**UNICEF Submission to the Secretary General’s Report on the Human Rights of Migrants**
Covering all aspects of the General Assembly Resolution on the protection of migrants [A/RES/76/172](https://un.us14.list-manage.com/track/click?u=87e550b394ccb56c33c1f9f66&id=c163314985&e=2fa785839d)

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| **Access to territory and regular pathways** |

Pushbacks and forced expulsions of children at borders put their lives and safety at risk. Access to territory is an essential prerequisite to protect children’s rights. All children, whether with their families or alone, should be allowed to enter a State’s territory in order to apply for asylum, have their international protection needs and best interests properly assessed in a child-sensitive manner, and be able to remain in the State’s territory for the duration of asylum or migration proceedings, or until a sustainable solution in the child’s best interests is identified. The CRC Committee has stated that children should be guaranteed the right to access to territory, regardless of the documentation they have or lack and to be referred to authorities in charge of evaluating their needs in terms of protection of their rights, ensuring their procedural safeguards.[[1]](#endnote-2)

Regular pathways – family reunification, temporary protection, humanitarian visas, student visas, and more - are a key tool to avoid children resorting to long, dangerous journeys to access safety and protection. Yet, many of these pathways are only available to a limited number of children and families. UNICEF calls on governments to expand regular pathways and encourages a flexible use of family reunification mechanisms to respond to humanitarian situations, broadening the definition of family (e.g. to include siblings and foster children), and a culturally sensitive interpretation of family that allows children to join relatives who cared for them back home.

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| ***Promising practices:**** U.S. [Central American Minors (CAM) Program](https://www.uscis.gov/CAM#:~:text=The%20CAM%20program%20provides%20certain,resettlement%20in%20the%20United%20States.) allows parents or legal guardians in the U.S. who meet eligibility requirements to apply for legal status and possible resettlement in the U.S. for their qualified children in El Salvador, Guatemala, or Honduras.
* Many countries have instated new humanitarian pathways for Afghans and Ukrainians fleeing crisis.
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| **Child-sensitive border reception, care standards, and services** |

Important features of a child-sensitive reception and care system for migrant children include an organizational culture centered around child rights, dignity, and care, as well as reception processes that engage qualified child protection professionals to screen and interview children, provide clear information, assess their needs, and take a leading role in decisions that affect them. A child’s best interests must be the primary consideration at every stage.

Smart firewalls are needed – a separation of functional responsibilities between immigration authorities and those providing care, protection, and services for migrant children. In the case of unaccompanied children, trained, independent guardians or child advocates should assess, support and represent the child’s best interests, ensure quality of care, and facilitate access to legal and social services.

Family- and community-based care settings should be prioritized rather than large-scale facilities. Immigration detention of children – whether they are travelling alone, or with their families – should be avoided at all costs. Detention – for any length of time - has detrimental effects on children’s health and development, is never in their best interests, and is a violation of their rights.

Reception and care should be integrated into national and local systems, including child protection systems, to avoid parallel systems, even if there are additional targeted services to meet the unique needs of the migrant or displaced population. Migrant children should have access to education and services to the same extent as national children and should be engaged as experts to influence the design and implementation of programs.

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| ***Promising practices:**** Mexico: Strategy on alternative care for children in situations of mobility
* Greece: Supported independent living for older unaccompanied children
* Nordic countries: “Barnahus” one-stop-shop care and comprehensive service model
* In Guinea and Mauritania, UNICEF and partners have supported governments in establishing mechanisms to refer unaccompanied and separated migrant children to care arrangements within the national fostering and alternative care system, avoiding the risk of detention and providing them with a safe, supervised environment from which they can access other essential services such as education, social welfare, and health.
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| **Inclusion in national social protection systems and services** |

Few displaced children and families currently access national social protection systems, undermining the core tenet that ‘a child is a child’ and that all children in a country should be educated, cared for, and protected, without discrimination. Laws and policies often restrict provision to citizens. Where legal frameworks are inclusive, schemes often cover only a fraction of the population or are insensitive to children’s needs. Bottlenecks in financing, operational gaps and limited awareness about programs further limit access.

