



**International Dialogue on Migration 2017**  
**Understanding migrant vulnerabilities: A solution-based approach towards a global compact  
that reduces vulnerabilities and empowers migrants**

18–19 July 2017, Palais des Nations, Geneva

**Background paper**

The International Organization for Migration (IOM) held the first session of the International Dialogue on Migration (IDM) 2017 on 18 and 19 April at the United Nations in New York on the theme “Strengthening international cooperation on and governance of migration towards the adoption of a global compact for safe, orderly and regular migration in 2018”. Attendees examined aspects of international cooperation on and governance of migration and discussed concrete and implementable measures for consideration by stakeholders towards elaborating the global compact on migration.

On 18 and 19 July at the Palais des Nations in Geneva, IOM will hold its second IDM of the year on the topic “Understanding migrant vulnerabilities: A solution-based approach towards a global compact that reduces vulnerabilities and empowers migrants”. The workshop will offer Member States and other relevant actors the opportunity to explore all aspects of migrant vulnerabilities from a policy, cooperation and practical perspective. Participants will aim to discuss and propose concrete and implementable measures to reduce migrants’ vulnerabilities and respond to their protection and assistance needs.

This paper introduces some of the factors, drivers and capacities that shape the concept of vulnerability when applied to migrants and looks at different scenarios of migrant vulnerability and areas of action for policy and international cooperation. These elements, together with the existing frameworks, tools and best practices, will be further analysed and discussed during the workshop.

**Introduction**

Migration is a megatrend in today’s international system, with an unprecedented level of human mobility. Although most migration is voluntary and has a largely positive impact on individuals and societies, migration, particularly irregular migration, can increase vulnerability to violence, abuse, exploitation, and/or rights violations. Despite the growing prevalence and impact of migration, migration governance frameworks have not kept pace, and many migrants face significant protection risks during the migration process and after having reached their final destination. Limited data are available on the proportion of the world’s 244 million international migrants who could be considered vulnerable, but the fact that there

were 21.3 million refugees and 3.2 million asylum seekers at the end of 2015, an estimated 9.1 million migrants who are victims of forced labour, and an estimated 50 million irregular migrants worldwide in 2010,<sup>1</sup> gives an indication of the scale of the issue.

Protection frameworks for migrants have not shown themselves to adequately implement migrants' rights or to meet the needs of all vulnerable migrants in today's world. Existing legal frameworks protect all individuals regardless of "category" and all individuals are rights holders, but effective implementation needs to be better geared to meet the needs of vulnerable migrants. Furthermore, there is a lack of clarity on what is meant by the term "vulnerable migrant", and what protection and assistance might be afforded to such migrants. There is a need for clarity around this term and agreement on the best way forward in meeting the significant operational challenges of providing protection and assistance to significant numbers of migrants in need of such services.

### **Existing frameworks**

In the 2013 Declaration of the High-level Dialogue on International Migration and Development, representatives of States and governments reiterated their "commitment to prevent and combat trafficking in persons, protect victims of trafficking, prevent and combat migrant smuggling, and protect migrants from exploitation and other abuses" and called for the development of an effective and inclusive agenda on international migration that respects human rights.

Further, paragraph 29 of the 2030 Agenda for Sustainable Development specifically recognizes the positive contribution of migrants to inclusive growth and sustainable development, as well as the fact that international migration is a multidimensional reality of major relevance for the development of countries of origin, transit and destination, which requires coherent and comprehensive responses. It further pledges that States will cooperate internationally to ensure safe, orderly and regular migration with full respect for human rights and the humane treatment of migrants, regardless of their migration status. The Agenda also pledges that "no one will be left behind", a commitment that would be meaningless if the world's 244 million international migrants were not included in efforts to achieve the Agenda's Goals.

The New York Declaration, adopted by the United Nations General Assembly following the 19 September 2016 Summit for Refugees and Migrants, also refers to the vulnerabilities of migrants to exploitation and abuse, and notes States' commitment to "protecting the safety, dignity and human rights and fundamental freedoms of all migrants, regardless of their migratory status, at all times."

