

THE INTERNATIONAL ORGANIZATION  
FOR MIGRATION IS COMMITTED TO  
THE PRINCIPLE THAT HUMANE No.21  
AND ORDERLY INTERNATIONAL  
MIGRATION DIALOGUE BENEFITS  
MIGRANTS AND ON MIGRATION  
SOCIETY IOM ASSISTS IN MEETING  
THE GROWING OPERATIONAL  
CHALLENGES OF PROTECTING  
MIGRATION MIGRANTS DURING  
MANAGEMENT TIMES OF CRISIS:  
ADVANCES IMMEDIATE RESPONSES  
UNDERSTANDING AND SUSTAINABLE  
OF MIGRATION ISSUES STRATEGIES  
ENCOURAGES SOCIAL AND ECONOMIC  
DEVELOPMENT THROUGH MIGRATION  
UPHOLDS THE HUMAN DIGNITY AND  
WELL-BEING OF MIGRANTS



International Organization for Migration (IOM)



No. 21

**INTERNATIONAL  
DIALOGUE  
ON MIGRATION**

**PROTECTING MIGRANTS  
DURING TIMES OF CRISIS:  
IMMEDIATE RESPONSES AND  
SUSTAINABLE STRATEGIES**



International Organization for Migration (IOM)

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

Opinions expressed in the chapters of this book by named contributors are those expressed by the contributors and do not necessarily reflect the views of IOM.

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*The primary goal of IOM is to facilitate the orderly and humane management of international migration... To achieve that goal, IOM will focus on the following activities, acting at the request of or in agreement with Member States:...*

*7. To promote, facilitate and support regional and global debate and dialogue on migration, including through the International Dialogue on Migration, so as to advance understanding of the opportunities and challenges it presents, the identification and development of effective policies for addressing those challenges and to identify comprehensive approaches and measures for advancing international cooperation... (IOM Strategy, adopted by the IOM Council in 2007).*

IOM launched its International Dialogue on Migration (IDM) at the fiftieth anniversary session of the IOM Council in 2001, at the request of the Organization's membership. The purpose of the IDM, consistent with the mandate in IOM's constitution, is to provide a forum for Member States and Observers to identify and discuss major issues and challenges in the field of international migration, to contribute to a better understanding of migration and to strengthen cooperation on migration issues between governments and with other actors. The IDM also has a capacity-building function, enabling experts from different domains and regions to share policy approaches and effective practices in particular areas of interest and to develop networks for future action.

The IOM membership selects an annual theme to guide the IDM as well as the topics of the IDM workshops. The inclusive, informal and constructive format of the dialogue has helped to create a more open climate for migration policy debate and has served to build confidence among the various migration stakeholders. In combination with targeted research and policy analysis, the IDM has also contributed to a better understanding of topical and emerging migration issues and their linkages with other policy domains. It has also facilitated the exchange of policy options and approaches among policymakers and practitioners, with a view towards more effective and humane governance of international migration.

The International Dialogue on Migration Publication Series (or “Red Book Series”) is designed to capture and review the results of the events and research carried out within the framework of the IDM. The Red Book Series is prepared and coordinated by the IDM Unit of IOM’s Department of International Cooperation and Partnerships. More information on the IDM can be found at [www.iom.int/idm](http://www.iom.int/idm).

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This publication contains the report and supplementary materials of a workshop on “Protecting Migrants during Times of Crisis: Immediate Responses and Sustainable Strategies” which was held in Geneva, Switzerland, on 13 and 14 September 2012. The workshop, which took place under the overarching theme of the 2012 IDM *Managing Migration in Crisis Situations*, was attended by 300 participants from government, international and non-governmental organizations (NGOs), research institutions and others.

The publication opens with a Chair’s Summary of the principal conclusions derived from the workshop which was presented to the workshop participants at the end of the two-day event, followed by a more detailed report of the deliberations and recommendations which emanated from the discussions. In addition, the publication contains the agenda and background paper pertaining to the workshop.

The IDM 2012 was organized by the IDM Unit of IOM’s Department of International Cooperation and Partnerships, in collaboration with the Department of Operations and Emergencies. Special thanks for the preparation of the background paper and the report are owed to Karoline Popp, Paula Benea and Angela Sherwood, the principal authors.

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# **CHAIR'S SUMMARY**



## CHAIR'S SUMMARY

As part of IOM's annual International Dialogue on Migration (IDM) – dedicated in 2012 to the theme *Managing Migration in Crisis Situations* – the IOM membership selected the topic “Protecting Migrants during Times of Crisis: Immediate Responses and Sustainable Strategies” as the focus of a workshop in Geneva, Switzerland, on 13 and 14 September 2012.<sup>1</sup>

The workshop was the second in a series that examines the relationship between humanitarian crises and human mobility. It focused on the situation of international migrants when their destination or transit countries experience upheavals or natural or man-made disasters.

The workshop was attended by approximately 250 policymakers and practitioners from around the world with specialization in migration and displacement, humanitarian action, disaster management, protection and related issues. This document summarizes the main conclusions and key ideas for action which emanated from their discussions.

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<sup>1</sup> The workshop background paper, agenda and other conference materials can be found at: [www.iom.int/idmmigrantsincrisis](http://www.iom.int/idmmigrantsincrisis).

## **1. International migration will always be a factor in crises.**

- Migration crises come in various shapes and sizes, but regardless of their nature or magnitude, the situation of migrants caught in crises has not received adequate attention in the past.
- Workshop participants recognized that, as human mobility intensifies around the globe, crises are increasingly likely to affect migrant populations in their countries of transit and destination. Bangladesh also urged that environmental migrants and climate-induced displacement be included in efforts to protect migrants in emergency and crisis. This was supported by representatives of countries in the Sahel region, where a severe drought aggravated the challenge of receiving large numbers of returning migrants.

## **2. Destination and origin countries need to factor their migrant population into planning for emergencies.**

- For proper contingency planning, States need to know where migrants are, who they are, and how to reach them in the event of a crisis. Many participants stressed the long-standing, sometimes historic connections between countries that shape migration flows and patterns, for example in sub-Saharan Africa. At the same time, however, they accepted that knowledge and data concerning migration is often lacking, hampering efforts to respond to migrants' needs in the event of a crisis.
- Preparedness at a regional level would benefit from the development of specific, migrant-oriented early warning systems.
- Better training and preparation of migrants before leaving their country of origin can help them make informed decisions in the event of a crisis.

- A Memorandum of Understanding (MOU) on the protection and evacuation of Korean nationals during crises recently concluded between the Republic of Korea and IOM elicited great interest from participants as an example of an effective preparedness measure.

### **3. How migrants' human rights are protected before a crisis will directly affect their level of vulnerability and exposure to abuse during a crisis.**

- Participants identified both domestic legal frameworks and international norms as important mechanisms to strengthen the protection of migrants during crises. International Humanitarian Law and the International Labour Organization's Convention on Domestic Workers were cited as particularly relevant in this context.
- The discussion also revolved around improving social protection for migrants, for example through insurance schemes, which can also help migrants and their families absorb any shocks as a result of crises.
- Participants expressed concern at illicit practices by recruitment agencies: for example, owing debt to a recruiter may limit migrants' ability to leave or otherwise protect themselves during a crisis.
- Access to safety during crises is even further compromised for those already experiencing extreme human rights violations, such as trafficked persons and exploited migrants.

#### **4. When stranded in a crisis situation, migrants are exposed to specific vulnerabilities.**

- Several speakers, including from Bangladesh, the European Union (EU) and the United States, drew attention to the vulnerabilities and specific needs of migrant populations, which are not always sufficiently covered by the humanitarian system. In the event of a crisis, migrants experience numerous barriers to accessing protection and assistance, ranging from the practical (e.g. language) to the legal (e.g. irregular status).
- Participants stressed that gender differences affect how migrants are affected by and cope with crises. Women migrant domestic workers were mentioned as a potentially vulnerable group, as they often work in isolation and their mobility may be restricted.
- On the other hand, one should not underestimate migrants' capacities to help themselves: participants from Benin, the Philippines and Sri Lanka cited examples of migrant communities who self-organized, supported each other and worked with embassies and local authorities to ensure their own safety and that of fellow migrants during crises.

#### **5. States are using diverse strategies to reach out to migrants during crises.**

- New technologies are opening up more effective channels to establish contact and disseminate information to migrants before and during crises. Countries such as Sri Lanka have started utilizing social media and mobile phone technology to communicate with their nationals abroad. Japan, with the support of IOM, has used multilingual radio broadcasting to disseminate information to migrant communities after the 2011 earthquake.
- Consular services need to be capable of dealing with emergencies, for example by training consular officials

or by establishing specialized rapid response teams. Capacity-building and coordination among local authorities, international humanitarian actors and diplomatic missions can also serve to enhance *in situ* protection of migrant workers, short of a full evacuation. However, consular services can only be provided if countries are granted access during emergencies.

- Where a country cannot maintain a large consular network, bilateral or regional partnerships between States, as concluded among countries of the Association of Southeast Asian Nations (ASEAN), for example, have allowed countries to share consular responsibilities and to extend services to nationals of other States.

## **6. Return to the home country is sometimes inevitable to protect migrants caught in crises, but this is not without consequences.**

- Many participants explained the steps and lessons learned in evacuating and repatriating their nationals from a country in crisis. They concluded that sometimes evacuation can be the best available tool to ensure the protection of migrants and to reduce the risk of prolonged displacement and other, more drastic humanitarian consequences.
- Evacuations are complex operations: they involve coordination among States, international organizations, civil and military actors, air carriers and border officials, to name a few. The Libya crisis in 2011 and the ongoing conflict in the Syrian Arab Republic have highlighted particular challenges related to the issuance of documents and securing exit visas for migrant workers.
- As stressed by representatives from Chad, Niger and South Sudan, large-scale returns can overwhelm a country's capacity and resources to receive and reintegrate their nationals who often face unemployment, loss of assets, debt and emotional hardship. Returning migrant children – who may in fact

have never lived in the country of their parents – may have difficulty accessing education. Families who had relied on remittances are suddenly left without income.

- Numerous participants cited reintegration efforts such as private sector initiatives to generate employment (as done in Viet Nam), community-level reintegration strategies (such as the “Economic Heroes” of Sri Lanka), or counselling (by civil society organizations in the Philippines).
- It emerged that many of those who returned home from the Libya crisis, in fact, aspire to migrate again. It was highlighted that solving the issue of stranded migrants requires long-term migration policies that go beyond crisis response. Several participants also underlined that development factors are inextricably bound up in any attempt to tackle the immediate and longer-term consequences of migrants caught in crises.

## **7. No one actor can ensure the protection of migrants during crises, requiring instead multiple levels of coordination.**

- Coordination between States is indispensable, for example in information sharing, granting of consular access, affording temporary protection, or facilitating humanitarian border management to allow safe transit for populations fleeing crisis.
- Regional organizations have added the issue of migrants caught in crisis to their agendas: the African Union, ASEAN, the Colombo Process, the EU, the South American Conference on Migration, to name a few, have jointly tackled consular questions and the development and security consequences of migration crises.
- Crises also challenge different authorities within a State to harmonize their actions, such as different government departments, embassies and consulates, local and national authorities, civil defence actors, border and customs officials, and the military.

- Participants drew attention to the obligations of the private sector, such as migrant recruiters and employers, to ensure the rights and safety of migrant workers during crises. Others pointed to the scope for creative cooperation with the private sector, including in job creation for returned migrants.
- Participants also called for closer coordination among international organizations, especially humanitarian, migration and development actors. For instance, speakers from the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), and IOM drew lessons from the 2011 Libya crisis concerning the coordination of evacuations.
- Discussions also touched on the role of the media in crises, and the occasionally detrimental effects of sensationalist reporting in relation to the movement of people.

Overall, the plight of international migrants stranded in crises in destination countries remains an invisible and underreported issue. Participants called for greater awareness-raising and further discussion, including in international forums such as the 2013 United Nations High-Level Dialogue on International Migration and Development, the Global Forum on Migration and Development, and the World Economic Forum.

Numerous participants recognized the central role of IOM – as the global migration agency – in responding to migration crises in which migrants are predominantly affected, with particular reference to the large-scale evacuations of migrant workers and their families from within and around Libya in 2011. In the same vein, several speakers called for better resourcing of IOM Migration Emergency Funding Mechanism, adopted by IOM Member States in 2011 to guarantee more immediate and flexible responses to migration crises on the part of IOM. The IOM Director General concluded the workshop indicating that the Organization will further build on the work undertaken in the IDM 2012, including at an IDM seminar in New York on “Migrants in Times of Crisis: An Emerging Protection Challenge”

on 9 October 2012 and at the IOM Council Session in November 2012. Furthermore, an upcoming session of the IOM Standing Committee on Programmes and on 30-31 October 2012 will allow Member States to discuss in more detail IOM's activities to assist and protect migrants caught in crisis situations and to review the progress made in developing an IOM Migration Crisis Operational Framework. Several delegations present at the IDM workshop referred to this operational framework, which will enable IOM and its partners to better respond to a migration crisis and address many of the issues raised during the workshop, and demonstrated their support for this IOM initiative.

Geneva, 14 September 2012

# WORKSHOP REPORT



# INTRODUCTION

The workshop “Protecting Migrants during Times of Crisis: Immediate Responses and Sustainable Strategies” was held in the framework of IOM’s annual International Dialogue on Migration (IDM) and took place in Geneva, Switzerland, on 13 and 14 September 2012. The workshop was the second of a series dedicated in 2012 to the theme *Managing Migration in Crisis Situations*, as selected by the IOM membership.<sup>1</sup>

When considering the multiple ways in which humanitarian crises and migration interact, the situation of international migrants caught in crises in their destination or transit countries has been somewhat overlooked by policymakers and practitioners from both the migration and the humanitarian communities. Non-nationals, especially migrant workers and their families, have often remained invisible and have thus not been accounted for in humanitarian response mechanisms. At the same time, few migration policy frameworks anticipate the possibility that

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<sup>1</sup> Additional material relating to the workshop can be found at [www.iom.int/idmmigrantsin crisis](http://www.iom.int/idmmigrantsin crisis). The IDM forms part of a broader institutional strategy to highlight migration crises as a growing challenge for States and the international community; as an issue of global importance in the debate on migration governance; and as an institutional priority for IOM. This workshop had been preceded by a first IDM workshop in April 2012 (see [www.iom.int/idmcomplexcrises](http://www.iom.int/idmcomplexcrises)) and was followed by an IDM policy seminar in New York held in collaboration with the International Peace Institute at the margins of the United Nations General Assembly in October 2012 ([www.iom.int/idmnewyork](http://www.iom.int/idmnewyork)). In parallel, IOM’s Standing Committee on Programmes and Finance considered the same topics in its deliberations in May and October 2012. This process led to the formulation of IOM’s Migration Crisis Operational Framework, an institutional strategy to improve IOM’s response to crises with migration implications, to support States in assisting and protecting crisis-affected populations, and to address migration dimensions of crises that have been overlooked in the past.

migrants may end up stranded in conflicts or natural disasters in their countries of destination or transit. However, given the growing number of migrants around the world – 214 million international migrants according to latest estimates<sup>2</sup> – the consequences of crises for migrant populations will likely be a significant feature of future crises and need to be factored into humanitarian response frameworks. When countries of destination or transit experience political turmoil, conflict or natural disasters, their migrant populations often have few means to escape and ensure their own safety. Risks and vulnerabilities are exacerbated when migrants are in an irregular situation, or when countries of origin lack the resources, capacity and access to protect and assist their nationals abroad. Some migrants may be unable or unwilling to leave the crisis zone, while others may be forced to cross borders into neighbouring countries. As a result, repercussions may be felt regionally and beyond. Ultimately, migrants may escape crises by returning or being evacuated to their countries of origin, but challenges do not end there: countries of origin often struggle to receive and reintegrate large numbers of returnees, while the sudden loss of remittances leaves their families and home communities without income. The departure of migrant workers may also create gaps in the labour markets of countries of destination which may in fact depend on migrant labour for post-crisis recovery and reconstruction.

