

STRENGTHENING MEXICO'S PROTECTION OF CENTRAL AMERICAN UNACCOMPANIED MINORS IN TRANSIT



By Rodrigo Dominguez-Villegas



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Executive Summary

Mexico has strengthened its immigration enforcement capacity through its Southern Border Program in response to the migration of unaccompanied children that reached crisis levels in the summer of 2014. This heightened enforcement has resulted in the apprehension by Mexican immigration authorities of more than 50,000 unaccompanied children in transit to the United States from the Northern Triangle of Central America—El Salvador, Guatemala, and Honduras—since 2014.

Apprehensions of girls and young children have grown particularly quickly, suggesting changes in the drivers of child migration in the region. The number of girls deported by Mexico increased nine-fold between 2010 and 2016, reaching more than 3,800 or 25 percent of all unaccompanied children deported in 2016. During the same period, the number of children under the age of 12 grew fifteen-fold, surpassing 2,000 in 2016 and comprising around 13 percent of all unaccompanied children deported from Mexico to the Northern Triangle. With intensified violence in the region and the practice of criminal organizations recruiting young children as foot soldiers among the likely causes of this trend, authorities along migration routes are beginning to recognize these movements as an enduring phenomena rather than a one-off crisis.

Though unaccompanied children are subject to special protection measures under Mexican law, implementation of these policies is uneven and ongoing.

The sharp increase in apprehensions of unaccompanied children in Mexico and the violent conditions from which many are fleeing have raised concerns about Mexico's efforts to protect them. Though unaccompanied children are subject to special protection measures under Mexican law, implementation of these policies is uneven and ongoing. Drawing on previously unpublished data from the government agencies tasked with protecting unaccompanied children, interviews with key Mexican officials, and reports from civil-society organizations, this report lays out the legal requirements to protect these children, their implementation, and the gaps between the two at three steps of the enforcement process: apprehension and screening, detention and housing, and adjudication of international protection claims.

Current screening procedures in Mexico do not adequately identify children in need of international protection. Mexico's National Migration Institute (INM) is required by law to interview all unaccompanied children and to screen them for international protection needs, a responsibility entrusted to its Child Protection Officers (Oficiales de Protección a la Infancia, OPIs). These officers are also expected to inform each child of his or her right to apply for asylum. Yet studies conducted by Mexico's Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH), the United Nations High Commissioner for Refugees (UNHCR), and others have consistently found that only a small fraction of children are interviewed by an OPI and provided complete and age-appropriate information about asylum.

Where unaccompanied children are housed after apprehension and before they are either released with protective or immigration status into Mexico or returned to their countries of origin is another area of concern. Even though several laws require immigration authorities to transfer children from detention centers to shelters with services tailored to their needs, the Mexican System for Integral Family Development (Sistema para el Desarrollo Integral de la Familia, DIF) does not have the capacity to house thousands of apprehended children. Most children stay in immigrant detention centers. For the



small share transferred to DIF custody, DIF shelters often resemble detention and provide only limited education and psychological services.

Poor screening and inadequate housing have also contributed to notably low numbers of asylum applications among unaccompanied children. Despite generous definitions of who is eligible for refugee status, less than 1 percent of the 17,500 unaccompanied children apprehended by Mexican authorities in 2016 applied for asylum. Among those who do apply for asylum, most lack support from a lawyer.

Unlike the gaps in implementation of screening and housing policies, those in how asylum claims are adjudicated are less obvious. The Mexican Commission for Refugee Aid (Comisión Mexicana de Ayuda a Refugiados, COMAR) has an impressive record of adjudicating most asylum claims within 45 business days, following all the legal requirements for the process. Yet data show that even modest increases in the number of claims filed since 2011 can strain the capacity of COMAR and increase processing times.

Less than 1 percent of the 17,500 unaccompanied children apprehended by Mexican authorities in 2016 applied for asylum.

Acknowledging the gaps in current practice and the increased need for services tailored to migrant children, Mexico is reforming its child protection system. These reforms, which went into effect in December 2015, include four elements that may remedy flaws in protection services:

- creation of the National Integrated Children Rights Protection System (Sistema Nacional de Protección Integral de Niñas, Niños y Adolescentes), a coordinating agency that aims to increase collaboration among all stakeholders involved in providing services to migrant children;
- introduction of Child Protection Authorities (CPAs), offices that will screen children with potential needs for international protection and determine which enforcement and protection measures are in the best interests of the child;
- the requirement that INM release two protocols—the first, an outline of the steps that must be taken during administrative proceedings involving migrant children, and the second, a toolkit of best practices for OPIs who screen and provide information to children about the asylum process; and
- the launch of a new database that houses information about each unaccompanied child apprehended and the services he or she receives, making it possible to monitor and evaluate the progress authorities make in implementing the reforms.

Given the specific weaknesses in the current system and the potential for improvement these reforms represent, the Mexican government should focus resources and attention on the following four areas:

- Assign more OPIs, reduce their administrative tasks, and train all INM agents to follow new screening protocols in order to build the capacity needed to screen all children in a timely and consistent fashion.
- Allocate funds to increase DIF capacity to house children away from detention centers and improve the quality of care, potentially including through partnerships with certified civil-society and private organizations.
- Increase the number of COMAR officers who specialize in international protection measures for children to ensure that the agency continues to resolve asylum cases in a timely manner, even as the number of applications increases.



- Increase access to legal counsel to ensure that all children have the guidance and support needed to navigate the process of applying for international protection, should they wish to do so.

The Mexican child protection system will continue to face strong pressures in the coming years as the underlying drivers of migration from Central America persist. Mexico has made promising first steps toward expanding capacity to screen, house, and resolve asylum claims, but will need to accelerate this process to ensure that what has been well laid out in law becomes a reality in practice.

I. Introduction

The numbers of Central American unaccompanied children trying to reach the United States surged dramatically during the summer of 2014; ultimately 51,705 such children were apprehended by U.S. authorities at the U.S.-Mexico border during fiscal year (FY) 2014.¹ Push factors ranged from endemic poverty and worsening gang violence to changes in the operations of migrant networks. Pull factors also drove these young migrants' movements north, including the desire for family reunification and U.S. laws that allow unaccompanied migrant children to remain in the United States for prolonged periods of time.²

Mexico significantly stepped up its enforcement capacity at its border with Guatemala and along popular migrant routes through Mexican territory.

In late 2014 and early 2015, the United States and Mexico implemented a series of actions that resulted in a temporary decline in the numbers of unaccompanied children apprehended along the U.S.-Mexico border. The United States launched public information campaigns to warn families of the dangers of the journey and to counter the myth that all unaccompanied children who reached the U.S. border would be granted permission to remain in the country. The U.S. government also increased its capacity to house apprehended unaccompanied children and attempted to expedite their immigration cases.³

Perhaps the most significant changes, however, were seen in Mexico. With the activation of its own Southern Border Program (SBP), Mexico significantly stepped up its enforcement capacity at its border with Guatemala and along popular migrant routes through Mexican territory. The SBP proved effective in increasing the number of Central American migrants apprehended and deported.⁴ Less certain, however, is whether these new enforcement actions have resulted in appropriate protection outcomes for the most vulnerable migrants—uncertainty that has led to scrutiny of Mexican laws and policies on the protection of unaccompanied minors more broadly.

1 U.S. Customs and Border Protection (CBP), "United States Border Patrol Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2016," last updated October 18, 2016, www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016. The U.S. fiscal year runs from October 1 through June 30.

2 Muzaffar Chishti and Faye Hipsman, "Dramatic Surge in the Arrival of Unaccompanied Children Has Deep Roots and No Simple Solutions," *Migration Information Source*, June 13, 2014, www.migrationpolicy.org/article/dramatic-surge-arrival-unaccompanied-children-has-deep-roots-and-no-simple-solutions.

3 Muzaffar Chishti and Faye Hipsman, "Increased Central American Migration to the United States May Prove an Enduring Phenomenon," *Migration Information Source*, February 18, 2016, www.migrationpolicy.org/article/increased-central-american-migration-united-states-may-prove-enduring-phenomenon.

4 Rodrigo Dominguez-Villegas and Victoria Rietig, *Migrants Deported from the United States and Mexico to the Northern Triangle: A Statistical and Socioeconomic Profile* (Washington, DC: Migration Policy Institute, 2015), www.migrationpolicy.org/research/migrants-deported-united-states-and-mexico-northern-triangle-statistical-and-socioeconomic.

Mexico has an extensive legal framework that details its policies and procedures for the protection of unaccompanied children. The United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), and other international organizations have praised the country's laws for their emphasis on the best-interests-of-the-child principle and their generous definition of who should be granted international protection.⁵ Yet the implementation of these policies has been faulty and inconsistent. Recent reports by national and international civil-society organizations, the Mexican National Commission for Human Rights (Comisión Nacional de los Derechos Humanos, CNDH), and UNHCR describe the difficult situation many Central American children face as a result of inadequate humanitarian services in Mexico. Many unaccompanied children stay in detention centers with inadequate food and housing and little space for recreation, and most are eventually returned to the dangerous situations from which they had fled.⁶

Using previously unpublished data obtained through the Mexican freedom of information system, interviews with key Mexican officials, and accounts from civil-society organizations,⁷ this report sets out to answer the following questions: What are the gaps between the legal requirements to protect unaccompanied children and their implementation? What steps has Mexico taken to improve protection services where inadequate? And where should further resources be placed to provide better and more consistent protection?

Many unaccompanied children stay in detention centers with inadequate food and housing and little space for recreation.

The report begins by sketching a profile of unaccompanied minors in Mexico, including the growing share of girls and young children. Next, it describes the legal requirements for the protection of children and the implementation of these mandates, highlighting gaps between the two at three key stages: apprehension and screening, detention and housing, and adjudication of international protection claims. It then describes Mexico's ambitious reform of its child protection system, which aims to remedy some deficiencies. The report concludes with four policy recommendations for how Mexico can further improve the implementation of its child protection policies.

5 Andrej Mahecic, "UNHCR Welcomes New Refugee Law in Mexico," UN High Commissioner for Refugees (UNHCR), January 28, 2011, www.unhcr.org/en-us/news/briefing/2011/1/4d42bdf19/unhcr-welcomes-new-refugee-law-mexico.html.

6 See, for example, Comisión Nacional de los Derechos Humanos (CNDH), *Informe Sobre la Problemática de Niñas, Niños Y Adolescentes Centroamericanos en Contexto de Migración Internacional no Acompañados en su Tránsito Por México, y Con Necesidades de Protección Internacional* (Mexico City: CNDH, 2016), www.cndh.org.mx/sites/all/doc/Slider/Informe_NNACMNA_1.pdf; Human Rights Watch (HRW), *Closed Doors: Mexico's Failure to Protect Central American Refugee and Migrant Children* (Washington, DC: HRW, 2016), www.hrw.org/sites/default/files/report_pdf/mexico0316web_0.pdf; Georgetown Law, Human Rights Institute, *The Cost of Stemming the Tide: How Immigration Enforcement Practices in Southern Mexico Limit Migrant Children's Access to International Protection* (Washington, DC: Georgetown Law, Human Rights Institute, 2015), www.law.georgetown.edu/academics/centers-institutes/human-rights-institute/fact-finding/upload/HRI-Fact-Finding-Report-Stemming-the-Tide-Web-PDF_English.pdf; Abdel Camargo, *Arrancados de Raíz: Causas que originan el desplazamiento transfronterizo de niños, niñas y adolescentes no acompañados y/o separados de Centroamérica y su necesidad de protección internacional* (Mexico City: UNHCR, 2014), www.acnur.org/t3/fileadmin/scripts/doc.php?file=t3/fileadmin/Documentos/Publicaciones/2014/9828.

