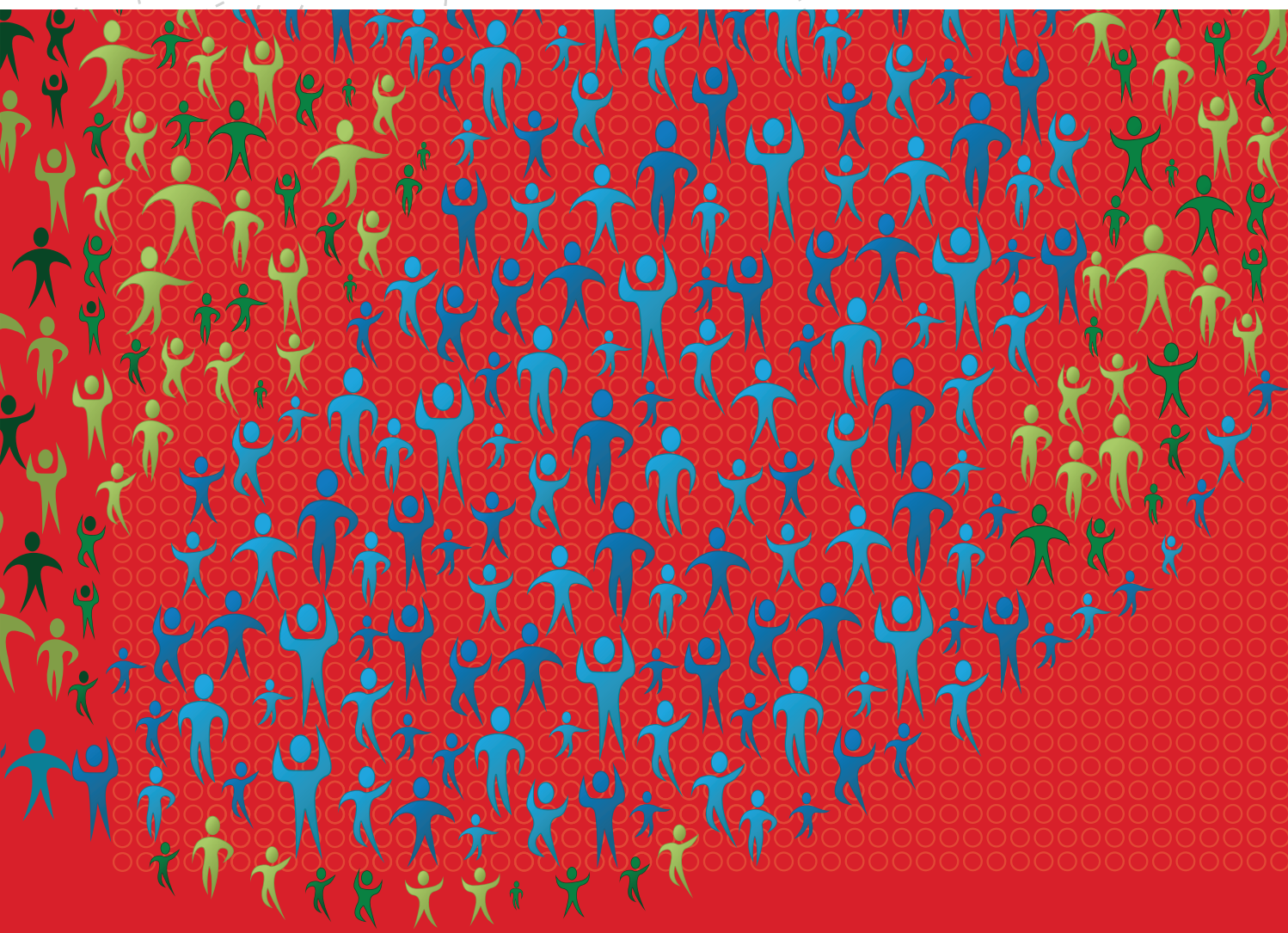


Protocol for the consular care of unaccompanied migrant children and adolescents

General Directorate for the Protection
of Mexicans Abroad



SECRETARÍA DE RELACIONES EXTERIORES
MÉXICO



Protocol for the consular care of unaccompanied migrant children and adolescents

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Ricardo Alberto Ortega Soriano
(Coordinator)



SECRETARÍA DE RELACIONES EXTERIORES
MÉXICO

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INTRODUCTION

Unaccompanied migrant children and adolescents are in a situation of special vulnerability due to the combination of several factors, such as age, sex and their own migratory condition. The Committee on the Rights of the Child highlighted the latter in its *General Comment Number 6 on the 'Treatment of unaccompanied and separated children outside their country of origin'*, in which it developed a series of standards to ensure that all States provide protection, care and proper treatment to children and adolescents, who are unaccompanied migrants¹. This comment was issued in light of the obligations that arise from the Convention on the Rights of the Child itself, and, in particular, from the principles of equality and non-discrimination, the best interests of the child, and of the right to express an opinion and to participate effectively in all processes that affect them.

In this context, the Committee on the Rights of the Child stated that all measures adopted by the State – their sequence and priority – in relation to unaccompanied migrant children and adolescents must be governed by the principle of the best interests of the child². For this determination, a clear and in-depth *initial assessment* of their identity, as well as of the specific protection needs, is necessary. This assessment must be undertaken in a friendly and safe environment, and through interviews with a differentiated approach that takes into account age and sex, amongst other elements³.

The Mexican State recognises that any migrant person, regardless of his or her migratory status, is a holder of rights and an ally for development. Thus, the human, efficient and modern attention to the migratory phenomenon is a challenge that deserves to be addressed based on a perspective of shared responsibility aimed at the creation of models of regional governance⁴. Coherently with this approach, the General Law on the Rights of Children and Adolescents, enacted on 4 December 2014, states that the principle of the best interests of the child is a primary consideration throughout the administrative migration procedure, which migrant children and adolescents are subjected to. Furthermore, Article 100 of this same Law states that it is incumbent on the Ministry of Foreign Affairs, through the Consular offices, to ensure the assistance and consular protection of this group.

¹United Nations, Committee on the Rights of the Child, General Comment No. 6 Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, adopted by the Committee in its Resolution CRC/GC/2005/6 during its 39th session, Geneva, Switzerland.

²In accordance with Article 3 of the Convention on the Rights of the Child, the best interests of the child is a principle that obliges all the authorities, regardless of their nature and competence, to ensure that any decision or action that they adopt in relation to children and adolescents is aimed at offering the highest protection and effectiveness to their rights.

³Inter-American Court of Human Rights. Rights and guarantees of children in the context of migration and/or in need of international protection. Advisory Opinion OC-21/14 of 19 August 2014, Series A No. 21, Para. 85.

⁴Ministry of Foreign Affairs, México ante el fenómeno migratorio: una visión para el siglo XXI, 2013.

What is the Protocol for the consular care of unaccompanied migrant children and adolescents?

The Protocol for the consular care of unaccompanied migrant children and adolescents, which was developed by the Ministry of Foreign Affairs in coordination with the United Nations Children's Fund (UNICEF Mexico), is a tool designed to strengthen the intervention mechanisms of the Officers for the protection of Mexicans abroad, who work in the Mexican State's consular representations. Its aim is to ensure the adequate observance of the obligations relating to the comprehensive protection of unaccompanied migrant children and adolescents or those separated from their families, by virtue of the situation of special vulnerability, which they experience.

Thus, the Protocol is based, on the one hand, on a wide understanding of the right to access consular communication and assistance, as recognised internationally, and, on the other hand, on the strengthened obligations that this right imposes in situations, which unaccompanied or separated migrant children and adolescents may face, in particular in relation to the need to gather adequate information relating to special protection needs, which ensures the adoption of actions aimed at ensuring full compliance with their rights⁷.

The Protocol was designed in the framework of the principles recognised internationally to unaccompanied or separated migrant children and adolescents, which recognise the need to ensure an initial assessment of their situation, which safeguards their safety and privacy, with a view to ensuring an adequate and specialised treatment for the adoption of special protection measures⁸. Based on this point of view, it is understood that underage persons in migratory contexts are, first, children and adolescents with specific rights resulting from this age condition. Thus, the legal considerations resulting from their migratory condition, even though they are important, must always be subject to the rights of children and adolescents.

Accordingly, this instrument is based on the assumption of ensuring the concrete application of the *principle of the best interests of the child*. It is important to remember that the Committee on the Rights of the Child has acknowledged that the best interests operate as much as a substantial right (the right of a child to his or her best interests being a primary consideration) as an interpretative legal principle (amongst various interpretations, the one that most effectively meets the best interests will be chosen),

⁶Inter-American Court of Human Rights. Rights and guarantees of children in the context of migration and/or in need of international protection. Advisory Opinion OC-21/14 of 19 August 2014, Series A No. 21.

⁷See Inter-American Court of Human Rights. Rights and guarantees of children in the context of migration and/or in need of international protection. Advisory Opinion OC-21/14 of 19 August 2014, Series A No. 21, Paras. 126-128.

⁸See Inter-American Court of Human Rights. Rights and guarantees of children in the context of migration and/or in need of international protection. Advisory Opinion OC-21/14 of 19 August 2014, Series A No. 21, Para. 82.

and also as a procedural standard (any decision-making process, which affects children and adolescents must include an assessment of the potential impact – whether positive or negative – of such a determination on the children and adolescents involved)⁹.

When talking about the principle of the best interests of the child – which lacks a strict or set definition – it is fundamental to understand it as a paradigmatic form, which acknowledges a series of State obligations with regards to children and adolescents. Accordingly, the State must realise that the solutions that will be determined for children and adolescents must take into account that the latter hold a comprehensive catalogue of rights, and given the latter, those decisions that best contribute to ensuring these rights as a whole must be promoted¹⁰. This way, the application of the mentioned principle – when addressing the cases that must be dealt with by the personnel, which works in Consular offices – ensures that the solution that is offered is personalised and adequate given the age, gender, developmental and other particular characteristics of the children and adolescents, who receive the care.

What is the Protocol used for?

The Protocol for the consular care of unaccompanied migrant children and adolescents intends to ensure and harmonise the protection work undertaken by the Mexican State's Consular offices abroad, in compliance with the most advanced standards of human rights protection. This way, the Protocol is an intervention tool, which will allow for the identification of particular aspects of vulnerability, as well as of the special needs for protection that unaccompanied migrant children and adolescents may have. The objective is to ensure an adequate referral of cases, focusing the intervention on the application of the principle of the best interests of the child, in order to secure, through the latter, compliance with the duty of due diligence, which is imposed by the most advanced standards for the protection of the rights of children and adolescents.

Likewise, the application of the Protocol will make it possible to avoid conditions that generate a revictimisation or secondary victimisation of the children and adolescents, who travel unaccompanied or who have been separated from their families, whilst also enabling an increased visibility of the various circumstances that may hinder the full exercise of their rights.

⁹See Committee on the Rights of the Child, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (Article 3, Paragraph 1), CRC/C/GC/14, 29 May 2013, Para. 6.

¹⁰See, Cillero Bruñol, M., 'El interés superior del niño en el marco de la Convención Internacional de los Derechos del Niño' in: Justicia y Derechos del Niño No. 9, Santiago de Chile, United Nations Children's Fund (UNICEF), 2007, pp. 125-142.