The events in North Africa in 2011<sup>3</sup> threw into sharp relief the vulnerability of migrants when their host countries experience crises: when the civil upheaval in Libya in early 2011 turned into an armed conflict between the regime and rebel forces, the political

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<sup>2</sup> United Nations Department of Economic and Social Affairs, Trends in International Migrant Stock: The 2008 Revision, <http://esa.un.org/migration/index.asp?panel=1>.

<sup>3</sup> For more on the crisis in North Africa and its repercussions for migrants and migration, see: IOM, *Returnees from Libya: The Bittersweet Experience of Coming Home*, Policy Brief (2012); IOM, *Migrants Caught in Crisis: The IOM Experience in Libya* (2012); B. Kelly and A. Juwadurovna Wadud, *Asian Labour Migrants and Humanitarian Crises: Lessons from Libya*, IOM – MPI Issue in Brief No. 3 (July 2012). All available at: <http://publications.iom.int/bookstore>.

crisis and violence also led to one of the largest migration crises<sup>4</sup> in history. Many migrants were unable to escape the fighting and were trapped inside Libya, where they were sometimes deliberately targeted by the warring factions. Others were stranded at the borders between Libya and neighbouring countries in an attempt to seek safety. Out of an estimated 1.8 million migrant workers present in Libya at the start of the crisis, eventually more than 800,000 crossed the borders into neighbouring countries and returned or were evacuated to their countries of origin. The majority were nationals of North African, sub-Saharan African and South Asian countries, but altogether, migrants of more than 120 nationalities fled the crisis in Libya. Sub-Saharan Africans were one of the largest groups of migrant workers in Libya: as a result of the crisis, more than 200,000 returned to their home countries in the space of a few months, giving rise to critical challenges in an already fragile region.

The workshop aimed to draw lessons from the 2011 Libya crisis and its consequences for migrants and migration, but discussions also reflected on the implications of crises in other parts of the world for migrants, such as the earthquake and tsunami that struck Japan in March 2011, and extensive flooding which affected Thailand in 2011. Beyond such recent and “high-profile” emergencies, there are also more silent and protracted crises that affect migrants, such as in the Horn of Africa and the Gulf of Aden. Participants also recalled other events, such as the evacuations of migrant workers from Kuwait during the first Gulf War in 1990 and from Lebanon in 2006.

The purpose of the workshop was to gather and exchange ideas for policy solutions and practical measures to protect and assist migrants caught in crises. By approaching the subject by “phases” – before, during and after a crisis – the workshop allowed participants to examine the scope for enhanced preparedness for such situations, to assess lessons learned in protecting and

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<sup>4</sup> The “migration crisis” concept is at the heart of the 2012 IDM and was introduced at the first IDM workshop in April 2012 (see [www.iom.int/idmcomplexcrises](http://www.iom.int/idmcomplexcrises)). “Migration crisis” – short for “crises with migration consequences” – describes large-scale, complex migration flows due to a crisis which typically involve significant vulnerabilities for affected individuals and communities.

assisting migrants during acute emergencies, and to reflect on challenges in resolving longer-term consequences for migrants, countries of origin and countries of destination. The following questions served to guide the discussions:

- In what ways are migrants particularly vulnerable and where are the gaps in protecting and assisting them in crisis situations?
- What are the immediate and long-term repercussions when migrants are affected by crises?
- How can national policies, international collaboration and the humanitarian system better prepare for and address such situations?

## SCOPE AND PURPOSE OF THE WORKSHOP

The workshop was attended by approximately 300 participants, including policymakers and practitioners from around the world with specialization in migration and displacement, humanitarian action, consular assistance, disaster management, protection and related issues. The participants represented governments from over 85 countries, as well as 22 international organizations, 17 NGOs, and academic institutions.

Participants came together to exchange experiences, lessons learned, effective practices and policy approaches to address the situation of migrants affected by crises. Within the overall objective of the IDM series in 2012 – enhancing synergies between humanitarian and migration perspectives in the search for appropriate responses to migration crises – the key objectives of the second workshop in the series were:

- to identify necessary, migrant-inclusive preparedness measures and inter-State cooperation mechanisms;
- to identify practical solutions and existing legal provisions that ensure protection and assistance to migrants stranded in crises, particularly the most vulnerable ones;
- to identify policy interventions to address the longer-term consequences of crises for migrants and countries of origin and destination; and
- to identify labour mobility strategies that contribute to longer-term post-crisis recovery and development.

A background paper, provided to participants in advance of the workshop, outlined the principal concepts, definitions, policy challenges and areas of focus. The conclusions of the discussion were presented at the end of the two-day deliberations in the form of a Chair's Summary. Both the background paper and the Chair's Summary are enclosed in this report.

## **DELIBERATIONS AND RECOMMENDATIONS OF THE WORKSHOP**

The following statements capture the key ideas which emerged from the workshop discussions and will serve to structure this report.<sup>5</sup>

1. International migration will always be a factor in crises.
2. Destination and origin countries need to factor their migrant population into planning for emergencies.
3. How migrants' human rights are protected before a crisis will directly affect their level of vulnerability and exposure to abuse during a crisis.
4. When stranded in a crisis situation, migrants are exposed to specific vulnerabilities.
5. States are using diverse strategies to reach out to migrants during crises.

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<sup>5</sup> The report is based on the IDM workshop, but does not claim to offer an exhaustive summary of the discussion. Likewise, it aims to gather relevant examples and experiences presented at the workshop, but does not claim or attempt to evaluate their validity or effectiveness. IOM is not responsible for factual inaccuracies in the original presentations made at the workshop that may have been reproduced in this account. The information contained in this report dates from September 2012, although it is recognized that some ongoing situations may have evolved since.

6. Return to the home country is sometimes inevitable to protect migrants caught in crises, but this is not without consequences.
7. No one actor can ensure the protection of migrants during crises, requiring instead multiple levels of coordination.

## **1. International migration will always be a factor in crises.**

As far as the movement of people in the context of a crisis is concerned, two categories of people have traditionally been recognized and captured in humanitarian responses: internally displaced persons (IDPs) on the one hand, and refugees on the other. By contrast, the situation of international migrants caught in crises and their needs and vulnerabilities have often not received sufficient attention. In a world of unprecedented human mobility, a central feature of contemporary globalization, the question of international migrants caught in crises cannot be marginalized. The increasing frequency and magnitude of crises, both natural and man-made, in combination with greater human mobility around the globe mean that international migrants are more likely to be among those affected. The workshop thus revolved around the issues facing non-nationals, in particular migrant workers and their families, during crises, as well as wider repercussions of crises on migrants and migration. Recent events, such as the political upheavals in Libya and Côte d'Ivoire in 2011 and in the Syrian Arab Republic in 2012, as well as natural disasters in Japan and Thailand in 2011, have demonstrated the complex impacts of crises on different categories of migrants, and have significantly challenged the existing humanitarian system.

- **Creating greater awareness of the situation of migrants caught in crises:** Countries of origin, destination and transit bear the responsibility to protect and assist migrants caught in crises. However, international migrants are often not considered a priority and thus not included in national preparedness plans and may be left out of emergency assistance. Recent crises highlighted such gaps in national and international humanitarian responses. Participants therefore

called for a comprehensive approach to crisis situations by governments and the international humanitarian community to cover the protection and assistance needs of migrants caught in crises.

- The EU stressed that the international humanitarian community needs to focus on the vulnerabilities and specific needs of migrant populations affected by man-made crises or natural disasters in their country of transit or destination. Acknowledging that migrants caught in crises are often vulnerable and may find themselves displaced or trapped in dangerous circumstances, a migrant-targeted policy framework for crisis situations is necessary. The framework would comprise credible and tailor-made commitments and responses for all phases of a crisis, from prevention to post-crisis rehabilitation, so as to contribute to the protection of migrants and to ease the humanitarian response burden during emergency situations.
- The Philippines pointed out that, given the large number of migrant workers who have become victims of crisis situations in the past, crises affecting migrants should be considered a standing item on the agenda of all humanitarian organizations. Differences in mandates and approaches of international agencies in responding to crises involving refugees, IDPs and migrants are legitimate; however, distinctions based on mandates and categories of people should not come at the expense of people who need assistance and protection in complex humanitarian emergencies. Therefore, consideration of migrant workers should be an integral part of any large-scale humanitarian operation involving multilateral cooperation and international agencies. This view was backed by Chad, whose Foreign Minister urged that questions of migration must be taken into account in international debates in the same way that questions of refugees are.
- Bangladesh expressed concern that in spite of wider recognition of the contribution migrants make to national

development and global wealth creation, they are often marginalized and become vulnerable in times of crisis. According to the Foreign Minister of Bangladesh, the recent events in the Middle East and North Africa, in particular in Libya, have made clear that crises expose migrant workers to enormous risks and may result in long-term repercussions, including the loss of employment and belongings. Bangladesh suggested that IOM, as the leading migration agency, could take the lead, in collaboration with other organizations, in developing a global response mechanism for such situations. IOM's proposed Migration Crisis Operational Framework and the IOM Migration Emergency Funding Mechanism,<sup>6</sup> adopted by IOM Member States in 2011, could be at the core of initiating a global response.

- For Niger, as a country of origin of migration flows, the issue of migrants in the context of crisis is a new one. Niger recently witnessed the consequences of a situation where migrants had to return to their country of origin to escape a crisis elsewhere. In 2011, the violence in Côte d'Ivoire and Libya meant that 260,000 migrants of Niger were forced to go home empty-handed to a country which had little to offer in terms of socio-economic prospects.
- In Japan, more than 700,000 foreigners, including permanent and temporary foreign residents, spouses of Japanese nationals, students and tourists, were present in the area that was hit by the earthquake and tsunami in March 2011. Twenty-three foreign nationals lost their lives and 173 were injured in the event.
- The Republic of Korea highlighted the growing mobility trends among its populations, stating that 7 million nationals currently reside outside the country. Adding to this 13 million citizens who travel abroad each year, the Government has had to prepare for a growing number

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<sup>6</sup> On the occasion of the 100th Session of the IOM Council in December 2011, Member States adopted the Migration Emergency Funding Mechanism to guarantee more immediate and flexible responses to migration crises on the part of IOM.

of emergencies and other incidents affecting its nationals while overseas.

- Viet Nam's experience with situations in which Vietnamese migrants were caught in crisis dates back to the first Gulf War in 1990, which prompted the evacuation of more than 17,000 Vietnamese migrant workers from Iraq, followed by the return of more than 400 Vietnamese nationals from Lebanon in 2006 and the recent operation to evacuate more than 10,000 Vietnamese migrant workers in Libya in 2011.
- In Thailand, approximately 900,000 international migrants were registered in areas affected by the 2011 floods, though this figure does not account for unregistered migrants. As a consequence of the floods, a significant number of migrant workers have lost their jobs, either temporarily or permanently.
- **Including environmental migrants and climate-induced displacement into efforts to protect migrants in emergency and crisis:** Participants recounted experiences of natural disasters, drought and sea-level rise in various countries and regions, which many associated with the effects of climate change, and which have induced displacement within the country and forced migration out of affected areas. Frequently, environmental factors add to other challenges in a territory, such as political instability or poverty, and may consequently produce complex, multidimensional humanitarian crises. In addition to displacement by natural disasters, progressive deterioration of environmental conditions has led to temporary or permanent environmental migration. Participants suggested that to ensure protection and assistance for environmental migrants, this category needs to be mainstreamed into the international community's preparedness and contingency planning and be included in the scope of any framework for protecting and assisting migrants in crisis situations.
- Bangladesh stressed the importance of a comprehensive framework to respond to the multiple aspects of

conflicts, environmental disasters and climate-induced displacement. In Bangladesh, a large proportion of the population is at risk of displacement by natural disasters partly induced by climate change. According to the speaker, studies have revealed that a one meter rise in sea level in Bangladesh could provoke the displacement of about 30 million people. Bangladesh urged that environmental migrants and climate-induced displacement should be part of the scope of any framework for protecting migrants in crisis situations.

- The countries of the Sahel region found themselves in an already complex and protracted crisis when the events in North Africa in 2011 occurred and added additional strain: while the major challenge the region experiences is severe food insecurity due to drought, high food prices and progressive degradation of environmental conditions, the humanitarian situation in the countries has been further aggravated by the ongoing conflict in northern Mali and the fallout of the Libya crisis.
- **Addressing the issue of statelessness and crises:** Stateless persons may be found among migrant populations; while de facto statelessness can also arise from migration, for example in cases where children born to migrant parents can acquire neither their parents' nationality nor of the nationality of their country of birth. Stateless persons are very often marginalized, but their vulnerability is aggravated during crises as they are unable to resort to the assistance of any national authority clearly responsible for their protection. Participants underlined the importance of registration of migrant children and general efforts to reduce statelessness.
- The African Union Commission expressed concern over the situation of certain African migrants who are at risk of becoming stateless due to the failure of authorities of either their country of origin or destination to grant nationality. For the specific case of Chad, the children of Chadian migrants born in Libya were neither nationals of Chad nor of Libya. On the one hand, the children were not registered by their parents with Chadian consular

services in Libya. On the other hand, they were not granted Libyan nationality because *jus soli* principles, by which an individual is granted nationality of the State on whose territory he or she is born, did not apply in Libya.