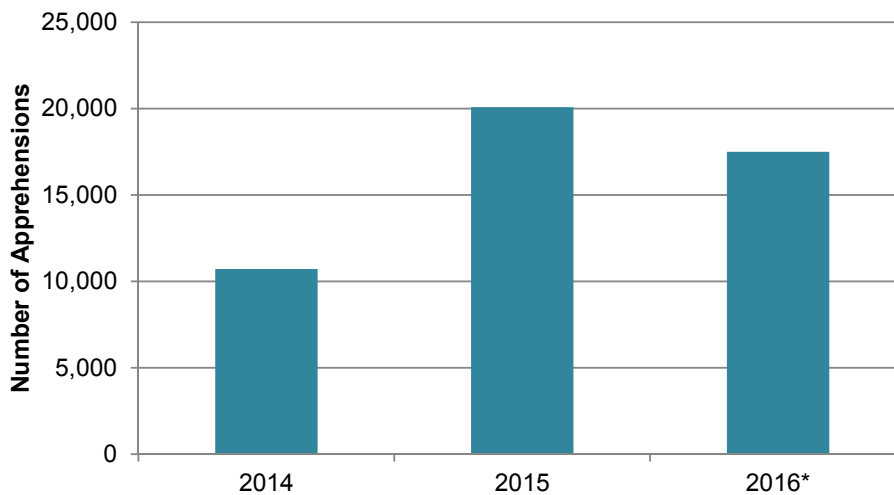
7 Data about the implementation of child protection policies was obtained through information requests using Mexico's National Transparency Platform, informally known as Infomex. This online system allows the public to request information about the implementation of any government program and to consult every request and public response ever processed electronically. See Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales (INAI), "Plataforma Nacional de Transparencia," accessed April 3, 2017, www.infomex.org.mx/gobiernofederal/home.action.



II. A Profile of Unaccompanied Child Migrants Apprehended in Mexico

As a result of strengthened enforcement along its southern border, Mexico almost doubled its apprehensions of unaccompanied children from the Northern Triangle countries of Central America—El Salvador, Guatemala, and Honduras—between 2014 and 2015. As shown in Figure 1, child apprehensions rose from about 10,700 to slightly more than 20,000 in the space of year. A year later, in 2016, Mexico apprehended more than 17,500 unaccompanied children, a 13 percent reduction from 2015 but still 64 percent more than in 2014.

Figure 1. Mexican Apprehension of Unaccompanied Minors from the Northern Triangle, 2014–16



Notes: 2016 data do not include 266 cases still under review by Mexico's National Migration Institute (Instituto Nacional de Migración, INM) on January 28, 2017. Mexican government data provided in this report are by calendar year.

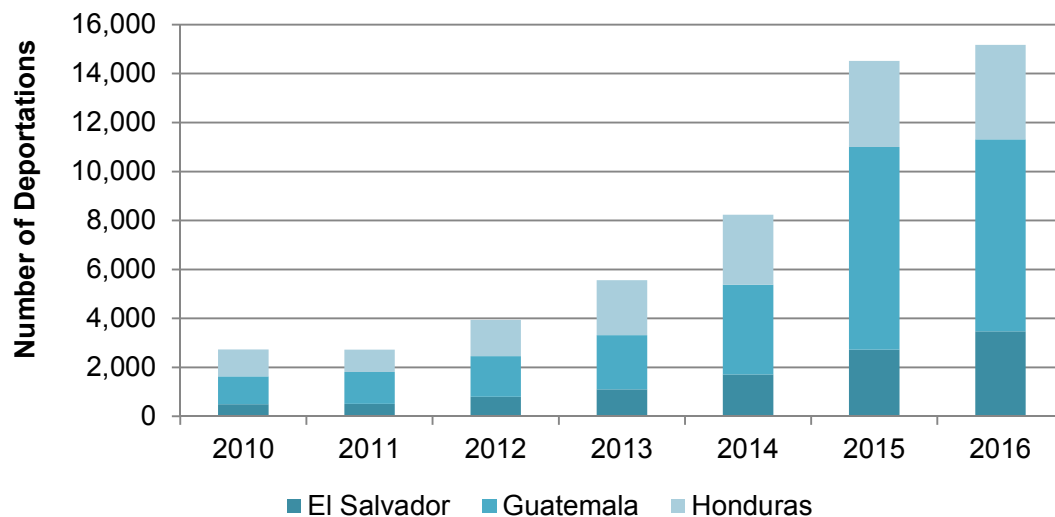
Source: INM, "Boletín Mensual de Estadísticas Migratorias," 2014–16, Tables 3.2.7 and 3.2.8, accessed January 28, 2017, www.gobernacion.gob.mx/es_mx/SEGOB/Boletines_Estadisticos.

The number of deportations of unaccompanied minors from Mexico to the Northern Triangle countries has risen rapidly since 2012, an upward trend that continued during the surge in arrivals and enforcement ramp-up.⁸ As Figure 2 illustrates, Guatemala is the main country of origin for unaccompanied children who are deported from Mexico. Deportations to Guatemala comprised 52 percent of all deportations in 2016, compared to 26 percent to Honduras and 23 percent to El Salvador.⁹

⁸ Deportations data are used to estimate the demographic characteristics of unaccompanied children in Mexico since data on apprehended unaccompanied children broken down by country of origin, age, and gender are not available before 2014. Data on deportations of unaccompanied children are a good indicator of the trends and demographic profile of unaccompanied children apprehended since Mexico deported approximately 86 percent of those it apprehended in 2016. See Instituto Nacional de Migración (INM), "Boletín Mensual de Estadísticas Migratorias," 2016, accessed January 28, 2017, www.gobernacion.gob.mx/es_mx/SEGOB/Boletines_Estadisticos.

⁹ Percentages add to slightly more than 100 due to rounding.

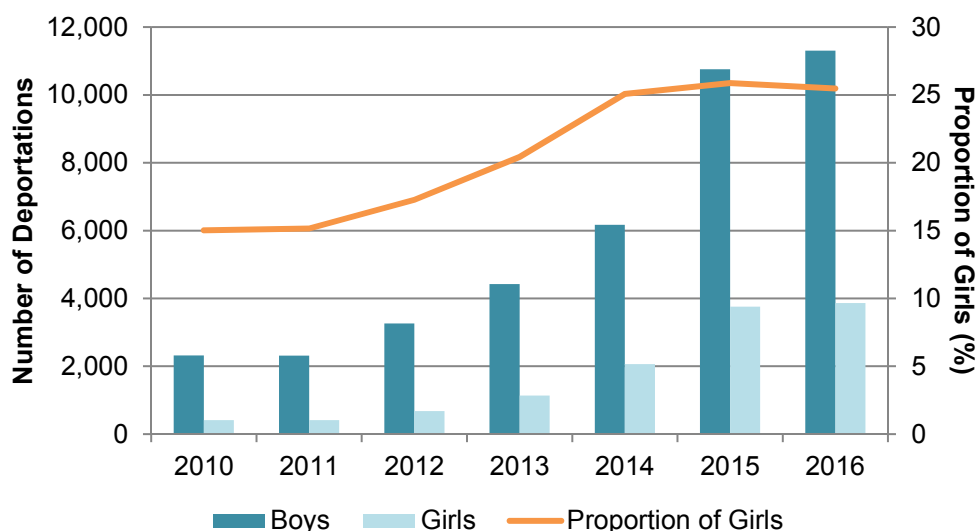
Figure 2. Mexican Deportation of Unaccompanied Children from the Northern Triangle, by Country of Origin, 2010–16



Source: INM, “Boletín Mensual de Estadísticas Migratorias,” 2010–15, Tables 3.2.7 and 3.2.8.

The number and share of unaccompanied girls deported by Mexico have also increased steadily. As seen in Figure 3, the number of boys increased almost five-fold between 2010 and 2016, while the number of girls increased more than nine-fold—from about 400 in 2010 to more than 3,800 in 2016. The female share of total child deportations has thus increased from 15 percent in 2010 to 25 percent in 2016. Since the surge in migrant arrivals in 2014, the female share of unaccompanied minors has remained around 25 percent to 26 percent.

Figure 3. Mexican Deportation of Unaccompanied Children from the Northern Triangle, by Gender, 2010–16

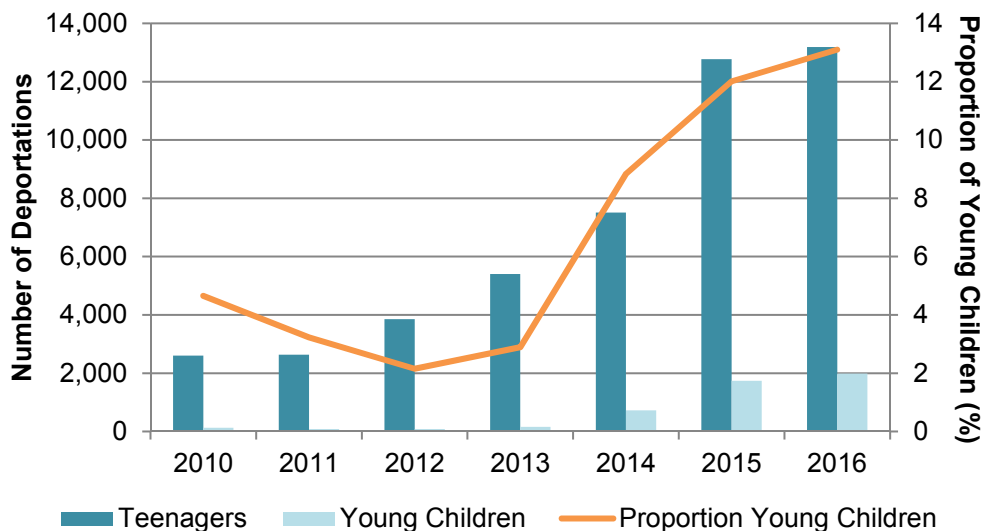


Source: INM, “Boletín Mensual de Estadísticas Migratorias,” 2010–16, Tables 3.2.7 and 3.2.8.



The number and proportion of children under the age of 12 has also increased significantly. While the number of teenagers (ages 12 to 17) increased five-fold in this period (from 2,600 in 2010 to more than 13,100 in 2016), the number of young children (ages 0 to 11) multiplied by almost 15 (from around 130 in 2010 to almost 2,000 in 2016). As a share of all deportations of unaccompanied minors, young children represented 13 percent in 2016, up from less than 5 percent in 2010 (see Figure 4).

Figure 4. Mexican Deportation of Unaccompanied Children from the Northern Triangle, by Age Group, 2010–16



Notes: “Young children” includes children ages 0 to 11; “teenagers” includes children ages 12 to 17.

Source: INM, “Boletín Mensual de Estadísticas Migratorias,” 2010–16, Tables 3.2.7 and 3.2.8.

The increased presence of these two particularly vulnerable groups—girls and young children—suggests changes in the drivers of child migration in the region. Even though endemic poverty has long been a problem in the Northern Triangle, the intensification of gang violence, the increase in the recruitment of young children by criminal gangs, and the inability of local authorities to protect them leave families with few other choices than to send their most vulnerable children abroad.¹⁰ This development accentuates the need for robust child protection policies.

Unaccompanied children are most frequently detained along Mexico’s southern border and on transit routes that stretch north toward the eastern section of the U.S.-Mexico border (see Figure 5). In 2015, 70 percent of all unaccompanied minors were apprehended in three Mexican states: Chiapas (40 percent), Veracruz (20 percent), and Tabasco (10 percent). Other states along the eastern migration route—Tamaulipas, San Luis Potosi, Oaxaca, Coahuila, and Nuevo Leon—each saw between 2 percent and 10 percent of apprehensions. Protection services for unaccompanied children are most needed along these routes, yet to date some services appear to be acutely under-resourced in the places with the highest volume of child migrants (see Section III).

