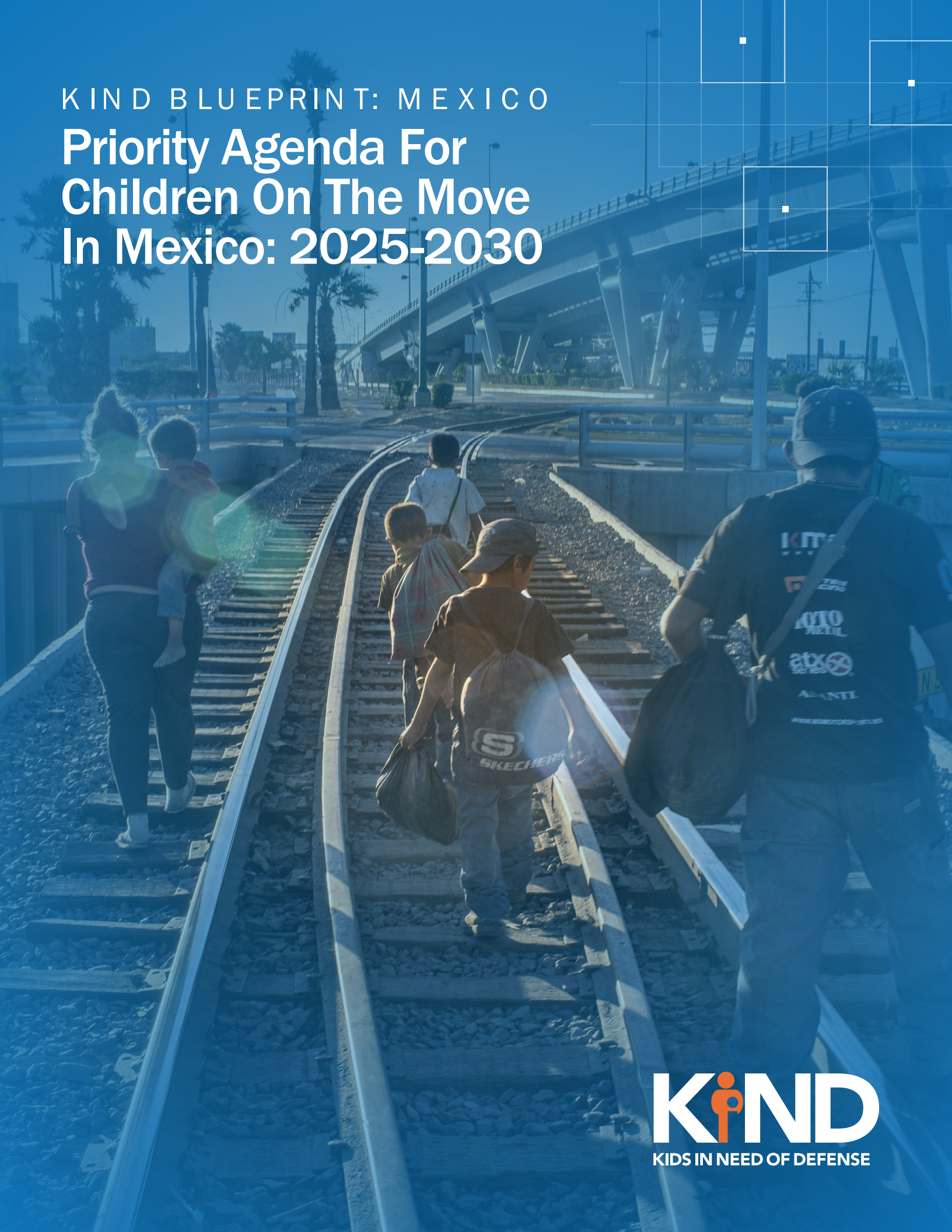
KIND BLUEPRINT: MEXICO

Priority Agenda For Children On The Move In Mexico: 2025-2030



KIND
KIDS IN NEED OF DEFENSE

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ON THE COVER

Migrants looking for safety.
Photo by Brett Gundlock

Background

Kids in Need of Defense (KIND) is the preeminent international nongovernmental organization devoted to the protection of unaccompanied and separated children. In 2008, KIND was founded by the Microsoft Corporation and Co-Founder and Patron Angelina Jolie to address the gap in legal services for unaccompanied children. Today, KIND has offices and staff across the United States, Mexico, Central America and Europe.

Our team, and KIND's extensive network of private sector pro bono and nongovernmental partners, provide unaccompanied children with child-centered, trauma-informed holistic care that includes legal representation and psychosocial support. We are a trusted source of accurate and timely information as well as innovative solutions that protect the rights and well-being of unaccompanied children on the move. We partner with governments, international organizations, civil society, and the private sector to implement child-friendly solutions and deliver targeted advocacy, training, technical assistance, and capacity strengthening to promote stronger child protection around the world.

Since 2020, KIND in Mexico has assisted children on the move who are unaccompanied, separated, or at-risk of separation. We collaborate with civil society and government stakeholders to promote the rights of all children migrating from, to, or through Mexico, provide information to children about their legal rights and options for protection through child-friendly orientations and play-based workshops, and promote psychological well-being activities for children, including individual and family therapeutic services. KIND also provides training and technical assistance to governmental agencies and nongovernmental actors in Mexico to reinforce child protection.

For more information visit **www.supportkind.org**.

ILLUSTRATION

Drawing by a child from Mexico who worked with KIND through UNICEF Voices That Matter Most Project.

List of abbreviations

CAS	Social Assistance Centers (shelters)
CDN	Convention on the Rights of the Child
COMAR	Mexican Commission for Refugee Assistance
CURP	Unique Population Registration Code
IFDP	Federal Institute of Public Defense
INM	National Migration Institute
LGDNNA	General Act on the Rights of Children and Adolescents
LM	Migration Act
LRPCyAP	Refugees, Complementary Protection and Political Asylum Act
PPNNA	Offices for the Protection of Children and Adolescents
SDIF	Comprehensive Family Development Systems
SEP	Ministry of Public Education
SE-SIPINNA	Executive Secretariat of SIPINNA
SIPINNA	National Comprehensive Protection System for Children
SNDIF	National System for Integral Family Development
TRP	Permanent Residency Card
TVRH	Humanitarian Visitor Card
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund

Introduction

In Mexico, tens of thousands of unaccompanied children, as well as those accompanied by parents, guardians, and other family members, are forcibly displaced, exposing them to risk and vulnerability from the moment they leave their communities in search of safety and protection in another country. For nearly two decades, Mexico has documented and published statistics on the number of children lacking immigration or refugee status within its territory. Children have represented a minimum of 6 percent (in 2010) and a maximum of 29 percent (in 2019) of all registered cases of irregular migration situations in Mexico.

Between 2020 and 2024, Mexico registered approximately 400,000 cases of children in an irregular situation.[1] Eighty-nine percent of these are children accompanied by an adult family member. The majority come from Venezuela, Honduras, Guatemala, Colombia, Brazil, and Chile.[2] Most children (69 percent) are in early childhood (0 to 11 years old), of whom 2 percent (4,310) are unaccompanied. Adolescents (12 to 17 years old) represent 31 percent of the total number of registered cases of displaced children and 90 percent of unaccompanied children,[3] mainly from Honduras and Guatemala. In general, entry into Mexico is by land, through the southern border, primarily through Chiapas (46 percent of the registrations of children).

Meanwhile, during the same period from 2020-2024, 115,622 Mexican children were returned to their home country from the United States. More than half of these were unaccompanied adolescents. The main receiving states were Sonora, Tamaulipas, Chihuahua, and Baja California, and the states of origin were Chiapas, Guerrero, Tamaulipas, Guanajuato, and Veracruz.