What benefits will the application of the Protocol generate?

The application of the Protocol for the consular care of unaccompanied migrant children and adolescents entails an enormous benefit for the work of the offices that undertake tasks of protection of Mexican citizens abroad. This way, from the perspective of strengthening consular diplomacy tasks¹¹ undertaken within the framework of protection tasks, the application of the Protocol undoubtedly represents the inclusion of high quality intervention standards that will foster the development of a democratic agenda that commends the consular function itself. Furthermore, for the Mexican State, the application of the Protocol represents the possibility of ensuring the full and permanent fulfilment of its international human rights obligations, in particular those relating to children.

On the other hand, this tool has been developed by taking into account the work undertaken by Consular officers in the field, who, day after day, contribute, in a decisive manner, to the protection of the rights and interests of Mexican citizens abroad. The Protocol is intended to offer support, in order to strengthen the undertaking of such an important task, whilst also providing the personnel – in a simple and accessible manner – the most advanced concepts and tools in this field – an aspect that will undoubtedly allow them to achieve better results in the difficult tasks that they face on a daily basis. The persons, who work in Mexico's Consular offices abroad, are in an exceptional place to ensure that the care of unaccompanied migrant children and adolescents ensures, as from the initial interview, a 'chain of protection' that will continue throughout the process that they face.

Given, in particular, the latter, the most important benefit that this instrument hopes to achieve relates to its positive impact on the difficult living conditions faced every day by many unaccompanied migrant children and adolescents, who have the right to receive comprehensive care, which ensures the highest protection of their rights. The most important benefit of this instrument is aimed at their wellbeing.

¹¹It has been considered that consular diplomacy is an exceptional framework to strengthen relations with organised civil society, as well as to further the democratic agenda. De la Vega Wood, D. A., 'Diplomacia Consular para el desarrollo humano: Una visión desde la agenda democrática' in *Revista Mexicana de Política Exterior*, No. 101, May-August 2014, pp. 172-175.

How should the Protocol be used?

The Protocol is a support tool for the consular function in the framework of the initial assessment that must be performed with regards to unaccompanied migrant children and adolescents. The Protocol therefore includes a series of relevant stages for the development of an adequate intervention with regards to children and adolescents. These include the undertaking of interviews from a child's perspective, as well as actions aimed at the analysis and sistematisation of the information obtained in order to ensure the best decision-making setting. All this is aimed at the design and recommendation of protection measures in accordance with the problems and characteristics that have been identified.

The Protocol offers an ideal goal/setting, to be aimed at. It is understood that, in many cases, suitable conditions to undertake the initial risk assessment of the child or adolescent will not be fully present. However, this must be assumed as a challenge for Mexican consular diplomacy, which entails a task of awareness-raising, negotiation and partnership-building with key actors in the process. Even though the conditions for the meeting are subject to negotiation (with a view to achieving the best possible outcome), the stages mentioned must be considered as mandatory, and must be complied with invariably, given that they are closely linked to the specific rights of those persons, whose protection is sought. The instrument provided in this document intends to be a pretext to introduce a cultural change, which will positively affect all the actors involved in the process of care of unaccompanied children and adolescents in migratory contexts.

One of the most relevant aspects that must be taken into consideration is that the Protocol intends to replace the rigidity of conventional interviews based on a question and answer model, which has proven to be, on many occasions, inhibiting for the children and adolescents, who are being interviewed. Instead of the latter, an interactive conversation strategy between the child or adolescent and the consular protection personnel is suggested. A strategy of this kind (compliant with the 'enquiring by informing' technique) intends to promote the development of an comprehensive initial assessment of the risks and protection needs, with a differentiated approach based on the sex, age, emotional and cognitive development of children and adolescents.

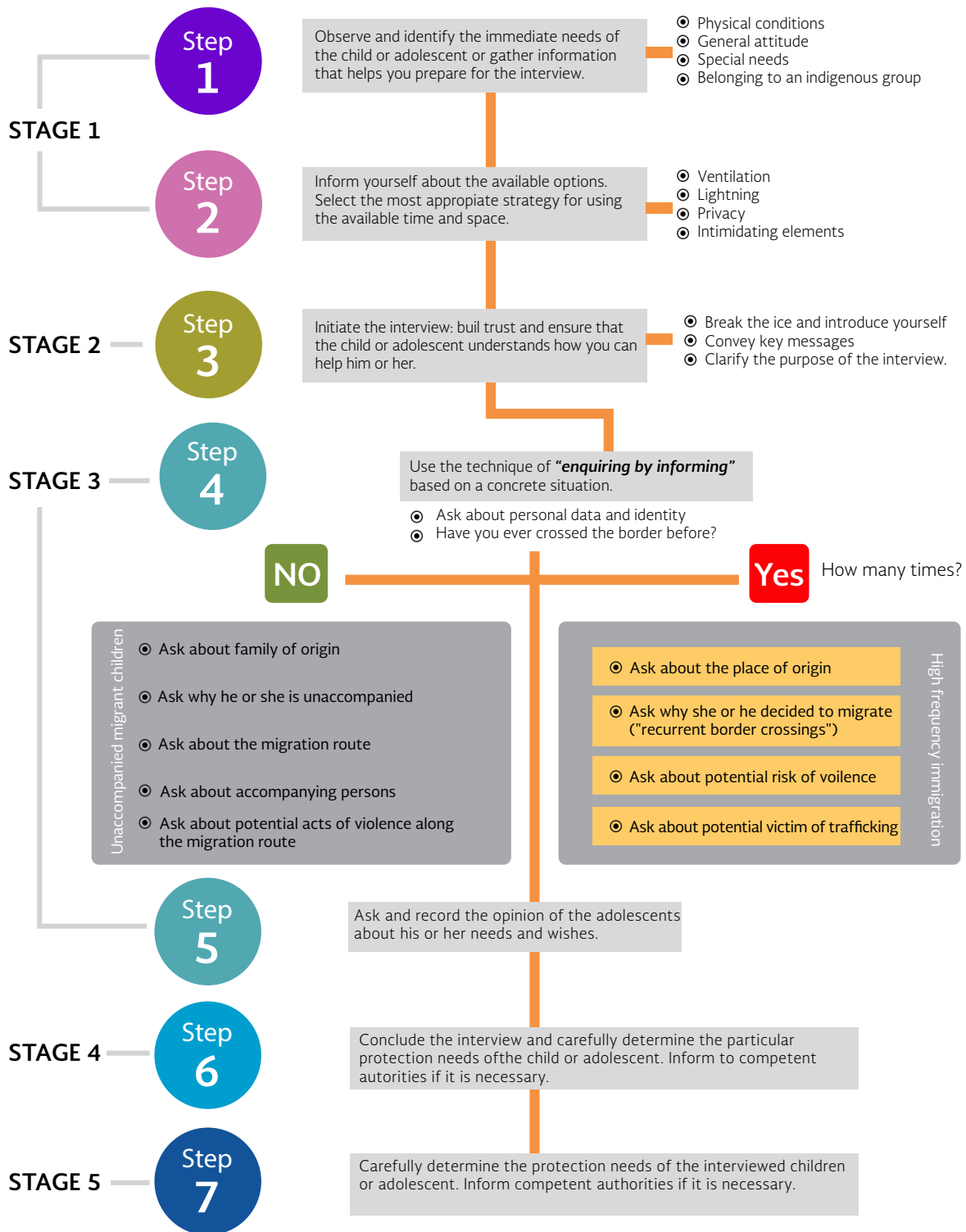
Thus, as a support tool for this Protocol, in the table of synthesis of the stages and steps, which is located in the initial section of this document, references to a series of support factsheets that are included in the document called '*Toolbox*' – located in the booklet that supplements this Protocol – may be found. We therefore hope that the steps presented here may be supplemented with the concepts, recommendations and instruments that are located in the *Toolbox*.

The *Toolbox* expects those, who use the Protocol, to access specific knowledge applicable to the various steps that must be implemented in the initial risk assessment, in the development of the interview and in the systematisation of the information gathered within the framework of consular functions. The ultimate aim is to enable the design of the best care and referral strategies for the comprehensive protection of their human rights.

It is worth specifying that the conversation strategies that are suggested in this Protocol are, first and foremost, aimed at the care of unaccompanied migrant adolescents (over the age of 10 years). Thus, their application to children under this age must be adapted in accordance with the recommendations included in the toolbox.

Before fully initiating the application of the suggested methodology and techniques, a comprehensive reading of the Protocol is recommended, in order to have an in-depth knowledge of the method of work suggested in this document. Once the latter has been completed, the Protocol, together with its *Toolbox*, will be able to be used as a permanent source of consultation, and will therefore have to be resorted to as many times as may be necessary.

Flow chart for the application of the Protocol



Note: Depending on the circumstances of recurrence of border crossings, this flow chart allows for relevant information to be given priority in order to adopt protection measures.

Synthesis of the Protocol for the consular care of unaccompanied migrant children and adolescents

Stage	Step	Objective to be achieved	Aspects to ascertain	Toolbox
Prior to the interaction with the child or adolescent	Step 1. Observe the general conditions	General conditions	<ul style="list-style-type: none"> - Physical condition - General behaviour - Observable behaviour 	<ul style="list-style-type: none"> - The need for specialised care - Structural difference between childhood, adolescence and adulthood
		Preparation for the interview	<ul style="list-style-type: none"> - Required materials - Anticipate common fears - Individual-group format 	<ul style="list-style-type: none"> - What is concrete thinking? - What is egocentric thinking? - Techniques suggested for children under the age of 10 years - (The toolbox includes some specific support materials for the interview. See Step 3)
	Step 2. Determine the location and duration of the interview	Determination of an adequate setting	<ul style="list-style-type: none"> - Light - ventilation - Privacy - Intimidating elements 	<ul style="list-style-type: none"> - How does a child or adolescent control emotions? - How to adapt a setting?
		Determination of the required duration	<ul style="list-style-type: none"> - Ideal-possible 	<ul style="list-style-type: none"> - What are psychological defence mechanisms? - What are the defence mechanisms in adolescence? - Technique to manage the emergence of defence mechanisms during the interview - Tools when the child or adolescent remains silent - Ludic group suggestions for the Consular personnel's approach and introduction
The framework for the interview	Step 3. Initiate the interview	Relaxing chat	<ul style="list-style-type: none"> - Pleasant topic - Chat, not questioning 	<ul style="list-style-type: none"> - Is the expression of questions the suitable means to interview children and adolescents?
		Introduction of the Consular Officer	<ul style="list-style-type: none"> - Consular functions - Consular benefits 	<ul style="list-style-type: none"> - How does a child think? - How do adolescents think? - Are adolescents particularly vulnerable?
		Key messages	<ul style="list-style-type: none"> - Anticipation of common fears 	<ul style="list-style-type: none"> - 'Inform to ask': Tool to obtain information from the child or adolescent - Separation from significant persons and feeling of vulnerability - Presence of frustration and despair - Uprooting and lack of knowledge of the context - Absence of potential alternatives
		Description of the aim of the interview	<ul style="list-style-type: none"> - Why is he or she here? - What is expected from him or her? 	<ul style="list-style-type: none"> - Recommended actions for consular intervention in relation to young children

