



Credit: IOM

The Regional Migration Programs' Knowledge Uptakes provide lessons learned and promising practice-oriented solutions to feed into the consultations for the Global Compact on Safe, Orderly, and Regular Migration (GCM) and serve as a global knowledge product for policymakers and practitioners. The Knowledge Uptakes draw upon the U.S. Department of State's Bureau of Populations, Refugees and Migration (PRM)-funded Regional Migration Programs' years of experience in supporting migration policy and implementing operational programs and services.

WHY IT'S RELEVANT

The principle that all persons, including all migrants irrespective of their migration status, are entitled to have their human rights respected, protected, and fulfilled is largely agreed upon. Of critical importance is the effective protection of the rights of migrants and specifically the need to address the situation of migrants in vulnerable situations. This is reflected in many international instruments and frameworks. The 2030 Agenda and the Sustainable Development Goals recognize the vulnerability of migrants to abuse, exploitation, human trafficking, and forced labour, and the need to take immediate and effective measures to address and eradicate these issues. The Global Compact on Safe, Orderly, and Regular Migration, too, will address migrants in vulnerable situations, specifically the **“effective protection of the human rights and fundamental freedoms of migrants, including women and children, regardless of their migratory status, and the specific needs of migrants in vulnerable situations”**, which is included as item (i) of Annex II of the New York Declaration for Refugees and Migrants. The New York Declaration also commits to **the development of non-binding guiding principles and voluntary guidelines on the treatment of migrants in vulnerable situations who do not qualify for international protection as refugees and who may need assistance.**

While the vast majority of States have ratified international instruments to protect human rights, including the rights of migrants, there are too many instances in which migrants are subject to abuse, exploitation, discrimination, and other severe rights violations. This in large part is due not to the absence of international instruments, but the lack of their effective implementation. Furthermore, there is not an internationally recognized definition of a migrant in a vulnerable situation. Existing definitions of vulnerability tend to focus exclusively on particular categories of protected persons, or membership in groups, for example women, children, and youth, with little recognition that vulnerabilities may vary

significantly within groups.

Distinguishing migrants in vulnerable situations, their rights, their needs, and the appropriate responses can be quite difficult, for instance for front-line responders, such as police officers, border officials, healthcare staff, or labour inspectors. This indicates a gap amongst stakeholders, in programming, and potentially even in policies, to appropriately and effectively identify and protect migrants in vulnerable situations.

Given these issues as well as the commitment by States in the New York Declaration and the upcoming Global Compact on Safe, Orderly, and Regular Migration, there is a need for a common definition of vulnerability which recognizes each individual migrant's particular situation, the factors that contribute to their vulnerability, and the factors that contribute to their resilience. Without a proper understanding of vulnerability, stakeholders cannot identify migrants in vulnerable situations, address their needs, nor respond with programs and policies.

WHAT WE'VE LEARNED

Through IOM's Regional Migration Programs, its partner service organizations, and government stakeholders, **approximately 65,000 migrants in vulnerable situations benefitted from direct assistance services in 2016**. Beneficiaries included victims of exploitation, violence, and abuse, as well as others in vulnerable situations.

Based on IOM's experience, migrants experience vulnerability in a variety of ways. For example, some labour migrants are employed under exploitative conditions, but are not subject to the coercion and control tactics necessary to make a determination of human trafficking. Some migrants voluntarily initiate and participate in their own smuggling, but during the course of their smuggling face significant risks to their lives and safety, and/or are subject to violence. Other migrants are vulnerable to maltreatment or exploitation related to their status as migrants, particularly when they are taking or have taken an irregular migratory path. This can include demands for bribes, labour, or sexual acts; arbitrary detention; and kidnap and ransom. The migration process itself can contain risks, which can make migrants vulnerable. Migrants may experience difficulties during their migration process, increasing their vulnerability to hardship, such as loss of documents, insufficient resources to continue their journey in safety and dignity, exposure to criminal elements, exposure to sexual violence and gender based violence, and unsafe transportation conditions.

