

MIGRANTS IN COUNTRIES IN CRISIS

SUMMARY PAPER

Improving our responses to migrants caught in crises: Conclusions and policy recommendations for global migration policy-making

Maegan Hendow



Project funded by the European Union



Project implemented by ICMPD



In partnership with IMI



MIGRANTS IN COUNTRIES IN CRISIS

MICIC Comparative Summary Paper

Improving our responses to migrants caught in crises:
Conclusions and policy recommendations for global migration policy-making

Maegan Hendow

International Centre for Migration Policy Development (ICMPD)
Gonzagagasse 1
A-1010 Vienna
Austria
www.icmpd.org

International Centre for Migration Policy Development
Vienna, 2018

All rights reserved. No part of this publication may be reproduced, copied or transmitted in any form or by any means, electronic or mechanical, including photocopy, recording, or any information storage and retrieval system, without permission of the copyright owners.

This publication has been produced with the assistance of the European Union. The contents of this publication are the sole responsibility of the author and can in no way be taken to reflect the views of the European Union.

Printed and bound in Austria.

Project funded by the European Union



Project implemented by ICMPD



In partnership with IMI



TABLE OF CONTENTS

LIST OF ACRONYMS

4



1. INTRODUCTION

5

MIGRANTS IN COUNTRIES IN CRISIS

5



2. GLOBAL MIGRATION POLICY-MAKING: THE NEXT STEP

10



3. HUMAN RIGHTS

12

GUIDANCE AND RECOMMENDATIONS

12



4. SOCIAL INCLUSION AND COHESION

14

GUIDANCE AND RECOMMENDATIONS

15



5. DISCRIMINATION AND XENOPHOBIA

17

GUIDANCE AND RECOMMENDATIONS

17



6. INTERNATIONAL COOPERATION

21

GUIDANCE AND RECOMMENDATIONS

21



7. REMITTANCES AND DEVELOPMENT IMPLICATIONS UPON RETURN

23

GUIDANCE AND RECOMMENDATIONS

23



8. IRREGULAR MIGRATION

25

GUIDANCE AND RECOMMENDATIONS

26



9. CONCLUDING THOUGHTS

28

LIST OF ACRONYMS

EU	European Union
ICMPD	International Centre for Migration Policy Development
ILO	International Labour Organization
IMI	International Migration Institute of the University of Oxford
IOM	International Organization for Migration
GCM	Global compact for safe, orderly and regular migration
GMG	Global Migration Group
MICIC	Migrants in Countries in Crisis
OHCHR	Office of the United Nations High Commissioner for Human Rights
PDD	Platform on Disaster Displacement
UN	United Nations



Current events have shown the disastrous impact crises – whether conflict or natural disaster – have on people around the world, stirring population movements on a larger scale than we've seen in decades. The political unrest in the Central African Republic (2013-2014), the violence in Côte d'Ivoire (2002-2003 and 2010-2011), the bombardments of Lebanon (2006), the Libyan revolution and subsequent unrest (2011 and as of 2014), the xenophobic violence in South Africa (2008, 2015) and the flooding in Thailand (2011) all led to significant population movements of both citizens of the countries affected as well as migrants living in those countries. Indeed, our research has demonstrated the myriad impacts of such crises on migrants, who engage coping strategies from before the crisis until well afterwards, in the countries experiencing the crisis as well as transit and origin countries.

What have we learned from the impacts of these crises on migrants? How can we adapt future policies or programmes to better prepare states, intergovernmental organisations, civil society organisations and the private sector – not to mention migrants themselves? This summary paper highlights key findings from across our case study research and comparative analysis, providing policy recommendations and connecting them to recent policy developments and guidance.

This paper will highlight existing guidelines (especially the Migrants in Countries in Crisis Guidelines to protect migrants in countries experiencing conflict or natural disaster¹) that speak to the findings of our research – and connect them to wider policy developments in the migration sphere. In particular, we reference the global process of the United Nations to establish a global compact for safe, orderly and regular migration, which aims to “improve the governance on migration, to address the challenges associated with today's migration, and to strengthen the contribution of migrants and migration to sustainable development”. Our findings provide insight on important challenges to which the global compact for migration can and should speak, as well as practices and recommendations on which stakeholders can act, within or outside of the compact process.

MIGRANTS IN COUNTRIES IN CRISIS

In 2015, the European Union (EU) launched ‘Migrants in Countries in Crisis: Supporting an Evidence-based Approach for Effective and Cooperative State Action’, a four-year project implemented by the International Centre for Migration Policy Development (ICMPD). This EU-funded project is a contribution to the global Migrants in Countries in Crisis (MICIC) initiative, a government-led process

¹ Migrants in Countries in Crisis (MICIC) Initiative. (2016). Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster. Retrieved from <https://micicinitiative.iom.int/guidelines>.

co-chaired by the governments of the Philippines and the United States, which shares similar goals. The project aims to improve the capacity of states and other stakeholders to assist and provide protection to migrants who find themselves in countries affected by crisis, as well as address the long-term implications of such situations – through a three-pronged approach. As a first prong, six regional consultations with states and other relevant stakeholders were conducted, contributing to the development of the MICIC initiative’s ‘Guidelines to protect migrants in countries experiencing conflict or natural disaster’², which provide guidance for states and other stakeholders in responding to the needs of migrants caught in crisis situations.³ As another prong, the project also develops capacity building activities to follow up on key recommendations that have emerged over the course of the project.⁴ This has included activities aimed at strengthening consular crisis management, developing multi-stakeholder crisis coordination platforms and raising awareness of the specific needs and vulnerabilities of migrant children and migrant domestic workers during emergencies.

The third prong of this EU MICIC project’s approach has been to provide policy-relevant analysis of the implications of crises in host countries, through six case studies⁵ and comparative analyses. This summary report builds on the comparative report’s results, and indeed all of the data collected and analysis conducted over a two year period (spring 2015 to summer 2017) – connecting them to policy developments of global import. That research involved desk research, semi-structured interviews, focus group discussions, participant observation and survey analysis. Over 650 respondents participated in our research across 12 different fieldwork countries – migrants, family members of migrants, government authorities of host, transit and origin countries, experts, private sector actors (such as employers), civil society organisations at the local and international level, and intergovernmental organisations, including UN agencies and EU delegations. See Table 1 for an overview of the studies conducted for the EU MICIC project, as well as the comparative report and case studies for more details as to the methodology, scope and results of the research.⁶

² Migrants in Countries in Crisis (MICIC) Initiative. (2016). Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster. Retrieved from: <https://micicinitiative.iom.int/guidelines>.



