



PLATFORM
ON DISASTER
DISPLACEMENT
FOLLOW-UP TO THE NANSEN INITIATIVE

Regional Perspectives, Global Convergence:

A Multi-Stakeholder Dialogue on Human Mobility, Climate Change and Disasters

Timo Schmidt, Secretariat of the Platform on Disaster Displacement

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Regional snapshots

Background and context



GCM baseline mapping

- An analytical framework: support Member States and others in reviewing implementation of relevant GCM commitments
- A global database: provide an overview of relevant legal and policy instruments and practices on cc/human mobility
- A baseline mapping report: establish a preliminary baseline that will serve as a basis for future monitoring and reporting in this policy area



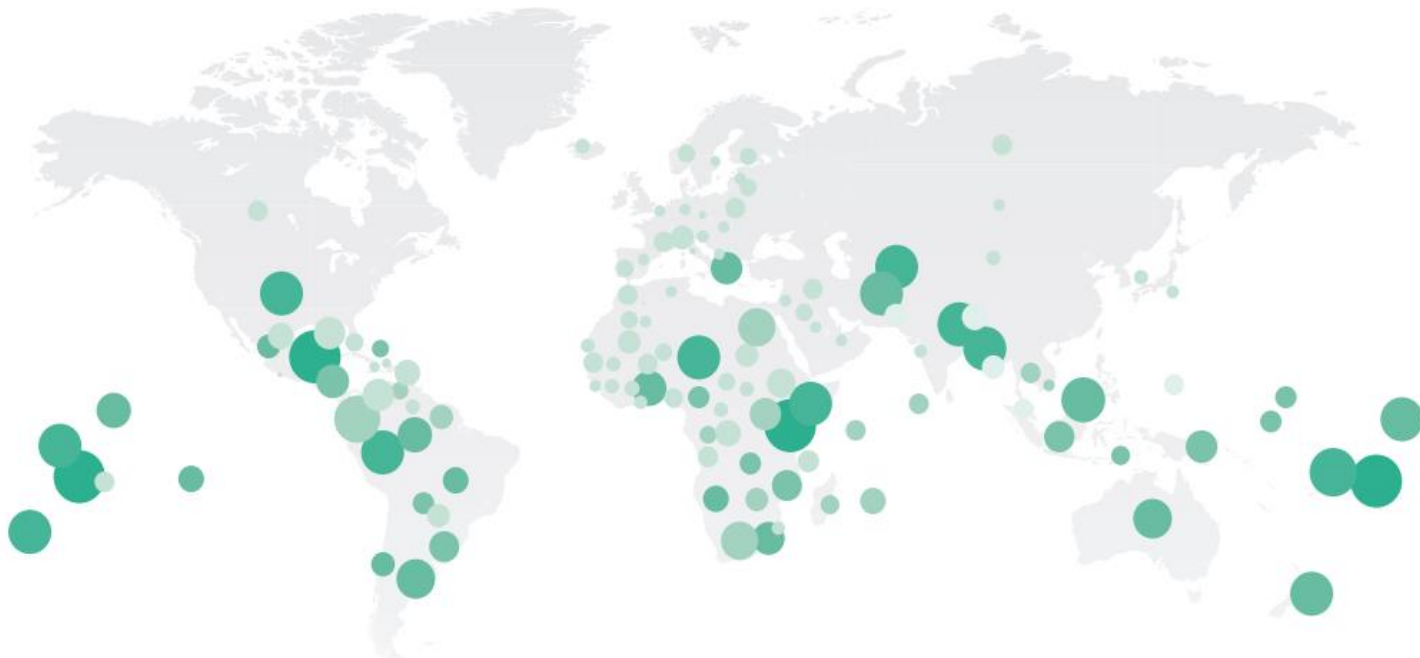
Policy & legal development

• Distribution of instruments by thematic area



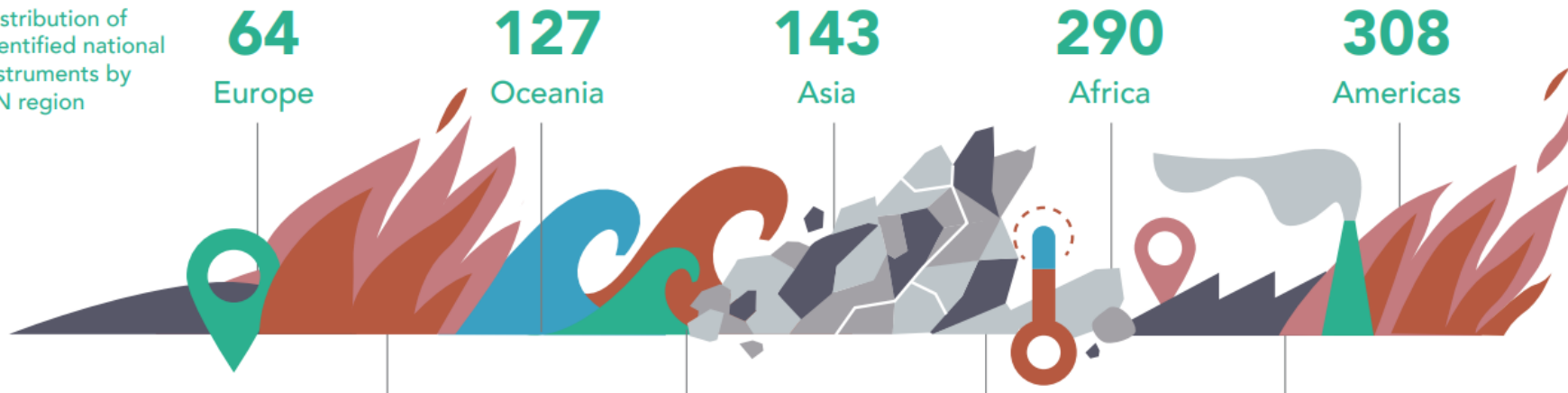
932
national
instruments

171
countries

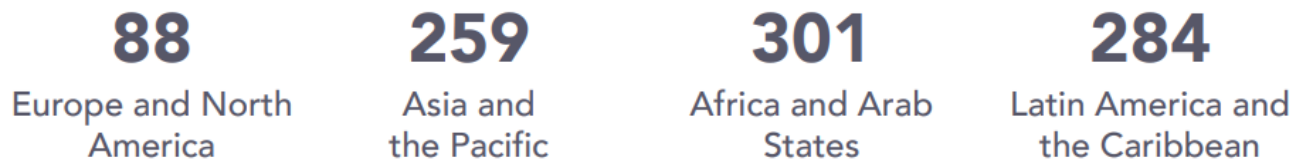


Policy development can be identified, but it is uneven across countries and regions

- Distribution of identified national instruments by UN region



- Distribution of identified national instruments by GCM review region



Africa and Arab States



Africa and Arab States

Pastoralism, drought, sustainable land management, development and youth, internal displacement in conflict and disaster settings, and free movement

National-level policy development

About 30% of all identified instruments have direct (rather than indirect or general) provisions.

Most human mobility instruments focus on IDPs / returns.

Many policies are still in a draft form, with this policy area largely 'under development' in the region.

A few countries (Botswana, Ghana, Kenya, Lesotho and Uganda) have dedicated sections in their migration policies.

Several countries extend criteria for the refugee status to events seriously disturbing public order.

