

GUIDELINE 10: Facilitate migrants' ability to move to safety

In the immediacy of a conflict or natural disaster, migrants, like many other affected populations, will seek to flee to safety by relocating within the host State to areas unaffected by the crisis, across borders to States of transit as a temporary haven, or back to States of origin. Normal immigration processes are disrupted by crises and States may need to clarify how disruptions affect such processes.

Migrants may need support to reach safety. Identity and travel documents can be destroyed, lost, or left behind in the chaos or intensity of a crisis. Some migrants, particularly victims of trafficking or migrants in other exploitative situations, may have had their identity and travel documents confiscated. Yet others may have arrived in the host State without authorization and never possessed valid documentation.

Access to valid identity and travel documents is crucial for migrants seeking to cross international borders to escape harm. Migrants may be required to present such documents in order to flee to safety within the host State or to obtain assistance. States of origin depend on identity and travel documents to determine citizenship and to assist citizens to evacuate or return to their homes.

Migrants seeking safety may face barriers in meeting visa requirements, securing immigration exit visas, paying immigration fees or penalties for overstay, and fulfilling entry requirements (particularly in States of transit). Migrants' ability to move to safety may be limited by visa and work permits that restrict them to particular geographic areas or employers. Waiving restrictions or lifting penalties for violating restrictions during a conflict or natural disaster can help save lives and improve migrants' access to help.

In addition to dangers in a crisis that prevent all affected populations from fleeing (insecure areas, blocked ports of exit, destroyed transportation infrastructure), migrants in detention are particularly vulnerable. If custodians of detention facilities flee their posts, migrant detainees may be unable to get out of harm's way and access humanitarian assistance.

Sample Practices

- *Waivers or exceptions to exit, stay, and entry requirements.*
- *Timely issuance of laissez-passer and replacement of other identity and travel documents.*
- *Deployment of consular assistance teams to borders, airports, or other transit points.*
- *Provision of temporary or humanitarian protection status for migrants.*
- *Evacuation plans for detention facilities and migrant shelters.*
- *Advocacy with and among States on keeping borders open to facilitate movement to safety.*

PRACTICES TO IMPLEMENT GUIDELINE 10: Facilitate migrants' ability to move to safety

Host States

Waivers or exceptions to exit and stay requirements

Crises often call for flexibility with regard to exit and visa requirements. Migrants seeking safety in a crisis may face barriers in meeting visa requirements, obtaining immigration exit visas, or paying immigration fees or penalties for overstay. Migrants' ability to move to safety may be limited by visa and work permits that restrict them to particular geographic areas or employers. Actions host States can take, particularly during the acute phase of a crisis, include:

- Facilitating the exit of migrants and their families through waivers or expedited provision of exit visas and other necessary documents;
- Waiving fees or fines relating to exit, overstay, or violations of restrictions on movement;
- Easing re-entry permits for affected migrants, including students and foreign workers;
- Facilitating and providing access to consular personnel from States of origin to visit, identify, and provide assistance to their citizens;
- Refraining from detaining migrants during crises, in particular children;
- Ensuring detained migrant families are not separated;
- Facilitating access to and the protection of detained migrants.

Travel documents to stateless persons to facilitate travel

In cases of evacuation and organized returns, stateless persons can be particularly vulnerable. Stateless persons who cannot return to their place of former habitual residence will require travel documents to facilitate travel outside the host State. Some States have obligations under international law to issue identity papers and travel documents to stateless persons.

States of Origin

Timely issuance of laissez-passer and replacement of identity and travel documents

Citizens abroad may be required to present identity documents in order to move to safety within the host State or to obtain assistance locally. Citizens abroad must have access to valid identity and travel documents in order to cross international borders. States of origin rely on identity and travel documents to determine citizenship and to assist citizens to evacuate, relocate, or return to their homes. Measures States of origin can take include:

- At consular posts, providing citizens with new identity or other documents, such as passports, temporary identity documents or travel documents if they are lost, have been confiscated by employers (particularly the case for domestic workers), or in case they never had them.
- Adopting a 'no questions' policy regarding immigration status in the host State;
- Requesting assistance from international organizations to provide identity documents

to citizens;

- Issuing laissez-passer or other documents to enable evacuation and other assistance for family members, if they are not of the same nationality as the citizen applying for assistance to the State of origin.