³ For more information on the regional consultations, see: <https://www.icmpd.org/our-work/cross-cutting-initiatives/migrants-in-countries-in-crisis/consultations/>.

⁴ For more information on the capacity building activities, see: <https://www.icmpd.org/our-work/cross-cutting-initiatives/migrants-in-countries-in-crisis/capacity-building/>.

⁵ The case studies under study are: Central African Republic political unrest of 2013-2014; Côte d’Ivoire political unrest of 2002-2003 and 2010-2011; Lebanon crisis of 2006; Libya political unrest of 2011; South Africa xenophobic violence of 2008, 2015; and Thailand natural disaster of 2011. All case studies are available at: <https://www.icmpd.org/index.php?id=2895>.

⁶ Available at: <https://www.icmpd.org/our-work/cross-cutting-initiatives/migrants-in-countries-in-crisis/research/>.

Table 1 MICIC research studies⁷

STUDY	CRISIS TIMELINE AND SUBJECT	FIELDWORK CONDUCTED IN	RESEARCH FOCUS
 CONCEPTUAL FRAMEWORK	N/A	<ul style="list-style-type: none"> • Desk research 	 <p>Define the fundamental concepts of the MICIC research, including crisis, mobility, geographical and temporal focus, and target group (migrants)</p>
 LONG-TERM CONSEQUENCES OF CRISIS	N/A	<ul style="list-style-type: none"> • Desk research 	 <p>Longer-term socio-economic implications, particularly of return, at the micro-, meso- and macro- levels</p>
 STAKEHOLDER INVOLVEMENT IN CRISIS MITIGATION	N/A	<ul style="list-style-type: none"> • Desk research 	 <p>Main challenges and areas of engagement in crisis mitigation by different stakeholder groups, including migrants</p>
 EMERGING FINDINGS: A COMPARATIVE STUDY OF SIX CRISIS SITUATIONS	Comparative analysis of initial case study findings	<ul style="list-style-type: none"> • All below fieldwork countries 	 <p>Highlight the emerging findings from the initial case study research and fieldwork, with the aim of highlighting main issues</p>

⁷ All studies (except for the Conceptual Framework) are available at: <https://www.icmpd.org/our-work/cross-cutting-initiatives/migrants-in-countries-in-crisis/research/>.

STUDY	CRISIS TIMELINE AND SUBJECT	FIELDWORK CONDUCTED IN	RESEARCH FOCUS
-------	-----------------------------	------------------------	----------------



2013-2014
Political unrest

- Cameroon
- Chad



Impact of migrant returns on the socio-economic development of their countries of origin



**2012-2003;
2010-2011**
Political unrest

- Burkina Faso
- Ghana
- Liberia



Impact of migrant returns on the socio-economic development of their countries of origin



2006-present
Situation of migrant domestic workers

- Lebanon



Impact of recent crises in the country (particularly the 2006 war), with particular regard to the situation of migrant domestic workers in the country



2011
Political unrest

- Burkina Faso
- Chad
- Egypt
- Ghana
- Niger
- Tunisia



Situation of migrants who have returned from Libya to their countries of origin, or those who remain stranded in transit countries, with an emphasis on the longer-term consequences for socio-economic development of countries of origin and the conditions of returnees and stranded migrants

STUDY**CRISIS TIMELINE
AND SUBJECT****FIELDWORK
CONDUCTED IN****RESEARCH FOCUS**

**SOUTH
AFRICA****2008, 2015**Xenophobic
violence

- South Africa
- Zimbabwe



Impacts of the xenophobic violence in the country in 2008 and 2015 on different migrant groups in South Africa, with emphasis on those from Zimbabwe. Sheds particular light on the impact on migrant entrepreneurs in the country and their business strategy responses

**THAILAND****2011**Natural
disaster

- Thailand



Consequences of the flooding for migrants from Myanmar, Lao PDR, Cambodia and Vietnam, as well as the bearing the migrant registration system has on migrant responses

**EU
RESPONSES**

N/A

- Desk research
- Brussels interviews
- Fieldwork results from 12 fieldwork countries (case studies)



EU policy framework and institutional structures of EU humanitarian aid and civil protection policies

2. GLOBAL MIGRATION POLICY-MAKING: THE NEXT STEP



In September 2016, the United Nations' New York Declaration⁸ expressed a clear global political will to act and address large movements of refugees and migrants worldwide. The Declaration emphasised the need for a comprehensive approach for dealing with such population movements, highlighting key areas of concern and for future work. In particular, the Declaration highlighted the impact of crises on both refugee and migrant large-scale movements, and the useful guidance provided by the MICIC and Nansen initiatives⁹, as well as the work of the Global Migration Group (GMG) and intergovernmental organisations in this regard.

From this global consensus thus emerged the global compact processes for migration and on refugees. Over the course of 2017, states, as well as intergovernmental, non-governmental and private stakeholders, gave input with the aim of developing a global compact that promotes safe, orderly and regular migration (GCM).¹⁰ Although one such input session focused on crises as drivers of migration, to which our research clearly speaks, the issues that our research has highlighted cut across a wide breadth of topics, including:

- human rights challenges across migrant trajectories, and migrants' potential vulnerabilities to abuse,
- the important role of social inclusion and cohesion,
- the negative impacts of discrimination (racism, xenophobia), and how they can be exacerbated during a crisis situation,
- challenges and opportunities for international cooperation at the border, as well as in (re)integration processes,
- the impact of remittances (and their sudden termination) at the micro and meso level for countries of origin, and
- the ways in which irregularity (and sponsor-tied regularity) impacts on migrants' opportunities and access to rights and services.

