Population Movements in a Crisis Context within the Rabat Process

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What is a crisis? - UNHCR's definition of emergency

Any situation in which the life or well-being of refugees and persons of concern to UNHCR will be threatened unless immediate and appropriate action is taken, and which demands an extraordinary response and exceptional measures.

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What is a crisis? - need to differentiate different scenarios

Questions which need to be responded to:

• What constitutes the crisis and what has triggered it?

• Is the crisis likely to be short term or could it be longer term?

• Who is affected?

• Has it triggered internal or also cross border movement?

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Need to differentiate different scenarios

- Crisis situations of different kinds **affecting primarily nationals**

  - **refugee outflows**, ie cross border displacement of nationals fleeing persecution, serious human rights violations, risks resulting from the indiscriminate violence in the context of conflict

  - **Internal displacement**

  - **temporary lack of governance and availability of services** resulting in larger outflows of nationals for the purposes to seek employment and/or access to services in another country

  - **natural disasters** resulting in temporary internal or cross border displacement

- Crisis situations of different kinds in host countries **affecting both nationals and non-nationals**

- **Humanitarian crises en route** created by accidents, abuses by smugglers/traffickers (for ex. distress at sea)

- Crisis situations created **by large numbers of arrivals in transit/destination** countries and the lack of capacities of host countries to appropriately address their needs.

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Refugee crises (Cote d'Ivoire; Mali: CAR) – UNHCR response

- **Legal basis**: UNHCR's mandated responsibility for refugees

- **Emergency preparedness**: emergency response team roster, contingency planning, participation in IASC WG on Preparedness, and the Inter-Agency Rapid Response Mechanisms Technical and Steering Group, capacity building and training

- **Emergency response**:

  - Initial life saving support within the first 72 hours of an emergency being declared

  - Deployment of staff with different expertise and relief supplies through network of 7 regional supply hubs

  - Capacity to assist half a million people of concern

- **Fundraising**

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Refugee crises (Cote d'Ivoire; Mali: CAR) – UNHCR response – protection and solutions

Immediate:

- address essential need,

- protect against violations of human rights, including protection against refoulement

- specific support for people with specific needs,

- Age/Gender/Diversity sensitivity

- Call for protection against refoulement; temporary protection

 Medium term:

- Advocate for the granting of refugee status and asylum/possibility for continued stay

Longer term: advocate for durable solutions**:** voluntary repatriation, local integration into host societies, resettlement

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Refugee crises – UNHCR response contn. – Partnership and cooperation

- **Close cooperation with host governments is key,** in the longer term possibly also with country of origin in the context of repatriation operations

- **Within the UN system**: Refugee coordination mechanisms under UNHCR's global leadership and broader humanitarian coordination, provider of last resort if all else fails; conclusion of MoU with key partners

- **With international and national NGOs**: continued strengthening of capacity to assist UNHCR in delivering

- **With governmental agencies**: German THW, Sweden's MSB, Lux

- International Humanitarian Partnership

➢ All need to have clearly defined responsibilities within a single overall operation.

➢ Need for establishment of an appropriate coordinating structure at various levels to ensure that duplication of effort and gaps are avoided.

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Internal displacement emergencies (Libya: Cote d'Ivoire; Mali) – UNHCR response

- **Legal basis**: mandate only under certain conditions. UNHCR only gets engaged upon request from a Government or the UN SG

- **Partnership**:

  UNHCR's contribution forms part of a broader interagency commitment under the cluster leadership approach,

  UNHCR has leadership for the Global Protection Cluster, the Global Camp Coordination and Camp Management Cluster (together with IOM) and the Global Shelter Cluster (together with IFRC)

  Transformative agenda of the IASC to improve the coordination mechanisms and responses of the inter-agency cluster system in complex, large-scale emergencies

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Mixed situations: internal and external displacement – UNHCR response

- Need for effective linkage between coordination of refugee operations and the humanitarian coordinator system

- Complement Regional Humanitarian Coordinator by a Regional Refugee Coordinator

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Mixed situations: emergencies affecting nationals and non-nationals, including refugees

- Emergencies may, in addition to nationals affect non-nationals of various backgrounds, regularly or irregularly, these can include:

  - Labour migrants, regular or irregular, with or without their families

  - Asylum-seekers, refugees other individuals in need of international protection

  - Individuals in transit, temporarily staying or those with permanent residence

  - Individuals with specific needs and vulnerabilities

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Transit/destination countries affected by humanitarian crises

- All civilian population affected, regardless of nationality or status:

    - humanitarian needs (food, shelter, medical needs)

    - internal/cross border displacement

    - population trapped not able to flee

- **But**: humanitarian interventions often did not sufficiently into account the non-nationals affected by the crisis

- Since Libya crisis increased attention that

    - Non nationals are equally affected

    - May need specific responses

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Example: Libya operation

- 1 million people left Libya in 2011, 80% to neighbouring countries (Tunisia and Egypt)

- 45% were foreigners, representing 120 different nationalities

- 8,000 recognized refugees and over 3,000 registered asylum-seekers lived in Libya plus many more unregistered

UNHCR
The UN Refugee Agency

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Example: Libya operation - responses

- UNHCR/IOM humanitarian evacuation programme

- Two principal camps in Tunisia and Egypy, initially as transit camps for migrants, later also hosted refugees, nationalities not separated.

- Repatriation of migrants

- RSD of asylum seekers and resettlement

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- **Address immediate needs irrespective of status**

- **Cooperation of different agencies irrespective of mandate** (UNHCR/IOM airlift in Libya)

  - humanitarian needs (food, shelter, medical needs) in country

  - Evacuation from conflict, dangerous situations

  - Initial reception in neighbouring countries

  - Mitigate the risk of human trafficking

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Lessons learnt - longer term responses - need to differentiate

- **Questions which need to be looked at:**

    - Is return to host country a likely option?

    - As regards migrant workers, is return to the country of origin the best option?

    - Are there refugees or other people in need of international protection who would face serious risks upon return?

    - Are there recognized refugees? Individuals who would like to seek asylum?

    - Are there individuals with specific needs?

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Lessons learnt - **reception arrangements**

- Need for registration and disaggregated data to identify specific needs

- Need for an early differentiation of different categories and groups and specific needs

- Possible separate reception arrangements for different groups

- **Mechanisms:**

  - Profiling and referral mechanisms (provision of information, interview, counseling)

  - Asylum procedure / UNHCR mandate refugee status determination procedure

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Lessons learnt – interagency cooperation

- Need for cooperation between agencies with different expertise and mandate

- Clear division of labour

- Clear mechanisms of cooperation (joint SOPs, joint reporting forms etc)

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International efforts to address the situation of non-national affected by a crisis

- **Declaration of the 2013 High-level Dialogue on International Migration and Development**
"23. Recognize the importance of coordinated efforts of the international community to assist and support migrants stranded in vulnerable situations and facilitate, and cooperate on when appropriate, their voluntary return to their country of origin, and call for practical and action-oriented initiatives aimed at identifying and closing protection gaps;"

- **Crisis migration project of Georgetown University**

- **Efforts to develop "Guidelines"** consisting of principles and effective practices

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Temporary protection or stay arrangements

- Temporary protection has been developed in the 1990ties:
  - as a procedural device for situation of mass arrivals
  - where it is apparent that many people are in need of international protection,
  - where individual status determination would overwhelm the capacity of national asylum systems
- is timebound
- does not differentiate between individuals fleeing persecution in the context of conflict and those fleeing the indiscriminate violence
- does not exclude the possibility to apply for asylum after end of TP regime
- Guarantees access to certain rights
- Example: EU Temporary Protection Directive

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Temporary protection or stay arrangements

will include:

- Permission of entry and reception arrangements (identification, registration, documentation, addressing immediate needs)
- Agreed minimum standards of treatment (ExCom Conclusion No 22)
- Rules for termination, solutions and possibly transition to longer term protection status where required
- International cooperation, burden an responsibility sharing
- Consultation and coordination

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Temporary protection or stay arrangements

- discussions on whether a TP regime could also be applied as an initial response in other situations:
- Humanitarian crises triggering complex or mixed cross-border movements
- Fluid or transitional context needing a short term response
- Exceptional and temporary conditions in the country of origin necessitating international protection
- Protection response for States non party to the 1951 Convention

Questions?

Photo/Joe Athialy

Thank you

For more information, please contact:

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