

BACKGROUND PAPER

Migrants in Countries in Crisis Initiative

IGC Plus Consultation

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Table of Contents

1. BACKGROUND	4
2. MIGRANTS CAUGHT IN CRISIS SITUATIONS	6
3. MIGRANT-SPECIFIC VULNERABILITIES IN CRISES	7
4. LEGAL PROVISIONS FOR MIGRANTS CAUGHT IN CRISES	9
5. PHASES OF A CRISIS FOR INTERVENTION.....	10
6. MAIN AREAS FOR POLICY ACTION AND COOPERATION	12
7. CONCLUSION.....	16
ANNEX 1: STAKEHOLDERS.....	18

1. BACKGROUND

Over the past ten years, the world has witnessed a number of natural disasters and conflicts, including the 2011 crisis in Libya, Hurricane Sandy in the United States, the Tohoku earthquake and tsunami in 2012, and the on-going civil conflict in the Central African Republic, in which migrants have been among those seriously affected. 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. Moreover, as nearly all States host some kind of migration population, the issues are relevant for all States, regardless of levels of development. When a crisis hits, migrants may lack adequate means to ensure their own safety and can “fall through the cracks” because migrants may 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.

A number of calls have gone out to develop better ways to address the effects of these kinds of crises on migrants. Among these were the Special Representative of the United Nations Secretary General (SRSG) for International Migration, Peter Sutherland, calling on countries to collaborate and develop an approach on migrants caught in crisis; the International Organization for Migration dedicating the International Dialogue on Migration in 2012 to this theme and developing a Migration Crisis Operational Framework¹; and the United States devoting its 2010-2011 chairmanship of the Intergovernmental Consultations on Migration, Asylum and Refugees to the theme of Humanitarian Responses to Crises with Migration Consequences. Discussions during the 2013 UN High Level Dialogue on International Migration and Development touched on the need for an initiative to address the impact of these acute crisis situations on migrants. The time is right for the international community to come together through a voluntary, bottom-up and State-led consultative process to address the impacts of these kinds of crises on migrants, and their home and host communities by better preparing for and responding to crises and protecting the rights and dignity of migrants.

IOM’s background paper for its 2012 International Dialogue on Migration (IDM) on this issue 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.”²

IOM has further noted that when protection and assistance in situ cannot be guaranteed, the return

¹ <http://www.iom.int/cms/mcof>.

² <http://www.iom.int/cms/idmmigrantsincrisis>.

or evacuation of migrants to their countries of origin may sometimes be the best available way to ensure their safety and well-being 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.

A small working group of governments (Philippines, United States, Australia, Bangladesh, Costa Rica, Ethiopia, and European Commission) partnering with IOM, UNHCR, Georgetown University's Institute for the Study of International Migration,³ and the office of the SRSG is working over the next 18 months to 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 end up in vulnerable circumstances in a country in acute crisis. In undertaking this endeavor, the working group is well aware that national governments bear significant responsibility for the safety and welfare of their citizens, even when those citizens are traveling, residing or working abroad.

The aim of the initiative 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 types of responsibility towards migrants caught in countries in crisis and the relationship between them will be important. This would include roles of States (host, origin, neighboring) as well as between States, international organizations and other stakeholders (employers, NGOs, migrant's associations, etc.).

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 the work. Countries may choose to apply the outcomes of the initiative to a broader array of situations within their own countries.

This paper and consultation will explore the unique situation of migrants when their destination countries experience crises. It will consider different scenarios of migrants stranded in crises; migrant-specific vulnerabilities in crisis situations; responsibilities of home and host countries and other actors; and areas of action for policy and international cooperation. For the purpose of this paper, the term "crisis" encompasses natural disasters as well as conflicts (i.e. internal and international armed conflict and situations of civil unrest). The paper places emphasis on the conditions of vulnerability and need generated by a crisis. Nonetheless, it recognizes that there are important differences between conflicts and natural disasters, especially in terms of security,

³ For ISIM's research on these specific issues, see "On the Margins: Noncitizens Caught in Countries Experiencing Violence, Conflict and Disaster," <http://jmhs.cmsny.org/index.php/jmhs>. To peruse ISIM's broader work on the topic of Crisis Migration, visit <http://isim.georgetown.edu/crisis>.

breakdown of authority and institutions, and access to affected populations. Likewise, a crisis goes beyond the acute “emergency”. This paper therefore also considers pre-crisis and post-crisis/recovery phases in analyzing the consequences of crises for migrants and their countries and communities of origin, transit and destination. Accordingly, this paper draws attention to cases in which countries of origin receive large numbers of migrants returning from a crisis-affected country, and the economic and social reintegration challenges that may ensue.