⁸ http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/1

⁹ The Platform on Disaster Displacement (PDD) was launched in 2016 to follow-up on the work started by the Nansen Initiative consultative process, and to implement the recommendations of the [Nansen Initiative Protection Agenda](#), endorsed by [109 governmental delegations](#) during a Global Consultation in October 2015. More information is available at: <https://disasterdisplacement.org/>.

¹⁰ ICMPD issued blog articles on the six thematic GCM sessions, and provided recommendations to the UN Secretary General and the co-facilitators of the GCM process, based on lessons from the EU MICIC project but also our wider organisational experience and expertise. See: ICMPD's Blog at https://www.icmpd.org/news-centre/icmpd-blog/icmpd-blog/?tx_ttnews%5Btt_news%5D=462&cHash=19984aa073fcb7f5dab10582e54260af; and the recommendations at https://refugeesmigrants.un.org/sites/default/files/stocktaking_icmpd.pdf and https://www.icmpd.org/fileadmin/user_upload/GCM_-_An_Agenda_for_Tomorrow_and_Beyond_WEB.pdf. ICMPD has also issued MICIC policy recommendations for the GCM based on a policy discussion with policy makers. See ICMPD (2017). "One Year of Implementation of the Migrants in Countries in Crisis Initiative: How can Lessons Learnt inform the Global Compact?" Policy Recommendations. Vienna: ICMPD. Available at: https://www.icmpd.org/fileadmin/user_upload/MICIC_Policy_Recommendations_for_the_GCM_-_Dec_2017.pdf.

These same issues have been reiterated in the zero draft of the GCM¹¹ – if not as separate objectives, as cross-cutting issues or principles highlighted across the document. This approach confirms that these are major intersecting issues to be addressed by the global community. For this reason, we underline in this policy paper not only the findings related to our comparative research, but also the ways it touches on policy areas selected for coverage by the global compact process. The following sections are thus organised in accordance with six themes extracted from the GCM thematic sessions and zero draft, and makes reference to three specific guiding documents to which the compact can refer¹² for concrete guidance and additional best practices. Namely, these are:

- MICIC Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster¹³,
- Global Migration Group’s Principles and Guidelines on the human rights protection of migrants in vulnerable situations within large and/or mixed movements¹⁴, and
- Nansen Initiative’s Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change.¹⁵

We have selected these three documents as they are particularly focused on the relevant issues for migrants displaced by crises and disasters and provide practical guidance for states and other actors.

¹¹ The zero draft was released on 5 February 2018, and will be the basis for future intergovernmental negotiations on the GCM. Thus, the content within this draft will change – yet it is likely that the major thematic issues reiterated in the zero draft will continue in some manner in future drafts. For more information, see <https://refugeesmigrants.un.org/intergovernmental-negotiations>.

¹² The current zero draft of the GCM refers to the MICIC Guidelines and the GMG Principles and Guidelines, but not the Nansen Initiative Agenda.

¹³ Available at: https://micicinitiative.iom.int/sites/default/files/document/micic_guidelines_english_web_13_09_2016.pdf

¹⁴ Available at: <http://www.ohchr.org/Documents/Issues/Migration/PrinciplesAndGuidelines.pdf>

¹⁵ Available at: <https://nanseninitiative.org/wp-content/uploads/2015/02/PROTECTION-AGENDA-VOLUME-1.pdf>.

3. HUMAN RIGHTS



Human rights concerns with regard to migrants caught in crisis situations have taken many forms – and often have their roots in situations in place pre-crisis. This involves degrading or discriminatory treatment in the country before the crisis – for example, lack of labour protections, prejudice or abuse by the host society and even authorities such as police and immigration control, as well as violations of human rights by employers. Migrants' vulnerabilities to such abuse can then become exacerbated during a crisis situation. For example, in Lebanon, migrant domestic workers reported mistreatment by their employers during the 2006 crisis (e.g. lack of access to food, shelter). In Libya in 2011, xenophobic violence flared up against Sub-Saharan migrants in particular, as they were perceived as potential Ghaddafi mercenaries.

GUIDANCE AND RECOMMENDATIONS

Each of the three main guidance documents on crisis-induced migration and protection of vulnerable migrants references human rights as the foundation upon which responses and assistance should be based. Human rights law provides a clear and strict framework for action, and there are already guidance documents (including best practices) and case law available for states and other actors to follow.¹⁶ A human rights-based approach should be adopted in all measures taken to prepare for crises, in emergency response and in post-crisis interventions. The GCM process has validated this approach in selecting human rights as the first theme to be discussed and on which to collect input, and in establishing it as one of the main guiding principles in the zero draft. Moreover, the EU and EU Member States emphasised the importance of a human rights approach in their input to the process, underlining the necessity of this approach from their viewpoint.¹⁷

It is important that states go beyond rhetoric and take an active human rights approach. Doing so requires examining policies, programmes and measures through a human rights lens – to ensure not just a reactive approach to identified human rights abuses in the context of a crisis, but a proactive one before a crisis hits. A human rights approach is a broad one, with many facets, thus there is not just one recommendation that can encompass all aspects of how states should act. Nonetheless, all aspects described in subsequent sections contribute to ensuring a human rights approach, and are just a few concrete steps states and

¹⁶ For example, the EU Agency for Fundamental Rights has provided practical guidance and handbooks for practitioners to support the implementation of fundamental rights in the EU Member States. See: <http://fra.europa.eu/en/theme/asylum-migration-borders/practical-guidance> and <http://fra.europa.eu/en/publication/2013/handbook-european-law-relating-asylum-borders-and-immigration>.

¹⁷ Written statements submitted to the GCM are available under each relevant thematic session of the GCM, at: <https://refugeesmigrants.un.org/thematic-sessions>.

other stakeholders can take to uphold migrants' human rights before, during and following crisis situations.

