**PROPOSAL DOCUMENT**

**COMMON INDICATORS FOR THE REGISTRATION OF UNACCOMPANIED OR SEPARATED MIGRANT BOYS, GIRLS AND ADOLESCENTS IN CONSULAR ACTIONS BY MEMBER COUNTRIES OF THE REGIONAL CONFERENCE ON MIGRATION**

**SUBMITTED TO THE TECHNICAL SECRETARIAT**

**OF THE**

**REGIONAL CONFERENCE ON MIGRATION (RCM)**

This document is a compilation that suggested good practices submitted for the consideration of the RCM member States in light of their applicable legal obligations and relevant consular practices.

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**Rationale**

Unaccompanied and separated children present a special challenge for countries of origin, transit, and destination. They are uniquely vulnerable and often have special physical, emotional, and social needs that should be identified and addressed immediately by trained professionals via a thorough assessment.

This proposal offers a suggested format for those interviews to ensure that the children will be attended adequately. This assessment should:

1. Determine the condition of the unaccompanied or separated migrant boy, girl or adolescent immediately upon his or her arrival at the port of entry or as soon as the relevant authorities become aware of his or her presence in the country;
2. Seek to collect data and background information to determine the identity and citizenship of the boy, girl or adolescent and, whenever possible, determine the identity of parents and siblings. The interview should be adjusted to the specific needs, age and gender of the boy, girl or adolescent and carried out by trained professionals in a language that the child can understand;
3. Result in access by consular officials of the child’s country of citizenship;
4. Collect information in order to address the specific situation of each boy, girl or adolescent:

- Why the boy, girl or adolescent is unaccompanied or separated from his or her family;

- Assessing particular vulnerable situations, especially those related to health and/or physical, psychosocial and material aspects, as well as other protection needs, such as those resulting from domestic violence, crimes against the person, trafficking in persons or trauma;

- All information that is available to determine the potential existence of international protection needs, such as needs based on “*a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion"* in the country of origin, or needs resulting from the indiscriminate effects of generalized violence or grave violations of human rights; where such grounds are recognized by the receiving state.

v. Assist both host nation authorities and consular officers to determine which children can be repatriated as soon as possible and which require further assistance due to claims of refugee or asylum status.

In addition, General Comment No. 6 points out the need for States Parties to collect common data and statistics on separated and unaccompanied children**[[1]](#footnote-1)**, highlighting the collection of data about particular vulnerabilities, especially relating to health and physical, psychosocial and material aspects; and the identity of the boys, girls and adolescents and their opinion, as the basis for consular actions.[[2]](#footnote-2)

Furthermore, **Advisory Opinion OC-21/14, *Rights and guarantees of children in the context of migration and/or in need of international protection*** of the Inter-American Court of Human Rights recommends that States Parties to the American Convention should collect certain data for purposes of the protection of migrant children (i.e., the child’s nationality, reasons for departure from the country of origin, separation from his or her family, vulnerabilities and any other element that reveals or refutes the need for some type of international protection).[[3]](#footnote-3)

The purpose of this proposal is as follows:

i. To propose a minimum set of data to be collected for purposes of the protection of the rights of unaccompanied or separated migrant boys, girls and adolescents, in accordance with states’ applicable international human rights obligations and national laws.

ii. To homologate, to the extent possible, the information collected by States in order to facilitate comparing statistical information generated by the systems of each State.

**Note:**

The following proposal addresses two different types of indicators:

* Those that are collected through direct interaction between the boy, girl or adolescent and the consular officer.
* Indicators resulting from observation by the consular officer in regard to the following two aspects: i) the identity and physical appearance of the boy, girl or adolescent, and ii) other observations that are worthwhile and that are not included in the questionnaire.

Furthermore, a final section is proposed on identifying requirements to ensure appropriate comprehensive protection and restoration of the rights of boys, girls and adolescents. The consular officer should consider these aspects after interacting with the boy, girl or adolescent.

It should be clarified that depending on the situation/context, not all of the requested information may be available, so not always all indicators will be completed.

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| **Basic identity information** |
| Names, surname |
| Nickname |
| Date of birth |
| Age stated |
| Apparent age (if different from the age stated) |
| Gender (female, male) |
| Gender identity |
| Citizenship |
| Place of origin |
| Place of residence |
| Ethnicity |
| Identification marks |
| Documentation? (Yes) (No) |
| Documents (number of birth certificate, national identity card, passport, etc.) |
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| Marital status |
| Education (literacy level) |
| **Data on special needs** |
| Motor impairment |
| Visual impairment |
| Hearing impairment |
| Cognitive impairment |
| Needs an interpreter (sign language) |
| Other |
| **Data on membership of an indigenous and/or afro-descendant group** |
| Does not speak Spanish or has difficulty speaking Spanish (indigenous language) |
| Traditional clothes |
| Describes him- or herself as belonging to an indigenous or afro-descendant group |

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| **Data relating to accompaniment** |
| Alone |
| Accompanied by an adult family member (older sibling, uncle or aunt, husband or wife, others) |
| Accompanied by another family member under 18 |
| Accompanied by another adult that is not a family member (friend, godfather or godmother, partner, others) |
| Accompanied by other children who are not family members (friend, partner, others) |
| Accompanied by his or her child (for parents who are under 18) |
| Pregnant (Yes) (No) |

