MIGRANTS IN CRISIS SITUATIONS

SUMMARY

On 16 January 2015, the International Organization for Migration (IOM) held a briefing on “Migrants in Crisis Situations”. This event was part of the New York Migration Series (http://unobserver.iom.int/index.php/events) consisting of three briefings and three trainings, organized by IOM to enhance knowledge and raise awareness of migration amongst Permanent Missions, representatives of United Nations (UN) agencies, civil society and other stakeholders at UN Headquarters. This briefing was co-chaired by the Governments of the United States and the Philippines. The webcast of this event can be found at: http://webtv.un.org/watch/panel-discussion-on-migrants-in-crisis-situations/3993744124001.

Introduction

Ambassador Irene Susan Barreiro Natividad, Deputy Permanent Representative of the Philippines to the UN: welcomed the audience and briefly introduced the Migrants in Countries in Crises Initiative (MICIC) led by the US and the Philippines as a multi-stakeholder process. The initiative aims at developing guidelines for the protection of migrants in crisis situations; to support countries of origin, transit and destination in assisting migrants returning from crises situations; and to address long-term consequences. The initiative was born in the context of the political crises in Libya and the Declaration of the 2013 High Level Dialogue on International Migration and Development.

Ambassador Michele Sison, Deputy Permanent Representative of the United States to the UN: underlined the importance of the initiative in the context of increasing numbers of internal conflicts and natural disasters prompting growing migration movements. Given the current circumstances the Ambassador considers it unacceptable that emergency and development strategies leave migrants too often by the wayside. At the 2013 HLD, the US, together with the Philippines, decided to take the lead of this initiative which will raise awareness and promote humane and effective migration policy options to support state capacities in addressing this important issue.

Session I: Protecting and assisting migrants in crisis situations

The first panel focused on addressing migrants’ needs and vulnerabilities in crisis situations and was moderated by Ms. Kyung-wha Kang, Assistant Secretary-General and Deputy Emergency Relief Coordinator, OCHA. The three speakers were Mr. Mohammed Abdiker, Director of Operations and Emergencies of IOM; Mr. Andrea Bellardinelli, Chief of the Italian Programs of Emergency; and Mr. Udo Janz, Director, New York Office of UNHCR.

Ms. Kyung-wha Kang stated that OCHA supports the MICIC Initiative, and remarked that in the wake of the political and humanitarian crises in Libya and CAR, international organizations and the UN had to realize that the humanitarian system suffers of serious gaps in assessing and addressing the needs of
migrants caught in crisis situations. Migrants have specific vulnerabilities exacerbated in crisis situations and have restricted access to humanitarian assistance. Among these vulnerabilities are language barriers; lack of knowledge about services and rights; reservations to access services due to the fear of deportation; and lack of documentation. Gender inequality especially with reference to mobility can place women and girls in particular danger of becoming victims of sexual and gender based violence; they experience exclusion which prevents their access to justice and means of long-term recovery. Humanitarian assistance to migrants by a multitude of actors is essential to save lives as seen during the evacuation of Chadian migrant workers from Central African Republic, who were assisted by IOM to enter Cameroon before returning to their home country. She acknowledged that the UN’s Central Emergency Respond Fund (CERF) provided immediate funds for these migrants who had been repatriated but that humanitarian assistance towards this group needs to be more systematic. The specific needs of migrants should be incorporated not only in emergency response, but also preparedness and post-conflict development measures, including national development plans, the post-2015 development agenda; they should also be recognized in the World Humanitarian Summit (WHS).

Ms. Kang also called for all vulnerable groups including refugees, IDPs and migrants to be addressed in the Post-2015 development agenda and long term development planning. Ms. Kang expressed hope that the MICIC initiative will be able to deliver important inputs and highlighted the first strategic bilateral dialogue between IOM and OCHA held in December 2014 addressing the question of migrants in the humanitarian system.

