Blocked from Protection

Unaccompanied Migrant Children on Mexico's Southern Border
As the number of asylum seekers in Mexico has increased significantly in recent years, Mexico has militarized its southern border region in response. As a result, seeking protection has become increasingly difficult for migrant families and children, including children who are unaccompanied, separated, or at-risk of separation from their families. Restrictions imposed by COVID-19 have compounded the challenges these populations face.

KIND and our partners Center for Human Rights Fray Matías de Cordova (Fray Matías) in Tapachula, Chiapas and La 72, Shelter for Migrants (La 72) in Tenosique, Tabasco, documented the obstacles and dangerous conditions unaccompanied children increasingly encounter along the border.

We found that migrant children in southern Mexico face extended detention and expedited removal, challenges in accessing asylum and other legal protection, and limited access to basic services which expose them to COVID-19 and homelessness, among other harms. In addition, increased law enforcement presence at Mexico’s southern border makes migrant children more vulnerable to violence, exploitation, rights violations, xenophobic attacks, and discrimination based on increasing anti-migrant sentiment.

Addressing these challenges will require the Mexican and U.S. governments to collaborate to promote and protect the rights of migrants in transit, ensure comprehensive care for migrant children, and achieve durable solutions that are in the best interests of migrant children. Recommendations at the end of the report chart a new way forward to promote protection of the most vulnerable at Mexico’s southern border.

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New KIND Office in Tapachula, Chiapas Assists Migrant Children at Mexico’s Southern Border

In response to the protection needs we documented with our partners, KIND opened an office in Tapachula, Chiapas, in November 2021 to provide migrant children, parents, and other caregivers no-cost legal and psychosocial services through group and individual presentations in public and private shelters, as well as information about other services available to them and their rights to seek protection in Mexico.

KIND’s psychosocial team provides mental health services, prioritizing immediate access to survivors of gender-based violence. In addition, the office provides training and technical assistance to government actors to ensure children receive a best interest determination based on their specific needs.

Photo: During a November 2021 meeting, the focal points from the Fray Matías advocacy, legal and psycho-emotional services team and members of the KIND team from the Tapachula, Mexico City, and Washington, DC offices discussed areas of mutual interest.
Increased enforcement, decreased protection

During the last few years, Mexico has ramped up militarization on its southern border region, including increased immigration raids and checkpoints, under pressure and with support from the United States. While this has forced children to take more remote and dangerous migration routes, it has also led to unlawful detention and deportation of many migrant children without a best interest determination, in violation of the Children’s Protection Law and the 2021 Mexican legal reform that prohibits the detention of migrant children and requires BIDs in all cases.

A lack of funding, staff training, and guidance has led to improvised government shelters and social assistance centers (CAS, acronym in Spanish) that fall short of the appropriate alternatives to detention for migrant families as dictated in the legal reform. This has resulted in overcrowded shelters and increased homelessness. In addition, the collaboration between child welfare authorities at the federal, state, and local levels needed to operationalize the legal reform has been slow or not yet meaningfully come together.

Civil society organizations (CSOs) have called on the Mexican government to fulfill its responsibility to provide adequate housing to migrant children and families in a non-detained setting rather than placing most of the burden on civil society shelters. While civil society shelters comply with the law, the responsibility to provide appropriate housing for children, mechanisms for case follow-up, and institutional support falls squarely on the Mexican government. CSOs have urged the government to prioritize the creation, expansion, and full funding of alternative systems of care, such as foster care placements and small group homes.

Introduction

Before arriving at the U.S.-Mexico border, unaccompanied children endure a long, dangerous journey for the chance to seek protection and safety. Most travel through Mexico’s southern border region where they are vulnerable to many dangers and largely without protection. They often face a lack of appropriate shelter; expedited return to dangerous conditions without a best interest determination (BID) to assess their protection needs and safety risks; barriers to accessing asylum in Mexico; and limited or no access to quality legal assistance to seek protection. Many unaccompanied children stay indefinitely in Mexico, either detained in a shelter waiting for a decision in the Mexican protection process, planning to re-settle after they are recognized as refugees, or stuck in limbo, unsure of where or how to seek safety.

COVID-19 compounded the already precarious circumstances facing unaccompanied children in southern Mexico. The United States, Mexican, and Central American governments limited their access to legal protection, mobility, and safety, further increasing their vulnerability to violence, including xenophobic attacks and discrimination. In addition, basic humanitarian aid, such as medical services, was extremely limited and lax safety precautions in immigration detention centers left many children exposed to COVID-19.
Despite the legal reform and efforts of CSOs, children continue to be held in immigration detention. These violations have been under-reported due to a lack of transparency and public information regarding the placement of migrant children and the limited capacity of civil society organizations and consular officials to monitor conditions in migrant detention centers during the COVID-19 pandemic.

According to UNICEF

The Procuradurías for the Protection of Children, the agency charged with defending children’s legal rights, has been operating with a budget of less than 30 percent of the amount required to fulfill this mandate.  

