MICIC

Save Lives
Increase Protection
Decrease Vulnerability
Improve Response

MIGRANTS IN COUNTRIES IN CRISIS INITIATIVE

BACKGROUND PAPER

Migrants in Countries in Crisis Initiative

Civil Society Consultation

Geneva, Switzerland
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Objective of the MICIC Initiative and the Civil Society Consultation

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 and others, at the national, regional, and international levels can 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 civil society as well as other stakeholders —governments, international organizations, private sector — have adopted or could adopt to better protect and assist migrants, and to support civil society actors in carrying out their functions.   Practices identified during the consultation will be incorporated into the Guidelines.

Background of 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 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 delineating 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.

A small working group of governments, chaired by the United States and the Philippines and joined by Australia, Bangladesh, Costa Rica, Ethiopia, and the European Commission, has partnered with the International Organization for Migration (IOM) (which serves as its secretariat), the United Nations High Commissioner for Refugees (UNHCR), the office of the UN Secretary General's Special Representative for International Migration, the International Centre for Migration Policy Development (ICMPD), and Georgetown University's Institute for the Study of International Migration (ISIM), to develop and advance the Migrants In Countries In Crisis (MICIC) Initiative.

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. The MICIC Initiative does not encompass asylum-seekers, refugees, and stateless persons, for whom specific protection regimes exists.

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 Initiative's final outputs 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.

CIVIL SOCIETY AS A KEY STAKEHOLDER

Early in the process, the MICIC Initiative identified the importance of consultations with a broad cross-section of civil society actors to develop the Guidelines, build the repository, and, in due course, advocate for and implement the Guidelines.

For the purposes of the MICIC Initiative, "civil society actors" include non-governmental networks, organizations, communities, and individuals that play a variety of roles in protecting and assisting migrants and displaced persons. This may include, amongst others, migrants, service/aid providers, diaspora, think tanks, and academia, at local, national, regional, and global levels. Such actors may work in a range of sectors including the humanitarian and development spheres. The Initiative is particularly interested in civil society actors who fall into one or more of the following loosely described categories:

- **Implementers**: Civil society actors that provide direct services to populations affected by conflicts and natural disasters, including migrants and displaced persons. They may provide, amongst others, life-saving assistance including medical aid, shelter, food, and psychosocial support. They prepare themselves and others for crises, they respond as crises erupt, and they help others recover from crises. They are among the first to respond, the first to spot trends and gaps, and the first to create and adopt new approaches when necessary. These implementers have key experience and advice to enrich the MICIC Initiative Guidelines. They will also be an audience for the final outputs: the Initiative hopes that its Guidelines and the repository of practices will be used by civil society actors to strengthen their practices and better address the specific vulnerabilities and needs of migrants caught in countries experiencing crises.

- **Advocates**: Civil society actors that advocate for legal and policy reform and changes to practices and approaches to better protect and assist migrants and displaced persons. Some may work solely on specific goals such as improving human rights protection, creating more effective and efficient practices, or raising awareness of issues related to migrants, humanitarian action, or social and economic development. Others may undertake advocacy and awareness-raising in conjunction with other activities, and use the knowledge gained from diverse activities and experiences to seek improved law, policy, and practice. Advocates are important for the MICIC Initiative Guidelines because they have an understanding of gaps and changes needed in existing frameworks and systems and how they could be addressed. Advocates are also important for promoting the MICIC Initiative Guidelines once launched, in raising awareness of challenges and gaps identified through the MICIC Initiative consultation process, and in seeking changes in law, policy, and practice in accordance with the Guidelines.

- **Researchers and knowledge builders**: Civil society actors that undertake research and examine and analyze laws, policies and practices, gathering evidence, evaluating approaches, and monitoring progress. They provide detailed analysis of law, policy, practices, and real-world conditions to improve understanding of pertinent issues among themselves and other stakeholders, including governments and international organizations.

They are already playing a key role in developing the MICIC Initiative Guidelines by identifying issues that need to be better understood and addressed. Once launched, researchers and knowledge builders will be critical for monitoring, assessing, and evaluating the efficacy of legal, policy, and practical changes that are implemented on the basis of the Guidelines.

- **Capacity and network builders**: Capacity and network builders are civil society actors in the humanitarian and development spheres that help organizations, communities, governments, and other stakeholders improve their approaches through technical assistance and capacity building. They also have unique capabilities to foster trust and build strong, productive relationships with other stakeholders, particularly individuals, groups, and communities who might feel alienated or disconnected from formal systems established by governments or inter-governmental organizations. Capacity and network builders can ensure that the needs and interests of these often invisible, migrant populations are understood and incorporated into the MICIC Initiative process and Guidelines. Once launched, capacity and network builders will play an essential role in assisting governments, organizations and others stakeholders to incorporate the MICIC Guidelines into their programming and actions and to enhance their implementation.