Africa and Arab States



Africa and Arab States

Pastoralism, drought, sustainable land management, development and youth, internal displacement in conflict and disaster settings, and free movement

Regional-level policy development

In the area of human mobility, focus on governance, free movement (2020 IGAD Protocol on Free Movement of Persons).

Many regional instruments with relevant provisions under the disaster risk management policy area.

Several CC instruments focus on drought, sustainable land management, agriculture and other sustainable development challenges -- human mobility recognized in a general way.

Asia and the Pacific



Asia and the Pacific

Overseas employment, (seasonal) labour migration and remittances, protection of migrants in crisis situations abroad, planned relocation, climate-resilient development

National-level policy development

About 40% of all identified instruments have direct provisions.

Fewer examples of direct provisions in national migration or refugee legislation and policies.

Highest number of national instruments specifically dedicated to human mobility in disaster and climate change policies.

Several national immigration laws include provisions for admission and stay on humanitarian grounds or for special purpose visas, and some countries participate in labour migration and residence schemes.

Asia and the Pacific



Asia and the Pacific

Overseas employment,
(seasonal) labour migration
and remittances, protection
of migrants in crisis
situations abroad, planned
relocation, climate-resilient
development

Regional-level policy development

Focus on disaster management and implementation of the Sendai Framework and regional and sub-regional joint disaster response.

Several regional declarations on climate change had addressed human mobility.

Some relevant efforts are also taking place under regional economic integration and cooperation frameworks (e.g. Pacific Islands Forum).