¹⁰ HRW, *Closed Doors*; Marc R. Rosenblum and Isabel Ball, *Trends in Unaccompanied Child and Family Migration from Central America* (Washington, DC: Migration Policy Institute, 2016), www.migrationpolicy.org/research/trends-unaccompanied-child-and-family-migration-central-america; Marc R. Rosenblum, *Unaccompanied Child Migration to the United States: The Tension between Protection and Prevention* (Washington, DC: Migration Policy Institute, 2015), www.migrationpolicy.org/research/unaccompanied-child-migration-united-states-tension-between-protection-and-prevention.

Figure 5. Distribution of Apprehensions of Unaccompanied Minors from the Northern Triangle across Mexico, 2015



Source: INM, “Boletín Mensual de Estadísticas Migratorias,” 2015, Table 3.1.4.

III. Child Protection System Legal Requirements, Policy Implementation, and Unmet Needs

Mexican migration law sets out special protection measures for unaccompanied children on the basis of the best-interests-of-the-child principle. This principle, a common element of international protection laws, urges states to safeguard the rights described in the United Nations Convention on the Rights of the Child, taking into consideration the unique context and protection needs of each child on a case-by-case basis.¹¹ Yet while Mexico has put implementation policies and programs into place, data obtained through public information requests and recent civil-society field studies show that gaps remain between what the law requires and what is happening on the ground.

To assess the implementation of evolving child protection measures, this section analyzes the three stages unaccompanied migrant children go through after being apprehended in Mexico: the initial screening interview to identify whether a child is in need of special protection; detention and housing while awaiting a decision on his or her protection claim; and the adjudication of claims for asylum and other forms of humanitarian protection. At each stage, this section outlines: (1) the legal requirements to

¹¹ The best-interests-of-the-child principle stems from the United Nations Convention on the Rights of the Child (CRC), which Mexico signed and ratified in 1990. The CRC describes “best interests” broadly as the well-being of the child and does not offer a precise definition. However, this has generally been understood to mean that, given a set of possible decisions, authorities should consider and decide in favor of the option that is best for the child. In addition, clear international guidelines exist to help authorities determine the best interests of the child and what is considered adequate child participation in decision-making processes, based on age and maturity. See UNHCR, *UNHCR Guidelines on Determining the Best Interests of the Child* (Geneva: UNHCR, 2008), www.unhcr.org/4566b16b2.pdf. Three laws provide the legal framework for unaccompanied children in Mexico, all of which include the principle of the best interests of the child: The *National Migration Law of 2011*; the *Law for Refugees, Complementary Protection, and Political Asylum of 2011*; and the *Law for the Rights of Boys, Girls, and Adolescents of 2014*. A new system for the protection of children was launched in December 2015 as a result of reforms included in the *Law for the Rights of Boys, Girls, and Adolescents of 2014*. Details about this system and their potential impacts on the protection of migrant children are included in Section III.D.



protect children's rights; (2) the policies and the services made available to migrant children; and (3) the gaps between the legal requirements and their implementation.

A. Initial Screening

Unaccompanied children detained in Mexico should be interviewed to assess whether return to their country of origin would put them in danger and to inform them of all of their rights. The initial screening should occur as soon as the child is apprehended and be conducted by immigration officers who specialize in children's issues. As this section will describe, however, few children report being interviewed or told of their right to claim asylum.

I. Legal Requirements

Upon apprehension, Mexican law requires the National Migration Institute (Instituto Nacional de Migración, INM) to interview every child to determine what actions would be in his or her best interests. This occurs once an INM officer has taken the unaccompanied child to a detention center (known as an Estación Migratoria), where specially trained INM Child Protection Officers (Oficiales de Protección a la Infancia, OPIs) screen children to determine their identity, country of origin, age, migration status, and family information.¹² Through this first screening interview, OPIs aim to determine the possible risks of returning a child to his or her country of origin and to identify whether the minor has been a victim of human trafficking or other crimes.¹³

Mexican law requires the National Migration Institute ... to interview every child to determine what actions would be in his or her best interests.

OPIs and officials from the National System for Integral Family Development (Sistema Nacional para el Desarrollo Integral de la Familia, DIF) are also required at this point to inform unaccompanied children of their right to file an asylum claim or apply for other forms of protection. Applications for asylum can be filed with the Mexican Commission for Refugee Aid (Comisión Mexicana de Ayuda a Refugiados, COMAR) either by the child or by INM or DIF officials within the first 30 days after the child entered Mexico.¹⁴

2. Policy Implementation

Since 2008—four years before the most recent migration law was passed—OPIs have been responsible for the needs of child migrants from the moment of apprehension to release—either to a family member; to a shelter run by DIF or by civil-society organizations if they are granted asylum, complementary protection, or a humanitarian visa; or to their country's child protection agency if they are deported.¹⁵ OPIs receive training on an ongoing basis to handle the unique needs of children traveling without a parent or guardian. In collaboration with DIF, COMAR, the International Organization for Migration

12 Cámara De Diputados del H. Congreso De La Unión, *Ley de Migración*, Art. 112, *Diario Oficial de la Federación*, published May 25, 2011 and amended April 21, 2016, http://dof.gob.mx/nota_detalle.php?codigo=5190774&fecha=25/05/2011; Cámara De Diputados del H. Congreso De La Unión, "Reglamento de la Ley de Migración," Art. 172, *Diario Oficial de la Federación*, published September 28, 2012 and amended May 23, 2014, www.diputados.gob.mx/LeyesBiblio/regley/Reg_LMigra.pdf.

13 Cámara De Diputados, "Reglamento de la Ley de Migración," Art. 173.

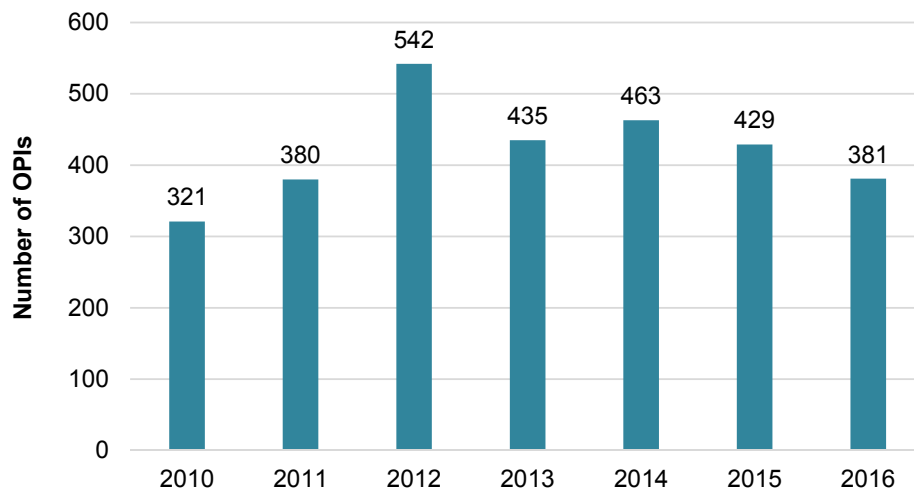
14 Ibid., Art. 174; Cámara De Diputados del H. Congreso De La Unión, *Ley sobre Refugiados, Protección Complementaria y Asilo Político*, Art. 18, *Diario Oficial de la Federación*, published January 27, 2011 and amended October 30, 2014, www.diputados.gob.mx/LeyesBiblio/pdf/LRPCAP_301014.pdf.

15 INM, "CIRCULAR No. 001/2010, Por la que se Instruye El Procedimiento Para la Atención de los Niños, Niñas y Adolescentes Migrantes No Acompañados," *Diario Oficial de la Federación*, February 12, 2010, http://dof.gob.mx/nota_detalle.php?codigo=5131660&fecha=12/02/2010.

(IOM), UNICEF, UNHCR, and other institutions, OPIs learn communication strategies as well as best practices and procedures regarding international protection and asylum, gender equality, and human trafficking.¹⁶

In 2016, INM had 381 active OPIs. As Figure 6 shows, this is a decrease from the number of OPIs at the height of the child migration crisis in 2014.

Figure 6. Number of Active Child Protection Officers (OPIs), 2010–16



Sources: Data for 2010–15 were obtained from INM through a public information request (no. 0411100060815), submitted by the author on July 17, 2015, www.sisi.org.mx/jsp/si/documentos/2015/seguimiento/04111/0411100060815_065.pdf. Data for 2016 are from Comisión Nacional de los Derechos Humanos (CNDH), *Informe Sobre la Problemática de Niñas, Niños Y Adolescentes Centroamericanos en Contexto de Migración Internacional no Acompañados en su Tránsito Por México, y Con Necesidades de Protección Internacional* (Mexico City: CNDH, 2016), 83–85, www.cndh.org.mx/sites/all/doc/Slider/Informe_NNACMNA_1.pdf.

OPIs are not distributed evenly based on which areas of the country have the highest concentration of unaccompanied child migrants. Just 19 percent of the 381 OPIs in 2016 were deployed in the three states that received almost 70 percent of all child apprehensions (23 in Chiapas, 30 in Veracruz, and 20 in Tabasco).¹⁷

3. Gaps between Legal Requirements and Implementation

There are two primary gaps that hinder the effective screening of children’s protection needs:

- 1) **OPIs do not interview all unaccompanied children.** A 2014 UNHCR report found that just 20 percent of all Central American children apprehended by INM met with an OPI while detained in a

16 INM, “OPIs Capacitación,” accessed November 14, 2015, www.gob.mx/inm/acciones-y-programas/oficiales-de-proteccion-a-la-infancia-opi; Secretaría de Gobernación (SEGOB) and INM, “Modelo para la Protección de los Derechos de los Niños, Niñas y Adolescentes Migrantes y Repatriados No Acompañados,” accessed July 3, 2016, www.senado.gob.mx/comisiones/relext_an/eventos/docs/SEGOB.pdf.

17 CNDH, *Informe Sobre la Problemática de Niñas, Niños Y Adolescentes Centroamericanos en Contexto de Migración Internacional no Acompañados en su Tránsito Por México, y Con Necesidades de Protección Internacional* (Mexico City: CNDH, 2016), 83–85, www.cndh.org.mx/sites/all/doc/Slider/Informe_NNACMNA_1.pdf. In addition to serving apprehended unaccompanied foreign children, Child Protection Officers (Oficiales de Protección a la Infancia, OPIs) also served almost 14,000 Mexican children deported from the United States, mostly in the northern states of Baja California, Chihuahua, Coahuila, Sonora, and Tamaulipas. See INM, *Boletín Mensual de Estadística Migratoria 2016* (Mexico City: INM, 2016), www.politicamigratoria.gob.mx/work/models/SEGOB/CEM/PDF/Estadisticas/Boletines_Estadisticos/2016/Boletin_2016.pdf.



migration station.¹⁸ Mexico's CNDH, the Georgetown Law Human Rights Institute, and Human Rights Watch (HRW) reported similar findings in 2015 and 2016.¹⁹

This underscreening of newly arrived children is likely due to the fact that many OPIs are regular migration officials who also have considerable administrative duties and are able to dedicate only part of their time to child protection. A 2011 evaluation of OPIs coordinated by the independent policy think tank FUNDAR, with information provided by INM, found that 8 percent of all OPIs spent 100 percent of their work time screening and serving children; the remaining 92 percent spent time on administrative and enforcement tasks.²⁰ Similarly, a 2015 report by Georgetown Law found that OPIs spend the majority of their time doing administrative work instead of interacting with and screening children.²¹

- 2) **Lack of information about the asylum process.** In many cases, child arrivals do not receive adequate information about how to apply for asylum in Mexico. According to UNHCR, 27 percent of children receive adequate information about their right to apply for protection at any time while in detention;²² CNDH has published similar findings, with 46 percent of 521 children interviewed in 2016 reportedly receiving this information.²³ And in 2015, just one of the 61 children interviewed by HRW had been informed by an INM official of their right to apply for protection.²⁴ Without full information about their legal options, unaccompanied children escaping violence do not understand their right to apply for international protection and might assume that deportation is their only choice.