Currently, the international system has four main bodies of law that relate to the protection of and assistance for migrants: international human rights and humanitarian law; international refugee law; international criminal law; and international labour law. International human rights law details the basic civil, political, economic, social and cultural rights that all human beings should enjoy, while international humanitarian law seeks to limit the effects of conflict and protect those who are not participating in hostilities. Both bodies of law apply to all persons, including all migrants. International refugee law defines the term "refugee", and establishes the legal rights and protections to which they are entitled, such as non-refoulement. This body of law applies only to refugees. International criminal law contains elements relevant to migration, specifically the United Nations Convention against Transnational Organized Crime, its Protocol against Smuggling of Migrants by Land, Sea and Air, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The smuggling protocol aims to prevent

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<sup>1</sup> <http://gmdac.iom.int/global-migration-trends-factsheet>.

and combat smuggling of migrants and to promote cooperation among State Parties, while also protecting the rights of smuggled migrants. The trafficking protocol aims to prevent and combat trafficking in persons, to protect and assist the victims of trafficking, with full respect for their human rights, and to promote cooperation among State Parties. Finally, international labour law contains provisions related to international labour migration and the rights of migrant workers. This body of law pertains specifically to migrant workers and their families.

### **Understanding migrant vulnerability to address protection gaps**

While international human rights law is applicable in all circumstances and for all persons, including migrants, it is rarely fully implemented in States' responses to irregular migration.<sup>2</sup> Migrants, and the practitioners that assist them, are rarely equipped to pursue formal redress for human rights or other rights violations. It must be recalled that even when migrants who are vulnerable to violence, exploitation, and abuse fall outside of the existing definitions of migrants entitled to specific protection, specifically refugees and trafficked persons, or are not migrant workers, they will always be entitled to the respect for and protection of their inalienable human rights, based on the main human rights treaties. While many vulnerable migrants are indeed smuggled migrants, and the smuggling protocol sets out specific protections for smuggled migrants in addition to calling for the protection of their rights, most State responses to migrant smuggling have focused on border control and law enforcement efforts and, in general, paid much less attention to the rights and protections elements of the smuggling protocol than they have in the trafficking protocol.<sup>3</sup>

There is therefore a need to better understand what is meant by the term "vulnerable migrant" or a "migrant in a situation of vulnerability." In general, discussions of vulnerability tend to focus exclusively on those with legal definitions and specified protections (e.g. refugees, trafficked persons), or on an individual's membership in groups (e.g. women, children, people with disabilities). This approach can obscure the fact that, within these groups, vulnerabilities vary significantly. Further, classifying individuals as vulnerable due to their membership in a particular group does not take into account the many factors that may protect an individual from exploitation or abuse, regardless of their membership in said group, and downplays the agency of individuals and their abilities to overcome vulnerability factors and achieve their migration goals. It also contributes to protection gaps, as protection actors may be blind to the needs of those who are not members of a protected class of migrant or of a group deemed vulnerable.

Finally, a narrow interpretation of vulnerability as a result of membership in a particular group compresses the broad range of factors, from the individual to the structural, that contribute to the vulnerabilities of particular groups and the individuals within them, and hinders the development of comprehensive prevention and protection responses.

In order to address these protection gaps, a more comprehensive understanding of vulnerability is necessary: one that does not focus solely on protected categories of migrants, or on a migrant's membership in a particular group, but instead complements these approaches with a more complete understanding of the factors that contributed to the individual migrant's or group of migrants' vulnerability, and the resources and capacities they themselves can mobilize to resist or recover from

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<sup>2</sup> Alexander Betts, *Soft Law and the Protection of Vulnerable Migrants*, *Georgetown Immigration Law Journal*, Vol. 24, pages 533–552 (2010).

<sup>3</sup> International Council of Human Rights Policy, *Irregular migration, migrant smuggling and human rights: towards coherence*, page 71 (2010).

their vulnerability, and which would apply at any stage of the migration process and in any context. The adoption of such an approach would set the stage for more effective operational and programmatic responses, based in existing obligations, to current and future migration crises and would enable the international community to better meet the protection and assistance needs of vulnerable migrants.