These children, whether they emigrate, transit, return, or stay in Mexico, face multiple risks, vulnerability, and discrimination due to the displacement experience itself and to factors such as their age, gender, ethnicity, nationality, immigration status, and accompanied/unaccompanied status. These circumstances call for decisive action by society and the State to promote, guarantee, and protect their rights, even more so if they are unaccompanied.

Mexico has a legal and institutional framework based on equality and a children's rights approach that allows for mainstreaming the best interests of children and prioritizing the safety, well-being, and rights of children on the move in all laws, public policies, programs, and government actions.

KIND has identified three strategic areas for action in Mexico: safe and dignified reception, rights protection, and effective social inclusion. To continue making progress in furthering the protection and restoration of the rights of children in the context of migration, especially for children who are unaccompanied or separated, KIND developed the following comprehensive recommendations, organized around 11 priority areas. Based on KIND's daily work with and for children in Mexico, as well as our regional and global experience, this thematic agenda addresses the unique situations, needs, and challenges displaced children face in Mexico. These recommendations should inform the design and implementation of comprehensive and inclusive public policies, attentive to the different moments and stages of children's lives and development.

Institutional strengthening

Context

Since 2014, the General Act on the Rights of Children and Adolescents (LGDNNA) has recognized all children as rights holders, including children on the move. This law creates a comprehensive legal, inter-institutional, and multisectoral framework at the national, state, and municipal levels to guarantee their rights.

As with other children at heightened risk of discrimination, and violation of their rights, children on the move present particularly sensitive characteristics, needs, and situations that require adapted legal frameworks and targeted, differentiated, and strengthened public policies for the special protection of their rights.

The effective ownership and protection of the rights of children on the move is anchored in the strategies, actions, plans, and programs that emanated from the LGDNNA, including the National Comprehensive Protection System for Children (SIPINNA), and as implemented by the Executive Secretariat of SIPINNA at the national level (SE-SIPINNA) as well as by the various state-level SIPINNA and their respective executive secretariats at the state level.

These efforts are carried out in collaboration and coordination with various other state agencies and institutions, which are also called upon to respect, guarantee, and safeguard the best interests and rights of children. Various institutions, such as the Offices for the Protection of Children and Adolescents (PPNNA), the Family Development Systems (SDIF), the General Coordination of the Mexican Commission for Refugee Assistance (COMAR), the National Migration Institute (INM), and the health and education sectors, among others, fulfill and perform key functions for children on the move.

At the federal level, there has been progress in budgetary support for children on the move. Of note is the 11 percent increase in the total National System for the Integral Family Development (SNDIF) budget allocated to children on the move in Mexico[4] and the 161.4 percent budget increase in real terms within the SNDIF's Comprehensive Social Assistance Services program, which went from 1,054 million pesos in 2021 to 2,903 million pesos in 2022.[5] Likewise, the budget allocated to the operation and financing of the national SE-SIPINNA increased from 54 to 73 million pesos from 2018 to 2023,[6] while the budget of the Federal Office for the Protection of Children and Adolescents increased from 67 to 99 million pesos in the same period.

In the coming years, it is essential to strengthen this comprehensive protection system through legal reforms, databases, procedural adjustments, service improvements, greater inter-institutional coordination and collaboration at different levels of government, as well as bolster technical, human, and budgetary capacities to address and protect the rights of children on the move, especially those who are unaccompanied or separated.

Challenges

Sufficient budget allocation for children on the move

- **More resources should be allocated to the agencies SE-SIPINNA and PPNNA, and the social assistance programs of the SDIF at the state and municipal levels that interact with children on the move.** This includes agencies that address issues related to the needs of children who must migrate from their communities and/or country, those traveling through Mexico, and those returning to their community of origin.

KIND has witnessed the commitment and dedication to service of many of these authorities through our work with unaccompanied and separated children. However, we also have observed the lack of materials, operations support and specialized staff needed to fulfill the agencies' mandate to formulate and coordinate public policies and provide care and comprehensive protection of children's rights.

Efficient, timely, and secure public data and information analysis systems

- **Although the SNDIF, with support from UNICEF, has made progress in developing the "Por tus Derechos" (For Your Rights) information system, which has a registry of children on the move (mandated by Articles 99 and 100 of the LGDNNA), its efficient and effective implementation by all the country's federal and state institutions and authorities that are required to provide information has not yet been achieved.** Nor has information been made publicly available to enable the design of targeted public policies and monitoring of actions taken.

  Currently, public information on children on the move comes from records of the National Migration Institute (INM), but this information is not geared toward the comprehensive protection of rights and does not track the journey, situation, and destination of each child from their entry into the country to the implementation of special protection measures and the restoration of their rights. Therefore, it is not sufficient to overcome the limited availability of information.

Evaluation and monitoring mechanisms

- **Strategies, programs, and actions aimed at children on the move require evaluation and monitoring mechanisms that promote transparency and accountability.** Although progress has been made, further actions are needed to assess results and impact. The National Program for Children and the work of SE-SIPINNA are key components for strengthening these processes, as are the diagnostic and evaluation processes for programs, actions, and services of the agencies and authorities that comprise SIPINNA.

Recommendations

- Federal and local governors should ensure sufficient resources for SE-SIPINNA, PPNNA, and SDIF in the states and municipalities with the highest concentration of children on the move, including emergency programs and temporary shelters for unaccompanied and separated children.
- SNDIF and PPNNA at the federal level should implement the public version of the "For Your Rights" information system and promote dialogue with academia, civil society, and government actors to provide feedback and enhance its design and implementation. Furthermore, these agencies should ensure sufficient funding for the system's proper operation, both in its restricted and public versions.
- The national SE-SIPINNA and its state counterparts should establish, lead, and guide permanent, transparent, and effective mechanisms for evaluating and monitoring the various goals, programs, and actions aimed at children on the move to ensure their consistency and effectiveness.
- Federal and local governors should strengthen SE-SIPINNA and their Commissions for the Protection of Migrant Children for the proper implementation and adaptation of the Comprehensive Protection Route for Children in Migration and continue to support states in developing methodological tools that facilitate the design of public policies adapted to local contexts.
- It is essential that in all sectors and at all government levels the participation of children on the move is incorporated in evaluation and monitoring of public policies (plans, programs, actions, and services). Social actors such as academia and civil society should also be encouraged to participate in the evaluation and monitoring processes, with information on the results regularly disseminated.

Access to identity documents and regular pathways for admission and stay

Context

Many Mexican and non-national children alike face challenges in accessing identity documents in Mexico. For those of Mexican origin, access to the Unique Population Registration Code (CURP) can be hindered by bureaucratic procedures. In the case of non-national children born in Mexico to parents without regular immigration status, it is often difficult to register the child's birth due to informal barriers and acts of discrimination against those who are, or are perceived to be, in an irregular status, which also negatively affects their access to CURP.

Meanwhile, through collaboration with organizations and the direct assistance that KIND provides to non-Mexican children in Mexico, it has been found that the lack of identity documents and/or regular immigration status significantly hinders their access to other rights. Having valid official identity documents and regular status protects children and families against refoulement and risks related to immigration control and detention. They are also key to facilitating access to most public services such as health centers and schools.

The LGDNNA establishes that the best interests of children must inform and be given precedence in any administrative immigration process affecting a child (Art. 89). In particular, if children are unaccompanied or separated, the PPNNA must determine the best interests of the children and issue protection measures (Art. 123) that are appropriate in each case, assessing all legal options, including lawful stay, to best ensure their rights. The Migration Act (LM) establishes that administrative migration procedures must comply with the provisions of the PPNNA's rights restoration plan, and that various forms of immigration regularization, including family unity, may be applied in cases involving children.[7] Child protection considerations should determine the procedures applied by INM, which should prioritize the effective resolution of unaccompanied and separated children's cases.

The LM mandates that foreign children on the move, by virtue of being children, are entitled to a Humanitarian Visitor Card (TVRH), as are the adult relatives who care for them. At a minimum, this protection must be maintained until a decision is reached in accordance with the plan that determines their best interests (Articles 74 and 52 of the LM).

