

# THE GLOBAL COMPACT FOR MIGRATION: **ACTIONABLE COMMITMENTS FOR CHILDREN ON THE MOVE**



THE INITIATIVE FOR CHILD RIGHTS IN THE GLOBAL COMPACTS

# GLOBAL DIMENSION OF MIGRATION

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## ACTIONABLE COMMITMENT

### **Expanding family reunification and other safe and regular pathways for children and families**

Expand opportunities for families to move together safely and regularly, prevent unnecessary family separation and related risks for children, and provide access to fair and efficient family reunification procedures, in line with the child's best interests.

Establish a reliable and integrated international family tracing and reunification system, guaranteed by law, which prioritizes children and their families alongside other people in a situation of vulnerability and is operated consistently with the best interests of the child.

*(Timeframe: short term-medium-term and long-term)*

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## MEANS OF IMPLEMENTATION

- Enact policies that expand opportunities for families to move together safely and regularly, to prevent unnecessary family separation and related risks for children.
- Enact policies that ensure that in all phases of migration, accompanied children are not separated from their parents or primary caregivers (unless this is in their best interests)
- Ensure that children who became separated from their families are swiftly reunited in line with the child's best interests. A thorough assessment of the family to provide care for the child should take place.
- Enact policies that broaden the definition of family where it is in the child's best interests to do so. A family should include, though is not limited to, parents, grandparents, aunts and uncles, brothers and sisters, and others who have been the child's main carers.
- Address obstacles to family reunification (e.g. income thresholds, documentation requirements, language pre-tests, length of stay, type of status, tight deadlines, limited number of embassies accepting family reunification applications, etc.).
- In the case of children in vulnerable situations, ease the procedures and conditions required, and give priority to and use accelerated procedures for applications for family reunification involving children. Children should be reunified with their family in a timely manner, when this is in the child's best interests.
- Allocate further resources to adequately respond to and process family reunification requests.
- Invest in guidance and training on child rights for officials who consider family reunification applications.
- Establish Best Interests Assessment and Determination procedures, conducted by trained professionals with the full involvement and participation of the child, taking into account his or her age and maturity.
- Provide child-friendly information about family reunification to children by trained professionals in a language they can understand.
- Expand the criteria assessing the need for speedy family reunification to include factors that compound children's vulnerability, such as gender-based violence, mental health, disability, domestic violence, single-headed households, statelessness, etc.
- Strengthen cooperation between relevant actors across borders, based on a child protection agenda and founded on Best Interests Assessments and Determinations that fully respect data protection as to avoid potential exposure of children to harm. Cross-border cooperation is key to improving family tracing and reunification; ensuring appropriate transfer of care between jurisdictions; establishing and strengthening case management across borders; developing and applying common standards; and exchanging good practices.

## PARTNERSHIPS

- Ministries of interior, immigration, social welfare, family, children, health, education, etc. in countries of origin, transit and destination
- Child protection authorities and social/child welfare services in countries of origin, transit and destination
- Ministries of foreign affairs, consulates and embassies
- Regional and local authorities
- Judiciary
- Guardians
- Civil society organizations
- UN and intergovernmental agencies (UNHCR/UNICEF/IOM)
- Cultural mediators
- International Committee of the Red Cross (for family tracing)

# GLOBAL DIMENSION OF MIGRATION

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## ACTIONABLE COMMITMENT

### Global operational guidelines for protecting children in vulnerable situations

Develop and implement global operational guidelines that focus on the provision of protection, care, and access to services, safe and regular pathways and sustainable solutions for migrant children in vulnerable situations. The guidelines should be grounded on the principle of the best interests of the child and protect the rights of all children irrespective of their migration status.