4. SOCIAL INCLUSION AND COHESION



Our research has demonstrated that the impact of crises on migrants is to a large extent shaped by individuals' capacity to act in the face of adverse events or adverse conditions. Their resilience is directly related to individual level factors (such as economic capital, educational level, language skills), but also significantly linked to their social embeddedness and inclusion in the host country (destination country or transit country), as well as their country of origin upon return. At the societal level, factors that impact their inclusion and social cohesion identified in our research include: socio-economic integration, length of residence, legal status, relationships and interactions with the local population, including discrimination, and the nature and scope of social networks that link migrants to the local population, co-nationals, families and communities of origin. Legal status had an impact on migrants' socio-economic integration: (irregular) Burkinabé and Ghanaian migrants and Liberian refugees in Côte d'Ivoire worked in inferior and precarious socio-economic positions as compared to Ivorians at the time, while Cameroonian and Chadian migrants in the Central African Republic, who had obtained citizenship or residency documents, were fairly successful and well-integrated economically, in comparison. Linguistic affinities can have a similar impact: the similarities in language for migrants from Laos and Myanmar in Thailand reportedly eased their integration process in the country, economically and socially, and allowed them to better understand and respond to emergency information disseminated during the crisis.

Such factors are also relevant for returnees in their country of origin. On the one hand, support from migrant or wider networks upon return was instrumental for many migrants in obtaining support (financial and emotional) during and following return. In Burkina Faso, returnees from Côte d'Ivoire received support from residents, previous returnees, traditional authorities and associations, providing them with credit, land, food and other support. On the other hand, lack of connection to a broader network of family and friends following a long period abroad (perhaps inter-generational), or reticence to engage with that community due to shame in a failed migration endeavour, can present distinct reintegration challenges for returnees. For many returnees to Chad from the Central African Republic, some of whom had lived abroad for generations, they were unable to establish contact or count on the support of networks due to their long absence. Moreover, ongoing issues that were push factors in an initial decision to migrate (such as unemployment and instability), as well as deskilling and psychosocial issues related to experiences during the crisis following return, also challenged reintegration and social inclusion. Returnees, their family members and civil society organisations in Niger and Egypt highlighted anti-social behaviour, violence and psycho-social health issues of returnees, reflected in robberies, family conflict, and other problems.

GUIDANCE AND RECOMMENDATIONS

Several of the MICIC and GMG guidelines specifically reference areas of improvement, where states and other actors can take action to improve the social inclusion of migrants and societal cohesion. Notably, both guidelines highlight actions to help empower migrants and their communities¹⁸, especially by enabling them to access justice, protecting migrants from violence and exploitation¹⁹, and to include particularly vulnerable groups who may be excluded, such as those stigmatised on the basis of gender, sexual orientation, gender identity, migrant status or age.²⁰

Secondly, the MICIC and GMG guidelines highlight principles and practices promoting inclusiveness of societies towards migrants. In particular, under GMG Principle 1 on upholding human rights, Guideline 4 states: Promote the inclusion of migrants in receiving societies by recognizing the value of cultural diversity and allowing for the unhindered expression of their identities. Relevant sample practices underlined in the MICIC guidelines include communication campaigns aimed at the broader society to promote tolerance and inclusiveness; measures to ensure migrants' human and labour rights; and issuance of identity cards to irregular migrants to ensure their access to services.

Finally, both the MICIC guidelines and the Nansen initiative's agenda for the protection of disaster-displaced persons emphasise the importance of social inclusion of displaced persons and social cohesion of the communities to which people are displaced in the post-crisis phase. In particular, the Nansen initiative agenda underlines the importance of sustainable re-integration upon return to home communities (when possible) – and settlement in a new place of residence when return is not feasible. Finding a lasting solution in such cases requires tailored (re)integration efforts. Similarly, MICIC guidelines 14 and 15²¹ are aimed at supporting migrants and their communities following a crisis, to ensure a positive (re)integration process. Relevant sample practices identified include provision of medical assistance for those with health needs (including psychosocial); engagement of migrants in reconstruction efforts; registration and assessment of return migrants' needs; and certification of migrants' skills, education and training obtained abroad.

State authorities need to better integrate measures and policies addressing

¹⁸ MICIC Guideline 3: Empower migrants to help themselves, their families, and communities during and in the aftermath of crises.

¹⁹ Under GMG Principle 7 on protecting migrants from violence and exploitation, Guideline 1: Take preventative measures to protect migrants from violence and exploitation, whether inflicted by state institutions, officials or by private individuals and entities or groups, including provision of measures to ensure the safety and protection of, or safe spaces for, migrants who have been subjected to violence, and special protection measures to prevent reoccurrence or further victimisation.

²⁰ Under GMG Principle 4 on access to justice for migrants: Guideline 3: Take measures to assist migrants who might be excluded, marginalized or stigmatized on the grounds of gender, sexual orientation, gender identity, migrant status, age or other factors in gaining access to justice.

²¹ Address migrants' immediate needs and support migrants to rebuild lives; Support migrants' host communities.

social inclusion and cohesion within their broader migration policies. Civil society and intergovernmental organisations can support state efforts to better include migrants in campaigns and development programmes. This includes also addressing policy and media representations of migrants, to ensure against sensationalism and falsehoods on migration issues. In the host (original country of destination or transit country) and in the country of origin, states should also make particular effort to address the wider communities hosting migrants and returnees, to soothe potential tensions between groups. Pragmatically, this could mean for example including the host community (and/or particularly vulnerable groups within the host community) in training or financial assistance programmes targeted at migrants or returnees, for example.

5. DISCRIMINATION AND XENOPHOBIA



Migrants interviewed in our research all spoke of different forms of discrimination, xenophobia and xenophobic violence that they experienced in host countries, whether before, during or after the crisis. Their experiences highlighted a wide range of prejudices, related to their migration status, their ethnicity, their occupation, their gender or their religion, including: lack of access to services, inability to access the banking system, differentiation of salary by nationality, physical and verbal abuse, scapegoating, lack of payment of salaries, arbitrary arrests and detention. During a crisis, our research demonstrated how these forms of discrimination can become exacerbated. In Lebanon, there were several cases of migrant domestic workers leaping from balconies to escape the bombardments, as they had been locked in their apartments by their employers who fled Beirut.²²

In Côte d'Ivoire and South Africa, xenophobic violence was part and parcel of the crisis itself. In both countries, migrants experienced steady levels of discrimination and violence before the crisis, represented through government policy changes and increasing hostility towards migrant groups in public discourse. The crises thus were flash points in periods of broader xenophobia and violence.

