

**Children's right to family life in the context of
migration and asylum policies**
Special Rapporteur on the human rights of migrants
Submitted by Child Identity Protection (CHIP)



June 2026

Child Identity Protection (CHIP)¹ is an association based in Geneva since 2020. It is the only international not-for-profit organisation solely advocating for the protection of children's identity rights in family relations and works with States and other stakeholders to promote universal birth registration and full knowledge of family relations, in line with Articles 7 and 8 of the United Nations Convention on the Rights of the Child (UNCRC). In this context, it strives to ensure that there is integrity, transparency and accessibility for every child's identity in name, nationality and family relations with expeditious restoration whenever elements are missing.

CHIP welcomes the call for inputs to inform the report of the Special Rapporteur on the human rights of migrants to be presented to the General Assembly at its 81st session. The present submission will focus in particular on the children's right to identity and family relations, in line with Article 8(2) of the UNCRC, by offering examples of the domestic, regional and global mechanisms, including recent opportunities, remaining challenges and promising practices.

1. Right to family life and its interdependence with other human rights. Intersectional approach.

The right to preserve 'family relations' (Art. 8 of the Convention on the Rights of the Child (UNCRC)) is a stand-alone element of identity, distinct from birth registration, name and nationality. The CRC Committee defines family broadly as 'a variety of arrangements', including nuclear, extended and community-based arrangements.² This has direct implications for migration contexts, where narrow definitions of 'family' in immigration law routinely exclude extended family members, siblings and customary care arrangements that fall within the UNCRC's definition.

The 2022 HRC *Resolution on rights of the child: Realizing the rights of the child and family reunification* expressed deep concern that '*the effects of family separation may undermine the full enjoyment of a vast range of the rights of the child, inter alia, the right of the child to preserve his or her identity, including nationality, name and family relations*'.³

The right to identity through family relations is closely interdependent with other UNCRC rights, notably keeping families together (Art. 9), facilitating contact with families across countries (Art. 10), and ensuring continuity in upbringing including ethnic, religious, cultural and linguistic background (Arts. 20 and 30). In the migration context, family separation resulting from deportation, detention or restrictive admission policies does not only sever family unity but damages the child's identity by depriving them of connection to their family relations, origins and background.

Likewise, the Inter-American Court of Human Rights addressed children's right to identity in its Advisory Opinion on the Rights and guarantees of children in the context of migration and/or in need of international protection.⁴

2. Protecting children from family separation

Under Article 8(2) of the UNCRC, where a child is illegally deprived of elements of identity, States Parties must provide appropriate assistance and protection with a view to speedily re-establishing the child's identity. This obligation is directly engaged when migration enforcement measures result in family separation. The CRC's General Comment No. 14 (2013) provides specific guidance on how identity rights must factor into best interests procedures (BIP).⁵ Further, the 2022 Resolution of the Human Rights Council on the rights of the child calls States to take specific measures to ensure that the right of the child to preserve family relations is duly taken into account when assessing the child's best interests in decisions on family reunification in the context of migration and that any restrictions thereof are legitimate, necessary and proportionate.⁶ Any decision that modifies a child's identity through separation from parents should be preceded by a thorough BIP carried out by competent professionals, encompassing the views of the child and family members, with both short- and long-term considerations including lifelong impact.

During 2025, 5.4 million people were forced to flee and seek safety in other countries during 2025; in addition, by the end of that year, 41.6 million people were refugees.⁷ When children are separated from parents in migration contexts, they may be deprived of knowledge of family health history (affecting the right to the highest attainable standard of health under Art. 24 of CRC), excluded from rights deriving from legal parentage such as child support and inheritance, and placed at risk of statelessness where nationality is linked to parentage.⁸ In this regard, for example, the Centre for Child Law (South Africa) published two informative guides aimed at clarifying the complex issues surrounding child citizenship and visa options in the country.⁹ Without a formally recognised and documented identity, children face greater risks of not accessing education,¹⁰ of sale, exploitation and trafficking,¹¹ child labour, child marriage and underage recruitment into armed forces.¹²