### **Identifying migrant vulnerabilities – a proposed model**

Within the migration context, vulnerability can be defined as the diminished capacity of an individual or group to resist, cope with, or recover from violence, exploitation, abuse, and/or violation(s) of their rights. It is determined by the presence, absence and interaction of factors or circumstances that increase the risk of and exposure to, or protect against, violence, exploitation, abuse and rights violations. This definition is applicable not only to individual migrants, but also to families, groups and migration-affected communities. It requires a thorough assessment not only of the factors and circumstances that increase vulnerability, but also of the factors and circumstances that contribute to the ability of an individual migrant or group of migrants to resist and overcome risks, allowing for a more complete understanding of their needs and capacities.

There are multiple forms of exploitation and abuse, and there are a number of factors that are generally understood to make individuals and groups more or less vulnerable to them. For example, being female or transgender increases an individual's risk of sexual exploitation and abuse, while being in an irregular migration status increases vulnerability to labour exploitation. There are also a number of factors that may contribute to individuals and groups being more or less vulnerable to violations of their rights, depending on specific circumstances. For example, in some contexts being a boy decreases the risk of being denied the right to an education, and in some contexts a person's sexual orientation or gender identity can influence the risk of being denied the right to family life.

When considering the vulnerability of an individual, a family, a community or a group, it is therefore essential to consider what they are vulnerable to.

#### ***Determinants of vulnerability***

IOM's migrant vulnerability model conceives vulnerability, or capacity to resist or overcome violence, exploitation, abuse and rights violations, as the interplay of factors – rather than the result of membership in a vulnerable group – that either increase or decrease the vulnerability of individuals, households, communities and groups to violence, exploitation, abuse and rights violations. It analyses factors at the individual, household, community and structural levels, and takes into account the situational circumstance that can lead to greater exposure to these risks.

Individual factors are those related to the migrant as an individual (i.e. status in society, beliefs and attitudes). Individual characteristics are a central element in assessing vulnerability, as they contribute to an individual's vulnerability or resilience to risk factors, and determine how individuals respond to their household, community, structural and situational contexts.

Household factors are those related to the family circumstances of individuals, their role and position within the family, and family histories and experiences. Families are important in determining vulnerabilities as they are typically the option of first resort for individuals who require support, particularly for children and youth. Families offer both risk and protective factors with regard to exploitation and abuse. Individuals and their families are situated within a broader physical and social community context, and are affected by the community's economic, cultural and social structure and their

position within it. Communities with strong social support networks and sufficient resources can offer support and protection to individuals and families; whereas being located in communities without such networks and resources can create risk factors for individuals and families.

At the broadest level, structural factors are the historical, geographic, political, economic, social and cultural conditions and institutions at the national, regional and international levels that influence the overall environment in which individuals, families, communities and groups are situated and which shape their economic, educational and migration decisions. Structural factors are typically relatively stable and have longer-term impacts.

Situational factors are circumstances or statuses at any level that have changed quickly and in unforeseen ways, for example as the result of the outbreak of conflict, a sudden and unexpected change to family situation or socioeconomic status, a change in migration status. Such changes can increase the exposure of individuals, families and communities to violence, exploitation, abuse and/or rights violations.

Further, circumstances change over time and differ throughout the phases of the migration process, and migrants are not vulnerable per se, but as a result of the constellation of factors affecting them at a particular time and in a particular place. An individual who has experienced trafficking for labour exploitation may escape the situation, recover and become an empowered advocate for the rights of trafficked persons. A family that has experienced a period of vulnerability can develop and implement strategies to improve their situation and reduce vulnerabilities over time. Communities that were once prosperous, with strong social networks, can become more vulnerable over time due to changes to overall economic conditions or the proliferation of organized crime. Assessing or predicting the vulnerability of individuals, households or groups therefore requires a holistic evaluation of the risk and protective factors of their circumstances, and the resources at their disposal.

### **Implications for policy and programming**

A comprehensive understanding of vulnerability has clear implications at policy and operational level, as it demonstrates the need for holistic responses aimed at reducing the vulnerability of individuals, families, communities and/or groups to violence, exploitation, abuse or rights violations through consideration of the risk and protective factors at each level and at all stages in the migration process.