The variety of vulnerable experiences posed challenges to IOM and other stakeholders. It was clear that migrants in these situations were in distress and required some form of assistance and/or protection. However, unlike with victims of trafficking or other protected categories of migrants, there were oftentimes no clear procedure or established guidelines to identify and assist these migrants. In the absence of such operational processes, both governmental and non-governmental practitioners and service providers faced uncertainty as to which migrants could qualify for assistance and which services should be provided to them, resulting in potential and actual protection gaps and unmet needs.

The Regional Migration Programs' years of experience in implementing operational programs and IOM's unique access to migrants in vulnerable situations informed IOM's thinking and led to the development of a model defining vulnerability to violence, exploitation, abuse, and violation(s) of migrants' rights. There are three main elements to this model:

- **The examination of factors at five levels:** individual; household; community; structural; and situational.
- **The factors can either expose people to greater risk or protect them.**
- **The interplay between these factors, and their cumulative effect,** determines vulnerability.

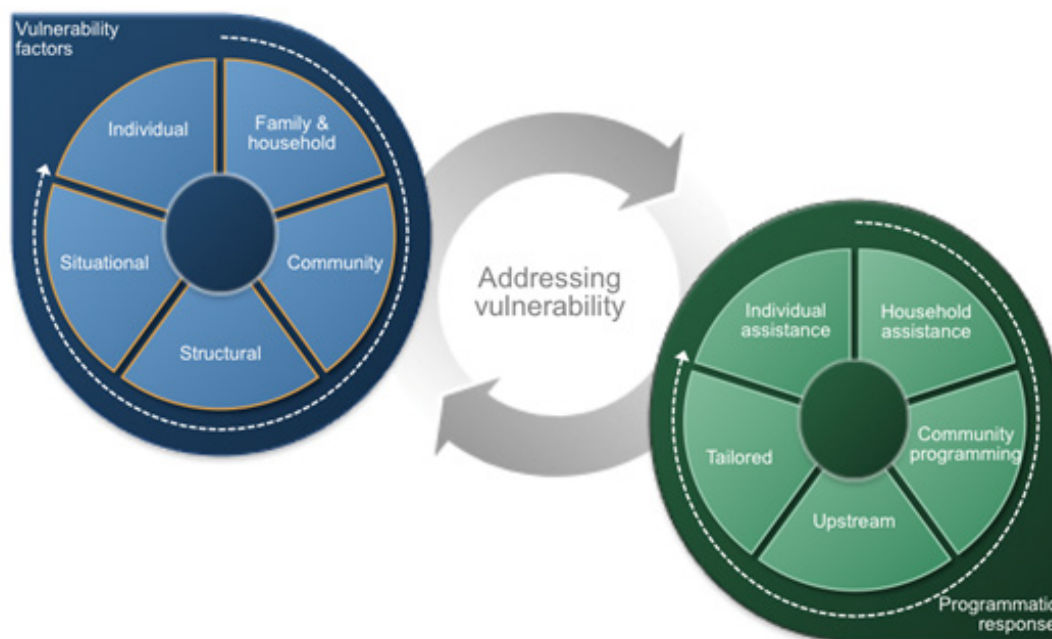
By recognizing that there are risk and protective factors, a key contribution of this approach is that it also looks at the resources and capacities that can be mobilized and built upon to improve resilience to risk factors.

The determinants of vulnerability:

- **Individual factors:** Individual characteristics can contribute to a migrant's level of vulnerability or resilience, and mediate the ways in which individuals respond to their environments. Individual factors may consist of age, sex and gender; status in society; past experiences; beliefs and attitudes; emotional, psychological, and cognitive characteristics; and physical and mental well-being.
- **Family and household factors:** Families offer both risk and protective factors against violence, exploitation, abuse, and rights violations. Factors including one's role and position within the family and family histories and experiences are important in determining vulnerabilities as families are typically the first resort for individuals seeking support,

particularly for children and youth. Household and family factors can include family size, family socio-economic status, family histories of violence and substance abuse, etc.

