



### Best interests of the child as the driving principle

- Best interests of the child should be at the center of every decision and interaction with migrant children. Consistent with Mexican and international law, best interests should also drive decision making in children's immigration cases, care, and custody.
- All migrant children in Mexico have a right to a best interests determination as required by Mexican law. Best interests determinations (BID) should be carried out by qualified child welfare officials. They should be individualized and comprehensive and should prioritize the child's express wishes and well-being, as well as their rights to safety, family, liberty, education, and culture.
- Best interests determinations should consider all potential options for safety and family unity for children, including seeking protection in Mexico, returning to the child's country of origin, or seeking protection or family reunification in a third country.
- Migrant children have the right to the consideration of their specific needs and best interests in the design, execution, and assessment of public policies affecting their rights.



### Children should be guaranteed a fair process and specialized legal representation

- Children should be given clear, child-friendly information in their best language about the BID process, legal processes, and any form of protection available for them in Mexico. Children must also be provided with information about their right to legal counsel and their rights to protection in Mexico during the BID process.
- All migrant children in Mexico have the right to be represented by an attorney in asylum, immigration, and other legal and administrative processes, and their wishes and voice must be taken into consideration in accordance with the principle of best interests. Due weight should be given to the child's express interests according to the child's age and maturity level.
- All children have the right to specialized procedures to adjudicate asylum and other claims for protection outside the country of origin. Adjudicators as well as all authorities protecting the rights of the child must have specialized training in working with children and must provide a safe and child-friendly environment for interviews and other procedures. All procedures must take into account the specific needs and vulnerabilities of the child.
- Children's individual characteristics must also be considered in all administrative and judicial decisions on their right to asylum and all other legal processes, including not only the child's age, but also factors such as rights specific to children, the child's stage of development, and the child's specific vulnerabilities and rights.



## Children have a right to asylum, protection, and development

- All migrant children in Mexico should have their rights protected. When a child's rights have been violated, proactive measures should be taken to restore those rights.
- Consistent with Mexican law, Mexican child protection authorities should carry out an evaluation and create a plan for the restoration of the rights of the child based on an individualized best interests assessment that considers the child's circumstances and needs. All relevant government authorities should comply with the protection measures included in the plan.
- Migrant children have the right to be informed about their right to apply for asylum and other forms of protection in Mexico and have their applications fully considered in accordance with their rights and the principle of best interests of the child.
- Migrant children in Mexico have the right to access asylum in Mexico and to access a third country, including the United States, for the purpose of seeking protection or family reunification.
- Migrant children in Mexico have a right to full integration into Mexico society, including access to education, health, development, and safety.



## Children have a right to liberty

- In accordance with Mexican immigration, refugee and children's rights laws and international laws, no child should be detained due to their immigration status. Detention is incompatible with the best interests of the child and seriously threatens children's health, wellbeing, development, and safety. Detention not only prevents migrant children from seeking protection but also affects their rights to education, health, and family as guaranteed by Mexican laws and international human rights laws such as the Convention on the Rights of the Child and the International Covenant on economic social and cultural rights.
- Migrant children have the right to safe alternatives to detention that include family- and community-based care options. These options provide appropriate care for children while they await a best interests determination, which will determine the best long-term care option for the child.



## Children should not be returned or repatriated to unsafe situations

- Migrant children should only be returned to their countries of origin when a comprehensive best interest determination by child protection authorities indicates that they are not in danger upon return and return is in their best interests.
- When migrant children are returned from Mexico to their countries of origin, their rights should be guaranteed through coordination and cooperation between the relevant authorities of all countries involved. Countries of origin, transit, and destination should take actions to promote the protection of children throughout the return process and should invest in comprehensive reintegration support services for children.