Stage	Step	Objective to be achieved	Aspects to ascertain	Toolbox
The development of the interview	Step 4. Inform to ask	On personal data and identity	- Name - Nationality	- Map and support persons
		On the family of origin	- Names - Nationalities - Current location	- Tools for the identification of contexts of origin
		On the condition of being unaccompanied/separated from his or her family	- Identification of the particular situation	- Tools for the identification of family contexts
		On the decision to migrate	- Economic conditions - Conditions of violence	- Tools for the identification of migratory profiles
		On potential psychological or emotional effects	- Health - Domestic violence - Trafficking - Exploitation - Sexual violence - Use by organised crime	- Tools for the identification of emotional conditions - Tools for the identification of health conditions - Early assumption of adult roles - Elements for the identification of situations of violence or child or adolescent maltreatment - Tools for the identification of police-related circumstances
		Protection needs	- Health - Domestic violence - Trafficking - Exploitation - Sexual violence - Use by organised crime	- Indicators of potential trafficking or sexual exploitation - Considerations to promote an adequate behaviour with regards to potential victims of trafficking or sexual exploitation - Basic messages for a child or adolescent, in relation to whom it may be supposed that he or she is a victim of trafficking or sexual exploitation - Indicators of potential physical or sexual violence against children or adolescents - Guidance to approach potential victims of trafficking or sexual exploitation - Guidance to approach potential victims of physical or sexual violence
	Step 5. Know the informed opinion of the child or adolescent	Potential alternatives	- Consular benefits	
		The opinion of the child or adolescent	- What does he or she understand? - What would he or she like? ('recurrent border crossings') - Does he or she need to know anything else?	- Does the difference in power between a child or adolescent and adults have an impact on his or her replies during the interview?
The completion of the interview	Step 6. Conclude the interview	Thanks and emotional recovery	- Basic messages on identity and strength	- The role of the Consular authority in the reality of the child or adolescent - Recommended actions
		Anticipation of the following steps		- Risk of depersonalisation
		Contact details		- Form for the development of support networks for Consular offices
Proceedings for the protection of children and adolescents	Step 7. Design and implement protection actions	Referral of information and needs to the competent bodies	- Submit protection and care requests - Notify useful information to other bodies in favour of the child or adolescent	

Essential aspects to be taken into account by whoever applies the Protocol

Any migrant child or adolescent experiences a process that puts him or her in touch with many bodies and persons. It is fundamental that all these interventions make up a 'chain of protection'.

Your contact with the unaccompanied migrant child or adolescent may be brief or very limited. However, you are a fundamental part of the chain of protection that he or she requires.

This Protocol states how to talk with an unaccompanied migrant child or adolescent, in order for you, in your contact with him or her, to be able to identify and give priority to what may be necessary to ensure this chain of protection.

Your task may not allow you to determine the process of the child or adolescent in the future and in relation to other bodies, but you are indeed able to ensure that you obtain the most important information and initiate proceedings for those actions that will ensure the protection and assistance that every child or adolescent requires.

**Prior to the interaction with the child
or adolescent**



STEP 1. Observe the general conditions and prepare the interview in advance

Objective: To observe and identify the immediate needs of the child or adolescent, as well as information that will prepare you to interview him or her.

What is the observation of the general conditions?

When arriving at the centre where the children and adolescents, who will be interviewed, are, and prior to starting an interaction with them, it is possible to gather useful information through observation. The observation of the general conditions will provide data that may be very useful for the adequate protection of the child or adolescent, and also for the interview to be as efficient as possible.

What do I have to observe before initiating the interview?

In the context of consular intervention relating to migrant children and adolescents, the general observation of the general conditions must, fundamentally, focus on:

A. The physical conditions, which the child or adolescent finds him or herself in

The Consular Officers will have to record the general description of the child, the colour or type of clothes, and any particular sign that will help to identify him or her during the interview and immediately after the latter. Likewise, anything else that is noticeable with regards to the minimum conditions of accommodation, rest and diet will also have to be recorded.



KEY QUESTIONS

Before initiating the interview, the Consular personnel will have to observe and analyse the following aspects:

- *Does he or she have wounds or injuries?*
- *Does he or she have bruises?*
- *Does he or she have difficulties to walk?*
- *Does he or she look tired?*
- *Is he or she visibly drowsy?*
- *Are his or her clothes inappropriate for the current weather? (extreme cold or heat)*
- *Are the minimum conditions to undertake the interview met?*

TIPS

It is important for the Consular personnel to identify if the person, who will be interviewed, requires urgent and immediate care, in which case, it will have to address this emergency with due diligence and give priority to it.

B. The behaviour of the child or adolescent

It is important that the Consular Officers record behaviours, gestures, positions and other signs that may be linked to the emotional state of the children or adolescents. Thus, they may reflect on it internally and ask themselves questions, such as the following:



KEY QUESTIONS

- *¿Is he or she alone and keeps him or herself isolated even though there are other persons of his or her age around?*
- *Does his or her position reflect apathy? Does he or she move slowly?*
- *Can he or she look at an interlocutor? Does he or she look up when he or she is being talked to?*
- *Is he or she alert and worried or afraid about what is happening around him or her?*
- *Is he or she uninhibited and sociable?*
- *Does he or she move too much, so as to attract attention?*
- *How is his or her tone of voice?*
- *In general, what do his or her position or movements communicate?*

C. The determination of the approximate age

In this initial stage, it is important to determine the approximate age, in order to plan the need to use special materials to carry out the interview. If he or she is a child of 10 years or under, the interview will require specific materials, which make it easier to build trust and to interact. Thus, on the basis of the general conditions that have been observed, the Consular personnel must prepare the interview by anticipating potential obstacles, depending on what has been observed, and will have to assess the appropriateness of using some specific material or technique recommended in the *Toolbox* that would facilitate the interaction¹².

TIPS

During the preparation for the interview, whoever acts as a Consular representative will have to take into account that the use of clothes or badges that represent authority may frighten or inhibit the child or adolescent, and that the use of the latter will therefore have to be avoided.

D. Consider the need to provide specialised treatment

It is necessary that whoever represents the Consular office has in mind, at any time, the need to act by ensuring an adequate and gender-sensitive implementation¹³. For example, it is very important that the personnel in charge of interviewing girls are women, and that they take into account the latter's special situation of vulnerability in relation to abuse and maltreatment, which they are often at risk of. Likewise, it is particularly important to ensure an adequate treatment and a specialised assessment of those cases, in which adolescents travel with their children. Furthermore, it is considered that there exists a need to provide special treatment when it is observed that the interview is aimed at children or adolescents, who have some form of disability or who are indigenous, amongst other factors that could result in specific situations of vulnerability.

¹² See *Toolbox. Factsheets: The need for specialised care; Structural difference between childhood, adolescence and adulthood; What is concrete thinking?; What is egocentric thinking?; and Techniques suggested for children under the age of 10 years.*

¹³ The gender perspective is a theoretical and methodological tool that allows us to observe inequalities and inequities between men and women, resulting from the differences in gender and their effects on access and control of resources, decision-making capacity and opportunities for remuneration. Ministry of Foreign Affairs, *Guía para la incorporación de la Perspectiva de Género de la SRE, Mexico, 2014*, p. 17.

Legal basis

CONCEPT	DESCRIPTION	LEGAL BACKGROUND
Obtain information on the conditions of vulnerability	The necessary process of initial assessment requires the obtaining of information on particular vulnerabilities – including health, physical, psychosocial and material needs.	United Nations, Committee on the Rights of the Child, General Comment No. 6 <i>Treatment of Unaccompanied and Separated Children Outside Their Country of Origin</i> , adopted by the Committee in its Resolution CRC/GC/2005/6 during its 39 th session, Geneva, Switzerland, Para. 31(iii).
Assessment of the identity of unaccompanied children and adolescents	The determination of the best interests of the child requires a clear and in-depth assessment of his or her identity – in particular, of his or her nationality, upbringing, ethnic, cultural and linguistic background, as well as the situations of vulnerability and special protection needs.	United Nations, Committee on the Rights of the Child, General Comment No. 6 <i>Treatment of Unaccompanied and Separated Children Outside Their Country of Origin</i> , adopted by the Committee in its Resolution CRC/GC/2005/6 during its 39 th session, Geneva, Switzerland, Para. 31(iii).
The opinion of children and adolescents as the basis for consular intervention	The fact that the child is very young or in a vulnerable situation does not deprive him or her of the right to express his or her views, nor does it reduce the weight given to the child's views in determining his or her best interests. The adoption of specific measures to guarantee the exercise of equal rights for children in such situations must be subject to an individual assessment, which assures a role to the children themselves in the decision-making process, and the provision of reasonable accommodation.	United Nations, Committee on the Rights of the Child, General Comment No. 14, <i>on the right of the child to have his or her best interests taken as a primary consideration</i> , adopted by the Committee in its Resolution CRC/C/GC/14 during its 62 nd session, Geneva, 2013, Para. 54.

Consular protection	The consular staff must ensure that any administrative or judicial decision adopted by the receiving country has evaluated and taken into consideration the child's best interest.	Inter-American Court of Human Rights. <i>Rights and guarantees of children in the context of migration and/or in need of international protection</i> . Advisory Opinion OC-21/14 of 19 August 2014, Para. 127.
Consideration of alternative means of communication	It is necessary for States to take pertinent measures to weigh non-verbal forms of communication, including play, body language, facial expression, and drawing and painting, through which very young children demonstrate understanding, choices, and preferences.	Inter-American Court of Human Rights. <i>Rights and guarantees of children in the context of migration and/or in need of international protection</i> . Advisory Opinion OC-21/14 of 19 August 2014, Para. 122.
The right of unaccompanied migrant children and adolescents to consular assistance	Owing to the special vulnerability of children who are away from their country of origin and, specially, of those who are unaccompanied or separated, access to communication with consular authorities and to consular assistance becomes a right that has particular relevance and that must be guaranteed and implemented on a priority basis by all States – specially because of its possible implications for the process of gathering information and documentation in the country of origin.	Inter-American Court of Human Rights. <i>Rights and guarantees of children in the context of migration and/or in need of international protection</i> . Advisory Opinion OC-21/14 of 19 August 2014, Para. 128.
Special protection of women and girls against discrimination and violence	States shall take, in all fields, all appropriate measures to ensure the full development of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men. Likewise, they shall take all appropriate measures to suppress all forms of violence against women, including trafficking and sexual exploitation.	United Nations, <i>Convention on the Elimination of All Forms of Discrimination against Women</i> , adopted by the General Assembly on 18 December 1979, Articles 1, 2, 6 and 7.

Step 2. Determine the location and duration of the interview

Objective: To know the available options, to select the best strategy to use the available setting and time.

How to determine the setting of the interview?

The Consular personnel, within the available resources and opportunities, will determine what the best setting for the interview with the child or adolescent is. Ideally, the latter will be carried out in the most private environment, and from where the child cannot see, nor hear, any events that could frighten or silence him or her – without the privacy resulting in a feeling of isolation¹⁴.