- The issue of stateless persons in crisis situations was also raised at an African Union high-level panel on the peace process between Sudan and South Sudan, with reference to people who returned from Libya to Sudan and South Sudan in 2011 to find that they no longer had an official nationality following the declaration of independence of South Sudan. A symposium will be held at the level of African Union Member States to draw attention to such cases and to develop guidelines that will ensure that their status is defined and their rights are protected.

## **2. Destination and origin countries need to factor their migrant population into planning for emergencies.**

Past crises have revealed that preparedness measures to protect and assist migrant populations when an emergency occurs have sometimes been inadequate or absent entirely. Participants stressed that proper contingency planning at national, regional and international levels must consider migrant populations and assess their needs and vulnerabilities. However, reliable data and information about migrants is often lacking, which hampers governments' efforts to assess and respond to migrants' needs in a timely and appropriate fashion in the event of a crisis. At the very minimum, to be prepared in the event of an emergency, countries need to know where migrants are located, who they are and how to reach them. In a crisis affecting non-nationals, both destination and origin countries have responsibilities towards the migrant and need to cooperate in assisting migrant populations. Countries bear the responsibility to protect and assist all crisis-affected populations present on their territory in fulfilment of obligations under international humanitarian and human rights law. This duty includes international migrants, irrespective of their legal status. The same is true for a country of transit to which

migrants may have fled as a result of the crisis. At the same time, the country of origin is responsible for protecting and assisting its nationals even when they are abroad. Participants called for strong information sharing between home and host countries to help monitor any risk migrants may face in the event of a crisis.

- **Improving knowledge and data quality about migrants to facilitate outreach and assistance during crises:** Reliable and accurate information and data about migrants are fundamental to assess the needs and vulnerabilities of migrants in emergencies, and take informed decisions about their situation. Knowledge about the location and number of nationals residing abroad and mechanisms to maintain contact between overseas nationals and national authorities are critical in facilitating responses by the country of origin during a crisis, in particular when the situation demands that foreign nationals be evacuated from the crisis zone.

- As Bangladesh explained, reliable information can help governments and agencies react appropriately and execute informed decisions and plans. Early contingency planning may help prevent chaos and manage complex situations. Also, Bangladesh suggested the possibility of forming a network to help origin and destination countries, employers and employees, migrants' families, international agencies and local authorities to share information and to take precautionary and protective measures.
- Chad explained that Chadian migrants in Libya, many of whom had resided in Libya for decades, had typically not registered with Chadian embassies or consulates in Libya. As a consequence, many did not possess valid documentation and needed emergency travel documents or laissez-passer when the crisis erupted in 2011.
- The representative of the EU's Directorate-General for Humanitarian Aid and Civil Protection emphasized the importance of solid data about migrants and the exact number of migrants possibly caught in a crisis in order to prepare timely and appropriate responses to such crises

and ensure assistance reaches the population in need. The international system needs to improve its accountability and coordination to respond to migration crises more effectively.

- As part of its contingency planning, Sri Lanka is in the process of linking a national database on migrant workers with the immigration and emigration database. This harmonization of the two databases will facilitate the retrieval of more accurate estimates of Sri Lankan migrant workers in different locations, reducing the “guesswork” that was necessary in the past to establish a picture of the situation of migrant workers in the event of a crisis. It was also suggested that more comprehensive research into labour mobility flows among different countries and strategies to monitor such flows could supplement existing data and knowledge to help identify migrant populations that may be affected by crises.
- **Developing specific, migrant-oriented preparedness measures:** Preparedness at national, regional or international levels would benefit from the development of specific, migrant-oriented measures. Participants emphasized that the acute emergency phase is not the right moment to assess the needs of international migrants, suggesting instead that pre-established mechanisms for the protection of migrants affected by crises could be useful. These do not necessarily have to come at great cost: some measures presented included mainstreaming migrant-specific considerations into established preparedness and contingency plans, or the establishment of appropriate networks that can be triggered when a crisis occurs. Countries of origin also underlined the difficulty in judging the severity of a crisis and hoped for improvements in the area of “early warning” to help assess when intervention on behalf of their nationals abroad may become necessary. In the same vein, effective communication and ongoing consultation between host and destination countries is key to ensure more predictable and effective responses to migrants stranded in crisis situations.

- As was demonstrated during the earthquake and tsunami in Japan in 2011, establishing networks at national level and with organizations working on the ground, such as information-sharing platforms with NGOs and local administrations, is critical in responding to the needs of migrants during emergencies. NGOs played a major role in meeting the assistance needs of foreigners in the aftermath of the earthquake and the tsunami. However, the event also revealed that coordination between the government and civil society organizations could be strengthened.
- As one preparedness measure, the Philippines involved its migrant communities abroad in preparing for a crisis through a system of “wardenships” that connects Filipino migrants in the same location amongst each other and with diplomatic and consular services. These pre-established networks help identify migrants who cannot, for various reasons, access diplomatic and consular services and information in times of crisis and facilitate their access to humanitarian assistance.
- Numerous participants referred to the lack of funding that often slows down responses to crises. Many welcomed the establishment of IOM’s Migration Emergency Funding Mechanism in 2011 to guarantee more immediate and flexible responses to migration crises on the part of IOM and encouraged Member States of IOM to continue contributing to this fund.
- **Training and preparing migrants before leaving their country of origin:** As part of efforts by governments and NGOs to prepare migrants and their families for the eventuality of a crisis, pre-departure orientation for migrant workers could be expanded to include information on assistance and evacuation procedures in a crisis, in particular available consular services. Participants suggested that better training and preparation of migrants before leaving their country of origin can help them make informed decisions in the event of a crisis.

- The Kanlungan Centre Foundation, a non-profit organization in the Philippines, stated that informed and trained migrants have proven to be able to help themselves and others better in the event of a crisis. As part of Kanlungan's support strategy, the organization offers pre-departure orientation seminars for migrants.
  - As part of its crisis prevention system, the Republic of Korea has a Travel Advisory System, a Traveller Registration System, and a Safety Information SMS service. These mechanisms are geared primarily at Koreans travelling abroad for tourism and aim to inform them of possible risks they may encounter.
  - Sri Lanka organizes pre-departure training sessions for migrant workers, which include information and advice on how to behave and seek safety during crises, but also acknowledged that the value of theoretical information can be limited in the event of an actual emergency.
- **Incorporating multilateral cooperation into preparedness strategies:** Typically, States resolve issues relating to their nationals residing in other countries bilaterally. Not all countries, however, have the capacity to maintain such diplomatic relations and consular services in all countries where their nationals are present. In addition, channels of communication may break down during emergencies, especially in political crises, and can make effective cooperation on behalf of migrants caught in crisis impossible. In such instances, international organizations have an important function in bridging the gaps and facilitating cooperation between countries. Their contribution can be particularly valuable when the organization has an established presence in the affected country prior to the crisis and when complex interventions, including emergency evacuation for large numbers of people, are necessary.
  - Aware of a growing mismatch between the numbers of Korean nationals travelling and living abroad and the scope of Korean diplomatic and consular representation, the Government of the Republic of Korea sought international cooperation to manage

emergency evacuations of overseas Koreans and to provide related services in locations where there is no Korean representation. The Government took note of IOM's network of field offices – 450 offices, as compared to South Korea's 158 diplomatic missions – as well as IOM's experience in providing assistance and protection to migrants caught in crisis. In June 2012, the Republic of Korea and IOM signed an MOU to support the evacuation of Korean nationals from future emergencies worldwide. The MOU provides a framework for cooperation and facilitation of the emergency evacuation and related services for Korean nationals due to conflicts or natural disasters, including from locations where no representation of the Korean Ministry of Foreign Affairs exists. Specifically, and upon request from the Government of the Republic of Korea, IOM will arrange in-country transportation and international evacuation, provide transit assistance and escorts, facilitate travel documents in coordination with relevant authorities in countries of destination and transit, and carry out fit-for-travel medical checks.

### **3. How migrants' human rights are protected before a crisis will directly affect their level of vulnerability and exposure to abuse during a crisis.**

Domestic legal frameworks and international norms are a crucial foundation for the protection of migrants during crises. Participants acknowledged that when the human rights of migrants are poorly protected in general, migrants' vulnerabilities would be exacerbated in the event of a crisis, when law and order and other social support systems may have collapsed. Conversely, they agreed that better protection of migrants caught in crisis requires strengthening the respect for the human rights of migrants overall. Migrants who lack ties with their host community or with other migrants, who are hesitant to interact with authorities or the police, and who are unfamiliar with the institutions and

procedures that may be in place for emergencies, are likely to face greater risks during the exceptional circumstances produced by an emergency. For instance, migrants may experience isolating working conditions or may have their passports taken away by their employer, which restricts their freedom of movement and hampers their access to consular assistance and evacuation procedures. Where migrants' wages are being withheld, migrants may have no financial means to leave the crisis zone. Migrants whose work visa is tied to one particular employer may be reluctant to leave if they see few prospects to legally return to their jobs once the crisis is over. Illicit practices by recruitment agencies also emerged as a cause of concern, as they that may limit migrants' ability to protect themselves during a crisis, force them to take greater risks or create other lasting repercussions. Many migrants incur large debts – to cover fees for documentation, recruitment, job placement and travel – to be able to realize their migration aspirations. Extortionate recruitment fees that leave migrants in debt can also present barriers to seeking safety as the loss of employment will present an existential challenge for the migrant and his or her family. The prospect of having to service the debt may be prohibitive for migrants when deciding whether to leave a crisis area and when they have no guarantees to be able to return to their places of employment after the crisis. Therefore, closer attention to the pre-crisis conditions and exclusions experienced by migrants can yield important clues as to their vulnerability during and after crises.

- **Strengthening protection of migrants during crises through domestic legal frameworks and international norms:** Discussions centred on adapting domestic legal frameworks to account for the protection of migrants caught in crisis, based on the provisions of international humanitarian law and international human rights law. Participants also cited other norms, in particular those relating to consular services as laid down in the Vienna Convention on Diplomatic Relations, to enhance the protection of migrants. Others considered the need for innovative approaches to bridge the existing gaps in protection of migrants affected by crises, recognizing that this group has not been explicitly captured in existing legal international frameworks.

- According to the International Committee of the Red Cross (ICRC), in situations of conflict, international humanitarian law guarantees migrants the same general protection that is granted to other civilians who are not, or no longer, participating in hostilities. In practice, however, it is observed that migrants have specific vulnerabilities that may differ considerably from those of other people affected by armed conflict and violence.
- Domestic work is a sector typically populated by migrant workers, and particularly migrant women. It is also a sector that engenders certain vulnerabilities for migrants, especially due to isolated working conditions, which are exacerbated during crises. Many participants cited the International Labour Organization's convention concerning decent work for domestic workers (No. 189), and called for its ratification to strengthen the protection of domestic workers' rights.
- Indonesia emphasized the duty of the State to protect its nationals, including those residing abroad, and pointed to its experiences with the 4 million Indonesian migrant workers around the world, many of whom are employed as domestic workers.
- Chad stressed that regularization of irregular migrants, through cooperation between countries of origin and countries of destination, would be a critical step towards improving their situation, especially in the event of a crisis.
- The Philippines underlined that in the event of a crisis, the right to consular access needs to be universally respected in line with international provisions. Ideally, if such access is guaranteed prior to a crisis or early on, assistance and evacuation operations have a better chance to perform effectively.
- Citing the example of the 1994 Northridge earthquake in Los Angeles, United States, where authorities were unsure whether irregular migrants were eligible for

disaster relief or only for emergency assistance during the first 90 days after the earthquake, an expert from Georgetown University underlined the importance of legal clarity. Unambiguous legal frameworks need to be in place before a crisis occurs to avoid losing time during the most critical phase of an emergency.

- **Improving social protection for migrants:** Discussions revolved around improving social protection for migrants, for example through better regulation of recruitment practices and employment conditions. Participants also considered the use of insurance schemes to help mitigate some of the risks entailed by migration and to help migrants and their families absorb any shocks related to a crisis event, such as the cost of health assistance, repatriation or the sudden loss of income.
  - The Philippines has considered including in the employment contracts between recruitment agencies or employers and Filipino migrant workers a clause that commits employers to repatriate Filipino workers in emergency situations with assistance from humanitarian organizations.
  - To help migrants mitigate crisis-induced risks, Bangladesh suggested a possible mandatory insurance of migrants against political unrest and other emergencies that may occur in the country of destination. However, this should be realized without implying additional costs for the migrant, as Bangladesh recognized the risk that recruiting agencies may simply pass on the cost that such a scheme would entail to migrants by raising recruitment fees.
  - Turkey has taken a series of administrative measures to allow foreign workers to obtain health and accident insurance with the national social security system, with permission from the Ministry of Labour. Approximately one and a half years after the institution of this measure, 15,000 foreign workers had registered for the social security system. Giving the example of Filipino migrants working in sectors such as childcare, household work and construction in Turkey, Turkey explained that a

migrant's contribution to the Turkish social security system is currently not transferable to the Philippines. As a result, migrants lose the contribution they have made to the insurance scheme upon return to the Philippines. In response, the Philippines suggested that bilateral agreements on the portability of benefits between the country of destination and origin could help protect the social rights of migrants.

- As regards access to justice, the Republic of Korea's "Legal Advisory Assistance" is intended to provide its nationals with information and advice on the local legal system in their country of destination, including on matters of criminal litigation or immigration. Korean diplomatic missions establish contracts with selected local lawyers and law firms that can be called upon for legal assistance. Diplomatic and consular missions are also in charge of ensuring the welfare, protection and safety of Koreans in detention abroad, through regular visits to the detention facilities and health checks.
- Chile has set up committees with Peru and Colombia for Chilean-Peruvian social relations and Chilean-Colombian social relations, respectively. Chile has an important number of Peruvian migrant workers in sectors such as mining and manufacturing. Within the scope of the committee, the authorities of the two countries organize annual meetings to monitor the well-being of Peruvian migrants and the implementation of policies to ensure effective integration, protection of migrants' human rights and access to health care, housing and education. Along the same lines, Chile highlighted cooperation with Colombia, another important origin country of migrants entering Chile for mining activities. Joint visits to the areas in Chile where Colombian migrants predominantly settle serve to assess their housing and working conditions, levels of social protection, and overall well-being and integration into the Chilean host society.