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## MEANS OF IMPLEMENTATION

- These guidelines should ensure access to well-functioning identification and referral mechanisms and well-resourced and integrated child protection systems that include reception, accommodation and care standards and safeguards that allow children to access the services they need in a timely manner. This is particularly relevant in the case of children in a vulnerable situation because of characteristics such as gender, disability, being a survivor of violence, abuse, exploitation or trafficking (including GBV and domestic violence); mental health; being in a single-headed household; etc.
- The guidelines should lay out measures to ensure that children caught up in a crisis, in transit, in detention, in “no-man’s land” or in limbo can access appropriate protection and support, including targeted evacuations, admissions, sponsorship and resettlement programs (once each child’s best interests have been assessed).
- The guidelines should also promote appropriate and protective sustainable and long-term solutions in children’s best interests, including regularization schemes that provide access to stable status in the country of transit or destination, child rights-compliant returns and reintegration when in the child’s best interests, birth registration and/or provision of identity documentation, and family tracing and reunification when in the child’s best interests. Particular attention should be paid to undocumented children or children of undocumented parents; children who are not eligible for refugee status; children who have not been registered at birth or as residents; and children who are stateless.
- States should refer to key principles, guidelines and operational guidance developed for the protection of children on the move in both humanitarian and non-humanitarian contexts, including guidance for the determination of the best interests of the child.<sup>1</sup>
- States should take steps to operationalize the concrete protection obligations contained within the CRC and CMW [Joint General Comments on the human rights of children in the context of international migration](#) and other normative guidance provided by the UN treaty bodies and special procedures with relevance to migrants in vulnerable situations.
- To fulfil the many State commitments in the New York Declaration to provide heightened protection to migrants in vulnerable situations (paras. 26, 29, 30-33, 52) States should explicitly endorse and take steps to operationalize the Global Migration Group (GMG) [draft principles and guidelines on the human rights protection of migrants in vulnerable situations](#).
- Relevant targeted resources should be mobilised and invested at the national, regional and international level for the on-the-ground implementation of the Guidelines and for building the capacity of relevant national, regional and international actors.
- The endorsement of these normative and operational tools and of the commitment to uphold the human rights of migrants in vulnerable situations, could take place during the UN High-level Dialogue in 2020.
- OHCHR, UNICEF and other UN agencies, and the UN treaty bodies and special procedures as well as civil society organisations can support their proper implementation and operationalization at the national level.

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<sup>1</sup> Some examples include: the UNHCR Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum, 1997 ; the UNHCR Framework for the Protection of Children, 2012; the UN Guidelines on Alternative Care; the UNHCR Guidelines on Refugee Children Protection and Care (1999), the Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees (2009); the SCEP Statement of Good Practice; UNCRC General Comment n 14; UNCRC General Comment n. 6; UNHCR A Framework for the Protection of Children, published in June 2012. UNHCR Guidelines on Refugee Children Protection and Care (1999), UNHCR Guidelines on Best Interest Determination (2008), Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees (2009), UNHCR Field Handbook for BID (2011), ExCom Conclusion No. 107 on Children at Risk. UNICEF Guidelines on the Protection of Victims of Child Trafficking (2006); SCEP Statement of Good Practice; Safe And Sound (UNHCR/UNICEF, 2014); UN Commentary Trafficking; IASC Guidelines. OHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking, E/2002/68/Add.1, 20 May 2002, Guideline 8(5). Minimum standards such as UNICEF minimum standards for accommodation centres for refugee children in Germany or Save the Children, Guidelines for Child Friendly Spaces for migrant and refugee children; SC BID handbook.

# GLOBAL DIMENSION OF MIGRATION

## Actionable commitment on global operational guidelines for protecting children in vulnerable situations (continued)

### PARTNERSHIPS

- Ministries of interior, immigration, social welfare, family, children, health, education, justice, etc. in countries of origin, transit and destination
- Child protection authorities and social/child welfare services (e.g., social workers) in countries of origin, transit and destination
- Ministries of foreign affairs, consulates and embassies
- Law and border enforcement authorities
- Public and private service providers
- Regional and local authorities
- Judiciary (e.g. child judges)
- Guardians
- Cultural mediators
- International, regional, national and local civil society organizations and community organizations
- UN & intergovernmental agencies (UNHCR/UNICEF/IOM/OHCHR)
- Regional organizations
- International Committee of the Red Cross (ICRC) (for family tracing)
- Organizations led by migrant children and youth
- Host communities

# GLOBAL DIMENSION OF MIGRATION

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## ACTIONABLE COMMITMENT

### **Sustainable solutions including decisions on integration or returns**

Establish concrete measures and minimum standards, including cooperation initiatives, which ensure migrant children can access comprehensive, protective and sustainable solutions that ensure their long-term protection and fulfilment of their rights. Such solutions, identified after a best interests determination, would include options for reunification with (extended) family members; identification of pathways for regularization, including plans for their integration in the country of destination; or options for their safe, assisted and voluntary return in countries of origin, only if in their best interests and carried out in a child rights-compliant manner.