KEY QUESTIONS

The Consular personnel will have to observe and analyse the situation, by asking him or herself the following questions:

- *Is the room sufficiently ventilated and lightened up?*
- *From where the child or adolescent will be interviewed, can he or she see adults, who may intimidate him or her?*
- *Can the child see or hear actions of arrest, transfer, etc that may frighten him or her?*
- *Are there, in the room, elements that may frighten the child or adolescent?*
- *May the interview be affected by interruptions¹⁵ in the selected room?*
- *If the setting is not fully private, is it possible to undertake some adjustment to generate a feeling of privacy?¹⁶*
- *If multiple objects are visible, is it possible to put some away to avoid excess stimulation during the interview?*

¹⁴As explained in the *Toolbox*, children and adolescents are vulnerable to the emergence of emotions and this results in them not being able to control them voluntarily. If they see that something frightens them, they will not be able to calm down this fear on their own, nor concentrate themselves or trust. The success or failure of an interview depends, to a large extent, on external factors that may cause some kind of reaction or emotion, and which may be controlled ahead of time by whoever decides the setting for the interview. See *Toolbox*. Factsheet: *How does a child or adolescent control emotions?*. This instrument includes information on the inability to control emotions that are determined by the developmental stage the children or adolescents are in.

¹⁵Interruptions are not recommended as they contribute to the child or adolescent's loss of attention and concentration, which is structurally weak and is easily lost. Furthermore, interruptions generate mistrust if the child or adolescent interprets the interaction as 'not being important' for the Consular personnel or if he or she thinks that people try to hear from him or she is saying.

¹⁶In circumstances of settings with limited privacy, it may be possible to accommodate the furniture differently in order for the child or adolescent to be able to look at the interviewer, for example. See *Toolbox*. Factsheet: *How to adapt a setting?*

How long should the interview last?

For the purposes pursued by the Consular personnel, the more time may be invested in the interview, the higher the opportunities to obtain comprehensive and precise information without revictimising¹⁷ the child or adolescent¹⁸. Otherwise, there is a risk of receiving replies from the child or adolescent, which are condescending, challenging and ambiguous. Thus, the limitations on time that the representatives of Consular offices may face in their day-to-day work, given the complications that may arise in practical life, must not be an obstacle to try to undertake an assessment in the best possible conditions.

Some of the characteristics of children and adolescents¹⁹ determine that it will be necessary to build trust and to provide information before being able to address topics that are painful and before they can provide information freely. The interviews also require a rhythm that is adapted, as far as possible, to the cognitive and emotional abilities of each child or adolescent.

It is important that the Consular authorities remain with the child or adolescent for sufficient time to provide him or her with quality care and assessment (the ideal duration amounts to approximately 45 minutes). When, for diverse reasons, the available time is less than this ideal duration, it is important to mention to the child or adolescent that a brief chat will be held, and that, with further information, he or she will be told who he or she can talk to if he or she requires anything else.

When, due to factors that are external to the personnel, there is limited available time to undertake the interview, the following strategies may help to make the intervention more efficient:

- Ensure that the child or adolescent knows that he or she may ask for help and that the Consular Officer will see how to undertake actions for the care that is needed.

TIPS

In order to achieve an adequate approach with regards to children and adolescents, and obtain relevant information aimed at generating effective protection schemes, it is recommended that the interview be undertaken in a private setting and for as much time as may be possible (the ideal duration amounts to approximately 45 minutes).

¹⁷ See *Toolbox. Factsheet: The need for specialised care.*

¹⁸ Any reaction of resistance or that is ambiguous from a child or adolescent may be expected, given that this is linked to characteristics that are common for his or her developmental stage (cognitive, emotional and reactions when faced with authority) or in previous experiences that trigger fear and anxiety when faced with unknown adults. These do not arise under his or her conscious control and may be prevented through specialised actions by the Consular personnel. See *Toolbox. Factsheets: What are psychological defence mechanisms?; What are the defence mechanisms in adolescence?; Technique to manage the emergence of defence mechanisms during the interview; and Tools when the child or adolescent remains silent.*

¹⁹ The above-mentioned factsheets offer further details on the function of psychological defence mechanisms and the impossibility of conscious and voluntary control of the latter by the child or adolescent.

- When identifying a particular situation that calls for protection measures, it is preferable to obtain the necessary data to initiate proceedings for the latter, and to try to address the remaining issues at a later stage – provided that the conditions allow for the latter.
- The opinion of the child or adolescent on what he or she wishes or needs must always be recorded.

Specific considerations on the effect of defence mechanisms during adolescence

Those adolescents, who will be interviewed by the Consular representative, are experiencing a difficult situation that causes fear, confusion, anxiety. If one interacts with an adolescent in a stressful situation, he or she will certainly be functioning at a lower level than what his or her chronological age would show, and below his or her potential. This is the mechanism of *regression*, which is frequent in situations of stress, and consistent with a psychological movement, through which the persons “places him or herself” in a former developmental stage, in which he or she felt safe and protected. The return to behaviours typical of a level of development, which the person had already overcome, are shown.

This means that, even though the adolescent looks physically like an adult, he will be functioning, from a cognitive perspective, at a level closer to childhood than to adulthood. This explains why he or she requires concrete, simple interventions that are closer to the way of thinking of a young child, in terms of complexity. It will not be easy for him or her to understand complex verbal proposals, that are not ‘rooted’ in the present moment, which they live in, and which may require an abstract reasoning (only with ideas), which entails having in mind, simultaneously, multiple variables in order to draw a conclusion or make a decision.

In addition to experiencing a regression to the concrete kind of thinking of childhood, during adolescence, mechanisms linked to *omnipotence* and the *predominance of idealism* often arise – often with little realism. Consideration of themselves and their abilities as the centre of the world continues to *dominate*, and therefore makes access to an objective and impartial reasoning difficult.

Another defence mechanism that is common is the *transformation of fragility into omnipotence and challenge*, as attempts to control reality. Thus, they appear to be strong, when, in fact, they feel insecure and weak, they need to show strength in their opinions and decision when, in fact, they are full of doubts and do not fully understand what is happening (given that they do not yet have the cognitive and emotional abilities that are needed to choose objectively without the emergence of emotions, nor to properly assume responsibilities).

During the interview, adolescents will react with omnipotence ('I do not need you', 'I do not need anything', 'I can do it by myself', 'I do not want any help') or with impulsiveness (unexpected and exaggerated – even aggressive – emotional reactions) when they feel fear, insecurity, vulnerability. These behaviours could be interpreted erroneously if the emergence of defence mechanisms is not taken into consideration. What the adolescent communicates through his or her apparent strength and aggressivity is, in fact, the opposite: he or she feels vulnerable and needs help, but does not dare to show him or herself as weak.

The defence mechanisms that emerge unconsciously make these adolescents 'look' strong and make them show themselves rebellious ('you have nothing to give to me', 'I do not need anything from the government'); however, given that they experience a stage of important developmental changes – in all its aspects – they are particularly sensitive and weak. If only the visible behaviour of the adolescent is taken into consideration, the Consular personnel will conclude that they are strong and decided, whilst the true internal experience is one of confusion, fear and vulnerability. An adolescent will only admit, with difficulty, that he or she is afraid. On the contrary, he or she will usually act in a challenging manner. It is the specific task of the authority during this stage to remain a figure of support and containment in order to protect the person, even when his or her behaviour may seem to be one of rejection and self-sufficiency.

The identification and an adequate intervention before the emergence of defence mechanisms require time and specificity. When observing behaviours in these persons that reflect omnipotence and challenge, whoever acts as a Consular representative will be able to foresee the need to use specific tools from the toolbox and to request for the interview to be as extensive as possible in order to be able to undertake a specialised intervention with resistant adolescents.

KEY QUESTIONS

- *Is it possible to use the group format²⁰ in the initial steps, thereby optimising the available time?*
- *Is it possible to use some concrete material that would facilitate the interaction and a feeling of trust?*
- *What techniques can the Consular personnel mostly relate to, in order for the latter to be used with more confidence?*
- *Does the Consular personnel know the technique for the management of defence mechanisms during adolescence? (see Toolbox)*

²⁰The suggested group techniques are optimal to use the available time, to facilitate the building of trust and the transmission of messages that are beneficial from the psycho-emotional perspective of the child or adolescent. See *Toolbox. Factsheet: Ludic group suggestions for the Consular personnel's approach and introduction.*

Legal basis

CONCEPT	DESCRIPTION	LEGAL BACKGROUND
The adequate context to undertake the interview	The context, in which a child exercises his or her right to be heard, has to be enabling and encouraging, so that the child can be sure that the adult, who is responsible for the hearing, is willing to listen and seriously consider what the child has decided to communicate.	United Nations, Committee on the Rights of the Child, General Comment No. 12, <i>The right of the child to be heard</i> , adopted by the Committee in its Resolution CRC/C/GC/12 during its 51st session, Geneva, 2009, Para. 42.
A favourable environment and adequate conditions of support	Environments and working methods should be adapted to children and adolescents' capacities. Adequate time and resources should be made available to ensure that children and adolescents are adequately prepared and have the confidence and opportunity to contribute their views. Consideration needs to be given to the fact that children and adolescents will need differing levels of support and forms of involvement according to their age and evolving capacities.	United Nations, Committee on the Rights of the Child, General Comment No. 12, <i>The right of the child to be heard</i> , adopted by the Committee in its Resolution CRC/C/GC/12 during its 51st session, Geneva, 2009, Para. 134(e).
Material conditions and an adequate environment	States must ensure conditions that take into account the individual and social situation of children in order for them to express their opinion freely; likewise, they must ensure them an environment, in which they feel respected and safe.	United Nations, Committee on the Rights of the Child, General Comment No. 14 <i>on the right of the child to have his or her best interests taken as a primary consideration</i> , adopted by the Committee in its Resolution CRC/C/GC/14 during its 62nd session, Geneva, 2013, Paras. 15 and 54.

Basic criteria for carrying out the interview	The context, in which a child exercises his or her right to be heard, has to be enabling and encouraging, so that the child can be sure that the adult, who is responsible for the hearing, is willing to listen and seriously consider what the child has decided to communicate.	United Nations, Committee on the Rights of the Child, General Comment No. 12, <i>The right of the child to be heard</i> , adopted by the Committee in its Resolution CRC/C/GC/12 during its 51st session, Geneva, 2009, Para. 42.
A favourable environment and adequate conditions of support	The process of initial assessment must be undertaken in a friendly and safe environment, and by competent professionals trained in interviewing techniques that are age-appropriate and gender-sensitive. Moreover, the assessment must be conducted in a scientific, safe and fair manner, giving due consideration to the best interests of the child as well as any gender considerations, avoiding any risk of violation of the physical integrity of the child and giving due respect to his or her human dignity. The initial interview adapted to the needs and conducted in an age-appropriate and gender-sensitive manner, undertaken by qualified professionals in a language the child or adolescent understands.	United Nations, Committee on the Rights of the Child, General Comment No. 6 <i>Treatment of unaccompanied and separated children outside their country of origin</i> , adopted by the Committee in its Resolution CRC/GC/2005/6 during its 39th session, Geneva, Switzerland, Para. 31.
Security and privacy safeguards	The proceedings for the initial assessment must be conducted in a friendly environment, which ensures the safeguards of safety and privacy, and must be undertaken under the responsibility of competent professionals, who are trained in interviewing techniques that are age and gender-sensitive.	Inter-American Court of Human Rights. <i>Rights and guarantees of children in the context of migration and/or in need of international protection</i> . Advisory Opinion OC-21/14 of 19 August 2014, Para. 123.
Adequate conditions to express their opinion	States must guarantee that the proceedings are conducted in an environment that is not intimidating, hostile, insensitive, or inappropriate to the child's age, and that the staff responsible for receiving the declaration are appropriately trained so that the child feels respected and safe when expressing his or her views in an appropriate physical, mental, and emotional environment.	Inter-American Court of Human Rights. <i>Rights and guarantees of children in the context of migration and/or in need of international protection</i> . Advisory Opinion OC-21/14 of 19 August 2014, Para. 123.