- **Considering “trapped” migrant populations and migrants experiencing extreme human rights violations:** In addition to the vulnerabilities already outlined, migration populations who already experience extreme human rights violations, such as trafficked persons and exploited migrants, are at an even higher risk during crises. Their conditions usually leave them cut off from their surroundings and since authorities and humanitarian responders are not aware of their presence they are unable to reach them during crises. These challenges are closely linked to situations when migrants are “trapped” in the crisis zone and – due to force, intimidation or physical and practical constraints – unable to seek safety elsewhere. Participants discussed various such cases and concluded that only firmer action against human trafficking and exploitation can help reduce the number of migrants who find themselves trapped in crises.
  - The Government of Nigeria developed a national migration policy that incorporates all migration-related issues, including migrant protection in crisis situations. The National Agency for the Prohibition of Traffic in Persons and Other Related Matters<sup>7</sup> coordinates the implementation of this policy. Together with other national agencies with a mandate in crisis management, the agency worked with the Ministry of Foreign Affairs to evacuate over 4,000 Nigerian migrants from Libya, Tunisia, Egypt and Côte d’Ivoire in 2011.
  - Ethiopia established a national committee, as well as a number of regional committees, each composed of various government and non-government bodies, to oversee the implementation of legal employment legislation and the prevention of human trafficking.

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<sup>7</sup> [www.naptip.gov.ng/](http://www.naptip.gov.ng/)

#### **4. When stranded in a crisis situation, migrants are exposed to specific vulnerabilities.**

Speakers drew attention to various migrant-specific vulnerabilities during crises which are not always sufficiently accounted for in the humanitarian system. In the event of a crisis, migrants may experience numerous impediments in accessing humanitarian assistance and protection. Such barriers may on the one hand be practical, such as unfamiliarity with the local language, lack of information about available assistance, emergency shelters and evacuation procedures, and lack of networks, transport or financial means to leave the crisis zone. On the other hand, there may be legal barriers, such as migrants' irregular status and loss or deprivation of documents, which may undermine efforts by authorities or international organizations to assist and evacuate migrants. A general climate of discrimination, xenophobia and anti-migrant sentiment in the country of destination is likely to further complicate migrants' access to humanitarian assistance and protection and can even lead to the deliberate targeting of migrants in situations of civil unrest and heightened tensions. Participants noted also that gender is an important factor to consider when assessing migrants' challenges to cope with crises. Nonetheless, participants also cautioned against stereotyping migrants as helpless victims and acknowledged their autonomy and ability to help themselves and others in face of adversity. Generally, it was recognized that maintaining or improving migrants' access to assistance in a crisis situation is key and also the biggest challenge in reducing their vulnerability.

- **Paying attention to the vulnerabilities and specific needs of migrant populations:** Past crises have highlighted various migrant-specific vulnerabilities relating, for example, to language barriers, irregular status or discrimination, giving rise to numerous assistance and protection challenges in emergency situations. The discussions emphasized that national and international humanitarian response systems need to establish tools to better account for the vulnerabilities and specific needs of migrants.

- The ICRC underlined that the specific vulnerabilities of migrants during crisis may be due, for example, to a lack of community and family support, but also because migrants may be directly targeted for the simple fact of being foreigners. It also referenced cases of migrants being placed in detention or made to pay high fees for exit visas when seeking to leave a country in crisis.
- During the earthquake and tsunami in Japan in 2011, language often posed a significant barrier to information on assistance and evacuation procedures for foreign nationals. To overcome this problem, Japan, with support from IOM, established a multilingual radio broadcast to disseminate information to migrant communities and other foreigners affected by the earthquake. The information was transmitted in 17 languages over the national radio network.
- In the course of the evacuation process of Chadians from Libya, it became clear that many had never registered with Chadian consular services or their embassy in Libya. In addition, fearing expulsion, many irregular migrants avoided contact with Libyan authorities, which put them at further risk of remaining out of reach of humanitarian assistance. More than a year after the crisis, 200 Chadians are declared disappeared.
- Thailand's large population of migrant workers experienced a variety of vulnerabilities during the 2011 floods, language barriers being just one of them. When migrants decided early on in this crisis to return to their home countries, principally to Myanmar, reports emerged of migrants falling victim to extortion and trafficking while trying to reach their countries of origin. Those who lacked documentation were at risk of being arrested and deported during their journey, while even registered migrant workers who were in possession of a work permit could be arrested when they left the province in which they had been registered. The Thai Ministry of Labour established a Flood Relief and Assistance Centre for Migrant Workers. Measures included the provision of

food, shelter, limited work opportunities, and assistance in relocating to their communities of origin.<sup>8</sup>

- During the civil unrest in Libya, migrants from sub-Saharan Africa were occasionally accused of fighting as foreign mercenaries alongside Gadhafi loyalists. As a result, migrants from sub-Saharan Africa, especially young males, were at heightened risk of being targeted by opposition fighters and many became victims of serious violence and abuse.
- **Factoring gender differences into emergency response:** Migrant-specific vulnerabilities combine with other vulnerabilities related to gender, age or state of health. Participants stressed in particular that gender differences could influence how migrants are affected by and cope with crises. Women migrant domestic workers were mentioned as a potentially vulnerable group, as their working conditions can lead to isolation and restricted mobility.
  - During the war between Lebanon and Israel in 2006, there were reports of Sri Lankan female migrant workers who were seriously injured or even lost their lives in attempts to escape from buildings by jumping from windows or balconies. It emerged that some employers had not allowed their domestic workers to leave the house, leaving them trapped in the fighting and unable to access their consulates or humanitarian assistance.
- **Mobilizing migrants' capacities to help themselves:** Individual migrants and migrant networks play a central role in facilitating assistance for migrants during a crisis. Participants urged that the capacities of migrants to help themselves in times of crisis, when authorities or international agencies cannot reach them, should not be underestimated.

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<sup>8</sup> See World Bank, *Thai Flood 2011: Rapid Assessment for Resilient Recovery and Reconstruction Planning* (2012), p.214. Available at: <http://reliefweb.int/report/thailand/thai-flood-2011-rapid-assessment-resilient-recovery-and-reconstruction-planning>.

- The Kanlungan Centre Foundation has invested in support networks for Filipino migrant workers, believing that organized groups of migrants can assist each other in crises and in preparation for crisis situations. Part of the strategy is a network for migrant domestic workers called “Balabal”. Translating into English as “shawl” or “cloak”, Balabal functions as a support organization or network that migrant domestic workers can tap into for protection in times of crisis. Recently, a Balabal initiative supported efforts by Kanlungan and the Government of the Philippines to help a group of Filipino migrant workers trapped in the Syrian Arab Republic to return home.
- During the crisis in Côte d’Ivoire in 2011, many Beninese migrants remained stranded in affected areas and could not access humanitarian assistance despite the Government’s efforts to evacuate them. The Government reported that, instead, migrants organized themselves and managed thus to leave the crisis area through the northern part of Côte d’Ivoire.

## **5. States are using diverse strategies to reach out to migrants during crises.**

Establishing contact and disseminating information to migrants before and during crises can be one of the principal challenges for governments and other humanitarian actors. For instance, countries of origin wishing to assist their nationals abroad may not have access to a country in crisis, because they do not have diplomatic representation in that country; because consulates lack sufficient capacities to respond to their nationals’ needs during emergencies; because of a collapse of communication and transport infrastructure; or because they may be denied access on security or other grounds. Some participants presented examples of innovative use of communication technologies to facilitate outreach to migrants during crises. Discussion also raised the question of consular access and capacity and the need for stronger bilateral and regional consular cooperation. Consular services by

the country of origin are an essential element in responding to the situation of migrants caught in crisis: consular offices often represent the first port of call for migrants caught in crisis, and they are the first implementers of the origin country's obligation to protect and assist its nationals abroad. Additionally, some States have established rapid response teams that are specialized for crisis intervention and able to facilitate the protection and potential evacuation of their nationals. Capacity-building of emergency consular services and coordination among consular and diplomatic missions, local authorities and international humanitarian actors can go a long way towards enhancing *in situ* protection of migrant workers and can facilitate the evacuation of affected migrants should it become necessary. As a precondition, however, countries must be granted access to the country or area undergoing crisis: many speakers thus underlined the principle of consular access. In addition, several speakers highlighted examples of bilateral and regional partnerships to share consular responsibilities and extension of services to nationals of other States.

- **Considering the potential of new technologies to establish contact and disseminate information:** Migrants may be affected by crises in their country of destination but unable to access humanitarian assistance due to various barriers such as language and lack of access to information. New technologies are opening up effective channels to establish contact and disseminate information to migrants before and during crises.
  - To ensure timely communication with its overseas nationals during crises, Sri Lanka has put in place registration systems and is now in the process of providing SIM cards to migrants, especially to those located in more isolated areas or working in private households, to facilitate contact between migrants and consular authorities in emergency situations.
  - In the aftermath of the earthquake and tsunami, Japan set up a special page on the website of the Ministry of Foreign Affairs intended to share up-to-date information about the emergency and ongoing rescue efforts in Japanese

and English. Apart from regular web-based news release, an official Facebook page was created by the Ministry of Foreign Affairs as a tool for information sharing.

- While improved ways to communicate with stranded migrants received much attention, the ICRC reminded participants of the importance of establishing communication links between migrants and their families in the country of origin or in the diaspora, or to reunite families who have become separated during the course of their escape. During the conflict in Libya, and together with Red Cross and the Red Crescent National Societies, the organization offered more than 120,000 phone calls at the borders between Libya and Algeria, Chad, Egypt, Niger and Tunisia. Likewise, upon the migrants' repatriation, emergency assistance and services to restore family links were offered at the borders and airports in about 15 countries of origin.
- **Building capacities of consular services to respond to crises:** Aware of the gaps noted in current approaches for humanitarian assistance and protection to migrants, participants emphasized the need for better coordination between local authorities, international humanitarian actors and diplomatic missions, as well as relevant capacity-building for emergency consular assistance.
  - Prior to the outbreak of the fighting in Libya, there were 1,460 Korean nationals residing and working in Libya, yet only nine members of staff at the Embassy of the Republic of Korea. As the crisis intensified and an evacuation of Korean nationals became necessary, the Government deployed two charter planes, a warship and a large number of vehicles and commercial ships, with contributions from private sector companies. With support from IOM, the embassy dealt with administrative procedures at harbours and airports, while a Rapid Deployment Team dispatched by the Foreign Ministry in Seoul took charge of issuing passports or travel certificates, and of distributing emergency supplies. The experience prompted the Ministry to reflect on the

challenges that may arise in future response operations, for example in places where no Korean diplomatic mission exists.

- Chile presented the new MOU between Chile and Argentina creating a consular service network to assist each other's nationals in third countries who become victims of violence or other human rights abuses. The agreement foresees the extension of consular services of one country to the nationals of the other. For instance, if Argentina cannot maintain a consular service in a third country, Chile's consular services would extend assistance to Argentine nationals in that country.
- The Philippines made reference to the support it had received from Indonesia during the conflict in Lebanon in 2006 when Indonesia provided assistance to Filipino migrants until the Philippines could open a diplomatic representation in the neighbouring Syrian Arab Republic. The Philippines underlined the importance of consular access if countries of origin are to effectively assist and protect their nationals and cited the example of Yemen, which allowed access to Filipino consular officers based in Saudi Arabia when they needed to assist stranded Filipino migrants in Yemen.
- Following the 2011 earthquake and tsunami, the Japanese Ministry of Foreign Affairs convened daily briefings for embassies in Tokyo to support the efforts of foreign governments in assisting and evacuating their nationals. In coordination with the Ministry of Land, Infrastructure, Transport and Tourism, it helped obtain permissions for charter flights that embassies had organized to evacuate their nationals and assisted with procedures for embassy staff to enter the affected area. It was also noted, however, that information flows could have been improved: for instance, local authorities were occasionally unaware of the assistance measures put in place by foreign embassies.
- Indonesia recently dispatched crisis intervention teams to the Syrian Arab Republic to assist Indonesian

migrant workers affected by the ongoing conflict in the country. Teams consist of specialized, Arabic-speaking staff trained in negotiation techniques and in assisting individuals who may have suffered violent and distressing experiences.

## **6. Return to the home country is sometimes inevitable to protect migrants caught in crises, but this is not without consequences.**

When stranded in a crisis, emergency evacuation or return to home countries can sometimes be the best available option to ensure the protection of migrants and reduce the risk of more dramatic humanitarian consequences. Many participants explained the steps and lessons learned in evacuating and repatriating their nationals from a country in crisis, and concluded that return or evacuation can be the most effective way to bring migrants to immediate safety, in line with the protection obligations of their countries of origin. Evacuations can be highly complex undertakings requiring strong international cooperation, especially where low consular capacities, complex security situations, a collapse of transport infrastructure or large numbers of migrants awaiting evacuation challenge the ability of any single State to take charge of its nationals. At the same time, participants recognized that the relief provided by return or evacuation is often only temporary: unexpected return under difficult circumstances can have serious longer-term impacts for migrants, their families and communities, and the country of origin at large. Issues facing migrants and their families range from psychosocial impacts of the distress suffered during the crisis to the consequences of having lost jobs, property and assets or having to service debts incurred through migration. The situation is particularly acute where migrants were the household's sole breadwinners and families relied on their remittances for income. On a larger scale, returns can overwhelm a country's capacity to receive and reintegrate its nationals, especially where socio-economic conditions were fragile in the first place. Much of the discussion was thus devoted to the medium and long-term repercussions emanating from

crises affecting migrants, which many felt tended to be neglected: in essence, some argued, return can create a secondary crisis for migrants and their home communities and countries. Policies aimed at reintegrating returnees need to adopt a development perspective, involving both returning migrants and receiving communities. Some also pointed to the longer-term consequences in the country recovering from a crisis: where a country had, to a significant extent, relied on migrant labour, the sudden departure of migrants due to a crisis could hamper reconstruction efforts and deprive the country of essential skills. They asked how new migration opportunities could be used to address such gaps and resolve some of the difficulties facing returned migrants.

- **Enhancing cooperation in complex evacuation operations:** Evacuations are complex operations, necessitating the coordination of transport and logistical aspects, facilitation of travel documentation (including exit and transit visas in some cases), travel health services, management of luggage and other assets, to name a few. Therefore, participants stressed the need for better coordination among States, international organizations and other actors such as civil and military actors, air carriers, border officials and embassy officials, and foreign ministries, both at the place of departure and at the destination. Many States that do not have the necessary capacity or resources for such large-scale operations recommended calling on international assistance and cooperation.
  - In the context of the 2011 Libya crisis, IOM and the Office of UNHCR established a joint Humanitarian Evacuation Cell (HEC) at headquarters level to coordinate the emergency evacuation of affected migrants from Libya. The HEC supported, among other things, the coordination of assets and in-kind contributions from 19 countries for the international evacuation of migrants, totalling an estimated USD 23 million. The HEC benefited from the support of the EU Monitoring and Information Centre, which is part of the Community Mechanism for Civil Protection, in transmitting requests for assets and in collecting offers from EU Member States.