- **Community factors:** Individuals and their families are situated within a broader physical and social community context, and are affected by the broader community's economic, cultural, and social structure and their position within it. Communities with strong social support networks and resources can offer protection, whereas those that discriminate against certain members of the community may increase risk. Community factors can include the position of the individual and household within the community, environmental factors, and availability of services, amongst others.
- **Structural factors:** Broadly speaking, structural factors are historical, geographic, political, economic, social, and cultural conditions and institutions at the national, regional, and international level that influence the overall environment in which individuals, families, communities, and groups are situated. For instance, structural factors may include governance systems, rule of law, and respect for human rights at the social, political, and economic level.
- **Situational factors:** Situational factors account for sudden and unexpected changes at any level that directly affect a person, such as a change in family status, migration status, legislation, or the breakout of a conflict.



Using this approach in defining vulnerability and the consideration of the risk and protective factors at each level and at any stage in the migration process has a clear impact on programming, and incorporates a holistic response aimed at reducing the vulnerability of individuals, families, communities, and/or groups to violence, exploitation, abuse, or rights violations. The Regional Migration Programs utilized this model at each stage in the migration cycle and developed good practices targeting each set of factors.

GOOD PRACTICE: RESPONDING TO INDIVIDUAL AND HOUSEHOLD FACTORS

Individual and family and household factors can result in vulnerability in a variety of ways, and thus the programmatic response must be context-specific and migrant-specific. In order to best respond to these factors, the Regional Migration Programs use a case management approach, which focuses on the individual and ensures that the migrant is central to decision-making regarding their protection and assistance. It also promotes their participation in decision-making and choices regarding available services and programs, and reinforces their autonomy and agency.

Migrant Resource and Response Mechanisms (MRRMs)

The Regional Migration Programs' Migrant Resource and Response Mechanisms (MRRMs), also known as Migrant Response Centers, are flexible cooperation arrangements among key partners to facilitate the identification of migrants in vulnerable situations, and to ensure that they receive appropriate immediate and longer-term support. MRRMs fill critical gaps in direct assistance along key migratory routes, such as in transit countries and at border

points. In addition to direct assistance and service referrals, MRRMs provide a “one-stop shop” for the provision of information, and serve as a mechanism through which migration data is collected about migrants and migration trends.

IOM has learned that MRRMs must be tailor-made to fit each country’s migration patterns and needs, and take into account the specific social, political, economic, and legal context. The nature of a MRRM will vary in each location; however, all MRRMs seek to formalize cooperation amongst IOM, government agencies, civil society organizations, and UN agencies dealing with migrants in vulnerable situations. The number of MRRMs is rapidly growing. The following are a few of the MRRM locations supported by the Regional Migration Programs:

- Poi Pet, Cambodia
- Nghe An, Vietnam
- San Pedro Sula, Honduras
- Motozintla, Mexico
- Palenque, Mexico
- Suchiate, Mexico
- Tacana, Guatemala
- Sibinal, Guatemala
- San Marcos, Guatemala
- Paso Canoas, Panama
- Paso Canoas, Costa Rica
- Obock, Djibouti
- Mile, Ethiopia
- Bosasso, Somalia

Enhancing Protection through Direct Legal Assistance in the Greater Mekong Sub-region & Malaysia

In Thailand, the Regional Migration Program offers direct legal assistance to migrants through a clinic in a local hospital, supporting the effective birth registration of non-Thai children. The clinic offers support even for children not born in the hospital. Cases are referred to the clinic by crisis centers and emergency shelters for women and children. Through this clinic, 98% of the children born at the hospital were registered at birth. Without birth registration, children may be vulnerable to exploitation and abuses and denied education and health. Having status is important, and the legal clinic mitigates against statelessness in a cost-effective and inexpensive manner.

GOOD PRACTICE: RESPONDING TO STRUCTURAL FACTORS

A good practice in responding to structural factors is building the capacity of governments and organizations to advance effective and humane migration management, and promote safe, orderly, and regular migration. The Regional Migration Programs provide governments technical guidance based on IOM’s expertise and work to build migration management and protection capacities of origin, transit, and destination countries. Capacity building is largely based on expert guidance, trainings, workshops, and manuals or handbooks and can be for other UN agencies, international and non-governmental organizations, and/or civil society, in addition to governments.

In 2015-2016, 6,711 governmental and non-governmental stakeholders participated in workshops and trainings facilitated by the Regional Migration Programs on a variety of topics, including identification of victims of human trafficking, national referral mechanisms, and addressing migrant needs during situations of disasters and/or crises.

Building Capacity on Identifying and Protecting Victims of Trafficking in China

China is a popular destination for marriage migrants. However, marriage migrants are at risk of trafficking. The Regional Migration Program’s workshops brought together a wide array of ministries, agencies, and counter-trafficking investigators and addressed trafficking in persons and transnational marriage, how to identify and assist victims of trafficking, international counter-trafficking laws, national referral mechanisms, management of cases of Chinese victims abroad, and the prosecution of trafficking in persons. Following these activities, the Supreme Court prepared and issued a new legal interpretation clearly setting out the circumstances under which marriage migration cases should be investigated and prosecuted as trafficking in persons. The interpretation’s clear focus on assessing the vulnerability and exploitation of potential victims was directly influenced by the Regional Migration Program’s training.

Developing Protection-Sensitive Border Management

Through its years of experience, the Regional Migration Programs learned the importance of ensuring that border management is sensitive to protection needs, has well-established systems in place to ensure that migrants’ rights are not violated, and that migrants with protection concerns are identified in a timely manner and referred to relevant service providers. It is first necessary that a country has rights-based legislation in place. Without this foundation it is almost impossible to formulate the rules and procedures at the border that will provide protection

in this respect. Also, non-discrimination provisions should be included in legislation that are applicable to all border governance measures at international borders. In addition, prescreening and visa processes, such as visa application, issuance, refusal, revocation, and renewal processes, should be reviewed to ensure compliance with international human rights standards. In countries where national legislation exists and is in line with international standards, more capacity-building efforts may be required to ensure that the law is implemented. This can be achieved through the development of standard operating procedures and training of front-line officials, for example on the identification and referral of victims of trafficking, or unaccompanied and separated children.

For example, gaps identified in the technical capacities of border officials in the Dominican Republic led to a training of 2,475 border and migration officials on human rights and migrant documentation. The Regional Migration Program also facilitated the establishment of the Border Monitoring Network, a joint initiative of government and civil society to strengthen coordination in identification and referral of vulnerable migrants, including their assisted voluntary return.

GOOD PRACTICE: RESPONDING TO SITUATIONAL FACTORS

Situational factors leading to vulnerability are a result of sudden and unexpected changes that can directly affect a person. As good practice, by understanding and anticipating the types of situational changes that may occur and how to best address them, governments and organizations can proactively ensure that migration governance and rights frameworks are in place to effectively respond to situational factors.

Addressing Migrants in Countries in Crisis in Central Asia

Conflicts, or natural and man-made disasters, are prompting a growing number of humanitarian crises to which no country is immune. While these crises can affect everyone in the concerned country, migrants are often disproportionately affected and vulnerable, regardless of: (a) the means of or reasons for their entry into that country; (b) their immigration status; or (c) the length of or reasons for their stay in the country.