Step 3. How to initiate the interview?

Objective: Initiate the interview generating confidence in the child or adolescent, and ensuring that he or she understands how you can help by generating confidence in him or herself.

Once you are in contact with the child or adolescent, it is recommended that **the interview is initiated through a relaxed chat** on some topic that would be pleasant to him or her. This allows for an initial approach that makes it possible to **'break the ice'**.

It is recommended to take care that the chat does not become a mere expression of questions from the Consular representative to the child or adolescent. Thus, it is also very useful that whoever acts as Consular representative says something about him or herself, and allows the child or adolescent to ask him or her some questions²¹. In other words, it is necessary to start a conversation. At any time, the Consular personnel must feel at ease with the type of personal information that he or she shares. If he or she considers it to be necessary, he or she will be able to refrain from sharing information that reveals information on his or her identity or family members. For example, the Consular personnel may share information on pets or preferences instead of information on his or her family or place of origin, if he or she considers this to be necessary.

Subsequently, **the Consular personnel will introduce him or herself** using information that is accessible in accordance with the child or adolescent's developmental stage²². It is highly recommended to use short sentences that include, as far as possible, an idea per sentence. The language that proves most useful is the one characterised for its simplicity²³, and which does not use any technical terms. It is suggested to do this based on the following method:

TIPS

Prevent the exercise from becoming an interrogation; show interest in the situation of the child or adolescent. The Consular personnel, based on the relaxed chat, may obtain information on the language used by the child or adolescent. It is recommended that he or she adopt his or her terms and style, in order to generate more empathy and understanding.

²¹This technique makes it possible to minimise the effects of the difference in power between the children and adolescents, on the one hand, and adults, on the other; this difference in power causes reactions when faced with authority that make it difficult to talk freely. See *Toolbox. Factsheet: Is the expression of questions the suitable means to interview children and adolescents?*

²²See *Toolbox. Factsheets: How does a child think?*; and *How do adolescents think?*

²³It is necessary to remember that, even though the person being interviewed is an adolescent, he or she is undoubtedly experiencing a very stressful situation, and will therefore not use his or her full potential. The simpler and closest to the level of concrete and egocentric thinking, the more understandable and useful the level of communication will be to the child or adolescent. See *Toolbox. Factsheet: Are adolescents particularly vulnerable?*



KEY WORDS

- My name is _____. I work for Mexico. My job is to protect people, who are from Mexico.
- To work in a Consulate is not like being a Police Officer. In my job, I meet people, who are Mexicans, and who want to get to (or who are) in another country.
- My job is to meet Mexican people, who are in another country and to help them if they need something. For example, some of these people need to make a phone call to someone, others have lost their papers and need documents. I can help with that.
- Some people need help because something happened to them and they do not want this to happen again. If they tell me about it, I can find the best way to protect them.
- When people tell me what happened to them and they need help, sometimes I look for help from people from Mexico, and, sometimes, I search for help from people I know in _____ (relevant country).

IN ADDITION...

It is suggested that the Consular personnel record, if these arise during this stage:

- Expressions or movements as a reaction to what he or she hears.
- Anything the child or adolescent expresses in relation to what he or she hears.

Immediately after introducing him or herself, and before raising any question, the Consular representative will provide the child or adolescent with **key messages**²⁴. These key messages are sentences built based on what theory and research have pointed out as necessary to defuse and minimise common fears during adolescence and childhood. These are offered to the child or adolescent, without expecting any reply, because their objective is to create a feeling of security and calm during the interview, in order for the person to offer less resistance and more information that is useful for his or her adequate protection.

With regards to adolescents, it is easy to make the mistake of thinking that they function like adults, because their physical development makes this look real. However, at cognitive and emotional level, an adolescent is even weaker than a young child. **This is due to various reasons:**

- During adolescence, a human being faces an important challenge: he or she needs to rebuild his or her identity and achieve his or her individuation (for which he or she needs to separate and differentiate him or herself from his or her significant adults), but he or she does not yet have sufficient resources to achieve this. Any adolescent goes through a process of several years, during which he or she experiences a paradox: he or she must show that he or she is unique and different from his or her significant adults, but feels weak and vulnerable because his or her identity is vague. He or she is no longer a child, but neither is he or she an independent adult yet²⁵.

²⁴See: Toolbox. Factsheet: *Inform to ask*.

²⁵In the situation experienced by an unaccompanied migrant adolescent, this reality becomes more complex and adds further pressure: in general, if he or she comes from a family, in which the income-generating adult (usually the father) emigrated, he or she was left with the responsibility of 'caring' for the family.

- Adolescents need to move away to measure themselves, to challenge what they were and to rebuild who they are, but, at the same time, they need a 'basis', which to go back to, whenever they need it. This basis is made of their significant adults. Their presence is indispensable in order for the process of individuation to develop in a healthy manner. If, for whatever reason, they do not have this basis, they maintain a permanent feeling of anxiety, vulnerability and fear, with the resulting ongoing 'alert' to find situations, which will make them feel protected. In addition to the latter, there are the emotions and uncontrolled impulses, which the hormonal change causes in the human being. This fact makes them twice as vulnerable, and the risks are multiplied, if they do not have significant adults, which they can resort to for support and containment.
- Finally, the situation of vulnerability of adolescents is due to the fact that, in order to rebuild their identity, they need confirmation from their peers. The belonging to a group of peers is essential in this phase, and the opinion of the group may have more weight on the adolescent's psychological reality than that of his or her parents or other significant adults in his or her life so far. This makes them particularly vulnerable to recruitment by exploitation networks. This issue will be reviewed in the specific document on risk identification²⁶.



KEY MESSAGES

- *Many of the people I know are children/adolescents like you. Some told me they were travelling on their own, others that they were travelling with other people. Most of them wanted to cross the border.*
- *Some of the children/adolescents I have met wanted to return home to Mexico. Others wanted to reach their father or mother, who lived in _____ (relevant country). Others wanted to live and work in _____ (relevant country).*
- *All the children/adolescents, whom I have spoken to, were tired and worried, were afraid and did not understand what was happening. Some were afraid to tell me things. But the more they would tell me, the more I could help.*
- *If something happened to you and you would like this to stop, and you would like to tell me about it, I will see what the best way to help you is.*
- *Sometimes, in order to know the people well, I need to ask them questions. I do not ask these questions because they are in trouble (remember that I told you that I am not a Police Officer). I ask them because the more they tell me, the better I can help them.*

After having provided the child or adolescent with these key messages, the person acting as Consular representative **will have to clarify the objective of the interview** through the use of sentences that will make the child or adolescent feel that he or she is an important participant in the latter.

²⁶See Toolbox. Factsheets: Elements for the identification of situations of violence or child or adolescent maltreatment; Indicators of potential trafficking or sexual exploitation.

It is particularly important to talk to the child or adolescent with honesty and to ensure that no unrealistic expectations are generated with regards to the role of the Consular personnel. It must be explained that one will try to influence in order for the most convenient decision to be made, but that the authorities of each country will be the ones making the migration-related decisions. In any case, the child or adolescent must understand that the Consular personnel will try to help him or her, irrespective of the decision made by the relevant migration authority.

This will also be the adequate moment to explain to the child or adolescent how the interview will take place and to anticipate anything that could predictably cause him or her fear or anxiety. Thus, it will be necessary to inform him or her that, in order to be able to help in the best possible way, it is necessary to ask some questions and to record his or her replies because these are important.



KEY WORDS

- *You have been very brave. You made the decision to come here and you got here, it is necessary to decide what comes next.*
- *The most important thing is to decide the best way to be better off, and to be more protected.*
- *I would like to understand well what you would like and what has happened to you, in order to ensure that you agree with what may come next.*
- *This is why I came here to talk to you. Is it fine with you if we talk so that I can know you better? The more you tell me, the better I can help you.*
- *The decisions relating to what will happen will be made by the government of this country. Our job is to help you to be well, regardless of the decision that is made.*

TIPS

It is recommended that the Consular personnel convey empathy and containment through their tone of voice and active listening. Physically touching the children or adolescents, as a means of approach, must be avoided, given that the latter may be intrusive for the child or adolescent, and will result in rejection and fear.

Legal basis

CONCEPT	DESCRIPTION	LEGAL BACKGROUND
A context that ensures that the child or adolescent will be effectively listened to	The context in which a child exercises his or her right to be heard has to be enabling and encouraging, so that the child can be sure that the adult, who is responsible for the hearing, is willing to listen and seriously consider what the child has decided to communicate.	United Nations, Committee on the Rights of the Child, General Comment No. 12, <i>The right of the child to be heard</i> , adopted by the Committee in its Resolution CRC/C/GC/12 during its 51st session, Geneva, 2009, Para. 42.
Take into consideration the individual situation of each child or adolescent	States Parties must ensure the conditions for expressing views that account for the child's individual and social situation and an environment in which the child feels respected and secure when freely expressing his or her opinions.	United Nations, Committee on the Rights of the Child, General Comment No. 12, <i>The right of the child to be heard</i> , adopted by the Committee in its Resolution CRC/C/GC/12 during its 51st session, Geneva, 2009, Para. 23.
Consider the interview and the impact that may be caused by the latter seriously	The Committee emphasises that a child should not be interviewed more often than necessary, in particular when harmful events are explored. The 'hearing' of a child is a difficult process that can have a traumatic impact on the child.	United Nations, Committee on the Rights of the Child, General Comment No. 12, <i>The right of the child to be heard</i> , adopted by the Committee in its Resolution CRC/C/GC/12 during its 51st session, Geneva, 2009, Para. 23.

The conducting of the interview



Step 4. Informing before asking

Objective: To use the technique of '*enquiring by informing*' based on a concrete situation, in order to build trust and to support emotional recovery.

Immediately after having provided the key messages, the Consular representative will initiate actions to gather information with the help of the educational instruments suggested in the *Toolbox*. In general terms, the ideal method to obtain information from a child or adolescent has two components: initially, it requires that the adult *offers information first*, in order to *subsequently ask*; and secondly, it requires that a concrete situation or topic be used as a context for the conversation. This protects the intervention from being perceived by the child or adolescent as an interrogation, and prevents the triggering of anxiety or fear.