**Mr. Mohammed Abdiker** emphasized four main points: First, he underscored the specific vulnerability of migrants who are often caught in crises, and underlined the importance of distinguishing between different categories of affected populations in the context of a humanitarian architecture which is focused on IDPs and refugees. He outlined that it was not a question of creating a new category, but of assessing and addressing migrants’ specific vulnerabilities and needs in specific crisis situations, and taken into consideration by all actors, including governments, in humanitarian response. At the same time migrants’ ability to self-organize and support each other, creating networks and engaging with consular services, should not be underestimated. Second, Mr. Abdiker highlighted the variety of operational contexts of migrants in crisis situations; as every crisis situation is different prompting different vulnerabilities, adequate, specific, and timely responses are essential to protect migrants’ rights and security in line with their own interests with the support of many actors. For some migrants in crisis situations, they fear deportation if they ask for humanitarian assistance. Others are stranded or trapped in crisis and have no ability to get out. Still others do not wish to leave crisis dangerous situations for fear of losing their assets and income and being unable to return to host country. While some migrants might be internally displaced in a country of crisis, others cross an international border to seek safety into a country that is not their origin. Third, Mr. Abdiker spoke about necessary policies addressing long-term consequences and development needs of countries of origin after the return of their nationals. While evacuation is a life-saving response, what are the development impacts of such returns? As an example he highlighted migrants caught in the Libya crisis who sent remittances to their families and communities in their countries of origin in the Sahel. Without remittances providing incomes for many of these families, were we moving people from a political crisis to one of economic insecurity? Many migrated again due to lack of employment and income in their country of origin, some with unsafe and life-threatening means. Fourth, Mr. Abdiker called for examining the human rights frameworks of migrants before, during and after crises in order to properly to address migrants’ needs and vulnerabilities.

**Mr. Andrea Bellardinelli** presented the NGO’s work and overarching goal to provide free health care to vulnerable persons such as migrants, seasonal workers, homeless persons and unaccompanied minors.
Emergency started its work in the southern part of Italy in 2006, advocating for social inclusion and integration, providing basic medical health care and delivering education for prevention and health care based on the notion that free health care should be a fundamental right of every person. The NGO cooperates with the national health care system and strives to break down barriers to socio-medical services and to assess communities’ needs and vulnerabilities. He challenged the notion that migrants bring disease upon arrival in their new country, an idea that is often falsely used. Instead he referred to data indicating that migrants often arrive in good health but become ill because of exploitative working conditions and poor living conditions. Providing good health care services to migrants is not only a fundamental right but also prevents additional health care costs on the national system. If migrants are provided with primary health care services, there is less need for referrals and secondary measures. Emergency also provides cultural mediators for migrants so they may better understand their duties and rights and how to best access health services.

Mr. Udo Janz pointed to the timeliness of the briefing and the MICIC initiative, and linked both to the UNHCR’s Dialogue on Protection at Sea. He noted that the MICIC Initiative is complementary to the 1951 Refugee Convention in that it prevents any groups of persons from being overlooked. The overriding objective of all such efforts has to be a global expansion of the protection system and the elimination of gaps in humanitarian protection; especially in view of the increasing number of migrants in crisis situations unable to access assistance. Desperation is a key driver of movements, with 348,000 taking to boats last year – and many have criminal elements such as traffickers. To mitigate situations of migrants in crisis, their rights and privileges in host countries should be mapped prior to any crisis. The humanitarian system is often caught unaware and sometimes evacuation is the only way to save lives. Third country nationals in particular need to rely on the international community as their origin countries sometimes do not have the means to extract them from crisis, as was the case in the Libyan crisis where IOM and the UNHCR repatriated 220,000 third country nationals. Coherent systems and procedures are the basis for effective migration management which will lead to efficient asylum systems reducing negative effects of irregular migration. He underscored the necessary distinction between asylum seekers and migrants, stating that if there is no managed migration regime, people will see the asylum regime as their only opportunity and abuse the asylum system.

Questions and Answers

There was a lively discussion between the panelists, representatives of the governments and civil society. IOM’s Migrant Crisis Operational Framework was commended by many. Asked about the role of the principle of non-refoulement Mr. Janz pointed out that this principle was applicable to refugees and to those at risk of torture and not to international migrants generally. Mr. Abdiker added however, that migrants were only returned voluntarily to their countries of origin if this option was considered safe and completely voluntary. In response to a question on the involvement of the private sector in protecting migrants in crisis situations, Mr. Abdiker cited a failure of the private sector in the Libya crisis in which companies did not provide any support and in some cases exacerbated the situation by taking their employees’ travel documents with them when leaving the country. Concerning the Post-2015 process, Mr. Abdiker underlined the importance of including migrants in crisis situations. Mr. Janz and Mr. Bellardinelli commended the Mare Nostrum operation in the Mediterranean and expressed concerns by its replacement by a smaller initiative (Triton). Answering a question on consultation between IOM and military actors in the Libya crises, Mr. Abdiker stated that IOM had worked closely with OCHA in coordinating humanitarian assistance with NATO forces. Ms. Kang added that civil-military cooperation was a very important aspect of humanitarian assistance in emergencies. In some situations
humanitarian actors rely on the logistical capacity of the military and at the same time use this communication corridor to advocate for international humanitarian law.

