



REPORT Civil Society Consultation Migrants in Countries in Crisis Initiative

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I. EXECUTIVE SUMMARY

Civil society actors are key partners in the collective effort to better protect and assist migrants caught in countries experiencing crises. While States bear primary responsibility to assist and protect nationals and those within their territory and subject to their jurisdiction, civil society actors are a critical bridge between governments and migrants. They are among the first responders, migrant-trusted allies, gatherers and conduits of data, knowledge, and information, and key implementers and advocates. These competencies and strengths can be leveraged through greater cooperation, partnerships, and coordination for the benefit of migrants, their families and communities, and societies as a whole.

In this context, the opportunity to bring together 60 civil society representatives from across the globe, covering multiple disciplines and areas of activity, with members of the Migrants in Countries in Crisis (MICIC) Initiative working group to discuss activities, roles, and responsibilities, proved extremely valuable. The recommendations and practices on partnerships, preparedness, rights protection, needs-based approaches, communication, emergency action, return and reintegration, diaspora involvement, and research and evaluation will inform the thinking and activities of the MICIC Initiative and will be integrated into the MICIC Initiative *Principles, Guidelines, and Practices* and its online repository, the two key final outputs of the Initiative.

The two days of discussions were framed by the following understandings and overarching questions: States are primary duty bearers. Other actors have important supporting roles. What measures need to be in place in ordinary times? Who are the most vulnerable migrants? Who should be prioritized for assistance and protection? When should employers and recruiters be responsible for providing assistance and protection? Which areas of action and intervention need to be prioritized during each phase? What are the situations where international organizations and civil society actors need to support States? How should such support be provided? How can international and civil society actors play to their strengths? While the breadth and depth of recommendations and practices explored over the course of the two-day consultation are captured in the body of the document, extensive discussions centered on the following themes:

- The need to address the protection and assistance of irregular and other invisible migrants;
- The need to gather and share data and information but also to ensure data security and privacy;
- Benefits of pre-established relationships and partnerships between and among stakeholders;
- The critical relevance separation between assistance provision and law enforcement in efforts to better protect and assist migrants, especially irregular migrants;
- Key roles played by municipal authorities and other local actors;
- Ways in which migrant volunteers and employees can enhance protection and assistance;
- The importance of addressing underlying xenophobia, discrimination, and other manifestations of anti-migrant sentiments to better protect migrants in crisis situations;
- The importance of ensuring that the *Principles, Guidelines, and Practices* are not misused to harm or exploit migrants, and of developing an advocacy agenda for promoting the incorporation of, and compliance with, the *Principles, Guidelines, and Practices*.

II. INTRODUCTION

The second stakeholder consultation of the MICIC Initiative took place in Geneva, Switzerland, from 28-29 January 2016 at the Permanent Mission of the United States of America to the United Nations and Other International Organizations. Over 80 participants discussed roles, recommendations, and practices of civil society actors in the context of migrants caught in a country experiencing conflicts and natural disasters.

Following introductory remarks by the United States and Philippines Permanent Representatives to the United Nations in Geneva, the two days saw 60 civil society actors, representing more than 50 organizations, engage on a wide-ranging agenda. A mixture of plenary and working group sessions were punctuated by presentations from the MICIC Initiative Secretariat on the background, scope, aims, and findings of the Initiative and by remarks from Ambassador William Lacy Swing, Director General of IOM, and Deputy Assistant Secretary of State, Catherine Wiesner, Bureau of Population, Refugees, and Migration, U.S. Department of State. Representatives of the Australian, Philippines, and United States governments chaired and moderated various sessions.

With civil society representatives from Asia, Africa, Europe, the Middle East, and the Americas, comprising international and national networks, and individuals working in the humanitarian, development, advocacy, academic, and funding fields, the consultation benefited from broad experience and expertise. The extent of civil society interest and commitment to the aims and objectives of the Initiative was highlighted by the Global Coalition on Migration (GCM), which presented findings stemming from parallel regional consultations held in Manila, Brussels, and Dakar. At the UN High-level Dialogue on International Migration and Development in 2013, civil society had presented a 5-Year, 8-Point Action Plan for Collaboration with Governments.¹ Point 3 of that plan specifically articulates a civil society pledge to address situations in which "migrants [are] stranded in distress," including situations of "war, conflict or disaster," and reflects the complementarity between the Initiative and civil society priorities. Many of the recommendations highlighted in GCM's presentation, and promoted by civil society over the course of the consultation, reinforced findings distilled from earlier regional and stakeholder consultations.

This report presents the main recommendations and practices collected throughout the consultation, organized first by phase—pre-crisis, emergency, and post-crisis—and then by the theme of each working group session.² The report also highlights a number of key concerns, challenges, and considerations emphasized by participants. While many of the recommendations and practices relate to civil society actors, many are relevant for other stakeholders including countries of origin, destination, and transit, and international organizations.

The report does not purport to represent the views of individual participants, the organizers or hosts, but instead reflects broadly the themes, suggestions, recommendations, and practices transpiring from discussions. The agenda, background paper, and participant list for the consultation and the civil society mid-term review are appended to the report.

¹ For complete review, see here: <u>http://hldcivilsociety.org/wp-content/uploads/2013/10/0261-HDL The-5-year-Action-Plan-GB-web2.pdf</u>

² While the majority of recommendations and practices on a given thematic area arose in the context of discussions within the relevant working group session, some of the recommendations and practices included in each thematic section also relate to materials distilled from discussions in other working groups or during plenary discussions.

III. PRE-CRISIS PHASE

Working Group I: Establishing Partnerships before a Crisis Hits

Different types of civil society actors are crucial to protecting and assisting migrants caught in a country experiencing conflicts and natural disasters and play many important roles during each phase of a crisis. They face challenges in terms of resources and capacity. In this context, partnerships and arrangements established at the pre-crisis phase among civil society actors and between civil society actors and other stakeholders may be valuable to better protect and assist migrants during the emergency and post-crisis phases. In some situations, informal arrangements may be sufficient to leverage each actor's strengths and competitive advantages. In certain circumstances, for instance where civil society is authorized to provide services to migrants in government-controlled areas such as airports and detention centers, partnerships and arrangements may need to be formal. Specific recommendations and practices arising from discussions on this theme are detailed below.

Recommendations:

Civil Society

Establish formal partnerships with private sector actors before a crisis. Establish formal partnerships with the private sector on a range of thematic areas including service provision, access to information (for example platforms for communication and translation of information), financial services, and aid delivery. Raise awareness with, and provide capacity building opportunities to, the private sector on the importance of targeted, accessible services, including financial services.

Use the knowledge and expertise of civil society actors in countries of origin, destination, and transit, including those with transnational presence. Build relationships that foster cooperation and coordination between such actors. Some civil society actors are international or regional with branches and networks in multiple countries. These transnational actors have unique knowledge, experience, and expertise. Such actors can gather data on trends, facilitate transnational connections, and identify local particularities. Greater attention should be placed on civil society actors in countries of origin (not just those in countries of destination and transit), as they are also able to mobilize resources and have skills, knowledge, and capacities to assist migrants during the emergency phase. Civil society actors in migration corridors and working with transit migrants can also have valuable information about migrants and their vulnerabilities.

Engage in regular dialogue with diplomatic missions. Regular dialogue between civil society and diplomatic missions in countries of destination can promote each actor's understanding of migrants' circumstances, needs, rights violations, and gaps in protection in destination countries.

Establish cooperative arrangements between civil society and relevant national authorities. Partnerships between civil society and national authorities in the country of origin or destination may also relate to a range of themes including provision of services (such as shelter) or information (for instance pre-departure training, emergency contacts, or rights).

Establish arrangements to provide information and raise awareness of local authorities about migrants. Local authorities are responsible for delivering aid to crisis-affected populations including migrants. Making sure local authorities are aware of migrant populations within their municipalities and their vulnerabilities, needs, and rights are necessary precursors to protection and assistance. Civil

society actors should help local authorities to identify migrants and understand their vulnerabilities, needs, and rights.

Encourage network building among migrants themselves. When migrants are connected to each other through formal and informal networks, other stakeholders can access larger groups of migrants through network focal points and leaders. These types of networks are particularly important for accessing irregular migrants. Organizing social and cultural events can foster migrant network building.

Recruit migrants into volunteer networks. Engaging migrants to serve as volunteers can also help reach and service a larger migrant population. Migrant volunteers can also ensure that communication and services are culturally sensitive and linguistically appropriate.

Partner with migrant groups, diaspora groups, employers, and recruiters to identify and deliver assistance to migrants.

States and Other Stakeholders

Incorporate civil society in evacuation plans. Pre-established plans and arrangements are important for facilitating and coordinating evacuation activities when crises hit. States, the private sector, and other stakeholders that develop plans and arrangements to evacuate people should take into account the capacities and resources of multiple actors, including civil society.

Create an evacuation fund: Establish an evacuation fund to assist States that lack resources and capacity to protect and assist migrants. Often the most vulnerable are those in an irregular status and such a fund can facilitate protection and assistance to them.