B. Detention and Housing

Unaccompanied children await the resolution of their immigration or asylum cases in housing provided by government agencies. This is done, at least in theory, in accommodations where they receive care suited for minors and away from adult migrants, but lack of capacity at children's shelters keeps most of them in migrant detention facilities.

I. Legal Requirements

Unaccompanied children apprehended by INM are to be transferred to a shelter run by either the federal, state, or municipal child protection agencies that collectively make up the DIF network.²⁵ INM and DIF

18 These results are based on 72 in-depth interviews and several focus-group discussions that included 200 children apprehended in the Tapachula and Iztapalapa detention centers. See Abdel Camargo, *Arrancados de Raíz: Causas que originan el desplazamiento transfronterizo de niños, niñas y adolescentes no acompañados y/o separados de Centroamérica y su necesidad de protección internacional* (Mexico City: UNHCR, 2014), 63, www.acnur.org/t3/fileadmin/scripts/doc.php?file=t3/fileadmin/Documentos/Publicaciones/2014/9828.

19 Georgetown Law, Human Rights Institute, *The Cost of Stemming the Tide: How Immigration Enforcement Practices in Southern Mexico Limit Migrant Children's Access to International Protection* (Washington, DC: Georgetown Law, Human Rights Institute, 2015), 45, www.law.georgetown.edu/academics/centers-institutes/human-rights-institute/fact-finding/upload/HRI-Fact-Finding-Report-Stemming-the-Tide-Web-PDF_English.pdf; HRW, *Closed Doors*, 49–52; CNDH, *Informe Sobre la Problemática de Niñas, Niños Y Adolescentes Centroamericanos*.

20 Rodolfo Córdova Alcaraz, coordinator, *Una Mirada al Presupuesto del Instituto Nacional de Migración: ¿Dónde Estuvieron sus Prioridades Durante 2011?* (Mexico City: FUNDAR, 2013), 32, <http://fundar.org.mx/una-mirada-al-presupuesto-del-instituto-nacional-de-migracion-donde-estuvieron-sus-prioridades-durante-2011/#.VbZ-CLNVhBc>.

21 Georgetown Law, Human Rights Institute, *The Cost of Stemming the Tide*, 46.

22 Camargo, *Arrancados de Raíz*, 60.

23 CNDH, *Informe Sobre la Problemática de Niñas, Niños Y Adolescentes Centroamericanos*, 166.

24 HRW, *Closed Doors*, 48.

25 The law does not specify the requirements for INM facilities that house migrant children. See Cámara De Diputados, *Ley de Migración*, Art. 112; Cámara De Diputados, "Reglamento de la Ley de Migración," Art. 176; Cámara De Diputados del H. Congreso De La Unión, *Ley General de los Derechos de Niñas, Niños y Adolescentes*, Art. 89, *Diario Oficial de la Federación*, December 4, 2014, www.diputados.gob.mx/LeyesBiblio/pdf/LGDNNA_041214.pdf.

are required by law to provide adequate food, health care, shelter, recreation, legal counsel, and consular representation to all children housed in their facilities.²⁶

For many years, Mexican migration law stated that INM could keep unaccompanied minors in general detention facilities under “exceptional circumstances”— including lack of capacity at DIF shelters or insufficient resources to attend to a child’s needs—and only if the facilities had areas adapted for children and separate from adult detainees.²⁷ Regulations approved in December 2015, however, explicitly prohibit the detention of migrant children under any circumstance.²⁸ The new regulations and the migration law have yet to be harmonized, which leaves room for different interpretations of this requirement.

2. Policy Implementation

DIF has a network of shelters and “attention modules” to house migrant children and protect their well-being. Shelters are facilities that house children away from INM detention centers, while attention modules are designated spaces within detention centers that provide some services to children, usually during business hours. Both types of facilities serve foreign unaccompanied children apprehended in Mexico as well as Mexican unaccompanied migrant children returned from the United States. As of 2015, the DIF network encompassed 14 modules and 36 shelters,²⁹ with most foreign unaccompanied children served in the four modules and ten shelters in Mexico’s southern states.³⁰

The primary difference between these two types of facilities is the scope of services they provide. For instance, the temporary migrant shelter at Tapachula, Chiapas provides shelter, food, clothing, medical and psychological care, legal counsel, computing classes, and recreational and artistic workshops.³¹ Housing children in DIF shelters such as this one is in compliance with the legal requirement to not keep children in detention centers. By contrast, while DIF may provide some of the same services (e.g., medical, educational, and recreational services) to unaccompanied children through designated areas or “modules” within detention centers, the types and scope of these services is more limited and varies depending on the location. Some modules include separate living and dining areas for children, while others provide a smaller space where minors spend a few hours a day to receive tailored services while being housed in the regular detention facility.³² These modules are an alternative to transferring children away from detention services entirely and do not comply with the most recent regulations that prohibit keeping children in detention centers under any circumstances.

DIF serves the vast majority of migrant children at attention modules (see Figure 7), meaning that most are housed in detention centers. In 2016, 71 percent of children received DIF services at a module inside an INM migrant detention center; the remainder received services in a shelter.

26 Cámara De Diputados, *Ley de Migración*, Arts. 107 and 109; Cámara De Diputados, *Ley General de los Derechos de Niñas, Niños y Adolescentes*, Art. 92.

27 Cámara De Diputados, “Reglamento de la Ley de Migración,” Art. 176; Cámara De Diputados, *Ley de Migración*, Art. 112.

28 The exact translation of the article reads: “At no time will migrant children or adolescents, regardless of whether or not they are traveling with adults, be deprived of their freedom in immigration stations or in any other immigration detention center.” See Cámara De Diputados del H. Congreso De La Unión, “Reglamento de la Ley General de los Derechos de Niñas, Niños y Adolescentes,” Art.111, *Diario Oficial de la Federación*, December 12, 2015, www.dof.gob.mx/nota_detalle.php?codigo=5418303&fecha=02/12/2015.

29 Consejo Nacional de Población (CONAPO), “Anexo 1” in *Migración de niñas, niños y adolescentes: Antecedentes y análisis de información de la red de módulos y albergues de los Sistemas DIF, 2007-2016* (Mexico City: CONAPO, 2017), 125–26, www.gob.mx/cms/uploads/attachment/file/186696/Migracion_NNyA_pag_114-199.pdf.

30 Mexico’s System for Integral Family Development (Sistema para el Desarrollo Integral de la Familia, DIF) operates four “attention modules” in the detention centers in Tapachula, Chiapas; Tenosique, Tabasco; Juchitán, Oaxaca; and Acayucan Veracruz. There are nine DIF shelters across the south: two each in Tapachula, Chiapas and Tuxtla Gutierrez, Chiapas, and one each in Arriaga, Chiapas; Frontera Comalapa, Chiapas; Comitán de Domínguez, Chiapas; Palenque, Chiapas; Oaxaca, Oaxaca; and Xalapa, Veracruz. See *ibid.*, 126.

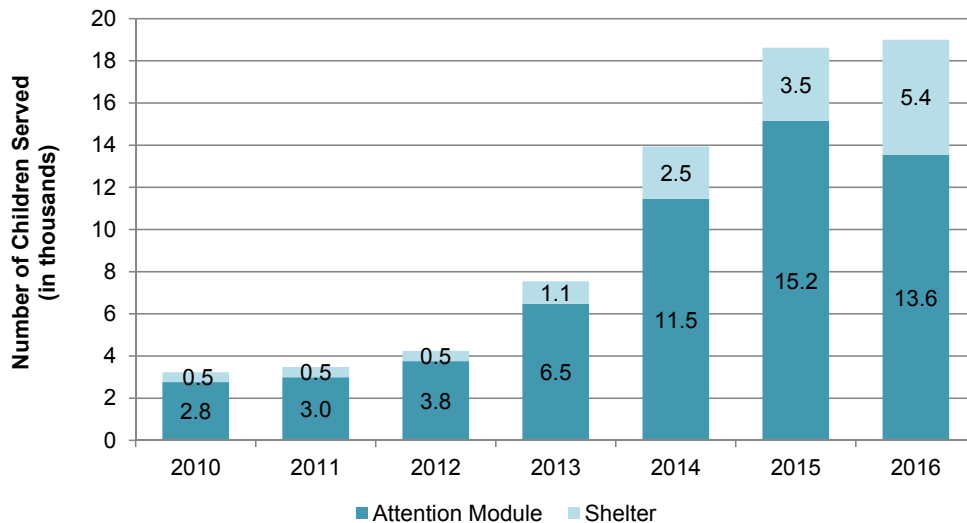
31 Gobierno del Estado de Chiapas, “Atención a Madres, Niñas y Niños no Acompañados Migrantes (Albergue Temporal Viva México),” accessed July 3, 2016, www.chiapas.gob.mx/servicios/1978.

32 Pablo Ceriani Cernadas, *Niñez detenida: Los Derechos de los Niños, Niñas y Adolescentes en la Frontera México-Guatemala* (Tapachula, México; Centro de Derechos Humanos Fray Matías de Córdova and Universidad Nacional de Lanús, 2012), Chapter 3, 17, http://cdhfraymatias.org/sitio/wp-content/uploads/2014/11/InformeMexico_OK.pdf.



Child-only shelters do, however, play a larger role in service provision today than in the past. The number of foreign unaccompanied children housed at DIF shelters has grown almost twelve-fold—from 460 in 2010 to almost 5,450 in 2016 (see Figure 7). At the same time, the proportion of all children who were housed in shelters has also increased, more than doubling from around 14 percent in 2010 to nearly 29 percent in 2016.

Figure 7. Foreign Unaccompanied Migrant Children Assisted by DIF, by Type of Facility, 2010–16



DIF = Sistema para el Desarrollo Integral de la Familia (System for Integral Family Development).

Notes: Data represent the total number of foreign unaccompanied children housed in all of the modules and shelters operating that year. Data for 2014 include children housed in the six shelters that opened that year.

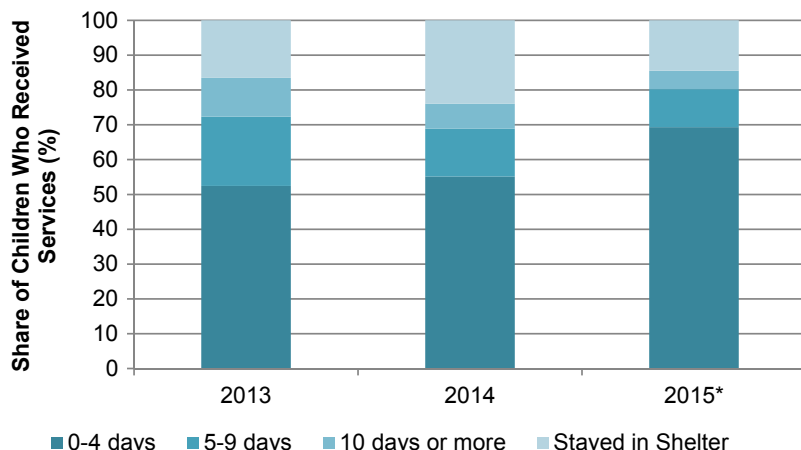
Sources: Figures for 2010–14 are Migration Policy Institute (MPI) calculations based on data obtained from DIF through a public information request (no. 1236000018615), submitted by the author on July 8, 2015, www.sisi.org.mx/jspsi/documentos/2015/seguimiento/12360/1236000018615_065.pdf; figures for 2015–16 are MPI calculations based on data obtained from DIF through a public information request (no. 1236000002117), submitted by the author on January 23, 2017, www.sisi.org.mx/jspsi/documentos/2017/seguimiento/12360/1236000002117_065.zip.