Subsequently, unaccompanied, separated, or accompanied children, in accordance with this restitution plan, may be needed to maintain their TVRH with CURP or obtain another lawful status such as a permanent residency card (TRP) as a result of granting asylum, also retaining their CURP (art. 48 of the Refugee Act and 52 of the Immigration Act).

With current statistical information, it is not possible to determine how many children have been granted a TVRH due to their status as children, because this group is subsumed in several statistics regarding the issuance of TVRH. Of all these reasons, only 0.2 percent of cases were recorded as being unaccompanied children or adolescents.

In practice, the provision of regular immigration status for children is unclear and inconsistently applied.

Challenges

Effective access to regular immigration status for all children

- **Children's lack of access to TVRH simply because they are children leaves them in a state of vulnerability and continuous risk, limiting their access to rights.** A recurring practice is that INM issues a temporary immigration regularization paper document, rather than the physical card (*"tarjeta física"*) which is required by law. This paper document is valid for 180 days to one year and subject to geographic limitations, which can negatively impact the child's ability to remain or be reunited with parents or other adult relatives caring for them. This document is also not recognized as a valid

immigration document, nor accepted by third parties for the purposes of accessing employment, education, health, or other basic services, which renders the family group, including children, vulnerable and at risk.

During the asylum process with COMAR, INM does not issue the TVRH to which children are entitled as asylum seekers and children. It is only once they are recognized as refugees that the procedure for issuing a TRP begins. Although, for this reason, COMAR in places like Tapachula seeks to expedite the process for children, the INM's failure to comply with its legal obligations has adverse effects.

Appropriate and independent access to the CURP

- **Currently, the CURP is the main personal identification document in Mexico.** For immigrants, access to CURP is subject to the immigration document and/or COMAR process and can only be issued by the INM and COMAR. The PPNNA does not issue CURP, which can make it difficult for children on the move to access the CURP in an adequate and timely manner.

Specific regular pathways for children

- **Although PPNNA is entitled to determine that it is in the best interest of children to stay in Mexico** and therefore have access to regular immigration status, there is no regular pathway specifically designed for children within the immigration legal framework. Current mechanisms and criteria for a temporary or permanent immigration status do not suit the specific situation of children, nor do they respond to the need for transitioning to an appropriate immigration status or citizenship upon reaching the age of majority.

Recommendations

- The INM must diligently and appropriately issue the TVRH to all children and adolescents on the move, as well as to their adult caregivers or family members, regardless of their status, nationality, or location in Mexico.
- PPNNA must take the necessary measures so that all children on the move have the TVRH. And, where appropriate, PPNNA must ensure children's access to other conditions of regular stay as temporary and permanent residents in the country as provided by law in cases when children are not recognized as refugees and the restitution of rights processes indicate that it is in their best interest to remain in Mexico and not be returned to their countries of origin or to an unsafe third country.
- Executive and legislative branches should design regular migration pathways specifically for children and adolescents on the move, tailored to their immediate and changing needs and characteristics. This will ensure that, upon reaching adulthood and transitioning to independent living, they can continue to enjoy regular residence or access citizenship in a clear and secure manner.
- Empower PPNNAs to issue CURP for children on the move, ensuring their right to identity and other rights, without prejudice to the powers granted to COMAR and the INM in this regard.
- Child institutions and the National Registration of Population (RENAPO) should carry out comprehensive awareness-raising, training, and outcome-monitoring processes with civil registries to eradicate practices and requirements that prevent the civil registration of Mexican infants by birth.

Children with international protection needs

Context

Many children alone or accompanied are forced to leave their countries of origin to seek protection from threats and risks to their lives, safety, integrity, development, and rights. In a recent survey in Mexico, 66 percent of people on the move expressed fear of returning to their country, and one-third of the members of the identified family groups were children.[8] The forms of persecution and protection needs of children may be different from those of adults. Occasionally, their forced displacement will be associated with the persecution of their parents or relatives, but in many other cases, they will be persecuted directly as children, including through unique forms of violence, insecurity, abuse, rights violations, and threats.

Under Mexican law, children may be granted refugee status for reasons such as generalized violence, territorial disputes, and massive human rights violations,[9] but also for specific reasons such as forced recruitment into criminality,[10] military activity or belligerence, female genital mutilation, child marriage, trafficking, sexual exploitation, forced labor, and other forms of domestic, sexual, and gender-based violence. Likewise, the deprivation of economic, social, and cultural rights and the accumulation of serious violations may be relevant grounds for their protection as refugees or other complementary forms.

In recent years, there has been a significant increase in the number of asylum seekers presenting protection claims to COMAR. UNHCR reports that between 120,000 and 140,000 applicants for refugee status were submitted annually between 2021 and 2023, and in 2024, more than 71,400 people had applied for asylum in Mexico by the end of November.[11]

Most refugee applications in Mexico are submitted by adults. Accompanied children are often included in these applications without an individual risk analysis.[12] Unaccompanied children, on the other hand, have filed relatively few applications. An estimated 4,000 have been filed in the past five years.[13] Although insecurity and various forms of violence are among the main causes of their forced displacement, they may face barriers to refugee status, such as lack of information or appropriate assistance to access asylum or an inability to speak the language, or they may seek protection in other countries where they can reunite with their families.

Challenges

Strengthening operational capacity and budget of COMAR

- **Despite the growing number of people applying for refugee status in Mexico, COMAR has limited operational capacity.** Between 2018 and 2023, its allocated resources increased from 26 million pesos to 48 million pesos.[14] Of these amounts, COMAR allocated 0.5 and 1 million pesos to the care of children, according to the findings of a UNICEF study.[15]

  UNHCR's financial support[16] has made it possible for COMAR to avoid collapse and to keep its procedures running with just a few offices in the country, but the dependence on foreign aid is not sustainable, and, even with it, COMAR's budget deficit is considerable given the demand and national presence it requires, and the need to consolidate its operational and technical capacity to guarantee both the right to asylum in Mexico and ensure the best interests and well-being of many children, who are, at least, a quarter of the applicants for refugee status.

Best interests and child-centered procedures for asylum seeking children

- **Mexico's refugee policy does not sufficiently incorporate a child-centered approach, nor does it address the necessary measures to assure their best interests.** Although some COMAR staff members are designated to assist or interview children, a child-centered perspective is not yet fully implemented throughout the entire staff and organizational structure. This results, for example, in a lack of adequate recording of the family situation and support status of children, and sometimes members of the same family must initiate separate processes. The implementation of recognition through derivative refugee status and family reunification may also not be in line with or adjusted to the best interests of the child.

  Some additional common challenges remain, such as having qualified interpreters or culturally sensitive staff, and adapting all actions, criteria, and procedures applicable to refugees to the age and gender of children. Addressing these challenges would facilitate the adoption of measures to ensure children's effective participation and transmit clear, friendly, and precise knowledge of their rights, legal processes, and the appropriate means to access or act on their behalf, especially in the cases of unaccompanied and separated children, where additional legal assistance, independent of the PPNNA role as legal representative, might be needed to navigate asylum procedures.

More Asylum Officers Trained In Child Protection During Eligibility Procedures

- **COMAR currently does not have sufficient staff, and these staff do not have adequate background and training to attend to children and families.** In the last five years there have been no more than 48 staff positions authorized by the Ministry of Finance and Public Credit for COMAR. This is insufficient for carrying out the eligibility procedures and providing the assistance required by the increased number of applicants. In addition, a stronger workforce is required, with specialized technical expertise in asylum, trauma, childhood, and gender in the processes and assistance managed by COMAR.