Fewer relevant instruments in relation to regional human mobility governance, with most regional migration consultative processes focusing on other thematic issues (e.g. labour).

Europe and North America



Europe and
North America

Civil protection,
temporary protection
and border
management

National-level policy development

About 30% of all identified instruments have direct provisions.

Direct provisions almost exclusively focus on foreigners' status, and concern temporary protection and border management, including provisions for temporary admission and stay on humanitarian grounds or in case of mass influx.

→ see next page!

TEMPORARY PROTECTION:

- EU Temporary Protection Directive (2001): Cases of mass-influx of “... in particular: (i) persons who have fled areas of armed conflict or endemic violence; (ii) persons at serious risk of, or who have been the victims of, systematic or generalised violations of their human rights” (art 2(c)).
- Canada: In individual cases for persons affected by “(b) an environmental disaster resulting in a substantial temporary disruption of living conditions (Regulation 230)
- USA: Collective TPS for persons already present in cases of a serious disaster in a foreign state unable, temporarily, to handle adequately the return of citizens that officially requests TPS

National protection statuses based on general humanitarian grounds

- Belgium** Authorisation to stay for humanitarian reasons, Article 9bis Immigration Act (former Article 9, third paragraph) (1980)
- Cyprus** Residence permit for humanitarian reasons, Chapter 105 of Aliens and Immigration Law (2012).
- Czech Republic** Permanent residence permit for humanitarian reasons, Section 66 of Act on the Residence of Foreign nationals (1999)
Permanent residence permit granted because the person is already integrated, Section 67 of the Act on the Residence of Foreign nationals (1999)
- Finland** Residence permit on compassionate grounds, Section 52 of the Aliens Act (2004)
- Greece** Residence permit of third-country nationals whose application for international protection has been rejected, Article 19A(1f) Immigration Law 4251/2014
- Ireland** Permission to remain, Section 49 International Protection Act (2015)
- Italy** Residence permit on humanitarian grounds, Article 5 of Immigration Act (introduced in 1998 and abolished in October 2018)
- Lithuania** Temporary residence permit for humanitarian reasons, Law on the legal Status of the Aliens (2004, amended in 2014 and 2015)
- Malta** Temporary Humanitarian Protection, based on an administrative procedure (2010)
- Netherlands** Discretionary power of the Minister of Justice and Security to grant a residence permit (abolished as of January 2019)
- Poland** Residence permit for humanitarian reasons, Act on Foreigners (2013).
- Spain** Humanitarian residence permit linked to international protection, Article 37b and 46.3 of the Act on Asylum (1995)
- Sweden** Protection due to an external or internal armed conflict or due to other severe conflicts in the country of origin, Chapter 4, Section 2, Aliens Act (introduced in 2005 and suspended as of 2016 following the adoption of the Temporary Act in 2016, extended until July 2021)
- Slovakia** Humanitarian asylum, Section 8 of Act n° 480/2002 Coll. on Asylum (2002)
- Norway** Residence permit on strong humanitarian grounds or a particular connection to the realm, Section 38 of the Immigration Act (2008)

Europe and North America



Europe and
North America

Civil protection,
temporary protection
and border
management

Regional-level policy development

Few regional instruments of relevance to human mobility in disaster and climate change contexts (none in North America).

Some EU Directives include general references but not designed to address issues specifically.

Some countries have worked jointly on improving emergency planning and disaster response to better account for migrants and refugees and engage them in disaster risk reduction activities (e.g. EUR-OPA Major Hazards Agreement).

Latin America and the Caribbean



Latin America and the Caribbean

Temporary protection, disaster preparedness and response, regional cooperation

National-level policy development

About 40% of all identified instruments have direct provisions.

Focus in CC policies: planned relocation, vulnerability.

Focus in DRR policies: evacuations, preparedness, displacement management and migrant inclusion.

Many countries have multiple active laws or regulations including relevant provisions on human mobility, such as Argentina, Ecuador or Peru (most focus on immigration as opposed to refugee law).

Provisions focus on temporary protection on humanitarian grounds or in case of mass influx, humanitarian visas, extended definitions of refugee status (e.g. people from countries affected by disasters).

Latin America and the Caribbean



Latin America and the Caribbean

Temporary protection, disaster preparedness and response, regional cooperation

Regional-level policy development

In the area of human mobility, focus on governance, as part of regional consultative processes, refugee protection, and sub-regional free movement agreements.

