

International Detention Coalition

Human rights for detained refugees,
asylum seekers and migrants

Migrant children need a regional solution

As migration of unaccompanied minors reaches unprecedented levels, the International Detention Coalition calls for a regional response that focuses on their rights and protection

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Unprecedented numbers of children migrating without their legal guardian are being apprehended in North America. In just the first five months of 2014 Mexican immigration authorities detained 4,239 unaccompanied children, representing almost half of all migrant children detained in 2013. Meanwhile, the US has seen an increase of over 90% compared to previous years with more than 57,000 unaccompanied migrant children apprehended since October 2013.

The International Detention Coalition (IDC) calls for urgent regional dialogue and a coordinated response, one that is based on guaranteeing the rights of these children and responsibly protecting their well being before, during and after the migration process.

Although these children have diverse motivations and needs, most are fleeing growing violence and instability in their home countries of Honduras, El Salvador and Guatemala. Many of them are searching for safety with family members living in the US, Mexico and increasingly other countries in the region. All of these children are vulnerable to violence, trafficking, extortion and recruitment by organized crime both at home and during their journey and are also at risk of being deprived of their freedom in immigration detention centers.

The US government has put emergency measures in place to process the protection claims of these children. However, IDC members have expressed serious concerns about depriving children of their liberty and a lack of procedural fairness in the expedited processing of these claims. Similar concerns have been raised by experts about recent announcements by the Mexican government regarding new plans for securing its southern border and channeling more resources into detention, in response to the situation at its northern border.

“This is not a new phenomenon but one that has escalated to the point that the causes and impact of children being forced to move can no longer be ignored” observed IDC Director, Grant Mitchell.

According to Mitchell, “these children are in very vulnerable situations and their needs are multiple and diverse; some are in need of protection, some need to be reunited with family on destination, and others will be safely returned to their countries and supported as they reintegrate into the community.”

A durable solution for these children can only be achieved through a regional response that addresses core migration protection concerns. “No one country can deal with this alone, it requires the dialogue and coordinated efforts not only of governments, but also of civil societies and the communities of migrants themselves, of destination, transit and countries of origin together” said Mitchell.

Addressing core migration protection concerns includes: creating pathways for lawful migration and reunification for separated families, investing in screening, assessment and case management systems, strengthening identification and protection systems for refugee and trafficked children, bolstering access

to legal counsel and due process, and establishing safe and supported voluntary return and reintegration processes for children being returned to their country of origin.

Mitchell recommends that countries of transit and destination need to ensure children are not detained and that child-sensitive reception models are developed, including screening and assessment mechanisms, community-based housing and case management models. “The detention of a child due to their or their parents’ migration status constitutes a child rights violation, with evidence showing that detention is seriously damaging to the short and long-term mental health and development of children” said Mitchell.

Countries of origin should work to strengthen their protection measures for these children, such as monitoring visits to detention centers and borders, both in Mexico and the US, and strengthen their family searching and reunification procedures.

“These processes, developed through regional collaboration, assist states in their management of child migration” said Mitchell, “they have the potential to contribute to both the protection of children and the development of durable solutions to stabilize children so they are not forced to re-migrate or made even more vulnerable”.

There are already examples internationally and in the region where effective assessment and care processes have been employed. In US practice to date, the referral of unaccompanied Central American children out of the US Department of Homeland Security (DHS) to the Division of Children’s Services (DCS) has been acknowledged internationally for its emphasis on child welfare as a core principle in decisions made by the state. Other programs that could be strengthened and expanded are those run by civil society organizations: such as Casa Alianza Mexico, which provides assessment, care and services to unaccompanied migrant and refugee children, and Kids in Need of Defense (KIND), which provides access to legal aid counsel, as well as safe return and support to access services on arrival.

Furthermore, the IDC has seen in a number of regional contexts that detention and fast-track deportation is not a viable child protection strategy. Rather, “resource allocation is required in the region to identify ways to improve safeguards and ensure the well-being of these children” states Mitchell.

In all actions concerning children, the best interests of the child should be a primary concern. Both international standards and existing research is clear: detention is never in the best interests of the child.

Accordingly, the IDC calls upon leaders to seek a regional response that will truly protect and resolve the cases of the tens of thousands of unaccompanied children currently awaiting their fate in US and Mexican facilities.

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The International Detention Coalition (IDC) is a unique global network of over 300 civil society organizations and individuals in more than 70 countries that has been working in the region for the past decade.

The IDC has produced three key pieces of research on this issue:

- 2013 Report entitled [Dignity Without Exception](#) presents a series of recommendations to prevent and reduce unnecessary detention of migrants, asylum seekers and refugees in Mexico
- 2012 report entitled [Captured Childhood](#) details the particular physical, psychological and developmental impacts that immigration detention has on children, concluding that detention of children and families is extremely harmful and is never in the best interests of the child
- 2011 report entitled [There Are Alternatives](#) demonstrates that there are a number of viable alternatives to detention for children and families that are cheaper, more effective, better protect children, and better respect fundamental human rights.

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