Different types of civil society actors have varying capacities, resources, and strengths. Some are large organizations which play some or all of the roles described above. Others are smaller, and focus on one role or may have fewer objectives. Some civil society actors are individuals, while others are organizations or networks. Some are global, while others work regionally or locally. The participants in this civil society consultation, and the civil society consultations organized by civil society in connection with the MICIC regional consultations, include all of these types of civil society actors.

During this consultation, we will wish to identify promising examples of activities carried out by civil society actors at the pre-crisis preparedness phase, emergency response phase, and at the post-crisis reconstruction and recovery phase in each of the capacities and roles identified above.

SUPPORT TO CIVIL SOCIETY

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. Amongst others, these include:

- **Better rights protection in ordinary times.** Participants in all consultations have consistently said that if rights are fulfilled in ordinary times, migrants are better equipped to protect themselves and their families when a crisis hits. Freedom of movement, for example, can be crucial in crisis contexts. We will want to know from participants:
  - o Which rights? What are the rights that need to be fulfilled for migrants to be better protected during crises, and/or to enable civil society to assist them?
  - o What are good examples of rights protection and fulfillment?
  - o What actions do states and others need to take, what do laws and policies need to say, and what effect do they need to have?
  - o What can or should civil society actors do to enhance protection of key rights?
  - o The Guidelines will be voluntary and non-binding and provide operational guidance for improving protection and assistance of migrants in practice. What role can the document play in better rights protection in ordinary times?

- **Better engagement and incorporation into planning and preparedness measures.** Many actors (governments, employers, organizations) develop contingency and preparedness plans, but those plans do not systematically address the specific vulnerabilities or needs of migrants. They may not acknowledge migrants as a specific population, nor take advantage of the capacities and resources migrants can bring to bear on crisis response and recovery.

The MICIC Initiative consultations to date have emphasized the importance of planning and preparedness measures and of incorporating the needs and capacities of migrants into them. This includes planning and preparedness undertaken at the organizational, intra-, and inter-governmental levels, in local and central settings, and in relation to disaster risk reduction, and humanitarian and emergency response. The principle of non-discriminatory access for migrants to essential assistance and protection in times of crisis has been stressed as a core objective and requirement. At the same time, it has been noted that migrants may face specific legal and practical barriers to accessing such assistance and protection in times of crisis and therefore that dedicated measures are needed to overcome them. These barriers may relate to language, culture, lack of social networks, insecure legal status, restrictions on mobility, and inability or unwillingness to leave for a place of safety due to concerns associated with losing livelihoods or disappointing family members in countries of origin, etc. We will want to know from participants:

- o What are the specific needs and vulnerabilities of migrants and their families that should be factored into pre-crisis planning and preparedness measures? What are the vulnerabilities that previous cases have revealed to be the most difficult to address or overcome?
- o What types of pre-crisis planning and preparedness measures are needed?
- o Who needs to be involved in pre-crisis planning and preparedness action? This could include first responders and others operating locally, diaspora and migrant groups, governments, organizations and other individuals or groups.
- o How can civil society actors be better incorporated into pre-crisis planning and preparedness measures?
- o What capacities and resources do migrants and migrant communities bring to bear on crisis response and recovery that should be incorporated into pre-crisis planning and preparedness measures?

- **Facilitation of diaspora action in all phases.** Previous consultations have raised the need for measures to facilitate entry and exit of diaspora to assist in responding to crises, recognition of qualifications to provide services, leaves of absence from employment to assist returnees in countries of origin, and waivers of customs and other taxes to facilitate delivery of aid and equipment.

    - o What other measures can assist diaspora in providing assistance to migrants caught in countries experiencing crises including when they return to their countries of origin?

- **Agreements between civil society and other stakeholders**. Another consistent theme that has been raised in previous consultations relates to the importance of stakeholders entering into agreements during the pre-crisis phase so that they can better protect and assist migrants during the emergency and post-crisis phases. Previous consultations have indicated that for multiple reasons, anticipatory, well thought out agreements that take into account the capacities and strengths of different stakeholders are preferable to *ad-hoc* arrangements that are established once a crisis has hit. Such agreements can be between states (e.g. to support each others nationals), between various stakeholders and private sector service providers (e.g. airline and telecommunication companies, aid suppliers, and financial services), or among states, organizations, and employers.

    - o With which stakeholders should civil society actors enter into agreements to better protect and assist migrants?
    - o What kinds of activities do those agreements need to cover?

- **Referral systems.** The importance of referral systems to ensure migrants and their families are directed to actors who are able to provide specific, tailored and targeted assistance, particularly during the emergency phase, has also been raised in previous consultations. This requires identifying relevant entities within government, in the international

community and in civil society. This is especially important for refugees and asylum seekers who need to be referred to protection entities or UNHCR. It is also important for, among others, migrants requiring medical assistance or identity or other travel documents, victims of trafficking, or those lacking funds or resources.

Each of the issues identified above are only a sample of themes that will be explored in the two-day interactive consultation with civil society. 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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