Criminalisation and immigration detention measures may result in the arbitrary modification or erasure of a child's identity. When children are moved across borders, preservation of information about their family origins is often compromised. Civil registration systems are generally not set up to ensure automatic recognition of a child's legal status across borders.¹³ Cross-border cooperation mechanisms must address identity document recognition and portability. There are several cases where migration and asylum proceedings led to separation with documented harm to children's identity rights:

- In *M.B.S. v Spain* (2020),¹⁴ the CRC found that age determination procedures for an unaccompanied child violated his right to identity (Art. 8 UNCRC) because no representative was assigned, the procedure did not respect the presumption of minority, and the child did not benefit from the protections to which he was entitled as a child. This case demonstrates how a routine migration control procedure can directly violate Article 8 of the UNCRC;
- In *Abdi Ibrahim V. Norway* (2021),¹⁵ the European Court of Human Rights held that Norwegian authorities gave insufficient weight to the mutual interest of a mother and her 10-month-old son in maintaining family ties when the child, a Muslim refugee from Somalia, was removed and placed with an Evangelical Christian couple. A follow-up case found that authorities failed to consider the boy's religious and cultural background when placing him where continuity of his origins was impossible.

The UN Guidelines for the Alternative Care of Children provide applicable standards: authorities should make every effort to prevent separation, and children should not be moved to another country for alternative care except temporarily for compelling reasons with a clear return plan.¹⁶ The UNHCR's 2021 guidelines on best interests determination include significant attention to the child's right to preserve identity and could serve as a model for incorporating identity rights into BID frameworks in migration proceedings.¹⁷

Any decision modifying a child's identity through separation should be preceded by a mandatory BIP carried out by competent professionals, encompassing the child's views and family members, with both short- and long-term considerations including lifelong impact. Long-term decisions must never be made during or immediately after emergencies, as this can cause arbitrary and unwarranted modification of the child's identity.¹⁸

3. Realising the right to family reunification

Most national CRVS systems cannot communicate with those of other countries. When a child moves, birth records reflecting their identity and family relations may not be recognised by the destination country.¹⁹ The International Commission on Civil Status (ICCS) has adopted 34 conventions to harmonize civil status matters, but these are 'insufficiently known and used'. Only 24 States have ratified Convention No. 16 on multilingual forms; Convention No. 34 (direct communication between authorities on authenticity) has been signed by only five States and is not yet in force.²⁰

Furthermore, over 100 countries lack fully functioning CRVS systems.²¹ Even where they exist, systems generally record name, date and place of birth but do not capture a full set of identity-related information.²² This creates a practical barrier: proving parentage for reunification becomes impossible when the documentation required does not exist or is not recognised. Global coordination mechanisms are emerging but require greater emphasis on identity documentation. The Global Family Reunification Network (FRUN), launched in 2020, provides a unique platform for States, UN agencies and NGOs to coordinate advocacy and policy dialogue.²³ In 2025, a dedicated Working Group on Unaccompanied and Separated Children (UASC) was launched within FRUN to promote research and practical solutions for safe reunification.²⁴

These platforms represent critical infrastructures for addressing the practical obstacles such as:

- Cost and fear: Births occurring outside the parents' country of origin also entail obstacles as they may not have identity documents, due to their irregular migratory status, associated costs and fear to become visible in the

country of transit or destination.²⁵ Refugees and undocumented migrants may avoid registration due to fear of arrest.²⁶ Combined fees, discriminatory criteria and administrative burdens make registration inaccessible for those in poverty;²⁷

- Lack of preservation and recognition: Many countries lack centralised systems that preserve family origin information indefinitely. Access is often blocked by overriding rights claims or data protection rules interpreted contrary to children's interest.²⁸

