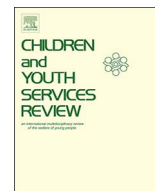




Contents lists available at ScienceDirect

Children and Youth Services Review

journal homepage: www.elsevier.com/locate/childyouth

The shifting boundaries of “best interest”: Sheltering unaccompanied Central American minors in transit through Mexico

John Doering-White

University of Michigan, 1080 S. University Ave, Ann Arbor, MI 48109, United States

ARTICLE INFO

Keywords:

Migration
Unaccompanied minors
Best interest standards
Humanitarian aid
Central America
Mexico

ABSTRACT

How government agencies and non-governmental organizations address the significant increase in the number of unaccompanied minors arriving at the United-States Mexico border, mainly from Honduras, El Salvador, and Guatemala, has received significant attention among both popular and scholarly audiences. Less well-examined, however, is how such groups address the arduous processes of transit migration that these young people experience prior to reaching the US-Mexico border. While many child migrants suffer forms of violence that qualify them for international protection as refugees in Mexico, the growing number of unaccompanied minors detained by Mexican authorities are typically deported to the countries from which they flee after dubious best interest determinations. Drawing on 20 months of ethnographic fieldwork within non-governmental migrant shelters across Mexico, including in-depth interviews with unaccompanied minors and social service providers, this paper examines the experiences of young people who seek formal humanitarian recognition yet avoid detention by government agencies while in transit. I explore how these dynamics reveal tensions in how the best interests of unaccompanied minors are assessed and determined by government agencies and non-governmental organizations. In doing so, I demonstrate how migrant shelters both support and subvert best interest standards and call for a more mobile approach to aiding unaccompanied minors and their families.

1. Introduction

Apprehensions by United States Customs and Border Protection (CBP) of immigrant children from Guatemala, Honduras, and El Salvador traveling to the United States without a parent or guardian rose dramatically from 24,000 in 2012 to over 63,676 in 2014 (Kandel, 2017). In 2015, the number of these unaccompanied minors apprehended by CBP decreased by 14,323 while the number detained by Mexico's National Migration Institute (Instituto Nacional de Migración – INM) rose from 10,700 in 2014 to slightly more than 20,000 in 2015 (SEGOB, 2017). In short, between 2014 and 2015, Mexican authorities detained a growing share of unaccompanied minors fleeing pervasive poverty and violence across Central America.

As a signatory to the United Nations Convention on the Rights of the Child (CRC) state authorities in Mexico must treat unaccompanied minors according to best interest principles (Ruck, Keating, Saewyc, Earls, & Ben-Arieh, 2016; United Nations General Assembly, 1989). On paper, this involves prioritizing alternatives to detention and, except when there is a ‘reasonable risk’ of human rights violations in the country of origin, family reunification (Georgetown Law Human Rights Institute, 2015). The practices of state agencies in Mexico, however, contradict these principles. According to various reports, while 58% of

unaccompanied minors fleeing Central America likely qualify for international protection, 77% of those detained by INM in 2015 were deported, often under the pretense of family reunification (Human Rights Watch, 2016; UNHCR, 2014b). Moreover, only one third of unaccompanied minors were released from INM detention centers (referred to as migration stations) and placed in shelters operated by Mexico's National Child Development System (Sistema Nacional de Desarrollo Inegratil de Familias – DIF) (CNDH, 2016). Research shows that poor conditions in overburdened INM detention centers and the underfunded DIF system often discourage unaccompanied minors from initiating or completing applications for formal humanitarian recognition in Mexico (CNDH, 2016; Georgetown Law Human Rights Institute, 2015; Human Rights Watch, 2016). As a result, unaccompanied minors who might qualify for refugee status often avoid state agencies purported to protect them, preferring to risk the dangerous journey through Mexico in the hopes of reaching the US-Mexico border.

Considering these contradictions, this paper critically examines how best interest principles are negotiated in spaces of transit such as Mexico and assesses challenges associated with assisting unaccompanied minors within an under-examined alternative to detention: non-governmental migrant shelters. While various studies have explored the work of migrant shelters in relation to adult migration

E-mail address: jadwhite@umich.edu.<https://doi.org/10.1016/j.childyouth.2018.01.009>Received 14 September 2017; Received in revised form 5 January 2018; Accepted 9 January 2018
0190-7409/ © 2018 Elsevier Ltd. All rights reserved.

through Mexico (Brigden & Mainwaring, 2016; Martínez, 2013; Vogt, 2013), their role with regards to unaccompanied minors has received scant scholarly attention. This paper begins with an examination of how, amid shifting geographies of border enforcement, migrant shelters have emerged as an increasingly prominent alternative to detention for unaccompanied minors (Section 2). I then discuss how unaccompanied minors and social service providers critically assess best interest principles to navigate contradictory state policies and practices (Section 4). To do so, I draw on interviews and observations documented in the context of 20 months of ethnographic fieldwork along the Central American migrant trail (Section 3).

I find that for unaccompanied minors who are likely to qualify for formal humanitarian recognition yet are wary of being deported, migrant shelters are often a preferable alternative to detention. However, providing this aid also places migrant shelters in an ambiguous position vis a vis state agencies tasked with determining the best interests of unaccompanied minors. To the extent that they serve as an informal yet state-sanctioned alternative to detention, migrant shelters support state frameworks that govern unaccompanied minors. However, by facilitating unauthorized migration more generally, migrant shelters also complicate the Mexican government's interpretation of best interests, which tends to prioritize deportation. I conclude by calling on policy makers and social service providers to critically consider how best interest principles are negotiated in the context of transit migration between state agencies and non-governmental organizations (Section 5). I also highlight the importance of a more regional approach to how social service providers approach unaccompanied minors, their families, and undocumented migration in general.