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## MEANS OF IMPLEMENTATION

- Ensure legal, policy and cooperation frameworks, including policies, regulations and procedures contain explicit best interests provisions.
- Establish robust, documented, multi-disciplinary and impartial Best Interests Determination (BID) procedures, that are child-focused and participatory, to substantively inform decisions affecting children, including decisions related to the status of parents of children on the territory, to families with children, and to separated or unaccompanied children.
- Uphold the principle of non-refoulement and the prohibition of arbitrary or collective expulsions, which apply to all migrants, including migrant children, irrespective of their migration status. When children are concerned, the non-refoulement principle includes child-specific risks, for example, amongst others, substantiated risk to the child's life, survival and development.
- Any decisions relating to the potential return of a child should be based on the outcome of Best Interests Determination procedures, including for children travelling with their families. This applies to any transfer, being it to a child's country of origin or the country to which the child is being resettled or transferred.
- The outcome of this determination must, as a minimum, be informed by:
  - The length of stay and level of integration of the child in the host country, his/her language skills, enrolment in school, vocational training, amongst others.
  - An extensive child rights assessment in the country of origin.
  - Whether the child can access a safe and protective environment upon return, which will enable each individual child to fulfil his or her needs and rights and develop into adulthood.
  - An assessment of the care options for the child. In line with the UN Guidelines on Alternative Care, institutionalised care is only a last resort and it is not a long-term care for children.
  - A careful social assessment of the family situation in the home country including their agreement to care for the child.
  - A careful assessment concerning access to food, housing, health care education, vocational training and employment opportunities in the country of origin.
  - The views and opinions of the child should be heard throughout the process and properly taken into account in determining the child's best interests.
- No child should be detained whilst their status is being determined or pending their return/removal. Alternatives to detention should be put in place and children should continue to access basic services such as education and health care. If return is considered to be in the best interests of the child, individual plans for the child's sustainable return should be developed, including provision of support to prepare him/herself for return and adequate and ongoing post-return evaluation that analyses and closely monitors the long-term impacts of return on children.
- Such principles should be at the core of any bilateral, regional or international agreements relating to returns, their implementation and actions of groups tasked with improving conditions in return areas.
- Technical, financial and other support provided should focus on establishing best interest procedures and the training of relevant stakeholders; protection systems that respond to the needs of refugee and other vulnerable children; appropriate service such as education, healthcare, social protection; and investment in creating an environment where children can be cared for, learn and thrive.

# GLOBAL DIMENSION OF MIGRATION

## Actionable commitment on sustainable solutions including decisions on integration or returns (continued)

### PARTNERSHIPS

- Ministries of interior, immigration, social welfare, family, children, health, education, etc. in countries of origin, transit and destination
- Child protection authorities and social/child welfare services in countries of origin, transit and destination
- Ministries of foreign affairs, consulates and embassies
- Regional and local authorities
- Judiciary
- Guardians
- Civil society organizations
- UN and intergovernmental agencies (UNHCR/UNICEF/IOM)
- Cultural mediators
- International Committee of the Red Cross (for family tracing)
- Diaspora and community organisations

# GLOBAL DIMENSION OF MIGRATION

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## ACTIONABLE COMMITMENT

### Cross-border cooperation of child protection authorities along key migratory routes

Strengthen cross-border cooperation among child protection authorities in countries of origin, transit and destination to provide a continuum of care, protection, support and access to services for all children on the move across key migratory routes.

Establish adequate case management cooperation, monitoring, and follow-up mechanisms across borders in line with the best interests of the child and in full respect of data protection to avoid potential exposure of children to harm. Close cross-border cooperation of child protection authorities in countries of origin, transit and destination is key to:

- Carrying out transnational case management through individual assessments and case plans.
- Making individual decisions in the best interests of the child through Best Interests Assessment and Best Interests Determination processes and finding child-centred solutions.
- Improving family tracing, assessment and reunification.
- Ensuring appropriate transfer of care and custodial responsibilities between jurisdictions as children move across borders.
- Ensuring harmonisation of standards across borders that respect international and regional human and children rights norms.
- Exchanging and promoting of good practices.

Implement effective *policies, protocols, practices and procedures* that protect children's rights; building and designing *places* where children are safe and can thrive; supporting the *people* and institutions who interact with children throughout their journey; and strengthening *cross-border cooperation*.

