

BACKGROUND PAPER

Migrants in Countries in Crisis Initiative

International Organizations Consultation

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The MICIC Initiatives is co-chaired by the Governments of the Philippines and the United States of America.

Objective of the MICIC Initiative and the Consultation with International Organizations

The MICIC Initiative seeks to develop a set of non-binding, voluntary principles, guidelines, and practices (“the Guidelines”) that identify measures to better protect and assist migrants and minimize negative development impacts. States, international organizations, civil society, private sector, and others, at the national, regional, and international levels will be able to use the Guidelines as a key reference tool to inform their policy making and programming. A repository of examples of practices and approaches will complement the Guidelines and together, they will provide concrete, operational guidance on how to protect migrants caught in countries experiencing crises.

During the consultation, participants will be asked to identify key practices and approaches which international organizations as well as other stakeholders—governments, civil society, private sector—have adopted or could adopt to better protect and assist migrants, and to support international organizations in carrying out their functions. Practices identified during the consultation will be incorporated into the Guidelines and the repository.

Background to the MICIC Initiative

With more people than ever living outside their home countries, the plight of migrants caught in countries experiencing crises has become increasingly apparent. Over the past ten years, the world witnessed a number of natural disasters and conflicts—including the civil unrest in Libya in 2011, hurricane Sandy in the United States, the earthquake and tsunami in Tohoku, Japan, in 2011, the crisis in the Central African Republic which began in 2012, and the on-going conflict in Yemen—in which migrants have been among those seriously affected.

When countries experience such crises—conflicts and natural disasters—migrants may lack adequate means to ensure their own safety. 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. They can “fall between the cracks” because no frameworks exist which delineate responsibilities of States and other actors, unlike that for asylum-seekers and refugees.

Building on earlier efforts and calls for action by States, international organizations, and other relevant stakeholders, discussions during the 2013 UN General Assembly High-Level Dialogue on International Migration and Development drew attention to the need for an initiative to address the impacts of crisis situations on migrants. It became apparent that the time was right for the international community to come together through a voluntary, bottom-up, and government-led process to better coordinate responses to migrants caught in countries experiencing conflicts or natural disasters.

The Initiative encompasses migrants with and without legal status, those present in the country temporarily or on a short-term basis, and those residing permanently but who are not nationals/citizens. This includes, amongst others, migrant workers and their families, victims of trafficking, smuggled migrants, tourists, students, marriage migrants, and business travelers. Some may have citizenship of other countries, whereas others may not. Asylum-seekers, refugees, and stateless persons, are entitled to specific legal protections under existing frameworks, and will enjoy rights that will persist even in the event of displacement to a new hosting country.

The co-chairs and the working group of the MICIC Initiative have launched a broad, inclusive consultation process with relevant stakeholders. This is crucial to ensure that the Guidelines are practical, useful, and based on the real-life experiences of different stakeholders who work in the areas of pre-crisis preparedness, emergency response and post-crisis recovery to protect and assist migrants caught in countries experiencing crises.

International Organizations as a key stakeholder

The MICIC consultation with international organizations will include participants from organizations which are members of the Global Migration Group (GMG) and the Inter-Agency Standing Committee (IASC), as well as other key intergovernmental organizations. Some organizations are members of both the GMG and IASC, and focal points for both groups have been invited.

The MICIC Initiative seeks input from organizations working in both the humanitarian and development spheres, and to identify practices and approaches for supporting migrants caught in countries in crisis from both perspectives. In addition, the aim of this consultation is to ensure that organizations have an opportunity to identify common approaches and identify any gaps in assistance to migrants or challenges with current approaches. Organizations should identify practices and approaches that humanitarian and development actors have taken or should take to leverage each other's expertise and develop coordinated, coherent approaches to preparation for crisis, emergency response and post-crisis recovery.

Issues to address in this Consultation

The MICIC Initiative Guidelines seek to enhance the ability of all stakeholders to better protect and assist migrants caught in countries experiencing crises.

The consultations with civil society, governments, and the private sector that have been organized to date have highlighted several issues that are key to these objectives, in which international organizations are particularly implicated. These include:

a. Identifying vulnerable migrants and addressing their needs

States and organizations participating in the MICIC consultations consistently identify as a challenge understanding the nature and profile of migrant communities. States and organizations may have good information on regular migration at a national or international level, but where migrants are located within a country – important for delivering services - is less well known. States and organizations have access to data on regular migration, but only estimates of irregular migration.