- Humanitarian principles demand that humanitarian actors remain clearly separate and distinct from military actors in a conflict. OCHA pointed to existing guidelines for the relationship between humanitarian organizations and military forces, including on the use of foreign military and civil defence assets in disaster relief and in complex emergency situations. In the Libya crisis, after consultations among States, NATO, UNHCR and IOM, it was decided that the humanitarian urgency and the capabilities and resources offered by military assets warranted their utilization for the evacuation of migrants caught in the conflict. The collaboration with NATO and the integration of military assets in the evacuations were judged a success; nonetheless, any future use of military assets in an evacuation operation will be analysed on a case-by-case basis and is understood to be a measure of “last resort”.
- Chad provided insights into the complexities of evacuation procedures from the point of view of a receiving country: firstly, migrants fleeing Libya had to be met by Chadian consular officials from Cairo and Tripoli and IOM staff at the Libyan border with Egypt and Tunisia where they received identity documents and laissez-passer. In addition to significant returns over land, up to four aeroplanes a day landed in the capital N’Djamena during the height of the crisis. From there, returnees were given temporary shelter and assistance in IOM-run transit centres before being assisted in their onward travel to their home towns or countries of origin, for non-Chadians. In addition to the central government and international organizations, the evacuation and reception procedures required support and cooperation from security forces, customs officials, airport and aviation services, as well as local governments.
- During the 2011 Libya crisis, Viet Nam established an inter-ministerial “Steering Committee on the Evacuation of Vietnamese workers in Libya” as well as five working groups which were sent to countries in the surrounding region, namely Egypt, Greece, Malta, Tunisia and Turkey.

The working groups established cooperation with Vietnamese embassies, local authorities and relevant international organizations such as IOM and UNHCR, to facilitate the reception and return of Vietnamese workers.

- **Addressing the challenges facing crisis returnees:** Return to their home countries may achieve immediate protection for migrants caught in crises. Challenges, however, continue once they are back in their home country. Migrants may have been forced to leave behind their properties, jobs and outstanding wages, facing unemployment, loss of income and debt upon return. Additionally, migrants will have to cope with the distress experienced during the crisis and what many perceive as the “shame” of returning to their families empty-handed.
  - In Chad, the consequences of the crisis for Chadian migrants in Libya did not end once they reached their home country. Migrants – some of whom who had left Chad decades ago – found themselves in a country that had become unfamiliar to them. Particularly children of migrant parents, who had never lived in Chad, struggled with the new living conditions, language and education system in Chad. The Government also expressed concern about the potentially destabilizing impact of large numbers of less-skilled youth with limited economic opportunities.
  - A large number of irregular migrants from Ethiopia have been stranded at the border between Yemen and Saudi Arabia where they are often exposed to serious violence from smugglers and are subject to deprivation of food and shelter and other hardships. Through an Assisted Voluntary Return and Reintegration Programme led by the Ethiopian Ministry of Foreign Affairs and the Main Department for Immigration and Nationality, IOM, the Ethiopian Government, Ethiopian diplomatic missions and relevant authorities of the country of destination coordinate pre-return and return arrangements, including travel and accommodation, medical screening and counselling for the stranded Ethiopian migrants. Once returned, migrants receive temporary shelter, medical

assistance, counselling services and local transportation to areas of origin and reintegration assistance by IOM.

- A representative of the United Nations Development Programme drew attention to the psychosocial consequences of crises for migrants, and the double challenge facing poverty-stricken countries of origin to provide for basic needs and to take care of traumatized individuals returning from countries in conflict.
- **Considering a country's capacity to receive and reintegrate returnees:** Large-scale returns can exceed a country's capacity and resources to receive and reintegrate its nationals. As pointed out by several speakers, large numbers of jobless returnees to countries already struggling with poverty and unemployment and lacking appropriate policies to manage reintegration can have a destabilizing effect on local communities who had often relied on migrants' remittances as a source of income.
  - Viet Nam adopted measures to support migrants returning from Libya in 2011 and their families in coping with the loss of employment and income. Returning workers could receive loans from the National Employment Fund for vocational training courses and job offers in the private sector, as well as benefiting from priority selection for overseas labour deployment corresponding to their skills. In addition to the national government's support programmes, some provinces also initiated their own assistance programmes, granting each returnee a set amount of money to help them stabilize their lives or offering free job trainings and consultations at job centres.
  - To respond to reintegration needs of returnees, Niger created a national committee in charge of welcoming and reinserting returnees from Libya and Côte d'Ivoire. For example, returnees were given access to microfinancing to help them implement income-generating projects. Reintegration efforts had entailed a cost of approximately USD 4 million for Niger. The Government also reported on the destabilizing social impact that return migration

had on communities, due to the added pressure on already strained labour markets and the drop in remittances.

- The South Sudan Reintegration Theme Group, composed of United Nations agencies and other international organizations and coordinated by IOM, was created to develop a progressive reintegration strategy for returnees to South Sudan. The strategy aims to shift the focus from repatriation to sustainable reintegration, with particular attention to food security and social inclusion in areas of return. Nineteen priority locations which have experienced high rates of return were identified for assistance. Within this approach, which involves humanitarian and development actors, high priority is given to the adequate provision of basic social services to both returnees and host communities, the creation of gender-sensitive livelihood opportunities in urban and rural settings, and improvements to the physical security of returnees and host communities.<sup>9</sup>
- **Involving private sector and civil society in reintegration efforts:** Given the socio-economic repercussions faced by migrants returning from crises, both private sector and community-level initiatives can play a part in helping migrants and their families make the transition from humanitarian assistance to social and economic participation. Acknowledging migrants' achievements and sacrifices in the public discourse, counselling, skills training and business development support can be effective tools in promoting the socio-economic reintegration of migrants.
  - Since the displacement of Filipino migrant workers during the 1990 Gulf War, the Kanlungan Centre Foundation in the Philippines has included special services for crisis returnees into its portfolio of activities: finding that many return migrants suffered from post-traumatic stress disorder, psychosocial counselling was made available. Furthermore, Kanlungan processes war claims with the

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<sup>9</sup> [www.iom.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2012/pbn-listing/iom-returns-2300-south-sudanese-by-trai.html](http://www.iom.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2012/pbn-listing/iom-returns-2300-south-sudanese-by-trai.html)

United Nations Compensation Commission on behalf of migrants whose contracts were not completed, but the Foundation acknowledges that the success rate of these claims is very low.

- Sri Lanka is promoting a discourse that represents migrants as the “economic heroes and heroines” of the country. Through a village-level organization of the same name, the Government aims to engage migrants’ families and communities directly in the reintegration of returning migrants, especially those who had to leave countries in crises.
  - Following the returns of Vietnamese workers from Libya, 16 local enterprises expressed their willingness to provide over 16,000 well-remunerated vacancies in the construction sector as part of the reintegration effort.
  - Many migrants are forced to forfeit outstanding wages when forced to suddenly leave their host country. As a good practice for the private sector, a Chinese company operating in Libya remitted unpaid salaries for its Bangladeshi workers directly to Bangladesh’s Bureau of Manpower, Employment and Training.<sup>10</sup>
  - The relevance of bilateral financial agreements and a functioning cross-border banking sector was underlined by the experience of Chadians in Libya who had no access to financial services to transfer funds from one country to the other. As a result, individuals had to carry cash or invest in physical goods, most of which they were forced to leave behind when the crisis erupted, thus losing years of savings.
- **Accounting for the development context and promoting migration for development:** Development factors are an inextricable part of any attempt to tackle the immediate and long-term consequences of crises affecting migrants. Levels of development of the country of origin will determine its

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<sup>10</sup> See B. Kelly and A. Juwadurovna Wadud, *Asian Labour Migrants and Humanitarian Crises: Lessons from Libya*, IOM – MPI Issue in Brief No. 3 (July 2012).

capacity to receive and integrate its nationals. Furthermore, participants acknowledged that humanitarian responses in and of themselves are not enough to solve the issues facing migrants returning from countries in crisis. Instead, development-focused migration policies could be part of the effort to open up new economic opportunities for returnees and to alleviate the burden on communities. Confronted with difficult living conditions and lack of opportunities in their home countries, migrants eventually decide to re-migrate in search for employment. In this regard, facilitated mobility may contribute to restoring livelihoods of migrants and their communities, but also promote recovery of crisis-affected areas that may have relied on migrant labour. Governments may thus consider cooperation on labour migration for reconstruction purposes on the one hand, and cooperation with employers and recruiters on payment of outstanding wages and the option for crisis returnees to re-migrate on the other hand.

- To protect their migrant workers, some governments have proceeded to ban travel to countries considered to be at risk of crisis, while recognizing that irregular flows may still continue and that certain crises, and natural disasters in particular, are not entirely predictable.
- The structural drivers of migration do not cease as a result of a crisis and subsequent return: participants from several countries, including Chad, the Philippines and Viet Nam, underlined that many of their nationals who returned home after the Libya crisis have already migrated again, or express the intention of doing so. From the perspective of the country emerging from crisis, the then-president of the Libyan National Transitional Council acknowledged as early as September 2011, in a meeting with the President of Chad, that Libya was in need of manpower for the reconstruction effort.<sup>11</sup>
- The Thai floods in 2011 displaced a significant number of migrant workers, who subsequently struggled to re-enter

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<sup>11</sup> [www.presidencetchad.org/affichage\\_news.php?id=138&titre=%20Audience](http://www.presidencetchad.org/affichage_news.php?id=138&titre=%20Audience)

the country to resume their jobs, replace work permits or reclaim wages.<sup>12</sup> For workers from Myanmar who have left Thailand during the floods but wish to return, Myanmar authorities planned to issue a temporary passport following official request from the relevant employers.<sup>13</sup>

- One of Niger's main concerns was to ensure economic and social stability for returning youth, given also the fragile security situation in the region. Programmes implemented by the Government of Niger thus addressed links between development and security on the one hand, and between development and migration on the other hand. According to the speaker, the broader context of peace, security and development is likely to be decisive for the success of Niger's reintegration efforts.
- In order to promote regular migration, Ethiopia has established labour exchange agreements with a number of countries in the wider region. In 2009, Kuwait signed an employment agreement with Ethiopia which is currently being implemented. A similar MOU has recently been signed with Jordan as a receiving country for Ethiopian migrants.
- The Kanlungan Centre Foundation's reintegration support also encompasses training and microcredit for business start-ups. To enhance the role of returnees in local development, the Kanlungan Centre Foundation, in collaboration with the government of La Union province, has devised a five-year "Migration and Development Strategic Plan" that aims to integrate returnees into the local economy and reduce the incidence of illegal recruitment and exploitation.
- The EU emphasized that transition from humanitarian crises to development should envisage efforts to catalyse economic recovery and growth for the benefit of migrants

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<sup>12</sup> [www.irinnews.org/Report/94162/MYANMAR-THAILAND-Undocumented-workers-exploited-post-floods](http://www.irinnews.org/Report/94162/MYANMAR-THAILAND-Undocumented-workers-exploited-post-floods)

<sup>13</sup> See no. 8.

and host communities. According to the speaker, the specific socio-economic vulnerabilities of migrants will become an increasingly significant factor in the design of recovery, reconstruction and transition policies.

## **7. No one actor can ensure the protection of migrants during crises, requiring instead multiple levels of coordination.**

Workshop discussions pointed to the humanitarian, development and security challenges that arise from crises affecting migrants. In addition, such crises typically span two or more countries, and are felt at the level of the individual and his or her family and communities and countries of destination, origin and transit. Consequently, comprehensive responses will necessarily involve a range of actors – governmental and others – at a variety of levels – local, national, regional and international. Cooperation between countries of origin and countries of destination is fundamental in this regard and should ideally be established before a crisis strikes, though participants also acknowledged that even the best cooperation mechanisms can be disabled by a severe crisis. Where bilateral relations cannot resolve the situation of migrants caught in crises, international organizations have a role in bringing about the necessary international cooperation. Similarly, where crises affect very large numbers of migrants or where logistical and other circumstances are difficult, international organizations can usefully support States that may be lacking the capacity to assist and protect migrants. This is particularly true for large-scale and operationally complex evacuation procedures. In this context, numerous countries mentioned and acknowledged the role of IOM and its expertise in providing assistance and protection to migrants caught in crises and in organizing large-scale humanitarian evacuations, citing recent events in Libya and the Syrian Arab Republic as well as past examples. Furthermore, participants highlighted the need for better linkages between humanitarian, recovery and development aspects of a response, noting that these areas of activity are often institutionally segregated and separately funded, which may contribute to the

lack of coherence. There was a general sense that regional bodies and relevant institutions at national and sub-national levels would benefit from systematic capacity-building to better address crises and their impact on migrant populations. Lastly, participants highlighted the role of the media. Some expressed concerns about one-sided and sensationalist reporting, especially on the subject of migration, while others felt that media sometimes draws attention to situations and crises which would otherwise be neglected.

- **Enhancing inter-State coordination at bilateral and regional levels** to promote information sharing, granting of consular access, affording temporary protection and facilitating humanitarian border management to allow safe transit for populations fleeing crisis. Participants suggested that greater clarity on the responsibilities of origin, destination and transit countries in assisting and protecting migrants caught in crisis would be helpful. In addition, crises and displacement caused by crises are rarely limited to one country, with impacts spilling over to neighbouring countries. Regional institutions thus have a strong interest in preparing for such eventualities from a regional perspective. Where regional organizations have concluded agreements on the movement of people, it would be important to anticipate not only how these agreements would be affected by situations of large-scale, crisis-driven displacement, but also how individuals who are not nationals of any of the countries in the region would be treated when they are forced to cross borders to seek safety.
- Among members of the ASEAN, the “Guidelines for the Provision of Emergency Assistance by ASEAN Missions in Third Countries to Nationals of ASEAN Member States in Crisis Situation” oblige diplomatic and consular missions of ASEAN Member States in third countries to render assistance to nationals of other ASEAN members in crisis situations if their State of nationality has no diplomatic or consular mission and/or presence.<sup>14</sup>

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<sup>14</sup> [www.asean.org/resources/archives?task=callelement&format=raw&item\\_id=5415&element=a0c6d315-bb76-42c6-9ecf-c287d406937b&method=download](http://www.asean.org/resources/archives?task=callelement&format=raw&item_id=5415&element=a0c6d315-bb76-42c6-9ecf-c287d406937b&method=download)

- Numerous countries highlighted the role of Egypt and Tunisia during the crisis in Libya and thanked the countries and communities in border areas for having kept borders open, hosted large numbers of migrants in transit and allowed safe passage for migrants fleeing the violence.
- Sri Lanka suggested that systematic information sharing between countries of origin and destination can support efficient and rapid crisis management and that web-based information and mapping systems to obtain statistics on numbers of migrants and their location could facilitate assistance and rescue.
- Within the framework of cooperation between the EU and third countries, Italy mentioned readmission agreements with countries of origin and transit of migratory flows, cooperation in managing the EU's external borders (including through FRONTEX),<sup>15</sup> practical cooperation with third countries, and dialogue on visa issues and facilitation of visa procedures. Italy also gave the example of the "Dialogue of 10 Countries" (also known as the "5+5 Dialogue") of countries of the northern and southern shores of the Mediterranean, which held its most recent meeting in February 2012 to discuss new cooperation opportunities, including on the subject of migration, following the political transitions in several North African countries in 2011.
- Following the crisis in Libya in 2011, the African Union constituted a task force, composed of relevant departments of the African Union Commission as well as partners from inter-governmental organizations and NGOs, to explore ways to assist States in meeting the immediate and longer-term needs of the returning migrants.