The majority of children receive DIF services, either at a shelter or a module, for fewer than five days.³³ As shown in Figure 8, the proportion receiving services for fewer than five days increased from 52 percent in 2013 to 69 percent in 2015. In parallel, the share receiving services for ten days or more decreased from 11 percent in 2013 to 5 percent in 2015.³⁴

³³ The average length of stay at a DIF shelter is unknown since DIF did not provide data on how long children stayed at its shelters. Instead, DIF keeps track of the number of days that children receive services it provides at either a shelter or a module.

³⁴ DIF reports large numbers of children staying at either one of its shelters or modules; however, the distribution of children at different locations and their reasons for staying at DIF facilities are not reported.

Figure 8. Duration of DIF Services Provided to Foreign Unaccompanied Children, 2013–15*



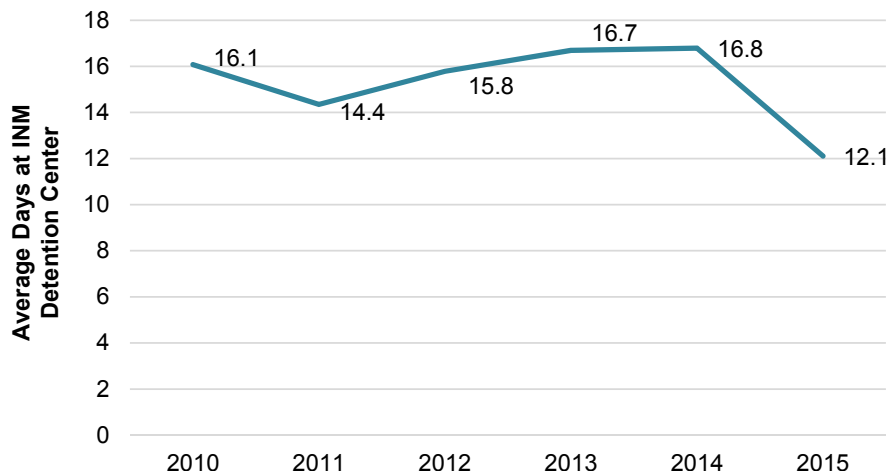
DIF = Sistema para el Desarrollo Integral de la Familia (System for Integral Family Development)

Notes: “Other” refers to children classified by DIF as “staying in shelter” at the end of each year. Data for 2015 only includes children in a DIF shelter or module from January 1 to June 30, 2015.

Source: Data obtained from DIF through a public information request (no. 1236000018615), submitted by author on July 8, 2015, www.sisi.org.mx/jspsi/documentos/2015/seguimiento/12360/1236000018615_065.pdf.

The average duration of a child’s stay at an INM detention center fluctuated between 2010 and 2015, ranging from 12 to 17 days (see Figure 9). However, these averages belie considerable variation. In 2014, 12 percent of children stayed at a detention center for fewer than five days while another 12 percent stayed for more than a month.³⁵

Figure 9. Average Number of Days Unaccompanied Children Spent at INM Detention Centers, 2010–15*



Note: Data for 2015 includes length of stay of those apprehended from January 1 to July 31, 2015.

Source: Data obtained from INM through a public information request (no. 0411100062315), submitted by the author on August 25, 2015, www.sisi.org.mx/jspsi/documentos/2015/seguimiento/04111/0411100062315_065.pdf. Dataset is only partially available online due to file size constraints.

³⁵ The estimate of 12 percent is based on the 9,416 apprehensions of unaccompanied children included in data about length of stay provided to the author by INM in response to a public information request (no. 0411100060815), submitted by the author on July 17, 2015, www.sisi.org.mx/jspsi/documentos/2015/seguimiento/04111/0411100060815_065.pdf. INM reports a different total number of apprehensions of children in other sources; in its annual statistics bulletin, INM reported 10,943 apprehensions of unaccompanied children during 2014. See INM, “Boletín Mensual de Estadísticas Migratorias,” 2014.



3. Gaps between Legal Requirements and Implementation

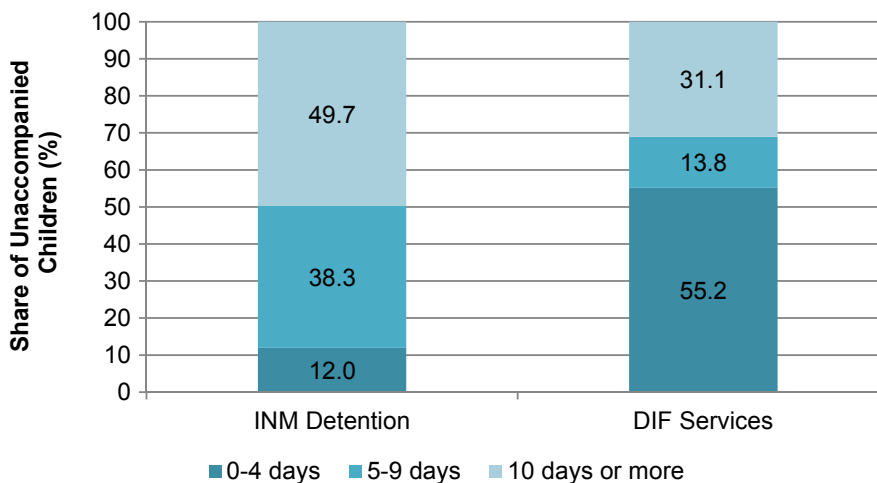
The statistics described in the previous subsection highlight four gaps between the provisions of Mexican law and current detention and housing practices:

- 1) **Most children are housed in detention centers.** Although Mexican law specifies that child detention should be avoided, a relatively small share of apprehended children is transferred from detention centers to the more child-friendly DIF shelters. Even after strong efforts to increase capacity in 2014 and 2015, these shelters remain unable to keep up with the number of children detained.³⁶ As a result, most children stay in detention centers while their migration or protection cases are adjudicated, receiving DIF services through attention modules for a few hours every day.

Because a lack of capacity at DIF shelters may be considered an exceptional circumstance, INM and DIF are not in violation of the immigration law of 2011; however, this reality clashes with the spirit of the law, which aims to avoid widespread child detention.

- 2) **DIF services in detention centers are not provided consistently.** Services for children detained for more than five days constitute another problem area. As Figure 10 illustrates, while 88 percent of minors stayed at INM detention centers for more than five days in 2014, only 45 percent received DIF services for more than five days. This suggests that many children who spend more than five days in a detention center do not receive child-appropriate services for the full length of their detention.³⁷

Figure 10. Duration of INM Detention and Receipt of DIF Services among Unaccompanied Children, 2014



Note: DIF service calculations are based on the 13,935 foreign unaccompanied children reported by DIF in 2014. This total is larger than the 10,943 apprehensions of unaccompanied children reported by INM in 2014.

Sources: Data obtained from INM through a public information request (no. 0411100062315), submitted by the author on August 25, 2015, www.sisi.org.mx/jsp/psi/documentos/2015/seguimiento/04111/0411100062315_065.pdf; data obtained from DIF through a public information request (no. 1236000018615), submitted by author on July 8, 2015, www.sisi.org.mx/jsp/psi/documentos/2015/seguimiento/12360/1236000018615_065.pdf.

³⁶ The General Director of DIF acknowledged that shelters were over capacity in 2014. See José Víctor Rodríguez, “Rebasada la capacidad del DIF en Tema de Niños Migrantes,” *24 Horas*, July 8, 2014, www.24-horas.mx/rebasada-la-capacidad-del-dif-en-tema-de-ninos-migrantes/. HRW has reported that some DIF shelters are underutilized. See HRW, *Closed Doors*, 92.

³⁷ DIF reports the duration of service provision as the number of days in which children are housed in either a module or shelter. The specific criteria used to count the number of days during which children receive services at modules is unclear.

- 3) **Conditions at detention centers vary and have raised concerns among observers.** The civil-society organization Centro de Derechos Humanos Fray Matías de Córdova has reported that at the Siglo XXI detention center in Tapachula, for example, children received poor food, health services, and shelter.³⁸ In 2014, the Salvadoran Consulate reported cases of verbal and physical abuse by INM agents as well as frequent denial of phone calls, medical checkups, and personal hygiene products at the same detention center.³⁹ More recently, HRW has reported overcrowding in the women's and adolescent sections of the Acayucan detention center, though these facilities were judged to be hygienic and the amount and quality of the food sufficient.⁴⁰ In addition, HRW and UNHCR have both expressed broader concerns that conditions at INM detention centers and DIF shelters appear to be discouraging children with valid asylum claims from seeking international protection.⁴¹
- 4) **Children perceive time spent in DIF shelters as detention.** Children transferred to DIF shelters are frequently housed in closed-door conditions that, while designed for protection, may have a negative psychological impact on them. A 2015 study from the Georgetown Law Center for Human Rights found, for example, that long periods without the freedom to exit the shelter had psychological effects akin to detention.⁴² Additionally, according to HRW, many children in DIF shelters are not enrolled in schools and frequently do not have contact with people outside the facilities.⁴³ Thus, while these shelters aim to provide services more specific to the needs of minors, they still resemble detention centers where children have very little freedom, which discourages them from waiting until their asylum claim is adjudicated.

C. Adjudication of International Protection Claims

All unaccompanied children apprehended in Mexico have the right to apply for asylum. Mexican asylum law, last modified in 2011, stands out for the generosity of its provisions and has been hailed by UNHCR for its adherence to the principles of nonrefoulement, family unity, and the best interests of the child.⁴⁴ Even with these generous provisions, less than 1 percent of the 17,5000 unaccompanied children apprehended in 2016 filed a claim, and only 131 were granted some form of international protection.

I. Legal Requirements

The 2011 Refugee Law grants refugee status to applicants who fall within one of two sets of conditions.⁴⁵ First, and in line with the internationally established definition, Mexico grants refugee status to persons who have a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion; are outside their country of nationality; and are unable or, owing to such fear, unwilling to avail themselves of the protection of their country.⁴⁶ Second, Mexico

38 Aldo Ledón Pereyra et al., "Southern Mexico" in *Childhood and Migration in Central and North America: Causes, Policies, Practices and Challenges*, eds. Karen Musalo, Lisa Frydman, and Pablo Ceriani Cernadas (San Francisco: Center for Gender and Refugee Studies, Hastings College of the Law, 2015), 235, https://cgrs.uchastings.edu/sites/default/files/11_Mex_Sur_English_0.pdf.

39 Iván E. Saldaña, "'Niños se quejan de maltrato': consul de El Salvador," *Excélsior*, June 28, 2014, www.excelsior.com.mx/nacional/2014/06/28/967833.

40 HRW, *Closed Doors*, 89.

41 Ibid., 49; Camargo, *Arrancados de Raíz*, 14.

42 Georgetown Law, Human Rights Institute, *The Cost of Stemming the Tide*, 28–29.

43 HRW, *Closed Doors*, 81.

44 Mariana Echandi and Leo Dobbs, "UNHCR Hails Mexico as New Refugee Law Comes into Force," UNHCR, January 18, 2011, www.unhcr.org/4d42e6ad6.html.