The design and implementation of responses must meet the needs of displaced children and families and tackle the multiple dimensions of poverty, including by strengthening linkages with social care, social workers, child protection and other specialised services. An enabling environment for inclusive social protection includes establishing legal and regulatory rights to social protection, stimulating political and financial commitments, supporting public demand, and addressing evidence gaps. Investing in social protection systems that are inclusive of displaced children is an opportunity for States to strengthen comprehensive and shock-responsive social protection that responds to all children’s needs.

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| ***Promising practice:*** In Brazil, national social protection programs and benefits are available to migrants, and many vulnerable Venezuelan families receive cash transfer programs. However, a 2019 field study by UNICEF Brazil found that they faced critical barriers in accessing broader social protection, including a lack of Spanish-speaking staff in social assistance units and a lack of protocols on how to monitor and support Venezuelan migrant families. To address these gaps and improve access and quality of services, UNICEF provided support to strengthen the social services workforce, including additional Spanish-speaking human resources. |

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| **Climate displacement and mobility** |

One billion children globally are at extremely high risk to the impacts of climate change,[[2]](#endnote-3) and children and young people on the move – whether they are internally displaced or have moved across borders, whether living in rural communities, refugee camps, urban slums or large cities - are among the most impacted. Even with major progress to mitigate the impacts of climate change, mobility will continue to be an adaptation strategy, particularly for young people. To prepare for this reality and minimize risks for children, it is critical to:

* **Invest in children and young people’s adaptive capacities**, resilience and participation.
* **Make child-critical systems and services** – including education, health, social protection and child protection – **shock-responsive, portable and inclusive.**
* **Prioritize child-sensitive disaster risk reduction (DRR), community early warning systems and anticipatory action** to minimize risk and prepare for relocation and displacement
* **Strengthen data systems** to plan, track and monitor weather-related displacement and **leverage innovative technologies to help predict and simulate disasters**.
* **Manage mobility options** by expanding inclusive, fair and accessible migration pathways for children, families and young people living in hotspot locations.

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| ***Youth voices:*** The [African Youth Declaration for Climate Mobility,](https://drive.google.com/file/d/18_5CbLIh4t4syQ8MrlQyRG1eZazniQaI/view) drafted by youth themselves, puts forward demands and recommendations for governments, the UN, the African Union, financial institutions, and all decision-makers and calls for them to partner with youth to address the climate change and human mobility nexus, harness the transformative potential of human mobility, and deliver on the Agenda 2030.  |

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| **Solutions: best interest determinations, returns and reintegration, regularisation** |

**Return and Reintegration:** The precondition to the return of any child – whether unaccompanied, separated or within a family – is that return has been found to be in their best interests through an individual and participative process aimed at identifying a sustainable solution with the central involvement of child protection authorities, and of a competent and independent guardian in the case of unaccompanied or separated children. States should examine each individual child’s case in their own right and in an age- and gender-sensitive manner and take into account the specific rights and vulnerabilities of children, as well as the particularly serious consequences of traumatic returns on children’s mental health and well-being and the impact of disrupted or insufficient access to services upon return, including education, shelter, food, health and other rights. This means that even when they do not qualify for asylum, many children cannot and should not be returned or relocated, due to child protection or family reunification or other considerations.

