





Mixed Migration and the Vulnerable in the Americas: Focus on Unaccompanied and Separated Children and Victims of Trafficking

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Objectives

- Overview of Concept of Mixed Migration
- State Perspectives
- Protection Concerns and Framework under International Law
- Application to Unaccompanied and Separated Children and Victims of Trafficking
- Review of Best Interest Determination
- Protection Needs



Mixed Migration in the Americas

- Context
- Definition
- Characteristics
- Risks Involved for Persons



State Perspectives

INTEREST

- security
- sovereignty
- national capacities
- costs
- local hostility
- Abuse of asylum systems
(for lack of alternatives)

RESPONSE

- Control and monitoring of borders
- Interception and rejection at border
- Arrest and detention
- Deportation and return
- Accelerated asylum procedures
- Off Shore Processing

Protection Concerns in the Context of Mixed Migration



- Protection Principles under International Refugee Law
- Application to certain persons in need of international protection



Unaccompanied and Seperated Children

- Definitions
- Causes
- Risk of Harm





Victims of Trafficking

- Definitions
- (trafficking vs. smuggling)
- How it is done
- Deprivation of Rights





Legal Framework for International Protection

- *Non-refoulement*
- Non-Discrimination
- Best Interest Determination
- Rt. To Life Survival and Development
- Rt. To Express Views
- Confidentiality
- Duty on States to Prevent Trafficking of Children



Best Interest Determination

- A formal process, provided strict procedural safeguards established to determine the child's best interests, especially in making important decisions that affect them. It must ensure:
 - Child participation without discrimination (including foreign minors)
 - Involve experts in relevant areas responsible for making decisions
 - Balancing all the factors relevant to assess the best option.
 - Cooperation and coordination govt, NGO, etc.



Protection Needs

- Identify and provide immediate assistance and protection needed:
 - shelters and food
 - interpreters
 - consular attention
 - medical and psychological
 - legal representation



What does this mean in the migration context?

- Access to the Territory
- Identification Profile (if unaccompanied or separated and which has immediate needs)
- Care and accommodation
- Registration and documentation
- Appointment guardian or legal representative
- Interviews (with presence tutor)
- Determining the Best Interests of the Child and referral mechanism activated
- If you have international protection needs: channeling institution responsible for refugee status determination
- Determination of the status or other protection needs (such as being trafficked)
- Identification of durable solutions and implementing them



QUESTIONS?

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