45 In the United States, only individuals who fit the first definition described in this section are eligible for asylum, though children under the age of 21 who have been abused, abandoned, or neglected may be eligible for Special Immigrant Juvenile Visas (SIJ status). For more on U.S. enforcement and protection policies for unaccompanied children, see Rosenblum, *Unaccompanied Child Migration to the United States*, 6–10; U.S. Citizenship and Immigration Services (USCIS), "Eligibility Status for SIJ," updated July 12, 2011, www.uscis.gov/green-card/special-immigrant-juveniles/eligibility-sij-status/eligibility-status-sij.

46 Cámara De Diputados, *Ley sobre Refugiados, Protección Complementaria y Asilo Político*, Art. 13; UNHCR, *Convention and Protocol Relating to the Status of Refugees* (Geneva: UNHCR, 2010), 14, www.unhcr.org/3b66c2aa10.html.



has expanded this international definition to include all those whose lives, safety, or freedom have been threatened by generalized violence, foreign aggression, internal conflict, massive violation of human rights, or other circumstances that have seriously disturbed public order.⁴⁷

Mexico's refugee law and its regulations also specify the steps applicants must take to file an asylum claim.⁴⁸ After submitting an asylum request to COMAR, applicants must fill out a questionnaire in their preferred language or with the aid of an interpreter, if necessary.⁴⁹ This form gathers information about the child's background and detailed descriptions of the circumstances that would make her or him eligible for asylum.⁵⁰ Children have the right to receive legal counsel, though, similar to what happens to unaccompanied children in the United States, the state is not required to provide one, and applicants who cannot read or write can dictate their answers to a COMAR officer.⁵¹

After applicants complete the questionnaire, COMAR next interviews them as many times as needed to obtain enough information to adjudicate the claim.⁵² Interviews can take place either at COMAR offices or at an INM detention center or regional office. Unaccompanied minors who apply for asylum and are not housed in an INM detention center or a DIF shelter are required to present themselves at an INM or COMAR office once a week to follow up with their application and prove their continued stay in Mexico. Failure to appear during two consecutive weeks may result in the abandonment of the case.⁵³

COMAR is required to resolve every application within 45 business days and to inform applicants of their decision within ten business days.⁵⁴ Applicants may request that COMAR review a denied claim, but must do so within 15 business days of being informed of the decision.⁵⁵ Current regulations do not specify the time limits within which COMAR must complete the review, but UNHCR reports that the process is usually completed within 90 calendar days.⁵⁶

To adjudicate cases, COMAR consults with the Mexican Foreign Ministry (Secretaría de Relaciones Exteriores, SRE) about security conditions in the applicant's country of origin. SRE is required to respond to information requests from COMAR within 15 business days.⁵⁷ In deciding asylum cases, COMAR is directed to consider the causes of and actors responsible for the persecution, the degree of effective protection available in the applicant's country of origin, whether relocation in the country of origin is a possible remedy, and other pertinent factors.⁵⁸

For applicants who do not fall under either the narrow or broadened definition of who constitutes a refugee, additional protection statuses are also available under Mexican law. For instance, applicants found ineligible for refugee status but who nonetheless face the risk of death, torture, or other cruel or inhumane treatment if returned to their countries of nationality, are automatically considered for complementary

47 This definition is adopted from the 1984 Cartagena Declaration on Refugees, a nonbinding agreement signed by several Latin American countries following the humanitarian crisis caused by the civil wars and internal conflicts in Central America during the 1980s. Many countries have adopted the declaration in their national refugee laws. See Cámara De Diputados, *Ley sobre Refugiados, Protección Complementaria y Asilo Político*, Art. 13; Colloquium on the International Protection of Refugees in Central America, Mexico, and Panama, "Cartagena Declaration on Refugees," November 19–22, 1984, Section III, www.oas.org/dil/1984_cartagena_declaration_on_refugees.pdf.

48 The full name of the law is: *Law for Refugees, Complementary Protection, and Political Asylum (Ley para Refugiados, Protección Complementaria y Asilo Político)*.

49 Cámara De Diputados, "Reglamento de la Ley sobre Refugiados y Protección Complementaria," Art. 21, 27, and 29.

50 Comisión Mexicana de Ayuda a Refugiados, "Reconocimiento de la condición de refugiado," accessed July 18, 2017, www.gob.mx/comar/acciones-y-programas/solicitud-de-reconocimiento-de-la-condicion-de-refugiado.

51 Cámara De Diputados, "Reglamento de la Ley sobre Refugiados y Protección Complementaria," Art. 21.

52 Ibid., Art. 27.

53 Ibid., Art. 24.

54 Ibid., Art. 145. The Commission for Refugee Aid (Comisión Mexicana de Ayuda a Refugiados, COMAR) can request a 45-day extension in exceptional cases. See *ibid.*, Art. 47.

55 Ibid., Art. 59.

56 SEGOB, COMAR, UNHCR, and CNDH, "Procedimiento Para el Reconocimiento de la Condición de Refugiado," accessed July 3, 2016, www.acnur.org/t3/fileadmin/scripts/doc.php?file=t3/fileadmin/Documentos/Publicaciones/2016/10489.

57 Cámara De Diputados, "Reglamento de la Ley sobre Refugiados y Protección Complementaria," Art. 40.

58 Ibid., Art. 42.

protection (Protección Complementaria).⁵⁹ Another alternative protection status comes in the form of a humanitarian visa.⁶⁰ Introduced in 2012, these INM-issued humanitarian visas authorize vulnerable populations, particularly victims of crime and unaccompanied children, to live and work in Mexico for one year and to renew this status indefinitely.⁶¹

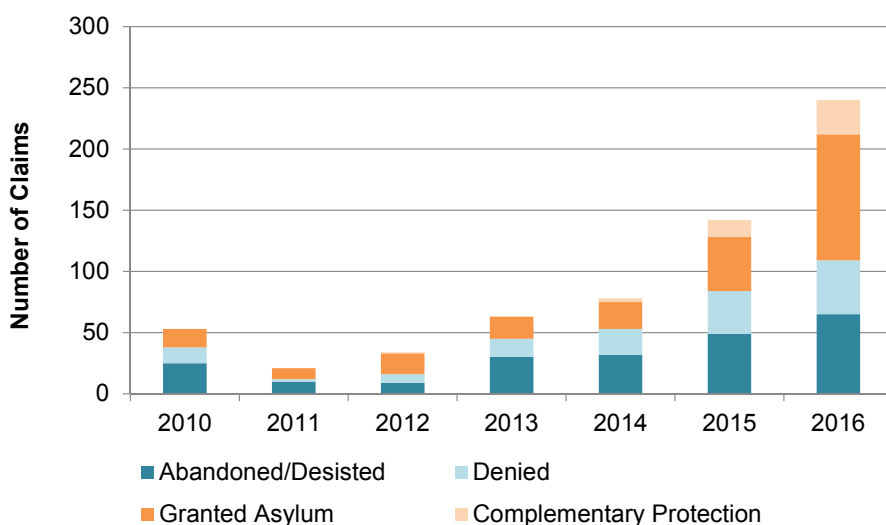
Only children who are denied asylum, complementary protection, and a humanitarian visa, and who do not qualify for any other immigration status in Mexico, should be returned in coordination with consular authorities from the countries of origin.⁶² Under Mexican law, the best interests of the child should also dictate the procedures for the deportation—or “assisted return” in INM terms—of unaccompanied children.⁶³

2. Policy Implementation

The number of unaccompanied children who apply for asylum each year in Mexico is strikingly low. Even as the number of asylum claims grew eleven-fold between 2011 and 2016, the total figure remained below 250 claims filed (see Figure 11). Less than 1 percent of the tens of thousands of unaccompanied minors who transited through Mexico in recent years have applied for asylum (21 claims filed in 2011, 34 in 2012, 63 in 2013, 78 in 2014, 142 in 2015, and 242 in 2016).

The share of asylum claims that result in a form of international protection increased notably in 2016, when 55 percent of applicants were granted either refugee status or complementary protection. This continues an upward trend, up from 41 percent in 2015, 32 percent in 2014, and 29 percent in 2013.

Figure 11. Number of Asylum Claims Filed by Unaccompanied Children in Mexico, by Type of Resolution, 2010–16



Source: Data for 2010–12 were obtained from Comisión Mexicana de Ayuda a Refugiados (COMAR) through a public information request (no. 0422000003215), submitted by the author on June 22, 2015, www.infomex.org.mx/gobiernofederal/moduloPublico/rMedioElectP.action?idFolioSol=0422000003215&idTipoResp=6#; data for 2013–16 are from COMAR, “Estadísticas, 2013–2017,” updated March 2017, www.comar.gob.mx/work/models/COMAR/Resource/267/6/images/ESTADISTICAS_2013-2017_1er_Trim.pdf.

⁵⁹ Cámara De Diputados del H. Congreso De La Unión, “Reglamento de la Ley sobre Refugiados y Protección Complementaria,” Art. 48, *Diario Oficial de la Federación*, February 23, 2012, www.diputados.gob.mx/LeyesBiblio/regley/Reg_LRPC.pdf.

⁶⁰ The official term used by INM and other government officials is “Visitor for Humanitarian Reasons.”

⁶¹ Cámara De Diputados, *Ley de Migración*, Art. 52; Cámara De Diputados, “Reglamento de la Ley de Migración,” Art. 137.

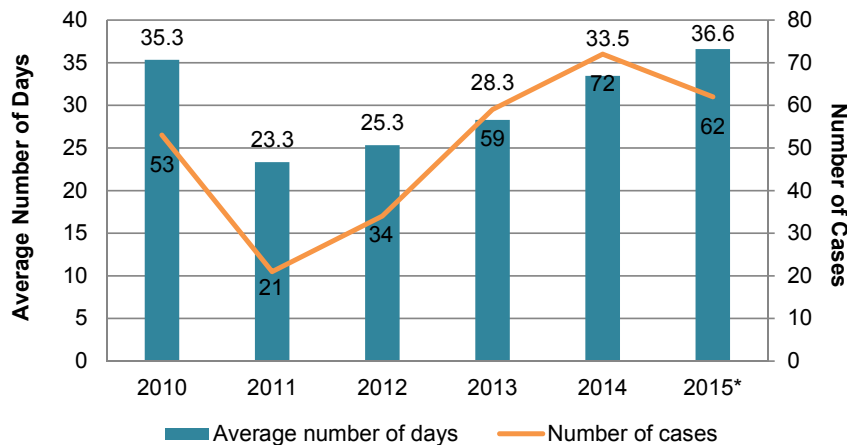
⁶² Cámara De Diputados, *Ley de Migración*, Arts. 112 and 120.

⁶³ *Ibid.*, Art. 112. Note that Mexican law differentiates between deportation and assisted return. Assisted return does not imply any criminal or civil offense.



The average processing time for an asylum application between January 2010 and July 2015 was 32 business days. COMAR took a little over 40 days to adjudicate each of the 170 applications resolved in this period. As Figure 12 shows, the time COMAR takes to process and adjudicate applications is closely related to the number of cases filed, with a larger annual caseload increasing the average adjudication time.