The status of parents, in terms of children's identity in family relations, is closely linked to whether they can be registered immediately after birth. In Belize, UNICEF has reported that a combination of lack of documentation, irregular migration status of parents and the costs of nationality or residence applications have deterred some migrants from registering children's births.²⁹ Likewise, in Dominica, a study identified that children of migrant families were among the most vulnerable in the country, because of separation from the extended family and difficulty accessing social services.³⁰ In the Dominican Republic, many Haitian migrant families or their descendants (...) have extremely limited access to legal identification and permits.³¹ A report on the situation of Venezuelan migrants in Trinidad and Tobago suggested that when parents attempt to get birth certificates for their children, authorities ask for additional identification documents for the mother; this requires going to the Venezuelan embassy and paying a fee, which most families cannot afford.³²

The ICRC Restoring Family Links service provides a valuable but limited model.³³ It focuses on re-establishing contact, not on restoring the actual identity documentation of children. The HCCH 1996 Child Protection Convention provides a cooperation framework that could be extended to identity document recognition and portability.³⁴ There are examples of bilateral cooperation that could be extended to migration-related family separation: some countries in the Americas have set up bi-national or sub-regional agreements to address these issues.³⁵ Likewise, some national mechanisms are proving promising in terms of ensuring the registration of births of migrant children (Bahamas, Colombia, Suriname).³⁶

4. Promoting child- and family-centered migration and regularization pathways

Joint General Comment No. 4 (2017) of the CMW Committee and No. 23 (2017) of the CRC Committee already provides that where a child's identity documents have been procured irregularly, States should adopt flexible measures in the best interests of the child, issuing corrected documents and avoiding prosecution where falsification has been committed.³⁷ This provision is directly relevant to children in migration situations whose families may have obtained documents irregularly.

The 2022 Human Rights Council Resolution on the rights of the child reinforces this approach by linking children's identity rights with regularisation, civil registration and family reunification. It calls on States to consider regularisation pathways for migrants in an irregular situation who are living with their children, including where a child has been born or has lived in the country of destination for an extended period, or where return would be inconsistent with international obligations, including the child's best interests. It also calls for universal access to functioning civil registration systems and for stronger international cooperation on family reunification and family tracing.³⁸ Children in irregular migration situations often face overlapping barriers: lack of status, weak access to birth registration, missing or irregular documents and disrupted family links. This Resolution does not address these issues in isolation: its references to civil registration, family reunification, family tracing and regularisation pathways support treating identity documentation, regularization and family reunification as connected procedures.³⁹

There are several promising practices that could inform child and family-centered pathways:

- Rwanda increased birth registration to 86% (a 30-point jump) by delegating newborn registration to health facilities, demonstrating that administrative reform can dramatically improve identity documentation for all children regardless of status;⁴⁰
- UNICEF Côte d'Ivoire supported authorities, post-conflict to use village and community leaders to record vital details, later transcribed onto reconstructed official registries through collaboration with judges and civil status officers. An operating manual with digitalization prevented reliance on paper trails;⁴¹
- Family for Every Child Family launched in 2023 the 'Supporting Integration' toolkit documents, which shares good practice guidance for practitioners working with child migrants.⁴²

Children left behind when parents migrate face specific identity risks. Many children are cared for informally by family members when parents migrate to work in other countries, and that global statistics on children in this situation are not available. A 2021 report presenting views of 561 children and youth from 11 countries across Asia and the Pacific on CRVS noted that children emphasized ‘no registration equals no protection’ and ‘no registration means no essential services’.⁴³ At European level, a 2022 report on the ‘Protection and alternative care for unaccompanied and separated migrant and refugee children’ identified remaining challenges relating to the protection, care and identity of these children, including in Ukraine. A resolution was also approved by the Committee on Migration, Refugees and Displaced Persons and at the plenary session of the Council of Europe’s Parliamentary Assembly.⁴⁴

The issue of identity related to family relations has received less coordinated international attention than birth registration and nationality. While UNICEF’s Global Child Protection Strategy 2021-2030⁴⁵ and UNHCR’s *I Belong* campaign⁴⁶ address legal identity, targeted endeavours on family relations are necessary.

¹ Child Identity Protection, <https://www.child-identity.org/en/>.

² Committee on the Rights of the Child, General Comment No. 7: Implementing child rights in early childhood, CRC/C/GC/7/Rev.1 20 September 2006, Para. 15.