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| **Data about the family and significant persons (origin and destination)** |
| Name of the father/motherguardian? in the place of origin |
| Language of the parentsguardian? in the place of origin |
| Death of one of the parents |
| Significant adult in the place of origin |
| Significant adult in the place of destination |
| Significant adults in the place of transit |
| Contact information: Home address, telephone, email, social networks (in the place of origin, destination and transit) |

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| **Data about the migration route** |
| Means of transport (by Land, Sea or Air) |
| Person or persons with whom he or she left the place of origin (friends, family, migrant smugglers, others) |
| Persons with whom he or she travelled along the migration route (friends, family, migrant smugglers, others) |
| Persons with whom he or she entered the place of destination (friends, family, migrant smugglers, others) |
| Place of detention |
| Number of border crossings |
| Time elapsed between border crossings |
| Number of countries crossings |
| Departure date from the place of origin |
| Date crossed this country |

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| **Causes for migrating (could be one or several reasons/causes)** |
| Financial reasons |
| Health reasons |
| Education reasons |
| Persecution due to race, religion, nationality, membership of a particular social group or political opinion |
| Protection against violence by organized criminal groups |
| Domestic violence |
| Violence based on gender or sexual orientation |
| Deception (trafficking) |
| Reunification with a family member in the place of destination |
| Natural Disasters |

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| **Data relating to violence** |
| **Violence in the place of origin** |
| Some type of social violence |
| Domestic violence |
| Violence by organized criminal groups |
| Violence for religious reasons |
| Violence based on sexual orientation and/or gender identity |
| Sexual violence |
| **Violence along the migration route** |
| Forced transfer or trafficking in persons |
| Sexual violence |
| Physical violence |
| Emotional violence |
| Labor exploitation |
| Others (robbery, kidnapping, abuse, assault, etc.) |
| **Violence in the place of destination** |
| Sexual violence |
| Physical violence |
| Emotional violence |
| Labor exploitation |
| Others (robbery, kidnapping, abuse, assault, etc.) |

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| **The opinion of the boy, girl or adolescent concerning his or her future** |
| Wants to return to the place of origin |
| Wants to be reunified with a family member in the place of destination |
| Wants to obtain assistance to locate his or her family |
| Wants to stay with an adult that is not a family member |
| Does not want to return to the place of origin due to fear |

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| **Identify and determine requirements for ensuring appropriate comprehensive protection and restoration of the rights of the boy, girl or adolescent** |
| **Requirements for competent institutions providing assistance** |
| Does the boy, girl or adolescent need to obtain access to any essential services to meet his or her basic needs? |
| Is he or she in need of temporary shelter? |
| Does he or she require psychological assistance? |
| Is it necessary to locate family members or, if appropriate, initiate a proceeding to resolve the legal situation of the boy, girl or adolescent before a judicial authority?  Is it necessary to inform the family or another significant adult about the situation of the boy, girl or adolescent? |
| **Requirements for competent investigating bodies** |
| Do potential crimes of trafficking in persons need to be investigated? |
| Do potential crimes of forced labour, dangerous labour or other unlawful forms of child labour along the migration route need to be investigated? |
| Do potential organized crimes need to be investigated in the place of origin? |
| Are special protection actions required for the boy, girl or adolescent or his or her family? |
| **Consular assistance requirements** |
| Are legal aid and representation services required? |
| Is follow-up and consular accompaniment required? |
| **Requirements to be addressed in coordination with relevant authorities of the country of destination** |
| Is it necessary to notify competent authorities of a potential case of trafficking in persons? |
| Is it necessary to request cooperation by foreign authorities to enable the boy, girl or adolescent to maintain contact and communicate with his or her family? |
| Does a family member need to be contacted in the country of destination? |
| Is it necessary to notify competent authorities of potential international protection needs, such as refugee status or a complementary protection category? |

1. i. Basic biographic data (age, sex, country of origin and nationality, ethnic group) and total number of boys, girls and adolescents attempting to enter the country; ii. Number of denied entries, number of requests for asylum; iii. Number of legal representatives and guardians assigned to these boys, girls and adolescents; iv. Legal status (i.e. asylum-seeker, refugee, temporary resident permit); v. Living arrangements (i.e. in institutions, with families or living independently); vi. Enrolment in school or vocational training; vii. Family reunifications and number of boys, girls and adolescents returned to their country of origin; viii. Qualitative data (disappearances of unaccompanied and separated boys, girls and adolescents and the impact of trafficking). CRC/GC/2005/6 Paragraphs 98, 99 & 100. [↑](#footnote-ref-1)
2. Being prepared to consider non-verbal forms of communication (games, body and face language, drawing and painting), through which children show that they are able to understand, choose and express preferences. CRC/GC/2005/6. [↑](#footnote-ref-2)
3. Inter-American Court of Human Rights, Advisory Opinion OC-21/14, Paragraph 86. August 19, 2014. Requested by the Republic of Argentina, the Federative Republic of Brazil, the Republic of Paraguay and the Oriental Republic of Uruguay, *Rights and guarantees of children in the context of migration and/or in need of international protection.* [↑](#footnote-ref-3)