TIPS

After several days of travelling, and without being able to orient themselves, the children or adolescents may have no sense of where they are. This first contribution of information by the Consular personnel reduces anxiety and confusion.

At the same time, it provides a concrete tool, which makes it possible to interact with the child or adolescent, whilst also obtaining information that is as precise as possible.

In this case, it is suggested that the journey of the child or adolescent be used as the concrete situation from the interview. This way, the topic of the chat is the journey and not an interrogation of the child or adolescent. As the journey is talked about, the Consular Officer will provide information on other children and adolescents that he or she has met. Thus, the dynamics of the interview establish a process, in which, by offering information, the Officer encourages the child or adolescent to provide information too.

It is important to keep in mind that, when progressing through the interview, and by taking into account the existing time and conditions for the latter, the Consular Officer must give priority to topics that facilitate information on what protection and assistance measures are required for the child or adolescent. The interview's primary objective is to identify the protection and assistance needs in order for these to be subject to adequate proceedings.

To approach the child or adolescent to ask questions is the most common practice. As adults, we tend to interact with other adults in this manner, which is why we believe it is the most useful method. However, for a child or adolescent, the fact that an adult approaches him or her through questions inhibits or frightens him or her, putting him or her in alert and causing resistance. On the contrary, it is recommended to approach him or her talking first about what we do, providing him or her with useful information, and building a safe context (i.e. which he or she has information about, because we offered it before we started to talk about the topic that causes anxiety, instead of raising questions). This way, the intervention will benefit the child or adolescent, and will be useful to obtain sufficient information about what may be happening.

In order to obtain information on **personal data and identity**, approaches of the following kind are suggested:

PERSONAL DATA



KEY WORDS

- *I have a few things here that I would like to show you. Look, this is where we are²⁷; it is called _____ and is located here (take out a printed map, or draw on a piece of paper an outline of the Mexican territory and the border, and point out).*
- *All the children/adolescents I have met here have a story to tell, and we can write it down here.*
- *To start, what about drawing the line of where we came from? Look, for example, I met a girl, who was born in _____, and now she is here (draw the line). Where were you born? _____. That is here (draw the line).*
- *I will write down the name of this girl, and of where she was born. And here is yours, what is it? (the full name is requested).*

It is possible to continue with this method to obtain information on **the family of origin**.

BACKGROUND



KEY WORDS

- *Now we can also write down the name of your father and mother, where is your father now? _____ (write it down); and you mother? _____ (write it down).*
- *We can add other important people on this map. This girl I met had a family _____ (spouse, children, mother), who lived here (write it down). Who is an important person for you? _____ Where is he/she? (write it down).*

²⁷One of the aspects that most often generate anxiety in children or adolescents is to 'lose touch' with the location and to not know where they are.

This method is also useful to obtain information on the status of being unaccompanied or **separated from his or her family**²⁸:



KEY WORDS

MIGRATORY CONDITION

- *Now, we can write down along this path what you did, who was there. For example, when you left home, who was there? _____ (write it on the paper or map).*
- *And then, who was there? _____ (write it on the paper at different levels along the line).*
- *And then, what happened? _____ (write it down).*
- *During the journey, did you meet anyone? _____ (write it down).*

On the **decision to migrate** and its circumstances, the following is suggested:



KEY WORDS

REASONS TO MIGRATE

- *A very important chapter of your story is when you were here (write down the place of origin) and the idea of getting here arose (mark the current location). Tell me about the idea of coming here _____.*
- *How was the moment in which you took the decision to leave, what do you remember about that time?*

IN ADDITION...

Depending on the information provided by the child or adolescent, information will be directed at essential issues, such as:

- *Whose idea was it?*
- *What had to be undertaken to start travelling?*
- *Who went with you?*
- *Did he or she stay with you throughout the journey? What happened afterwards?*

²⁸It is suggested that direct questions on this issue are avoided, given that they may be interpreted by the child or adolescent with a feeling of guilt, causing anxiety or feeling that it is a reproach. The suggestion of putting together his or her story, and thereby foster the contribution of further information thanks to open questions (for example, 'and then, what happened?'), is more appropriate given the situation and characteristics of the unaccompanied migrant child or adolescent.

On risks (health, domestic violence, trafficking, exploitation, sexual violence), it is recommended to use triggering questions that, based on the story told by the child or adolescent, enable the Consular authority to have relevant information for the adoption of specific protection measures. To that effect, the Protocol suggests key triggering questions, such as ‘*what could go wrong in this story?*’, or ‘*what could be the worst end to the story?*’, using the technique that is detailed below.



KEY ELEMENTS

The use of concrete materials (map and drawings or signpostings) is recommended for children and for adolescents. The handling of concrete and visible materials is important support in order for children or adolescents to tell events, in particular at times when they feel anxiety in relation to issues that are difficult to talk about or that they do not understand.

However, the Consular representative will have to use these materials with a different ‘tone’ and intention, depending on whether he or she is a young child, or an adolescent. With young children, the material and the techniques are used to tell a story or to ‘build like a story’, whilst with adolescents, the materials are rather used with a tone of ‘sharing our stories’, with various chapters.

Finally, it is necessary to sound out the wishes and objective of the child or adolescent, through questions, such as ‘*what would you like the end of this story to be?*’ and ‘*who would you like to be with at the end of this story?*’.

When the child or adolescent feels too much anxiety

On potential **psychological and emotional** impacts, and foreseeing that there are situations that are difficult to remember and to talk about freely, it is suggested to continue with the strategy of offering concrete objects that can be handled, to channel the anxiety whilst proceeding with the chat. A rubber ball or play dough that can be kneaded may be useful. It is also recommended to use some material that entails construction (such as jigsaw puzzles or dolls to assemble) in order to channel the anxiety towards objects that appear attractive.

It is important to remember that it is not necessary for the child or adolescent to be still and to look at one fixedly to know that he or she is paying attention to us. On the contrary, if he or she is able to channel his or her anxiety and stress by handling an object, he or she will have a stronger capacity to receive the information that he or she hears.

The Consular personnel must pay particular attention and record the emotional reactions of the child or adolescent, as well as the expressions or movements²⁹ that relate to his or her emotional situation. If, when addressing complex issues – such as having been a victim of violence – there are indicators of anxiety, doubt, confusion or fear, it will be possible to deduce that the person is experiencing or has experienced a traumatic situation, which he or she is not able to talk about³⁰. It is suggested to proceed in the following manner:

²⁹Emotional reactions, expressions and movements, and any other paraverbal information (which comes with what is verbal) are useful indicators of the emotional state of the child or adolescent. From specific expressions and positions, it is possible to deduce if he or she is afraid, sad, inhibited, if defences are emerging that make him or her act in a challenging or openly aggressive manner. These indicators will be useful as a guide to select specific tools for the interaction, depending on the case, in the *Toolbox*.

³⁰See *Toolbox*. Factsheets: *Separation from significant persons and feeling of vulnerability*; *Presence of frustration and despair*; *Uprooting and lack of knowledge of the context*; and *Absence of potential alternatives*.



KEY WORDS

- *I know that there are things, which are difficult to talk about. In particular because I am sure that, in your story, there are many interesting things that you do not want or cannot talk about.*
- *I will not ask you about this if you do not want me to, but I have to tell you that if you have any pain in your body, or if you are hurt, it is important that you tell me so that I can request a treatment for you.*
- *Some children/adolescents, whom I have talked with before, told me that there are people on the way, who help. Was there someone in your story, who helped you? ... Do you think that there was someone, who made things more complicated instead of helping?*
- *Only you know all that has happened in this story and throughout the journey that you managed to make. If you would like to tell me, I would be happy to hear it. For example, I would love to know what the most impressive part of your story is. The part that you most like. Other children/adolescents have told me many things, but I am sure that you have a very good one.*
- *What is the worst part of your story? The most horrible, of the kind that should never have happened to you, nor to anyone else.*
- *If something happened to you and you do not want it to happen again, and you would like to have something, you can tell me if you want to. If you tell me what to do, I can see what can be done. I will do all that is in my hands.*

When a child or adolescent offers details that may be revictimising

It is important to take into account that it is not necessary, nor useful, to obtain details on the experiences of children and adolescents, and that the fact that, on some occasions, they do tell the details can **INDEED** be revictimising and detrimental to them. When a child or adolescent talks about traumatic events, he or she may relive them and suffer from high levels of anxiety. Thus, it is, above all, important to remember that he or she will subsequently have to tell these same events to the specialised personnel that provide protection and assistance. The repetition of painful details is detrimental and revictimises the children or adolescents.

On these occasions, on which a child or adolescent starts to tell details about situations of risk or violence, which he or she has experienced, it is advisable to intervene by reasserting his courage for talking about painful or difficult topics. Furthermore, one must remind him or her that it will be very important that he or she talks about these things with the specialised person. Subsequently, the Consular personnel must try to pick up the issue with a view to obtaining further useful information to determine the type of protection and assistance that may be necessary.

During the interview itself, and particularly with regards to the expression of questions, there are recommended actions and others that should be avoided during consular intervention. In order for the intervention of the Consular personnel to be beneficial for emotional recovery, examples are provided below of questions that are usually used to obtain information and/or offer emotional support, but which should rather be avoided when interviewing unaccompanied migrant children and adolescents:

DISCOURAGED SENTENCES	WHY ARE THEY NOT RECOMMENDED?
Don't you miss your mother?	It increases anxiety instead of minimising it. It blames the person.
Don't you feel guilty that your parents are worried?	From the perspective of child psychology, it generates guilt.
And were there not other things that you could have done?	It generates guilt. It results in 'yes or no'. He or she will not offer any additional information.
Did you not try to study or work?	It generates guilt. It closes down.
Any question that starts with 'why?'	It requires that he or she thinks using causality and that he or she takes into account multiple abstract variables to build an explanation. It is not adequate for childhood thinking, which is concrete and egocentric.
Any sentence that stigmatises the child or adolescent	The use of negative adjectives (lazy, abandoned, etc) seriously affects the identity and the possibility of using the resources, which he or she has, in order to build a project for the future.
Attempts to calm him or her down during the interview by promising things that will not occur	When what has been promised does not occur, he or she will relive experiences of frustration, mistrust and confusion.
'Don't be afraid'	It discredits what he or she feels. If he or she already feels afraid, he or she cannot control it by him or herself. He or she needs external help to minimise it, adequate information and care.
'All is well'	It discredits his or her emotions. He or she feels tired, frustrated and afraid. He or she needs confirmation that what he or she feels is normal and expected, and he or she is informed of the help that may be offered.