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<sup>15</sup> The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union: [www.frontex.europa.eu/](http://www.frontex.europa.eu/).

- At the fourth ministerial meeting of the Colombo Process of Asian labour-sending countries in Dhaka, Bangladesh, in April 2011, participating States held a round-table discussion on the “Scope of collaboration and possible institutionalized response during emergencies impacting migrant workers”. Bangladesh took the lead in articulating the demand for an institutionalized approach and an emergency evacuation framework for migrants caught in crisis situations. The ministerial meeting concluded with several recommendations for coordinated policy responses between Colombo Process countries, countries of destination and international organizations to better manage crisis situations, including establishing a framework for cooperation through bilateral and multilateral agreements; mechanisms for a common database on migrant workers from Colombo Process countries; gender-sensitive guidelines to support women migrants in times of crisis; and establishing post-crisis programmes to support the reintegration of migrant workers. The final “Dhaka Declaration” calls on the countries of the Colombo Process “to develop appropriate policy and institutional response capacity to mitigate the impact of emergency situations on migrant workers, including ensuring their safety, security and well-being as well as early evacuation, repatriation, compensation and opportunities to return to their jobs”.<sup>16</sup>
  - Yemen stressed the importance of bilateral and multilateral regional cooperation on mixed migration issues and suggested holding a regional conference between countries from the Horn of Africa and the Gulf to discuss more effective humanitarian interventions, capacity-building, and measures against trafficking in human beings and smuggling.
- **Reinforcing institutional capacities and coordination:** At national level, governments have worked towards greater harmonization between different governmental institutions

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<sup>16</sup> [www.colomboprocess.org/index.php?option=com\\_content&view=article&id=45&Itemid=26](http://www.colomboprocess.org/index.php?option=com_content&view=article&id=45&Itemid=26)

that may have competences in responding to crises, for example different ministries or government departments, embassies and consulates abroad, local authorities, civil defence actors and borders and customs officials. In many instances, capacity-building would help the different actors to better fulfil their respective roles during a crisis that affects migrant populations.

- To organize the evacuation and reception of returnees from Libya, the Government of Chad set up an inter-ministerial committee led by the Prime Minister and the Minister of Foreign Affairs, which included stakeholders from a range of government departments, such as defence, public security, territorial administration, health and social affairs. The committee worked closely with IOM and the United Nations Humanitarian Coordinator in Chad.
- Japan explained the coordination between the Ministry of Foreign Affairs and the Ministry of Justice (and in particular, the Immigration Bureau) that was required to respond to the situation of foreign residents affected by the 2011 earthquake and tsunami. For example, the ministries worked together to issue visas for family members of foreign residents who wished to visit their relatives in Japan after the crisis, or to relax re-entry and overstay procedures for migrants in view the situation. For example, foreign students who returned home due to the earthquake were not required to obtain new certificates and documentation to reapply for a visa.
- Viet Nam established a Steering Committee on the Evacuation of Vietnamese workers in Libya, which was headed by the Minister of Foreign Affairs, with the participation of the Ministry of Labour, Invalids and Social Affairs, the Ministry of Public Security, the Ministry of Transportation and others. The Steering Committee also included representatives of Viet Nam Airlines to help organize the evacuation effort.
- The United States underlined the importance of internal coordination and shared its own experience in creating

an inter-agency coordination mechanism to respond to migration incidents that implicate a wide variety of agencies, including consular authorities, the Department of State and coast guards. The established mechanism allows different agencies to start communicating within a formal framework the moment an incident occurs.

- **Involving the private sector in protecting and assisting migrants during and after crises:** The role of employers, recruiters and the private sector in general resonated throughout the workshop. Given the fact that most migrants stranded in crises have migrated for work, participants asked how private sector actors could be more involved in the assistance to migrants in such situations. Suggestions included spelling out relevant terms and conditions for the protection and evacuation of migrant workers during emergencies in work contracts, regulating the back payment of wages, and better insurance against debt for migrants who could not complete their work contracts.
  - Several participants considered the possibility of including provisions on emergency situations and disasters in contracts between recruiters or employers and migrant workers. Other suggestions included committing employers to contribute to the costs of repatriating migrants in crisis situations with assistance from humanitarian organizations, and strengthening links between embassies and foreign recruitment agencies to make sure migrants receive the necessary assistance during crises.
  - The Philippines drew attention to the fact that many countries are dependent on commercial air carriers to evacuate their nationals from crises, and experience has shown that rates increase sharply in such situations, further raising the already considerable cost of evacuations for governments.
- **Enhancing coordination among international organizations:** Close coordination has helped humanitarian actors avoid duplicating activities and wasting resources, while enhancing

timely responses to emergencies. Participants underlined the importance of existing humanitarian coordination mechanisms and called for a closer cooperation and synchronization between humanitarian, migration and development actors.

- During the flood crisis in Thailand in 2011, IOM advocated for migrants' access to relief services and coordinated information sharing and identifying gaps in services by organizing regular coordination meetings among the Thai Government, the United Nations Humanitarian Country Team, NGOs, the International Federation of the Red Cross, and the Thai Red Cross Society. Furthermore, IOM distributed non-food items and medical/sanitary kits to flood-affected migrants.
- OCHA, UNHCR and IOM drew a number of lessons from their joint interventions during the 2011 Libya crisis. They concluded that an effective response depended, inter alia, on clear reporting lines, a clear division of labour and a strategic approach to funding so as not to overwhelm donors with competing and overlapping requests for resources.
- The representative of the EU's Directorate-General for Humanitarian Aid and Civil Protection recalled the 2010 earthquake in Haiti as a "wake-up call" not only for coordination among international humanitarian actors, but also as regards rationalizing the involvement of NGOs in disaster response. The Transformative Agenda that has since been adopted by the Inter-Agency Standing Committee aims to further improve the effectiveness of humanitarian response through greater predictability, accountability, responsibility and partnership. The EU also welcomed IOM's work in establishing an operational framework to improve IOM's response in managing migration crises, and in particular to assist and protect migrants in crisis, as they often fall outside the established categories known by the international community.

## CONCLUSION

The IDM workshop allowed States and other participants to reflect on the situation of international migrants affected by crises in their destination or transit countries and to deliberate available policy solutions, practical measures and cooperation mechanisms to protect migrants and address longer-term implications of such situations. Discussions revealed a growing awareness on the part of migration policymakers and practitioners of the vulnerabilities and risks faced by migrants caught in crises, but also highlighted that much more needs to be done to implement policy and operational measures to ensure assistance and protection of this specific group.

With this goal in mind, seven key areas for action towards improving response to migrants stranded in crises were identified. Firstly, given the prevalence of complex crises combined with growing human mobility around the world, participants acknowledged that international migrants will be increasingly affected by conflict and natural disasters. Consequently, governments and the international humanitarian system will need to systematically integrate their specific vulnerabilities and protection and assistance needs in crisis response mechanisms.

Related to this point, the second key message emphasized the inclusion of migrant populations in relevant crisis preparedness measures. Both countries of destination and origin need to factor their migrant populations into planning for emergencies. Participants called for better consular preparedness for emergencies, highlighted the importance of reliable migration data and information sharing, and suggested preparing migrants for crisis situations through pre-departure trainings, inter alia.

Thirdly, there is a link between weak human rights protection before a crisis and the level of vulnerability and exposure of migrants to abuse during a crisis. Participants stressed that the respect for the human rights of migrants needs to be strengthened overall, if they are to be adequately protected during a crisis. Appropriate domestic legal frameworks, applying available international norms, and strong social protection were cited as some of the most important steps.

Fourthly, when stranded in crisis, migrants experienced vulnerabilities which are specific to their condition as migrants and which give rise to particular protection challenges. Chief among these vulnerabilities are barriers related to a migrant's legal status, which impede access to humanitarian assistance. Humanitarian responses need to account for migrant-specific vulnerabilities and the role of the country of origin in assisting migrants through its consular services, while not underestimating the capacity of migrants to help themselves during crises.

Fifthly, governments may wish to explore new ways of establishing contact and disseminating information to migrants before and during crises. New technologies offer opportunities for outreach but cannot replace direct assistance. Again, the role of consular services was considered crucial in this regard, and a number of participants emphasized the need to build consular capacities to be able to take effective action in crises.

Sixthly, while return to home countries is sometimes the best available option to provide immediate protection to migrants stranded in crises, this measure usually comes with significant consequences. Regional and international cooperation and the involvement of civil society, the private sector and receiving communities are necessary to tackle the challenges facing returnees, their families and communities and countries of origin. Since the success of reintegration efforts will likely be contingent on the broader development, peace and security context, humanitarian responses alone are not sufficient. Instead, solutions require development-focused policies, including promoting migration for development.

Finally, the complexity of the challenges – encompassing migration dynamics, humanitarian needs and development issues and spanning several countries – require multiple levels of cooperation. To this end, greater inter-State coordination at bilateral and regional levels, reinforced institutional capacities and coordination at the national level, involvement of the private sector, and closer coordination between international organizations may be necessary. Overall, participants called for a better integration of humanitarian, development and migration perspectives to address the challenges facing migrants stranded in crises and their families and communities.

On the whole, the plight of international migrants stranded in crises in the destination countries remains an invisible and underreported issue. Participants called for greater awareness-raising and further discussion, including in international forums such as the 2013 United Nations High-Level Dialogue on International Migration and Development, the Global Forum on Migration and Development, and the World Economic Forum. In concluding the workshop, the IOM Director General indicated that the topic would be taken up at an IDM seminar organized by IOM and the International Peace Institute in New York on “Migrants in Times of Crisis: An Emerging Protection Challenge”,<sup>17</sup> as well as at an upcoming session of the IOM Standing Committee on Programmes and Finance in October 2012. The latter would allow Member States to discuss in more detail IOM’s activities to assist and protect migrants caught in crisis situations and to review the progress made in developing the IOM Migration Crisis Operational Framework. Several delegations present at the IDM workshop referred to this operational framework, which will enable IOM and its partners to better respond to a migration crisis and address many of the issues raised during the workshop, and demonstrated their support for this IOM initiative.

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<sup>17</sup> The IDM seminar on “Migrants in Times of Crisis: An Emerging Protection Challenge” organized in collaboration with the International Peace Institute took place in New York on 9 October 2012. For more details, see [www.iom.int/idmnewyork](http://www.iom.int/idmnewyork).



# **MIGRANT'S VOICE**



## **MIGRANT'S VOICE**

No dialogue on migration can be complete without the voices of migrants. For this reason, the IDM has made it a tradition and a priority to invite migrants to share their personal stories, experiences, hopes and dreams with government representatives and others attending the IDM workshops. These are their testimonies.

### **Ahta Ankori Mahamat, Chadian migrant who returned to Chad following the outbreak of violence in Libya in 2011.**

My name is Ahta Ankori Mahamat. I was born in Mossoro, Chad, in 1975 where I grew up and spent most of my life before migrating to Libya in 1990 following a very critical social and financial situation that I suffered along with my family as I was divorced and a mother of three children.

Like many Chadians at that time, I decided to migrate to Libya to find a job, a better life and earnings to support my family, especially my little girl. I had to leave my father and mother behind in a very desperate situation.

When I first arrived in Libya, it was very difficult for me, as for many other female Chadians, to find a job. It takes some time to speak Libyan Arabic and to learn the Libyan attitude and way of life, but in the end everybody gets a job to survive, since Chadian migrants had certain privileges in Libya compared to

other nationals. I made a living as a market trader, selling clothes and other items in Benghazi and other cities in Libya.

Like many other Chadian migrants, I visited many regions when I was looking for better job opportunities for improving my living conditions and earnings, but somehow I never thought about returning to Chad until the Libyan crisis started in February 2011.

As [with] many other Chadian migrants, for various reasons, we never thought about coming back to Chad one day since we were happy in Libya, and we were transferring a good portion of our income to support our families and their communities in our villages in Chad.

When the Libyan crisis first started, I happened to be in Benghazi. We woke up one normal morning from a very loud sound in front of our house. All of sudden we saw a group of armed men on board several vehicles heading towards our house and trying to set it on fire. They kicked us out of the house. Some of them went beyond that to mistreat us and curse us, asking us to leave their country or they [would] kill us. They claimed that as Chadians, we [were] big supporters of Muammar Gaddafi and [that] our community [was] full of mercenaries that were sent by the Government of Chad to help Gaddafi.

A large group of Chadian migrants, predominantly women and children – since men were chased away by the militias, decided to leave Benghazi to a safer place. We headed towards Tripoli, using the same routes we used to travel. However, because of the insecurity along the road it took us one week instead of only one day to get to the destination. We had very little food and water with us and were very worried about the uncertain future.

At this point, the majority of the Chadian migrants in Libya started to be convinced that the situation was not going to end soon and that we had to return home. [IOM] and the Government of Chad were there to provide necessary humanitarian assistance and evacuation.

IOM staff risked their lives for the evacuation of a lot of Chadian migrants, either from the Libyan border with Tunisia and Egypt or directly from inside Libya out of Sabha and Tripoli. The majority of Chadian migrants in Libya were evacuated by road on board lorries through an arduous journey in the desert before arriving [at] the Chadian borders. IOM was always there to provide assistance, food and medical care.

On behalf of all migrants [who] have fled the war in Libya, I would like to use [this] occasion to thank IOM staff [who] risked their lives to evacuate us from the very risky places of war to safer ones and [to] reunite us with our families.

I am now trying to start a small business back in Chad, but without a job, it is a struggle to care for my five children aged between 5 and 12 [years].

To conclude my statement, I would like to appeal for help for the hundreds of thousands of returnees who have come back from Libya and found themselves with no jobs who themselves became a burden to the families that they were once supporting.