When migrants are perceived or depicted as parties to the conflict – as in Côte d'Ivoire and Libya – reprisals and violent targeting of migrants was a particular threat. During the Côte d'Ivoire crises, Liberians and Burkinabé were particularly targeted, while Sub-Saharan migrants (Nigeriens and Burkinabé) were targets during the Libyan 2011 crisis – in both cases, migrants were depicted as mercenaries taking part in the conflict and thus experienced attacks from other parties to the conflict (rebel groups or state parties) or groups of citizens (e.g. in gangs). Men were especially targeted in such cases, with harassment, beatings and murders reported, but women who were perceived as connected to a “mercenary” were also targeted with rape.

GUIDANCE AND RECOMMENDATIONS

The GMG guidelines especially underline the importance of countering discrimination and violence against migrants. While this is not relevant only to crisis situations, it has been particularly apt in pre-crisis situations, and our research has shown how it can become significantly exacerbated during civil unrest.

GMG's Principle 2 is specifically dedicated to countering discrimination in all its forms and recognising xenophobia as one of the main sources of contemporary racism, and all of the guidelines under this principle speak in concrete ways to how states and other stakeholders can work to combat discrimination, xenophobia and violence against migrants:

²² Parvaz 2015; Hamill 2011; Jureidini 2010; Jureidini 2009.

- Guideline 1: Elaborate and implement legal measures, in conformity with international human rights standards, that protect migrants from multiple and intersecting forms of discrimination throughout their migration. Ensure that non-discrimination provisions in legislation are applicable to all migration governance measures for migrants in large and/or mixed movements. Review these procedures to ensure compliance with international human rights standards including the principle of non-discrimination. Adopt or amend legislation to ensure the effective accountability of private actors engaged by the State in the response to these movements
- Guideline 2: Strongly condemn and take effective measures against all acts, manifestations and expressions of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes applied to them, including on the basis of religion or belief, and other intersecting forms of discrimination including age and gender. Eradicate impunity by holding those accountable who commit such acts, including politicians, opinion-leaders and the media, and, where appropriate, provide effective remedies to the victims. Ensure serious and extreme instances of hate speech and incitement to hatred are prohibited as criminal offences and brought for review by an independent court or tribunal.
- Guideline 3: Use correct and neutral terminology to describe migrants and promote evidence-based policies on migration drawing on research on the human rights of migrants and impacts and contributions of migrants to host communities, including in terms of economic growth, employment generation, investment and also cultural life.
- Guideline 4: Devise or support locally-rooted campaigns targeted at the general public, which focus on telling the stories of migrants and those who are affected by migration and which aim to build empathy and solidarity and to confront prejudice, stigmatisation, and the exclusion of migrants.
- Guideline 5: Create or strengthen independent institutions and mechanisms, such as specialised national bodies, to monitor and report on discrimination against migrants.

This principle also highlights a promising practice of a crowdsourcing platform called Xenowatch in South Africa, to collect information on xenophobic threats or violence. The database can be used to evaluate local political performance and by NGOs in advocacy.

Moreover, GMG Principle 7 further highlights the importance of protecting migrants from all forms of violence and exploitation, including from state officials or institutions, private groups and other actors. This includes actively ensuring migrants' safety, for example by providing safe spaces and special protection

measures for victims.²³ The GMG principles of ensuring migrants' access to justice (4), protecting migrants' rights during border governance operations (5) and international cooperation (20) also touch on important issues relevant to anti-discrimination measures. Access to justice includes the right to a fair trial and effective remedies for human rights violations for all migrants, regardless of status or identity (e.g. gender, sexual orientation, age, etc). Moreover, the guidelines highlight that border governance policies and measures should be conducted in accordance with international human rights law, including the principle of non-discrimination on the basis of ethnicity or other personal characteristics, and an age-, disability- and gender-responsive approach. It specifically recalls OHCHR's Recommended Principles and Guidelines on Human Rights at International Borders, which uphold the same principles.²⁴ Finally, in calling for improved cooperation among relevant actors, the guidelines also call on media professionals and migration policy makers to be made accountable for the impact they have on discriminatory actions, and to take action to improve their approaches (Principle 20, Guidelines 4 and 5²⁵).

While the GMG guidelines speak more towards efforts of relevance before a crisis occurs, and in particular when a crisis is spurred by xenophobic violence or hostilities, the MICIC guidelines also speak to measures states and non-governmental stakeholders can take in their crisis response actions to prevent discriminatory action towards migrants. Firstly, again, is to empower migrants (Guideline 3). The same relevant sample practices identified as supporting social inclusion and cohesion also apply here with regard to non-discrimination, in particular communication campaigns promoting tolerance, non-discrimination and respect of migrants.

Secondly, MICIC Guideline 11 highlights the importance of non-discrimination in the provision of humanitarian aid. The guideline highlights that assistance should be need-based, without reference to immigration status, nationality, ethnicity, gender, age, disability, etc. Relevant sample practices include tailoring assistance to migrants based on specific needs related to gender, age or disability, and using assessment tools to determine migrant-specific needs.

The guidelines outlined on this topic are specific and action-oriented, and states can and should take this guidance up both in their broad approaches but also with specific supportive actions towards migrants. It is clear that discrimination

²³ Under GMG Principle 7, Guideline 1 states: Take preventative measures to protect migrants from violence and exploitation, whether inflicted by state institutions, officials or by private individuals and entities or groups, including provision of measures to ensure the safety and protection of, or safe spaces for, migrants who have been subjected to violence, and special protection measures to prevent reoccurrence or further victimisation.

²⁴ Available at: http://www.ohchr.org/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf

²⁵ Guideline 4: Improve knowledge, build capacity and sensitize media professionals and outlets on the situation and human rights of migrants. Provide targeted training to media professionals and journalists with emphasis on the elimination of stereotypes and the recognition of the value of cultural diversity.