Legal basis

CONCEPT	DESCRIPTION	LEGAL BACKGROUND
Information on relatives	Children and adolescents usually know the whereabouts of their father and mother, in particular when the separation has resulted from a measure such as imprisonment, deportation or death. The State will provide – upon request – information concerning the whereabouts of the absent member(s) of the family, to: the father, mother, child or adolescent (if applicable), or any other relative.	United Nations, <i>Convention on the Rights of the Child</i> , approved by the General Assembly of the United Nations in its Resolution A/RES/44/25, during its 44th session, New York, 20 November 1989, Art. 9(4).
The right to express him or herself freely	Children and adolescents must be provided with all relevant information, in their own language, on their entitlements, the services available, including means of communication, and the immigration and asylum process, in order to make their voice heard and to be given due weight in the proceedings. A guardian or adviser should be appointed, free of charge.	United Nations, <i>Convention on the Rights of the Child</i> , approved by the General Assembly of the United Nations in its Resolution A/RES/44/25, during its 44th session, New York, 20 November 1989, Art. 13.
The right to receive information in their own language in relation to their rights and available services	Children and adolescents must be provided with all relevant information, in their own language, on their entitlements, the services available, including means of communication, and the immigration and asylum process, in order to make their voice heard and to be given due weight in the proceedings. A guardian or adviser should be appointed, free of charge.	United Nations, Committee on the Rights of the Child, General Comment No. 12, <i>The right of the child to be heard</i> , adopted by the Committee in its Resolution CRC/C/GC/12 during its 51st session, Geneva, 2009, Para. 124.
The obtaining of relevant information on identity, protection needs, etc	<p>The process of initial assessment must entail the following:</p> <ul style="list-style-type: none"> *Prioritised identification of a child as separated or unaccompanied immediately upon arrival at ports of entry or as soon as their presence in the country becomes known to the authorities. *Obtain biodata and social history to ascertain the identity of the child, including, wherever possible, identity of both parents, other siblings, as well as the citizenship of the child or adolescent, the siblings and the father and mother. *Reasons for being separated or unaccompanied. *Assessment of particular vulnerabilities, including health, physical, psychosocial, material and other protection needs, including those deriving from domestic violence, trafficking or trauma. *All available information to determine the potential existence of international protection needs. *Unaccompanied and separated children and adolescents should be provided with their own personal identity documentation as soon as possible. 	United Nations, Committee on the Rights of the Child, General Comment No. 6 <i>Treatment of Unaccompanied and Separated Children Outside Their Country of Origin</i> , adopted by the Committee in its Resolution CRC/GC/2005/6 during its 39th session, Geneva, Switzerland, Para. 31.

Step 5. To know the informed opinion of the child or adolescent

Objective: To ask and record the opinion of the child or adolescent with regards to what he or she needs and wishes.

Up to this point, and based on the information obtained in earlier steps, the person acting as Consular representative is able to offer to the child or adolescent **potential alternatives** to ensure the protection of his or her human rights, based on the analysis of his or her specific situation.



KEY QUESTIONS

- *Let us think about a potential outcome... what would happen if _____ (if it is considered that there is indeed the potential alternative of remaining in the receiving country).*
- *This outcome could happen if...*
- *Sometimes, it is not easy for me to explain these things. If there is something that I was not able to explain well, let me know and I will try to do it better.*
- *Another outcome would be to return to your home. What do you think about this?*
- *Who would you like to be with at the end of the story?*
- *Who do you not want to be with you at the end of the story?³¹*



KEY ELEMENTS

If a child or adolescent has shown extreme resistance to contributing information, it is possible to deduce that he or she is making use of mechanisms to defend him or herself, because he or she is very afraid or fears for his or her integrity. This type of situations calls for specialised approaches with additional time; it also calls for specific instruments to identify and assess implications and risks, as well as sufficient protection measures.

³¹If the child or adolescent firmly mentions who he or she does not want to be with, it is necessary to record it to issue a warning in relation to this person as someone, who may have exercised some kind of violence on the child or adolescent, in order to generate an investigation and details in this regard.

Legal basis

CONCEPT	DESCRIPTION	LEGAL BACKGROUND
Provide adequate information in accordance with the age and development	Children and adolescents must be provided with all relevant information, in their own language, on their entitlements, the services available, including means of communication, and the immigration and asylum process, in order to make their voice heard and to be given due weight in the proceedings.	United Nations, Committee on the Rights of the Child, General Comment No. 12, <i>The right of the child to be heard</i> , adopted by the Committee in its Resolution CRC/C/GC/12 during its 51st session, Geneva, 2009, Para. 124.
The right of children to be duly informed	Those responsible for hearing the child have to ensure that the child is informed about his or her right to express his or her opinion in all matters affecting the child and, in particular, in any judicial and administrative decision-making processes, and about the impact that his or her expressed views will have on the outcome. The child must, furthermore, receive information about the option of either communicating directly or through a representative. She or he must be aware of the possible consequences of this choice. The decision maker must adequately prepare the child before the hearing, providing explanations as to how, when and where the hearing will take place and who the participants will be, and has to take account of the views of the child in this regard.	United Nations, Committee on the Rights of the Child, General Comment No. 12, <i>The right of the child to be heard</i> , adopted by the Committee in its Resolution CRC/C/GC/12 during its 51st session, Geneva, 2009, Para. 41.

The completion of the interview



Step 6. Conclude the interview

Objective: To conclude the interview and to foster the ‘emotional recovery’

If, when concluding the stage of exploration and fostering the ‘emotional recovery’ of the interview, there are still simple data that need to be gathered, these may be obtained by asking the child or adolescent, in a direct manner, and by explaining why these may be useful. For example, the following could be asked: ‘Finally, I would like to know if you had any belongings with you in order to make sure that these are returned to you’.

Once the child or adolescent has finished telling his or her story, the Consular representative must **thank** the child or adolescent for having shared his or her story, and reiterate the basic messages for **emotional recovery**³²:

TIPS

To conclude with messages that reflect value as to the identity is fundamental to counteract feelings of failure, helplessness, lack of options, uncertainty and anxiety that are present in the psychological reality of children and adolescents in these conditions.



KEY SENTENCES

- Now I know more about you and how courageous you are.
- I understand that many things happened for you to be here now.
- I also know what you would like to happen.

Immediately, the Consular personnel will describe the steps that will follow and that are known at the time. It is important that he or she explains, in a concrete manner, what will happen to the child or adolescent, as well as to his or her family or significant adults. When there is uncertainty as to the determination that will be made with regards to his or her situation, the Consular personnel will have to describe, for the child or adolescent, the known steps that will immediately follow. For example: ‘Now, they will take you to a shelter where there are other children and adolescents, who, like you, have made long journeys. There, you can request to phone your family or to talk to people, who – like me – work in the Consulate of Mexico. I will make sure that they have all the information that you have provided me with, in order for them to be able to help you more.’ Finally, and before leaving, it is recommended that the Consular personnel provide the child or adolescent with his or her **contact details** in writing (phone number and e-mail), explaining that he or she may contact him or her if necessary.

³²See Toolbox. Factsheet: *The role of the Consular authority in the reality of the child or adolescent.*

Legal basis

CONCEPT	DESCRIPTION	LEGAL BACKGROUND
The right of children to be duly informed	Those responsible for hearing the child have to ensure that the child is informed about his or her right to express his or her opinion in all matters affecting the child and, in particular, in any judicial and administrative decision-making processes, and about the impact that his or her expressed views will have on the outcome. The child must, furthermore, receive information about the option of either communicating directly or through a representative. She or he must be aware of the possible consequences of this choice. The decision maker must adequately prepare the child before the hearing, providing explanations as to how, when and where the hearing will take place and who the participants will be, and has to take account of the views of the child in this regard.	United Nations, Committee on the Rights of the Child, General Comment No. 12, <i>The right of the child to be heard</i> , adopted by the Committee in its Resolution CRC/C/GC/12 during its 51st session, Geneva, 2009, Para. 41.

Proceedings for the protection of unaccompanied migrant children and adolescents



Step 7. Design and implement protection actions

Objective: To determine the need of the particular child or adolescent and to inform the relevant body in order to provide him or her with protection and assistance

Once the interview has concluded, the person acting as Consular representative must analyse and arrange the information that was obtained, in order to determine the relevant actions that must be undertaken for the protection and the restitution of the rights of the child or adolescent. These recommendations will have to be transmitted to the competent authority to ensure that these are implemented – whether the Mexican child protection authorities or the competent Consular personnel in those cases, in which the child or adolescent will remain abroad. This step takes into account three moments: the organisation of the information, the determination of potential and desirable alternatives, and the proceedings and referral to relevant bodies.

A. Analysis and organisation of the information obtained

The Consular personnel must review the information obtained, analysing his or her impressions of the verbal and non-verbal communication of the child or adolescent, who has been interviewed. The analysis of a single interview, that is often short, cannot generate conclusive information. The consular task in this regard is to identify potential risks, suspicions and other useful information to initiate proceedings for the protection and assistance needs that the child or adolescent requires. It is important that any record is justified, i.e. that it includes the information, which it is based on, whether because the child or adolescent mentioned it or because a non-verbal indicator evidenced it.

First of all, all the information that the child or adolescent, or diverse indicators, provided on his or her **place of origin** must be recorded:



KEY QUESTIONS

- *What is the situation in his or her place of origin?*
- *Who does he or she live with in this place? Are there significant persons there for him or her?*
- *Are there indicators of risk or danger for the child or adolescent at his or her place of origin?*
- *What protection or assistance needs does the child or adolescent require at his or her place of origin?*

Secondly, all the information that the child or adolescent, or diverse indicators, provided on **what motivated his or her migration** must be recorded:



KEY QUESTIONS

- *Does his or her migration respond to violence experienced at his or her place of origin?*
- *Is the migration due to the economic situation despite having safe attachments at his or her place of origin?*
- *Is the migration due to deception or persuasion by someone not connected to the family or due to some suspicious reason? What indicators justify the suspicion?*
- *Does the child or adolescent migrate because he or she has a relative or significant person abroad?*

Thirdly, all the information that the child or adolescent, or diverse indicators, provided on what he or she **experienced during the journey of migration** must be recorded:



KEY QUESTIONS

- *Did he or she experience violence during the journey?*
- *Who did he or she travel with?*
- *Are there indicators of illicit actions or indicative of trafficking during the journey?*
- *What trauma may he or she experience or how may he or she be affected by experiences during the journey?*

Fourthly, all the information that the child or adolescent, or diverse indicators, provided on his or her **opinion and wishes** must be recorded:



KEY QUESTIONS

- *What would the child or adolescent like to happen?*
- *What does he or she least want?*
- *Is there an option that causes fear or anxiety in the child or adolescent?*
- *Which persons is it important for the child or adolescent to maintain a relationship with?*

B. Analysis and determination of potential alternatives for action

The four above-mentioned assessed elements will determine, to a large extent, *possible* alternatives or benefits for the child or adolescent. His or her opinion must be an element that is considered in the determination of *desirable* options amongst those that are possible. Finally, risk indicators are crucial to establish *necessary* options.

The information recorded must be used as the foundation for the drafting of a recommendation in each case. This recommendation will be transmitted to the relevant competent authority.

The recommendation must include the proposal relating to the general procedure applicable to the case; for example, entry into a protection programme abroad or, if applicable, repatriation. It must also include the necessary specific requests to the relevant authorities for the restitution and protection of the rights

C. Proceedings for the required protection and assistance

The person acting as the Consular representative must ensure that the measures designed for the care of children and adolescents are implemented. In other words, he or she must initiate proceedings for anything that is necessary for the protection and restitution of the rights of the child or adolescent, on the basis of an intervention that is based on due diligence and consideration for the best interests.