**AGENDA AND  
BACKGROUND PAPER**





International Organization for Migration (IOM)  
Organisation internationale pour les migrations (OIM)  
Organización Internacional para las Migraciones (OIM)

INTERNATIONAL DIALOGUE ON MIGRATION 2012  
MANAGING MIGRATION IN CRISIS SITUATIONS

INTERSESSIONAL WORKSHOP ON

**PROTECTING MIGRANTS DURING TIMES OF CRISIS:  
IMMEDIATE RESPONSES AND SUSTAINABLE STRATEGIES**

13–14 SEPTEMBER 2012

FINAL AGENDA

*The International Dialogue on Migration (IDM) 2012 aims to enhance synergies between humanitarian and migration perspectives in the search for appropriate responses to migration crises. The second workshop in the series\* focuses on the plight of migrants who are caught in crises in their countries of transit or destination. When countries of destination or transit experience political turmoil, conflict or natural disasters, their migrant populations often have few means to escape and ensure their own safety. Risks and vulnerabilities are exacerbated when migrants are in an irregular situation, or when countries of origin lack the resources, capacity and access to protect and assist their nationals abroad. Some migrants may be unable or unwilling to leave the crisis zone, while others may be forced to cross borders into neighbouring countries. As a result, repercussions may be felt regionally and beyond. Ultimately, migrants may escape crises by returning or being evacuated to their countries of origin, but challenges do not end there: countries of origin may struggle to receive and reintegrate large numbers of returnees, while the sudden loss of remittances may leave their families and home communities without income. The departure of migrant workers may also leave gaps in the labour markets of countries of destination, which may in fact depend on migrant labour for post-crisis recovery and reconstruction. The overall objective of the workshop is therefore to support States in devising a framework of policies and actions to address the situation of migrants in crisis situations. Specifically, the exchanges of experiences and practices at the workshop will serve to identify: a) necessary, migrant-inclusive preparedness measures and inter-State cooperation mechanisms; b) practical solutions to protect and assist migrants stranded in crises, particularly the most vulnerable ones; c) policy interventions to address the longer-term consequences for migrants and countries of origin and destination; and d) labour mobility strategies to contribute to long-term recovery and development.*

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\* This workshop is part of a series. The second IDM workshop, taking place on 13 and 14 September 2012, will examine the specific issue of migrants caught in crises in transit and destination countries (for example, the situation of migrant workers in and around Libya in 2011).

13 September 2012 DAY I	
09:00 – 10:00	<i>Registration</i>
10:00 – 11:00	<b>OPENING SESSION</b>
	<p>WELCOME REMARKS</p> <ul style="list-style-type: none"> <li>• <b>Christian Strohal</b>, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Austria to the United Nations Office and specialized institutions in Geneva, Chair of the IOM Council</li> <li>• <b>William Lacy Swing</b>, Director General, IOM</li> </ul>
	<p>SETTING THE SCENE</p> <p>In a world in which more and more countries are host to large migrant populations, questions concerning the vulnerabilities of those migrants when a crisis strikes their country of destination are becoming increasingly relevant. The mass exodus of migrant workers from Libya in 2011 has brought home the scale and consequences that such migration crises can have, but 2011 was not the first time the international community has witnessed such events. In some cases, migrants may seek safety across borders; in others they may be unwilling or unable to leave; but generally they will face considerable hardship, violence and abuse, and a range of barriers to receiving protection and assistance. IOM will present some past examples of crises that had significant impact on migrant populations, principal challenges and lessons learned.</p> <ul style="list-style-type: none"> <li>• <b>Gervais Appave</b>, Director <i>ad interim</i>, Department of International Cooperation and Partnerships, and <b>Mohammed Abdiker</b>, Director, Department of Operations and Emergencies, IOM</li> </ul>
11:00 – 13:00	<b>SESSION I: THINKING AHEAD – PREPAREDNESS MEASURES AND COOPERATION MECHANISMS</b>
	<p>While many crises may be sudden and unanticipated, governments and other actors can nonetheless establish systems ahead of time that will allow for a rapid and coordinated response in a given event. Where migrants caught in crisis are concerned, strong international cooperation is essential, as – at a minimum – both home and host States have responsibilities towards the migrant. The first session of the workshop will be dedicated to contingency planning and other preparedness measures that need to be in place ahead of a crisis. Issues to be discussed could include the need for basic data concerning the size and composition of the migrant population in a country, relevant provisions in migrant workers' labour contracts, appropriate consular arrangements, assessment of risk management capacities, mechanisms for inter-State cooperation and structured information exchange, and legislative frameworks to manage migration during crisis.</p> <p><b>Moderator: Thomas Gurtner</b>, Humanitarian and Resident Coordinator of the United Nations System in Chad, United Nations Development Programme Resident Representative</p> <p><b>Speakers:</b></p> <ul style="list-style-type: none"> <li>• <b>Angela Pria</b>, Director General, Department of Immigration and Civil Liberties, Ministry of the Interior, Italy</li> <li>• <b>Amal Senalankadhikara</b>, Chairman, Bureau of Foreign Employment, Sri Lanka, and <b>K.O.D.D. Fernando</b>, Additional General Manager, Bureau of Foreign Employment, Sri Lanka</li> <li>• <b>Lee Young-ho</b>, Deputy Director General, Bureau of Overseas Koreans and Consular Affairs, Ministry of Foreign Affairs and Trade, Republic of Korea</li> </ul> <p>General Discussion</p>
13:00 – 15:00	<i>Afternoon Break</i>

15:00 – 15:45	<b>CASE STUDY: LESSONS LEARNED FROM THE LIBYAN CRISIS</b>
	<p>Over a period of six months, more than 800,000 migrant workers and their families escaped the fighting in Libya in the early part of 2011. Many were evacuated to their countries of origin, but a significant number still remains in Libya to this day. Reflecting on these events, this session will add a technical perspective to the discussions by bringing together actors who were directly involved in the response to the migration crisis in Libya. With a focus on coordination among governments and international agencies, the session will help draw some concrete lessons from their operational experience in Libya.</p> <p><b>Moderator: Vincent Houver</b>, Chief of Mission, South Sudan, IOM</p> <p><b>Speakers:</b></p> <ul style="list-style-type: none"> <li>• <b>Moussa Mahamat Dago</b>, Secretary General, Ministry of Foreign Affairs and African Integration, Chad</li> <li>• <b>Mats Hultgren</b>, Chief, Supply Support Operation Section, Office of the United Nations High Commissioner for Refugees</li> <li>• <b>Alan Butterfield</b>, Officer-in-Charge, Civil-Military Coordination Section, Office for the Coordination of Humanitarian Affairs</li> </ul> <p>General Discussion</p>
15:45 – 18:00	<b>SESSION II: IMMEDIATE RESPONSE – ASSISTANCE AND PROTECTION TO MIGRANTS STRANDED IN CRISES</b>
	<p>An emergency situation, especially one involving large movements of people, poses considerable humanitarian, protection and logistical challenges. A migrant population affected by a crisis will present a variety of protection and assistance needs: effective identification and referral procedures are necessary for individuals with potential asylum claims who cannot return to their countries of origin, minors, victims of trafficking, or individuals with health needs. Migrants in an irregular situation or those who have lost their documentation are of particular concern. This session will allow participants to discuss emergency response from the point of view of protecting and assisting migrants caught in crisis: including direct humanitarian assistance and meeting basic needs, referral systems, emergency consular assistance, evacuation procedures, border management and admission policies where cross-border flows occur, health-care and psychosocial support, and coordination between governments and humanitarian actors.</p> <p><b>Moderator: Susan Martin</b>, Donald G. Herzberg Associate Professor of International Migration and Executive Director of the Institute for the Study of International Migration, Georgetown University</p> <p><b>Speakers:</b></p> <ul style="list-style-type: none"> <li>• <b>Hammad Abdullah Dahan</b>, Minister Plenipotentiary, Secretary of the National Committee for Refugees Affairs, Ministry of Foreign Affairs, Yemen, and <b>Zerihun Kebede Wudie</b>, State Minister for Labour and Social Affairs, Ethiopia (joint presentation)</li> <li>• <b>Akihiro Izumi</b>, Official, Humanitarian Assistance and Emergency Relief Division, International Cooperation Bureau, Ministry of Foreign Affairs, Japan</li> <li>• <b>Chainarong Vasanasomsithi</b>, Director, Office of Public Sector Development, Department of Disaster Prevention and Mitigation, Ministry of Interior, Thailand</li> <li>• <b>Andreas Wigger</b>, Head, Central Tracing Agency and Protection Division, International Committee of the Red Cross</li> </ul> <p>General Discussion</p>
	<i>End of Day I</i>

14 September 2012 DAY II	
10:00 – 10:30	<b>MIGRANTS' VOICE</b>
	<p><b>Moderator:</b> Qasim Sufi, Chief of Mission, Chad, IOM</p> <p><b>Speaker:</b></p> <ul style="list-style-type: none"> <li>• Achta Ankori Mahamat, Chad</li> </ul>
10:30 – 13:00	<b>SESSION III: SUSTAINABLE STRATEGIES – ADDRESSING LONG-TERM CONSEQUENCES FOR MIGRANTS, COUNTRIES OF ORIGIN AND COUNTRIES OF DESTINATION</b>
	<p>Return or evacuation to their home countries may achieve immediate protection and safety for migrants caught in crises, but challenges continue especially where developing countries struggle to receive and reintegrate their nationals. Return home, in many cases, is return to unemployment. Families that depended on remittances may suddenly find themselves without income, and migrants themselves may have difficulties coping with the experience of sudden, often distressing return. For instance, access to continuity of health care and social services particularly for those with medical conditions is often limited. At the same time, migrant labour is still needed in the countries which they departed, but individuals often face formidable barriers to re-migrating legally and are prone to resorting to smugglers or to falling in the hands of traffickers. This session asks how these challenges can be addressed from a development perspective, including how migration can be integrated into the long-term solutions.</p> <p><b>Moderator:</b> Neil Buhne, Director, Geneva Liaison Office, Bureau for Crisis Prevention and Recovery, United Nations Development Programme</p> <p><b>Speakers:</b></p> <ul style="list-style-type: none"> <li>• Eduardo Bonilla Menchaca, Director of Consular Policy, Ministry of Foreign Affairs, Chile</li> <li>• Bui Quoc Thanh, Deputy Director General, Consular Department, Ministry of Foreign Affairs, Viet Nam</li> <li>• Olabisi Dare, Acting Director for Political Affairs, African Union Commission</li> <li>• Honorata O. Victoria, Chairperson, Kanlungan Centre Foundation, Philippines</li> </ul> <p>General Discussion</p>
13:00 – 15:00	<i>Afternoon Break</i>
15:00 – 17:30	<b>SPECIAL SESSION: PROTECTING AND ASSISTING MIGRANTS DURING TIMES OF CRISIS – THE WAY FORWARD</b>
	<p>Situations of migrants stranded in crises remain a relatively novel area for policymakers. Migration, humanitarian, development and security policies need to converge and the activities of different national and international actors need to be coordinated in often challenging circumstances. This session will allow for broader reflections on the phenomenon and on areas for cooperation and capacity-building to resolve some of the challenges in providing protection and assistance to migrants in crisis situations. Panellists and participants are encouraged to make practical recommendations for future action by States and the international community.</p>

	<p><b>Moderator: William Lacy Swing</b>, Director General, IOM</p> <p><b>Speakers:</b></p> <ul style="list-style-type: none"> <li>• <b>Dipu Moni</b>, Minister of Foreign Affairs, Bangladesh</li> <li>• <b>Moussa Faki Mahamat</b>, Minister of Foreign Affairs and African Integration, Chad</li> <li>• <b>Joseph Lual Achuil</b>, Minister of Humanitarian Affairs and Disaster Management, South Sudan</li> <li>• <b>Claus Sørensen</b>, Director General, Directorate General for Humanitarian Aid and Civil Protection, European Commission</li> <li>• <b>Abdoulkader Aghali</b>, Deputy Director, Office of the Prime Minister, Niger</li> </ul> <p>General Discussion</p>
17:30 – 18:00	<b>CONCLUDING SESSION</b>
	<b>IOM Director General William Lacy Swing</b> will present a summary of workshop conclusions.
	<i>End of Workshop</i>



# BACKGROUND PAPER

## Introduction

In a world in which more and more people are on the move and countries are host to large migrant populations, the plight of migrants caught in crises in their destination countries is becoming increasingly evident. As a group of persons affected by crisis, migrants have often been less visible or neglected and may not be accounted for in traditional humanitarian responses. Given the growing number of migrants around the world, the consequences of crises for migrant populations will likely be a significant feature of future crises and need to be factored into humanitarian response mechanisms.

When migrants' host countries experience crises, migrant populations often have few means to ensure their own safety. In some cases, migrants may be unable to leave the crisis area, while in others they may be unwilling to leave or unable to access humanitarian assistance. They may also seek refuge across borders in adjacent countries. In the last case, repercussions may spread throughout entire regions, particularly in border areas and neighbouring States. When protection *in situ* cannot be guaranteed, the return or evacuation of migrants to their countries of origin may sometimes be the best available way to ensure their protection<sup>1</sup> and avoid more drastic humanitarian consequences.

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<sup>1</sup> There is no universal definition of the term protection. For the purpose of this paper, a broad conceptualization shall be used: "all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights, humanitarian and refugee law)" (ICRC 2001).

This paper is the second in a series<sup>2</sup> that examines the relationship between crises and human mobility, with an explicit focus on the unique situation of migrants when their destination countries experience crises.<sup>3</sup> It will analyse the case of migrants caught in crises as a particular type of “migration crisis”,<sup>4</sup> a concept used to emphasize and describe the various aspects of human mobility emerging from modern-day crises. It will consider different scenarios of migrants stranded in crises; migrant-specific vulnerabilities in crisis situations; responsibilities of home and host countries and other actors; and areas of action for policy and international cooperation. For the purpose of this paper, the term “crisis” encompasses slow- and sudden-onset natural disasters as well as internal and international armed conflict (for example, war, civil war or unrest).<sup>5</sup> The paper places emphasis on the conditions of vulnerability and need generated by a crisis. Nonetheless, it recognizes that there are important differences between conflicts and natural disasters, especially in terms of security, breakdown of authority and institutions, and access to affected populations. Likewise, a crisis goes beyond the acute “emergency”. This paper therefore also considers pre-crisis and post-crisis / recovery phases in analysing the consequences of crises for migrants and

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<sup>2</sup> See first IDM workshop of 2012 “Moving to Safety: Migration Consequences of Complex Crises”, which took place on 24–25 April 2012. For more details, visit [www.iom.int/idmcomplexcrises](http://www.iom.int/idmcomplexcrises).

<sup>3</sup> In other words, the focus is on non-nationals in a State that is experiencing a crisis, mainly migrant workers and their families. It is explicitly recognized that refugees and asylum-seekers may also be among vulnerable mobile populations in a crisis situation and require specific protection, in line with international law. A detailed discussion of the specific issues facing refugees and asylum-seekers, however, is beyond the scope of this paper.