2. MIGRANTS CAUGHT IN CRISIS SITUATIONS

When a crisis occurs, migrants may become particularly vulnerable, either in their country of destination which is experiencing the crisis, or in another country where they may have sought refuge. Such migrants are typically in need of protection and assistance. Several possible scenarios arise⁴:

- i. migrants may be affected by the crisis in the country in which they are present, but *unable* to access humanitarian assistance, mostly due to legal, political or practical barriers (e.g. lack of awareness of existing services, language barriers, lack of financial resources and information, lack of travel or other documentation or proof of nationality, fear of arrest, discrimination, etc.);
- ii. migrants may be affected by the crisis and *unable* to leave the crisis zone to seek safety elsewhere, mostly due to legal, political or practical barriers (so called “trapped populations”);
- iii. migrants may be affected by the crisis, but *unwilling* to leave a potentially dangerous situation, typically for fear of losing employment and assets or of arrest and deportation or of being barred from returning to the country or their place of work after the crisis subsides;
- iv. migrants may be affected by the crisis in the country in which they are present and become internally displaced;
- v. migrants may be affected by the crisis and cross an international border to seek safety in a country which is not their country of origin;
- vi. migrants may be affected by the crisis and return to their country of origin on their own;

⁴ Based on the IOM International Dialogue on Migration 2012, Background Paper “Protecting Migrants During Times of Crisis: Immediate Responses and Sustainable Strategies”, www.iom.int/cms/idmmigrantsincrisis.

- vii. migrants may be affected by the crisis and be evacuated to their country of origin by the authorities of the country of origin, by private actors such as employers, or through international assistance;
- viii. migrants may be exploited, targeted or discriminated against, as a result of anti-migrant sentiments, religious or ethnic dimensions of a conflict, or the breakdown of law and order during a crisis;
- ix. migrants may be exploited or targeted by illegal and/or dangerous trafficking groups and criminal networks in attempting to secure their own safety; and
- x. persons in need of international protection (e.g. asylum seekers and refugees), including those without official status, may be affected by the crisis and be unable or unwilling, owing to a well-founded fear of persecution to return to their country of origin.

3. MIGRANT-SPECIFIC VULNERABILITIES IN CRISES

Migrants, like the rest of a population affected by a crisis, will likely face considerable hardship, distress and violence. However, recent experiences of major crises have highlighted certain vulnerabilities that are specific to migrants, giving rise to specific assistance and protection challenges. As a result, humanitarian response systems may need to be strengthened or complemented with other measures to assist and protect migrants in times of crisis. The impact of crises on migrants should be seen as a continuum: from vulnerabilities affecting migrants before a crisis erupts, to specific issues during the height of a crisis, to challenges that reverberate after the emergency phase has passed. Some aspects of vulnerability stem from “being a migrant” (e.g. legal, social and other challenges associated with being a migrant), others derive from the crisis situation while yet others relate to the pre-existing and underlying nature of the environment in the country in crisis.

Important vulnerabilities stem from, among others:

- **Lack of respect for migrants’ human and labour rights.** When the human rights of migrants are not adequately protected *before* a crisis, migrants’ vulnerabilities may be exacerbated during crises. For instance, when employers take away a migrant’s passport or other documents, the person’s ability to leave the country or access consular assistance and evacuation procedures will be seriously hampered. Where migrants’ wages are withheld, migrants may have no financial means to leave the crisis zone (and return home, for example) or simply cannot afford to forfeit the wages that are due to them. Illicit practices by recruitment agencies, for example, owing debt to a recruiter may limit migrants’ ability to leave or otherwise protect themselves during a crisis. Access to safety during crises may be further compromised for those already experiencing extreme human rights violations, such as

trafficked persons and exploited migrants.