The impact of Mexico’s legal reform on DIF shelters

The National System for Integral Family Development (DIF, acronym in Spanish) runs shelters for unaccompanied migrant children and migrant families across Mexico. While the national legal reform aims to shift Mexico’s model from detention to comprehensive quality care for accompanied and unaccompanied children, DIF and the Procuradurías for the Protection of Children (PPNNA, acronym in Spanish) are too overwhelmed at the state and local levels to support this shift. The increased demand for shelter and other services has not been accompanied by the necessary increase in staff and financial resources to a system that was already under resourced.

The Mexican government is working to build additional social assistance shelters to house accompanied and unaccompanied migrant children in the states of Tabasco and Chiapas, but this expansion is not keeping pace with demand for children accompanied by family members, and the need to provide immediate shelter to them has largely fallen to civil society-run shelters.

The civil society shelters reported an increased number of migrants referred to them by the National Migration Institute (INM, acronym in Spanish) in response to the legal reform because the Mexican government did not have the capacity to house large numbers of migrant families and unaccompanied children. In many cases, INM dropped off migrants at privately-run shelters in numbers that exceeded their capacity and resources. In the first quarter of 2021, migrant children comprised at least 30 percent of migrants in Mexican shelters and approximately half of them were children who had travelled without their parents or legal guardian, putting them at risk of violence, including sexual abuse and exploitation.

In some cases, unaccompanied children were transferred to closed-door drug addiction rehabilitation or mental health institutions even though they did not require that type of support or services. Once transferred there, they could be held for several months. Not only does transferring children to locked-door shelters violate the 2021 reforms, placing those without need for rehabilitation or mental health services in these types of facilities harms children and can cause lifelong trauma. CSOs in Chiapas filed complaints with the National Human Rights Commission (CNDH, acronym in Spanish) regarding these troubling situations.

The pandemic made the housing situation worse. At the start of the pandemic, some shelters closed their doors to arriving migrants throughout Mexico’s southern border region or scaled back operations to curb the spread of COVID-19. The shelters that remained open were overcrowded and could not accommodate the increasing number of migrant families. In Tapachula, shelters for unaccompanied children stopped accepting children referred by INM,
citing inadequate COVID-19 testing and the need to prevent exposure of staff and current residents. In Tenosique, government officials directed migrant children and adolescents to seek support at the La 72 shelter, where they arrived on their own. However, the government did not provide any additional support for the shelter to meet the needs of the migrant population or follow-up on the children’s cases.

**An increase in housing insecurity and homelessness**

The combination of the legal reform and the long-standing lack of adequate government and civil society shelters led to an increase in housing insecurity and homelessness. From June 2020 to June 2021, CSOs in Tapachula and Tenosique observed an increase in children and youth experiencing homelessness, living in public parks and central plazas, or in other precarious situations, including renting rooms with other young people or unrelated adults, increasing their vulnerability to abuse and exploitation. On various occasions, children and adolescents experiencing homelessness were deceived by promises of housing, work, and/or transportation to the northern border region. Children and other migrants were also subjected to unlawful and violent raids by law enforcement under the pretext of COVID-related public health measures, often at the request of local business owners.

In Tenosique, the soccer field outside La 72 served as a makeshift camp, at some points with as many as 150 migrants, including families with children and unaccompanied children. While they received daily meals from the shelter, they did not have protection from the weather for several months. Unaccompanied children could have chosen to enter the shelter, but many decided against it due to misinformation and ill-founded fears of being placed in a government shelter for long periods of time without the possibility of leaving, being transferred to another city, or deported if their presence was reported to government authorities. While INM agreed not to carry out raids in the La 72 shelter, they conducted surveillance and detained migrants during raids at the outdoor migrant camp. CSOs also reported migrants camping outside of the offices of the Mexican Commission to Support Refugees (COMAR, acronym in Spanish) in Tenosique and Tapachula.

**Rapid deportations of migrant children without access to due process**

Throughout the pandemic, INM rapidly deported migrant children without meaningful access to protection or due process. In 2020, INM returned 64 percent of the unaccompanied children they detained to their country of origin. In the first quarter of 2021, INM returned 48 percent of the unaccompanied children they apprehended to their country of origin. Not only did INM continue its enforcement operations throughout the pandemic, but it also returned migrant children without an evaluation of their protection needs, risking refoulment or return of children to persecution, in violation of Mexican and international law. In some cases, the returns occurred when Central American countries were not accepting returns due to COVID-19. For instance, CSOs reported that Mexican authorities took migrants to cross through unguarded border areas into Guatemala.

Photo: Children playing on the court, a place where people congregate every day to carry out various activities, such as sports, games, recreation, education and information. In the background, you can see the living quarters reserved for male migrantes, called “Angel Almicar.”
Increased barriers to accessing asylum and other legal protections

The Mexican government continued to deport migrants from INM detention centers and provisional migration stations, which were overcrowded throughout the pandemic with poor or no sanitary precautions, making migrants vulnerable to COVID-19. The detention center in Tenosique has been closed since April 2020 after a migrant died during protests about the lack of health precautions. Migrants detained in Tenosique were transferred 134 miles northwest to Villahermosa. Following multiple CSO complaints, CNDH issued precautionary measures in response to unsafe and unsanitary conditions at the Siglo XXI detention center in Tapachula and the El Hueyate provisional migration station in Huixtla.

