

Final Version

**COMMON INDICATORS FOR THE REGISTRATION OF  
UNACCOMPANIED OR SEPARATED MIGRANT BOYS, GIRLS AND  
ADOLESCENTS IN CONSULAR ACTIONS BY MEMBER COUNTRIES OF  
THE REGIONAL CONFERENCE ON MIGRATION**

This document is a compilation that suggests good practices submitted for the consideration of the RCM member States in light of their applicable legal obligations and relevant consular practices.

**COMMON INDICATORS FOR THE REGISTRATION OF UNACCOMPANIED OR SEPARATED MIGRANT BOYS, GIRLS AND ADOLESCENTS IN CONSULAR ACTIONS BY MEMBER COUNTRIES OF THE REGIONAL CONFERENCE ON MIGRATION**

## **Rationale**

Unaccompanied and separated children present a special challenge for countries of origin, transit, and destination. They are uniquely vulnerable and often have special physical, emotional, and social needs that should be identified and addressed immediately by trained professionals via a thorough assessment.

This proposal offers a suggested format for those interviews to ensure that the children will be attended adequately. This assessment should:

- i. Determine the condition of the unaccompanied or separated migrant boy, girl or adolescent immediately upon his or her arrival at the port of entry or as soon as the relevant authorities become aware of his or her presence in the country;
- ii. Seek to collect data and background information to determine the identity and citizenship of the boy, girl or adolescent and, whenever possible, determine the identity of parents and siblings. The interview should be adjusted to the specific needs, age and gender of the boy, girl or adolescent and carried out by trained professionals in a language that the child can understand;
- iii. Result in access by consular officials of the child's country of citizenship;
- iv. Collect information in order to address the specific situation of each boy, girl or adolescent:
  - Why the boy, girl or adolescent is unaccompanied or separated from his or her family;
  - Assessing particular vulnerable situations, especially those related to health and/or physical, psychosocial and material aspects, as well as other protection needs, such as those resulting from domestic violence, crimes against the person, trafficking in persons or trauma;
  - All information that is available to determine the potential existence of international protection needs, such as needs based on "*a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion*" in the country of origin, or needs resulting from the indiscriminate effects of generalized violence or grave violations of human rights; where such grounds are recognized by the receiving state.
- v. Assist both host nation authorities and consular officers to determine which children can be repatriated as soon as possible and which require further assistance due to claims of refugee or asylum status.

In addition, General Comment No. 6 points out the need for States Parties to collect common data and statistics on separated and unaccompanied children<sup>1</sup>, highlighting the

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<sup>1</sup> i. Basic biographic data (age, sex, country of origin and nationality, ethnic group) and total number of boys, girls and adolescents attempting to enter the country; ii. Number of denied entries, number of requests for asylum; iii. Number of legal representatives and guardians assigned to these boys, girls and adolescents; iv. Legal status (i.e. asylum-seeker, refugee, temporary resident permit); v. Living arrangements (i.e. in

collection of data about particular vulnerabilities, especially relating to health and physical, psychosocial and material aspects; and the identity of the boys, girls and adolescents and their opinion, as the basis for consular actions.<sup>2</sup>

Furthermore, **Advisory Opinion OC-21/14, *Rights and guarantees of children in the context of migration and/or in need of international protection*** of the Inter-American Court of Human Rights recommends that States Parties to the American Convention should collect certain data for purposes of the protection of migrant children (i.e., the child's nationality, reasons for departure from the country of origin, separation from his or her family, vulnerabilities and any other element that reveals or refutes the need for some type of international protection).<sup>3</sup>

The purpose of this proposal is as follows:

- i. To propose a minimum set of data to be collected for purposes of the protection of the rights of unaccompanied or separated migrant boys, girls and adolescents, in accordance with states' applicable international human rights obligations and national laws.
- ii. To homologate, to the extent possible, the information collected by States in order to facilitate comparing statistical information generated by the systems of each State.

**Note:**

The following proposal addresses two different types of indicators:

- Those that are collected through direct interaction between the boy, girl or adolescent and the consular officer.
- Indicators resulting from observation by the consular officer in regard to the following two aspects: i) the identity and physical appearance of the boy, girl or adolescent, and ii) other observations that are worthwhile and that are not included in the questionnaire.

Furthermore, a final section is proposed on identifying requirements to ensure appropriate comprehensive protection and restoration of the rights of boys, girls and adolescents. The consular officer should consider these aspects after interacting with the boy, girl or adolescent.

It should be clarified that depending on the situation/context, not all of the requested information may be available, so not always all indicators will be completed.

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institutions, with families or living independently); vi. Enrolment in school or vocational training; vii. Family reunifications and number of boys, girls and adolescents returned to their country of origin; viii. Qualitative data (disappearances of unaccompanied and separated boys, girls and adolescents and the impact of trafficking). CRC/GC/2005/6 Paragraphs 98, 99 & 100.

<sup>2</sup> Being prepared to consider non-verbal forms of communication (games, body and face language, drawing and painting), through which children show that they are able to understand, choose and express preferences. CRC/GC/2005/6.

