



International Organization for Migration (IOM)
Organisation internationale pour les migrations (OIM)
Organización Internacional para las Migraciones (OIM)

IOM Assistance and Protection to Migrants Caught in Crisis Situations¹

Introduction

1. In 2012, IOM's Member States used the International Dialogue on Migration (IDM) to pursue a global understanding of the migration consequences of crisis situations, or "migration crises" for short. There is no formal definition of this term, which IOM uses to describe complex, often large-scale migration flows caused by a crisis which typically involves significant vulnerabilities for the individuals and communities affected. A migration crisis may be sudden or slow-onset, can have natural or man-made causes, and can take place internally or across borders.

2. The IDM and other related forums² have underscored the importance of identifying gaps and improving responses by focusing on the types of population movements that occur before, during and after a crisis, both internally and across borders. The first IDM workshop in 2012, "Moving to safety: Migration consequences of complex crises" (24 and 25 April 2012), explored the need to respond to population movements as part of managing crises, from the perspective of both internal and cross-border patterns of human mobility. During the second workshop, "Protecting migrants during times of crisis: Immediate responses and sustainable strategies" (13 and 14 September 2012), Member States focused on migrants as a population of special concern in their examination of the relationship between modern-day crises and patterns of human mobility.³

3. This paper advances the discussion started at the IDM workshops and related forums on the plight of international migrants caught in crisis situations in countries of transit or destination, and the institutional and operational frameworks needed to assist and protect them. Recent experiences – particularly the first and second Gulf Wars, the 2006 Israel-Lebanon conflict, the 2011 Libya crisis, and the ongoing crisis in the Syrian Arab Republic – have spotlighted key areas and potential gaps in the endeavour to improve responses to the growing number of international migrants affected by crisis situations.⁴

4. While a strong humanitarian architecture is in place to meet the assistance and protection needs of internally displaced persons (IDPs) and refugees, the international system is less explicit on

¹ This issue was first considered by IOM Member States at the Eleventh Session of the IOM Standing Committee on Programmes and Finance (SCPF) in October 2012. Subsequently, in November 2012, IOM Member States adopted the IOM Migration Crisis Operational Framework (MCOF) which is referenced here. For more information, see www.iom.int/cms/mcof. The present document should be read in conjunction with materials developed for the IOM International Dialogue on Migration (IDM) 2012, for which the IOM membership selected the topic "Managing Migration in Crisis Situations".

² The migration crisis topic and issues pertaining to migrants caught in crisis situations were presented in July 2012 in Brussels at a technical meeting between different European Commission Directorates-General and European Union representatives, and at a workshop held in October in New York at the International Peace Institute and attended by various speakers from Member States and the United Nations (see www.iom.int/cms/idmnewyork).

³ For further information on the 2012 IDM workshops, please see www.iom.int/idmcomplexcrises and www.iom.int/cms/idmmigrantsincrisis.

⁴ The areas in which IOM can strengthen its support for States outlined in this paper are based on recommendations made by the November 2011 External Process Evaluation of IOM's Response to the Libya Crisis.

the roles and responsibilities for addressing the needs of crisis-affected migrants. International frameworks contain provisions on the protection of migrants, and norms and standards exist in human rights law, international humanitarian law and international migration law. However, there is no international legal framework dedicated to the protection and assistance of migrants in times of crisis, and no single document consolidates and restates the principles involved, as the Guiding Principles on Internal Displacement do in respect of IDPs.

5. Migrants nonetheless often experience special vulnerabilities during a crisis, including lack of knowledge about or access to national assistance mechanisms, heightened exposure to violence and exploitation, a shortage of personal resources for escaping crisis areas and a lack of access to travel documents or consular services. Crises also have lasting implications for the well-being of migrants, especially those who have not only lost their livelihoods and belongings, but have also been forced to return to contexts of economic difficulty, food insecurity and social instability.