Recommendations

- The federal government should progressively and proportionally increase COMAR's public budget, as well as financial and human resources to support the processing of children in refugee status determinations, in line with the number of asylum applications.
- The subsecretary of Human Rights, Population and Migration within the Ministry of Finance and Public Credit should increase the number of staff positions for COMAR.
- The Ministry of Interior should strengthen the rights-based approach to children through a review of refugee legal frameworks and, where appropriate, reforms to the Refugees, Complementary Protection and Political Asylum Act.
- COMAR should ensure access to asylum procedures for unaccompanied children who apply for refugee status on their own or through a third party, like a lawyer or a trusted advisor, regardless of the role of the PPNNA.
- Child protection institutions and COMAR should provide information on refugee protection processes tailored to asylum-seeking children and promote their participation in these processes.
- COMAR should create a Professional Career Service to strengthen staff profiles and entry and evaluation procedures, as well as institute training programs to enhance the knowledge and skills of staff who handle cases involving children, including through partnerships with agencies and organizations.
- The COMAR and the Unity of Migration Policy, Registration and Identity of Persons (UPMRIP) should reestablish their collaboration to generate accurate and public data on unaccompanied, separated, and accompanied children with international protection needs.

Special protection procedures

Context

Many children on the move in Mexico are forced to face various situations that restrict or violate their rights, even more so if they are unaccompanied or separated. For this reason, whether children are transiting, arriving at their destination, or returning to Mexico, they require the immediate and diligent intervention of the PPNNA to protect their rights and determine their best interests.

The assessment and determination of the best interests of unaccompanied and separated children in Mexico must be carried out through the special protection procedure established in Article 123 of the LGDNNA. According to this procedure, the PPNNA's multidisciplinary teams carry out a diagnosis and comprehensive plan for the restoration of rights, paying particular attention to the analysis and safeguarding of a child's safety, integrity, and family life.

Based on the best interests of children, the PPNNA is charged with determining whether the best option to protect and restore the rights of unaccompanied and separated children of non-Mexican origin requires: a) stay in Mexico to request and receive protection as a refugee (via the asylum procedure before COMAR), b) stay and integrate in Mexico under one of the regularization or immigration stay options of the Migration Act (article 112.III LM), or c) return to their country of origin or to a safe third country (article 97 LGDNNA).

When planning for the restitution of a child's rights, it is essential that the PPNNA share and coordinate with the state institutions, families, and civil organizations the measures necessary to ensure that the child's rights are fully secured.[17] These decisions and measures cannot be assessed or taken collectively; they require consideration of the circumstances of each unaccompanied or separated child or adolescent to ensure that their voices, opinions, and wishes are considered.

Access to effective special protection for children requires compliance with the prohibition on returning children to their country of origin without the PPNNA fulfilling its duties and ensuring their best interests. It also entails that the PPNNA take responsibility for issuing measures to ensure access to appropriate temporary residential care, regular status (provisional TVRH), documentation (CURP), family reunification when appropriate, immediate health care, and other services throughout the best interest determination process.

No public data is available on the restitution plans and protection measures issued by the PPNNAs for children and adolescents on the move, but it is known that the federal PPNNA and all state PPNNAs have assumed this responsibility recently. In several states, PPNNAs at the municipal level are issuing these plans.

Challenges

Quality protection plans and measures in accordance with the best interests of unaccompanied and/or separated children

- **Recurringly, children are returned to countries of origin without a determination of their best interests, or these decisions are deficient.** Occasionally, the PPNNAs do not conduct adequate interviews or assessments, and issue collective protection plans and measures without analyzing each case individually. It is common for children and their families not to be sufficiently involved in decision-making, and that return to the country of origin is the decision made by PPNNAs without justification based on a substantive analysis and assessment of children's rights and well-being.

Comprehensive protection and restitution of rights

- **The lack of clarity and coordination of administrative processes (mainly special protection, immigration, and refugee status) results in fragmented actions and ineffective access to rights, harming children.**

  In addition, information exchange, coordination, and collaboration between agencies are extremely complex. Even within institutions, there are differences in processes or a lack of collaboration and coordination by area and/or geographic area.

Harmonization and consistency of the legal framework and institutional practices

- **A significant portion of the gaps and fragmentation in rights protection are due to regulatory or interpretive asynchronies between different applicable laws, regulations, and standards.** These inconsistencies not only hinder children from understanding their rights and procedures to follow but also dilute the effective protection of their rights by responsible institutions.

Specialization of PPNNA staff and their ongoing training

- **The staff working in PPNNAs change continuously and do not always have prior experience, training, or specialization** in children's issues, migration, refugee protection, or the rights of people on the move.

Recommendations

- Administrative and legislative actions must be taken to ensure that all protection options for children are considered within rights restoration plans and the issuance of protection measures, while also addressing the problems of cohesion and consistency between special protection and immigration and refugee protection procedures.
- The SNDIF must establish mandatory protocols and guidelines for determining the best interests of children, with clear, interdisciplinary, and participatory criteria.
- Child institutions such as the SDIF should consider establishing periodic reviews of return decisions to ensure that they are the necessary and appropriate response to safeguard the rights of the child.
- Independent monitoring and consultation mechanisms should be created to oversee special protection processes implemented by PPNNAs to identify areas of opportunity and structural improvement. These can be led by SIPINNA, using a multidisciplinary approach and with the participation of academics, civil society, and children.
- SNDIF should promote better salaries and mandatory certification and assessment in children's rights, human mobility, and international protection for PPNNAs personnel.
- Child protection institutions must provide ongoing and permanent training to staff involved in protecting the rights of children, focusing efforts on the development, monitoring, and updating of plans for rights restoration, case management, reintegration, independent living, and post-discharge follow-up to ensure the necessity and suitability of care alternatives.
- The SIPINNA and SDIF should establish accessible, reliable, agile, secure, and effective reporting channels or complaint mechanisms regarding decisions or actions of the PPNNA. This option should be available to children, family members, civil society organizations, or others who become aware of the situation.
- Federal and local governors must strengthen collaboration between PPNNA at the federal, state, and municipal levels with federal government entities and other agencies involved in the protection and restoration of rights through SIPINNAs and the Comprehensive Protection Route.

Alternative care models

Context

Throughout the migration experience, children can become temporarily or permanently separated from their families. In these cases, they are entitled to special protection and assistance from the government and to access other forms of care, which must be analyzed on a case-by-case basis, seeking to prioritize care modalities that promote family life and community integration.

Under national and international law, unaccompanied children on the move have the right to special protection and assistance from the Mexican government, as well as residential or family care options. The LGDNNA and its regulations establish residential care in public or state-licensed Social Assistance Centers (CAS) as a temporary measure of last resort, dictated for the shortest possible time. In this regard, the LM requires the referral of unaccompanied children to the CAS of the SDIF.

Regardless of nationality, immigration status, or any other condition, unaccompanied children cannot be excluded from such standards of protection, much less deprived of their liberty only for immigration related reasons.[18] The latter is always an arbitrary act and contrary to the best interests of the child.[19]

This is recognized by the LGDNNA Regulations, and the LM also explicitly prohibits the accommodation, presentation, or detention of children and adolescents for immigration reasons, regardless of the facility in question (art.94, 101 LGDNNA; 111, RLGDNNA and 99 LM).

Recently, substantial progress has been made in channeling unaccompanied children to residential care facilities. The federal government has allocated resources to strengthen the SDIF's reception capacities, both material and staff. Public CAS have opened for unaccompanied children, as well as social welfare facilities for families with children. By 2024, there were 77 facilities in 29 states across the countryy.[20]

Challenges

Residential care in public cas as the only care option for unaccompanied children

- **While initial placement in public CAS might be a necessary measure to provide immediate social assistance and safeguard the rights of unaccompanied children on the move, it should not be the only care option available.** Other care options, including state-licensed shelters (private CAS), should be considered after the initial emergency response. Furthermore, when the public CAS is identified as a necessary measure in line with the best interests of the child, its suitability must be constantly reevaluated. Although SDIF's CAS are for stays of no more than 45 days,[21] there is no legal time limit. It is common for complex situations or legal proceedings to exceed this period without children moving to a long-term shelter. This has implications for their psycho-emotional well-being, behavior, attitudes, and decisions they make, even more so if the CAS operate as closed spaces.