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## MEANS OF IMPLEMENTATION

- Invest in strong national child protection systems to protect children on the move from violence, abuse and exploitation. This should include training in child rights, BIA and BID, child protection standards and safeguards, data protection, and child-friendly procedures and interview techniques; and ensuring that child protection authorities are in the lead when it comes to migrant children, working closely with migration and law enforcement authorities.
- Invest in integrated national reception, care and protection services for all migrant children, starting when they first arrive at the border.
- Develop and agree on national, regional and cross-regional child protection standards and networks across migration corridors which:
  - Strengthen collaboration between professionals and volunteers working with children on the move (governmental and non-governmental actors) who come into contact with children as they cross borders, based on a common child protection agenda and regular training across relevant disciplines. Trainings should use harmonised standards that cover comprehensively the rights of the child, ethical values, legal standards, etc.
  - Ensure access to protection systems and appropriate referral to key services for children on the move.
  - Put in place designated liaison officers and procedures for the handover of guardianship across jurisdictions.
  - Strengthen cooperation on family tracing and reunification to inform decisions on sustainable solutions.
  - Set up joint case management systems to enable authorities to access information from other countries about decisions taken on behalf of a child, as well as any recommendations made for the child's future.
  - Lay out how to implement child-friendly reception and accommodation practices (including for critical procedures such as age assessments).
  - Guarantee child-rights compliant returns and reintegration.

# GLOBAL DIMENSION OF MIGRATION

## Actionable commitment on cross-border cooperation of child protection authorities along key migratory routes (continued)

### PARTNERSHIPS

- Ministries of interior/immigration/social welfare/family/children/health/education/justice/etc. in countries of origin, transit and destination
- Child protection authorities and social/child welfare services (e.g. social workers) in countries of origin, transit and destination
- Ministries of foreign affairs/consulates/embassies
- Law and border enforcement authorities
- Regional and local authorities
- Judiciary (e.g. child judges)
- Guardians
- Cultural mediators
- International, regional, national and local CSOs & community organisations
- UN & intergovernmental agencies (UNHCR/UNICEF/IOM)
- Regional organisations (ECOWAS, EU, etc.)
- ICRC (for family tracing)
- Organisations led by migrant children and youth (e.g. [MAEJT](#)).

# GLOBAL DIMENSION OF MIGRATION

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## ACTIONABLE COMMITMENT

### **Complementarity between the Global Compact on Safe, Orderly and Regular Migration and the Compact for Refugees**

Ensure coherence between the GCM and the GCR so that migration and refugee policies are human rights-based, protection-sensitive and respond to the specific rights and individual needs of all children on the move, treating children as children first and foremost.

*(Timeframe: short-term)*

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## MEANS OF IMPLEMENTATION

- Ensure policy coherence in national legal frameworks in relation to asylum, migration and child protection so that all children on the move, regardless of their asylum or migration status, can access their rights without discrimination and in line with their individual needs and without discrimination. This includes both unaccompanied and separated children, as well as children traveling with their parents, family members, or other caretakers.
- Provide for specific and explicit coherent provisions for identification, registration, screening and referral procedures; best interests assessments and determination procedures; appropriate guardianship, family tracing and reunification for unaccompanied and separated children; access to protection services for children at risk or victims of violence, exploitation, abuse;
- Establish national and regional coordination structures for the protection and support for children on the move. These should establish collaborative, human rights-based, and child-centered responses that always prioritize the best interests of the child over migration or border control priorities. Such structures should bring together key partners and stakeholders across sectors.
- Provide training on child protection and obligations under the CRC, refugee and human rights law to all officials and actors who come into contact with children on the move and their families.

## PARTNERSHIPS

Cross-border mixed migration and the displacement of refugees and migrants cannot be addressed by any one State alone, or within the mandate of any single organization or ministry. The creation of national and regional coordination mechanisms will require a cross agency and cross departmental approach:

- Ministries of interior, immigration, social welfare, family, children, health, education, etc. in countries of origin, transit and destination
- Child protection authorities and social/child welfare services in countries of origin, transit and destination
- Ministries of foreign affairs, consulates and embassies
- Regional and local authorities
- Judiciary
- Guardians
- Civil society organizations
- UN and intergovernmental agencies (UNHCR/UNICEF/IOM)
- Cultural mediators
- International Committee of the Red Cross (for family tracing)

# REGIONAL DIMENSION OF MIGRATION

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## ACTIONABLE COMMITMENT

### **Cross-border cooperation mechanisms and cross-border case management**

Establish and support regional cross-border cooperation initiatives aimed at ensuring the rights, protection, care, support and access to services for children on the move at the regional level. Such initiatives should establish adequate case management cooperation, monitoring, complaints mechanisms that facilitate portable justice, and follow up mechanisms across borders in line with the best interests of the child and in full respect of data protection to avoid potential exposure of children to harm.