Only region where (as of May 2022) dedicated regional instruments dedicated exist: regularization of Haitians after 2012 earthquake, SACM / RCM guides.

Fewer relevant regional instruments on cooperation on climate change governance or sustainable development, with most of them including only general references to human mobility issues.



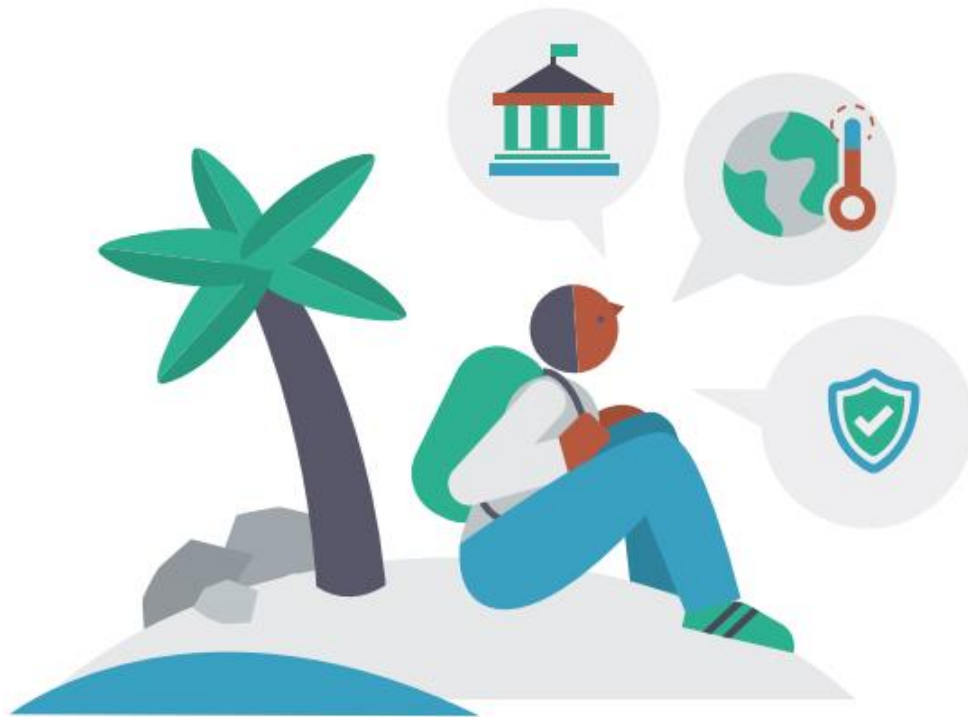
Regional snapshots

Conclusion

Invest in strong international and regional institutions and frameworks that can inform and guide national action



Enhance availability and flexibility of pathways in areas and regions already facing the limits of adaptation



There is still scope to recognize cross-cutting principles such as human rights and gender

- References to cross-cutting GCM guiding principles identified in policy instruments



Human rights

Identified in at least **97** national instruments and **29** regional and sub-regional instruments



Rights and needs of children

Identified in at least **100** national instruments, and **26** regional and sub-regional instruments



Gender responsiveness

Identified in at least **140** national instruments, and **30** regional and sub-regional instruments



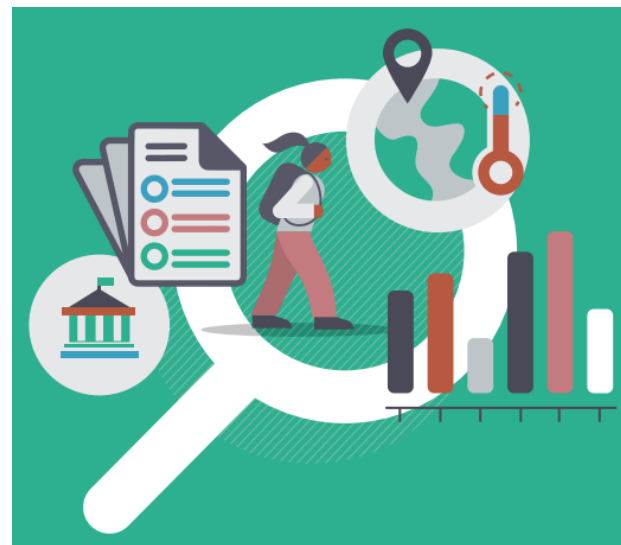
Whole-of-government

Some reviewed instruments recognize the need for horizontal or vertical policy coherence



Thank you!

Please send any questions to:
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www.disasterdisplacement.org