Figure 12. Average Adjudication Time for and Number of Asylum Claims Filed by Unaccompanied Children, 2010–15

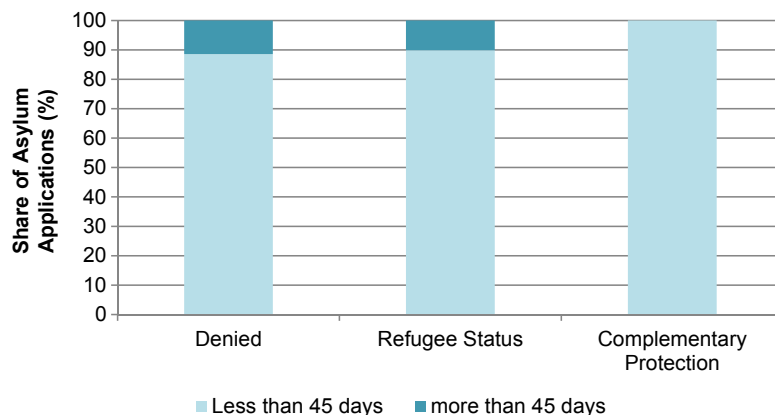


Notes: Data on the amount of time it took to process asylum claims only include claims filed between January 1, 2010 and July 8, 2015.

Source: Data obtained from COMAR through a public information request (no. 0422000003215).

COMAR largely meets the requirement that the asylum applications of unaccompanied children be resolved within 45 days (see Figure 13). Between 2010 and 2015, 11 percent of denied claims and 10 percent of approved claims took longer than the standard 45-day period. Further details on the asylum application process (e.g., the length and nature of interviews, and reasons for approving or denying a case) are not publicly available and COMAR has declined to provide such data through information requests.⁶⁴

Figure 13. Number of Days to Adjudicate Asylum Claims, by Resolution Type, 2010–15



Notes: Data contain asylum claims filed between January 1, 2010 and July 8, 2015.

Source: Data obtained from COMAR through a public information request (no. 0422000003215).

⁶⁴ INAI has requested that COMAR provide information on the adjudication of every asylum claim submitted by citizens of Central American countries between 2000 and 2015. See Notimex, “INAI Pide Revelar Motivos Para Otorgar Condición a Refugiados,” *El Universal*, September 21, 2015, www.eluniversal.com.mx/articulo/nacion/sociedad/2015/09/21/inai-pide-revelar-motivos-para-otorgar-condicion-refugiados.

Unauthorized children whose claims are denied or who do not to file an application for refugee status, complementary protection, or a humanitarian visa are deported in coordination with origin-country consular authorities.⁶⁵ In 2016, Mexico deported 15,173 unaccompanied children to Northern Triangle countries.⁶⁶ After the consulates are notified, the children are returned to reception centers in major cities in their country of origin, where local authorities provide basic reception and family reunification services and, in some cases, limited long-term reintegration services to help ease their return.⁶⁷

3. Gaps between Legal Requirements and Implementation

COMAR's regular adherence to the 45-day maximum processing time for asylum claims filed by unaccompanied children is admirable, especially when compared to the length of time it takes many other countries to adjudicate cases.⁶⁸ This is, however, due mostly to Mexico's substantially smaller caseload, which numbers in the dozens or low hundreds instead of the tens of thousands as in large recipient countries such as the United States and Germany.

The biggest concern is that even though Mexican asylum laws are generous, they benefit only a handful of children.

Unlike the implementation gaps observed in the screening and housing of unaccompanied children, fewer glaring gaps exist between the legal requirements for and the practice of asylum claim adjudication. The biggest concern is that even though Mexican asylum laws are generous, they benefit only a handful of children. These low application rates may not be for lack of interest; a UNHCR report found that 58 percent of Central American unaccompanied children surveyed in the United States in 2014 had valid humanitarian claims, and that almost 28 percent of Central American children interviewed in Mexico would have liked to apply for asylum in Mexico had they known about this possibility.⁶⁹ The issuance rate for humanitarian visas to migrant children—127 between January 2015 and May 2016—is similarly low considering how many unaccompanied minors are potentially eligible for this status.⁷⁰

65 Cámara De Diputados, *Ley de Migración*, Arts. 112 and 120. Mexico and the three countries of the Northern Triangle have agreed upon specific procedures for the deportation of children through a series of memoranda of understanding (MOUs) that define the times, places, and conditions under which the minors are to be deported. See Governments of Mexico, El Salvador, Guatemala, Honduras, and Nicaragua, "Memorandum de Entendimiento para la Repatriación Digna, Ordenada, Ágil y Segura de Nacionales Centroamericanos Migrantes vía Terrestre," May 5, 2006, www.estudiosdemigracion.org/inedim2013/documentosypub/basededatos/legislacionnacional/acuerdosbilaterales/memorandumrepatriacion.pdf.

66 INM, "Boletín Mensual de Estadísticas Migratorias," 2016, accessed January 28, 2017, www.gobernacion.gob.mx/es_mx/SEGOB/Boletines_Estadisticos.

67 The governments of El Salvador, Guatemala, and Honduras provide deported children with basic food and medical services and help them contact their family members. Yet, programs that provide long-term reintegration services, including vocational training, psychological support, or employment opportunities, remain unavailable to the majority of deported children. For details on the reception and reintegration of children, see Victoria Rietig and Rodrigo Dominguez-Villegas, *Stopping the Revolving Door: Reception and Reintegration Services for Central American Deportees* (Washington, DC: Migration Policy Institute, 2015), www.migrationpolicy.org/research/stopping-revolving-door-reception-and-reintegration-services-central-american-deportees.

68 In the United States, protection cases are adjudicated through immigration courts. On average, cases that received relief in 2015 took more than 1,400 days to adjudicate. See Syracuse University, Transactional Records Access Clearinghouse (TRAC), "Immigration Court Processing Time by Outcome," accessed November 12, 2015, http://trac.syr.edu/phptools/immigration/court_backlog/court_proctime_outcome.php. In the European Union, asylum claims should take no longer than six months, according to the recast Asylum Procedures Directive, but in practice they often take much longer. See European Commission, Directorate-General for Migration and Home Affairs, "Asylum Procedures," updated June 29, 2017, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/common-procedures/index_en.htm.

69 Camargo, *Arrancados de Raíz*, 61.

70 CNDH, *Informe Sobre la Problemática de Niñas, Niños Y Adolescentes Centroamericanos*, 110.



Multiple factors are likely responsible for these low application rates. Many children may not want to apply for asylum in Mexico because they seek to join family members in the United States, but three other factors also play central roles:

- 1) **Inadequate screening and knowledge about the right to protection.** Officials often do not screen children for potential protection needs or inform them of their right to apply for asylum or humanitarian visas.
- 2) **The deterrent effect of detention.** Failure to transfer children from detention facilities to DIF shelters may deter them from applying for international protection as they may fear prolonging their detention while waiting for their case to be adjudicated.⁷¹ This aversion to long periods in detention is likely aggravated in many cases by poor housing, food, and services during detention, as reported by UNHCR and civil-society organizations.⁷²
- 3) **Lack of legal support.** While several laws require INM and COMAR to allow children to communicate with a legal representative, they do not require the state to provide a lawyer.⁷³ According to INM data, none of the unaccompanied minors who filed an asylum claim in 2014 received assistance from an attorney.⁷⁴ This lack of counsel may make it difficult for many children to navigate the process of filing an application and completing the required interviews.

D. Recent Revisions to the Mexican National Child Protection System

Mexico's *General Law for the Rights of Girls, Boys, and Adolescents* (Children's Rights Law), was approved in December 2014. The law aimed to reform the national framework for protecting the rights of all children by replacing the previously fragmented and heterogeneous child protection laws in different states.⁷⁵ Acknowledging the unique circumstances of migrant children, the 2014 law and its regulations—enacted in 2015—dedicate chapters to minors' protection based on the principle of the best interests of the child.⁷⁶

Governments at the federal, state, and municipal levels are at various stages of adapting their legal and institutional structures to implement the reform.⁷⁷ While it is too early to evaluate the full impact of these changes, the following four elements of the 2014 law present opportunities to improve protection services for unaccompanied minors:

- 1) **Improved coordination between government actors.** In December 2015, a new government entity—the National Integrated Children Rights Protection System (Sistema Nacional de Protección Integral de Niñas, Niños y Adolescentes, National Protection System)—was launched to coordinate the protection of children across different government agencies at federal, state, and municipal

71 For detailed personal accounts of how extended stays in detention may deter applications for international protection, see Georgetown Law, Human Rights Institute, *The Cost of Stemming the Tide*, 35–37.

72 HRW, *Closed Doors*, 61; Georgetown Law, Human Rights Institute, *The Cost of Stemming the Tide*, 35; and Camargo, *Arrancados de Raíz*.

73 As a comparison, in the United States, unaccompanied minors in deportation proceedings are not granted a lawyer by the state. Only 57 percent of the 47,195 minors in immigration court proceedings had legal representation. See TRAC, "Juveniles — Immigration Court Deportation Proceedings," accessed July 18, 2017, <http://trac.syr.edu/phptools/immigration/juvenile/>.

74 Data obtained from INM through a public information request (no. 0411100002415), submitted by the author on January 13, 2015, www.sisi.org.mx/jspsi/documentos/2015/seguimiento/04111/0411100002415_065.pdf.

75 United Nations Children's Fund (UNICEF), *UNICEF Annual Report 2014: Mexico* (New York: UNICEF, 2014), www.unicef.org/about/annualreport/files/Mexico_Annual_Report_2014.pdf.

76 Cámara De Diputados, *Ley General de los Derechos de Niñas, Niños y Adolescentes*, Arts. 89–101.

77 Author phone interview with Federico Vázquez Calero, Deputy Director, Executive Secretariat for the National Integrated Children Rights Protection System, September 1, 2016.

levels.⁷⁸ By August 18, 2016, all 32 states (including the federal district of Mexico City) and 655 of the approximately 2,400 municipalities had established local offices for the protection system.⁷⁹

The National Protection System has set and oversees states and municipal progress⁸⁰ toward the goal of improving the protection of migrant children along the following four indicators by 2025: (1) the percentage of children housed in shelters rather than detention centers, (2) the share of asylum claims that end in international protection, (3) the percentage of children who have access to due process during their immigration cases, and (4) an index that measures the harmonization of the 2011 migration law with the Children's Rights Law.⁸¹ The specific benchmarks states and localities should aim to achieve by 2025 remain to be set.

Because the protection of migrant children inherently involves coordination between agencies at different levels of government, the purpose of the National Integrated Protection System is a promising step toward harmonizing and consistently improving the implementation of policies that affect migrant children.

- 2) ***The creation of federal and state Child Protection Authorities.*** The 2014 law also created one federal and 32 state Child Protection Authorities (Procuradurías de Protección de Niñas, Niños y Adolescentes, CPAs). The offices are tasked with determining the best interests and potential protection needs of children apprehended by INM,⁸² providing legal counsel, and representing children in judicial or administrative proceedings (including the adjudication of asylum claims).⁸³ By August 2016, 29 out of 32 states had created their CPA, with 959 field offices open to provide services across the country.⁸⁴

If the federal government were to grant CPAs sufficient resources to adequately screen for international protection and provide legal counsel during the asylum application process, these authorities could substantially bridge gaps a number of the screening and protection gaps identified.

- 3) ***New guidelines to improve screening procedures.*** The regulations introduced alongside the law require INM to create a general protocol that outlines the steps to be taken during migration administrative proceedings involving children.⁸⁵ Additionally, these regulations require INM to create a protocol to improve the screening and identification of children eligible for asylum.⁸⁶

The first protocol specifies the measures OPIs and other INM agents must take from the moment a minor is apprehended until he or she is granted status and released or returned to the country of origin. It places particular weight on conducting a thorough screening interview for all unaccompanied minors.⁸⁷ The second protocol is a toolbox of best practices for conducting such screening interviews. It describes, in careful detail, seven steps—from how to prepare the physical space and conduct the interview to how to report the information gathered. It also provides age-

78 Cámara De Diputados, *Ley General de los Derechos de Niñas, Niños y Adolescentes*, Arts. 1 and 125-139.

79 Presidencia de la República, "Diversas intervenciones durante la Segunda Sesión Ordinaria del Sistema Nacional de Protección Integral de Niñas, Niños y Adolescentes," updated August 18, 2016, www.gob.mx/presidencia/prensa/diversas-intervenciones-durante-la-segunda-sesion-ordinaria-del-sistema-nacional-de-proteccion-integral-de-ninas-ninos-y-adolescentes.