³ United Nations Human Rights Council, Rights of the child: Realizing the rights of the child and family reunification, A/HRC/RES/49/20, 8 April 2022, p. 3, <https://digitalibrary.un.org/record/3969763?v=pdf>.

⁴ Inter-American Court of Human Rights, Advisory Opinion on the Rights and guarantees of children in the context of migration and/or in need of international protection, Advisory Opinion OC-21/14, 19 August 2014, https://www.corteidh.or.cr/docs/opiniones/seriea_21_eng.pdf.

⁵ Committee on the Rights of the Child, General comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), CRC/C/GC/14, 29 May 2013.

⁶ *Supra* 3, p. 7.

⁷ United Nations High Commissioner for Refugees, Data and statistics: Global trends, 2026, <https://www.unhcr.org/global-trends>.

⁸ Baglietto, C., Bordier, L., Dambach, M. and Jeannin, C. *Preserving “Family Relations”: An Essential Feature of the Child’s Right to Identity*, Geneva: Child Identity Protection, 2022, pp. 7 and 9.

⁹ Centre for Child Law, <https://centreforchildlaw.co.za>. See also: Child Identity Protection, Two Child-Friendly Legal Guides by the Centre for Child Law on Child Citizenship and Visas, 2023, <https://www.child-identity.org/two-child-friendly-legal-guides-by-the-centre-for-child-law-on-child-citizenship-and-visas/>.

¹⁰ See: Child Identity Protection, Children with no birth certificates, IDs, permits, passports cannot be stopped from attending school, 2022, <https://www.child-identity.org/children-with-no-birth-certificates-ids-permits-passports-cannot-be-stopped-from-attending-school/>.

¹¹ In a context of cross-border migration, children’s family relations – and therefore identity – may be more easily unduly modified. In the USA, there have been reports of children being forcibly separated from their parents, who are illegal immigrants, placed in care and who then become difficult to trace – or even disappear – in the alternative care system. See: ‘U.S.-born Children, Too, Were Separated from Parents at the Border’, *The New York Times*, 11 April 2023, <https://www.nytimes.com/2023/04/11/us/migrant-family-separations-citizens.html>; Seitz, A., ‘White House promises crackdown on migrant child labor’, AP, 27 February 2023, <https://apnews.com/article/politics-child-endangerment-abuse-us-department-of-health-and-human-services-children-91ad24f4cfafd03434ad83f72732b64e>; ‘Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.’, *The New York Times*, 28 February 2023, <<https://www.nytimes.com/series/alone-and-exploited>>.

¹² *Supra* 8, p. 7.

¹³ Michaels, R., Ruiz Abou-Nigm, V. and van Loon, H. (eds). (2021). *The Private Side of Transforming our World - UN Sustainable Development Goals 2030 and the Role of Private International Law*, Intersentia Online, <https://www.intersentiaonline.com/library/the-private-side-of-transforming-our-world-un-sustainable-developmentgoals-2030-and-the-role-of-p> (see Corneloup, S. and Verhellen, J. Chapter on SDG 16. Peace, Justice and Strong Institutions).

¹⁴ Committee on the Rights of the Child, Views adopted by the Committee under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, concerning Communication No. 26/2017, submitted by M.B.S., 2 November 2020, CRC/C/85/D/26/2017, Para. 9.5, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CRC%2fC%2f85%2fD%2f26%2f2017&Lang=en.

¹⁵ *Abdi Ibrahim v Norway* (Application No. 15379/16), <https://hudoc.echr.coe.int/eng?i=001-214433>.

¹⁶ United Nations General Assembly, Guidelines for the Alternative Care of Children, A/RES/64/142, 24 February 2010, Paras. 155–156, <https://undocs.org/A/RES/64/142>.

¹⁷ United Nations High Commissioner for Refugees, 2021 UNHCR Best Interests Procedure Guidelines: Assessing and determining the best interests of the child, 2021, <https://www.refworld.org/pdfid/5c18d7254.pdf>.

¹⁸ *Supra* 8, pp. 33 and 41.