Practices:

Civil Society

- Partnerships to provide information. One large NGO has established *ad hoc* partnerships with Google and Facebook to provide information to migrants on where to go, who to contact, and how to access legal assistance in crisis situations.
- Partnerships to provide debit cards and improve financial literacy. An *ad hoc* partnership between MasterCard and a large NGO is used to provide debit cards to migrants in countries of destination and financial literacy programs in countries of origin.
- Partnerships to facilitate tracing services. One large international NGO has partnered with Nokia and Samsung to facilitate and foster communication for tracing services. These companies provide avenues for charging phones in places where electricity is sparse. Photos of missing migrants are also published online as one means through which to assist migrants reconnect with family members.
- Partnership to provide humanitarian logistics. Large NGOs have arrangements with medium and small companies as well as larger airline and transportation companies to distribute humanitarian aid.
- Migrant volunteers. One large NGO recruits migrants into its volunteer network to facilitate communication with and services to migrant populations.

- Partner meetings. Annual or more frequent meetings between partnering international organizations, civil society actors, and other relevant stakeholders have been held to share practices and experiences and to coordinate responses in countries of destination.
- Networks of civil society actors. The Asia Pacific Refugee Rights Network is a network consisting of more than 240 civil society organizations and individuals from 26 countries committed to advancing the rights of refugees in the Asia Pacific region. The network operates on information-sharing, joint advocacy, and mutual capacity building and training. While not directly relevant to the scope of the Initiative, it is an example of a collective investment into a network that uses low cost mechanisms such as Google groups to connect national actors around pertinent issues.
- Surveys to map civil society services: One umbrella NGO body carried out a survey of members to understand the services they provide, such as pre-departure orientation, legal assistance, medical services, language and cultural training, and referrals, etc. Knowing this information makes it easier to make targeted and appropriate referrals.

Civil Society and States

- Partnerships with countries of origin to provide pre-departure information to migrants. An NGO in Lebanon has partnerships with migration authorities in Bangladesh, Nepal, Philippines, and Sri Lanka to provide pre-departure information and orientation to migrants. This is done in collaboration with their branches in the countries of origin and with other civil society actors.
- Arrangements with countries of destination to provide information upon arrival. An NGO in Lebanon has a partnership with the government to provide information to migrants upon their arrival at Beirut airport. Migrants are provided with information on emergency hotlines and contact details of NGOs and embassies in Lebanon. Migrants are also given booklets on rights and responsibilities and language guides.
- Arrangements with countries of destination to provide detained migrants with services. Civil
 society actors have arrangements with authorities that allow them to access detention centers
 in destination countries and to provide detained migrants with information and services.
- Safe houses that include assistance for migrants. An NGO in Lebanon has a MOU with authorities to service migrants in safe houses that ordinarily service citizen populations.
- Dialogue with diplomatic missions: An NGO in Asia has established regular dialogues with diplomatic missions in countries of destination including Oman, Jordan, Lebanon, Qatar, and the UAE. The NGO collaborates with embassy and consular officials to address humanitarian and other challenges faced by migrant workers and their families. Together, civil society, migrant workers, and the officials engage in discussions to identify gaps and opportunities, adopt recommendations and actions that enhance human and labor rights, and improve the implementation of policies, programs, and services for migrant workers in destination countries.
- Multi-stakeholder dialogues for cooperation and collaboration. A series of dialogues (the Doha Dialogues) was organized between 2014 and 2015 throughout the Asia-Pacific, Middle East, and North Africa to discuss best practices and methods for collaboration and to evaluate ways to improve labor laws, policies, and programs to protect the rights and interests of migrants. These dialogues brought together a range of actors involved in labor migration including humanitarian,

NGO, and government actors, academics, research institutions, and migrant associations. Other civil society actors have convened working groups with government actors that come together each month to build relationships, trust, and determine ways to better cooperate on humanitarian operations in other countries.

- Network and relationship building amongst and with migrants. Civil society actors have held social events such as Christmas parties and music shows for migrants to foster relationships, networks, and trust building with and amongst migrants. Civil society actors have attended sport and cultural activities including those hosted by diaspora groups for similar purposes.
- Multi-stakeholder arrangements to coordinate evacuation and repatriation. During the Syrian crisis, meetings were held with civil society, a transit country government, and consulates from countries of origin to coordinate the response and evacuation of migrants. An assistance structure was set up which required civil society in the country of transit to provide services to migrants for the first 48 hours after evacuation to that country and to facilitate and provide repatriation and reintegration in countries of origin. The transit country government waived some requirements for documentation during this process.

International Organizations

• **Evacuation funding mechanism.** IOM's Migration Emergency Funding Mechanism allows IOM to prioritize the safety and provide timely evacuation of migrants, particularly to States that may not have the capacity or resources to assist its own nationals.

Working Group II: Incorporating Civil Society and Migrant Networks and Groups into States' Preparedness Systems and Mechanisms

Migrants are not always included in institutional emergency preparedness systems and mechanisms. Such systems and mechanisms may not account for the presence of migrants, may inadequately incorporate the needs and vulnerabilities of migrants, or may not take advantage of the capacities and resources migrants can bring to bear on crisis response and recovery. These factors can compound migrant vulnerabilities and needs when conflicts and natural disasters strike. Civil society actors can complement efforts by institutional actors and improve migrants' access to resources, information, and services that are crucial for preparedness. Specific recommendations and practices arising from discussions on this theme are detailed below.

Recommendations:

Countries of Destination

Tailor preparedness systems to the specificities of the local context and the type of crisis. Not all States have preparedness systems. Even when such systems exist, implementation can be uneven. A locality's history and its migratory landscape also influence the type and form of preparedness systems that may be needed. The type of crises and their predictability—be they conflicts or natural disasters— also has a bearing on the preparedness systems that need to be established.

Undertake policy reforms that address migrants' underlying conditions of vulnerability. Particular characteristics and circumstances of migrants impact their resilience to crises. Targeted short- and longer-term policy reforms that mitigate vulnerabilities and enhance resilience are important for

preparedness. Recognition of migrants' rights, access to basic services, and access to administrative, judicial, and other redress mechanisms can build resilience towards crises, even to those crises that may be unpredictable. Policy reforms that regularize migrants in an irregular status can also enhance their resilience. Separating immigration enforcement from preparedness and response efforts, including by involving immigration enforcement actors in preparedness efforts so as to build trust, relationships, and enable them to understand the needs and vulnerabilities of migrants, can lead to tangible benefits for migrants, particularly those in an irregular status.

Account for migrants in disaster risk and emergency management laws, policies, and systems at all administrative levels. Those working in disaster risk reduction (DRR) have long highlighted the importance of inclusiveness. Practices and experience from community-based and inclusive DRR efforts can inform and be leveraged for migrant inclusion. Guidance and experience stemming from the application and implementation of the Sendai Framework for Disaster Risk Reduction is particularly relevant in the context of the roles and contributions of migrants to DRR.

Use global and regional forums for learning and cooperation on preparedness and response. Regional migration dialogues that relate to the main corridors of migration can be an important forum for learning and cooperation on preparedness and response and can be used more effectively.

Support and facilitate the role of civil society as preparedness and response actors. While the nature, roles, and functions of civil society actors can vary, many of these actors fill gaps that may exist in preparedness and response systems or in their implementation mechanisms. Much work is done by grassroots and community-level organizations that do not necessarily have institutional access or international profiles. Understanding and incorporating the roles and functions carried out by relevant civil society actors into preparedness and response systems can improve them.

For example, local civil society actors as well as researchers and academics can be used to locate migrants and fill information gaps on migrants, their vulnerabilities and needs. Contingency plans that take into account the resources, capacities, and capabilities of civil society to provide services such as shelter, food, medical, and legal assistance, during crises can lead to better allocation of resources and more comprehensive preparedness systems. Strengthening the ability of civil society to maintain and build relationships with migrants can promote better awareness-raising efforts carried out through activities such as "know-your-rights" initiatives and "one stop shops". These activities are important for information dissemination. They can inform migrants of crisis-related risks and of avenues to access assistance and support. These activities are also less formal channels for communicating with migrants and accessing hard-to-reach groups such as irregular migrants and those in detention. In this context, some of the ways in which civil society actors could be better supported and facilitated to play these important roles relating to preparedness are listed below:

- Map civil society, migrant, and diaspora actors and their resources, capacities, and knowledge;
- Remove obstacles that hinder civil society work in support of migrants;
- Create multi-stakeholder consultation systems to address migrant vulnerabilities and enhance resilience in ordinary times and ensure these include civil society actors;
- Create global, regional, and national mechanisms for mutual learning, cooperation, preparedness, and response.

Practices

Civil Society

- Community organizations are key actors for awareness raising. Community organizations are a key actor for producing and disseminating "know-your-rights" awareness materials and practical tools to help migrants protect their rights. They can often be "one-stop shops" for migrants to obtain information on crisis preparedness.
- Migrant shelters, churches, and soup kitchens as service providers and sources of knowledge. Migrant shelters, churches, and soup kitchens provide varied services to migrants and consequently have deep knowledge of numbers and characteristics of migrants, including transient populations.
- Preparedness plans for migrant communities. In Latin America, civil society actors have developed preparedness plans for migrant communities.
- Community-based support networks and community-level assistance. During the Libya crisis, in high-circulation border regions between Libya and Tunisia, community-based networks were crucial for providing community-level information and responses for migrants.
- Using/enlisting/etc. migrant representatives to facilitate communication. Some organizations
 have provided a phone and credit to representatives of particular migrant groups to ensure all
 members in the group are able to access information and provide feedback.

Countries of Destination

- Identification documents and separation of immigration enforcement activities to facilitate access to services. Some countries or local authorities have identification systems or provide migrants with particular identity cards that allow them to access essential services such as healthcare without having to reveal their immigration status. Accessing such services does not result in referral to immigration enforcement authorities. This type of mechanism results in the integration of migrants into existing service structures and mechanisms rather than two tiers of services—one for citizens and one for migrants.
- Multi-stakeholder consultation and coordination forums to inform responses towards migrants. Some countries or local authorities have established multi-stakeholder consultation and coordination forums, which include international organizations, civil society, and migrant representatives, to inform response efforts that target migrants and their needs.
- Evacuation of migrant detention center to assist citizens: In the wake of a hurricane in Latin America, a migrant detention center was evacuated to serve as a shelter for citizens, leaving migrants to fend for themselves. This practice was noted as one that heightened the vulnerabilities of migrants and therefore should not be replicated.

Working Group III: Rights Protection in Ordinary Times

Previous consultations have emphasized repeatedly that better rights protection in ordinary times enables migrants to protect themselves and their families during crises. In parallel civil society consultations and informal discussions, these sentiments have been strongly reinforced by diverse civil society actors. The rights protections enjoyed by migrants are broad and cover a vast range of law and practices. Many countries recognize and protect these rights in ordinary times for some or all migrants. In the course of discussions, civil society actors identified a number of specific, non-exhaustive recommendations and practices.

Recommendations:

States

Respect, protect, and fulfill the human rights of migrants in ordinary times. As human beings, all migrants are entitled to human rights. All States, including countries of destination and transit, have obligations under international human rights law to respect, protect, and fulfill the rights of migrants. The international bill of rights, consisting of the Universal Declaration on Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), articulates the core human rights that apply to all persons, including migrants. The ICCPR and the ICESCR have been ratified by many States and are binding; the provisions of the UDHR reflect norms of customary international law.

While all migrants are entitled to the protection of their fundamental human rights, not all rights are held by all migrants, equally, nor are all rights consistently protected by States. Other core UN human rights treaties recognize and protect the rights and status of specific categories of persons and, therefore, migrants, as do a number of International Labour Organization (ILO) conventions. However, these agreements have received uneven ratification. The International Migrants Bill of Rights (IMBR), a tool developed by the IMBR Initiative, describes the legal framework that protects the rights of all international migrants, regardless of the impetus for their migration. Better respect, protection, and fulfillment of human rights of migrants can benefit from a range of actions, such as:

- Ratification of key treaties including UN treaties and ILO Conventions;
- Protection of core rights through recognition in law and implementation in practice;³
- Recognition of the rights of *all* migrants, including those who may be in an irregular status;
- Protection of fundamental human rights that implicate immediate needs over immigration enforcement in times of crisis;
- Recognition of, understanding, and engagement on rights protection at all levels of government. At the national level, clarity on rights protection in national laws and policies. At the local level,

³ This may include: (a) the right, without any discrimination, to the equal protection of the law (i.e., prohibiting and preventing discrimination on the basis of race, religion, gender, nationality, etc., and also on the basis of status); (b) the rights to life and to the highest attainable standard of physical and mental health (i.e., providing access to healthcare, including physical and mental healthcare); (c) the right to recognition everywhere as a person before the law (i.e., ensuring access to identity documents, passports, etc.); (d) the rights to due process of law, an effective remedy, and to protection against discriminatory or arbitrary expulsion or deportation, including collective expulsion (i.e., providing the ability to challenge government decision-making and ensuring access to legal protections during status determination); (e) the right to seek and enjoy asylum and the right against refoulement (i.e., ensuring access to status determination procedures that can identify migrants deserving of international protection); (f) core labor rights, including the right to work and to just and favorable conditions of work and the right to be free from slavery, servitude, or forced or compulsory labor as well as the right to an effective remedy (i.e., ensuring workplace protections for regular and irregular migrants; prohibiting binding of migrants to employers and debt bondage; and providing effective remedies for abuses, including the ability to pursue claims for wages, even after onward migration or return); (g) the rights of vulnerable migrants, including those migrants with special status under law as well as the protection of the rights of migrant families and migrant victims of crime (i.e., refugees and asylum-seekers; women; children, along with measures to ensure family unity and reunification; those with disabilities, incl. relevant rights of participation; LGBTI migrants; the elderly; victims of crime, including trafficking and other exploitation; indigenous migrants; stateless migrants not in their country of habitual residence; etc.); (h) the rights to freedom of opinion and expression and the rights to culture and language (i.e., providing access to information, including in the migrant's language); (i) right of liberty and security of person (i.e., ensuring freedom from arbitrary detention and eliminating and promoting alternatives to detention for broadening groups of vulnerable populations); (j) rights to peaceable assembly and association (i.e., ensuring the ability to form and strengthen civil society groups and partnerships); (k) the right to exit and other applicable rights regarding freedom of movement; (l) the rights to freedom of thought, conscience, and religion or belief, to education, and to an adequate standard of living.

implementation of laws and policies and access to protection and services that respond to migrants' vulnerabilities and needs, regardless of status.

Promote and facilitate civil society engagement to assist migrants to enjoy their rights. Civil society actors can support governments to respect, protect, and fulfill the rights of all migrants. Collaboration and coordination among civil society actors and between civil society actors and other stakeholders can enhance the protection of the rights of all migrants. For example, such activities can include work to bolster data gathering on migrants, their vulnerabilities, and trends, thus building the available pool of knowledge and facilitating better monitoring of rights protection. Coordination can also improve education and awareness among migrants as well as civil society and citizens.

Refrain from arbitrary detention and provide access to places of detention. Refrain from arbitrary detention as this can make migrants exceptionally vulnerable. Provide access to places of migrant and administrative detention to enable stakeholders to provide services, assistance, and undertake monitoring.

Consider and address rights protections that apply throughout the migratory process. Rights and obligations that relate to mobility, and apply in the context of transit, should also be protected. This includes the right to leave any country. Better protection of these rights enhances the resilience of migrants in the event they are caught in a country in crisis. Transiting migrants are often affected when the country they are travelling through experiences a conflict or natural disaster.

Promote safe and regular migration and enter into bilateral agreements to provide social, humanitarian and other protections. Humane policies that create opportunities to migrate legally can limit the extent to which migrants are vulnerable when a conflict or natural disaster strikes the country in which they are present. Similarly, bilateral agreements on social and other protections for migrants can enhance resilience during emergencies, and ease the path to recovery. Greater coordination among States on providing access to visas, access to territory, and temporary protection statuses can promote the empowerment of migrants facing situations of crises.

Practices:

Countries of Destination

- Separation of immigration enforcement to protect fundamental rights. States have implemented "firewalls" between immigration enforcement activities and access to services or State protection in ordinary times. Examples include memoranda of understanding (MOUs) between government departments to ensure that reporting labor violations does not lead to immigration enforcement, legal provisions mandating access to primary education regardless of immigration status, and prohibitions on enquiring about immigration status in the context of access to municipal services.
- Protection of cultural and linguistic rights: Local authorities in some countries have made public documents available in the languages commonly spoken by migrants to ensure that migrants within those localities are able to access relevant information.
- Protection of rights to liberty and security of persons and freedom from arbitrary deprivation of liberty. States have implemented alternatives to detention programs and have also excluded particularly vulnerable populations, such as children and families, from detention.

Civil Society together with States and/or other Stakeholders

- Protection of rights of association and assembly and freedom of expression and opinion. Creating mechanisms for active civil society engagement promotes these rights as well as others. Some civil society actors have instituted information campaigns to promote knowledge among migrants on how to access services and protection including, for example, orientation and information for newly arrived migrants on how to access rights, services, legal assistance, justice, and assistance in an emergency. Others have undertaken media and litigation campaigns to promote migrants' rights. In other instances, civil society, UN bodies, and supranational entities have worked together to set agendas on particular thematic areas. One example concerns a campaign between civil society, UN agencies, and other actors to launch the Palermo Call for Action to protect children in the context of migration.
- Education on rights violations. In collaboration with States, civil society actors have undertaken
 pre-departure orientation to educate migrants about specific labor markets, potential risks, and
 their rights so they can understand when their rights may be violated.
- Engagement with migrants to understand challenges to accessing rights protection. Local civil society actors have engaged with migrant populations to better understand the barriers and challenges they experience in accessing rights protections. This includes hearing from migrants about the practical challenges they face in exercising their rights.
- Assistance to migrants to enable them to enjoy rights. Accessing services and exercising their rights may sometimes require migrants to fulfill local legal and administrative requirements. Civil society actors have assisted migrants to understand and meet these requirements by, for instance, assisting them to obtain local identification documents.
- Migrant centers and safe houses. Civil society actors have established migrant centers in countries of destination to provide legal, medical, and social assistance.
- Advice to authorities on rights and needs of migrants. Local authorities often provide essential services to migrants, especially as first responders in a crisis. Civil society actors have identified the languages in which most local migrants communicate and advocated with local authorities to have information about their services translated into those languages. They have also provided advice to local authorities on ways to make emergency services migrant-friendly and on ways to incorporate the needs of migrants into local crisis response planning. In countries where the authority for emergency services rests with the national government, civil society actors can play a similar role in providing advice to governments on practical measures they could take to ensure migrants can exercise their rights and access assistance during a crisis.

IV. EMERGENCY PHASE

Working Group I: Needs-First Approach to Rights-Based Protection

Migrants experience a wide range of needs when crises strike. Some of these migrants may fall into preestablished and well-recognized categories. Some actors may have specific mandates to service certain groups. Other actors may prioritize assistance to recognized vulnerable groups such as children and women. In crisis situations, however, non-traditional categories of migrants may become acutely vulnerable and, in the midst of an emergency, all migrants, regardless of their demographic, socioeconomic, and legal characteristics may exhibit similar needs. Specific recommendations and practices arising from discussions on this theme are detailed below.

Recommendations:

All stakeholders

Ensure responses target needs and are not impeded by pre-existing definitions of categories of migrants. During the emergency phase, safety, health, food, water, and shelter needs should be identified and addressed for all migrants and their families. All migrants—migrant workers, victims of trafficking, students, tourists, business travelers—can be vulnerable during the acute phase of a crisis and require basic and live-saving humanitarian assistance. Additional vulnerabilities, or rights to protection, can be identified either at the same time or later. Both humanitarian and human rights imperatives need to be fulfilled.

Adopt a flexible approach to determining who may be vulnerable: Vulnerabilities will vary with context. In some circumstances, demographic (e.g. age, gender, disability) and circumstantial factors (e.g. language barriers, irregular status) that are traditionally understood to create vulnerabilities may not represent a comprehensive picture of vulnerabilities at play in a given crisis. Focusing solely on these factors may inhibit the ability of responders to identify other populations that may also be vulnerable. For example, young adult men are generally not regarded as vulnerable. Yet they are often caught in crises as migrant workers and, in the absence of assistance, such men resort to traffickers, smugglers, or criminal gangs as they seek their own means to find security and safety. Long-term migrants and their families can also exhibit specific vulnerabilities, particularly if they have been away from their country of origin for many years. Evacuations and repatriations to their home country may create specific vulnerabilities and needs associated with integration, especially where they lack social networks, support systems, and property. Adolescents are often caught between the adult and child space and are often highly vulnerable to harm and exploitation in the context of crises.

Recognize that immediate needs may vary based on context. Often psychosocial assistance is provided to migrants in the medium-to-long term and generally in the aftermath of conflicts. However, experience indicates that such assistance may need to be provided much sooner, in parallel with efforts to address safety, security, and basic needs. Similarly, access to justice to recover back wages or property can be an immediate need. If such resources are not recovered prior to evacuation or repatriation, they may not be recovered at all as it may be impossible for some migrants to do so remotely.

Adopt multiple approaches to deliver assistance. Some migrants that require assistance will selfidentify; that is, they will present themselves to consular officials of their home governments, international or civil society actors, or local service providers such as hospitals, to request assistance. Those migrants in an irregular status may be less likely to self-identify to officials or local service providers. In addition, not all migrants will be in camps or other temporary shelters. Some will find shelter on their own, with friends or family, including in urban centers. This requires international organizations, civil society actors, and States to adopt proactive approaches to reach these populations. Such approaches may include door-to-door visits in localities hosting migrant communities or visits to detention centers. In this context, countries of origin should track those in detention.

Address the needs of migrants and the communities where they have taken shelter. Assistance and support to migrants may create tensions with local/host communities, particularly in circumstances where such populations have similar needs and vulnerabilities as the migrants. Once migrants' acute

needs have been addressed, the needs of migrants and host/local populations may need to be addressed more holistically, especially in cases where the local/host populations lack adequate access to services and infrastructure.

Protect and uphold the dignity of migrants when providing assistance. Ensure that all actors providing assistance and protection to migrants uphold their dignity and rights when delivering assistance. Assistance should be culturally and religiously appropriate.

Provide child-, age-friendly spaces. Addressing the health and psychosocial needs of children is often critical and needs to be prioritized. In this context, centers for migrants affected by and fleeing crises need to include child-friendly spaces. The same concerns and considerations apply to other vulnerable groups, such as the elderly.

Empower migrants to assist migrants. Employ or recruit migrants as volunteers to identify other migrants, provide information and assistance to migrants, and reach those in remote or isolated working conditions. Use teams to conduct outreach, and take a local approach. Migrants, diaspora or family members can help conduct tracing and identification.

Civil Society and International Organizations

Recognize and address the needs of detained migrants. During crises, detention centers that house irregular migrants are often forgotten. There have been cases of migrants going without food or health care for extended periods. There have also been instances where officials have fled leaving incarcerated migrants behind. These migrants may have acute needs for life-saving and other assistance. Civil society actors can advocate with relevant authorities to access and address the needs of detained migrants.

Adapt needs assessment tools to the context. International and civil society actors have standard tools, such as pre-established questionnaires, vulnerability assessments, etc., that they use to assess needs in emergencies. Standard tools need to be adapted to the particular circumstances of a crisis: the severity and type of crisis, location, and population(s) at risk. In the acute phase, assessments will inevitably focus on immediate needs. In due course, door-to-door visits and longer interviews may be necessary to identify and address less immediate or hidden needs and vulnerabilities.

All States

Ensure faithful access to rights under the refugee regime. Any migrant affected by or fleeing a crisis has a right to claim asylum. Such individuals may also be refugees and may qualify for refugee status. Those fleeing crises should be able to access an unbiased status determination process. Recognized refugees and those claiming asylum need to be protected from *refoulement*.

Countries of Origin in collaboration with other Stakeholders

Ensure access to identity, travel, and other documentation. Nationality, travel, and identity documents can be a form of life-saving assistance. Nationality and identity determinations and the corresponding issuance of travel and identity documents (where these are lost or unavailable) can be an immediate need for crisis-affected populations seeking to access assistance from their country of origin, to comply with exit procedures, or to transit to third countries. In this context, emergency protocols for consular services that enable the issuance of identity and travel documents with expediency can be beneficial in the emergency phase of a crisis. Such actors may need to establish temporary mechanisms for establishing identity and facilitating movement (such as emergency travel cards or laissez-passer).

Countries of Destination and Transit

Waive visa and other entry and exit requirements for migrants fleeing crises. Being able to leave a country experiencing a conflict or natural disaster and enter neighboring or transit countries can often be an immediate and life-saving need for crisis-affected populations. In this context, waiving restrictions and controls that impede the ability of crisis-affected migrants from fleeing a country experiencing a crisis or entering neighboring or transit countries can be integral to response efforts. Facilitating exit is particularly important in parts of the world where there are sponsorship systems.

Refrain from detaining migrants fleeing countries in crisis or returning them to places where they would experience serious harm. Detaining migrants fleeing from countries in crisis can seriously impact their safety and ability to access assistance. Additionally, migrants should not be returned to countries in which they are likely to experience further serious harm such as conflict, violence, or serious human rights violations (principle of *non-refoulement*). Detention should be avoided for migrants who have fled countries experiencing crises and entered transit countries without proper documents, including while their identity is resolved.

Provide training to non-traditional actors to identify vulnerabilities. In some contexts, actors who are not in the business of providing assistance and protection to migrants may be best placed to identify vulnerabilities, such as flight attendants. Such actors should be trained to do so.

Practices:

Civil Society and International Organizations

- Standard assessment tools to suit context. The Inter-Agency Standing Committee (IASC) questionnaire for protection assessments is a standard tool that members of the IASC organizations have shared with other actors. Other actors also have pre-existing tools, including standard and more detailed questionnaires, which can be adjusted to specific contexts.
- Existing Standards: Existing standards should be adapted to suit the vulnerabilities and needs of crisis-affected populations. One example is the <u>Minimum Standards on Child Protection in</u> <u>Humanitarian Assistance</u>. This also has some information relevant to crises.
- Partnerships for referrals. Civil society actors have established arrangements with a range of other stakeholders to refer migrants with specific needs. For examples, referrals are made to governments for consular services; to UNHCR for asylum seekers, refugees, and stateless persons; to hospitals and other local service providers; to international and civil society organizations providing food, shelter and other services; and local judicial and other organizations with mandates to protect and assist victims of trafficking, gender-based violence, or unaccompanied and separated minors.
- Migrants as volunteers or employees to serve multiple functions. Multiple organizations have used migrants as volunteers or employees to deliver assistance to migrants in linguistically attuned and culturally appropriate ways. Migrants have also helped identify needs through assessments or other sources of knowledge. During the Libya crisis, one organization employed migrants to reach populations in remote communities, and conduct protection assessments and monitoring. The organization gave the employed migrants a phone and credit so they could communicate the results of the assessments. The local and on-the-ground knowledge of such

migrants can also serve as an early warning system for impending crises. In 1985 during an earthquake in Mexico, during which international communication was impossible, one organization used a travelling businessman from France to look for several people.

 Training for flight attendants. One organization has provided training to flight attendants to identify victims of trafficking.

Working Group II: Communicating with and About Migrants

When crises strike, migrant workers, victims of trafficking, including forced labor, smuggled persons, tourists, students, and others may be affected. Some may be in an irregular status and fearful of identification. Some may lack competency in the local language. Some may be working in isolated conditions. Others may lack social networks. Yet others may be particularly vulnerable due to demographic and socio-economic factors. Some may be fearful of authorities. Many may face discrimination, hostility, and xenophobia. Some may be in detention. Past crises have indicated that communicating with and accessing all these different groups of migrants is difficult, even in ordinary times, let alone in times of conflicts and disasters. Yet communication is crucial to ensure they can access assistance and protection. In these contexts, a range of communication mechanisms may be needed to transmit life-saving and other crucial information to migrants. Fostering an environment that is respectful and welcoming towards migrants can also foster communication. Specific recommendations and practices arising from discussions on this theme are detailed below.

Recommendations:

All Stakeholders

Conduct outreach through civil society actors who have established relationships of trust with migrants. Civil society actors including community and faith-based organizations are often key actors for accessing and communicating with migrants in times of crisis. They have established relationships of trust with individual migrants and migrant communities (including with those in an irregular status) as well as pre-existing mechanisms for communicating with migrants. These existing relationships and mechanisms should be used and leveraged to better protect and assist migrants.

Use new technology, tools, and apps to communicate and reach migrants. New technologies, tools, and mobile applications can transform the way information is communicated to migrants. Stakeholders can better embrace these innovations to enhance the protection of and assistance to migrants.

Diversify the modes and forms through which information is provided to migrants to account for all categories of migrants that may be affected by a crisis. Some migrants may work in isolated conditions. Others may be invisible. Yet others may have particular vulnerabilities because they are children, infirm, reside in an irregular status, domestic workers, have disabilities, or are victims of abuse and exploitation. To reach and provide information to all these migrants, communication strategies need to employ multiple mechanisms for information dissemination. This may include national and local radio, TV and newspapers in countries of origin and destination, mobile phones and applications, websites, social media, migrant and civil society networks, door-to-door visits, and other forms of grassroots outreach. It may also require actors to liaise with employers and recruiters who can play an important role in reaching and communicating with their migrant workers. Communications need to accommodate the language capabilities of migrants.

Use families, community organizations, and national and local media sources in countries of origin to communicate with migrants affected by crises. Research on Central Asia with large populations of irregular migrants indicates that in ordinary times, migrants get their information through their networks, organizations, and families in countries of origin. While abroad, many migrants also tap into and obtain information from country of origin media sources, such as newspapers and radio stations.

Convey positive images of migrants when communicating about them. Greater efforts should be made to change public perceptions of migrants, and to convey positive images about migrants and migration, particularly in the context of the prevailing security and terrorism-charged environment in which there is greater prevalence of xenophobia. In the course of their activities, civil society actors including academia can influence definitions, language, terminology, and perceptions surrounding migrants and migration. Such actors need to be aware and sensitive to this possibility and refine their actions appropriately. In creating positive images of migrants and migration, it is important to give migrants a voice, to put a human face on migration, and establish role models. In this context, it is also important to recognize that while social media can be useful for communicating and disseminating information to migrants, it can also be used to convey inaccurate information and spread hate speech and hysteria.

Practices:

Civil Society

- Door-to-door visits to communicate with migrants. During hurricane Sandy in New York, power outages affected communication. Community organizations played a key role in reaching out to large concentrations of non-English speaking migrants, providing information through door-todoor visits.
- Training for communicating with crisis-affected migrants and families. Migrant groups who responded to phone calls regarding deportation of migrants were provided with training on how to answer such queries with sensitivity, accuracy, and acumen. Hotlines and other actors fielding calls from distressed migrants affected by crises or calls from their family members can adopt such approaches.
- Education for schools and municipalities. In order to improve the public perception of migrants and counter xenophobia, an NGO developed the "positive images" project. The positive images toolkit is an educational resource for teachers, youth workers, and other educators to teach young people about migration and development. The project targets schools and municipalities.
- Ushahidi to obtain information on and communicate about migrants. The twitter-based platform, Ushahidi was developed to map reports of violence in Kenya after the post-election violence in 2008. Since then, thousands have used the crowdsourcing tool to raise their voice. Users—citizens and migrants—can submit reports by text message, e-mail, or Web postings, and the software aggregates and organizes the data into a crisis map that can give responders a better overview of needs and target their actions accordingly. The technology has been used in Haiti and Nepal following the earthquakes, mapping the post-crisis needs of affected populations. In Haiti, a free SMS hotline was established to collect information, which was publicized via local radio. Diaspora and volunteers engaged in translating the messages from Creole to English.

- Social networks and applications to communicate with migrants. Some civil society organizations have used social networks and applications (e.g. WhatsApp) to communicate with migrants who are on the move following a crisis.
- Migrant "agents of influence". In the Gambian and Moldovan communities, migrant "agents of influence" have been used to reach out to and communicate with migrants. These are individuals who have access to a great number of migrants through cell phones or social media such as Facebook and twitter because they have many followers or connections.

States (and other Stakeholders)

- Charge stations for mobile phones to facilitate communication. Countries experiencing crises have allowed people to use back-up generators to charge their phones. Transit countries have established phone-charging stations for the same purpose. During hurricane Sandy in New York, civil society actors provided cell phone chargers to affected migrants. (States and private sector)
- A human face to migration to change public discourse and perceptions. IOM and a State have campaigns entitled *"i am a Migrant"*, which put a human face on migrants and migration. These campaigns share migrants' stories and make them accessible to the public to engender understanding, connections, and empathy towards migrants. (States, international organizations, civil society)
- SOS mobile system for migrants to report situations of distress. One country has developed a SOS mobile system for migrants in distress. Help is just a text away. Government agencies and a range of civil society actors implement the project. The system operates 24/7 and migrants in distress can report their situation. A team of actors document and refer cases for assistance. (States, civil society, private sector)

International Organizations

- **Partnerships to counter hate speech.** In December 2015, IOM partnered with Facebook to counter hate speech through positive counter speech videos.
- Community response maps to obtain feedback on assistance. IOM's community response maps are an online platform that tracks communication with migrants and their needs when affected by conflicts and disasters. It facilitates direct feedback from migrants and other beneficiaries about the assistance they receive, especially when security or terrain make regular contact difficult. Beneficiary concerns are collected through SMS, face-to-face meetings, calls, events, media advocacy efforts and other forms of communication. Such maps were used in Asia during Typhoon Haiyan to gather feedback from affected communities. This allowed humanitarian organizations and government actors to assess the effectiveness of their work and ensure that their support reached the most vulnerable.

Working Group III: Actors in the Emergency Phase

During the emergency phase, some migrants may remain in the country experiencing the crisis, some will flee to another country, and others will return to countries of origin. In each of these situations, migrants will require different forms of assistance and protection: some may want evacuation assistance; others may need emergency humanitarian relief in the form of food, water, and shelter; yet

others may need specific and tailored services that require referral to appropriate organizations; some may need access to identity and travel documents; some may want tracing services; others may need help understanding available services. There will be a host of actors seeking to provide assistance and protection—governments from countries of origin, destination, and transit, international organizations, private sectors actors, and international, national and local civil society actors. In this context, civil society actors need to provide assistance and protection in a manner that maximizes their resources and strengths and ensures that responses between and among them are well coordinated, cohesive, and comprehensive. Specific recommendations and practices arising from discussions on this theme are detailed below.

Recommendations:

Civil Society and International Organizations

Recognize and address in-built biases and raise awareness amongst employees on migrants and their rights. Many civil society and international organizations may not be aware of the specific needs and rights of migrants. This may be the case if such actors are used to servicing more generic populations (such as all those affected by a natural disaster or a conflict) or specific populations (such as children, the elderly, women, internally displaced persons etc. without attention to nationality). Civil society and international organization employees/agents need to be trained to understand the needs and rights of migrants.

Support State actors to understand role of migrants in recovery. Migrants can also be an asset for recovery and reconstruction. Civil society actors should ensure that State actors also understand their obligations towards migrants during the post crisis phase and the roles and value-added that migrants can bring to bear towards recovery.

All Stakeholders

Recognize and take account of the differences stemming from natural disasters and conflicts. Natural disasters and conflict situations involve different actors and present different challenges in terms of the ability to respond to the needs of migrant populations. Protracted conflict situations also present unique challenges and complexities. Understanding these contexts, and the specific challenges experienced by responders as well as their particular skills, competencies, and competitive advantages can foster better responses. During some conflicts, for example, the role of national and international organizations can be different since they have different capacities. One international organization noted that in the event of a conflict, it does everything possible not to expose national and local staff. In Libya, when the UN Security Council endorsed the use of force, for example, it stopped relying on local staff. Pre-established cooperative partnerships between responders and researchers on how best to work with local staff may also be helpful.

Integrate protection and assistance to migrants into existing response systems and mechanisms and ensure complementarity. While existing systems and structures may have weaknesses, continue to use these existing systems and structures, rather than creating parallel ones; sensitize these systems to enhance protection and assistance to migrants. Ensure that response systems at international, national, and local levels are complementary and that information sharing and linkages are improved between such systems including different groups within the <u>cluster system</u> and different agencies within the Inter-Agency Standing Committee. In this context, a coordination mechanism between UN response systems and those used by diaspora and migrant groups may be valuable.

Undertake research on activities and programs and distill lessons. Undertake research and evaluations of programming and responses implemented during past crises to understand the needs of, and responses towards, migrants and how programming and activities should be adapted to improve responses. This could be done through timely case studies and through evaluations and assessments of successes and challenges.

Engage and ensure greater coordination between all stakeholders including local level migrant, diaspora, and faith-based actors. Stakeholders should be aware of the capacities and resources of other stakeholders—at international, regional, and local levels—and should coordinate their responses to enhance effectiveness and efficiency. While responses may be reactive in the midst of a crisis, pre-established arrangements and greater preparation and planning can improve responses that are implemented over the medium to longer term. Local level actors play key roles. They have the capacity to identify vulnerable migrant populations, to coordinate among themselves, and to build trust and acceptance at the local and community levels. They also have strategies and connections that can be quickly activated.

Build the capacity of media including local media. Media and particularly local media in countries of origin are an important source of information for migrants caught in countries in crisis. Build the capacity of media including local media to communicate relevant information to migrants and to understand and capture responses including those implemented by local and grass roots actors.