  Many public CAS are closed, preventing contact and interaction with the community. They also frequently excessively limit contact and communication with individuals, family members, or external actors. The lack of clear and transparent mechanisms means that few civil, philanthropic, or community organizations are allowed to provide medical, social, legal, or other services in these spaces.

Alternative, community-based care models that respond to the circumstances and needs of children on the move

- **Regulations and provisions on alternative care for children in the LGDNNA are too generic and brief, creating gaps and problems of interpretation and application.** The LM also fails to address these challenges, leading to a lack of appropriate mechanisms and procedures to assess and determine their applicability.

  Although the LGDNNA establishes a priority order for the implementation of alternative care modalities (family of origin, extended family, foster family, adoption), it is the PPNNA that defines, at its discretion, the times, circumstances, and assumptions under which an unaccompanied child can access a form of alternative care (extended or foster family, state-licensed CAS, etc.), as opposed to the residential care provided in public CAS facilities.

Inter-institutional coordination and clear legal responsibilities

- **KIND has identified regulatory and practical challenges in coordinating and defining legal mandates between CAS and PPNNA.** These often stem from regulatory gaps or harmonization gaps between legal provisions that complicate the delineation of responsibilities and interventions for unaccompanied children on the move.

Recommendations

- Child institutions should design a national alternative care model that takes into account the specific characteristics, needs, and situations of unaccompanied, migrant, and refugee children, with clear criteria for its implementation, evaluation, and monitoring.
- Executive and legislative branches should develop and expand the alternative care options provided for in the LGDNNA, including models that address the specific needs and characteristics of unaccompanied children on the move, and promote adolescents' transition to independent living.
- At the legislative and administrative levels, the temporary and exceptional nature of public and state-licensed CAS care should be reinforced, establishing clear time limits, conditions for its use, and criteria.
- SDIF must establish external and independent oversight mechanisms for living conditions, length of stay, and treatment in CAS facilities.
- SDIF should provide regular training to staff in CAS facilities.
- SDIF should clarify the responsibilities and promote collaboration between CAS and PPNNA to ensure the well-being and rights of children and adolescents on the move are respected.
- SNDIF should encourage CAS to incorporate the non-custodial, community-based approach into their intervention models to prevent them from becoming spaces where children are deprived of liberty for immigration reasons.

Access to legal information, assistance, and representation

Context

Technical and legal representation of children is an essential component of access to justice and due process, especially in highly vulnerable contexts such as migration. This right implies that every child must have adequate, specialized, and free legal assistance in any judicial or administrative proceeding that affects their rights or determines their best interests. The state must ensure access, availability, and quality of such assistance through the means and mechanisms at its disposal.

Historically, legal systems have operated under a tutelary approach that considers children incapable of exercising their rights independently. However, this paradigm has been overcome. The international legal framework, particularly the Convention on the Rights of the Child (CRC), recognizes children as rights-holders, in accordance with the principle of evolving capacity. Furthermore, the CRC establishes the right of children to be heard in all proceedings that impact them, directly or through a representative (Article 12).

Article 40 of the CRC reinforces this right by stating that children must have "legal or other appropriate assistance in the preparation and presentation of their defense." This provision, framed within the scope of judicial proceedings, gains relevance in immigration and asylum administrative proceedings in its relationship with Articles 8 and 19 of the American Convention on Human Rights. The Inter-American Court has established that guaranteeing due process in these matters includes the right to effective legal representation, especially when it involves children.[22]

At the national level, the LGDNNA creates the "contributory representation" (*representación coadyuvante*) provided by the PPNNA. Its purpose is to ensure that all children, including those on the move, have free legal assistance in administrative and judicial proceedings by PPNNA lawyers, in addition to the representation provided by their parents or guardians (commonly referred to as legal representatives). While many efforts and advances have been made to strengthen the "contributory representation" of PPNNA, it is important to ensure that children on the move, especially those who are unaccompanied, have access to and can count on guidance, assistance, and legal defense from social actors who provide independent, free, and specialized legal aid for children, asylum, and migration.

Challenges

Quality and effective legal assistance for all unaccompanied children on the move

- **The PPNNA, particularly at the state and municipal levels, often lack the human, material, and technical resources needed to provide effective and high-quality legal-technical representation for children in its asylum and migration procedures.** When children are unaccompanied, the PPNNA tends to view its role as more of a legal representative of the children rather than as an attorney to advise children on their rights and mount a strong legal case on their behalf. This can negatively impact children's access to information and assistance and defense of their rights in both administrative and judicial settings.

Mechanisms and conditions for effective access to independent, free, and specialized services for legal information, assistance, and defense

- **While it is essential for the government to guarantee legal assistance and support in administrative and judicial proceedings through mechanisms such as the *representación coadyuvante* by the PPNNA,** this should not prevent or hinder children on the move from accessing legal advice and assistance from other providers of free and independent legal services, such as civil society organizations, bar associations, law clinics, pro bono lawyers, or public institutions such as the Federal Institute of Public Defense (IFDP).

It is observed that various authorities do not allow unaccompanied children access to their rights if they are not represented by the PPNNA or to have the support of independent lawyers in administrative immigration or asylum procedures without the PPNNA's authorization. Frequently, the PPNNAs do not allow children to express their own wishes in making decisions in their legal procedures and do not allow children to have access to their own independent legal assistance.

Mechanisms that promote continuous improvement, transparency, and evaluation of the *representación coadyuvante* in legal procedures

- **There is no public and reliable information on the criteria, procedures, and mechanisms implemented by the PPNNA to provide quality legal assistance to children on the move in legal procedures, especially when they are unaccompanied.** In addition to the omissions or deficiencies identified by some judges regarding co-representation,[23] the daily work of various public and civil society actors with children reveals that, in many cases, these children lack adequate information about their rights and procedures, as well as effective technical assistance and support throughout their administrative and judicial processes.

  Furthermore, there is no available data about cases legally represented by the PPNNA, there are no specific complaint mechanisms or systems for evaluating or supervising the legal representation provided by the PPNNA. All of these are desirable components to ensure adequate technical-legal assistance for children on the move, especially for those who are unaccompanied.

Recommendations

- The SE-SIPINNA and SDIF should promote collaboration between child protection authorities and civil society organizations and international agencies that provide guidance, assistance, and legal defense services to migrants, asylum seekers, and refugees, including unaccompanied and separated children.
- The national SE-SIPINNA, and federal PPNNA should develop mechanisms and programs that facilitate access for unaccompanied and separated children on the move to free legal services provided by pro bono law firms, civil society organizations, and public institutions such as the IFDP and others, so that these children have secure access to quality, specialized legal information, advice, and assistance in any administrative or judicial process involving them.
- The federal and state PPNNAs should strengthen the *representación coadyuvante* to ensure their effectiveness and expertise in providing legal support to all children on the move and their families in the administrative and judicial processes that involve them.
- The federal and local Congresses in coordination with SE-SIPINNA should strengthen regulatory, operational, and institutional frameworks that ensure effective legal representation, with a rights-based approach, a child-centered perspective, and sensitivity to the specific conditions of children on the move.

The right to family life and family unity

Context

The right to family life is fundamental for children to develop and grow in a safe, caring, and protective environment. The family, in any of its forms, constitutes the primary environment in which children learn to trust, feel secure, and develop a personal and social identity.

In the context of migration, children face multiple challenges that violate their right to family life, both during transit and in their destination or return countries. When a child travels unaccompanied, is separated from their family during the journey, or is unable to reunite with their loved ones, they are not only exposed to greater risks and dangers such as trafficking, labor, or sexual exploitation, but their emotional, psychological, and social development and well-being may also be seriously affected in the future. Therefore, consideration of this right is fundamental in any action or measure related to their well-being and rights.