**Session II: Follow-up to the High-level Dialogue on International Migration and Development: Addressing the plight of migrants in countries in crisis situations**

The second session focused on the “Migrants in Countries in Crisis Initiative” (MICIC) and was moderated by Mr. Gregory Maniatis, Senior Adviser to the Special Representative of the Secretary-General on International Migration and Development. The two speakers were Ms. Catherine Wiesner, Deputy Assistant Secretary of the Bureau of Population, Refugees and Migration for the United States, and Secretary Imelda M. Nicolas, Chairperson of the Commission on Filipinos Overseas (CFO).

In his introductory remarks, **Mr. Maniatis** acknowledged both IOM’s and UNHCR’s measures to assist migrants who were affected by the Libya crisis, and pointed to the lack of capacities and awareness for responsibilities of different actors during the Libya crises which aggravated migrants’ situation during the conflict. To address this problem the MICIC initiative aims at developing guidelines which will enable a clear distribution of responsibilities and burden sharing between countries, civil society, private actors and international organizations. In this effort a small group of states, experts and international organizations will work together to identify provisions that should become international standards and non-binding guidelines.

**Ms. Catherine Wiesner** shared a presentation of the MICIC initiative to give an overview of origins, objectives, scope, beneficiaries, stakeholders and expected outcomes. The MICIC initiative was born in the context of the Libyan crises when it became clear that migrants were largely overlooked by traditional humanitarian assistance. During the 2013 High-Level Dialogue on International Migration and Development, the US and the Philippines declared to take the lead in this inclusive state-led consultation process to produce voluntary, non-binding guidelines and identify effective practices to reduce vulnerability, save lives and enhance protection and assistance. The initiative consists of a working group with representatives of governments (Australia, Bangladesh, Costa Rica, Ethiopia, the European Commission, the Philippines and the United States) and international actors (IOM, UNHCR, SRSG on International Migration and Development, Georgetown University Institute for the Study of International Migration) with IOM as the Secretariat. Over the next 18 months there will be state-led regional consultations as well as other thematic and multi-stakeholder conferences where MICIC will be discussed. Ms. Wiesner invited the audience to take an active part in these consultations. Beneficiaries of the initiative will be regular and irregular migrants, caught in political crises or natural disaster situations, unable to return home. Their needs and interests will be addressed before, during and after crisis situations. The initiative does not address periods of economic slow-down or individual crises of migrants moving along dangerous migratory routes and will not replace existing refugee protection systems. While the scope of the initiative is thus limited, outcomes should be transferable to a broader range of migration scenarios that may not be directly covered by the MICIC initiative.

**Secretary Imelda M. Nicolas** presented the Philippines’ best practices and lessons learned in protecting the country’s nationals caught in crisis situations. With 10.5 million nationals working or studying abroad, the protection of citizens abroad is a central part in the Philippines’ politics. The Philippines protection policy was developed during the Gulf War 1990/1991 and is based upon emergency preparedness, monitoring systems of political and environmental situations as well as the locations of citizens abroad, early warning systems, bi-lateral agreements with host states, and an active involvement of migrant communities. In addition the Philippines has developed reintegration
programmes and an IOM-funded training program for foreign service personnel on crises management: “Capacity Building on Crisis Management and Assistance to Migrant Nationals” (CMAN).

Questions and Answers
Responding to a question concerning long-term reintegration of returnees, Secretary Nicolas stated that this was a persisting problem in the Philippines which the country was addressing in an active manner. She supported Ms. Wiesner’s point that the MICIC initiative would tackle this question advocating for the engagement of development actors. Responding to a reference on the importance of conducting research on the public opinion on migration, Secretary Nicolas and Ms. Wiesner agreed, underlining that there were different points of views in countries of origin and destination and that international attention decreases too rapidly in the long-term wake of a crisis. Ms. Wiesner asked the audience to integrate this issue into the MICIC consultation process.

Conclusions
Brief concluding remarks were provided by Ambassador Natividad.

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