2. Background and theory

2.1. Children and the shifting geography of border enforcement

Prior research has tended to focus on what leads unaccompanied minors to migrate (Swanson & Torres, 2016), the legal and social pathways they navigate in the United States (Terrio, 2015), and factors associated with their integration into destination communities (Cardoso et al., 2017; Crea, Lopez, Taylor, & Underwood, 2017; Ní Raghallaigh & Gilligan, 2010; Roth & Grace, 2015; Wade, 2011). Limited attention, however, has been paid to the policies and practices that structure how young people navigate spaces of transit migration (some exceptions include (Derluyn & Broekaert, 2005; Missbach & Tanu, 2016)). Kristin Yarris and Heide Castañeda describe zones of transit as “the encounters, fleeting and permanent, that occur between migrants and the various material, bureaucratic, and social relations that structure transnational journeys and the possibilities of life itself for migrantes en-route” (Yarris & Castañeda, 2014). Building on this work, this paper examines how unaccompanied minors and those that assist them experiences zones of transit.

This is particularly important given the rhetorical role of unaccompanied minors amid the increasing “externalization” of immigration enforcement between the United States and Mexico. Border externalization, or outsourcing, refers to how nations at the margins of the West have taken on a greater role in regulating migration into destination countries (Andersson, 2014; Collyer & de Haas, 2012; Hess, 2012; Mezzadra & Neilsen, 2013). In the US and Mexico, a discourse of protecting unaccompanied minors from these smuggling networks has been central to rationalizing such border externalization. On June 26, 2014, while declaring an “urgent humanitarian situation” along the US-Mexico border, President Obama chastised Central American parents for sending their children through Mexico with smugglers: “Our message absolutely is don't send your children unaccompanied, on trains or through a bunch of smugglers.... If they do make it, they'll get sent back” (quoted in Hennessey, 2014). Days later, Mexican president Enrique Peña Nieto announced the Southern Border Program (Programa Frontera Sur – PFS) (Wilson & Valenzuela, 2014), which was presented

as aiming to prevent migrants from “putting themselves at risk” by boarding freight trains (Animal Político, 2014). The PFS, which builds on various similar initiatives, has had concrete effects on the experiences of unaccompanied minors in transit.

Journeying through Mexico atop freight cars, in tractor trailers, and along unfamiliar bus routes has always been dangerous. Robbery, kidnapping, and traumatic injuries are commonplace (Casillas, 2007, 2008; Frank-Vitale, 2013; Martínez, 2013; Nazario, 2006). Various scholars argue that the PFS and similar security initiatives have made the journey more difficult and fragmented. Security checkpoints that regulate the clandestine flow of people and illicit goods along transport infrastructures have spread throughout the country (Brigden & Mainwaring, 2016; Vogt, 2016), converting Mexico into what some describe as a “diffuse” and “arterial” extension of the U.S.-Mexico border (Vogt, 2017). Numerous studies examine how this intensified policing has pushed Central American migrants into more circuitous and riskier routes (Carrasco González, 2013; Frank-Vitale, 2013; Galemba, 2017; Martínez, 2013). Crossing Mexico increasingly entails extended periods of immobility as migration raids, robberies, and simply running out of money disrupts linear journeys (Brigden & Mainwaring, 2016; CNDH, 2016).

As boarding the train has become more difficult, people have turned to walking along desolate stretches of railway and highway where they are more vulnerable to extortion, kidnapping, and disappearance (Doering-White, Frank-Vitale, & De León, 2017). Many advocates have reported increased testimonies of abuse committed against those migrating since the announcement of the PFS. In the state of Chiapas, for example, a wing of the state attorney's office dedicated to assisting migrants has seen a 221% increase in abuses reported by migrants between 2013 and 2016 (Animal Político, 2017). Amid these shifts, it is crucial to understand how the rhetoric of protecting unaccompanied minors is enacted in practice.

2.2. Best interest and the agency of unaccompanied minors

According to the CRC, once an unaccompanied minor comes into contact with state authorities, “the best interests of the child shall be a primary consideration” in all actions concerning that young person (Ruck et al., 2016). Factors that should be considered when assessing a young person's best interests include the child's cultural and familial background, reasons for leaving home, and any fears associated with that decision (UNHCR, 2008). In theory, unaccompanied minors who are detained by INM agents must be promptly interviewed by a Child Protection Officer (Oficial de Protección de la Infancia – OPI). After assessing the young person's best interests and screening them for international protection needs, INM is required to immediately transfer unaccompanied minors into the custody of DIF shelters while their immigration cases are resolved.

In practice, however, young people rarely receive adequate assessment by OPIs. Only 20% of young people in INM detention were interviewed by OPIs (UNHCR, 2014b). Moreover, even those who are transferred into DIF custody experience their time there as a form of detention (Human Rights Watch, 2016). Previous research conducted by national and international civil society groups shows that this situation operates as a significant barrier to accessing asylum (Centro de Derechos Humanos Fray Matías de Córdova, 2015; Georgetown Law Human Rights Institute, 2015; Human Rights Watch, 2016). According to a 2014 UNHCR report, young people often “children and adolescents do not access the asylum system in order to avoid being detained during proceedings for recognition as a refugee, instead preferring to be returned to their countries of origin even when their lives or physical integrity is at risk” (UNHCR, 2014a).

These inconsistencies reflect the broader murkiness of what is in a young person's best interest and who can define it. As social work scholars have long argued, what constitutes a child's best interest is often contingent on diverse cultural assumptions and political

Download English Version:

<https://daneshyari.com/en/article/8947299>

Download Persian Version:

<https://daneshyari.com/article/8947299>

[Daneshyari.com](https://daneshyari.com)