If return is in a child’s best interests, safeguards and reintegration support must be in place. Sustainable reintegration begins before the child leaves the host country by ensuring appropriate reception and care arrangements are made in the country of origin prior to the child’s return.[[3]](#endnote-4)

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| ***Guidance:**** IOM and UNICEF’s joint [set of tools](https://returnandreintegration.iom.int/en/resources/manual/reintegration-handbook/complementing-tools-reintegration-handbook-module-6-child-rights-approach-sustainable?check_logged_in=1) to assist practitioners in following a Best Interests Procedure for migrant children and to facilitate reintegration support for children and their families.
* UN Migration Network [Checklist for Safe and Dignified Return and Sustainable Reintegration](https://migrationnetwork.un.org/resources/checklist-safe-and-dignfied-return-and-sustainable-reintegration)
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**Regularisation:** The CRC Committee has highlighted that children taking irregular journeys or with irregular migratory status may encounter risks such as “physical harm, psychological trauma, marginalization, discrimination, xenophobia and sexual and economic exploitation...raids against migration and detention”; that irregular status may lead to them being denied access to education, housing, health, recreational activities, participation, protection and social security; and that even when rights to services are protected by laws and policies, children and their caregivers may face administrative and other obstacles to accessing those services, including the request for identity documents.[[4]](#endnote-5)

Facilitating access to regular migration status and identity documents for children and adolescents and their parents/caretakers is an indispensable means of reducing this vulnerability[[5]](#endnote-6) and a necessary tool for the effective guarantee of the four CRC principles of non-discrimination, the best interests of the child, participation, and life and development, and their accompanying rights**.** Parents/caregivers should not be overlooked in regularization measures, as their own status has a direct impact on the realization of the rights, wellbeing, and development outcomes of the children in their care.

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| ***Promising practices:**** Colombia’s 2021 Statute for Temporary Protection for Venezuelan migrants, allowing them to work regularly, access the education and health systems, public and private services, and successfully integrate. UNICEF Colombia has provided support to get children and families registered.
* Spain’s 2021 reform to the *Reglamento de la Ley de Extranjería* makes it easier for older unaccompanied children and those who recently became adults to obtain residence andwork permits.
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| **Data and evidence for children on the move** |

Migrant children cannot be protected without being seen and counted. Data are key to understanding the scale of child migration, the factors that compel migrant children to leave home, the challenges they face along the route, and their urgent needs that demand effective action from the international community. Data and evidence gaps limit the ability of policymakers to develop well-informed policies that can protect migrant children. Without quality, disaggregated, comparable and timely local- and national-level data and statistics, regional and global estimates will fall short – and the rights of children on the move will remain ignored and neglected.

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| ***Promising practices:**** The International Data Alliance for Children on the Move ([IDAC](https://data.unicef.org/resources/international-data-alliance-for-children-on-the-move/)) is a cross-sectoral global coalition aimed at improving the availability, analysis, sharing and use of **statistics** and data on migrant and displaced children, to support evidence-based policymaking and programming.
* IDAC and the Migration Youth and Children Platform jointly launched a global pledge,[*From Promises to Action: Towards better data for migrant and displaced children*](https://data.unicef.org/resources/declaration-on-improving-data-for-children-on-the-move/), in January 2023 calling on Member States and key stakeholders to commit to specific activities and solutions to ensure that national data systems and efforts are child-sensitive and responsive to the unique needs of children on the move.
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1. Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, 16 November 2017, para. 17. [↑](#endnote-ref-2)
2. https://www.unicef.org/press-releases/today-1-billion-worlds-most-vulnerable-children-are-extreme-risk-if-world-fails-act [↑](#endnote-ref-3)
3. Reintegration Handbook: Module 6 - A Child Rights Approach to The Sustainable Reintegration of Migrant Children and Families | IOM Publications Platform [↑](#endnote-ref-4)
4. CRC, General Comment no. 20 on the Effectiveness of Children’s Rights during Adolescence, 2016, paragraph 76. [↑](#endnote-ref-5)
5. UNICEF, ‘[Migratory regularization as an essential condition for the comprehensive protection of the rights of children in the context of human mobility](https://www.unicef.org/media/83526/file/Migratory-regularization-as-an-essential-condition.pdf).’ [↑](#endnote-ref-6)