This can be achieved if the Consular representative ensures that the child or adolescent's process comes with the information and request for adequate protection and assistance to the competent authorities, as applicable; i.e. if he or she ensures that the chain of protection is safeguarded. It is particularly important that, within the framework of consular assistance, the personnel takes into account the various options linked to a better protection of the rights of children and adolescents.

In all cases, the Consular personnel will have to undertake the necessary actions in order for the report of the interview and the recommendations for assistance to reach the child protection authority (Procuraduría de Protección de niñas, niños y adolescentes) that is competent for the person's federal entity. Each entity's child protection authority or, if applicable, the Federal child protection authority, are the authorities in charge of arranging all the specialised actions that a child or adolescent and his or her family may require for the protection and restitution of his or her rights in Mexico³³.

These authorities are obliged to undertake and process all the necessary actions to protect and assist the child or adolescent in consideration of the recommendations issued by the Consular personnel. Likewise, when the person has to remain abroad by virtue of his or her best interests, it will be the competent child protection authority that will act as the local intermediary for the proceedings and services that the children and adolescents require via the Consular personnel.

In those cases, in which the entity of origin in Mexico has no such child protection authority yet, the consular personnel will have to submit the information to the competent office of the System for the Comprehensive Development of the Family (Sistema para el Desarrollo Integral de la Familia, DIF) in accordance with the previously-described terms.

When the child or adolescent is repatriated, the information sent to the child protection authority must be shared with the National Migration Institute. On the other hand, when the child or adolescent remains on foreign territory, the information will be used to follow up on the 'chain of protection'.

When the Consular personnel considers that the information obtained will be useful to the foreign authority related to the case, it will have to share it in order to promote the best protection and assistance for the child or adolescent.

Each application must include the petition for assistance or protection for the child or adolescent, as well as the request for the authority to inform the Consulate – in a timely manner – of the results or progress obtained. In this sense, and even when the consular intervention may have a limited capacity to follow up on those cases, in relation to which proceedings have been undertaken, the reports obtained from the bodies called upon may account for the success and limitations of diverse courses of protection for children. This will help to critically assess public policies in order to improve them on the medium and long term.

³³Official Journal of the Federation, *General Law on the Rights of Children and Adolescents*. 4 December 2014. Articles 121 and 122.

Even though situations may vary, and the individual needs will have to be determined in each case, the following guidelines illustrate, through examples, some of the common circumstances:

- When a child or adolescent is referred to a **programme of protection due to a potential risk of trafficking or exploitation**:



KEY ELEMENTS

- *When the protection programme belongs to a foreign jurisdiction, the competent authority will have to be notified of the requests submitted and its collaboration with the latter will have to be requested in accordance with the necessary terms.*
- *It is necessary to share the information obtained with the competent Consular personnel of the locality where the child or adolescent is on foreign territory.*
- *It is necessary to inform the competent child protection authority in order for the latter, in turn, to arrange the local institutional interventions that are necessary, such as:*
 - *Inform the Office of the Attorney-General of the Republic as to any information that may be useful for the investigation of trafficking or exploitation offences.*
 - *Should the resort to a protection programme in Mexico be determined, it will be necessary to request the Office of the Attorney-General of the Republic – via the means that are considered appropriate – that it presents an assessment of risks and that it decides on the necessary protection measures, as a requirement for the repatriation of the child or adolescent, should the latter be appropriate.*
 - *Establish contact with the family to inform them of the situation of their son/daughter.*
 - *Establish contact with the family or any significant adult for the child or adolescent, in order to facilitate and ensure that the latter has as much family contact as possible – whether by phone or electronically – and is not isolated.*

- When a child or adolescent is referred to a **shelter of assistance abroad**:



KEY ELEMENTS

- *It is necessary to share the information obtained with the competent Consular personnel of the locality where the child or adolescent will be on foreign territory.*
- *It is necessary to notify the competent child protection authority (or the office of DIF should the child protection authority not have been created yet in the entity of origin) in order for the latter to arrange the local institutional interventions that are necessary, such as:*
 - *Notify the competent authority of the petitions submitted and request its collaboration with regards to the latter, in the necessary terms.*
 - *Should the child or adolescent have a significant relative abroad, notify him or her, and provide support to explore a potential family reunification abroad.*
 - *Should there be no significant relatives abroad, submit a request to DIF to locate and undertake an assessment of the family of the child or adolescent, in order to determine the conditions for potential family reunification*

- *It will be necessary to submit a request to DIF in relation to the contact details of the family or any significant adult for the child or adolescent, in order to facilitate and ensure that he or she has as much family contact as possible – whether by phone or electronically – and is not isolated.*

- When a child or adolescent faces **judicial proceedings abroad**:



KEY ELEMENTS

- *It is necessary to share the information obtained with the competent Consular personnel of the locality where the child or adolescent will be on foreign territory.*
- *It is necessary to notify the competent child protection authority (or the office of DIF should the child protection authority not have been created yet in the entity of origin) in order for the latter to arrange the local institutional interventions that are necessary:*
 - *It is necessary to ensure that the right to consular communication and assistance is safeguarded.*
 - *Submit a request aimed at establishing contact with the family in order to inform them of the situation of their son or daughter.*
 - *Submit a request for contact with the family or any significant adult for the child or adolescent, in order to facilitate and ensure that he or she has as much family contact as possible – whether by phone or electronically – and is not isolated.*
 - *Inform the Office of the Attorney-General of the Republic as to any information that may be useful for the investigation of trafficking or exploitation offences.*
 - *Ensure the right to necessary consular communication and assistance for the adolescent.*

- When a child or adolescent **is involved in an adoption process abroad**:



KEY ELEMENTS

- *It is necessary to share the information obtained with the competent Consular personnel of the locality where the child or adolescent will be on foreign territory.*
- *It is necessary to notify the competent child protection authority (or the office of DIF should the latter not have been created yet in the entity of origin) in order for the latter, in turn, to arrange the local institutional interventions that are necessary, such as:*
 - *Request the authorisation of the competent foreign authority to undertake an assessment of relatives or other significant persons, whom the child or adolescent has the right to maintain contact with, despite the impossibility for family reunification.*
 - *Submit a request for contact with the family or any significant adult for the child or adolescent, in order to facilitate and ensure that he or she has as much family contact as possible – whether by phone or electronically – and is not isolated.*

- When a child or adolescent is **‘entrusted’ to a relative on Mexican territory**:



KEY ELEMENTS

- *It is necessary to notify the competent child protection authority (or the office of DIF should the latter not have been created yet in the entity of origin) in order for the latter, in turn, to arrange the local institutional interventions that are necessary, such as:*
 - *Submit a petition to DIF for the provision of necessary assistance in the presence of any identified risk or need that may cause a new migration by the child or adolescent.*

- When a child or adolescent is **‘referred’ to a shelter of assistance on Mexican territory**:



KEY ELEMENTS

- *It is necessary to notify the competent child protection authority (or the office of DIF should the latter not have been created yet in the entity of origin) in order for the latter to arrange the local institutional interventions that are necessary, such as:*
 - *Locate and undertake an assessment of the family of the child or adolescent, in order to determine the conditions for family reunification. This request must include the possibility of locating his or her family abroad.*
 - *Notify a Family Judge when it is impossible to locate the family, and it is necessary to initiate a process of provisional guardianship for the child or adolescent.*

Legal basis

CONCEPT	DESCRIPTION	LEGAL BACKGROUND
Decisions based on the initial assessment to adopt protection measures	Any further actions relating to the residence and other status of the child in the territory of the State should be based on the findings of an initial protection assessment carried out in accordance with the above procedures.	United Nations, Committee on the Rights of the Child, General Comment No. 6 <i>Treatment of Unaccompanied and Separated Children Outside Their Country of Origin</i> , adopted by the Committee in its Resolution CRC/GC/2005/6 during its 39th session, Geneva, Switzerland, Para. 32.
Adequate information to children	A fundamental element of the process is communication with the children and adolescents, to achieve that they participate in a beneficial way in the latter, and to determine their best interests. In the context of this communication, amongst others, the children and adolescents should be informed of the process and potential services and long-term solutions; the information provided should be gathered by the person, and their opinion should be requested.	United Nations, Committee on the Rights of the Child, General Comment No. 12, <i>The right of the child to be heard</i> , adopted by the Committee in its Resolution CRC/C/GC/12 during its 51st session, Geneva, 2009, Para. 89.

<p>Well-founded, reasoned and duly justified decisions</p>	<p>In order to evidence compliance with the right of the child to have his or her best interests assessed and taken as a primary consideration, any decision on the latter must be reasoned, justified and explained.</p> <p>In the reasoning, the following must be explicitly stated: all the factual circumstances relating to the child or adolescents, the elements that were considered relevant for the assessment of his or her best interests, the content of the element in this particular case, and how they were analysed to determine the best interests of the child. If the decision differs from the opinion of the child or adolescent, the reason for making it will have to be clearly explained. If, exceptionally, the chosen solution does not comply with the best interests of the child, the motives, which it is based on, must be stated, in order to demonstrate that the best interests of the child were a primary consideration, despite the outcome. It is not enough to affirm, in general terms, that some considerations prevailed over the best interests of the child; all those relating to the particular case must be explicitly detailed, and the motives that weighed most in this particular case must be explained.</p>	<p>United Nations, Committee on the Rights of the Child, General Comment No. 12, <i>The right of the child to be heard</i>, adopted by the Committee in its Resolution CRC/C/GC/12 during its 51st session, Geneva, 2009, Para. 97.</p>
<p>Reasoning in consideration of the best interests of children and adolescents</p>	<p>It is essential that all decisions taken in migratory proceedings involving children and adolescents are duly justified, that is to say, that they are accompanied by the exteriorisation of the reasoned justification that allows conclusions to be reached. The duty to provide the reasoning is one of the due guarantees to safeguard the right to a fair trial. The decision must explain the way, in which the opinions expressed by the child were taken into account, and also the way, in which his or her best interests were assessed.</p>	<p>Inter-American Court of Human Rights. <i>Rights and guarantees of children in the context of migration and/or in need of international protection</i>. Advisory Opinion OC-21/14 of 19 August 2014, Series A No. 21, Para. 137.</p>

Coordination:

Ricardo Alberto Ortega Soriano

Research team:

Roberto Luis Bravo Figueroa, Analía Castañer, Daniel Antonio García Huerta, Margarita Griesbach Guizar.

Research support: Karla Gallo Campos

Translation: Christina Baglietto

Logistical support:

Dalia Berenice Fuentes Pérez

Special thanks to:

Reyna Torres Mendivil, Andrea Daniela Martínez Hernández, Diego Alejandro de la Vega Wood, Paulina López Peñafiel, Laura Eugenia Cruz Reyes Mendoza, Alfonso Navarro Bernachi, Euclides del Moral Arbona, Brenda Yamili Resendiz Vélez, Manuel Alejandro Juárez Aguirre, Citlalli Celeste González Camacho.

Design:

Rubén García Domínguez

Brenda Yamili Resendiz Vélez

Interviewees:

Sandra Patricia Mendoza Durán, Abril Marcela Torres Samaniego, Felipe López Estrada, María Cristina Oropeza Zorrilla, Rolando Chapa Ponce de León, César Rodríguez, Jaime Jiménez Moreno.

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