While migrants are most often resilient and resourceful individuals, a variety of factors create barriers to their access to resources, information, and assistance before, during, and after crises of all kinds, making them particularly vulnerable to their impacts. These include language and cultural barriers; immigration status; isolation in residences and workplaces; exploitation by employers, recruiters and members of their host communities; lack of identity or travel documentation (which may be lost, destroyed or confiscated, and not easily renewed); arbitrary detention and restrictions to freedom of movement; and discrimination or social exclusion limiting their interaction with and trust in host country authorities. In the face of such barriers, migrants may not have sufficient and well-defined avenues to seek and obtain assistance and protection from relevant actors.

Migrants affected by conflicts and disasters often “fall between the cracks” of response systems and do not receive adequate support. In addition, in the absence of assistance or secure pathways to leave the crisis-affected area, migrants may either become stranded in dangerous circumstances or forced to resort to risky routes to access safety. Migrants may therefore be exposed to further threats to life and physical integrity as well as abuse in the context of trafficking, smuggling, or other exploitation.

The Migrants in Countries in Crisis (MICIC) Initiative generated voluntary guidelines and effective practices for States and other stakeholders to follow to protect and assist migrants caught in conflict or natural disasters. In Central Asia, the Regional Migration Program brought together practitioners and policymakers to increase knowledge of MICIC and to promote dialogue amongst governments as well as coordination during emergencies. Emergency and migration state services from Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, and Afghanistan, as well as consular services of Central Asian and European countries, UN agencies, and international organizations contributed different examples of national-level communication tools, such as mobile applications and SMS distribution, to the MICIC repository of promising practices, which supplements the MICIC “Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster.” These non-binding and voluntary principles, guidelines, and practices identify the roles and responsibilities of different stakeholders vis-à-vis migrants in countries in crisis and provide concrete guidance on how to prepare for and respond to crises in ways that protect and empower migrants.



REGIONAL MIGRATION PROGRAMS

WHAT ARE IOM'S REGIONAL MIGRATION PROGRAMS?

Funded by the U.S. Department of State's Bureau for Population, Refugees, and Migration (PRM), IOM's Regional Migration Programs provide technical assistance to help build the migration management and protection capacities of origin, transit, and destination countries, and directly assist the world's most vulnerable migrants. The Regional Migration Programs utilize a five-pillar approach tailored to each region and ensures that implementation is needs-driven.

REGIONAL MIGRATION PROGRAMS' 5 PILLAR APPROACH



CAPACITY BUILDING

Engage governments and local stakeholders in origin, transit, and destination countries to advance effective and humane migration management, and promote safe, orderly, and regular migration.



DIRECT ASSISTANCE

Protect and assist the world's most vulnerable migrants, such as unaccompanied children, persons rescued at sea, and trafficked victims, while building local and government stakeholders' ownership of migrant protection.



REGIONAL DIALOGUE

Support regional-level information exchange and cooperation between governments to address regional migration challenges and uphold the rights of migrants.



INTER-AGENCY COOPERATION

Partner with UNHCR and other UN organizations, civil society organizations, and the private sector to promote multi-stakeholder coordination on migration issues, advance information-sharing and cooperation, and leverage complementarities.



EMERGENCY MIGRATION MANAGEMENT

Promote the capacities of governmental and non-governmental stakeholders to anticipate migration crises and better respond to the needs of migrants affected by crises.

In addition, IOM's [Global Knowledge Management Project](#) strengthens regional programming through streamlined monitoring and evaluation capacity development, enhanced systems and processes for knowledge management, and the increased visibility of promising practices from this portfolio.

GEOGRAPHICAL COVERAGE



- CENTRAL ASIA
- CHINA
- DOMINICAN REPUBLIC & HAITI
- GREATER MEKONG SUB-REGION & MALAYSIA
- HORN OF AFRICA & YEMEN
- WESTERN BALKANS
- WEST AND CENTRAL AFRICA
- SOUTHERN AFRICA
- NORTH AFRICA
- MESOAMERICA