Poor conditions included the lack of hygiene measures to prevent the spread of COVID-19 and the failure to separate migrants who were COVID-positive from the rest of those detained, including mothers and children. Despite CNDH’s intervention, conditions remain unchanged. In March 2021, news outlets reported similar overcrowded conditions in “El Cupapé” in Tuxtla Gutiérrez and “La Mosca” shelter in Chiapa de Corzo, both in the state of Chiapas.

The pandemic greatly limited migrant children’s access to asylum, international protection, and regularization of their migration status, and many of these barriers continue to the present day. The CSOs that provided asylum seekers with information about the legal rights as well as legal assistance reduced their services to keep their staff and clients safe. Meanwhile, protocols established by government agencies during the pandemic delayed processing times for visas, decisions on pending protection applications, resident cards, and other official paperwork. In addition, the Central American consular offices in southern Mexico either entirely closed or limited services such as interviewing children and advising them of their rights prior to deportation. In Tapachula, consular officials stopped visiting the INM detention center and government-run shelters for migrant children during the pandemic. However, by the end of our reporting period, they had resumed limited activities.

This limited capacity across government agencies resulted in delays in processing children’s asylum and refugee applications and transferring children to more appropriate shelter options. This led to extended periods of detention in INM facilities prior to the legal reform and in government shelters throughout the pandemic – even after the legal reform. During the reporting time of this paper, children were more vulnerable to deportation to their country of origin without meaningful consideration of their safety concerns and protection needs as part of a best interest determination. CSOs reported that the child welfare agency did not issue a best interest determination for most children and, when they did, the processing times were longer than usual.

At a time when COMAR reported an increase in the number of overall refugee applications, Mexico’s federal government cut COMAR’s budget, leading to reduced capacity and inconsistent processing times across offices. Prior to the pandemic, COMAR was overwhelmed by the drastic increase in the total number of protection applications between 2017 and 2019. While there was a temporary decrease in the total number of protection applications in the early months of the pandemic, the numbers rebounded in the latter half of 2020. In fact, the Mexican refugee agency received 41,329 applications in 2020, a 72 percent increase over the 2018 total. The agency reached an all-time high for monthly asylum claims of over 10,000 applications in June 2021. However, the rate of unaccompanied migrant children applying for asylum in Mexico has consistently been low compared to the number of unaccompanied children arriving in southern Mexico, according to CSO observations. Between January and June 2021, migrant children represented 23.5 percent of the total number of asylum applicants, while unaccompanied children represented only 2 percent of the total number of applicants.
In the early months of the pandemic, COMAR operated at a limited capacity and conducted interviews over the phone, rather than in person, in both Chiapas and Tabasco. It is more difficult for migrants, especially children and those affected by trauma, to establish the level of comfort and trust necessary to tell their stories to a government official in phone interviews. Similarly, COMAR handled most elements of the asylum application process electronically, including requiring electronic submission of applications and supporting documents. These measures created enormous barriers for migrants, particularly children, who do not have access to a computer or the internet. While CSOs worked to assist migrants with the process, their own reduced operations during the pandemic limited their ability to help migrants access protection.

During the pandemic, COMAR suspended its deadlines leading to a wide disparity in processing times for asylum and refugee applications while causing uncertainty and desperation in migrants to such a degree that many abandoned their cases. In December 2020, La 72 reported that of the 10 unaccompanied children seeking asylum in Mexico who were housed at their shelter, two abandoned their claims due to extended wait times. Two others left the shelter to rent spaces with unrelated adults they met in Tenosique because they did not want to wait for their resolution in quarantine at the shelter. Another unaccompanied adolescent who received support from La 72 considered abandoning his asylum petition because he wished to apply for asylum in the United States.

These adolescents said that they felt forced to request legal protection in Mexico to move freely through Mexico and avoid detention and/or deportation. Shelter staff reported that unaccompanied children and adolescents experienced high levels of emotional stress, and psychological harm, and desperately sought ways to avoid detention in shelters while they waited for a decision on their case.

In June 2021, COMAR re-opened the majority of in-person services with health measures in place for the safety of their staff and asylum seekers but continued to face a backlog of cases.

**Increased vulnerability to violence**

**Violence by organized criminal groups**

Migrants in Mexico, including unaccompanied children, have long faced high levels of violent crime, much of it by organized criminal groups that control migration routes and have links to human trafficking. According to figures from the Executive Secretary of the National Public Security System, 2,823 migrants were murdered in the five southeastern states of Campeche, Chiapas, Quintana Roo, Tabasco, and Veracruz between 2018 and 2020. Over 60 percent of the homicides occurred after the kidnapping, assault, robbery, or extortion of the victims by criminal groups.

According to its 2017 report, Doctors Without Borders found that over 68 percent of the migrants they surveyed had experienced some form of violence in transit.

