

TABLE 6.

# UNDER NO CIRCUMSTANCES MAY UNACCOMPANIED MINORS OR PERSONS WHOSE AGE OF MAJORITY IS UNCERTAIN BE REFUSED ENTRY

SEE ALSO TABLES 5, 7 AND 8

<b>Why is it good practice?</b>	In view of the vulnerability of minors in general and of unaccompanied minors in particular
<b>Costa Rica</b>	<p>ARTICLE 65.- (...) The determination and execution of the refusal of entry shall be made in full compliance with article 31 of the Political Constitution. <b>Under no circumstances may unaccompanied minors or persons whose age of majority is uncertain be refused entry.</b> The immigration authorities in charge of controlling entry into the country must immediately inform the PANI of the situation of these minors. The PANI must immediately take on temporary representation of these persons and transfer them to a shelter, until the corresponding investigations are carried out.</p> <p>ARTICLE 64.- Refusal of entry is the action by which the immigration authority denies a foreign person entry into the national territory and orders their immediate transfer to their country of origin or provenance, or to a third country that admits them, when:</p> <ol style="list-style-type: none"> <li>1) They do not meet the entry requirements set out in the current legislation or have some impediment for entering the country.</li> <li>2) They are caught attempting to evade immigration controls or entering through a place that is not enabled for this purpose.</li> </ol> <p>ARTICLE 185.- Foreigners who are deported may not re-enter the country for a period of five years. The director general may, by means of a justified decision, authorize entry before this period, under exceptional circumstances, in accordance with that established in article 44 of this Law. <b>Underage persons shall not be subject to deportation or expulsion from the national territory, except in safeguarding their best interests.</b></p> <p>MIGRATION AND FOREIGN CITIZENS ACT (2009) Available in Spanish at: <a href="http://www.acnur.org/t3/fileadmin/Documentos/BDL/2009/7261.pdf">http://www.acnur.org/t3/fileadmin/Documentos/BDL/2009/7261.pdf</a></p>
<b>Guatemala</b>	Migration Code (2016) Article 11 (...)

	<p>Children or adolescents cannot be deported unless it is in their best interests.</p> <p>Available in Spanish at:  <a href="http://www.acnur.org/fileadmin/Documentos/BDL/2017/10978.pdf">http://www.acnur.org/fileadmin/Documentos/BDL/2017/10978.pdf</a></p>
<b>Mexico</b>	<p>Migration Law (2011)</p> <p>Article 120 (...)  In the case of unaccompanied migrant children and adolescents and victims or witnesses of crimes committed in the national territory, <b>they shall not be deported and, according to their will or their best interests,</b> in order to ensure the best protection for them, they may be subject to the procedure of assisted return or regularisation of their immigration status.</p> <p>Article 133. The Institute may regularise the immigration status of foreign citizens who are located in the national territory and show an interest in residing temporarily or permanently in the national territory, provided they comply with the requirements of this Law, its Regulations and other applicable legal provisions. Regularisation may be granted by conferring on the foreign citizen the corresponding residency status in accordance with this Law. <b>Notwithstanding the above,</b> foreign citizens who are located in the national territory and find themselves in any of the following situations are entitled to the regularisation of their immigration status:  (...)  III. The foreign citizen has been identified by the Institute or by a competent authority as being a victim or witness of a serious crime committed in the national territory;  IV. <b>In the case of persons whose level of vulnerability makes it difficult or impossible for them to be deported or for their assisted return</b>  V. In the case of <b>children and adolescents</b> who are subject to the procedure of international abduction and restitution of children or adolescents.</p> <p>Available in Spanish at:  <a href="http://www.acnur.org/t3/fileadmin/Documentos/BDL/2011/7525.pdf">http://www.acnur.org/t3/fileadmin/Documentos/BDL/2011/7525.pdf</a></p>
<b>Inter-American Court of Human Rights, Advisory Opinion OC-21/14 of 19 August, 2014, "Rights and Guarantees of Children in the Context of Migration and/or in Need of International</b>	<p>83. (...) border authorities should not prevent the entry of foreign children into the national territory, even when they are alone, they should not demand documentation from them that they cannot have and must immediately direct them to personnel who can assess their protection needs, using an approach in which their condition as children prevails. In this regard, it is essential that States allow for the child's entry into the territory as a precondition for carrying out the initial assessment procedure.</p> <p>220. However, in the context of the principle of non-refoulement, the Court considers it necessary to make some additional clarifications. In this regard, the Committee on the Rights of the Child has stated that "[t]he State's obligations cannot be arbitrarily and unilaterally diminished, either by excluding zones or areas from the State's territory, or by establishing specific zones or areas as totally or partially</p>

<b>Protection"</b>	outside the jurisdiction of the State". As regards the interception of asylum seekers in international waters in order to not allow their petitions to be evaluated in potential host States, the Court considers that this practice is contrary to the principle of non-refoulement, since it does not allow for the assessment of the specific risk factors of each person.  <a href="http://www.refworld.org/cases,IACRTHR,54129c854.html">http://www.refworld.org/cases,IACRTHR,54129c854.html</a>
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