

## Migrants Caught Up in Disasters

### The Nansen Initiative's contributions to the MICIC Initiative

#### Introduction

Human mobility across international borders in the context of disasters associated with natural hazards takes many different forms. People affected by a disaster in their country of origin may be displaced across borders and forced to seek protection and assistance in another country. Internally displaced persons may decide to migrate abroad if they feel that recovery is slow or ineffective and moving to another country would provide them with better opportunities. Migrants who were abroad at the time of a disaster in their country of origin may have good reasons to not have to return there until recovery takes place.

Another particular situation is that of migrants caught up in a disaster while they are abroad. In the event of a disaster striking a country or a region as a whole, contemporary migration and displacement dynamics mean that with all likelihood there will be migrants within the country at the time of a disaster who may be directly or indirectly affected by the event and in need of assistance and protection.

#### Recommendations from Nansen Initiative Consultations Relevant to the MICIC Initiative

On 13 October 2015, 114 government delegations endorsed the Nansen Initiative “Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change” (Protection Agenda).<sup>i</sup> The Protection Agenda does not directly address the needs of foreigners caught up in a disaster while abroad because this topic is addressed within the Migrants In Countries In Crisis (MICIC) Initiative (discussed below). However, during intergovernmental Regional Consultations undertaken by the Nansen Initiative that contributed to the Protection Agenda, participants in Central America and Southeast Asia expressed concern about the specific protection concerns that arise for such migrants residing in or transiting through a disaster-affected country. Concerns raised included: accessing humanitarian assistance, receiving consular services, negotiating a release from employment, facilitating departure and safe passage including for those in an irregular situation, and ensuring support for repatriation, noting in particular the risks for undocumented migrants.

In particular, participants at the Central American Regional Consultation “expressed concern about the protection needs of migrants caught up in disaster situations” and recommended taking steps to “Ensure all migrants have access to humanitarian assistance and protection in disaster situations, as well as consular services from their country of origin.”<sup>ii</sup>

Participants at the Southeast Asia Regional Consultation also made a number of relevant recommendations regarding migrants caught up in disaster situations:

- Building upon the Cebu Declaration, ASEAN Member States should affirm the basic humanitarian principles for all migrant workers affected by disasters, regardless of their status, and

develop bilateral or regional standard operating procedures for addressing the needs of migrants abroad in disaster contexts.

- Sending countries of migrants affected by disasters in a receiving country should develop public policies on assisting and protecting such persons, and in particular the means to locate persons abroad, facilitating access to consular services, and providing support for safe return.
- Receiving countries when affected by disasters should provide access to emergency assistance for migrants regardless of their status, allow for and facilitate voluntary departure, and ensure safe passage.
- Receiving countries are encouraged to temporarily refrain from deporting migrants from countries seriously affected by disasters.
- Consider the creation of an ASEAN migrant relief network at the regional level to help raise resources and finance relief efforts in disaster situations.
- Countries are encouraged to ratify relevant international instruments or conventions to protect migrants such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.<sup>iii</sup>

### **The MICIC Initiative and the Nansen Initiative: A Relationship of Complementarity**

The MICIC Initiative is a government-led effort, to improve the ability of States and other stakeholders to prepare for and respond to the needs of migrants caught in countries experiencing crises, whether as a result of conflict or natural disaster, including by protecting their rights and dignity and alleviating suffering. The ultimate goal of the MICIC Initiative is to develop a set of non-binding principles, guidelines, and effective practices, as well as delineate roles and responsibilities of different actors including States of origin, destination and transit, international and non-governmental organizations, employers and recruiters, diaspora and migrants, and other relevant stakeholders. The outcome document will not affect existing legal obligations, frameworks, and mechanisms.

Similarly, the Nansen Initiative is a state-led consultative process to build consensus on how best to address cross-border disaster-displacement. To achieve this, the Nansen Initiative undertook a series of intergovernmental Regional Consultations and civil society meetings in the Pacific, Americas, Europe, Africa, and Asia that led to the October 2015 Global Consultation in Geneva, where government representatives endorsed the Protection Agenda which identifies a series of effective practices as well as priority areas for action.

While the Nansen Initiative focuses on cross-border disaster-displacement, the above recommendations illustrate the interest of countries in some regions to explore other aspects of cross-border mobility, including the situation of migrants caught up in a disaster abroad. Therefore, the MICIC Initiative has been in close contact with the Nansen Initiative since its inception. Such coordination is facilitated by the fact that several members of the MICIC Working Group (Philippines [MICIC Initiative co-chair], as well as Australia, Bangladesh, and Costa Rica) are also members of the Nansen Initiative's Steering Group, while IOM (a member of the MICIC Working Group and the MICIC Initiative Secretariat) is also a standing invitee to the Steering Group.<sup>iv</sup>

The Nansen Initiative regards the MICIC Initiative as the appropriate mechanism to develop the guidance that is needed to effectively protect and assist migrants suddenly ending up in a vulnerable situation because the country in which they are located is in an acute crisis due to a disaster. In order to build effective synergies between the two initiatives, the Nansen Initiative stands ready to continue to share information and closely cooperate with the MICIC Initiative in areas of common interest.

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i See the Nansen Initiative Global Consultation, <https://www.nanseninitiative.org/global-consultations/>.

ii See the Nansen Initiative Central American Regional Consultation Summary of Conclusions at <https://www.nanseninitiative.org/central-america-consultations-intergovernmental/>.

iii See the Nansen Initiative Southeast Asia Regional Consultation Summary of Conclusions at <https://www.nanseninitiative.org/south-east-asia-consultation-intergovernmental/>

<sup>iv</sup> The other members of the MICIC Initiative Working Group are the United States (MICIC Initiative co-chair), Ethiopia, European Commission, the Office of the United Nations Secretary General's Special Representative on International Migration, UNHCR, the International Centre for Migration Policy Development (ICMPD) and Georgetown University's Institute for the Study of International Migration (ISIM).