6. In such contexts, improved capacities, coordination and partnerships between humanitarian and migration management systems are required to create more reliable and effective responses for crisis-affected migrants. A strengthened institutional framework of policies and actions should encompass the following: the vulnerabilities specific to migrant populations; the capacities and resources required to manage responses to increasingly acute and complex crises, which are often large in scale; and the range of longer-term implications in the aftermath of a crisis for countries of destination, origin and transit.

7. Among the international players involved in State-led responses to migrants caught in crisis situations, IOM has a specific mandate, under its Constitution and Strategy,⁵ to provide assistance. Article 1.1(b) of the IOM Constitution stipulates that the “purposes and functions of the Organization shall be: [...] to concern itself with the organized transfer of refugees, displaced persons and other individuals in need of international migration services for whom arrangements may be made between the Organization and the States concerned, including those States undertaking to receive them”. In addition, the preamble to the Constitution recognizes the need to promote cooperation with regard to “the specific situation and needs of the migrant as an individual human being”. Providing assistance and protecting vulnerable migrants is thus one of the Organization’s core roles.

Specific vulnerabilities and protection and assistance needs of migrants caught in crisis situations

8. Whether a crisis is natural or man-made, migrants – similarly to the rest of the population – will face hardship and distress, and possibly even violence and abuse. A number of special needs and vulnerabilities are likely to arise for migrants which are typically associated with the following circumstances:⁶

- Migrants unable to leave crisis areas to seek safety elsewhere, mostly due to practical barriers (such as language barriers or lack of information);
- Migrants unwilling to leave potentially dangerous situations for fear of losing assets (such as income) or being unable to return to the country or place of work after the crisis;
- Migrants internally displaced in the crisis-affected country;⁷

⁵ IOM Strategy, MC/INF/287 (2007). See also Protection of persons involved in migration: Note on IOM’s role (IC/2007/3), which was noted by the Member States.

⁶ See background paper for the IDM workshop on 13 and 14 September 2012, “Protecting migrants during times of crisis: Immediate responses and sustainable strategies”, at www.iom.int/idmmigrantsincrisis.

⁷ Although a non-binding document that does not explicitly recognize migrants or non-nationals, the Guiding Principles on Internal Displacement can be understood to apply to those groups by virtue of their broad definition of IDPs as “persons who have been forced or obliged to flee or to leave their homes or places of habitual residence”.

- Migrants unable to access humanitarian assistance in the crisis-affected country owing to legal or practical barriers;
- Migrants forced to cross an international border to seek safety in a country which is not their country of origin;
- Migrants seeking to escape the crisis area and return to their country of origin, and who either lack the means necessary to complete their journey or make their way home by themselves;
- Migrants exploited, targeted or discriminated against as a result of anti-migrant sentiments or the breakdown of law and order during a crisis.

9. The conditions produced by a crisis may also heighten the exposure of migrants to situations of exploitation or trafficking in persons. An increased level of despair, deteriorating safety and security, and the weakening of traditional support structures, all of which are commonplace in the aftermath of a crisis, can prompt vulnerable migrants to undertake high-risk migration, which they may see as the only means of escaping a worsening situation.

IOM's role and responses for migrants caught in crisis situations

10. States bear the primary responsibility to protect and assist crisis-affected persons residing on their territory in a manner consistent with international humanitarian and human rights law. Where needed, States should allow humanitarian access to crisis-affected persons such that humanitarian assistance can be provided by other States, including those whose nationals have been affected, and other relevant actors. The magnitude and complexity of modern-day crises, however, have often overwhelmed the capacities and resources of States of origin to protect and assist their nationals residing abroad. At the same time, States that are facing a crisis may experience insecurity, a breakdown of national institutions or severed diplomatic relations, all of which limit their abilities to respond to non-nationals residing on their territory.

11. As a result of its mandate, operational resources and expertise in movement management, IOM has systematically been called on to act as a lead agency in helping States meet their obligations to crisis-affected migrant populations. Within the context of coordinated responses, IOM activities to aid vulnerable migrant populations have included the direct delivery of humanitarian assistance, facilitating cooperation between States to assist migrants at the country, regional or international level, and strengthening State capacity to prepare for and respond to migration crisis situations.