*(Timeframe: medium-term and long-term)*

Cooperation is key to:

- Providing transnational case management, and a continuum of care.
- Determining the best interests of the child.
- Improving family tracing, assessment and reunification when in the best interests of the child.
- Ensuring appropriate transfer of care and custodial responsibilities between jurisdictions as children move across borders.
- Ensuring the harmonization across borders of standards that respect international and regional human rights norms, including child rights.
- Exchanging and promoting good practices.

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## MEANS OF IMPLEMENTATION

Develop regional child protection standards and networks that:

- Ensure collaboration between key actors (governmental and non-governmental) who come into contact with children on the move, based on a common child protection agenda that ensures access to protection systems and appropriate referral to key services.
- Utilize a common/harmonized regional approach, through regular training across relevant disciplines.
- Harmonize training standards for professionals/volunteers working with children in the context of migration; such standards should ensure that these comprehensively cover the rights of the child, ethical values, and legal standards.
- Ensure collaboration between countries of origin, transit and receiving countries around guaranteeing:
- Best interests and child-centered solutions;
- Individualized assessments and case plans;
- Application of data protection and safeguarding standards. to avoid potential exposure of children to harm.

## PARTNERSHIPS

- National governments, including ministries/departments governing child protection, health, justice, asylum and immigration
- Local NGOs and community organizations
- International organizations
- Regional organizations
- International civil society

# NATIONAL DIMENSION OF MIGRATION

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## ACTIONABLE COMMITMENT

### **Legislation, policies and practices to prioritize the best interests of the child**

Enact and/or modify relevant laws, policies, regulations, and procedures at sub-national, national and regional levels to ensure the best interests of the child is a primary consideration in all decisions affecting children on the move, whether they are accompanied or unaccompanied. Ensure the effective participation of the child in all stages of the process and the application of a whole-of-society approach.

*(Timeframe: medium-term and long-term)*

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## MEANS OF IMPLEMENTATION

- Ensure the national legal framework including regulations, policies, and procedures contain explicit best interests provisions.
- Establish – as part of immigration and asylum procedures – robust, documented, multi-disciplinary and impartial best interests determination (BID) procedures. that are child-focused and participatory, to substantively inform decisions affecting children, including decisions related to the status of parents of children on the territory, to families with children, and to separated or unaccompanied children.
- Establish a senior public official (e.g. Child Rights Ombudsperson) as a focal point responsible for instituting and overseeing the introduction of regulations, policies, and procedures that contain explicit best interests provisions.
- Ensure the existence of a dedicated budget spent on supporting best interests assessments and determinations, as well as regular training of staff involved in these processes and the appointment of qualified guardians, lawyers and trained interpreters to participate in the BID process.
- Ensure that national legal frameworks include the appointment of qualified guardians and advisors for all unaccompanied and separated children on the move and their participation in the best interests assessment (BIA) and BID processes.
- Enact procedures for the appointment of a guardian immediately after a child has been identified as unaccompanied to advise and protect their best interests in all actions affecting the child. Furthermore, ensure appropriate competencies and training for guardians are defined in policies, practices and standards.

## PARTNERSHIPS

- National governments, including ministries/departments governing child protection, justice, asylum and immigration at national and subnational levels
- Parliamentarians
- National human rights institutions
- Civil society organizations
- Guardians

# NATIONAL DIMENSION OF MIGRATION

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## ACTIONABLE COMMITMENT

### Access to and standards for appropriate care

Establish laws, policies, regulations, procedures and standards that ensure access to child-appropriate and child-sensitive reception, care and protection services for all children on the move, starting from the time of arrival through the identification and implementation of long-term and protective solutions. Establish appropriate alternative care options for unaccompanied and separated children whenever necessary and appropriate, in line with the UN Guidelines for the Alternative Care of Children.