Demographic, socio-economic, health profiles and other characteristics of migrants vary. In times of crises, these aspects, combined with legal and practical barriers, may inhibit the ability of migrants to access life-saving assistance and protection. Age, sex, origin, ethnicity, religion, sexual orientation, medical condition(s), financial condition, migration status, or separation from caregivers (in the specific case of unaccompanied children), may limit the ability of some migrants to access assistance. Some migrants such as domestic workers and agricultural workers may live and work in isolated and poor conditions, be at high risk to ill health and protection violations, and have limited access to information and resources. Irregular migrants may be unwilling to identify themselves. Some migrants may lack local language capabilities, while others may not have access to identity documents. Yet others may have their mobility restricted. Understanding these demographic, socio-economic, circumstantial and other characteristics is necessary to ensure that vulnerable migrants are identified and located, and that their specific needs are adequately addressed.

Equally relevant is the recognition of the capacities, resources and coping mechanisms migrants can bring to bear in a crisis situation and how these can be appropriately assessed and used in preparedness, emergency and post-crisis responses to the use of migrants themselves and their communities of origin and destination. International organizations conduct important research and analysis on migrant populations (including demographics, socio-economic

health profiles and other characteristics, mobility trends, etc.). Some organizations have developed mechanisms for tracking population movements of specific categories and circumstances, for example IDPs, refugees and migrants flows, as well as mobile populations. International organizations also play a fundamental role in assisting states in times of crisis and during recovery to reach out to and assist populations in need, including migrants.

During the consultation, we seek to learn:

1. Data collection and information sharing before and during a crisis

- What information is needed to identify vulnerable migrants, including those with irregular status? Is this information available to international organizations, and where can it be found?
- Do the available statistics and population tracking systems properly capture potential vulnerable migrants? If not, can they be adapted to do so?
- Do existing data collection systems capture migrants' capacities, skills, coping mechanisms? If not, could they be adapted to do so? What role can International Organizations play in establishing culturally appropriate and safe-to-access mechanisms through which migrants, including irregular migrants, can report on their needs, complaints and/or request assistance?
- What formal or ad hoc mechanisms have worked well during recent crises to ensure that international organizations and states share information on vulnerable migrants, their needs and their capabilities, including by reaching out to migrant organizations and networks? Has information sharing contributed to building a common understanding of the situation and needs of migrant communities? What are the impediments to information sharing and coordination that International Organizations have experienced?
- What practices and mechanisms are used to ensure effective referral of victims of trafficking and refugees, asylum seekers and stateless persons, as well as other types of vulnerable migrants?
- Is this information accessible to independent evaluators and researchers?
- What is the relationship between the evidence base and International Organizations' responses, including preparedness, crisis response, monitoring, and evaluation? How can this information inform the recovery and reconstruction planning as well?

2. Assessing vulnerabilities and capacities of migrants during recovery and reconstruction

- What mechanisms can be used to assess the vulnerabilities (including age, sex, origin, medical condition(s), and irregular status) and residual needs of migrants in the aftermath of a crisis? What information is needed and which actors are best placed to collect and assess it? Are vulnerabilities different during recovery, compared to the crisis phase?
- What mechanisms can be used to assess the vulnerabilities and residual needs of migrants who left when the crisis hit (by evacuation or other means) and returned to their country of origin, back to their own or other communities? What systems can be used to trace their mobility and assess their condition, once returned to their country?

- What are effective systems to capture migrants' capacities, skills, and coping mechanisms after a crisis, during the recovery phase? What can International Organizations do to ensure that these capacities and resources are recognized and integrated into recovery and reconstruction efforts? Are there good examples from recent post-crisis experiences?
- Are there effective systems to capture returnees' capacities, skills, and coping mechanisms back in the country of origin? What can International Organizations do to facilitate the identification of short, medium and long term livelihoods solutions for returnees and their families? Are there good examples from recent post-crisis experiences?
- What role can International Organizations play in establishing culturally appropriate and safe-to-access mechanisms through which migrants and returnees can report on their needs, complaints and/or capacities during the recovery and reconstruction phase?
- What is the experience of International Organizations with monitoring and evaluation of migrant assistance programs before, during and after crises? How have they integrated the recommendations and lessons learned from past experiences and evaluations? What can be done better to link information collected and assessed before and during a crisis with information collected after a crisis?

b. Communicating with and about migrants

Migrants include migrant workers, victims of trafficking, smuggled migrants, victims of forced labor or other crimes, tourists, and students. Some of these migrants may be in an irregular status and fearful of identification. Others may lack understanding of the local language. Some may be working in isolated and poor conditions or lack social networks. Still others may be particularly vulnerable due to demographic and socio-economic factors or may be fearful of authorities. Many may face discrimination, hostility, and xenophobia.