<sup>4</sup> IOM uses “migration crisis” to describe large-scale, complex migration flows due to a crisis which typically involve significant vulnerabilities for individuals and communities affected. A migration crisis may be sudden or slow in onset, can have natural or man-made causes, and can take place internally or across borders. The concept of migration crisis is discussed in more detail in the background paper relating to the first IDM workshop of 2012. See no. 2, above.

<sup>5</sup> The term “crisis” is being used to broadly encapsulate a range of scenarios, including environmental hazards (climate change, natural disasters), economic/financial factors (market collapse), violence-related situations (conflict, internal and international disorder) or health-related matters (pandemics). Although crises can be local, national or transnational, they usually have similar consequences on communities and governments, including instability (political and/or economic), disruption of social life and of basic service delivery, mortality and health issues, and population movements (internal and/or cross-border).

their countries and communities of origin, transit and destination. Accordingly, this paper pays attention to cases in which countries of origin receive large numbers of migrants returning from a crisis-affected country, and the economic and social reintegration challenges that may ensue.

### **Migrants stranded in crisis situations**

When a crisis occurs, migrants may become stranded, either in their country of destination which is experiencing the crisis, or in another country where they may have sought refuge. Such stranded migrants are typically exposed to severe vulnerabilities and need of protection and assistance, possibly including international migration assistance.<sup>6</sup> Different, potentially overlapping scenarios may be distinguished:

- a. Migrants may be affected by crisis in their country of destination but unable to access humanitarian assistance due to legal or practical barriers.
- b. Migrants may be affected by a crisis and unable to leave the crisis zone to seek safety elsewhere, mostly due to practical barriers (“trapped populations”).
- c. Migrants may be affected by a crisis but unwilling to leave a potentially dangerous situation, typically for fear of losing assets or being unable to return to the country or place of work after the crisis subsides;
- d. Migrants may be affected by crisis and internally displaced in the country of destination.
- e. Migrants may be affected by a crisis and cross an international border to seek safety in a country which is not their country of origin.

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<sup>6</sup> There is no globally accepted definition of the term “stranded migrant”. The term describes situations in which a migrant is unable to stay in the country of destination/transit, unable to return to the home country, and unable to move to a third country, and typically subject to severe vulnerability and distress. Crises and emergencies represent one scenario among many others which can lead to stranding.

- f. Migrants may be affected by crisis and return or are evacuated to the country of origin.

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

### **Migrant-specific vulnerabilities in crises**

Migrants, like the rest of a population affected by a crisis, will likely face considerable hardship, distress and violence. However, experiences of major crises which impacted migrant populations have highlighted certain **vulnerabilities that are specific to migrants** which give rise to numerous assistance and protection challenges. As a result, humanitarian response systems may need to be strengthened or complemented with other measures to assist and protect migrants in times of crisis.

As regards migrant-specific vulnerabilities, these may stem from the **migrant's legal status**: migrants in an irregular situation are particularly vulnerable and may be de facto excluded from humanitarian assistance, for instance because they are not registered by the country of origin or by the country of destination, or because they will not resort to relevant authorities for fear of being discovered. Secondly, there may be important **practical impediments** to accessing support, such as language barriers or a lack of information about available assistance, emergency shelters, or evacuation procedures. In general, migrants are rarely included in preparedness and contingency planning. Thirdly, it is important to note that where the **human rights of migrants are not adequately protected before a crisis**, migrants' vulnerabilities will be exacerbated during crises: for instance, where employers take away a migrant's passport or other documents, the person's ability to leave the country or access consular assistance and evacuation procedures will be seriously hampered. Cases of migrants being restricted in their freedom of movement (a well-known problem

for migrant domestic workers living in their employer's home) result in extreme vulnerabilities and often serious injuries or even death if the person is unable to seek even basic shelter elsewhere. A climate of discrimination or xenophobic attitudes towards migrants are also likely to complicate their access to assistance, or worse, where civil unrest is involved, may lead to deliberate targeting of migrants. Where migrants' wages are being withheld, migrants may have no financial means to leave the crisis zone (and return home, for example) or simply cannot afford to forfeit the wages that are due to them. Fourthly, the vulnerabilities of migrants also need to be seen in light of what happens **after a crisis**: in what could be termed "**socio-economic vulnerability**", the income and livelihood of migrants (and typically entire families or communities) might solely depend on their earnings in the country of destination. A sudden loss of income, assets and employment due to a crisis can thus be catastrophic for the migrant and his or her family or community who may have depended on remittances. Where migrants are forced to suddenly return to their home countries, they might return to unemployment and indebtedness (such as fees owed to a recruitment agent). The resulting psychological pressure for individuals as well as the economic and social repercussions for migrants, communities and entire countries should not be underestimated. Lastly, migrant-specific vulnerabilities may of course combine with other vulnerabilities related to **gender, age or health**, which may aggravate their situation in times of crisis.

### **Legal provisions for migrants stranded in crises**

States bear the primary responsibility to protect and assist crisis-affected persons residing on their territory in a manner consistent with international humanitarian and human rights law. Where needed, States should allow humanitarian access to crisis-affected persons such that humanitarian assistance can be provided by other States, including those whose nationals have been affected, and other relevant actors. The duty to ensure protection and assistance for migrants caught in crises therefore rests with the State of destination, the State of transit to which a migrant may have fled, and the State of origin which has responsibilities to its

nationals even when abroad. Depending on the type and scale of a crisis, the breakdown of national institutions and capacities, security and diplomatic relations may severely impede the ability of States to provide adequate assistance and protection.

The international legal framework makes numerous provisions for the protection of migrants, including in times of crisis: first and foremost, all migrants, irrespective of their status, are entitled to the full protection of their human rights. With very few exceptions, these rights may not be abrogated, even in times of crisis. In cases of armed conflict, international humanitarian law also applies to migrants: the most relevant provisions include the principle of distinction between civilians and combatants, the right of migrants to leave the country in conflict, the prohibition of forced transfers, and departure arrangements.<sup>7</sup> The Guiding Principles on Internal Displacement do not explicitly recognize migrants or non-nationals. Given the broad and inclusive intent of this document, which has its basis in human rights and humanitarian law, it can be argued that migrants are encompassed in the Guiding Principle's definition of "persons who have been forced or obliged to flee or to leave their homes or places of habitual residence".<sup>8</sup> Another critical mechanism in this context is consular assistance: consular services, such as the provision of travel documents and laissez-passer and repatriation, are the principal avenue through which countries of origin can protect their nationals abroad.<sup>9</sup> Lastly, established protection frameworks for specific categories of individuals – such as refugees / asylum-seekers and trafficked persons<sup>10</sup> – must also be observed in times of crisis. Nonetheless, it should be noted that there is no single legal framework that ensures comprehensive protection of migrants stranded in crises.

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<sup>7</sup> See 1949 Geneva Conventions and their 1977 Protocols, in particular the Fourth Geneva Convention Articles 35–46 and Protocol I Part IV.

<sup>8</sup> For provisions at the regional level, see the African Union Convention for the Protection and Assistance of Internally Displaced Persons ("Kampala Convention").

<sup>9</sup> See 1963 Vienna Convention on Consular Relations Articles 5a and 5e.

<sup>10</sup> At international level, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and the 2000 United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

## **Key areas for intervention for national policy and international cooperation**

The previous section has outlined some of the most critical vulnerabilities and protection challenges associated with the situation of migrants stranded in crises. Several considerations pertinent for policymakers and international cooperation emerge from these observations: firstly, interventions are required in the “before”, “during” and “after” of a crisis. Migrants and migration therefore need to be factored in pre-crisis preparedness, emergency response, and post-crisis recovery, reconstruction and transition. In addition, different actors are implicated in the situation of migrants caught in crisis and have differential responsibilities in resolving their plight. While countries of origin, transit and destination are primarily responsible for protection and assistance, the role of employers, recruiters and other private actors should not be forgotten. International organizations may be involved in the context of larger humanitarian responses or in facilitating the logistical coordination and international cooperation necessary for evacuation efforts. Finally, repercussions are felt far beyond the initial emergency, both in space and time: sustainable strategies are needed to support migrants and those who depend on them, including in countries of origin, who have lost their employment and main source of income. Where countries of destination had relied on migrant workers for important sectors of the economy, such as health care or construction, their sudden departure in a crisis may spell the loss of essential skills and labour which could hamper reconstruction efforts.

In general, a better integration of migration management and humanitarian approaches is necessary to adequately tackle the immediate and mid- to long-term consequences of migrants caught in crises. The remainder of this section will briefly sketch some of the main areas for policy intervention and cooperation:

- *Preparedness and contingency planning*: Consideration of migrants, their needs and vulnerabilities must be more systematically included in preparedness efforts at national, regional and international levels. This applies to both countries of origin and destination, as well as to different

types of crisis such as natural disasters or pandemic emergencies. A lack of information about the size, location and composition of a migrant population in a country, for example, can severely impede effective responses in an emergency. Some countries with large numbers of nationals abroad have set up emergency funds to assist migrants caught in crises in their countries of destination.<sup>11</sup>

- *Reduction of risks associated with migration:* At the level of the individual, preparedness efforts also extend to potential pre-departure orientation for migrant workers on available assistance and procedures in a crisis. More recently, microinsurance schemes for migrants and their families have proved beneficial in mitigating some of the risks entailed by migration, including potential medical, repatriation or other costs in a crisis event.
- *Consular assistance:* As the primary mechanisms through which countries of origin protect their nationals in other countries, the capacities of consular services to respond in emergencies need to be strengthened. One of their principal functions is the replacement of lost travel documents and provision of laissez-passer for migrants to be evacuated to their home countries.<sup>12</sup> Consulates need to maintain up-to-date records on their nationals resident in a country and disseminate information about the assistance available to nationals when a crisis strikes. Where countries do not have the capacity to maintain a network of consular services, collaborative solutions between countries may be found. Also, consulates tend to be located in capitals or major cities, but should anticipate that emergency consular services are often required in different parts of the country or in border regions.

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<sup>11</sup> IOM Council Resolution No. 1229 of 5 December 2011 establishing the Migration Emergency Funding Mechanism is one example of the recognized need of States for more immediate and reliable responses to the migration realities flowing from modern-day crisis situations. To date, the Governments of the Bahamas, Mauritius, Romania, South Africa, Turkey and the United States have generously contributed to the Fund (as of 2 July 2012).

<sup>12</sup> See 1963 Vienna Convention on Consular Relations for more detail.

- *Protection and assistance in situ*: During a crisis, all migrants are entitled to non-discriminatory access to aid, such as shelter, food, water and health care. National civil protection or disaster response mechanisms should take into account migrant populations and potential barriers they may face in accessing assistance (for instance due to irregular status). At the international level, the cluster system of the Inter-Agency Standing Committee has developed strategies to reach out to migrants and address their specific needs.
- *Protection and assistance through referral*: Humanitarian responders need mechanisms to identify those with particular needs and vulnerabilities, such as unaccompanied minors and victims of trafficking. Effective referral systems are particularly essential when dealing with large-scale “mixed flows” and should, for example, ensure due referral of refugees and asylum-seekers to relevant authorities or agencies to avoid compromising protection, access to asylum and *non-refoulement* guarantees.
- *Admission and border management systems in crises*: Countries need to be prepared for the potential influx of persons fleeing crises from a nearby or neighbouring country, including many who do not qualify for refugee protection. Mechanisms, such as temporary admission and protection, may be required to prevent the stranding of a large number of people at a border. Where they exist, regional agreements for the movement of people can facilitate the returns of affected individuals to their home countries.
- *Evacuation and international migration assistance*: Humanitarian evacuation to home countries is sometimes the only reliable protection mechanism available for migrants caught in crises, and a way to avert more severe humanitarian consequences. A critical condition is that *non-refoulement* guarantees are respected and individuals are not returned to situations where they may face persecution, torture or inhumane or degrading treatment. When States do not have the capacity of resources to evacuate their own nationals, international assistance may be needed. A contentious issue is the evacuation of non-national relatives / dependants (such

as spouses who hold a different nationality). Evacuations can be large operations at a global scale that require high degrees of operational coordination among local and international humanitarian agencies, border management authorities, consular officials, military bodies, and private and commercial transport companies.

- *Health and psychosocial support:* A crisis experience is likely to take a heavy toll on a migrant's physical and emotional health, possibly exacerbating pre-existing conditions. Continuous medical attention is necessary, including travel health assistance in the case of evacuations, medical escorts or referral of vulnerable migrants to health services, including mental health. Ensuring continuity of care upon return can be particularly challenging when migrants' countries of origin lack adequate health-care capacities.
- *Reintegration and longer-term support to returnees and communities:* Where migrants return or are evacuated to their home countries, these countries often struggle to receive and reintegrate returnees socially and economically. Policy interventions may target the alleviation of debt, financial assistance and income generation projects, provision of psychosocial assistance to returnees, and wider community development projects. Reintegration initiatives should try to differentiate between the needs of men and women, or those with families and those without. In some cases, private recruiters and employers have contributed to repatriation and reintegration efforts but such actions tend to be sporadic and the responsibility of private actors in this regard is not clearly defined.
- *Migration for reconstruction, recovery and development:* Facilitated mobility and the benefits of migration can contribute to restoring the livelihoods of migrants and their communities as well as promote the long-term recovery of a crisis-affected area. Cooperation between countries and with employers and recruiters could aim to ensure the payment of outstanding wages or the option to re-migrate to the countries, conditions permitting, to support the reconstruction effort.

## **Conclusion**

In a mobile world, the migration consequences of crises are increasingly complex. One phenomenon that is likely to become widespread concerns the effects of crises on migrants: migrant populations get caught between the frontlines of conflict, are affected by natural disasters in their countries of destination, and fall between the cracks in established humanitarian assistance and protection systems. As yet, most governments are unprepared to address the situation of migrants in acute emergencies or to cope with the ripple effects created by the large-scale displacement and return of migrants for countries and communities. The required assistance, protection and coordination efforts represent a challenge for countries hosting migrants and countries concerned about their nationals abroad alike. Comprehensive and lasting solutions must encompass migration, humanitarian, development and security dimensions. Meanwhile, international agencies, including IOM and its partners, are continuing to enhance their cooperation and operational capacities to support States and migrants in addressing contemporary migratory challenges emanating from complex crises.

## Further reading

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IOM, International Dialogue on Migration 2012 first intersessional workshop, *Moving to Safety: Migration Consequences of Complex Crises* (24–25 April).

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Kelly, B. and A. Jawadurovna Wadud, *Asian Labour Migrants and Humanitarian Crises: Lessons from Libya*. IOM and Migration Policy Institute, 2012.

Visit the workshop webpage: [www.iom.int/idmmigrantsincrisis](http://www.iom.int/idmmigrantsincrisis).

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