Since March 2020, civil society and international organizations have documented an increase in violence targeting all migrants, including kidnapping, extortion, assault, and harassment by organized criminal gangs that use firearms and various weapons to get ransom payments. While the Mexican government increased its law enforcement presence at ports of entry, internal checkpoints, and border closures, migrants have been forced to rely more heavily on isolated and dangerous alternate routes and human smugglers, leaving them even more vulnerable to violent crime.
In addition to INM agents, CSOs reported the presence of the municipal and state police, the National Guard, and the Mexican Navy at the ports of entry and internal checkpoints, particularly in areas with high flow of migrants. In April 2021, approximately 10,000 troops were stationed on Mexico’s southern border. Although the soldiers have received training on the human rights and vulnerabilities of the migrant population, in practice, there have been no substantial changes in their treatment of migrants. As a result, migrants continued to suffer human rights violations at the hands of Mexican law enforcement. CSOs documented human rights abuses and filed complaints against several law enforcement agencies.

CSOs further reported that migration authorities and other security forces were profiling migrants, including children, and increased raids in public spaces such as city centers, parks, plazas, and marketplaces. As a result, migrants avoided shelters and other humanitarian support centers along the traditional route to circumvent possible detection by law enforcement. This left them isolated from essential services and placed them at greater risk for violent crime. When unaccompanied children avoid these services, they are left at increased risk of violence, particularly gender-based violence, exploitation, and trafficking. When they do use migrant support networks, migrants tend to stay for shorter periods of time and express their eagerness to continue migrating northward as soon as possible. Law enforcement operations are often publicized in local news outlets and social media and lead to social tension, as well as a sense of insecurity and increased xenophobia in the local population in border areas.

The United States has historically provided funding and training to many of the Mexican law enforcement agencies that are stationed on Mexico’s southern border. During the pandemic, the United States urged Mexico to reinforce its southern border with Guatemala to block migrants from traveling north and pressured Central American countries to prevent the passage of migrants whether they were nationals or foreigners.

**Gender-based violence against women, children, and LGBTQ+ migrants**

Migrant women, girls, and members of the LGBTQ+ community have historically been subject to high rates of gender-based violence and discrimination in their country of origin and in transit. Common perpetrators of sexual violence include gangs and other organized criminal groups and security forces. According to a 2017 report, Doctors Without
Borders found that nearly one-third of women had been sexually abused during their journey.\textsuperscript{40} It is important to note that underreporting of sexual violence due to stigma and fear of retribution is widespread. For that reason, actual numbers are likely much higher.

CSOs reported an exponential increase of violence against women and girls in transit during the pandemic. Overcrowded shelters and lack of sufficient beds meant that migrant women and children had fewer safe places to take cover at a time when they were walking hundreds more miles than before.\textsuperscript{41} When CSOs told survivors of violence about their right to report a crime, in most cases survivors chose not to report due to fear of discrimination or mistreatment by authorities, detention, deportation, and lack of confidence that their report would be taken seriously.

While many migrant trans women and girls flee their countries of origin to escape violence and discrimination,\textsuperscript{42} they reported that they continued to experience violence throughout their migration journey.\textsuperscript{43} For example, in Mexico they were often placed in men’s facilities, where they experienced sexual assault at remarkably high numbers.\textsuperscript{44}

**Increased vulnerability to gender-based violence**

In one case, La 72 reported that a trans girl from Guatemala fled from her home after transphobic attacks by her father and members of her community.\textsuperscript{45} Even though her mother and siblings were supportive of her gender identity, the girl mentioned that the shelter was the first safe space she had experienced in her life to truly express herself. She left her home abruptly, without any plan or network. Even when she was able to connect with organizations in Mexico to help her, they did not have the specialization or resources to support her in hormonal transition or long-term support such as safe housing. Due to a lack of resources, many LGBTQ+ migrants reported periods of homelessness in their home country and migration journey, which made them susceptible to violence and discrimination.

In Tenosique, an unaccompanied adolescent girl from Honduras who lived in the field outside the La 72 shelter with her adolescent friends disappeared in August 2020. The last news that the La 72 staff heard was that she was on her way to a convenience store with a man she had met in the same field, who also disappeared. Doctors Without Borders notified the authorities, but as of the publication of this report, the case has not yet been resolved.

In Tapachula, Fray Matias supported the case of an adolescent girl from Guatemala who was a survivor of sexual violence and death threats perpetrated by her stepfather. When she tried to apply for asylum, her case was delayed because she was asked by COMAR to show proof of her mother’s permission. The government agencies involved in her case did not provide her with timely information in her native language about her rights and the support available to her in Mexico as a victim of sexual violence.

In another case, Fray Matias accompanied an adolescent boy from Honduras who appeared with his adult partner. He identified himself as a member of the LGBTQ+ community in need of asylum based on acts of homophobic violence in his country of origin. Days later, he was detained by immigration agents and transferred to Siglo XXI detention center. Fray Matias was able to reopen the case and requested that the government agencies not share information about the adolescent with his ex-partner, who had sexually assaulted him.
**Xenophobic attacks and discrimination**

Anti-immigrant and xenophobic sentiment existed before the pandemic in southern Mexican cities but has worsened as unfounded rumors that migrants were causing an economic downturn and spreading COVID-19 were reported widely in local media. In both Chiapas and Tabasco, CSOs reported an increase in the use of discriminatory language by Mexican law enforcement, seeking to criminalize and scapegoat migrants, including children. In addition, CSOs reported that special forces trained in anti-gang tactics profile and detained migrants even when there was no cause or suspicion of criminal activity. For example, a CSO in Tenosique reported that an unaccompanied child with refugee status was arbitrarily detained by public security forces despite having proper paperwork. Business owners and other residents have contacted police or set up their own vigilante checkpoints in attempts to deter migrants.