*(Timeframe: medium-term and long-term)*

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## MEANS OF IMPLEMENTATION:

- Ensure that national legal frameworks in relation to child protection apply to all children on the move without discrimination. These frameworks should include specific and explicit provisions for registration and screening procedures, best interests assessments and determination procedures, appropriate guardianship for unaccompanied children, access to protection from violence, and exploitation and referral systems.
- Establish a regulatory authority within the mainstream child protection system with the overarching responsibility to authorize, monitor and improve care standards for all children on the move
- Establish appropriate alternative care options wherever necessary for all children on the move, in accordance with the UN Guidelines for the Alternative Care of Children. Such options should include support for informal care within a child's extended family and placement in family-based-or family-like care, according to the individual needs of each child
- Establish child protection standards for reception systems aimed at children and families.
- Establish a system for referring all at-risk children to national child protection services, irrespective of their migration or asylum status. Establish a monitoring system to establish benchmarks on annual referral increases proportional to the documented number of at-risk children on the move arriving in the State. There must be a dedicated budget to fully fund this referral system.
- Establish a comprehensive system for the provision of legal assistance and representation for all children on the move who are in need of child protection.
- Ensure the appointment of a guardian immediately after a child has been identified as unaccompanied to advise and protect his or her best interests in all actions affecting the child.
- Ensure that guardians are responsible for a reasonable number of unaccompanied and separated children at any given time so that they are able to perform their duties effectively.
- Gather further evidence on protection challenges faced by children on the move, including situations within their country of origin, in transit, or at destination, in order to advocate for their appropriate care, access to services, protection and well being. These protection challenges might include arrest and detention; the inability to access residence status, shelter and alternative care, services including education and health care, or guardianship and legal assistance; family separation; financial, labour and sexual exploitation; and discrimination and social tensions.

## PARTNERSHIPS

- National governments, including ministries/departments governing child protection, health, education, social services, asylum and immigration, in countries of origin, transit and destination
- Ministries of Foreign Affairs/consulates/embassies
- Regional and local authorities
- Judiciary and legal system
- Guardians
- Children, youth and families throughout the consultative process
- Civil society organizations
- Relevant UN agencies and related organizations, including OHCHR, (UNHCR, UNICEF and IOM)
- Cultural mediators
- Media

# NATIONAL DIMENSION OF MIGRATION

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## ACTIONABLE COMMITMENT

### Immigration detention

Agree and implement key milestones for ending the practice of child immigration detention in line with commitments in the New York Declaration.

*(timeframe: short-term and medium-term)*

These milestones include:

- Identifying and initiating implementation of alternatives to detention that respect the rights of the child, including by giving primary consideration to their best interests, and allowing all children on the move to remain with their family members and/or guardians in non-custodial, community-based contexts while their immigration status is being resolved.
- Enacting laws, policies and regulations prohibiting the detention of children – whether accompanied or unaccompanied – for reasons related to their or their parents’ or guardians’ migration status. Reporting publicly on the number of children detained in immigration detention each year and reporting on progress towards ending child immigration detention in CRC and Universal Periodic Review (UPR) State reports.

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## MEANS OF IMPLEMENTATION

- Adopt and implement national plans to end child immigration detention. Such plans should review national laws and regulations, identification and referral systems, placement options, minimum human rights standards, and monitoring and evaluation.
- Adopt pilot projects to operationalize alternatives to detention that ensure children are adequately protected from the risk of immigration detention.
- Operationalize human rights-compliant, non-custodial, community-based alternatives to immigration detention for both accompanied and unaccompanied children on the move and their families.
- Expand the range of alternatives to detention available for children and families on the move, focusing on the type of care arrangements and community-based programs that are proven to work: those that build trust and support through engagement with children and their families, holistic care and case management services.
- Conduct reporting on child immigration detention as a step towards ending the practice and developing alternatives. Reporting should cover the number of children detained; gender; unaccompanied vs. accompanied children; and the names of centers in which children are detained.

## PARTNERSHIPS

- Ministries/government departments governing child protection, justice and immigration
- Local and regional government levels governing child protection, justice and immigration
- Local civil society and community organizations
- Children themselves
- Relevant UN agencies and related organizations
- Regional bodies

# NATIONAL DIMENSION OF MIGRATION

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## ACTIONABLE COMMITMENT

### Quality, access and investment with regards to education

Put in place an agreed plan with concrete measures to ensure all children on the move can realize their right to education, which should include non-discriminatory access to well-funded, quality education and learning opportunities, regardless of their migration or asylum status. The right to education should include access to formal schooling (pre-school, primary, secondary and higher education); non-formal education programs for children for whom the formal system is inaccessible; early childhood education and care; on-the-job and vocational training; language training; and lifelong learning opportunities.