<sup>3</sup> Inter-American Court of Human Rights, Advisory Opinion OC-21/14, Paragraph 86. August 19, 2014. Requested by the Republic of Argentina, the Federative Republic of Brazil, the Republic of Paraguay and the Oriental Republic of Uruguay, *Rights and guarantees of children in the context of migration and/or in need of international protection*.

**PROPOSAL ON COMMON INDICATORS FOR THE REGISTRATION OF UNACCOMPANIED OR SEPARATED MIGRANT BOYS, GIRLS AND ADOLESCENTS IN CONSULAR ACTIONS BY MEMBER COUNTRIES OF THE REGIONAL CONFERENCE ON MIGRATION**

Basic identity information
Names, surname
Nickname
Date of birth
Age stated
Apparent age (if different from the age stated)
Gender (female, male)
Gender identity
Citizenship
Place of origin
Place of residence
Ethnicity
Identification marks
Documentation? (Yes) (No)
Documents (number of birth certificate, national identity card, passport, etc.)
Marital status
Education (literacy level)
Data on special needs
Motor impairment
Visual impairment
Hearing impairment
Cognitive impairment
Needs an interpreter (sign language)
Other
Data on membership of an indigenous and/or afro-descendant group
Does not speak Spanish or has difficulty speaking Spanish (indigenous language)
Traditional clothes
Describes him- or herself as belonging to an indigenous or afro-descendant group

Data relating to accompaniment
Alone
Accompanied by an adult family member (older sibling, uncle or aunt, husband or wife, others)
Accompanied by another family member under 18
Accompanied by another adult that is not a family member (friend, godfather or godmother, partner, others)
Accompanied by other children who are not family members (friend, partner, others)

Accompanied by his or her child (for parents who are under 18)
Pregnant (Yes) (No)

<b>Data about the family and significant persons (origin and destination)</b>
Name of the father/mother, guardian? in the place of origin
Language of the parents, guardian? in the place of origin
Death of one of the parents
Significant adult in the place of origin
Significant adult in the place of destination
Significant adults in the place of transit
Contact information: Home address, telephone, email, social networks (in the place of origin, destination and transit)

<b>Data about the migration route</b>
Means of transport (by Land, Sea or Air)
Person or persons with whom he or she left the place of origin (friends, family, migrant smugglers, others)
Persons with whom he or she travelled along the migration route (friends, family, migrant smugglers, others)
Persons with whom he or she entered the place of destination (friends, family, migrant smugglers, others)
Place of detention
Number of border crossings
Time elapsed between border crossings
Number of countries crossings
Departure date from the place of origin
Date crossed this country

<b>Causes for migrating (could be one or several reasons/causes)</b>
Financial reasons
Health reasons
Education reasons
Persecution due to race, religion, nationality, membership of a particular social group or political opinion
Protection against violence by organized criminal groups
Domestic violence
Violence based on gender or sexual orientation
Deception (trafficking)
Reunification with a family member in the place of destination
Natural Disasters

<b>Data relating to violence</b>
<b>Violence in the place of origin</b>
Some type of social violence
Domestic violence
Violence by organized criminal groups
Violence for religious reasons
Violence based on sexual orientation and/or gender identity
Sexual violence
<b>Violence along the migration route</b>
Forced transfer or trafficking in persons
Sexual violence
Physical violence
Emotional violence
Labor exploitation
Others (robbery, kidnapping, abuse, assault, etc.)
<b>Violence in the place of destination</b>
Sexual violence
Physical violence
Emotional violence
Labor exploitation
Others (robbery, kidnapping, abuse, assault, etc.)

<b>The opinion of the boy, girl or adolescent concerning his or her future</b>
Wants to return to the place of origin
Wants to be reunified with a family member in the place of destination
Wants to obtain assistance to locate his or her family
Wants to stay with an adult that is not a family member
Does not want to return to the place of origin due to fear

<b>Identify and determine requirements for ensuring appropriate comprehensive protection and restoration of the rights of the boy, girl or adolescent</b>
<b>Requirements for competent institutions providing assistance</b>
Does the boy, girl or adolescent need to obtain access to any essential services to meet his or her basic needs?
Is he or she in need of temporary shelter?
Does he or she require psychological assistance?
Is it necessary to locate family members or, if appropriate, initiate a proceeding to resolve the legal situation of the boy, girl or adolescent before a judicial authority?
Is it necessary to inform the family or another significant adult about the situation of the boy, girl or adolescent?
<b>Requirements for competent investigating bodies</b>
Do potential crimes of trafficking in persons need to be investigated?
Do potential crimes of forced labour, dangerous labour or other unlawful forms of child labour along the migration route need to be investigated?

Do potential organized crimes need to be investigated in the place of origin?
Are special protection actions required for the boy, girl or adolescent or his or her family?
<b>Consular assistance requirements</b>
Are legal aid and representation services required?
Is follow-up and consular accompaniment required?
<b>Requirements to be addressed in coordination with relevant authorities of the country of destination</b>
Is it necessary to notify competent authorities of a potential case of trafficking in persons?
Is it necessary to request cooperation by foreign authorities to enable the boy, girl or adolescent to maintain contact and communicate with his or her family?
Does a family member need to be contacted in the country of destination?
Is it necessary to notify competent authorities of potential international protection needs, such as refugee status or a complementary protection category?