- **Migrants' working conditions.** Closely related to the above, certain work place or working conditions result in additional vulnerabilities. Factors such as isolated working conditions (as often experienced by migrant domestic workers, especially women, or work in remote areas) and the nature of work permits create additional challenges in ensuring protection and assistance for migrants.
- **Migrants' legal status.** Migrants in an irregular situation are particularly vulnerable and may be de facto excluded from receiving humanitarian assistance, for example if they are not registered by the country of origin or by the country which is experiencing a crisis, or because they will not report to relevant authorities for fear of repercussions. Special consideration in this regard will be needed, for example, for refugees, asylum seekers and stateless persons, given that dedicated legal regimes apply to them and return to the country of origin is not a possibility.
- **A climate of discrimination or xenophobic attitudes towards migrants.** Climates in which migrants are already discriminated against are also likely to complicate migrants' access to assistance. Where a crisis provokes a breakdown of law and order, or has an ethnic dimension, migrants may become victims of targeted attacks.
- **Restrictions on mobility.** Various physical and legal barriers can prevent migrants from leaving areas affected by crisis. Barriers may arise from the nature of a migrant's workplace (e.g. domestic work) or from emigration/immigration rules (e.g. restrictions such as exit visas or fees imposed on leaving a country or entering another one).
- **Practical/informational barriers.** Migrants may experience language barriers and can lack access to information and services (e.g. in relation to assistance, emergency shelters, evacuation procedures, or diplomatic and consular channels).
- **Exclusion of migrants from crisis preparedness and contingency planning.** In general, relevant preparedness plans and training of personnel do not take into account the presence of migrants. A lack of data about migrant numbers and their whereabouts compounds this problem.
- **Longer-term socio-economic vulnerabilities.** Considering that a vast majority of migrants migrated for work, the impact of a crisis on the livelihoods of migrants must be taken into account. Some migrants may return or be evacuated to the country of origin, resulting in a sudden loss of income, assets, and employment for the migrant and his or her family or community who may have depended on remittances. This vulnerability can influence a migrant's decision-making and ability to seek assistance during a crisis. The income and

livelihood of migrants (and typically entire families or communities) might solely depend on their earnings in the country of destination. Where migrants must suddenly return to their home countries, they might return to unemployment and indebtedness (such as fees owed to a recruitment agent). The resulting psychological pressure as well as the economic and social repercussions for migrants, communities and entire countries should not be underestimated.

Lastly, migrant-specific vulnerabilities may of course combine with other vulnerabilities related to **gender, age or health**, among other factors, which may aggravate their situation in times of crisis.

These scenarios may combine and overlap and the same migrant may find him- or herself in several of the described situations during the course of a crisis. In addition, different categories/types of migrants experience crises differently, depending on their own individual capacity to seek safety and the capacity of their country of origin to assist them.

Countries of destination are also vulnerable to socio-economic consequences as a result of the impact of a crisis on migrants. Labour market gaps may arise where migrants have left posts, with the potential for the non-delivery of essential services e.g. in the health sector. This can hamper post-crisis recovery or in some cases may produce another crisis, such as food shortages as traders and/or producers leave a country. Similarly, the manifestations of a crisis (e.g. insecurity, violence, lack of goods and services, etc.) or the modes and routes used to flee a situation can pose additional threats to the dignity and wellbeing of migrants, as they do for nationals affected by a crisis.

4. LEGAL PROVISIONS FOR MIGRANTS CAUGHT IN CRISES

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 duty to ensure protection and assistance for migrants caught in crises therefore rests with the host State, the State of transit to which a migrant may have fled, and the State of origin which has responsibilities for its nationals even when abroad. Depending on the type and scale of a crisis, the breakdown of national institutions and capacities, security, and diplomatic relations may severely impede the ability of States to provide adequate assistance and protection.

International law is relevant for the protection of migrants, including in times of crisis: first and foremost, all migrants, irrespective of their status, are entitled to the full protection of their human rights. With very few exceptions, these rights may not be abrogated, even in times of crisis. In cases of armed conflict, international humanitarian law also applies to migrants: the most relevant provisions include the principle of distinction between civilians and combatants, the right of migrants to leave the country in conflict, the prohibition of forced transfers, and departure arrangements. While the Guiding Principles on Internal Displacement do not explicitly

identify/recognize migrants or non-nationals, given the broad and inclusive intent of this document, which has its basis in human rights and humanitarian law, it can be argued that migrants are encompassed in the Guiding Principle's definition of "persons who have been forced or obliged to flee or to leave their homes or places of habitual residence". Questions do remain however, as to whether 'temporary' migrants such as tourists and business travelers as well as non-resident migrant workers are covered.⁵ In addition, international labour law, and in particular the Convention on Domestic Workers, is directly relevant. Another critical mechanism in this context is consular assistance: consular services, such as the provision of travel documents and *laissez-passer* and repatriation, are the principal avenues through which countries of origin can protect their nationals abroad.⁶ Lastly, established protection frameworks for specific categories of individuals — such as refugees/asylum seekers/Stateless persons and trafficked persons — must also be observed in times of crisis. Nonetheless, it should be noted that there is no single dedicated legal framework that ensures comprehensive protection for migrants caught in crises.