Guideline 5: Ensure that migration policy-making at the national, as well as at the regional level, is subjected at all times to parliamentary scrutiny and rendered transparent and accountable by making the outcomes including Memoranda of Understanding public.

and xenophobia has become ubiquitous in some areas, which the research has shown can lead to horrific violence and reprisals during crisis situations. In the same way, it is also clear that states must take a more active effort in combatting misperceptions and racism on their own territory.

6. INTERNATIONAL COOPERATION



Across the six case studies, the research demonstrated the variable ways states respond to crises taking place on their territories, and the ways in which other stakeholders step in and cooperate based on need and ability, be they civil society organisations, intergovernmental organisations, private sector actors or even migrant networks such as family, friends, employers, landlords and faith groups. Governments and intergovernmental organisations were the strongest players in terms of scale of operations, in our research, and they engaged not only in immediate responses in the country experiencing the crisis but also in the context of facilitating return and reintegration to migrants' countries of origin.

Coordination among the engaged stakeholders, however, was often found to be lacking. This led to confusion about and unclear division of labour and responsibility and hindered information sharing and communication on essential issues. This negatively impacted relief efforts, delivery of aid and assistance to migrants in need as well as evacuation or repatriation procedures. In Thailand, confusion over the lead Ministry in charge of flood response and ineffective communication significantly hindered their response and led to negative consequences for migrants without access to various services and support.

Deficiencies in crisis responses, particularly those related to coordination and cooperation, can be linked to the lack of proper contingency planning prior to the crisis. Several measures have been taken in the years since to improve immediate crisis response: contingency plans at the national level have been elaborated by several states, and MICIC capacity building activities have supported some these efforts.²⁶

GUIDANCE AND RECOMMENDATIONS

International cooperation in responding to migrants and displaced persons in the context of a crisis is perceived and approached as an overarching goal across the various guidance documents. The MICIC Guidelines, the GMG guidelines and the Nansen initiative agenda all emphasise the importance of cooperation among all relevant actors – government authorities, intergovernmental organisations, civil society organisations, private actors and with migrants themselves (including through migrant associations).

Establishing and strengthening coordination agreements or conditions for cooperation, as well as clear referral mechanisms among the relevant actors (before, during and after a crisis) is a main overlapping guidance suggested

²⁶ See in particular the capacity building module “Consular Crisis Management” and the programme on crisis coordination “Partners in Preparedness”. More information available at: <https://www.icmpd.org/our-work/cross-cutting-initiatives/migrants-in-countries-in-crisis/capacity-building/>.

across the board (MICIC Guidelines 7 and 12²⁷; GMG Principle 20 Guidelines 1 and 2²⁸). Such cooperative agreements and contingency plans should also include migrants (MICIC Guidelines 4 and 5²⁹), so as to ensure that migrants' needs and capacities to help can be integrated into the response plans. The Nansen Initiative suggests that institutional leadership at the national level can help coordinate at the state level – while at the regional level the role of regional and sub-regional organisations should be promoted to ensure integrated responses across a region.³⁰ At the international level, the Nansen initiative references the need for international organisations to coordinate and integrate their work across various sectors and issues, such as humanitarian action, human rights protection, migration management, refugee protection, disaster risk reduction, climate change adaptation, and development.³¹ Such coordination and cooperation can ensure against redundancies and ensure the relevance of the actions.

While states and intergovernmental actors have traditionally been the main actors engaged in larger-scale responses to migrants during a crisis, including in the context of return, they need to engage more concretely other stakeholders. Engaging civil society, including migrant associations, and private actors, such as employers or landlords, can make their approaches more efficient and timely. Contingency plans need to be developed to reflect and allocate responsibilities across the various stakeholder groups as well, to ensure smooth operation during a crisis.

²⁷ Guideline 7: Establish coordination agreements in advance to leverage strengths and foster trust; Guideline 12: Establish clear referral procedures among stakeholders

²⁸ Guideline 1: Establish or strengthen multi-stakeholder partnerships and cooperation including with national human rights institutions, intergovernmental organisations, international organisations, donors, civil society organisations including migrants' associations, trade unions, representative employers' organizations and private sector actors, at the local, national, regional and international levels to centre and uphold all the human rights of all migrants and avoid approaches that might increase the risks to migrants.

Guideline 2: Establish terms and conditions for cooperation and coordination among stakeholders with clear areas of responsibility, including referral procedures, and regular information exchange.

²⁹ Guideline 4: incorporate migrants in prevention, preparedness, and emergency response systems; Guideline 5: Involve migrants in contingency planning and integrate their needs and capacities.

³⁰ Nansen Initiative Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change, Volume I, p. 10.

³¹ Nansen Initiative Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change, Volume I, p. 10.

7. REMITTANCES AND DEVELOPMENT IMPLICATIONS UPON RETURN



In all countries in which we examined the socio-economic impacts of crisis-induced return migration, or stranded migrants in third countries, migrants and their families highlighted the detrimental impact of the loss of remittances on their well-being. Remittances were used for a wide range of services as part of household livelihood strategies, for example: repaying debts, covering the daily needs of (extended) family, buying real estate, covering health care or school fees, supporting marriages of siblings.

Some migrants lost all their savings – for example, in Libya, migrants could not access the formal banking system, so often remitted cash through friends returning home or hid their money in a safe area in the country. However, when the crisis hit, migrants had to flee and leave behind their savings: one Ghanaian migrant lost about 8.000 USD as he had to rush to flee the violence.

Moreover, the loss of remittance income to the household – in addition to the additional burden of having another mouth to feed (the returnee) – had a strong adverse impact on families of returnees, in some cases plunging them into poverty or a more precarious situation. In rearranging family finances in response to the decreased income and increased expenses, there were negative effects on household nutrition, education and health. This was an occurrence in all countries of return we studied. The pressure on the family also often triggered acrimony between spouses, as was seen in Ghanaian and Egyptian returnee families. In some cases the impact could be seen in local trade, as in Niger, in which our research observed reduction in commercial exchanges in returnee communities. However, where migrants were able to make use of and productively invest money remitted prior to the crisis, they invested in starting a new business or trade when possible.