*(Timeframe: medium-term and long-term)*

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## MEANS OF IMPLEMENTATION

- Develop action plans focused on the inclusion of all children on the move in national educational systems, together with targeted efforts designed to improve the quality of education and learning outcomes for children who are recent arrivals, long-term residents, and nationals and non-nationals.
- Establish and commit to benchmarks for explicit legal protection of children and measures to proactively address the practical/administrative barriers that prevent children on the move from enrolling in schools.
- Adopt a flexible approach to registration and documentation requirements to maximize children's access to education.
- Establish of "firewalls" between immigration enforcement and educational providers to enable all children on the move, regardless of their residence or migration status, residence/migration to attend school and access all levels and types of schooling and learning opportunities (including examinations and certification).
- Enact policies that allow and certify innovative non-formal or informal learning opportunities that meet quality standards for out-of-school children. These opportunities should be accredited and include pathways into the accredited formal system so that children on the move can transition into formal educational systems.

## PARTNERSHIPS

- Departments of education in countries of origin, transit and destination
- Teacher training institutions and unions
- Relevant UN agencies and related organizations
- Civil society organizations
- Financial institutions
- Private sector
- Local authorities
- Social services
- Psychosocial experts
- Translators/cultural mediators

# NATIONAL DIMENSION OF MIGRATION

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## ACTIONABLE COMMITMENT

### Access to services and firewalls

Ensure that all children on the move, regardless of their asylum or migration status or that of their parents or guardians, have access to all fundamental economic, social and cultural rights, including access to services, in particular public services, civil registration, protection and justice.

*(Timeframe: short-term, medium-term, long-term)*

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## MEANS OF IMPLEMENTATION

- Put in place legal or administrative arrangements between immigration enforcement and public services, thereby allowing refugee and migrant children and their families to report crimes and have access to justice, housing, health care, education, police, social and labour services without fear of detection, detention or deportation.
- Ensure that equal access to civil registration, public services, protection and justice are enshrined explicitly in law and promote their implementation in practice through measures that proactively address administrative and other practical barriers to access.
- Prohibit immigration enforcement actions targeting institutions and sites linked to the enjoyment of human rights, including education, health and religious institutions, shelter, violence against women services, etc.
- Ensure refugee and migrant children and their families are able to safely report crimes as victims or witnesses, violations of labour rights and tenants' rights, and have access to justice for such violations in the civil and criminal justice systems (including labor courts/employment tribunals).
- Ensure refugee and migrant children and their families are able to access housing, civil registration and public services, including education, health and social services, without fear of detection, detention or deportation. This should require:
  - De-criminalizing irregular entry and residence.
  - Issuing clear guidance/protocols to police authorities to prioritize the protection of victims and witnesses above violations of immigration regulations.
  - Removing requirements on labor inspectors and courts to check immigration status.
  - Prohibiting the communication of personal data to immigration authorities for the purposes of immigration enforcement and without the informed consent of individuals.
  - Ensuring that immigration enforcement authorities are not present during joint inspections carried out by labor standards enforcement agencies and the police.
  - Removing requirements on landlords, registrars, and educational, health, shelter/housing, child protection/social workers and other professionals to check immigration status.

## PARTNERSHIPS

- Ministries/government departments and institutions governing migrants' access to services, justice, housing, health care, education, police and social and labour services
- Immigration enforcement authorities
- Service providers, including the police, educational personnel and health workers
- Civil society and community organizations
- Migrant rights, migrant and diaspora organizations

# LOCAL/SUB-NATIONAL DIMENSION OF MIGRATION

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## ACTIONABLE COMMITMENT

### Role of local authorities

At the local level, adopt and implement measures to foster an open and non-discriminatory society, including by preventing xenophobia, racism and discrimination against refugee and migrant children, starting from the moment of their arrival.

*(Timeframe: short-term)*

At the local level, adopt and implement measures that proactively support reciprocal inclusion between local communities and children on the move, including the social inclusion of children on the move as regards their access to legal identity, education, health care, justice and language training.

