



STRENGTHEN CERTAINTY AND PREDICTABILITY IN MIGRATION PROCEDURES FOR APPROPRIATE SCREENING, ASSESSMENT AND REFERRAL



Associated actions

- a. **Increase transparency and accessibility of migration procedures** by communicating the requirements for entry, admission, stay, work, study or other activities, and introducing technology to simplify application procedures, in order to avoid unnecessary delays and expenses for States and migrants
- b. **Develop and conduct intra- and cross-regional specialized human rights and trauma informed trainings** for first responders and government officials, including law enforcement authorities, border officials, consular representatives and judicial bodies, to facilitate and standardize identification and referral of, as well as appropriate assistance and counselling in a culturally-sensitive way, to victims of trafficking in persons, migrants in situations of vulnerability, including children, in particular those unaccompanied or separated, and persons affected by any form of exploitation and abuse related to smuggling of migrants under aggravating circumstances

- c. **Establish gender-responsive and child-sensitive referral mechanisms**, including improved screening measures and individual assessments at borders and places of first arrival, by applying standardized operating procedures developed in coordination with local authorities, National Human Rights Institutions, international organizations and civil society
- d. **Ensure that migrant children are promptly identified at places of first arrival in countries of transit and destination**, and, if unaccompanied or separated, are swiftly referred to child protection authorities and other relevant services as well as appointed a competent and impartial legal guardian, that family unity is protected, and that anyone legitimately claiming to be a child is treated as such unless otherwise determined through a multi-disciplinary, independent and child-sensitive age assessment
- e. **Ensure that, in the context of mixed movements, relevant information on rights and obligations** under national laws and procedures, including on entry and stay requirements, available forms of protection, as well as options for return and reintegration, is appropriately, timely and effectively communicated, and accessible



Example practices

For more practices, visit the Migration Network Hub's **Repository of Practices**

United States Government's Human Trafficking Task Force e-Guide

The US government's Training and Technical Assistance Center, within its Office for Victims of Crime (OVCTTAC), practices trauma-informed victim interviewing when engaging with victims of human trafficking. OVCTTAC provides guidance on how to conduct trauma-informed interviewing, in particular providing information on what to expect when interviewing trafficking victims. For example, the guidelines say that interviewers should not be surprised if a victim denies they are a victim, has fears around safety and privacy, and has unmet medical needs, including nutrition or lack of sleep. Furthermore, the guidelines highlight the effects of trauma on the behaviour of trafficking victims, for example, lack of focus, memory loss and emotional reactivity, and emphasize that "[a]ny approach to the victim should be a gradual and nonthreatening process" (OVCTTAC, n.d.).

The best interests principle

In line with Article 3.1 of the Convention on the Rights of the Child ("In all actions concerning children... the best interests of the child shall be a primary consideration"), some States have taken into account the best interests of the child in their investigation and interviewing processes, including psychological distress of unaccompanied children during interviews and investigations. For example:

- In the Netherlands, Norway and the United Kingdom, screening interviews are scheduled with unaccompanied children, which gives the children a recovery period before they have to go through the rest of the immigration or asylum system.
- In Norway, when unaccompanied or separated children are initially registered by immigration police, both a guardian and a case manager are present throughout the registration process.
- The UK Home Office has a statutory guidance entitled "Every Child Matters". A Home Office pro-forma facilitates the exchange of information between the Home Office and the local authority charged with caring for the child, which helps assess and determine the child's best interests (UNICEF, 2014).

Zambia's National Referral Mechanism

In 2019, the migration governance indicator (MGI) assessment in Zambia identified the national referral mechanism (NRM) among areas that could benefit from further development. To improve migrant protection, well-being and mitigate vulnerabilities, the country revised the NRM in 2020. This NRM provides guidance on the different stages and types of assistance available to vulnerable migrants requiring protection assistance. It promotes coordination of national stakeholders for the provision of effective and comprehensive protection assistance to selected categories of vulnerable migrants in line with national legal frameworks and international best practices (Government of Zambia, 2020).

Kazakhstan's training programme

In 2019, UNICEF collaborated with the National Academy of Public Administration (APA) in Kazakhstan to develop a training programme for civil servants, immigration officers and social workers on (1) international standards and best interests assessment; (2) immigration procedures, alternatives to detention, family tracing and reunification; and (3) case management for the protection of children in migration processes, including access to education and health.



Relevant sustainable development goals



SDG 5: Gender Equality

▪**5.1:** End all forms of discrimination against all women and girls everywhere



SDG 10: Reduced inequalities

▪**10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies



SDG 16: Peace, justice and strong institutions

- 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all
- 16.6:** Develop effective, accountable and transparent institutions at all levels
- 16.9:** By 2030, provide legal identity for all, including birth registration
- 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements



SDG 17: Partnerships for the goals

- 17.18:** By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts