Regional Perspectives, Global Convergence:
A Multi-Stakeholder Dialogue on Human Mobility, Climate Change and Disasters

Timo Schmidt, Secretariat of the Platform on Disaster Displacement
Wednesday, 21 June 2023
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:
  - Europe: 64
  - Oceania: 127
  - Asia: 143
  - Africa: 290
  - Americas: 308

- Distribution of identified national instruments by GCM review region:
  - Europe and North America: 88
  - Asia and the Pacific: 259
  - Africa and Arab States: 301
  - Latin America and the Caribbean: 284
Africa and Arab States

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

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

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.
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

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

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

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

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.

- 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-governments: Some reviewed instruments recognize the need for horizontal or vertical policy coherence.
Thank you!

Please send any questions to: timos@unops.org

www.disasterdisplacement.org