Countries of Destination

Refrain from immigration enforcement activities during crises. Irregular migrants face multiple barriers to accessing protection and assistance during crises. Immigration, border, and other relevant authorities should refrain from exercising immigration control activities including detention and deportation during crises.

Practices:

Civil Society and International Organizations

- Cluster system as a starting point. The existing <u>UN cluster approach</u>, created for IDPs, is a good starting point for the coordination of organizations providing humanitarian assistance.
- Roles played by local non-State actors. Local level non-State actors have played multiple roles in prior crises. They are often first responders when crises hit. Local faith-based groups and formal and informal migrant networks connect migrants to resources and other stakeholders. In this context, local level actors need to be trained to ensure that they have the necessary skills and tools to protect and assist migrants.
- Volunteers as important actors. Volunteers have played important roles in past crises. Some civil society actors have large pools of volunteers who are ready to deploy and/or assist in other ways when crises strike. As with local actors, volunteers need to be adequately trained to ensure they have the necessary tools and skills to make a positive contribution in the context of crises. They should be aware of the needs and rights of migrants.
- Disability-friendly responses. One NGO that is focused on populations with disabilities highlighted the role they had played in mainstreaming disability-friendly spaces. Greater efforts

are needed to ensure that responses are sensitive to and address the needs of migrants with disabilities.

 Information campaigns for migrants leaving crisis-hit countries. IOM and UNHCR are carrying out information campaigns for migrants leaving Yemen during the crisis.

V. POST-CRISIS PHASE

Working Group I: Post-Crisis (Reintegration) Assistance

Migrants return to their countries of origin through multiple means. The reasons for migration, the modes and means through which they return, demographic and socio-economic characteristics, and experiences in the crisis-hit country will affect immediate and longer-term needs upon return. Yet 'return' is also a 'fluid' concept, in the sense that migrants may come back to their country of origin but seek to re-migrate soon after or over the longer term. Other migrants may not actually 'return' to their country of origin, but choose to settle elsewhere. For many, the possibility of return may always be present. In this sense, return will mean different things for different migrants at any given moment in time. Different and targeted interventions are needed to address these diverse scenarios and needs. Efforts to address return and reintegration challenges need to start before migrants leave their country to prepare them in advance for challenges associated with return. Specific recommendations and practices arising from discussions on this theme are detailed below.

Recommendations:

States of Origin and Civil Society

Use a solutions-orientated approach to addressing return and reintegration. Vulnerabilities can accumulate including as a result of displacement. Sustainable solutions for migrants who are evacuated or return to countries of origin need to include efforts that are undertaken in the immediate aftermath of a crisis and over the medium to long term. The initial reasons for migration should also be understood and considered in efforts to seek solutions. Such efforts should seek to address human rights, humanitarian, development, and reconstruction challenges. Seeking and achieving sustainable solutions requires the coordinated and timely engagement of a wide range of relevant national and international actors in all of these fields.

Partner with local actors. Local actors including businesses, faith based organizations, and community leaders can be key actors, helping to build a "bridge" between migrants and the communities to which they return.

Recognize that long-term migrants may need integration rather than reintegration assistance. Those who have been away from their countries or communities of origin for long periods may no longer have local connections, cultural familiarity, or other networks or resources to rely on. Children of long term migrants may need to be "introduced" to their culture of origin upon return and may need psychosocial support to integrate into school and the community. Returning migrants can be perceived as outsiders and stigmatized, and may be vulnerable to extortion or other crimes if they are assumed to have accumulated wealth while abroad. Finally, returning migrants and their families may need to obtain local or national identity documents to access social services, health care, or education.

Ensure reintegration assistance accounts for gender-based implications and vulnerabilities that may arise upon return. For example, women leaving an open and more democratic culture and returning to a country that is less open, less democratic, and more patriarchal may need assistance to readjust and reacclimatize with rules and norms they may not understand or agree with. These women may be subject to gender-based violence or stigmatized for various reasons, including if they are assumed to have behaved inappropriately while abroad. Evidence also indicates that the incidence of domestic and gender-based violence increased when men returned to their home communities and families after being abroad for long periods. Reintegration assistance for both men and women should therefore account for gender-related issues or challenges that could arise.

Understand and address the diverse forms of reintegration assistance that may be required by individuals and their families as well as the communities to which they return. Reintegration assistance will likely entail a broad range of needs and challenges faced by returning individuals and their families as well as the communities to which they return. At the individual and family level, reintegration assistance can include measures to recognize skills, training, education, and certifications that were received while abroad. It can also include measures to recover or mitigate losses due to the crisis—for example, central bank interventions to help stabilize exchange rates to mitigate losses when earnings or other resources brought back by returning migrants are largely in a currency that has devalued because of the crisis. Other measures can include psychosocial support and counseling, vocational training, job matching and placement, and recovery of assets. Reintegration resources may also need to be allocated to family reunification. Access to identity documents is important to be able to benefit from basic services and resources. Returning children may also require multi-disciplinary assessments of their needs.

The communities to which migrants return may also require assistance, particularly in situations where the members of the community lack sufficient resources, services, and infrastructure. When returning migrants receive assistance to the exclusion of the rest of the community, they may be perceived as receiving preferential treatment, which can lead to discrimination, stigmatization, or tensions. Consequently, a broader, community-based reintegration approach that incorporates humanitarian, development, and displacement/migration approaches may be preferred to one that focuses solely on the returning migrants and their families. In this context, while immediate cash assistance may be targeted solely towards migrants (since this may be a life-saving necessity or may compensate them for lost income and assets), other forms of reintegration assistance may be targeted to the individual migrant and his/her family, the community to which they return, or both.

Provide access to justice for migrants to recover assets, back wages, social contributions, etc. Migrants may require assistance to recover outstanding wages, assets, social contributions, and property left behind in countries experiencing crises, or to obtain redress for other violations. These types of needs will require diverse interventions and some of the necessary mechanisms to accommodate them, such as procedures to make complaints, request compensation or redress, transfer social contributions between countries, may have to already be established during the pre-crisis phase. Other mechanisms, such a effecting a power of attorney so that supporting actors can represent migrants in their efforts to recover property and assets, may be put in place during the post crisis phase.

Facilitate remigration and mobility. Many migrants, affected by crises and evacuated or return to their countries of origin, want to re-migrate. For example, some migrants may have been in transit in the country affected by the crisis, on their way to another country. If these migrants have incurred costs to support that initial journey, they will be keen to re-migrate as soon as possible. Some crisis-affected migrants may employ a strategy of circularity. These diverse scenarios need to be understood when providing assistance to returned migrants. Support for remigration can take multiple forms and could

include information on safe and legal avenues to re-migrate or coordination with recruitment agencies to match skills against industry needs. Adequate funding for remigration programs is important in this respect.

Gather data and undertake research on return, reintegration, and remigration of migrants to learn lessons. A database that registers migrant returns may be useful for providing (reintegration) assistance. In addition, research on where migrants go, what they do, and what the reintegration process looks like from the beginning to the end may be helpful for planning and understanding necessary inventions. There may be lessons that can be adapted from work in refugee reintegration.

Prepare migrants for return: Migrants need to be prepared for the possibility of return. One main element of this should to be financial literacy, including how to save and maximize earnings.

Countries of Origin and Civil Society

Develop reintegration approaches in partnership with relevant government ministries, organizations and migrants. Multiple government ministries at the national and local levels may be important for servicing returned migrants and their communities and should be included in reintegration planning and programs. Affected migrants and relevant communities should also be able to participate in reintegration planning. Obtaining the views of migrants and the communities to which they return may be of value in assessing the needs and challenges that may arise in the immediate and longer term. In this context, civil society actors may need to advocate with States and other organizations providing assistance to ensure that migrant and community needs are understood and incorporated into planning and programming.

Practices:

Civil Society

- Reception centers for returned migrants. One organization runs a reception center where returned migrants can stay for two weeks to investigate options and develop a plan for reintegration.
- Power of attorney to recover property. One organization allows migrants to sign a power of attorney authorizing the organization to act on their behalf to seek back wages or other property.
- Initiatives to re-employ migrants. Establish initiatives to re-employ migrants who have lost their jobs during crises.

All stakeholders

- IASC framework on durable solutions to inform responses. The <u>IASC framework on durable</u> <u>solutions</u> includes eight criteria for which indicators are being developed. Created to address internal displacement, the framework's criteria are also useful for informing the development of comprehensive responses to return of migrants and monitoring progress towards reintegration.
- **Community-based solutions.** Some organizations are adopting community-based approaches to address the needs of migrants, their families, and their host communities. These approaches

are implemented in consultation with local actors, who can identify the needs and dynamics of the particular community.

States

• **Establish remigration programs.** One country has a targeted remigration program for their returned migrants.

Working Group II: Diaspora Action

Diaspora actors respond actively to crises, providing assistance to States and migrants in both the emergency and post-crisis phases. Diaspora need to be consulted to determine ways to streamline and improve the support they offer. In doing so, the diversity in diaspora actors, and their interests, affiliations, and strengths and weaknesses need to be understood to leverage their strengths and capacities to better protect and assist migrants caught in countries in crisis. Specific recommendations and practices arising from discussions on this theme are detailed below.