Stakeholder responses to the socio-economic impact of return were limited in scope – usually only immediate small scale assistance in the return process. In a limited number of cases, intergovernmental organisations implemented small-scale training programmes, aimed at supporting small businesses. Some support was organised at the local level, in areas with high numbers of returnees: local communities and leaders in the Grand Gedeh county in Liberia, for example, gave food and land to farm to returnees from Côte d'Ivoire.

GUIDANCE AND RECOMMENDATIONS

The guiding documents all emphasise the importance of planning for longer-term impacts on development, including support for reintegration. Promising

practices referenced in MICIC Guidelines 8, 9 and 13³² make concrete suggestions for how states can improve remittance transfers and longer-term development during and post-crisis. For example, the practices outlined under Guideline 9 on communication underlines the importance of migrants' access to their own savings during a crisis, and especially the role of remittance-sending companies in facilitating access to remittances and savings. In previous experiences with crises, some companies have waived fees for sending funds to a country experiencing a crisis, which can help facilitate access to funds and support.

Moreover, from the Nansen Initiative's agenda and MICIC Guideline 8, states are encouraged to establish funding mechanisms and budget lines to support reconstruction, return and reintegration – especially origin states whose economy is reliant on remittances. These mechanisms can already be activated during a crisis, and can cover all displaced people, including IDPs. This concept is re-emphasised by Guidelines 14 and 15³³ on post-crisis actions to address migrants' needs in the immediate and longer term, as well as the needs of the wider host communities.

It is clear from the research and the guidance that state authorities, intergovernmental organisations and private actors can take specific actions to improve migrants' (and their families') resilience to crisis-induced return. First, access to formal banking systems has been a clear barrier to remitting, leading to loss of savings during a crisis situation. Private sector actors can also facilitate remittances by waiving fees during a crisis situation. Second, more and longer-term reintegration efforts should be made by states and intergovernmental organisations. Short-term support has a short-term impact, and has not been seen to mitigate the negative impacts of loss of remittances at the household and community level.

³² MICIC Guideline 8: Build capacity and learn lessons for emergency response and post-crisis action; MICIC Guideline 9: Communicate widely, effectively, and often with migrants on evolving crises and how to access help; MICIC Guideline 13: Relocate and evacuate migrants when needed.

³³ MICIC Guideline 14: Address migrants' immediate needs and support migrants to rebuild lives. Guideline 15: Support migrants' host communities.

8. IRREGULAR MIGRATION



Precariousness or lack of legal migratory status has been reported across all countries under research, and has impacted migrants' access to rights and services across the board and throughout all phases of a crisis. This has also been connected to discrimination and xenophobia, as well as human rights violations, already covered in previous sections. Precarious and irregular migration status has been reported as a particular hindrance to crisis response more generally and provision of emergency services specifically in a number of ways. In Libya in 2011, countries of origin, civil society and intergovernmental organisations had inaccurate and incomplete information on the number and profile of migrants in the country at the time of the crisis, hindering their ability to effectively provide assistance (including evacuation). In Thailand, those migrants with valid working permits but still awaiting confirmation of their migration status (as per recent regularisation campaigns) were unable or fearful to leave their location for safety, for fear of jeopardising their status, which was tied to one region. Moreover, irregular migrants in Lebanon, Libya, Thailand and South Africa were reluctant to use government shelters, report crimes or request protection or redress, for fear of registration, apprehension and/or deportation. This impacted not only on access to emergency goods (as in Thailand) but also access to justice and protection before, during and after a crisis.

On the other hand, key lessons have been gleaned as to how best to communicate with irregular migrants during a crisis situation. Access to relevant and up-to-date information and effective communication on emergency responses can be critical during a crisis, and irregular migrants do not always have access to such information or are fearful of accessing such services. Civil society actors, informal networks (such as faith-based groups) and prominent migrants within their community have been crucial mediators in providing information to migrants in the country, as well as to families in the country of origin and those providing emergency services. A Ghanaian radio station established phone sessions with migrants caught in the crisis in Libya in 2011, helping establish their needs and location, as well as pressuring the Ghanaian government to provide more support. In Lebanon in 2006, one migrant domestic worker served as a "hotline" for both domestic workers of her community in the country at the time, and also for families in the country of origin looking for information on their family member caught in the country. States, civil society and intergovernmental organisations can use these mediators to improve their communication with all migrants, but especially irregular migrants, who usually try to remain below the radar for fear of identification and deportation. In the case of Lebanon, the same woman remained a mediator (one of several) for her embassy and community in the years following, liaising between the two and providing information to both as needed.

GUIDANCE AND RECOMMENDATIONS

The approach suggested by the MICIC and GMG guidelines, as well as by the Nansen initiative agenda, has three identifiable prongs that specifically relate to responses to irregular migrants caught in a crisis situation: 1. Ensure migrants' human rights and access to humanitarian assistance, regardless of status; 2. Improve migration policies to identify and protect disaster- or crisis-displaced people; and 3. Develop better ways to communicate with irregular migrants, with the aim of providing humanitarian assistance.

First, this approach echoes the general call for a human rights approach towards all migrants at all stages of their migration journey, as highlighted by the first thematic section above. However, the MICIC³⁴ and GMG³⁵ guidelines specifically reference these rights in the context of irregular migration status. This includes ensuring that migrants can access emergency services and humanitarian aid and against criminalisation of migrants for irregular entry or stay, but also empowering migrants to help themselves, without fear of repercussions from the host country authorities or society. Relaxing border controls during a disaster, as noted by the Nansen initiative agenda, can also be essential to the safety of people displaced by a crisis.

Second, states are called to improve their migration policies – especially legal pathways to regular status for irregular migrants. The GMG principles and guidelines call on holistic approaches, also accounting for family reunification, protection needs and the value of diversity to society as a whole.³⁶ For disaster-displaced persons, the Nansen initiative agenda emphasises the development of specific criteria in order to identify cross-border disaster-displaced persons and to properly integrate them into states' migration policies.

Finally, the MICIC initiative touched specifically on the need to communicate better with migrants during a crisis situation, especially where irregular or hidden populations may make this difficult for state authorities. Firstly, state authorities, aid organisations and even private actors need more information on

³⁴ In particular MICIC Guideline 11: Provide humanitarian assistance to migrants without discrimination.