5. PHASES OF A CRISIS FOR INTERVENTION

In view of the vulnerabilities and protection challenges associated with the situation of migrants caught in countries in crises examined above, several considerations emerge for policymakers and international cooperation: firstly, interventions are required in the "before", "during" and "after" of a crisis.

- **Pre-crisis.** The extent and soundness of the policies, programs, practices and structures that are in place prior to a crisis will affect the ability of States to respond to the needs of migrants during a crisis. For example, countries of origin that have records to enable identification of migrants will be better able to target their assistance in crisis. Additionally, the greater the extent of existing policy coherence (i.e. the extent to which migration and development have been integrated into national policy frameworks and more specifically, emergency response arrangements) the better prepared States will be to assist migrants caught in crisis. A range of preparedness measures are essential to smooth responses during crises and should cover the perspectives of States including countries of origin, host and /or transit country as well as

⁵ According to Roberta Cohen, "[t]ourists and other visitors, and also migrant workers were not intended to be included [under the parameters of the Guiding Principles] since they come to a country 'temporarily' and can return home". See Roberta Cohen, "Lessons Learned from the Development of the Guiding Principles on Internal Displacement", available at: www.brookings.edu/~media/research/files/papers/2013/10/guiding%20principles%20cohen/lessons_learned_gps_cohen_oct2013.pdf.

⁶ The right of countries to exercise these responsibilities is enshrined in the Vienna Convention on Consular Relations, which recognizes that one of the principal consular functions is "helping and assisting nationals, both individuals and bodies corporate, of the sending State" (Article 5).

other stakeholders.

- **During crisis.** States and, where necessary, other relevant stakeholders should ensure that migrants have access to the same life-saving assistance and protection available to citizens. Targeted actions may be needed to overcome specific obstacles faced by migrants.
- **Post-crisis.** Whether migrants remain in the country which experienced the crisis, move on to another country, or return to their home country, migrants continue to face challenges ranging from issues relating to their basic needs, including medical aid, health and psychosocial consequences of their experiences, vulnerability to violence and exploitation, debt, loss of livelihoods, and reintegration challenges.

In addition to the direct consequences of the crisis, States may also be affected indirectly. Where a crisis results in significant numbers of migrants leaving a country, the host country may experience a loss of (skilled and unskilled) labour, exacerbating the effects of the ongoing crisis (e.g. shortage in food supplies as a result of producers/merchants leaving). Should the migrants fail to return, such situations have the capacity to create significant obstacles to post-crisis stabilisation.

Large numbers of migrants returning to countries of origin may have negative implications, in particular where States are unprepared or unable to assist returning migrants. Returning migrants may create additional pressures on both public and private services, for instance by increasing rent prices due to higher demand, potentially further pressuring job markets and possibly lowering wages, increasing demand for food, water, and services such as education and training. Such pressures have the potential to engender friction between communities accommodating returning migrants, and all the more so if programmes are put in place to assist returning migrants without recognition of the effect on others in the community.

Therefore, migrants and migration need to be factored in pre-crisis preparedness, emergency response, and post-crisis recovery, reconstruction and transition. In addition, different actors are implicated in the situation of migrants caught in crisis and have differential responsibilities in resolving their plight. While countries of origin, transit and destination are primarily responsible for protection and assistance, the role of employers, recruiters and other private actors should not be forgotten. International organizations may be involved in the context of larger humanitarian responses or in facilitating the logistical coordination and international cooperation necessary for evacuation efforts. Finally, repercussions are felt far beyond the initial emergency, both in space and time: sustainable strategies are needed to support migrants and those who depend on them, including in countries of origin, when employment has been lost, especially when it is the main source of income. Where countries of destination had relied on migrant workers for important sectors of the economy, such as health care or construction, their sudden departure in a crisis may mean the loss of essential skills and labour which can hamper reconstruction efforts.