#### ***Addressing the integration continuum***

The successful integration of migrants depends largely on addressing the vulnerabilities that they may be prone to before departure and the potential risks they face upon arrival. This entails concrete actions such as ensuring access to health care and facilitating employment by proposing innovative forms of vocational training, skills assessment and qualification of foreign credentials. Policies and programmes should see integration as a process that begins before migrants' departure and extends well after their arrival. This process involves multiple stakeholders, ranging from private sector actors to local authorities in receiving countries. Private sector entities play a crucial role, not only as employers of migrants, but also as knowledge partners and key actors in the enforcement of legal obligations regarding the protection of migrants' human and labour rights. Local authorities and city planners are also important partners in addressing vulnerabilities. There is increasing demand for proper support and information-sharing to enhance their capacity to assess and meet the needs of new arrivals. Addressing challenges early on and in a concerted manner is helpful in overcoming the obstacles to gainful employment, health care, including psychosocial support, and other relevant services.

#### ***A holistic approach for sustainable results***

At the individual level, migrants who are vulnerable to or have experienced violence, exploitation, abuse or rights violations require responses that directly address their immediate needs, as well as ones that address the particular constellation of risk factors that contribute(d) to their vulnerability. Suitable responses could include, inter alia, access to appropriate accommodation; physical and mental health services, care and treatment; documentation, legal and consular assistance; education, skills development and training; and livelihood and income-generation opportunities. Addressing risk factors should be understood along a continuum, with some risk factors more amenable to immediate solutions (e.g. temporary shelter, vaccination against preventable diseases), some to more medium-term solutions (e.g. improving educational attainment), while others may require longer-term or even lifetime efforts.

At the household level, a holistic response requires understanding the position of the individuals within the household, and addressing any household factors that contributed to their vulnerability. Responses could include family tracing and assessment; best interest determinations; family reunification; improving abilities to provide for children in a fair and equitable manner; improving abilities to provide for the care and maintenance of elderly and disabled household members; livelihoods and income-generating opportunities; support services for families left behind; and alternative care arrangements. Household level interventions may also require shorter- or longer-term approaches, depending on the particular risk factors being addressed.

Community-level programming tends to require medium- to longer-term approaches, as addressing community risk factors typically requires changes to broader social, economic, environmental and cultural factors. Programmatic interventions could include efforts to ensure that community members view women and girls as full and equal participants in the cultural, social, economic and political life of the community; that community members and leaders encourage full and equal participation of boys and girls in education; that communities encourage and support safe migration processes; and that communities have the skills, knowledge and resources necessary to adapt to, mitigate and reduce the effects of climate change and environmental degradation.

At the structural level, programming aimed at reducing migration-related vulnerability could include efforts to reduce structural inequalities and discrimination (i.e. policies that facilitate access to affordable health services for migrants, social protection mechanisms in place for migrants and their family members); to improve the rule of law and the respect for human and migrant rights; and to ensure that appropriate migration governance frameworks, policies and practices are in place and implemented. Such responses tend to be longer-term, and require the leadership and participation of national governments and regional or international institutions.

Migrants' circumstances can quickly change in a number of ways. Appropriate programmatic responses to situational factors are varied and context-specific. One example of responses to situational factors is the counter-trafficking in crisis approach. Anecdotal evidence indicates that counter-trafficking responses need to be provided at the very onset of a crisis, even before victims have been identified, in order to prevent particularly vulnerable groups from being exposed to risks of trafficking, exploitation and abuse, by providing alternatives to negative coping strategies and by joining responders' efforts.

### ***Improved coherence and capacity***

The broad adoption of a comprehensive approach to migrant vulnerability would complement existing, and significant, efforts to protect migrants while, at the same time, closing the gap between protection afforded to recognized categories of migrants and protection afforded to those who are experiencing violence, exploitation, abuse and/or rights violations, but are not within protected classes. This would more fully address the human rights of migrants, as it would enable the full protection of their rights

regardless of their migratory or other status. Further, it would enable appropriate preventive measures, as this approach is designed not only to address protection risks once they have occurred, but to better understand and address vulnerabilities before they arise.

