status; lack of training to provide appropriate assistance and guidance.

**Guatemala**: Boys, girls, and adolescents victims of violence and trafficking; cultural difficulties such as language barriers; lack of detailed information on migrant boys, girls, and adolescents that have had some contact with institutions; absence of statistical data; gaps at borders and insufficient immigration control actions; lack of implementation of the legal framework due to lack of staff and resources and infrastructure; limited inter-institutional coordination for return and reintegration processes; centralization of services relating to integration and resettlement.

**RNCOM**. Lack of opportunities and migration for economic reasons; increasing migration due to violence and organized crime, natural disasters; xenophobia and discrimination; lack of information and quantitative and qualitative records; absence of an only protocol to address each case of migrant boys, girls, and adolescents, absence of a procedure to determine the Child’s Best Interest; absence of mechanisms to monitor repatriation, return, and reintegration processes; the practice of depriving boys, girls, and adolescents of their freedom prevails; no temporary shelter options other than closed-doors facilities; no spaces providing comprehensive assistance; the cultural identity of each boy, girl, or adolescent is not respected; euphemisms in migration practices violating the rights of boys, girls, and adolescents; limited integration programmes; for applicants of refugee status, third States refuse to receive boys, girls, and adolescents.

**Mexico.** Insufficient use is made of comprehensive programmes to prevent migration of boys, girls, and adolescents; serious difficulties relating to the right of boys, girls, and adolescents to an identity; lack of knowledge by consular authorities in regard to identifying boys, girls, and adolescents; problems in applying the procedure of determining the Child’s Best Interest; absence of shelters for male adolescents 13 years of age or older.

**Dominican Republic**. Lack of employment opportunities and socio-cultural factors; wide trafficking networks; an excessive increase in domestic violence; insufficient records at the borders and problems relating to identification; absence of protocols to establish institutional competencies; lack of information, awareness-raising, and training; lack of economic resources to create appropriate spaces; the need to strengthen bilateral policies on assisted return; implementing repatriation until protection in the country of origin is ensured.

**Nicaragua.** Exclusion from the education system; belong to disintegrated, low income families or are victims of domestic violence; the high cost of visas required to enter other countries foster irregular migration; many requirements for the exit of boys, girls, and adolescents, leading to irregular migration; absence of implementation of referral mechanisms, lack of training on use of existing systems; lack of specialized training for officers serving migrant boys, girls, and adolescents; no written protocols between institutions; implementing the figure of guardian; no specialized shelters for migrant boys, girls, and adolescents; lack of communication and coordination at an international level to improve the return of boys, girls, and adolescents; further developing reintegration and follow-up plans.

**Panama**. Absence of statistics that reflect the magnitude of the problem being addressed; lack of inter-institutional coordination; protocols and clearly defined courses of action need to be established to provide assistance and protection to migrant boys, girls, and adolescents; coordinating efforts with international organizations; establishing schedules; in regard to boys, girls, and adolescents migrating to Costa Rica to harvest coffee, a specific agreement should be established with this country to provide assistance to these child workers; absence of appropriate spaces to assist migrant boys, girls, and adolescents.

**Belize**. Lack of actions to identify vulnerable situations of migrant boys, girls, and adolescents; problems with documentation and identification, especially to enable protection and assistance to boys, girls, and adolescents in highly vulnerable situations; without the appropriate documents, it is not possible to provide adequate assistance and problems exist which hinder repatriation processes and even integration into society. Inter-institutional protection needs to be strengthened and institutional capacities need to be better determined.

**Canada.**  For victims of trafficking, migrant smuggling, or other crimes, Canada provides all the required assistance, including psychological assistance; staff members are trained to refer cases of applicants for refugee status; inter-institutional coordination is in place, including even the Ministry of Justice; a mandate exists for information exchange between institutions; an inter-departmental group for child protection is in place.

**United States**. A legal system is in place to provide long-term protection; in 2000, the responsibility was transferred from DHS to HHS. In addition, the William Wilberforce Act was approved in 2008 to improve assistance and protection for migrant boys, girls, and adolescents, especially for Mexican nationals. All the required assistance is provided through HHS while the migration status of migrant boys, girls, and adolescents is determined.

Problems or issues: difficulty in coordinating efforts between different departments in terms of referral, assistance, and protection; many boys, girls, and adolescents arrive without identity documents to reunite with their families; difficulties to obtain a visa for those who want to work.