Recommendations:

States and Other Stakeholders

Map diaspora and conduct research on diaspora during the pre-crisis phase. Diaspora actors are diverse. They have different interests, levels of politicization, and organizational capacity. To effectively engage diaspora in emergency response and recovery action requires an understanding of the different types of diaspora actors and their interests, affiliations, and resources. Research on the engagement with diaspora in Rwanda and Zimbabwe revealed past mistakes by the international community, for instance an over focus on elites to obtain information, which resulted in lack of sufficient information on vulnerable groups. This research highlighted the importance of pre-crisis mapping of diaspora groups. Research on and mapping of diaspora, their activities, and coordination mechanisms at the national level can be undertaken through focus groups and visits. Such activities can shed light on modes of operation such as whether there is an office, a membership list, etc. Efforts should be made to map informal diaspora groups as they may have different advantages and capacities. Diaspora engagement should not just focus on elites but also identify grass-roots organizations and actors. For this purpose ethnographic research may be helpful.

Establish and sustain partnerships with diaspora that take advantage of their unique skills and capacities. Diaspora actors have diverse skills, affiliations, and experience. They can be implementing partners, advocates, capacity and resilience builders, knowledge repositories, conduits for communication and information sharing, migrant-trusted allies, private sector service providers, employers, recruiters, entry points for hard to reach migrants, policy developers, and funders. In this context, other stakeholders should ensure that engagement and partnerships with diaspora to better protect and assist migrants leverage the relative strengths, weaknesses, and competitive advantages of different diaspora actors. This may include using diaspora to counter anti-migrant rhetoric. It may also include using diaspora as entry points to facilitate specific action. As an example, see the practice relating to the Libya crisis below. Local response mechanisms should seek to partner and engage with local diaspora actors.

Use diaspora for communication and outreach to migrants. Diaspora are an important stakeholder for reaching and communicating with migrants and transmitting information to them, because diaspora are

a trusted source of information. These capabilities should be recognized and incorporated into response and recovery planning.

Establish collective remittance systems and financial mechanisms to facilitate diaspora engagement. The bulk of global remittances are sent through individual channels; they are transferred from individuals to individuals or individuals to families. Formalized collection systems for remittances can be a useful mechanism for strategically targeting remittances to serve reconstruction and development goals. (See example of the '3 for 1' ('Tres por Uno') program discussed in the practices section.)

Build the capacity of diaspora to strengthen their role in humanitarian (and development) action. Some diaspora actors have experience in undertaking development action. They have relatively less experience providing humanitarian assistance. Diverse diaspora actors can play important roles in providing humanitarian assistance during crises, particularly in terms of their flexibility and nimbleness in providing the assistance. They may also be more willing than other stakeholders to take risks and work in the midst of crisis situations. Private sector diaspora actors in particular may have a greater appetite for risks. Stakeholders should empower and invest in the capacity of diaspora to undertake humanitarian action.

For Diaspora

Engage in advocacy. Diaspora have the capacity to advocate with their governments, with businesses, and with the international community. These activities can be leveraged for the benefit of migrants caught in countries experiencing crises. Diaspora can play an important role in lobbying their governments to provide humanitarian assistance to migrants. They can promote and facilitate diverse business engagement. Diaspora can have an impact on national and international dialogue on humanitarian responses and the engagement of diaspora in such responses.

Foster respect for migrant choices. Relative to other stakeholders, diaspora may have closer relationships with migrants affected by crises or may be able to build relationships with such migrants more easily. As a result, they often have a better sense of what migrants want and need. In this context, diaspora should ensure that other stakeholders understand and accommodate the interests and choices made by migrants. While not directly related to the scope of the MICIC Initiative, in Haiti, international organizations were more inclined to provide assistance to earthquake-affected populations in locations to which they fled, whereas diaspora actors understood that affected populations wanted to return to earthquake hit areas/communities of origin. In other situations, diaspora may be interested in facilitating the migration of crisis-affected family members to the country in which the diaspora lives. In such situations, the diaspora and migrants interests may diverge from the interests of donors and other stakeholders.

Raise funds. Diaspora actors have broad-ranging relationships, connections, and affiliations. These should be leveraged to raise funds to assist migrants caught in countries experiencing crises.

Foster and facilitate the remigration of crisis-affected migrants. Diaspora should leverage their connections, relationships, and affiliations to facilitate the remigration of migrants.

Practices:

States

3 for 1 ('Tres por Uno') collective remittance system. The 3 for 1 program is a collective remittance system that is implemented in a Latin American country. For every USD1 in remittances contributed by a migrant, USD3 in federal, state, and local funds are also contributed towards infrastructure projects in migrant sending areas within the country. Funds are allocated to projects to improve access to water, sewerage, roads, and similar infrastructure projects.

Diaspora

- Fundraising. While not directly relevant to the scope of the MICIC Initiative, Ethiopian diaspora in the US raised funds for reintegration when Ethiopian migrants were expelled from Saudi Arabia in 2013. The funds were channeled to the affected migrants by IOM.
- Diaspora as entry points. While also not directly within the scope of the MICIC Initiative, diaspora played an important role during the Ebola crisis in helping people understand the risks associated with the disease and paved the way for humanitarian actors (who were initially mistrusted) to enter communities and provide assistance. They were key entry points for humanitarian action.
- Diaspora information systems. Diaspora communities may have information systems to communicate with members of their diaspora and protection strategies for their community. In Libya, a parallel information system established by the Somali diaspora was an important mechanism for communicating and implementing community protection strategies. It also provided information to diaspora who sought to locate and identify family members in Libya.
- Diaspora advocacy. Diaspora organizations have played important advocacy roles in times of crisis as well as in ordinary times. For example, the Irish diaspora played a key role in diminishing the IRA crisis.

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- Data on diaspora responses to crises. A NGO consortium has a project—Diaspora Emergency Aid and Coordination (DEMAC)—that maps diaspora responses to crises including in Syria, in Somalia and the Ebola outbreak in West Africa. The project explores current intervention methods and organizational capacities of diaspora as providers of humanitarian aid and seeks to improve diaspora emergency response capacity and coordination with the humanitarian system.
- Partnerships to influence humanitarian action. Through their engagement with IOM, one NGO was able to influence dialogues on, "engaging with diaspora in humanitarian action".

Working Group III: Monitoring and Evaluation of Actions and Lessons

Research, monitoring, and evaluation should not simply be a post-crisis consideration; to the extent practicable, they should be undertaken during each phase of a crisis. Each of these activities can enhance the pool of knowledge and data available to stakeholders working to better protect and assist migrants and inform changes in laws, policies, and practices at the international, national, and local levels. Donors and those managing funding structures can review and reform (as appropriate) priorities and practices that inhibit and dis-incentivize these activities. There is a lack of baseline studies at precrisis phase to appropriately analyze action at the emergency and post-crisis phases. If baseline

information exists on migrant communities and extant laws, policies, programs, and practices, stakeholders are in a much stronger position to target and improve responses, both structurally and programmatically. In this context, it is also important to develop effective tools to engage States and other actors to report on crisis response, and in doing so to disclose data and information that can be used for research and evaluation purposes. Specific recommendations and practices arising from discussions on this theme are detailed below.

Recommendations:

All Stakeholders

Conduct, promote, and invest in research, monitoring, and evaluation relevant to all phases of a crisis. Research, monitoring, and evaluations enhance the pool of knowledge available to all stakeholders. Evidence and information gathered through rigorous research can inform policies and practices relevant to each stage of crisis preparedness and response. Evaluations provide information on which aspects of work are achieving their goals and which aspects may need to be improved. Actors working to protect and assist migrants should carry out monitoring and evaluations of their work. Collective investment in, and shared commitments and accountability for, research, monitoring, and evaluations is important.

Use evidence to change perceptions, discourse, and global priorities. Evidence gathered through independent research and evaluations can serve multiple benefits. It can inform campaigns and efforts to change public and policymakers' perceptions and understandings of particular issues. It can be a mechanism though which global (and national and local) priorities and actions are influenced. Such information could also be used to inform and guide funding proposals to donors. This in turn can influence or change donor priorities.

Link knowledge gathered through research, monitoring, and evaluations to policy and programing changes. Where knowledge and evidence are gathered through research, monitoring, and evaluations, it should inform subsequent actions relating to policy and programming. This may require legal and policy developments or reforms or changes to established practices.

Undertake research, monitoring, and evaluations in an ethical manner and ensure the safety and security of migrants. Migrants caught in countries experiencing crises face specific challenges and have unique needs and vulnerabilities. In these types of situations, as in others, it is particularly important to ensure any research, monitoring, and evaluations are undertaken in an ethical manner and ensure that migrants are not exposed to further harm or risks. Equally, evidence gathered through these activities should be used to improve ethical standards.

Build partnerships to undertake research. Partnerships between practitioners—those providing assistance and protection to migrants—and independent, qualified researchers and evaluators may enhance the quality, form, relevance, and use of information that is gathered. In this context, ensuring there is a dedicated staff focal point to liaise with independent researchers and evaluators may be beneficial. In some instances, inter-agency cooperation or inter-stakeholder cooperation may be essential. Collective research may result in multiple stakeholders integrating results to improve practice. This in turn can lead to shared learning and commitment.

Gather baseline information and data. Actors protecting and assisting migrants in countries in crisis require baseline information on their work and the impacts of their work. Without such information, there is limited information to measure the "success" and relative impact of subsequent interventions.

For the same reasons, disaggregated baseline data and information are also required on the needs and vulnerabilities of migrants.

Identify existing data and knowledge within institutions and organizations and maintain the transparency of data as much as possible. Many actors work to protect and assist migrants caught in countries in crisis. Each actor may have pools of data and knowledge that may be beneficial to other actors (and do not present privacy or other concerns). Ensuring the transparency of data is valuable not only for researchers, monitors, and evaluators, but also for other practitioners working to assist and protect migrants. Where data is gathered through partnerships, including with governments, relevant stakeholders should seek to maintain the transparency of such material.

Develop indicators to inform monitoring and evaluation of the impact of State policies and practices and to promote accountability and transparency of data. Indicators are necessary precursors for evaluating responses and impacts.

Donors and States

Provide funding for research. Diverse pools of funding can allow a range of actors to carry out varied research using different approaches. This can be important in situations where academics and NGOs are interested in different issues, where research on certain topics are particularly political, where NGOs have competitive advantages in carrying out research, and where collective research may be beneficial.

Practices:

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- Mobile solutions for data collection. Last Mile Mobile Solution (LMMS) is a stand-alone digital system with functionalities including beneficiary registration, verification, distribution planning and management, monitoring, and reporting. It improves remote data collection, helps manage aid recipients, enables faster and fairer aid distributions, and delivers rapid reporting to aid workers. Developed through collaboration with private sector partners and refined through pilot projects and feedback from early adopters, the LMMS had been deployed in over 26 countries by more than a dozen humanitarian agencies. LMMS is an example of how data on migrants can be collected and available in an open platform.
- CSO database on vulnerable populations coopted by government. In one country in Latin America, civil society established a mechanism for data collection of internally displaced persons (IDPs), which grew into a large valuable database on IDPs, called the RUT (Rol Unico de Registro). This CSO initiative changed the way one government approached the issue of IDP protection and became the main system used by the government.
- Indicators to evaluate responses. The <u>UN Office of the High Commissioner for Human Rights</u> has developed a methodology to establish indicators, which are used by NGOs to evaluate the impact of their programs.
- Reports on crisis response expenses. Governments have reports on expenses for assisting and protecting migrants caught in countries in crisis. These reports are often confidential but can be valuable sources of data for impact evaluations of programs.

 Research on child-friendly spaces. Inter-agency research on child-friendly spaces impacted the way in which international organizations mainstreamed child-friendly space considerations into their work and helped set standards in this area.

VI. CHALLENGES, ISSUES FOR CONSIDERATION, AND LESSONS

During the two days of the consultation, a number challenges, lessons, and issues were highlighted for further consideration. These themes, which were often repeated in multiple working group sessions and explored in plenary discussions, would benefit from further discussions.

Gathering and sharing data and information on migrants, including irregular migrants was, in general, seen as a good thing particularly if such action can enhance communication with, and access to, migrants and lead to better protection and assistance. Nonetheless, some participants expressed concern, noting implications for privacy and security. In this respect, UN efforts are underway to establish norms on privacy for data sharing. UNHCR mentioned its policy on data and confidentiality and the importance of ensuring that any data sharing is voluntary. IOM also indicated that its operations apply data protection principles and don't share personal information without consent. A broader issue relates to the extent to which collected data may be used for immigration enforcement, surveillance, or pernicious purposes. There is a tension between the need to collect data and information about migrants to better protect and assist them and the interest of irregular migrants in particular to stay hidden. In these respects, questions arose about what type of data and information, both qualitative and quantitative, needs to be gathered and by whom? What should or needs to be shared and accessible for the benefit of protecting and assisting migrants? How should such information be shared? And which types of actors should become repositories for data and information? Some guidance may be found in Professional Standards for Protection Work. The weight of opinion seemed to suggest that these legitimate concerns should not be a reason for failing to collect data and information, as these are ultimately necessary to provide targeted, timely, and life-saving assistance and protection and to empower migrants.

Throughout the consultation, many actors voiced the extant and potential benefits of **partnerships and relationships** between stakeholders, especially between civil society and governments. Practices and recommendations collected during the consultation certainly gave credence to such opinions. Even so, some participants cautioned against embracing partnerships and relationships in a wholesale manner. In many situations, civil society actors are closer to migrant populations, including irregular migrants, with established relationships of trust and respect. In this context, connecting and partnering with law enforcement and other State authorities can present challenges and potentially compromise relationships with migrants.

Multiple sessions highlighted the importance of **firewalls**—mechanisms that separate immigration enforcement activities from, *inter alia*, access to services, administrative, judicial, and complaint mechanisms, and rights protection more generally—as critical for building the resilience of migrants and for better protecting and assisting them during the emergency phase. Good practices exist in cities in North America and, to a lesser extent, in Europe. The Council of Europe is developing recommendations on firewalls. Greater efforts are needed to gather, replicate, and implement good practices on firewalls.

Tied to discussions on firewalls, participants grappled with the challenges associated with identifying, communicating with, accessing, and assisting **'hidden' and marginalized migrants** without jeopardizing their safety and stay. Those in an **irregular situation** and, to a lesser extent, those in **detention** received the most attention. Participants pondered ways to measure the needs, vulnerabilities, and impacts on

these invisible migrants and ways to understand the changes needed to better protect and assist them. In addition to civil society actors who may have connections with such populations, migrant volunteers, informal migrant associations, community organizations, and migrant/diaspora 'agents of influence' (people who can reach many migrants through social media or cell phones) were highlighted as helpful connectors and conduits for access and information. In general, irregular migrants have access to smart phones. Applications are a cost effective and efficient way to reach, communicate, and address the needs of migrants. Communication between migrants on smart phones can also be used to alert stakeholders of impending crises and serve as an early warning system to mobilize action. In localities where there are generations of immigrant communities who continue to build relationships with new migrants, these communities can be an entry point to access migrants with mixed status.

Municipal authorities were mentioned as key stakeholders for servicing *irregular migrants* but also, more generally, for better protecting and assisting all migrants. Many participants emphasized the importance of **local-level action**, by both State and non-State actors, as often they are the first to respond to crisis-affected populations, including crisis-affected migrants. In this context, it was noted that there is a wealth of good practice that needs to be gathered and catalogued. The political voices of mayors and city councils has weight and can be used bottom-up to advocate for national-level policy and legal reforms to better protect and assist migrants. IOM's 2015 International Dialogue on Migration, which focused on Migrants and Cities, shed light on the desire of municipal-level authorities to create healthy and stable communities and, to this end, service, empower, and build the resilience of regular and irregular migrants. These suggestions and findings may be particularly apposite in certain geographic regions where municipal authorities are well established and empowered to act. In other States and regions, there may be critical governance issues at the municipal level that may impede action.

Xenophobia, hate speech, anti-migrant and anti-migration sentiments, terrorism, criminalization of migrants, and discrimination were also brought up repeatedly. Discourses on these themes present serious challenges for the well-being and security of migrants, including in times of crisis, and also shrink the space for civil society and diaspora action. In some contexts, backlash has reached the level where migrant service providers are criminalized. These discourses need to change. As a starting point, it was noted that terms such as "illegal migrant" and "illegal migration" are inappropriate; instead "irregular" should be used. Efforts to counter hate speech and change perceptions of migrants and migration through online campaigns that raise awareness of, and build empathy towards, migrants and the challenges they face are important. Efforts should be undertaken to train and promote migrant role models—individuals who can speak about themselves as mothers, fathers, grandparents, children, and so on—to provide a human face to the public. More generally, wholesale and untargeted responses to concerns around migrants as a security threat, and the criminalization of migrants are particularly unhelpful in countering negative rhetoric. In this context, diaspora engagement in communities, crisis-response, and recovery may be one narrative to counter xenophobic and negative rhetoric.

Finally, two fundamental recommendations related to the final output of the Initiative: the **Principles**, **Guidelines**, and **Practices**. Participants requested that the document include specific language to safeguard against the **harmful or misuse of the document**. In particular to ensure it is not used as an enforcement tool, as pretext to 'voluntarily' repatriate migrants, or to exploit or penalize them. In addition, participants called on the MICIC Working Group to establish an advocacy agenda for promoting the incorporation of, and compliance with, the *Principles, Guidelines, and Practices*. This agenda should reflect the roles and responsibilities of all stakeholders, including civil society and identify activities to be carried out by different actors to promote incorporation, implementation, and compliance. The advocacy agenda should also identify openings with UN bodies and policy processes to promote reference to, and awareness and implementation of the document.

Beyond these key issues, other themes also formed the basis of overarching discussions. Multiple participants pondered ways to reform **donor priorities**, to inoculate against negative incentives, create space to learn from mistakes, and to secure sufficient funding for the preparedness and post-crisis phases. Others highlighted the importance of continuous **research**, **monitoring**, **evaluation**, **and learning**, and the importance of integrating and mainstreaming results across the activities of all stakeholders. Some expressed a need to change the way civil society approaches the **private sector**, including small and medium-sized companies, to create stable, predictable, and robust relationships and partnerships to optimize the benefits of collaboration. Many noted the importance of stronger **collaboration and trust building between civil society actors**, particularly those who have overlapping mandates/objectives and compete for funds. As in other regional consultations, civil society participants requested reconsideration of the **scope of the Initiative** to include migrants caught in personal, transit, and economic crisis-situations.

VII. OUTLOOK

As the MICIC Initiative moves into its final months of activity, the Initiative relies on civil society actors as partners and supporters to spread awareness, engender interest, expand engagement, build capacity, advocate for reforms, and implement practices. Together, there is a real opportunity to change the way migrants caught in countries experiencing crisis are assisted and protected for their benefit, for that of their families and communities, and for societies. In working towards this objective, it is important to keep in mind that migrants are not only victims of crises but are also resilience builders, and resource and opportunity multipliers, actors with the capacity to change the dynamics of crises that affect them.