³⁵ GMG Principle 1 on human rights, Guideline 1: Reaffirm the fundamental importance of respecting, protecting and fulfilling the human rights of all migrants who leave their countries, regardless of their migratory status, in policy and practice. Ensure legislation or measures adopted are consistent with their obligations under international human rights law and do not adversely affect the full enjoyment of the human rights and fundamental freedoms of migrants, without discrimination.

GMG Principle 1 on human rights, Guideline 5: Ensure that the irregular entry or stay of migrants are not considered a criminal offence, given that border crossing is an administrative issue. Any administrative sanctions applied to irregular entry should be proportionate and reasonable. Ensure that migrants are not liable for criminal prosecution for having used the services of smugglers. Do not impose penalties on refugees for unauthorized entry.

³⁶ GMG Principle 1 on human rights, Guideline 4: Enhance accessible, regular, fair, safe and affordable migration pathways, facilitating regularisation of migrants in irregular status, and promoting holistic approaches that take into account the demand for such pathways that come both from receiving societies as well as the necessity for migrants to reunite with family and seek protection of their rights and recognises the value of diversity.

the background of migrants in the country (including who may require additional aid such as children, the elderly or the disabled), the size of the population, and in which districts they may be concentrated. Guideline 2 suggests that data is collected and shared on these issues, with full respect to the privacy, confidentiality, security and safety of those migrants whose information may be shared.³⁷ Secondly, states and aid organisations need to improve their modes of communication with this target group – accounting for language needs and intermediaries who may help the communication process and ensure that migrants have all the information they need about the crisis progression and access to services.³⁸ Both sides to this coin must be addressed to improve migrants' access to information during a crisis – and particularly irregular migrants, who tend to be hidden both statistically and physically, making communication and targeted aid difficult.

³⁷ Guideline 2 Collect and share information on migrants, subject to privacy, confidentiality, and the security and safety of migrants.

³⁸ Guideline 9: Communicate widely, effectively, and often with migrants on evolving crises and how to access help.

9. CONCLUDING THOUGHTS



In the context of our MICIC research, six main themes continually re-emerged as cross-cutting issues across all phases of a crisis, the type of crisis, and geographically: human rights protection, social inclusion and cohesion, discrimination and xenophobia, international cooperation, remittances and development impact of return and irregular migration. These themes surfaced as major issues of concern across many or all of the six case studies and 12 fieldwork countries under study, covering a wide variety of countries, types of crises and level of preparation. Indeed, these are major issues of concern globally, as reflected in the discussions surrounding the development of the GCM.

Yet at the same time, these are also not new concerns, and there are already principles, guidelines and action plans in the public domain that provide concrete guidance for states and other actors to respond to these needs. We selected just three of the most relevant of such documents, in order to demonstrate the specific and action-oriented guidance available:

- MICIC Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster³⁹,
- Global Migration Group's Principles and Guidelines on the human rights protection of migrants in vulnerable situations within large and/or mixed movements⁴⁰, and
- Nansen Initiative's Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change.⁴¹

Yet there are many others, some of which are already cited in the GCM zero draft⁴², which could and should be promoted more expressly. In the context of the development of the GCM, and continued challenges implicit in crisis response, we call on relevant actors to use the practical guidance already available and based on both solid research and promising practices already identified. In this regard, there is no need to “reinvent the wheel” in order to identify both areas of concern where further work is needed, as well as concrete actions that can be taken to improve the current situation and potential future responses, in order to better address the impacts of crises on migrants.

³⁹ Available at: https://micicinitiative.iom.int/sites/default/files/document/micic_guidelines_english_web_13_09_2016.pdf

⁴⁰ Available at: <http://www.ohchr.org/Documents/Issues/Migration/PrinciplesAndGuidelines.pdf>

⁴¹ Available at: <https://nanseninitiative.org/wp-content/uploads/2015/02/PROTECTION-AGENDA-VOLUME-1.pdf>.

⁴² Such as: OHCHR Recommended Principles and Guidelines on Human Rights at International Borders, ILO General Principles and Operational Guidelines for Fair Recruitment and the United Nations Guiding Principles on Business and Human Rights.

SUMMARY PAPER

ABSTRACT

This summary paper highlights key findings from across the research conducted on migrants caught in situations of crisis in destination countries, providing policy recommendations and connecting the findings to recent policy developments and relevant guidance already available to policy makers. The research this summary is based on was conducted on six specific case studies (Central African Republic, Côte d'Ivoire, Lebanon, Libya, South Africa and Thailand) covering different types of crises, over different time periods and in different locales, for which research was conducted in twelve different countries. Our comparative report and this summary paper speak to and provide guidance related to the main issues that emerged from across this research, notably: human rights concerns, international cooperation, social inclusion and cohesion, discrimination and xenophobia, remittance and development implications of return, and irregular migration.

The research has been conducted by the International Centre for Migration Policy Development (ICMPD), the University of Oxford's International Migration Institute (IMI), and local research partners in the twelve countries in which fieldwork was conducted, in the context of the EU-funded project 'Migrants in Countries in Crisis: Supporting an Evidence-based Approach for Effective and Cooperative State Action' (MICIC).

SUMMARY OF PROJECT

In 2015, the European Union (EU) launched 'Migrants in Countries in Crisis: Supporting an Evidence-based Approach for Effective and Cooperative State Action', a four-year project implemented by the International Centre for Migration Policy Development (ICMPD). This EU-funded project is a contribution to the global Migrants in Countries in Crisis (MICIC) initiative, a government-led process co-chaired by the governments of the Philippines and the United States, which shares similar goals. The project aims to improve the capacity of states and other stakeholders to assist and provide protection to migrants who find themselves in countries affected by crisis, as well as address the long-term implications of such situations. Within the project, six regional consultations with states and other relevant stakeholders have been conducted, contributing to the development of the MICIC initiative 'Guidelines to protect migrants in countries experiencing conflict or natural disaster', which provide guidance for states and other stakeholders in responding to the needs of migrants caught in crisis situations. In addition, the project also develops capacity building activities to follow up on key recommendations that have emerged over the course of the project.