The right to family life is recognized in Article 10 of the Convention on the Rights of the Child. Mexico has also recognized that family life plays a pivotal role in the lives of children on the move, including it in its national legal framework The Mexican Constitution (Article 4) and the LGDNNA (Articles 6, 13, 22, 76, 93, etc.) serve as the primary legal framework for the protection of children's right to family life. In addition, the Law on Refugees, Complementary Protection, and Political Asylum, LRPCyAP (Articles 5 and 6) and the LM (Articles 2 and 112) also play a crucial role in ensuring this right.

Accordingly, family life is guaranteed and protected as a right and principle that encompasses at least four key elements for children on the move: a) the principle of family unity, understood as the absence of arbitrary separation from the family; b) the right to family reintegration or reunification; c) the availability of alternative protection and care measures when family life cannot be immediately guaranteed; and d) the participation of children in decisions affecting their family life, in accordance with their age and maturity.

Currently, there are at least three areas (children´s rights, migration, and asylum) with five administrative procedures that commonly interact with children on the move and must observe the principle and right to family life and unity. These procedures are: special protection and restoration of rights (LGDNNA), immigration verification and inspection (LM), immigration regularization (LM), refugee status determination (LRPCyAP), and refugees' family reunification (LRPCyAP).

Likewise, various measures have been implemented to safeguard the right to family life of migrant children, asylum seekers, and refugees. However, challenges persist at both the regulatory level and in terms of adult-centered policies and practices that prevent the comprehensive and specialized mainstreaming of the rights-based approach and the best interests of the child.

Challenges

Prevention of family separation in mexico

- **Children are frequently separated from their adult family members due to the actions of non-state actors, such as criminal organizations, or as a result of immigration or security checks, verifications, or inspections.** Cases have been identified of children left alone in one state while their family member is sent to an immigration detention center, transferred to another state, or returned to their country of origin. In certain instances, immigration authorities have been known to separate children from their caregivers, referring them to CAS without intervention or assessment of the relationship by a specialized child protection authority.

The right to family life and administrative gaps and burdens

- **Although child, asylum, and migration laws recognize the right to family life of children, the implementation of effective protection is hindered by subject matter and jurisdiction,** resulting in inter-institutional coordination challenges and inadequate processes for the protection and restoration of rights.

Differentiated measures in the asylum regulations and mainstreaming the child rights approach and best interest principle

- **Although COMAR seeks to address many of the existing challenges to ensure family unity while a recognition process is ongoing,** several cases have been identified in which children are unable to access derivative refugee status because they do not enter the country with their adult refugee caregivers or through the COMAR family reunification procedure.

Barriers to ensure family reunification for child refugees

- **The criteria and procedures governing refugee reunification—which involve not only COMAR but also the INM and the Ministry of Foreign Affairs—are adult-centered.** According to the law, financial solvency and economic dependency are requirements for family reunification. This means that children entitled to refugee protection do not have sufficient guarantees to request that their parents, or legal or customary caregivers, be reunited with them in Mexico. In these cases, they remain in CAS and not be in a position to meet legal requirements until they are adults.

Recommendations

- The federal Congress in coordination with SIPINNA should conduct a comprehensive review of the provisions of the LGDNNA, LM, and LRPCyAP to ensure, through legal reforms or other administrative measures, the consistency and complementarity of provisions pertaining to the family life of children (unity, family reunification, and alternative care).
- Local SE-SIPINNA and PPNNA should establish permanent working groups in border and transit areas that include civil society to conduct case analysis and offer recommendations on family separation and reunification.
- National SE-SIPINNA and federal PPNNA should develop a specific protocol to establish guidelines, responsibilities, and mechanisms to ensure family unity and the restoration of family ties for children on the move.
- The federal Congress in coordination with COMAR should strengthen the mechanisms and criteria for accessing and ensuring the efficacy of the right to family unity and reunification in the LRPCyAP and its associated regulations. This is of particular importance when children are refugees or dependents of a refugee.
- The federal PPNNA and COMAR in collaboration with the national SE-SIPINNA should establish accessible and clear processes for accessing family reunification, with the aim of defining a path for the transfer and admission of children who are primary family of recognized refugees and persons with complementary protection.
- INM should work with the PPNNA to promote and ensure the right to family unity of all children.
- The Ministry of Foreign Affairs and INM should review their administrative provisions to remove obstacles and prioritize the best interests of children and adolescents in family reunifications of refugees.

Access to health

Context

The right of children and adolescents to health and to enjoy the highest possible level of health is guaranteed by the Political Constitution of Mexico, international treaties, and national legislation.

Regarding the right to health and to enjoy the highest possible standard of health, Article 77 bis1 of the General Health Law, amended in 2019, states that all people without social security in the country shall have free access to the services of the Ministry of Health.[24] This includes children on the move, who should have access to public health systems including those run by the decentralized public agency, Health Services of the Mexican Social Security Institute for Welfare (IMSS-Bienestar), for people without access to other forms of social security.

Public spending on health in Mexico over the last 10 years has ranged between 2.5 percent and 3 percent of GDP,[25] below the 6 percent recommended by the Pan American Health Organization (PAHO/WHO). Of this investment, a smaller percentage has been earmarked for children: between 2016 and 2023, on average, 0.6 percent of GDP and 2.1 percent of total spending. By 2018, the distribution of resources by age group was relatively equitable: an average of 32.6 percent of resources were allocated to early childhood, 29 percent to childhood, and 21.5 percent to adolescence.[26]

In states with high migration rates, such as Chiapas, the challenges affect the entire population, including migrants and refugees. However, health indicators and systems do not always take migrants and refugees into account, nor are they designed to respond to the specific health profiles of this population.

Regarding early childhood, children, and adolescents on the move, although little information is available, the migration process can expose them to situations, accidents and violence that cause acute respiratory and diarrheal illnesses, infectious diseases, and physical and psychological trauma. Added to this are specific health and care needs, such as vaccination and nutrition in early childhood or sexual and reproductive health for adolescents, which require specific actions and measures to promote effective access and enjoyment.

Challenges

Understanding of the health profile of children on the move

- **Within health and child protection institutions, there are no mechanisms to systematize information on the health profile and needs of children and adolescents on the move.** This should include key indicators of childhood health in general, as well as specific issues affecting children due to their migration processes, such as certain diseases, accidents, sexual violence, and mental health conditions such as post-traumatic stress.

Infrastructure and supplies at the primary care level

- **In municipalities that receive significant migratory flows, particularly on Mexico's southern border, it is important to strengthen public investment in infrastructure** and supplies at the primary level of health care, considering that structural challenges such as inequitable access and shortages already exist in these communities. The migrant population could be perceived as an additional burden on a system already impacted by a lack of resources, which could generate discrimination and greater health risks for children and families on the move.

Discrimination and administrative barriers to access to health

- **Access to health care and the highest attainable standard of health is often hindered by lack of information about this right, limitations in accessing services, lack of official documentation, and discrimination.** While public health agencies may

request information to identify individuals, documentation and immigration status can never be a precondition or reason for denying access to or receipt of medical care.

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  Health authorities are not authorized to review individuals' immigration status. Reporting people in an irregular migration situation who seek medical care at health centers to the INM constitutes a harmful practice that violates their rights. In the case of unaccompanied children, health authorities must provide the necessary medical care and notify the PPNNA.

Recommendations

In collaboration and coordination with the SE-SIPINNA, and other relevant governmental entities, the health sector must:

- Collect and systematize data on the health profiles of children on the move, under the guidance of the health system in coordination with members of SIPINNA.
- Strengthen primary public health care services in municipalities that host significant migratory flows, such as parts of Chiapas, Tabasco, Veracruz, and other locations.
- Train health professionals on the situation of children on the move and their health needs.
- Develop a national mental health care strategy for children and adolescents on the move.
- Implement information and awareness campaigns on the right to health for people on the move, with a special focus on children.