**Increased barriers to accessing basic services**

Migrant children faced limited access to basic services, including medical and mental health support, housing, and education.

**Medical and mental health services**

Migrant children in southern Mexico have faced longstanding barriers that prevent them from accessing medical care, mental health support, and other essential services. These obstacles include discrimination or mistreatment when accessing services, lack of specialized and linguistically appropriate services for non-Spanish speakers, lack of access to information about available services, and fear that they will be detained by INM or referred to DIF and subject to extended detention or deportation.

Migrant children have often experienced trauma that requires mental health intervention. The pandemic has generated increased fear and uncertainty for these children, leading to higher rates of depression, anxiety, and other mental health crises. However, the primary providers of psychosocial support in the government, private sector, and CSOs have been operating at limited capacity, making it more difficult for children to access these essential services.

Between June 2020 and June 2021, CSOs reported that the space and capacity at clinics and hospitals were overwhelmed by COVID-19 patients and others with urgent needs who were unable to receive care earlier in the pandemic. In many cases, migrants were seen by a practitioner only when a CSO representative accompanied them to the medical facility and helped to negotiate on their behalf. CSOs reported that medical clinics in both Tapachula and Tenosique had on several occasions denied health services to unaccompanied or separated migrant children. In addition, migrants were put at risk of COVID-19 exposure during detention and transfer because authorities failed to use safety precautions, including mask wearing, social distancing, and testing.
While vaccines were available to registered migrants in southern Mexico, there were no government efforts to broadcast the information widely, in contrast to targeted efforts in other parts of the country. In August 2020, Fray Matías accompanied an adolescent girl from Guatemala who was traveling with her partner’s family. She had been a victim of gang violence in her home country. When she presented health complications during her pregnancy, she was taken to a public hospital in Tapachula but was denied medical attention. As a result of the delays and medical negligence, she lost her baby.

**Limited access to medical services**

Migrant children have long faced barriers to accessing education in Mexico, and those barriers intensified during the pandemic. The Secretary of Education requires documentation to certify the level of schooling a child completed in another country before they can enroll in school in Mexico, but the agency’s state-level offices were closed or operated at limited capacity during the pandemic, preventing children from receiving the necessary certification.

Since April 2021, the state of Tabasco has been working to mitigate educational delays, validate basic school level exams, and sensitize teachers and principals in Tenosique about the needs of migrant children. These efforts have not been replicated in other states. In Chiapas, CSOs reported that they advocated for the educational rights of migrant children on a case-by-case basis while they encouraged states to implement systemic changes.

Schools in both Chiapas and Tabasco were virtual during the pandemic. Most migrant children did not have access to computers or internet to engage in remote learning. Many children were homeless, staying in temporary shelters, or living in crowded conditions where they did not have adequate space to study or access to educational activities. CSOs reported that many unaccompanied children faced similar barriers to education in their country of origin and lagged behind their peers and grade level by age.

**Conclusion**

The long-standing challenges migrant children face in accessing protection and rights in southern Mexico remain a significant issue, placing the lives and well-being of unaccompanied children at grave risk. As the pandemic landscape shifts, it is essential that the Mexican and U.S. governments use this opportunity to learn from the shortcomings of the initial COVID 19 crisis response and work together to protect, ensure the rights of, and issue policies and decisions based on the best interests of unaccompanied children transiting through, seeking protection in, and residing in Mexico.
Recommendations for immediate and future action

Stronger joint action is needed by the Mexican and U.S. governments to promote and protect the rights of migrants in transit and ensure comprehensive care for migrant children. Collaboration and commitment from these two governments is key to achieving durable solutions for the best interests of migrant children.

We call on the U.S. and Mexican governments to recognize each other as partners who must work together to increase regional protections for migrants, including unaccompanied children.

Recommendations for the Mexican Government

- Fully implement Mexico’s robust laws that guarantee the rights and protection of migrant children and promote their best interests as a priority. Mexico’s child welfare and protection systems (DIF, SIPINNA, and PPNNA) at the federal, local, and municipal levels must ensure that best interest determinations consider access to protection, including all forms of asylum and family protection, in Mexico, the United States, or a third country. These child protection roles must maintain independence from the immigration and law enforcement agencies such as INM.

- Ensure appropriate care for migrant children consistent with the law and their best interests. In particular, invest in alternatives care models and institutional care, such as foster or other care in family placements.

- Ensure equitable access to medical care for migrants, including children and adolescents, by following public health procedures in government shelters and during all interactions with migrants, without stigmatizing care.

- Ensure effective access to vaccination for COVID-19 for the migrant population, free from discriminatory, xenophobic treatment, and without conditions related to immigration status.

- Create and implement mechanisms to promote effective supervision, transparent operations, and robust monitoring of DIF facilities providing care and services to migrant children, including CAS.

- Monitor immigration officials’ protection of migrant children’s rights and provide a remedy when these rights are violated. Violations include blocking migrant children’s access to Mexican or U.S. territory, including to ports of entry, and receiving migrant children unlawfully expelled from the United States.