*(Timeframe: short-term)*

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## MEANS OF IMPLEMENTATION

- Eliminate all provisions in local laws and policies that discriminate against children on the move, including children who are stateless, with regard to services and programs.
- Ensure access to justice and effective remedies for children on the move who are victims of discrimination, racism or xenophobia, on a par with national children and without legal or other repercussions on grounds of their residence status.
- Ensure equal access to social, economic and political inclusion and integrated local services for children on the move, on a par with national children, without legal or other repercussions on the grounds of their residence or nationality status.
- Combat racism and xenophobia at the local level, through campaigns or local urban planning.

## PARTNERSHIPS

- Private and public service providers, including NGOs faith-based organizations
- National ministries/government departments governing access to legal identity, education, health care, justice and language training
- Ministries in charge of sub-national issues and public administration that serve as an interface between national, regional and local authorities
- Local community organizations and neighborhood associations
- Migrant and diaspora organizations
- Local media
- Educators and students
- Children and youth
- Business leaders

# COMMUNITY DIMENSION OF MIGRATION

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## ACTIONABLE COMMITMENT

### **Integration, inclusion and non-discrimination**

Adopt and implement measures to foster an open and non-discriminatory society, including by preventing xenophobia, racism and discrimination against refugee and migrant children, starting from the moment of their arrival.

*(Timeframe: medium-term)*

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## MEANS OF IMPLEMENTATION

- Develop the capacity of local, migrant and diaspora communities to provide solutions for migrants and refugees, including by providing extra resources from central government or international cooperation.
- Disseminate a public endorsement of positive integration and diversity efforts that promote welcoming and inclusive conduct.
- Invest in services that are accessible without discrimination and benefit both migrant and host communities and foster reciprocal inclusion.
- Ensure that children and youth, organized in formal or informal networks, and supported to play a leading role in the integration and social inclusion of refugee and migrant children into host societies. Leisure activities such as sports, arts and other types of recreational activities provide key opportunities to facilitate the integration and social inclusion of refugee and migrant children and youth.

## PARTNERSHIPS

- National, regional and local authorities
- National and local media
- Academia
- Local communities
- Peers, including children and youth
- Youth organizations and informal youth networks
- Diaspora organizations

# HUMAN DIMENSION OF MIGRATION

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## ACTIONABLE COMMITMENT

### Children's agency in deciding to migrate

Recognize that children can decide to and have the right to move and are agents of their own development and that of their families and communities, put children at the heart of migration and asylum policies and practices, and enable children to benefit from the opportunities that migration can bring.

*(Timeframe: medium-term and long-term)*

More specifically:

- Educate children, families and their communities about safe migration and empower children and families to make informed decisions about their mobility and to protect themselves.
- Ensure a child's reasons for moving or returning form a key part of best interest assessments and determination procedures as well as any plans for their integration in a destination country or reintegration in their country of origin.
- Ensure that children have access to information in a language they can understand and appropriate to their maturity and level of understanding in order to make their voice heard and for it to be given due weight.
- Ensure that children have access to quality legal representation and implement mechanisms for their views to be heard either directly or through representation in procedures affecting them.
- Support child and youth-led civil society organizations and mechanisms with a view to involving children and young people in the design, monitoring and evaluation of policies, procedures and protocols affecting them.
- Adopt an approach of accompaniment, ensuring the continuity of child protection and access to services between States, communities and organizations.
- Ensure that in countries of destination, each child is in a safe and family-based or family-like environment and able to develop stable social relationships, access services and to develop plans for the future.

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## MEANS OF IMPLEMENTATION

- Develop BID procedures that fully involve and take into account children's views, including their motivation for migrating and views about long-term solutions.
- Invest in quality, free legal representation for children, regardless of their status.
- Invest in and work with partners who can implement community education on children's rights and safe migration, working with young people with experience of migration.
- Implement recommendations around ensuring access to education and employment opportunities.
- Develop national strategies, policy measures, action programs and training initiatives that enable children to seize opportunities for development.
- Develop procedures that permit children to participate in decisions that affect them.
- Develop partnerships with civil society that are child and youth-led.
- Ensure consultation with and participation of children and youth in policy processes.
- Facilitate key institutional and community actors working together to guarantee a chain of child protection.

## PARTNERSHIPS

- Groups or associations of young migrants
- National and regional child protection agencies
- Local, national and regional civil society organizations
- Community-based organizations
- Local authorities
- Regional consortia of civil society
- Neighboring states, countries of origin, transit and destination
- Diaspora groups