12. In crises in which international migrants account for a significant part of the affected population, the humanitarian system alone cannot meet the full spectrum of needs. A number of migration management tools are needed to supplement the humanitarian response. These include: technical assistance for humanitarian border management;⁸ provision of emergency consular services; referral systems for persons with special protection needs; provision of protection and assistance to vulnerable migrants such as victims of trafficking, exploitation and abuse; provision of temporary protection for migrants crossing an international border; and organization of safe evacuations for migrants to return home, often the most effective method of protection.

13. IOM has comprehensively assisted States to use these tools for the benefit of crisis-affected migrants. It has provided support for humanitarian border management/processing and referrals. It has liaised extensively with consular services to provide emergency travel documents and laissez-passer to migrants without documents, and referred migrants requiring international protection to the appropriate agencies. It has responded to the need to assist and protect vulnerable migrants, such as

⁸ Humanitarian border management includes building robust immigration and border management programmes that are grounded in appropriate policies, laws, procedures and information systems, in order to facilitate the movement of people in a crisis.

victims of trafficking, exploitation or abuse, and unaccompanied migrant children. It has provided travel health assistance, including mental health care when needed, and furnished movement assistance. IOM works with States, the United Nations High Commissioner for Refugees, the United Nations Office for the Coordination of Humanitarian Affairs, military bodies, and other international agencies along the entire chain of activities required for the safe movement of crisis-affected migrants.

14. IOM's operational resources and expertise in movement management are evidenced in its long history of providing support to vulnerable migrants, including those who are stranded in countries of transit or destination with no means of returning home.⁹ With its strong network of airline and other transportation agreements, established data management systems, and a roster of experts, IOM has routinely activated complex land, air and sea operations within a short time, often under difficult conditions. IOM is the first port of call of States when they need help to evacuate their nationals residing abroad, an activity that the Organization undertakes in coordination with governments, border management authorities, humanitarian partners, consular officials, military authorities, and private and commercial transport companies.¹⁰

15. IOM has also traditionally worked with the humanitarian system to develop strategies to reach out to vulnerable migrants and ensure that non-nationals also benefit from the humanitarian assistance delivered to affected populations. As the lead agency for camp coordination and camp management in natural disasters within the cluster approach headed by the Inter-Agency Standing Committee, IOM has developed tools and capacities to manage service provision in camps, an integral part of which is identifying, mapping and tracking crisis mobility patterns and the corresponding needs of the various populations affected, including migrants.

16. IOM continues to protect and assist vulnerable migrants after the emergency phase of a crisis by helping them and their governments cope with the economic and social reintegration challenges of return. Its activities include providing immediate basic assistance, running income-generating programmes, and facilitating mobility to help migrants find new opportunities or return to the crisis-affected country, conditions permitting.

Strengthening the institutional architecture to respond to migrants caught in crisis situations

17. Given that it is becoming increasingly difficult to protect the growing number of migrants affected by crises, international cooperation needs to be strengthened throughout all crisis phases – pre-crisis preparedness, emergency response, recovery, reconstruction and transition. In general, stranded migrants have not been a priority concern for the humanitarian system, and their specific needs have not always been considered. Furthermore, preparedness and response frameworks have tended to overlook the complex interactions between crises and migration, such as the loss of migrant labour for post-crisis economic reconstruction or the strain placed on weak economies receiving large influxes of returning migrants.

18. Certain measures can be taken to strengthen the institutional framework and provide a more inclusive, predictable and efficient response when migrants are caught in crisis situations. In this regard, IOM can assist the Member States to protect and assist migrants specifically by:

- (a) Developing tools and systems for better information on the migrant population in a country, such as migration profiles, and monitoring mobility patterns and dynamics in crisis and post-

⁹ For the full description of IOM's support for stranded migrants, see the document entitled IOM's assistance to stranded migrants (SCPF/45) and General Bulletin No. 1420 of 6 January 2006, on humanitarian assistance for stranded migrants.