- Develop and support programs to provide education to children within shelters or in nearby schools and take administrative or legislative measures to eliminate barriers to enrollment and a school diploma.
Recommendations for the U.S. Government

- The U.S. government must fulfill its commitment to re-establish humane and orderly reception for people seeking protection in the United States. It must end all restrictions, such as Title 42, port of entry closures, and the Migrant Protection Protocols that limit access to protection. U.S. government officials must comply with the Trafficking Victims Protection Reauthorization Act (TVPRA) by guaranteeing unaccompanied children access to ports of entry and border crossings where they can seek protection. Customs and Border Protection (CBP) should hire child welfare professionals at the border to screen and care for children in custody.

- U.S. diplomacy and foreign assistance should prioritize strengthening Mexico’s capacity to protect migrants and receive asylum seekers, with a particular focus on ensuring access to asylum for unaccompanied children and other vulnerable groups. It should also focus on strengthening Mexico’s child protection systems and ensure that the resources needed to implement Mexico’s child protection reforms are provided.

- U.S. foreign assistance should not be used to deter or interdict asylum seekers, nor to prevent children from accessing the U.S.-Mexico border to request asylum, or otherwise deter migrants from seeking protection in Mexico or the United States.

Recommendations for Collaboration Between the U.S. and Mexican Governments

- Shift immigration strategy from an enforcement and deterrence approach to one that prioritizes the protection of children’s rights and best interests throughout their journey, their stay in Mexico, and their arrival in the United States.

- Pursue binational solutions that ensure the safety and well-being of migrant children on both sides of the border. Create systems to allow for an open exchange of information and best practices on migrant children’s needs, maintaining data on where children are housed and when they are transferred.

- Develop and implement mechanisms for resettlement to the United States of children recognized as refugees by Mexico to reunify with family, as well as broader family reunification pathways in the U.S. and Mexico to guarantee the bests interests of migrant children.

- Develop and expand bilateral coordination between Mexican and U.S. officials to ensure the safe transfer to the United States of unaccompanied children following a best interest determination finding that seeking protection in the United States is in their best interests.

- Establish permanent mechanisms for dialogue involving both government and civil society actors to discuss binational mechanisms, actions, and policies to strengthen and effectively respond to children’s best interests as a primary consideration and to address violence against migrant children in transit, human trafficking, and family separation.

- Build permanent connections between U.S. and Mexican child protection institutions, increasing their communication and technical assistance exchange.

For more detailed policy recommendations for the U.S. and Mexican governments, see KIND’s Policy Recommendations to Improve Protections for Migrant Children in Mexico.
Endnotes


2. The Mexican southern states of Chiapas and Tabasco border Guatemala and encompass three major routes for migrants from Central America and other countries: (1) the coastal corridor of Chiapas runs from Tecun Uman in Guatemala to Ciudad Hidalgo in Mexico leading northwest through Tapachula toward the neighboring state of Oaxaca and Chiapas’ capital city Tuxtla Gutierrez; (2) the central corridor of Chiapas between the border ports at La Mesilla, Comalapa, and Gracias a Dios runs through Comitan and San Cristobal de las Casas to Tuxtla Gutierrez; and (3) the jungle corridor of Tabasco and Chiapas starts in El Ceibo in Guatemala and runs northwest through the cities of Tenosique, Palenque, and Salto de Agua. See Findings of the Human Rights Observation Mission in Mexico’s Southern Border, September 2020, pgs. 22-24, https://gtpm.mx/wp-content/uploads/2020/12/Informe-Final-MODH-2020.pdf and Washington Office on Latin America (WOLA), “The “Wall” Before the Wall: Mexico’s Crackdown on Migration at its Southern Border”, December 17, 2019, https://www.wola.org/analysis/mexico-southern-border-report/

3. The Mexican General Law on the Rights of Children and Adolescents (LGDNNA acronym in Spanish), recognizes that children have individual rights and provides that the best interests of children are the priority in all decision that impact them. In the context of migration, it requires child protection agencies to issue best interest determinations in all cases before a decision is made to deport, reunify, or refer a child for asylum or other protection as an unaccompanied child in Mexico. See Articles 2, 17, and 18, http://www.diputados.gob.mx/LeyesBiblio/pdf/LGDNNA_110121.pdf


5. Asylum Access Mexico; Center for Gender and Refugee Studies (CGRS); Kids in Need of Defense (KIND); Latin American Working Group (LAWG); Women’s Refugee Commission (WRC); Institute for Women in Migration (IMUMI, acronym in Spanish); and International Detention Coalition (IDC), “Implementation of the Mexican Legal Reforms that Prohibit Detention of Accompanied and Unaccompanied Migrant Children,” March 2021, https://imumi.org/wp-content/uploads/2021/03/Asylum-migrant-children-march-2021.pdf

6. The agencies that have key roles in the implementation of the reform include the National Migration Institute (INM, acronym in Spanish), the child protection agency National System for Integral Family Development (SNDIF or DIF, acronym in Spanish), the National System for the Protection of the Rights of Children and Adolescents (SIPINNA, acronym in Spanish), Federal Procuraduría for the Protection of Children (PPPNNA, acronym in Spanish), state-specific Procuraduría for the Protection of Children (PPPPNNA, acronym in Spanish), and others.