Past and recent experiences have shown that communicating with and engaging migrants in all of these different categories is difficult even in ordinary times, but increasingly so in times of conflicts and disasters and, in the aftermath of these crises, during the recovery phase. This is especially true when it comes to communication with migrants in an irregular situation. MICIC Initiative consultations to date have revealed that states in particular find it difficult to ensure that they can communicate emergency information to all migrants. The MICIC CSO consultation underscored that civil society and local organizations may know and understand migrant populations better than others. They also play a fundamental role in shaping and delivering effective communication about migration and in advocacy. If effective communication about migrants is critical in ordinary times to shape and manage the perception and the image of migrants in their home and host societies, it is even more so during crises, when coordination with and support to other actors also becomes essential in facilitating the timely provision of migrant-friendly assistance. Strategies to address communicating with and about migrants have included using new technologies and social media; local groups, diaspora and informal migrant networks; and traditional media, particularly radio from countries of origin.

c. Integrating migrants into humanitarian and development frameworks and programs

The extent to which States, international organizations, and other actors 1) identify migrants and their families as a particular group with needs different from nationals; and 2) identify how the needs of migrants and their families would be met, is often uneven. This is the case in relation to contingency planning and other preparedness measures like Disaster Risk Reduction (DRR), but also in relation to humanitarian response and recovery activities.

Private companies often have emergency response plans, but may not account for the needs of migrant workers as they should (for example, not having emergency plans translated into languages used by workers in a particular location). Some local authorities in Australia and North America have incorporated migrant needs into their emergency response systems. Civil society has identified barriers to migrants receiving assistance (e.g. fear of immigration enforcement action) and solutions states could adopt (e.g. “firewalls” between emergency response and immigration enforcement), but the success of these initiatives is not yet measured or proven. The Sendai Framework encourages governments to include migrants in the design and implementation of DRR policies, plans and standards; to empower local authorities to coordinate with migrants in DRR; and, to leverage the capacity of migrants to contribute to the resilience of communities.

Migrants in a country experiencing a crisis can face barriers to accessing assistance, related to language, status, culture or legal/policy barriers (e.g. visas that restrict movement). A framework that offers the same approaches for delivering assistance to migrants and nationals/citizens may not always be effective in addressing migrant needs (e.g. a barrier to delivering cash assistance in Nepal was the national law that only citizens could hold bank accounts).

During the consultation, we seek to learn:

1. Integrating migrants in Disaster Risk Reduction, preparedness and emergency response

- What should International Organizations do to ensure migrants are integrated in existing international frameworks?
- How can international organizations assist states and other stakeholders (civil society, private sector employers and recruiters) by providing guidance to incorporate migrants into preparedness and contingency planning measures? Do these plans take into account both the vulnerabilities and needs, and the skills and resources of migrants?
- What role can humanitarian actors play in helping migrants in particularly vulnerable circumstances (including irregular status) overcome structural and circumstantial barriers and ensure that they can receive assistance (relief, evacuation, financial and other resources) in a non-discriminatory manner? Are there specific frameworks and tools/activities used to do this? What role can non-nationals play in emergency preparedness and response in the crisis-hit country?
- What are the differences in terms of challenges and responses between conflicts and natural disasters?
- What practices and mechanisms are used to ensure effective referral of victims of trafficking and refugees, asylum seekers and stateless persons, as well as other types of vulnerable migrants?

- In what specific areas and through which tools can International Organizations build the capacity of other actors (states, civil society, private sector, etc.) to prepare for and assist migrants caught in a country experiencing crisis? In terms of humanitarian assistance provided by diaspora groups, can International Organizations play a role in integrating their work to their assistance frameworks?
- What mechanisms do International Organizations have in place to fund emergency action and relief, including evacuations and short-term reintegration of non-nationals where applicable? What should be done to ensure migrants are integrated in existing planning documents (HRP, Flash Appeals, CERF)?