Deployment of consular assistance teams to borders, airports, seaports, or other transit points

The deployment of specialized personnel to host States or States of transit to facilitate the provision of documentation can speed up the process of assessing citizens' needs and providing assistance. Measures States of origin can consider include:

- Opening temporary consular posts at borders;
- Deploying consular assistance teams to multiple locations, including at borders, airports, and transit points;
- Deploying teams specifically tasked with assessing and addressing citizens in need of particular protection, such as victims of trafficking, workers deprived of their documents by their employers, and children, including those that are unaccompanied or separated, and providing timely responses;
- Activating consular service agreements, if they exist, to request assistance from other States in assisting citizens;
- Coordinating with international organizations to receive technical assistance and additional personnel.

Negotiations with host States and States of transit regarding waivers and exceptions to exit, stay, and entry requirements

Legal and policy requirements in the host State may present barriers to relocating, evacuating, or transiting to a place of safety, or to otherwise receiving lifesaving assistance. States of origin can identify whether such barriers exist and negotiate (including in partnership with other States of origin) with host States and States of transit for temporary waivers or exceptions to barriers.

States of Transit

Waivers or exceptions to exit, stay, and entry requirements

Crises often call for flexibility with regard to entry, exit, and visa requirements. Migrants may need to cross international borders to escape harm or receive life-saving assistance. States of transit can undertake the following measures to facilitate migrant movements to safety:

- Waiving entry or exit visa requirements, penalties, or other restrictions that inhibit movement;
- Providing clear instructions and procedures to border officials on facilitating access to territory;
- Appointing a person or body with sufficient authority and emergency powers to make decisions on exceptions and border processes and formalities;
- Facilitating and providing access to consular personnel from States of origin to visit,

- identify, and provide assistance to their citizens;
- Moving migrants who are identified as needing protection away from border areas to enable greater security for these populations and to help decongest the border;
- Registering those entering and, for those without valid identity or travel documents, providing temporary documents to confirm registration, date and place of entry, minimal biographic information, and nationality;
- Providing temporary extension of visas or stay permits;
- Ensuring compliance with the principle of *non-refoulement*.

Temporary admission authorization for migrants transiting or returning home who cannot prove their identity

Migrants who have lost their identity documents may not be able to prove their identity and nationality to authorities of the State of transit. Provisions to address uncertainties in identity could include:

- Temporary admission to give migrants time to obtain new documentation or other proof of identity and nationality;
- Arrangements for consular authorities from States of origin to have access to their citizens seeking entry at border posts in order to facilitate identity verification, among other things;
- Acceptance of alternatives to formal identity documents, including affidavits by those who are willing to swear that they know the identity and nationality of migrants.

Temporary and humanitarian protection statuses

Mechanisms to provide appropriate and tailored forms of protection and status to people arriving from host States, including, at a minimum, in accordance with international law. ‘Exceptional’ provisions in national laws and changes in policy can be used to permit the entry or stay of migrants who do not qualify as refugees or cannot benefit from existing mechanisms for entry or stay. Possible statuses include:

- Temporary (humanitarian) protection status;
- Humanitarian protection status;
- Conditional protection status.

Private Sector Actors

Access to documents and movement to safety

Migrant employees may need identity documents and resources to access assistance or move to safety. Employers and recruiters can take the following actions:

- Returning any identity documents as soon as possible, at no cost and without reservation;
- Paying outstanding wages when migrants want to leave the host State in the context of a crisis;
- Relocating, evacuating, or repatriating migrant employees, including family members, or

- contributing to covering these costs;
- Communicating with consular posts to coordinate relocation and evacuation.

International Organizations

Temporary identity and travel documents

International organizations can support States in identifying their citizens and facilitating (or where necessary, providing) identity documents. Activities include:

- Supporting States with verification of nationality and screening procedures at borders;
- Verifying migrants' rights to residency;
- Assisting migrants, including at border crossings, to contact consular authorities of their State of origin to obtain required travel documents or laissez-passer documentation.

Advocacy with States on open borders

Advocating with States to keep borders open on humanitarian grounds to facilitate the safe and timely exit of migrants and their access to emergency assistance and services.

Civil Society

Advocacy with States and private sector actors to create conditions for migrants' safe movements

Civil society can advocate with States and employers for conditions that facilitate migrants' movement to safety. They can also directly intervene to support migrants to move. Actions that civil society can undertake include:

- Advocating with host States and States of transit to keep borders open on humanitarian grounds;
- Advocating with employers to provide conditions that enable migrants to flee to safety, including access to documents and outstanding wages and contact with consular authorities;
- Fostering understanding and respect among other stakeholders for migrants' preferences and choices with regard to movements;
- Providing direct assistance for migrants to move, including transport and temporary shelters en route;
- Establishing or activating arrangements with national or local authorities in the host State to access detention centers to assess the specific needs of detained migrants and provide them with assistance, including evacuation, when possible.