10. Save the Children, “Mexico: Rising number of migrant children pushing shelters to capacity,” April 16, 2021, [https://reliefweb.int/sites/reliefweb.int/files/resources/Mexico%20Migrant%20Children%20PR.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/Mexico%20Migrant%20Children%20PR.pdf)


13. As a result of its operations in non-border states, INM identified approximately 1,297 unaccompanied children in the first quarter of 2021 and referred them to the care of DIF in the state where they were detected. As noted previously, the shortage of shelter space led to overcrowded and unsanitary conditions, referrals to overwhelmed private shelters, and an increase in homelessness. See Instituto Nacional de Migración (INM) Boletín No. 157/2021, “Identifica INM a 31 mil 492 personas migrantes con estancia irregular en México del 1 de enero al 21 de marzo” ("INM identifies 31,492 migrants with irregular stay in Mexico from January 1 to March 21"), [https://www.gob.mx/inm/prensa/identifica-inm-a-31-mil-492-personas-migrantes-con-estancia-irregular-en-mexico-del-1-de-enero-al-21-de-marzo-267591?idiom=es](https://www.gob.mx/inm/prensa/identifica-inm-a-31-mil-492-personas-migrantes-con-estancia-irregular-en-mexico-del-1-de-enero-al-21-de-marzo-267591?idiom=es)

14. Starting in 2018 with the Central American migrant caravans travelling northward to the U.S. to the present migration of families and children, the newspaper Diario del Sur, based in Tapachula, Chiapas, documented an increase in xenophobic activities by residents, business owners, government agents, and police, including “Crecen la xenofobia en Tapachula” (“Xenophobia grows in Tapachula”), February 7, 2019; “Empresarios tapachultecos son xenófobos: activista” (“Businesspeople in Tapachula are xenophobic: activist”), August 10, 2019; “Preocupa a empresarios la llegada de la caravana 2020” (“Businessmen are concerned about the arrival of the 2020 caravan”), January 18, 2020; and “Piden contener caravana migrante por Covid-19” (“They ask to contain the migrant caravan due to Covid-19”), September 29, 20202, [https://www.diariodelsur.com.mx/local](https://www.diariodelsur.com.mx/local)

15. Política Migratoria, Dirección de Estadística (Immigration Policy, Department of Statistics), [http://www.policiamigratoria.gob.mx/es/PoliticaMigratoria/BoletinesEstadisticos](http://www.policiamigratoria.gob.mx/es/PoliticaMigratoria/BoletinesEstadisticos)

16. Precautionary measures are protection mechanisms through which CNDH requests that the State or Federal government protect one or more persons who are in a serious and urgent situation from suffering irreparable harm. See Comisión Nacional de Derechos Humanos (CNDH), “CNDH emite medidas cautelares al INM para proteger la salud de personas migrantes alojadas en la Estación Migratoria “Siglo XXI” y la Estancia Provisional “El Hueyate en Chiaipas,” (“National Human Rights Commission (CNDH acronym in Spanish) issues precautionary measures to INM to protect the health of migrants staying in the Migratory Station “Siglo XXI” and the Provisional Shelter “El Hueyate” in Chiapas”), October 23, 2020, [https://www.cndh.org.mx/documento/cndh-emite-medidas-cautelares-al-inm-para-proteger-la-salud-de-personas-migrantes](https://www.cndh.org.mx/documento/cndh-emite-medidas-cautelares-al-inm-para-proteger-la-salud-de-personas-migrantes)


21. Civil society organizations reported that migrant child continued to be held in INM’s jail-like immigration detention centers, which have a troubling history of hundreds of cases of sexual assault, verbal and physical abuse, and death due to medical negligence documented within the more than 58 detention centers in Mexico. See Asylum Access Mexico; Center for Gender and Refugee Studies (CGRS); Kids in Need of Defense (KIND); Latin American Working Group (LAWG); Women’s Refugee Commission (WRC); Institute for Women in Migration (IMUMI, acronym in Spanish); and International Detention Coalition (IDC), “Implementation of the Mexican Legal Reforms that Prohibit Detention of Accompanied and Unaccompanied Migrant Children”, March 2021, https://imumi.org/wp-content/uploads/2021/03/Asylum-migrant-children-march-2021.pdf

22. It is important to note that the United States was the largest donor for the United Nation’s High Commissioner for Refugees (UNHCR) in Mexico to provide technical and infrastructure support to COMAR during the pandemic. See Washington Office on Latin America (WOLA), “Key Issues on Access to Asylum in Mexico, Protections for Migrant Children, and U.S. Cooperation”, March 23, 2021, https://www.wola.org/analysis/key-points-migration-march-2021/