80 Author phone interview with Vázquez Calero.

81 Sistema Nacional de Protección Integral de Niñas, Niños y Adolescentes (SPINNA), *25 al 25: Objetivos Nacionales de Derechos de Niñas, Niños y Adolescentes* (Mexico City: SPINNA, 2016), Objective no. 18, <http://docplayer.es/33881109-Objetivos-nacionales-de-derechos-de-ninas-ninos-y-adolescentes.html>.

82 Author phone interview with Nelly Montealegre Díaz, Head of the Federal Child Protection Authority, August 16, 2016; Cámara De Diputados, "Reglamento de la Ley General de los Derechos de Niñas, Niños y Adolescentes," Art. 106.

83 Cámara De Diputados, *Ley General de los Derechos de Niñas, Niños y Adolescentes*, Arts. 1 and 114-39.

84 Presidencia de la República, "Diversas intervenciones durante la Segunda Sesión Ordinaria del Sistema Nacional de Protección Integral de Niñas, Niños y Adolescentes."

85 Cámara De Diputados, "Reglamento de la Ley General de los Derechos de Niñas, Niños y Adolescentes," Art. 105.

86 Ibid., Art. 107.

87 INM, "Protocolo de Actuación para Asegurar el Respeto a los Principios y la Protección de los Derechos de Niñas, Niños y Adolescentes," Chapter 5.



appropriate language that officers should use to inform all children of their right to apply for asylum and to describe what the process entails.⁸⁸

INM wrote both protocols in collaboration with DIF, COMAR, UNHCR, and UNICEF, issuing them in July and August 2016. A primary aim of these protocols is to reduce existing ambiguity about the steps OPIs are required to take when screening unaccompanied minors.⁸⁹

- 4) ***The introduction of a migrant children database.*** The law requires DIF and INM to record detailed data on every migrant child apprehended in Mexico. The database is to include, among other things, where children are housed and whether they applied for international protection. It is also to contain information about potential risks each child faces and any measures a CPA has dictated to protect his or her rights.⁹⁰ Because most children are not transferred from INM detention centers to DIF shelters, the creation of this DIF-run database will require strong coordination in data-gathering and -sharing between these two government agencies.

While it will take both time and sustained cooperation to populate this database, it promises to become an important tool for future evaluation of the trends and characteristics of unaccompanied children and the outcomes of policies designed to protect them.

These four areas of reform aim to address some of the most significant gaps in the current system of screening, housing, and adjudicating the claims of unaccompanied migrant children. However, their ultimate impact will depend on effective implementation and adequate financial resources and political support for all the agencies involved.

IV. Recommendations: Where Should Attention and Resources Be Focused?

The creation of new coordination mechanisms, offices to safeguard the rights of children, procedural guidelines, and data-management systems hold the potential to improve services for unaccompanied migrant children. In order to ensure that these reforms are supported by sufficient human and financial resources, policymakers in Mexico should consider the following recommendations:

- 1) ***Improve screening by assigning additional child protection officers (OPIs), reducing their administrative duties, and training all INM agents to follow new screening protocols.*** While the two protocols INM issued in 2016 may improve the content of screening interviews, the number of OPIs available to conduct screenings remains limited. It is thus necessary to increase the number of OPIs, particularly in states with large numbers of unaccompanied children; allow them to focus solely on screening; and train all OPIs to follow the new protocols. Training other immigration officers on how to identify children who may be in need of humanitarian protection is also crucial since OPIs are not always the children's first point of contact with immigration authorities.

The newly created Child Protection Authorities may strengthen current capacity by acting as a second screening authority. CPAs are required to review all cases of apprehended unaccompanied

⁸⁸ SEGOB, COMAR, UNICEF, and UNHCR, "Protocolo de Identificación de Indicios de Necesidades de Protección Internacional."

⁸⁹ INM, "Protocolo de Actuación para Asegurar el Respeto a los Principios y la Protección de los Derechos de Niñas, Niños y Adolescentes En Procedimientos Administrativos Migratorios," *Diario Oficial de la Federación*, August 10, 2016, http://dof.gob.mx/nota_detalle.php?codigo=5447404&fecha=10/08/2016; SEGOB, COMAR, UNICEF, and UNHCR, *Protocolo de Identificación de Indicios de Necesidades de Protección Internacional en Niñas, Niños y Adolescentes no Acompañados o Separados* (Mexico City: COMAR, UNHCR, and UNICEF, 2016), www.unicef.org/mexico/spanish/Protocolo_Proteccion_Especial_COMAR.pdf.

⁹⁰ Cámara De Diputados, "Reglamento de la Ley General de los Derechos de Niñas, Niños y Adolescentes," Art. 43.

minors and identify cases that require special protection.⁹¹ If a CPA determines that deportation is against the best interests of a detained child or that INM or DIF have violated the minor's rights, the

CPA can step in to stop INM from deporting the child and help him or her apply for asylum or another form of protection.⁹²

The establishment of CPAs as designated defenders of children's rights demonstrates the Mexican government's awareness of the deficiencies in the current screening process and its commitment to remedying them. Yet given how recently CPAs were established and the need to secure sufficient funding in the long run, it is too early to judge their effectiveness. Therefore, policymakers should prioritize efforts to address gaps in the first screening of unaccompanied children by INM officials.

- 2) *Allocate funds to increase DIF's capacity to house children away from detention centers and improve the quality of their care.*** If DIF is to comply with the law that forbids the housing of children at detention centers except in exceptional circumstances, the agency will need to quickly increase housing capacity. To avoid keeping children in detention-like conditions, shelters will also need to expand the services they offer. Such adjustments may include adding a wider range of educational and recreational activities and strengthening programs that address the trauma many unaccompanied children experience during migration and detention. Given the recent increase in girls and young children among apprehended migrants, DIF should adapt the services its shelters offer to meet the needs of these two particularly vulnerable groups.

Regulations under the reformed child protection system provide another avenue for building capacity by allowing DIF to house unaccompanied children in certified private or civil-society shelters or to find other suitable alternatives to detention, such as placement with foster families.⁹³ The recently created federal CPA has identified 381 public, private, and civil-society shelters or centers that meet these new housing standards.⁹⁴ Many of these shelters, however, are located in states with low numbers of migrant children, such as Durango, or are already operating at full capacity.⁹⁵ Where suitable alternative housing is not prevalent—as in Chiapas, Veracruz, and Tabasco, the three states with the highest concentration of unaccompanied children—state-run DIF shelters will need the largest investments to increase their capacity.

The new partnerships formed to provide alternatives to detention are a promising step, but require careful evaluation to gauge their success. An early pilot program saw between 15 and 20 children (ages 12 to 17) housed in shelters run by two civil-society organizations, Casa Alianza and Aldeas Infantiles, where they would receive specialized care.⁹⁶ This plan, implemented between August 2015 and June 2016, was jointly developed by INM and its Citizens Council, DIF, COMAR, Casa Alianza, and Aldeas Infantiles. While this program was small in scale compared to the thousands of children who remain in detention, if found successful, it could serve as a model for expanded partnerships in the future.

Increasing capacity, whether at DIF shelters or through alternative housing options, will take time and specific budget commitments. While DIF shelters are being expanded, it is important that services for children in detention centers are improved. This should include expanding space to avoid overcrowding and guaranteeing equal access to all services required by law. To do the latter,

91 Author phone interview with Montealegre Díaz.

92 Ibid.

93 Ibid.

94 The Federal Child Protection Authority issued new guidelines in May 2016 to evaluate the quality of shelter care. According to these guidelines, the Child Protection Authority must evaluate and certify all government, private, and civil-society shelters twice a year. The office must also make the directory of all shelters and the results from their biannual evaluations public.

95 Author interview with Montealegre Díaz.

96 Author phone interview with Rodolfo Córdova Alcaráz, former President of the Citizen Council of the INM, July 11, 2016; Consejo Ciudadano del INM, "Descripción del Programa Piloto de cuidado y acogida alternativa de NNA migrantes no acompañados en México," June 30, 2016, www.gob.mx/cms/uploads/attachment/file/115687/Descripcion_del_Programa_Piloto.pdf.



the hours of operation and services available at DIF attention modules within detention centers should be expanded to meet current needs.

- 3) ***Increase and maintain the number of COMAR officers specialized in international protection measures for children.*** COMAR's performance is exemplary in some areas, deficient in others. On the one hand, COMAR resolves most asylum cases within the 45-day time limit—a swift process compared to the months or years asylum decisions take in major recipient countries, such as the United States and many European countries.

On the other hand, the time it takes COMAR to adjudicate cases increases significantly even with small increases in the number of asylum claims filed (see Figure 12). In 2015, COMAR had 15 officers to process more than 3,000 applications from children and adults.⁹⁷ If improvements in screening and detention practices result in more asylum claims, COMAR capacity would need to rapidly expand to avoid backlogs. In a clear effort to increase capacity, COMAR and UNHCR posted a joint open call to hire 29 new staff members in Mexico City, Tabasco, and Veracruz in October 2016.⁹⁸ In addition to building general capacity, it will also be necessary to maintain an adequate level of COMAR officers who specialize in the humanitarian protection of migrant children.

- 4) ***Increase access to legal counsel for international protection.*** An important weakness in the asylum adjudication procedure is the scarcity of lawyers who can represent unaccompanied children. While the creation of state and federal CPAs tasked with providing legal representation to children is promising, these authorities will need to recruit and train legal personnel specialized in asylum cases. Careful planning and designated resources will be necessary to build a network of partners the CPAs can rely on to adequately represent children who need international protection and, in doing so, to prevent their return to unsafe environments in their countries of origin.

Protection systems across the region must be recalibrated to meet the heightened demand for services tailored to the unique needs of children on the move.

Many thousands of Central American children and families are likely to transit through, or possibly seek to remain, in Mexico in the months and years to come. Data on apprehensions in the United States and Mexico, as well as study of the underlying conditions that propel migration in the region, suggest that the surge in unaccompanied Central American children crossing through Mexico was not a one-time occurrence—it constitutes an enduring new phenomenon. Accordingly, protection systems across the region must be recalibrated to meet the heightened demand for services tailored to the unique needs of children on the move. In Mexico, reforms to harmonize and create a more robust child protection system have laid the groundwork for meeting this challenge. These reforms promise to further strengthen a Mexican legal framework for protecting child migrants that is both well established and comprehensive. But until what has been laid out in laws becomes a reality in practice, many unaccompanied child migrants in Mexico will remain without genuine protection.

97 Manu Ureste, "Mexico Recibe 67% más Solicitudes de Refugio, Pero Solo Tiene 15 Oficiales para Atender 2 Mil Casos," *Animal Politico*, June 19, 2015, www.animalpolitico.com/2015/06/mexico-recibe-67-mas-de-solicitudes-de-refugio-pero-solo-tiene-15-oficiales-de-comar-para-atender-2-mil-casos/; COMAR, "Estadísticas 2013-2017," updated March 2017, www.comar.gob.mx/work/models/COMAR/Resource/267/6/images/ESTADISTICAS_2013-2017_1er_Trim.pdf.

98 UNHCR, "29 Vacantes: Contratista Independiente" (job listing, UNHCR, 2016), www.acnur.org/fileadmin/scripts/doc.php?file=fileadmin/Documentos/Vacantes/2016/Anuncio_General_Vacantes_UNOPS_COMAR.

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