¹⁰ For example, at the request of governments, IOM provided evacuation assistance during both Gulf Wars, the Kosovo humanitarian airlift in 1999, the Israel-Lebanon conflict in 2006, and the Libya crisis in 2011. During the Libya crisis, IOM organized more than 700 flights, rescued 8,432 people during 15 sea missions, and directly extracted another 35,000 migrants from Misrata and Sebha under dire security conditions. Taken together, these evacuations resulted in more than 600,000 migrants moved directly out of conflict situations by IOM and transported safely back to their countries of origin.

crisis phases; IOM envisions the establishment of a “migration crisis alert” system that would allow it to pinpoint the links between push and pull factors of crisis-related movements and the various vulnerabilities and humanitarian needs emerging for migrants;

- (b) Working to include migrants in preparedness and contingency planning, and to ensure their special needs are integrated into national crisis-response mechanisms;
- (c) Providing training for migrants and capacity-building for embassies, including consular services, to heighten their awareness of migrant-specific vulnerabilities and protection issues in various situations and at all stages of a crisis;
- (d) Encouraging discussions and dialogue on the protection and assistance needs of vulnerable migrants caught in crisis situations, at migration platforms such as the Global Forum on Migration and Development, and helping Regional Consultative Processes discuss and implement preparedness and response initiatives at the regional level;
- (e) Developing standard operating procedures, including detailed in situ protection, relocation, evacuation and repatriation procedures for migrants, to enable clear lines of coordination between States, international players and private companies during complex emergencies; and working with private actors, such as recruitment agencies and employers, to develop mechanisms for the repatriation and reintegration of their workers in crisis situations;
- (f) Administrating readily available dedicated emergency funds to mobilize emergency action and bridge funding gaps (although the Member States established the Migration Emergency Funding Mechanism at the 100th Session of the IOM Council (December 2011),¹¹ there is a critical need to ensure the fund is well-resourced and replenished as required);
- (g) Strengthening efforts to provide assistance to and protect vulnerable migrants, such as victims of trafficking, exploitation or abuse and unaccompanied migrant children, during a crisis;
- (h) Developing policies and programmes for longer-term support for returnees and communities, such as return and reintegration programmes, income-generating projects, and community stabilization initiatives, and facilitating labour mobility strategies for migrants to contribute to long-term recovery and development;
- (i) Providing general guidance for States and the humanitarian community on integrating humanitarian and migration management approaches in order to deal more comprehensively with the challenges faced by crisis-affected migrants. IOM has taken the initiative to develop the Migration Crisis Operational Framework,¹² the objective of which is to better align IOM sectors of assistance that can be activated to address the mobility dimension of crises, including (but not limited to) the crisis-related needs and vulnerabilities of international migrants.

Conclusion

19. IOM anticipates an ever-increasing need to integrate humanitarian and migration management approaches in the response to modern-day crises. Improved and coordinated responses by States and international stakeholders could do much to ease the distinctive protection and assistance challenges faced by international migrants during times of crisis.

20. While IOM continues to work with States to provide assistance to and protect migrants affected by crises, it is often constrained by a lack of resources. The exchange of practices and experiences at the IDM workshops has nonetheless demonstrated that States are willing to invest in

¹¹ See IOM Council Resolution No. 1229 (C), adopted on 5 December 2011.

¹² As requested by IOM’s Member States, the IOM Migration Crisis Operational Framework (MCOF) was discussed at the Tenth and Eleventh Sessions of the Standing Committee on Programmes and Finance (May and October 2012). Subsequently, IOM Member States adopted the IOM Migration Crisis Operational Framework (MCOF) at the 101st Session of the IOM Council in November 2012 in resolution No.1243. For more information, see <http://www.iom.int/cms/mcof>.

greater preparedness and response measures in order collectively to achieve a stronger institutional framework for an issue of growing international concern.

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