26. COMAR on Twitter @comar_sg: The breakdown of migrant children applying for asylum in Mexico in the first quarter of 2021 is 2,803 accompanied children and 271 unaccompanied children. COMAR reported a significant drop in the relative number of migrant children seeking asylum from 27.48 percent in 2019 of the total number of protection applications to 19.91 percent in 2020, due, in part, to the changes introduced during the pandemic.
27. Under the law, COMAR has 45 working days to decide a case or 90 working days under exceptional circumstances. Due to the backlog, COMAR said that all cases are exceptional and thus subject to the 90-day deadline. This deadline is regularly missed. Consideration can now take six months to a year according to Asylum Access, “Mexican Asylum System for U.S. Immigration Lawyers FAQ,” November 2019, https://asylumaccess.org/wp-content/uploads/2019/11/Mexican-Asylum-FAQ-for-US-Immigration-Lawyers.pdf


33. The Mayan train is a proposed intercity railway in the southern Mexican states of Campeche, Chiapas, Tabasco, Quintana Roo, and Yucatan that aims to connect tourist destinations in the Yucatán Peninsula, including historic Mayan archeological sites. See Milenio, “Tren Maya orilla a migrantes a rutas peligrosas en frontera sur de México,” (“Mayan train pushes migrants to dangerous routes on Mexico’s southern border”), February 4, 2021, https://www.milenio.com/estados/tren-maya-orilla-migrantes-rutas-peligrosas-frontera-sur
34. Animal Político, “INM lanza más de 50 operativos en La Bestia: señala a página de Facebook de organizar a migrantes” (“INM launches more than 50 operations in La Bestia: points to Facebook page for organizing migrants”), February 16, 2021, https://www.animalpolitico.com/2021/02/inm-operativos-bestia-pagina-migrantes/


43. “If you are transgender or openly gay, you are more likely to be physically or sexually assaulted. If you are a migrant, the danger is doubled.” Diego Lorente, head of the Fray Matias de Cordova Human Rights Center; The World, “Migrating to the US is already risky. Try being a transgender migrant,” February 17, 2016, https://theworld.org/stories/2016-02-17/migrating-us-already-risky-try-being-transgender-migrant

44. In 2019, Mexico was one of the deadliest countries in the world for LGBTQ+ people. See Reuters, “Mexico sees the deadliest year for LGBTQ+ people in five years,” May 15, 2020, https://www.reuters.com/article/us-mexico-lgbt-murders-trfn/mexico-sees-deadliest-year-for-lgbt-people-in-five-years-idUSKBN22R37Y

46. Starting in 2018 with the Central American migrant caravans travelling northward to the U.S. to the present migration of families and children, the newspaper Diario del Sur, based in Tapachula, Chiapas, documented an increase in xenophobic activities by residents, business owners, government agents, and police, including “Crece la xenofobia en Tapachula” (“Xenophobia grows in Tapachula”), February 7, 2019; “Empresarios tapachultecos son xenófobos: activista” (“Tapachultec businessmen are xenophobic: activist”) August 10, 2019; “Preocupa a empresarios la llegada de la caravana 2020” (“Entrepreneurs are concerned about the arrival of the 2020 caravan”) January 18, 2020; and “Piden contener caravana migrante por Covid-19” (“They ask to contain the migrant caravan by Covid-19”), September 29, 2020, https://www.diariodelsur.com.mx/local


The Human Rights Center Fray Matías de Córdova A.C. (Fray Matias) is a non-profit, non-governmental human rights organization -which celebrates 25 years of work this year- located in the city of Tapachula, Chiapas, on the southern border between Mexico and Guatemala.

Fray Matías currently carries out work to promote initial response, accompaniment, and comprehensive defense for individuals and families in various contexts of mobility. Their work includes recognition of the intersectional vulnerabilities migrants face, which include the strengthening of people as political subjects in the defense of their own rights as well as political, social and community advocacy to transform the structures that generate these vulnerabilities.

For more information about CDH Fray Matías, visit https://cdhfraymatias.org/
Telephone: 01 (962) 147 2928

In April 2011, the Parish of Crucified Christ was summoned to establish the Casa del Migrante in Tenosique, Tabasco to provide humanitarian aid to their migrant brothers and sisters. Since then, La 72 has been at the forefront of defending and promoting the life, dignity, and human rights of the migrant population. When they moved to a new location, they decided to give it a new name: La 72, Home-Shelter for Migrants in commemoration of 72 migrants from Central and South America who were massacred by organized crime in Tamaulipas in 2010.

For more information on La 72, visit https://La72.org/
Telephone: +52 934 130 7293

Across its work in the U.S., Mexico, Central America, and Europe, Kids in Need of Defense (KIND) believes in a world in which children’s rights and well-being are protected as they migrate alone in search of safety. We will achieve our vision by advancing laws, policies, and practices that ensure children’s protection and uphold their right to due process and fundamental fairness and protecting and promoting children’s rights in countries of origin, transit, and destination, including durable solutions to child migration that are grounded in the best interests of the child and ensure that no child is forced to involuntarily migrate.

To obtain more information about KIND’s work in Mexico, request training, and/or refer the case of migrant children to the KIND staff in Mexico:

**On the northern border:**
Text or call +52-55-7100-1542 from Mexico and/or email KINDMX@supportkind.org with a copy to Florence Chamberlin, managing attorney for KIND's Tijuana and Ciudad Juarez offices, at FChamberlin@supportkind.org

**On the southern border:**
Send a text or call +52 55 7100 1973 from Mexico and/or email KINDMXSur@supportkind.org