Access to education

Context

Article 3 of the Constitution guarantees everyone the universal and compulsory right to basic education: preschool, primary, secondary, and upper secondary. Therefore, children on the move, regardless of their immigration status or nationality, have the right to immediate, continuous, and non-discriminatory access, based on a perspective of substantive equality and regardless of the length of time the child or adolescent remains in the country.

For more than a decade, civil society in Mexico has promoted the right to education for Mexican and foreign children on the move. This has resulted in the elimination of significant administrative barriers, such as the requirement for an apostille and official translation for the validation of studies under Secretarial Agreement 286 and school enrollment without a birth certificate or CURP through the amendment to the regulations on access to and monitoring of basic education (2015).

These and other policy changes dictated that no migrant child should spend even a month in the country without attending school or without access to the national education system. However, "a national public policy aimed at guaranteeing the right to education for every migrant child has yet to be consolidated, and [...] the heterogeneity and quality of the offerings across the states make it impossible to adequately address the educational needs of this population."[27]

According to UNICEF, although official figures do not provide disaggregated information, it is estimated that children in the context of migration are the most excluded group from the educational system in Mexico, with only 18 percent attending school.[28]

Challenges

information about the right to education and non-discrimination

- **In numerous instances, migration disrupts school continuity and makes it difficult to obtain school records and educational certificates, affecting the educational trajectory of children.** Many children and their families are unaware of their right to education, which makes it difficult for them to access and navigate the education system. In Mexico, although the country is obligated to offer quality public education, parents are obligated to enroll their children in primary and secondary education.

  The fear of being detected by immigration authorities can also discourage children and families from seeking education. Without adequate information about the education system, rights and obligations, it is also harder to counter possible discrimination, xenophobia, rejection, or mistreatment from other students, teachers, or the host community, particularly when the children are from non-Spanish-speaking families or when they belong to cultures other than Latin American.

Administrative requirements and hidden costs

- **The lack of official documents and economic insecurity affect children's inclusion in educational systems and recreational activities, which negatively impacts their well-being and personal growth.** Significant administrative barriers to school enrollment remain. Education authorities frequently request immigration documentation, CURP, or other identification documents or school records, for example, to enroll and issue educational certificates.[29] TThe lack of official documents should not be an obstacle to access or attend public schools, however in practice the norms are not always correctly applied.

Many families on the move cannot cover education-related expenses (transportation, materials, uniforms, or additional fees), which excludes children from these opportunities. In some cases, resources are so scarce that children's food security is compromised, creating adverse conditions for their educational integration.

Attendance of children temporarily living in cas in community schools

- **In some CAS and DIF shelters, staff support children's participation in public schools in the community.** In others, children hardly ever set foot outside the CAS and only receive recreational or educational (unofficial) activities, which are not officially recognized educational programs that contribute to their development and continued education. Although different practices exist between states and municipalities, children's right to education is hampered by those CAS that do not support enrollment and attendance of unaccompanied children in nearby schools. In these cases, frequently their care model lacks a community-based and non-custodial approach.

Technical and vocational training opportunities for adolescents

- **Adolescents on the move have limited access to technical and vocational training opportunities that meet their needs.** The lack of adequate opportunities limits their chances of accessing formal and decent employment, forcing them, in some cases, into informal work or precarious conditions.

Finally, flexible policies and programs at the national and state levels that promote access to and educational inclusion of children and adolescents on the move are needed to guarantee their educational integration and access to vocational training.

Recommendations

- The Public Education Ministry (SEP) should establish uniform monitoring mechanisms to ensure compliance with the School Access and Control Regulations and that educational staff, including private schools, are familiar with these regulations.
- The SEP, in collaboration with the National Institute of Statistics and Geography (INEGI), should generate statistical information, with the support of educational authorities, to identify children on the move and their access to education, as well as programs that allow for tracing their trajectory in terms of permanence and completion.
- The Public Education Ministry in collaboration with SE-SIPINNA should include infants, children, and adolescents on the move in educational development programs and social support that promote their access to and inclusion in formal education.
- The National Council to Prevent Discrimination in coordination with SEP should establish efficient mechanisms for reporting cases of discrimination in access to school, such as the withholding of academic certificates or requirements other than those provided for in school access and oversight regulations, with mandatory training programs for teaching staff.
- The SDIF should create regulations to ensure that children and adolescents who stay in CAS are enrolled in and attend schools in the community. There are many public CAS in states such as Veracruz, Mexico City, and Chihuahua that guarantee this right for children on the move.
- Institutions such as the PPNNA and COMAR must take action to ensure that all migrant children and adolescents, asylum seekers, and refugees have access to education.
- SEP in coordination with SE-SIPINNA should develop informative materials and strategies to train education personnel to establish special measures and programs that reinforce substantive equality.

Child participation

Context

All children have the right to be heard and to actively influence the decisions that affect their lives. In the case of children on the move, this right must be guaranteed throughout their entire migration experience and process, including in countries of origin, transit, destination, and return.

In accordance with Article 12 of the CDN, states must ensure that children can form their own judgments and freely express their opinions. To achieve this, it is essential to provide them with clear, timely information appropriate to their age, maturity, cultural context, and linguistic abilities. Only then will they be able to make informed decisions and participate meaningfully in administrative or judicial processes that affect them.

Currently, there are serious limitations on exercising this right. There are no safe, adequate, and timely mechanisms that allow children and adolescents on the move to express their opinions and have them considered by the authorities. This is especially critical in administrative procedures such as those related to protection, migration, and asylum, where children's voices are often excluded, even more so if they are unaccompanied or separated.

It is essential to uphold criteria and mechanisms of proportionality in the actions of all authorities, particularly PPNNA, COMAR and CAS of SDIF, so that, based on a rights-based approach, they respect the agency of children based on the principle of the evolving capacities of the child.

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Challenges

Guidelines and training for meaningful participation

- **PPNNA and other protection institutions face significant limitations in ensuring the effective participation of children on the move in processes seeking to restore their rights.** Sometimes, a lack of specialized training and adequate mechanisms prevents their voices from being meaningfully and systematically incorporated into decision-making processes.

Formal children's consultation processes

- **Currently, there are no formal consultation processes adapted to cultural, linguistic, and emotional needs and contexts.** As a result, the opinions of children on the move are often lost in generalized exercises that fail to consider their specific experiences. Protection institutions often lack the resources and tools to integrate migrant children's perspectives and participation in the direct services and the design, implementation, and evaluation of public policies, which limits the development of child-sensitive and effective response.

Recommendations

- SE-SIPINNA, in coordination with the SDIF, should develop binding guidelines that establish the actions and mechanisms that federal and local PPNNA, their multidisciplinary teams, and CAS staff must apply to ensure the effective participation of children on the move.
- SE-SIPINNA and SNDIF should implement mandatory training programs for various authorities that focus on effective and participatory communication methodologies and strategies. These programs should focus on rights, interculturality, and a gender perspective.
- SE-SIPINNA, PPNNA, and COMAR should design and implement consultation processes for children on the move. These processes should include interpreters, specialized facilitators, and playful methodologies that respect their evolving capacity.
- SE-SIPINNA in coordination with SDIF, should implement participatory monitoring and evaluation mechanisms in which children on the move can express their opinions regarding the authorities and institutions that provide them with care and protect their rights.

Freedom from gender-based violence

Context

Gender-based violence may be the reason children leave their country of origin and seek protection in another country, often as refugees. There are several forms of gender-based violence (GBV) that impact women and girls in particular, although boys and adolescents can also be victimized. In many countries in the region, femicide rates continue to be among the highest in the world. Many gender-based crimes involve domestic or intrafamily violence because they are committed by fathers, other relatives, intimate partners, or former partners. Sexual and other forms of GBV are frequently committed by gangs and other organized criminal groups as a strategy for maintaining fear and control in the communities where they operate. Adolescents are also targeted for hate-based crimes based on their actual or perceived sexual orientation or gender identity.