On the second day of the workshop working groups were established again, but this time by sector: a) Work Sector; b) Ministries of Foreign Affairs Sector; c) Immigration Sector; and d) Child Protection Institutions Sector. The working groups formulated recommendations for the comprehensive protection of migrant and refugee boys, girls, and adolescents for each specific sector, identifying relevant competencies and responsibilities relating to the topic. Discussions focused on strategic topics such as: documentation; seeking relatives; return; protection needs; inter-institutional, bilateral, multilateral, and regional coordination, etc.

After the discussions each group had a chance to present results, with a special focus on findings (see Appendix 2).

**Ministries of Foreign Affairs Sector.** This group focused especially on assistance to national citizens abroad. Recommendations: To strengthen consular authorities with a special focus on human rights of migrant boys, girls, and adolescents; to respect the right to consular notification by relevant authorities; compliance with relevant approved regional guidelines on this matter within the framework of RCM (assessing compliance with the guidelines); to establish a national data base for consular interviews; to document human rights violations, vulnerable situations, and fear of returning to the country of origin (complete systematization of the interview with a rights approach); coordination with local authorities and NGOs to develop documents to identify lost or unidentified boys, girls, and adolescents (shared responsibility) and search protocols; to train relevant officers on the regional guidelines; to update the regional guidelines; to request that States comply with international regulations on protection of the rights of migrant boys, girls, and adolescents; to request that States refer boys, girls, and adolescents to specialized centres in an expedited manner for assistance; to strengthen training of relevant authorities on assistance and protection of migrant boys, girls, and adolescents; to develop the necessary infrastructure to be able to provide assistance and protection; countries of transit and destination should comply with consular notification once the boys, girls, and adolescents have been identified; to establish joint mechanisms for protection through consular networks; to implement best practices in providing protection and assistance to boys, girls, and adolescents, such as foster homes, appropriate shelters, receiving families, and the figure of a guardian – all this in accordance with the age and condition of the boys, girls, and adolescents; to expedite return processes; bilateral agreements on assistance to boys, girls, and adolescents in trans-border regions; training on existing repatriation mechanisms and protocols; to develop repatriation and reintegration programmes; to establish regional guidelines as a starting point for countries; follow-up mechanisms for the entire repatriation process; to include the topic of integration and reintegration into public policy; to seek alternatives to detention.

**Work Sector.** To establish the topic of migration in general as a cross-cutting theme in Ministries of Labour; to establish coordination mechanisms in each country; to establish and promote agreements between countries oriented toward ensuring orderly and safe migration processes under established agreements; to establish a formal system for irregular migrants; Ministries of Labour should take advantage of development programmes; to develop an institutional directory of consulates, immigration institutions, and Ministries of Labour; to simplify immigration procedures and issuance of documents and to reduce related costs; to implement and assess existing regional protocols to include unforeseen situations, especially relating to child workers; to train and raise awareness of public servants, particularly in regard to labour; to establish specific effective mechanisms for indigenous boys, girls, and adolescents.

**Immigration Sector.** To implement public policy on prevention of migration and to promote regular migration; to create comprehensive information systems with inter-institutional links; to homologate forms and protocols for action; current procedures relating to systems to record births need to reviewed and adjusted to guarantee the right to an identity; training on how to develop an only form; to harmonize immigration legislation to ensure compliance with international standards; to harmonize statistical data on migration; to train trainers of OPIs in each country; to strengthen coordination to provide services around the clock; to develop manuals on systems to promote referral mechanisms and identification of cases of migrant boys, girls, and adolescents; to establish inter-institutional dialogue groups (as in Mexico); to seek alternatives to detention; to establish specialized shelters; to establish a Bipartite Committee including immigration authorities and child protection institutions to follow up on cases of migrant boys, girls, and adolescents; to strengthen links between governments and NGOs to improve protection for migrant boys, girls, and adolescents; to establish processes to determine the Child’s Best Interest and to strengthen existing processes; to create the figure of guardian, to develop protocols for coordination between the guardian and relevant institutions; to strengthen institutional and international policies in order to facilitate assisted return and reintegration processes; to train relevant officers involved in repatriation and reintegration processes; to disseminate, review, and assess regional protocols and to re-negotiate them, if necessary; public policies on settlement of returned migrant boys, girls, and adolescents; to implement efforts oriented toward establishing and strengthening local networks for prevention and retention; to join efforts aimed at regularization of boys, girls, and adolescents with irregular migration status; to coordinate efforts with key institutions with the aim of strengthening actions to record data on boys, girls, and adolescents and share information with immigration offices; to adopt State migration policies with a comprehensive approach; to follow up on boys, girls, and adolescents that have been repatriated.