Over time, implementation of programmes based on this model would serve to enhance the evidence base on migrant vulnerability, as the collection and analysis of data on individual, household, community, structural and situational variables would facilitate a better understanding of what factors are in fact associated with vulnerability, and how these factors may vary across regions and in different contexts. Such knowledge would empower the international community, national governments and migrants themselves to take appropriate steps to ensure the well-being of migrants, their families and their communities.

A general acceptance of this approach would allow humanitarian and development actors to best leverage their comparative advantages in protecting and assisting migrants. For example, organizations and agencies with social protection capacities could focus on programming aimed at addressing vulnerabilities related to individual and household factors, while agencies with development expertise could focus on interventions aimed at increasing communities' resilience to migration-related exploitation and abuse. Rights organizations could work to ensure that the rights of migrants are recognized and upheld, and humanitarian actors could ensure that the dynamics between human-made and natural disasters and migration crises are better understood and that the needs of all persons affected by crises, including migrants, are addressed in line with their rights.

#### ***Improved policy and international cooperation***

States, regional bodies, and international bodies are all currently affected by and concerned with the challenges associated with today's large-scale migration flows. A shared, comprehensive, and coherent approach to understanding the root causes, the push and pull factors, and the rights-based, effective and sustainable responses to migration would enable all actors to develop more effective policy and cooperation at the national, regional and international levels.

### **Conclusions**

When developing policies and protection frameworks at the national, regional and global levels, consideration needs to be given to what individuals, families, communities or groups of migrants are vulnerable to in a specific context, without focusing exclusively on recognized categories of vulnerable migrants. Therefore, when assessing or predicting the vulnerability of individuals, households or groups, States should always adopt a holistic evaluation of the risk and protective factors of their circumstances, and the resources at their disposal. Further, responses should differ, distinguishing between the needs that require an immediate short-term response and those that require prevention and long-term consideration, and resources should be directed to meet both kinds of needs, without leaving aside structural and long-term problems.

While looking at the specific needs of certain categories of migrants, such as children, those suffering from illness and trafficked migrants, it is essential to recognize in the global compact for safe, orderly and regular migration how to address the situational factors that make migrants vulnerable and to look at ways to increase resilience and empower migrants.

Solving structural vulnerability requires not only clear policies and frameworks, but their full implementation and monitoring. Responding effectively to the immediate needs of vulnerable migrants

demands appropriate programmatic responses and distribution of tasks. For that reason, increasing cooperation and coherence, building national and regional responses for a shared and comprehensive approach that addresses the root causes of vulnerabilities is key.

There is a need for specific policy and practical schemes to prevent and reduce the exploitation of vulnerable migrants. The role of diasporas, the private sector, civil society, health personnel, schools and local institutions in these efforts should be acknowledged and increased. States and key partners should promote the role of integration, inclusion, access to health services, education and linguistic and cultural skills as a means to reduce vulnerabilities.

Finally, coherent, whole-of-system approaches are needed to address today's migration challenges. There is a particularly acute need to face the fact that many migrants suffer from violence, exploitation, abuse and rights violations during their migration processes, and they need protection from further mistreatment and assistance in recovering from their experiences. IOM proposes an integrated and comprehensive approach to meet these challenges and to improve the capacity of the international community as a whole to work towards the same goal: safe, orderly and regular migration for the benefit of migrants and society. It aims to provide States, policymakers and regional and international forums with an appropriate framework for analysis, policy and programmatic responses as well as, over time, an increasingly comprehensive evidence base in which to embed such policy and cooperation efforts. In particular, this approach aims to inform the development of the global compact on migration, in its efforts to ensure safe, orderly and regular migration.

Selected further reading:

- [Summary of Conclusions of the IDM workshop held in New York, 18-19 April 2017](#)
- [IOM Thematic Paper: Protection of Human Rights and Vulnerable Migrants](#)
- [IOM Thematic Paper: The Health of Migrants](#)
- [IOM Thematic Paper: Integration and Social Cohesion](#)
- [IOM Thematic Paper: Family reunification](#)
- [IOM Thematic Paper: Migrants in Countries in Crisis](#)
- [IOM Thematic Paper: Climate Change and Environmental Degradation](#)
- [IOM Thematic Paper: Migration Risk & Resilience in the Context of Disaster](#)