Many teenage pregnancies are also the result of rape, and finally, numerous forced child marriages and unions are recorded. Another factor contributing to forced migration is the high level of impunity for crimes related to gender-based violence.

During the migratory journey, children, especially girls, are exposed again to the risk of gender-based violence. The fact that they travel without valid immigration documents and lack support networks places them in a situation of greater vulnerability to gender-based violence, whether by individuals, members of criminal groups, trafficking networks, or abuse by authorities. The UNHCR report "Facing the Risks of Gender Violence in Mexico" of November 2024[30] notes that all participants described their migratory experiences as filled with fear and anxiety. They acknowledged using different mechanisms to protect themselves from violence, such as using contraceptive methods, traveling with the perpetrator of domestic violence as a form of protection, having intimate relationships with men they meet along the way, submitting to sexual assault to protect their daughters, and changing locations or routes when the perpetrator of violence locates them, among others. When seeking access to health services, whether during the migration trajectory or in the host community, pregnant and breastfeeding adolescents often face challenges in accessing the services and attention they need.

Finally, in care settings and during administrative processes for accessing protection, children may again experience multiple forms of discrimination. Therefore, it is important to consider, in addition to a child-centered and trauma-informed approach, a gender perspective and an intersectional lens, including how different factors impact the vulnerability of children, such as belonging to an indigenous community, having a disability, or speaking a language other than Spanish.

Challenges

Safe spaces and specialized services for children on the move who are survivors of gender-based violence

- **The number of safe spaces for children and adolescents who are survivors of gender-based violence while on the move is limited.** These children often travel with their aggressors, and trained personnel are required to detect violence in spaces for migrant families.

  Not all those providing direct services, whether immigration and asylum, legal, or psychosocial, are sensitized and trained in gender-responsive, child-centered, trauma-informed approaches, and the needs of people on the move, especially children and adolescents, who have experienced gender-based violence.

Adapted asylum and migration processes and special protection measures

- **In the processes for determining the best interests of children and in asylum and immigration regularization processes, specialized care of children and adolescents who are survivors of gender-based violence is not always prioritized.** For example, although the Refugee Law includes gender as a possible reason for persecution, there is no information on how COMAR applies this in practice when issuing resolutions.

  Special protection measures for girls, boys, and adolescents who are survivors of gender-based violence do not prioritize access to their rights as victims of crime, particularly regularization with the Humanitarian Visitor Card and access to justice, reparation, and non-repetition, thus perpetuating the high level of impunity.

Recommendations

- The SDIF in coordination with the Ministry for Women should create and adapt safe spaces and specialized services for girls and boys on the move who are survivors of gender-based violence, considering the rights of LGBTQ+ adolescents.
- The SDIF in coordination with the Ministry of Women must raise awareness and train officials on gender, children's rights, human mobility, and intersectional discrimination perspectives to prevent and address gender-based violence situations appropriately.
- PPNNA, INM, COMAR and the Offices of the Attorney General should have adequate and prioritized processes for children on the move who are survivors of gender-based violence, including regularization with the TVRH, access to justice and their rights as victims.
- SE-SIPINNA, the Ministry for Women, INM and COMAR, as institutions responsible for equality, child protection, asylum, and immigration, should ensure effective inter-institutional coordination for the implementation of public policies to prevent, address cases, and seek justice for displaced girls and women affected by gender-based violence.
- Child protection, asylum and immigration authorities should actively involve in the implementation of recommendations of the Convention on the Elimination of All Forms of Violence Against Women (CEDAW) Committee to Mexico, especially in the areas of prevention, access to justice and women, and girls on the move.

Endnotes

1 The data comes from the statistical bulletins of the Migration Policy Unit of the Ministry of the Interior, available at: https://politicamigratoria.gob.mx/es/PoliticaMigratoria/Boletines_Estadisticos

2 The figures for children and adolescents in Chile, Brazil, and Colombia possibly reflect secondary migration movements.

3 That is 41,321 of the 45,631 records for the period.

4 UNICEF, et all. (2023) Analysis of public investment in children in Mexico 2012-2023, p. 44.

5 Ibid., p. 43.

6 Ibid., p.44-45.

7 Migration Act, Article 112. [..] In the event that the rights restoration plan issued by the Protection Ombudsman recommends the permanence of the child or adolescent, the Institute may regularize the child or adolescent under the assumptions established in Articles 132, 133, and 134 of this Law, and the child or adolescent shall have the right to the preservation of family unity.

8 UNHCR (2023). Mexico Protection Monitoring Report 2023, "The Impact of Forced Displacement on Human Mobility, p. 14.

9 México´s asylum system adopts the broader refugee definition under Cartagena Declaration

10 Many criminal organizations seek to recruit adolescents to use as couriers, spies, human traffickers, drug transporters, caregivers for kidnapped people, or even as hitmen.

11 Cfr. UNHCR. Mexico Operation Factsheet 2024, December.

12 According to available statistics for 2023, 24% of refugee applicants to COMAR were children and adolescents.

13 The estimate is based on the following sources of information published online: 2019, Andrés Ramírez (Head of COMAR), social network X; 2020, COMAR, Women and Girls Concentration 2021; 2021 2022 (bimonthly), COMAR, Women and Girls (February 2022); 2023,COMAR,Women and Girls (February 2024).

14 Information on the Federal Expenditure Budget from 2018 to 2023 is available on the Ministry of Finance and Public Credit website.

15 UNICEF, et all. (2023) Analysis of public investment in children in Mexico 2012-2023, p.44.

16 According to the Government Management Report 2018-2024 from COMAR, this institution received a total of $515.5 million pesos in funding from UNHCR from 2018 to 2024, p.18.

17 See SNDIF, UNICEF. (2016). Practical Guide for the Protection and Restoration of the Rights of Children. p. 25.

18 The Inter-American Court of Human Rights has stated that: "the specific factor that allows a measure to be classified as deprivation of liberty, beyond the specific designation it given at the local level, is the fact that the person, in this case the child, cannot or does not have the possibility of leaving or abandoning of their own free will the premises or establishment in which they are or have been housed. Thus, any situation or measure characterized under the above definition will make all associated guarantees applicable." OC-21/14, p. 145.

19 Cfr. IACHR. Advisory Opinion OC-21/14 "Rights and guarantees of children in the context of migration and/or in need of International protection", August 19, 2014, par. 154.

20 SNDIF. (2024). National DIF inaugurates center for the care of children in migration contexts. Government of Mexico. Accessed February 29, 2024

21 See reference to the deadline in: SNDIF, UNICEF (2022). Comprehensive Care Model for Children in Situations of Mobility and SNDIF, UNICEF (2023) Methodological Guide for the Care of Children in Situations of Mobility.

22 IACHR. OC-21/14. Parr. 110, ss.

23 For example, the ruling on Amparo in Review No. 400/2020, issued by the First Chamber of the Supreme Court of Justice of the Nation, under the Ministry of Justice Alfredo Gutiérrez Ortiz Mena.

24 Article 77 bis 1 included in the General Health Law states, "All persons who are in the country" meaning that social security is not limited to individuals of Mexican nationality.

25 CIEP. The Evolution of health spending in 2023: the highest underspending in ten years.

26 UNICEF et all.(2023) Analysis of Public Investment in Children in Mexico 2012-2023, p.33

27 UNICEF. Children on the move and barriers to their education: Participatory assessment of the barriers to the educational inclusion of children and adolescents on the move. Results report, 2023, p. 11.

28 Ibid., p. 11.

29 Ibid., P. 52

30 UNHCR. Facing the Risks of Gender Violence in Mexico: The perspective of people forced to leave, November 2024.