6. MAIN AREAS FOR POLICY ACTION AND COOPERATION

The main areas for policy action and cooperation include:

- *Preparedness and contingency planning:* consideration of migrants, their needs and vulnerabilities more systematically in preparedness efforts at national, regional and international levels. This applies to both countries of origin and destination, as well as to different types of crisis such as conflict, natural disasters or health emergencies. A lack of information about the size, location, composition of a migrant population in a country and mechanisms to reach migrants in the event of a crisis, for example, can severely impede effective responses in an emergency. Population tracking tools, such as IOM's Displacement Tracking Matrix, could be considered to respond to the need to map migrant populations.⁷ Some countries with large numbers of nationals abroad have set up emergency funds to assist migrants caught in crises in their countries of destination.⁸ Preparedness at a regional level could benefit from the development of specific, migrant-oriented early warning systems. A Memorandum of Understanding on the protection and evacuation of Korean nationals during crises recently concluded between the Republic of Korea and IOM is an interesting example of an effective preparedness measure. Finally, the role of migrants and migration should also be factored in disaster risk reduction and disaster risk management strategies at the regional, national and local level. In the preparations for the Hyogo 2 Framework on Disaster Risk Reduction, to be adopted at the 3rd UN World Conference on DRR in March 2015, clear references have been made to the specific vulnerability of migrants to natural hazards, as well as to the need for local authorities to specifically involve them in disaster risk management efforts in order to promote a whole-of-society approach to risk reduction.
- *Reduction of risks associated with migration:* the protection of migrants' rights starts with ethical recruitment practices. The International Recruitment Integrity System (IRIS), a voluntary accreditation system for recruitment intermediaries and employers⁹ developed by IOM, is a promising new development in this regard. At the level of the individual, preparedness efforts include potential pre-departure orientation for migrant workers on available assistance and procedures in a crisis. Better training and preparation of migrants before leaving their country of origin can help them make informed decisions in the event of a crisis. More recently, micro-insurance schemes for migrants and their families have proved beneficial in mitigating some of the risks entailed by migration, including potential medical, repatriation or other costs in a crisis event.

⁷ www.iom.int/files/live/sites/iom/files/What-We-Do/docs/DOE-Infosheet-DTM-v2-1.pdf.

⁸ IOM Council Resolution No. 1229 of 5 December 2011 establishing the Migration Emergency Funding Mechanism is one example of the recognized need of States for more immediate and reliable responses to the migration realities flowing from modern-day crisis situations.

⁹ <http://iris.iom.int/>.

- *Consular assistance*: as the primary mechanisms through which countries of origin protect their nationals in other countries, the capacities of consular services to respond in emergencies need to be strengthened. One of their principal functions is the replacement of lost travel documents and provision of *laissez-passer* for migrants to be evacuated to their home countries. Consulates need to maintain up-to-date records on their nationals resident in a country and be able to disseminate information about the assistance available to nationals when a crisis strikes. New technologies are opening up more effective channels to establish contact and disseminate information to migrants before and during crises, including social media mobile phone technology and multilingual broadcasting to communicate with their nationals abroad. Where countries do not have the capacity to maintain a network of consular services, bilateral or regional partnerships between States, as concluded among ASEAN countries, for example, have allowed countries to share consular responsibilities and to extend services to nationals of other States. Also, consulates tend to be located in capitals or major cities, but should anticipate that emergency consular services are often required in different parts of the country or in border regions.
- *Protection and assistance in situ*: during a crisis, all migrants are entitled to non-discriminatory access to aid, such as shelter, food and water, and health care. National civil protection or disaster response mechanisms should take into account migrant populations and potential barriers they may face in accessing assistance (for instance due to irregular status or language barriers). At the international level, the cluster system of the Inter-Agency Standing Committee has developed strategies to reach out to migrants and address their specific needs.
- *Protection and assistance through referral*: humanitarian responders need mechanisms to identify those with particular needs and vulnerabilities, such as unaccompanied minors and victims of trafficking. Effective referral systems are particularly essential when dealing with large-scale, “mixed flows” and should, for example, ensure due referral of refugees, asylum-seekers and Stateless persons to relevant authorities or agencies to avoid compromising protection, access to asylum and non-refoulement guarantees.
- *Admission and border management systems in crises*: countries need to be prepared for the potential influx of persons fleeing crises from a nearby or neighbouring country, including many who do not qualify for refugee protection. Mechanisms, such as temporary admission and protection, may be required to prevent the stranding of a large number of people at a border. When crises strike, border posts may be confronted with extraordinary, protection-sensitive migration movements. When appropriately trained and equipped, border authorities can play a crucial role in assessing individual needs for emergency care, referring vulnerable migrants to appropriate authorities and humanitarian actors, while at the same time protecting border security and identifying the risks for smuggling and trafficking across borders of arms, drugs and persons. This underscores the importance of building the capacity of border management agencies (immigration, police, customs, quarantine and armed forces)