¹⁹ *Supra* 14, Para. 9.5.

²⁰ *Supra* 8, p. 22.

²¹ United Nations Children’s Fund, Birth registration, n.d., <https://www.unicef.org/protection/birth-registration>.

²² *Supra* 8, p. 20.

²³ Global Family Reunification Network. The first global platform devoted to family reunification for refugees and other beneficiaries of international protection, <https://familyreunificationnetwork.org/>.

²⁴ Global Family Reunification Network. FRUN Working Group on Unaccompanied and Separated Children and Adolescents, <https://familyreunificationnetwork.org/resources/frun-working-group-unaccompanied-and-separated-children-and-adolescents>.

- ²⁵ See, e.g. in Chile. Facultad de Ciencias Sociales de la Pontificia Universidad Católica de Chile, Centro de Estudios Justicia & Sociedad, COLUNGA, World Vision and United Nations Children's Fund, *Informe Final : Estudio exploratorio de caracterización de niños, niñas y adolescentes migrantes de América Latina y el Caribe y sus familias en Chile*, 2020, <https://www.unicef.org/chile/media/4361/file/Estudio%20exploratorio%20de%20caracterización%20de%20niños.%20niñas%20y%20adolescentes%20migrantes%20de%20América%20Latina%20y%20el%20Caribe%20y%20sus%20familias%20en%20Chile.pdf>; See also: Rodríguez, D., Pazos, A. and Solís, C., 'Los niños sin nombre. Ciudadanos invisibles para el Gobierno Mexicano', *BINoticias*, Connectas, El Sol de Tijuana, Newsweek and Pie de Página, 18 July 2022, <https://www.connectas.org/especiales/los-ninos-sin-nombre/>; '200 mil mexicanos, "doblemente invisibles" en EU: Be Foundation', *Aristegui*, 4 February 2016, <https://aristeginoticias.com/0402/mexico/200-mil-mexicanos-doblemente-invisibles-en-estados-unidos-be-foundation/>.
- ²⁶ Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material. Visit to Malaysia, A/HRC/40/51/Add.3, 2018, <https://www.ohchr.org/EN/Issues/Children/Pages/CountryVisits.aspx>. See also: Child Identity Protection, UNICEF report on challenges in birth registration for children affected by migration in Peninsular Malaysia, 2023, <https://www.child-identity.org/unicef-report-on-challenges-in-birth-registration-for-children-affected-by-migration-in-peninsular-malaysia/>.
- ²⁷ Section 5 of Act No. 3753 on Registry of Civil Status (1930), <https://psa.gov.ph/civilregistration/civil-registration-laws/act-no-3753>.
- ²⁸ O'Rourke, M, O'Nolan, L. and McGettrick, C. (2021). Joint submission to the Oireachtas Joint Committee on Justice regarding the General Data Protection Regulation: Justice for Magdalenes Research, <http://jfmresearch.com/wp-content/uploads/2021/03/Submission-to-Oireachtas-Justice-Committee-Re-GDPRMOR-CMG-LON-26.3.21.pdf>; MBH Information Hub – DataSubject.ie., n.d., <https://datasubject.ie/mbh/>; and Child Identity Protection, Submission to the 2021 Day of General Discussion on alternative care, 2021, <https://www.child-identity.org/index.php/en/resources/advocacy-and-policy/201-submission-to-the-crc-committee-s-dgd-on-16-and-17-september-2022.html>.
- ²⁹ Marcus, R. et al, *Children on the Move in Latin America and the Caribbean: Review of the evidence*, UNICEF, Panama, 2023, <https://www.unicef.org/lac/en/reports/children-on-the-move-in-latin-america-and-the-caribbean>.
- ³⁰ United Nations Children's Fund and Commonwealth of Dominica, *Situation Analysis of Children*. Commonwealth of Dominica, UNICEF Office for the Eastern Caribbean Area and Commonwealth of Dominica, Barbados, 2017, <https://www.unicef.org/easterncaribbean/media/891/file/Situation-Analysis-of-Children-2017.pdf>.
