

Migrants in Countries in Crisis Working Group Concept Note  
February 14, 2014

Over the past ten years the world witnessed a number of natural disasters and conflicts, including the Asian tsunami in 2004, the Haitian earthquake in 2010, the 2011 crisis in Libya, Hurricane Sandy in the United States, and the Fukushima earthquake and tsunami in 2012, in which migrants have been among those seriously affected. When countries experience such crises, migrants may lack adequate means to ensure their own safety. They can be “caught between the cracks” because no frameworks exist delineating the responsibilities of State and other actors, as is the case with refugees.

A number of calls have gone out to develop better ways of addressing the effects of these kinds of crises on migrants. Among these were the Secretary General’s Special Representative for International Migration, Peter Sutherland, calling on countries to collaborate and develop an approach on migrants caught in crisis; the International Organization for Migration developing a Migration Crisis Operational Framework; and the United States devoting its 2010-2011 chairmanship of the Intergovernmental Consultation on Migration, Asylum and Refugees to the theme of Humanitarian Responses to Crises with Migration Consequences. Other efforts, such as the Nansen Initiative, are currently contemplating related displacement scenarios and required responses, although Nansen is broader in scope as it looks at both citizens and non-citizens/migrants crossing borders because of natural disasters.

Discussions during the recently concluded High Level Dialogue on Migration and Development also touched on the need for an initiative to address the impact of these acute crisis situations on migrants. We believe that the time is right for the international community to come together through a voluntary, bottom-up and state-led process to better coordinate the international response to these kinds of crises.

A small working group of governments (Philippines, United States, Australia, Bangladesh, Costa Rica, Ethiopia, and European Commission) will partner with IOM, UNHCR, Professor Susan Martin, UN SRSG Peter Sutherland, and others over the coming months to develop and advance an initiative on migrants in countries in crisis. This core group will explore and define the issues, look at best practices, collect the evidence base, and propose a way forward to strengthen the international community’s capacity to better manage situations where migrants suddenly have ended up in a vulnerable situation in a country in acute crisis - keeping in mind that national governments continue to bear significant responsibility for the safety and welfare of their citizens, even when those citizens are traveling, residing or working abroad. While the focus of this initiative is limited to migrants in countries that are in crisis due to civil unrest or natural disasters, evidence and best practices arising from a broader array of migration management experiences (such as countries receiving a large flow of their returning migrants for reasons other than civil unrest or natural disasters) might be useful in informing our work.

The aim of the working group’s efforts is to improve the ability of States and other relevant stakeholders to prepare for, respond to, alleviate suffering, and protect the dignity and rights of migrants caught in countries in situations of acute crisis. Specifically, a clear articulation of the various levels of responsibility towards migrants caught in countries in crisis and the relationship between them would be important. This would include roles of states (host, origin, neighboring)

as well as between states, international organizations and other stakeholders (employers, NGOs, etc.)

While the precise scope and parameters of the initiative will continue to be fleshed out, this short paper sets forth its general aims. With more people than ever living outside their home countries, the plight of migrants caught in crises outside their country of origin has become increasingly apparent. When a crisis hits, migrants do not fall under a specific protection mandate and do not always have access to traditional humanitarian responses or, for various reasons, might be overlooked in such responses.

IOM's background paper for its 2012 International Dialogue on Migration (IDM) said in part:

Given the growing number of migrants around the world, the consequences of crises for migrant populations will likely be a significant feature of future crises and need to be factored into humanitarian response mechanisms.

When migrants' host countries experience crises, migrant populations often have few means to ensure their own safety. In some cases migrants may be unable to leave the crisis area, in others they may be unwilling to leave or unable to access humanitarian assistance, while in others they may seek refuge across borders in adjacent countries. In the latter case, repercussions may spread throughout entire regions, particularly in border areas and neighboring States.

IOM has further noted that when protection in situ cannot be guaranteed, the return or evacuation of migrants to their countries of origin may sometimes be the best available way to ensure their protection and avoid more drastic humanitarian consequences. That said, while return/evacuation (and their consequences) are important aspects of the issue, the full range of measures necessary to protect migrants – including preparedness – should be considered.

The view of the governments in the Working Group is that the focus should be on situations such as the current conflict in the Central African Republic; the 2011 conflict in Libya; and severe natural disasters like the Japanese tsunami, the Haiti earthquake, and Hurricane Sandy in the United States. While there are many other situations of migrants caught in dire circumstances (such as irregular migrants in maritime disasters or migrants victimized by criminal groups while in transit), these are not the same kind of situations as those in which migrants are in a country when a crisis breaks out. The former are situations of crisis for particular migrants; the latter are situations of crisis in a country where migrants are physically present. They call for different types of planning and responses, and it is the latter type of situation which this initiative aims to address. However, the initiative may generate further work by the same group of governments, or others, to address other aspects of migration concerns. For example, the outcomes of this Working Group may prove useful to states in addressing the broader range of scenarios where migrants are in need of assistance, such as in countries of origin facing challenges with mass inflows of returning migrants due to non-crisis/disaster reasons.

While the Working Group will guide the strategic planning of the initiative and the drafting of any final product, it will consult with a broad set of stakeholders including states, international organizations, the private sector, and civil society.