to put in place Humanitarian Border Management¹⁰ mechanisms to respond to humanitarian crises and mass movements. Where they exist, regional agreements for the movement of people can facilitate the return of affected individuals to their home countries.

- *Evacuation and international migration assistance:* humanitarian evacuation to home countries is sometimes the only reliable protection mechanism available for migrants caught in crises, and a way to avert more severe humanitarian consequences. A critical condition is that non-refoulement guarantees are respected and individuals are not returned to situations where they may face persecution, torture or inhumane or degrading treatment. When States do not have the capacity or resources to evacuate their own nationals, international assistance may be needed. A contentious issue is the evacuation of non-national relatives/dependents (such as spouses who hold a different nationality). Evacuations can be large operations at a global scale which require high degrees of operational coordination between local and international humanitarian agencies, border management authorities, consular officials, military bodies, and private and commercial transport companies. The Libya crisis in 2011 and the ongoing conflict in Syria have highlighted particular challenges related to the issuance of documents and securing exit visas for migrant workers. The Comprehensive Guide for Planning Mass Evacuations in Natural Disasters – the MEND Guide¹¹ -- was developed in 2014 by several countries, national disaster management authorities and international organizations. Released by the Camp Coordination and Camp Management cluster, the MEND guide provides practical guidance, examples of best practices and a template to assist planning bodies at national, regional, municipal, and other levels – both urban and rural – in the development and/or refinement of evacuation plans in accordance with emergency management principles. It also seeks to bring together emergency planning needs and humanitarian considerations.
- *Health and psychosocial support:* a crisis experience is likely to take a heavy toll on a migrant's physical and emotional health, possibly exacerbating pre-existing conditions. Continuous medical attention is necessary, including travel health assistance in the case of evacuations, medical escorts or referral of vulnerable migrants to health services, including mental health. Ensuring continuity of care upon return can be particularly challenging when migrants' countries of origin lack adequate health care capacities.
- *Reintegration and longer-term support to returnees and communities:* where migrants return or are evacuated to their home countries, these countries often struggle to receive and reintegrate returnees socially and economically. Large-scale returns can overwhelm a country's capacity and resources to receive and reintegrate their nationals who often face unemployment, loss of assets, debt and emotional hardship. Families who had relied on remittances are suddenly left without income. Policy interventions could target the alleviation

¹⁰ IOM has recently developed a guidance note on Humanitarian Border Management to standardize its support to States before, during and in the recovery phase after a crisis.

¹¹ <http://www.globalccmcluster.org/tools-and-guidance/publications/mend-guide>.

of debt; provision of financial assistance, income generation projects and labour market insertion; provision of psychosocial assistance to returnees; and wider community development projects. The immediate introduction of creative measures to mitigate the impact of massive returns can alleviate pressures in the short term and contribute to longer term development prospects. An example is the innovative loan provided in 2011 by the World Bank to the Government of Bangladesh to provide repatriation and transitional assistance to over 36,000 Bangladeshi migrant workers who escaped the crisis in Libya. The assistance was provided directly to returnees by IOM, through a one-time cash grant to cover immediate basic needs and partial expenses associated with initial restoration of livelihoods.¹² Reintegration initiatives should try to differentiate between the needs of men and women, and those with families and those without. In some cases, private sector initiatives to generate employment, community-level reintegration strategies, or counselling for example by civil society organizations have contributed to repatriation and reintegration efforts but such actions tend to be sporadic and the responsibility of private actors in this regard is not clearly defined. Returning migrant children – who may in fact have never lived in the country of their parents – may have difficulty accessing education.