- ³¹ United Nations Children's Fund, *The Changing Face of Child Migration in Latin America and the Caribbean. A region like no other*, UNICEF Child Alert, September 2023, <https://www.unicef.org/media/144656/file/LAC%20Migration%20Child%20Alert.pdf>.
- ³² United Nations Children's Fund, UNICEF Country Office Annual Report 2023 – Eastern Caribbean, 2024, <https://www.unicef.org/media/152386/file/Eastern-Caribbean-Area-2023-COAR.pdf>.
- ³³ International Committee of the Red Cross, *Restoring Family Links - Home*. Restoring Family Links, n.d., <https://familylinks.icrc.org/en/Pages/home.aspx>.
- ³⁴ Hague Conference on Private International Law, *Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children*, <https://www.hcch.net/en/instruments/conventions/full-text/?cid=70>.
- ³⁵ Alvarado, R., *Coordinador de Subregistro y Proyectos Especiales del Registro Civil / Tribunal Electoral de Panamá, 'Coordinación interinstitucional para el registro de niños y niñas con padres en contexto de movilidad humana – experiencia panameña'*, 20th meeting of CLARCIEV, Lima, Peru, 2023, https://drive.google.com/file/d/1tfrdyBaPaq5rI_6dxgZa1kNsKiRab_aB/view; International Organization for Migration, 'Estrategia de identidad legal de OIM y su trabajo en Perú y México', 20th meeting of CLARCIEV, Lima, Peru, 2023, <https://drive.google.com/file/d/1VOhOI8sGzdYMzaJ0RrFrqY10FgLEb9IW/view>.
- ³⁶ Institute on Statelessness and Inclusion, 2023 Year in review, ISI, 2024, <https://mailchi.mp/f801e8e73b79/2023-year-in-review>; Institute on Statelessness and Inclusion, *Bulletin*, September 2025, <https://mailchi.mp/caf88eaec876/monthly-bulletin-september2025#Law%20and%20policy>; Committee on the Rights of the Child, *Consideration of reports submitted by States parties under article 44 of the Convention on the Rights of the Child*. Combined Fifth and Sixth Periodic Report of Suriname, CRC/C/SUR/5-6, 2023, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FSUR%2F5-6&Lang=en.
- ³⁷ Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and UN Committee on the Rights of the Child, *Joint General Comment No. 4 (2017) of the Committee on Migrant Workers and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return*, CMW/C/GC/4-CRC/C/GC/23, 16 November 2017, Para. 22, <https://undocs.org/CMW/C/GC/4-CRC/C/GC/23>.
- ³⁸ *Supra* 3, Paras. 18, 21(i) and 22.
- ³⁹ *Supra* 3, Paras. 18 and 21(i).
- ⁴⁰ *Supra* 8, p. 21.
- ⁴¹ *Supra* 8, p. 29.
- ⁴² *Family for Every Child, Supporting integration: A toolkit for practitioners. Working with children and young people on the move*, 2023, <https://familyforeverychild.org/resources/supporting-integration-a-toolkit-for-practitioners-working-with-children-and-young-people-on-the-move/>.
- ⁴³ Child Rights Coalition Asia and World Vision International, et al., *Getting children and youth in the picture 2021. A Report on the Consultations with Children and Young People on the Civil Registration and Vital Statistics in Asia and the Pacific*, 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/CRVS%20Report%20Draft_final.pdf.
- ⁴⁴ Child Identity Protection, *Council of Europe's Committee on Migration, Refugees and Displaced Persons adopts report on the protection and alternative care of children on the move*, 2022, <https://www.child-identity.org/council-of-europes-committee-on-migration-refugees-and-displaced-persons-adopts-report-on-the-protection-and-alternative-care-of-children-on-the-move/>.
- ⁴⁵ United Nations Children's Fund, *Child Protection Strategy 2021–2030*, 2021, <https://www.unicef.org/media/104416/file/Child-Protection-Strategy-2021.pdf>.
- ⁴⁶ #IBelong campaign to End Statelessness by 2024, spearheaded by UNHCR (<https://www.unhcr.org/ibelong/>).