**Child Protection Institutions Sector**. To promote training efforts at a national and international level; awareness-raising through route maps at a national level that can be transferred to the regional level; guidelines to promote homologation of information and information exchange; codes of ethics for the management of this information; to strengthen referral mechanisms and establish guidelines within RCM; institutional committees at a national level, such as the Dialogue Group in Mexico; to do prior work within these committees to be submitted at the RCM, where national protocols and public policies would be addressed; to promote spaces for protection with local governments; to use the UNHCR guidelines for determining the Child’s Best Interest as a reference; to implement processes to monitor victims of gangs and violence in order to provide more appropriate assistance; to seek alternatives for special assistance and avoid institutionalization; specific assistance according to age and gender; identification and referral mechanisms establishing that boys, girls, and adolescents may not be returned before determining if they require protection; to strengthen efforts and coordination with NGOs and human rights observatories; to develop work models at a local level to provide better opportunities and to promote retention and reduce migration of boys, girls, and adolescents; to promote the right of boys, girls, and adolescents to participate in the projects oriented toward them and to consider their participation in prevention actions.

For the last panel, working groups by country were established again. The groups developed potential actions based on the recommendations from previous sessions. Based on this, each country developed a potential plan of action to implement key recommendations in their respective countries.

Finally, the following conclusions from the workshop were presented:

* Similar strategic issues were identified in almost every sphere. Key issues are highlighted below:
* Lack of records and systematization of appropriately disaggregated information;
* The need to appropriately systematize and homologate statistical data in the region, including indigenous boys, girls, and adolescents and child workers;
* Absence of adequate inter-institutional coordination within each country, which precludes adequately identifying, referring, and providing assistance and protection to migrant boys, girls, and adolescents;
* Lack of appropriate dissemination, implementation, and monitoring of existing regional guidelines on protection of migrant boys, girls, and adolescents;
* The need to strengthen actions by consular authorities;
* Absence of special referral mechanisms and coordinating efforts to follow up on cases with institutions in charge of providing protection for migrant boys, girls, and adolescents;
* Lack of knowledge about institutional competencies;
* Absence of procedures to determine the Child’s Best Interest, or weak existing procedures;
* Absence or weakness of appropriate national protocols on safe repatriation and return processes, especially those that consider bilateral cooperation;
* Absence of appropriate protocols to ensure an adequate reintegration and follow-up on cases of reintegrated boys, girls, and adolescents.
* In addition, similar recommendations were made for all spheres. Key recommendations are highlighted below:
* To strengthen, through training and awareness-raising, all relevant authorities involved in providing assistance to migrant boys, girls, and adolescents (consular and immigration authorities, Ministries of Labour, child protection institutions) on specialized assistance to boys, girls, and adolescents, with a rights approach;
* To develop national data bases with disaggregated information, including indigenous boys, girls, and adolescents and child workers;
* To develop a regional data base for information exchange;
* To share, assess, and update existing regional agreements and/or guidelines on this topic and to establish a monitoring mechanism, if necessary, to ensure compliance;
* To establish inter-institutional committees or working groups within each country to establish actions oriented toward the comprehensive assistance and protection of migrant boys, girls, and adolescents and develop public policies with a children’s rights approach;
* To develop national protocols or procedures for the protection and assistance of migrant boys, girls, and adolescents, considering every possible type of vulnerable situation;
* To establish assistance and protection actions such as: establishing a procedure to determine the Child’s Best Interest and appoint guardians, in accordance with the age and gender of each migrant boy, girl, and adolescent;
* To strengthen consulates, through training and improving coordination, to enable them to protect migrant boys, girls, and adolescents;
* To implement efforts – as much as possible, given the financial possibilities in each country – to establish appropriate spaces for specialized assistance and protection of migrant boys, girls, and adolescents;
* To seek alternatives to detention for migrant boys, girls, and adolescents;
* To establish referral mechanisms within each country and to strengthen existing mechanisms;
* To establish appropriate procedures for safe return and repatriation processes as well as adequate reintegration, based on international and inter-institutional coordination;
* To establish the topic of indigenous boys, girls, and adolescents and child workers as a cross-cutting theme within the sphere of child migration;
* To homologate national legislations with international standards for the protection of the rights of boys, girls, and adolescents.

Finally, a focal point was designated for each country to follow up on the plans of action that were developed. It was agreed to share the contact information of RCM focal points with country focal points to enable them to share information and work together.

On Wednesday, March 28 at 5:30 pm the Workshop on Migrant and Refugee Boys Girls, and Adolescents concluded.