- *Migration for reconstruction, recovery and development*: many of those who return home, in fact, aspire to migrate again. Resolving the issue of migrants caught in crisis requires long term migration policies that go beyond crisis response, and development factors are inextricably bound up in any attempt to tackle the immediate and longer-term consequences of migrants caught in crises, for migrants as well as their families and communities. Facilitated mobility and the benefits of migration can contribute to restoring the livelihoods of migrants and their communities as well as promote the long-term recovery of a crisis-affected area. Cooperation between countries and with employers and recruiters could aim to ensure the payment of outstanding wages or the option to re-migrate, conditions permitting, to support the reconstruction effort.
- *Coordination is indispensable*: for example between States in sharing information, granting of consular access, affording temporary protection, or facilitating humanitarian border management to allow safe transit for populations fleeing crisis. Regional organizations can play an important role; the African Union, ASEAN, the Colombo Process, the European Union, the South American Conference on Migration, to the name a few, have jointly tackled consular questions and the development and security consequences of migration crises. Crises also challenge different authorities within a State to harmonize their actions, such as different government departments, embassies and consulates, local and national authorities, civil

¹² The World Bank's Emergency Repatriation and Livelihoods Restoration for Migrant Workers Project, 2011-2012, targeted 36,307 returnees. http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2013/03/28/000350881_20130328130041/Rendered/PDF/ICR25960P126260C0disclosed030270130.pdf.

defense actors, border and customs officials, and the military. In addition, migrant recruiters and employers are essential to efforts to ensure the rights and safety of migrant workers during crises, and there is scope for creative cooperation with the private sector, including in job creation for returned migrants. Closer coordination among international organizations, especially humanitarian, migration and development actors is essential, for instance, between IOM, UNHCR, OCHA and other non-governmental actors. IOM's Migration Crisis Operational Framework, taking a comprehensive and collaboration approach to addressing all phases of a crisis is of particular note in this regard, including the concurrent establishment of the IOM Migration Emergency Funding Mechanism by the IOM Member States in 2011 to guarantee more immediate and flexible responses to migration crises on the part of IOM.¹³ Finally, the media has a critical role to play as sensationalist reporting on the movement of people risks generating detrimental effects.

7. CONCLUSION

In an increasingly mobile and crisis-prone world, migrants will continue to get caught in the frontlines of conflict, be affected by natural disasters in their countries of destination, and fall between the cracks in established humanitarian assistance and protection systems unless dedicated and coordinated action is taken. The required assistance, protection and coordination efforts represent a challenge for countries hosting migrants and countries concerned about their nationals abroad alike. Comprehensive and lasting solutions will need to encompass migration, humanitarian, development and security dimensions. International agencies, including IOM, UNHCR, the Red Cross Movement and partners, are enhancing their cooperation and operational capacities to support States and migrants in addressing contemporary migratory challenges emanating from complex crises. Better planning and preparation pre-crisis, better coordination during crisis, and more dedicated attention to longer term development impacts can improve outcomes for migrants and host and home communities alike.

Through a process of broad and inclusive consultations, the MICIC initiative seeks to improve the ability, primarily of States and, where relevant, other stakeholders to effectively protect the dignity and rights of migrants caught in countries experiencing an acute crisis. It will compile a range of good practices in preparing for, responding to, and addressing longer-term consequences of such crisis situations, with a view to producing a set of non-binding, voluntary guidelines, which will set out principles, roles and responsibilities of different stakeholders vis-à-vis migrants in countries in crisis. To this end, the initiative will consider the full spectrum of measures and relevant stakeholders, encompassing elements of emergency preparedness, institutional capacities, humanitarian assistance and protection, and post crisis support. Where relevant, the initiative will

¹³ <http://www.iom.int/cms/mcof>.

consider links with the international refugee protection regime but it does not intend to alter existing practices in this area.

States: Principal responsibility for assisting and protecting migrants rests with States. Within each State, different branches of government will need to be involved in different stages and aspects of crisis planning and the response (e.g. foreign affairs, labour, consular officials, interior/home affairs, ministries charged with disaster risk reduction and management, diaspora affairs, overseas employment, security and border management, civil protection authorities, local administration, health authorities, etc.)