2. Integrating migrants in recovery and development assistance

- What tools, guidance and assistance can International Organizations provide to States to support the inclusion of migrants in national development plans? How can they assist States in fulfilling these commitments?
- What tools or guidance can International Organizations use to incorporate migrants, migration and possible large movements in UN development assistance frameworks? How are the migration dynamics in a country or region incorporated into the new generation of UNDAFs?
- In what specific areas and through which tools can International Organizations build the capacity of other actors (states, civil society, private sector, etc.) to effectively address the vulnerabilities and needs of migrants as well as recognize their capabilities and empower them to be active agents of recovery and reconstruction in post-crisis scenarios? What role can non-nationals play in the recovery of the crisis-hit country?
- Have International Organizations and other stakeholders conducted research on the role of migrants in resilience building and recovery scenarios; have internal and independent evaluations been conducted on post-crisis interventions in migrants' countries of origin and destination?
- What other funding mechanisms can International Organizations access to undertake medium and longer term assistance for migrants in the post-crisis phase, and to address the development challenges that mass returns can create in fragile communities in migrants' countries of origin?
- What opportunities can arise from partnering with the private sector, as recruiter, employer and service provider for migrants?

d. Financial mechanisms and services available to migrants

Migrants can face financial pressures that hinder their ability to help themselves in a crisis, including loss of unpaid back wages, debt to recruiters or employers, savings in a devalued currency, and costs associated with evacuation. When a crisis hits and migrant workers lose their jobs, their families in countries of origin also lose remittances, either temporarily or permanently, depending on the crisis and length of interruption of employment, if any. When migrants are evacuated en masse, migrants' countries of origin may face challenges in reintegrating them. Those communities – who may already be suffering from poverty or instability - receiving mass returns can experience stresses on infrastructure and services, social friction and disruption.

At the same time, States, international organizations, and other actors face challenges in accumulating and allocating sufficient funds to protect migrants caught in crises. Humanitarian appeals are chronically underfunded and there are limited dedicated pools of funding or funding mechanisms for providing assistance and protection to migrants stranded in a crisis situation.

During the consultation, we seek to learn:

1. Insurance and other financial services for migrants

- What role can public and private insurance schemes play in providing financial relief, to support both immediate assistance and post-crisis/post-evacuation recovery? Are there examples of systems or mechanisms that can help strengthen the resilience of migrants and their families in the face of a crisis?
- For those states that do not have the resources to back meaningful insurance schemes or access to social services (including portability of social security rights and benefits), what role and support can International Organizations play?
- What is the role of cash transfers and loans (micro-credit and other) in supporting migrants during the post-crisis phase? What role can non-nationals play in the reconstruction of the crisis-hit country?
- What role do International Organizations play in improving financial literacy of migrants, including promoting savings as a crisis preparedness measure?
- What mechanisms can be put in place to counter the effect of devalued currency in case of conflict?
- Have financial services for migrants been the object of research? Are there evaluations of migrant insurance schemes and other financial services?

2. Role of States, donors and development banks

- What role can International Organizations play in helping States and other stakeholder establish institutionalized welfare and crisis contingency funds to finance crisis assistance for migrants? How should these funds be structured and maintained?
- What role could donors and development banks play in building the funding pool to support States, humanitarian and development actors in responding to the immediate needs of migrants caught in crises? Is the ad hoc funding mechanism put in place to support Bangladeshi returnees from Libya in 2011 replicable and if so, under what conditions?
- Are there other examples of cash-transfer programs which worked or could work to support migrants caught in crisis return to their country of origin, remain in the country of destination or re-migrate and face their immediate and longer-term needs?
- For those communities experiencing mass returns, what funding and other assistance are in place to ameliorate the socio-economic consequences of those returns, in the short, medium and long term?
- What additional mechanisms are needed to address the residual needs of migrants stranded in transit countries?
- Are there evaluations of the use of funds for preparing and assisting migrants in crisis in recent years and what were the recommendations?

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Each of the issues identified above will be explored in the two-day interactive consultation with international organizations. It is hoped that the discussions and output from the consultation will identify principles, guidelines, and practices that have the potential to enhance protection and assistance of migrants caught in countries experiencing conflicts or natural disasters. The outcomes will be an important contribution to both the Guidelines and MICIC Initiative's online repository.

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