- The State in which a crisis is taking place has responsibility for all persons on its territory/under its jurisdiction.
- Countries of origin of migrants retain responsibility for their nationals even when they are on the territory of another State, including through consular assistance, and have responsibility to facilitate the re-entry of their citizens as well as to provide targeted information and assistance as necessary and upon request.
- Countries of transit also have a role to play. Migrants must often transit third countries in order to reach safety; therefore, humanitarian border principles, options for temporary entry and on-arrival assistance in these circumstances can be an important part of the response.

Regional institutions and cooperation mechanisms: including Regional Economic Communities (RECs) and Regional Consultative Processes on Migration (RCPs) may have a role in supporting States to develop responses including in relation to visa status issues and coordinated consular action: regional processes for cooperation and political or economic integration may have put in place regional visa-free movement regimes or consular agreements to allow citizens from the region to access consulates of any State party to such agreements.

International organizations and coordination mechanisms: Particularly when governments do not have the capacity to assist and protect migrants in countries in crisis, international organizations often play an important role. In a crisis context, international humanitarian response is coordinated through the **Inter-Agency Standing Committee (IASC)**. As part of its cluster system response to large-scale internal displacement, different international agencies, including the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR) among others, hold responsibility for different aspects of a response. States facing significant pressures are regularly assisted by IOM, at their request, to provide support to their nationals caught in a crisis abroad, and recently endorsed IOM's 15-sector Migration Crisis Operational Framework and the establishment of IOM's Migration Emergency Funding Mechanism to facilitate timely and comprehensive responses. In addition to its obligations under the cluster system, IOM's assistance in situations where migrants are caught in crises encompasses technical assistance for humanitarian border management; 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; organization of safe evacuations for migrants to return home; and reintegration assistance.

States also systematically resort to UNHCR for support in the protection of asylum-seekers and refugees on their territories, including those caught in the midst of a crisis in a country of asylum. In consultation with stakeholders, UNHCR developed its 10-Point Plan of Action for support to States and other stakeholders for addressing the identification, protection and solution needs for refugees in mixed migration flows. The application of *Temporary Protection and Stay Arrangements (TPSA) Guidelines* issued by UNHCR in February 2014 is directly relevant to mixed migration and crisis scenarios where populations are mixed and immediate assistance and protection needs take precedence.

Nonetheless, the situation of migrants in countries in crises is yet to be systematically integrated in humanitarian systems. The IASC operational guidelines on human rights and natural disasters, for example, mention migrants only in the context of documentation. Other international organizations play roles that may be relevant when preparing, building capacity for, and responding to situations in which migrants are caught in crisis (e.g. the International Labour Organization, the Office of the High Commissioner for Human Rights, the World Health Organization, the UN Office for Drugs and Crime, and the UN Children's Fund). The Inter-Agency Standing Committee (IASC) is a unique inter-agency forum for coordination, policy development and decision-making involving the key UN and non-UN humanitarian partners.

Employers, recruitment agencies and private sector: Many migrants are in a country in crisis as workers. As such, employers and recruitment agencies have a role to play, but their responsibilities towards a migrant in the context of a crisis are often not clearly articulated in law or in contracts. Most employment contracts do not cover issues that arise in crises, such as a responsibility to evacuate migrant workers. Some employers have a tiered system in place, with plans for evacuating only managers and professional staff members (who, in multinational corporations, are often from the country in which the company is domiciled), while leaving national staff and lower wage migrant workers to fend for themselves. Wages and other emoluments owed to employees may remain unpaid while employers strive to safeguard their assets, leaving migrants in debt and having to tap financial resources via banks, credit unions, micro-finance institutions and money transfer companies to remain in countries in crisis or pay for their return to and reintegration into countries of origin.

Other private sector actors: such as airline and shipping companies, mobile phone service and insurance providers can play important roles, for example, in evacuation of migrants from countries in crisis.

Civil society, including the Red Cross and Red Crescent movement, and workers' organizations:

International, regional, national, and local nongovernmental organizations often play a crucial role in assisting migrants in countries in crisis. This is particularly the case when crises displace large numbers of people, including migrants. Workers' organizations can act as a support network to help migrant workers be more prepared and less isolated should a crisis arise.

Migrants and members of the diaspora: Those with the greatest stake, and likely to be the first responders in crises, are the affected migrants themselves, and their family members whether at home or in a third country. Most of this assistance takes place at the household and community levels but, in some cases, national associations of migrants or members of the diaspora from particular countries or engaged in particular occupations may band together to help members of their countries of origin or occupation who have been affected by crises.

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