



IDEAS
ACTION
RESULTS

Climate Migration

THE STATE OF PLAY ON NATIONAL, INTERNATIONAL, AND
LOCAL RESPONSE FRAMEWORKS

According to [government data](#), 2021 was a year of climate disasters: The U.S. experienced 20 separate billion-dollar disasters, putting the year in second behind 2020, which had a record 22 separate billion-dollar events.¹ The number and cost of weather and climate disasters is increasing [across](#)² the [world](#),³ with a dire [climate report](#)⁴ issued by the Intergovernmental Panel on Climate Change on Monday, February 28 [warning](#)⁵ that climate change, and climate disasters, will “redistribute populations on a planetary scale.”

Despite the [increased](#)⁶ [attention](#)⁷ being paid to the phenomenon of climate migration, substantive recommendations and solutions to this growing occurrence are few and far between, at the local, national, and international level. As one [EU report](#)⁸ puts it, “to date there is no established global instrument that would address cross-border migration related to climate change,” leaving a “protection gap regarding people who are forced to flee their

**IMMIGRATION
PROJECT**

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By Hannah Tyler

country of origin (or habitual residence) due to environmental reasons and who are not protected by regional instruments.” The lack of a dedicated international mechanism for climate migrants as well as local and national solutions has forced many to seek protections under existing international legal mechanisms, such as refugee and asylum laws, which were not designed for this new type of migration. Many of the international initiatives addressing migration more generally are nonbinding, meaning that they provide a framework for signatory countries to follow, but do not compel those signatory countries to take specific actions, leaving an international patchwork of responses to a growing global phenomenon.

KEY TAKEAWAYS

- Some international frameworks have been developed that address climate migration and displacement, but only one so far, Africa’s Kampala Convention, is binding, and most do not compel signatory countries to act.
- Asia has taken little continental action on the issue of climate migration, though Bangladesh does have a strategy for the management of climate migration.
- Latin America has also taken little action above the country level, though climate migration is mentioned in the climate strategies and plans of multiple countries. Uruguay has a national resettlement plan in place that moves families out of flood-prone areas.
- Three European countries (Finland, Sweden, and Italy) had provisions for the protection of climate migrants, but Finland and Sweden repealed those provisions after the 2015 European migrant crisis.
- The U.S. has one active [bill](#)⁹ in the House and Senate proposing protections for climate migrants. In the absence of legislation, the government has relied on stopgap protection measures like granting Temporary Protected Status (TPS) designations.
- The Biden administration’s report on climate migration was light on actionable proposals and policies for addressing climate migration.
- Overall, there are few international, national, and local efforts with binding legislative power that address climate migration.

INTERNATIONAL FRAMEWORKS

Currently, international refugee conventions do not have any direct protection categories for climate migrants. The [term](#)¹⁰ itself is not even agreed upon, nor does it have an official definition. Some international refugee conventions, like the [Organization of African Unity \(OAU\) Refugee Convention](#)¹¹ or the [Cartagena Declaration on Refugees](#),¹² signed by many countries in Latin America, employ broad refugee definitions that could flexibly be applied to grant refugee status to climate migrants. Both agreements mention events that “seriously disturb public order” as grounds for granting refugee status. Some African countries [applied](#)¹³ the OAU Convention’s broader refugee definition to Somalis who were victims of famine and could not receive assistance from domestic authorities. However, neither agreement compels a country to take in climate migrants—it simply grants them the option to apply the definition to climate migrants. The Global Compact on Refugees [acknowledges](#)¹⁴ that climate, environmental degradation, and natural disasters are increasingly interacting with drivers of refugee movements, but [states](#)¹⁵ that they are “not in themselves causes of refugee movements” and makes it clear that addressing root causes is a country-of-origin responsibility. This acknowledgment does little to build international frameworks in response to climate migration.

Nevertheless, multiple frameworks and principles regarding climate displacement and migration have been developed by various groups of countries, though they are not binding on the countries that sign onto them. The [Peninsula Principles on Climate Displacement Within States](#) were developed by representatives of Australia, New Zealand, Bangladesh, the Netherlands, Switzerland, the United Kingdom, Germany, Egypt, Tunisia, and the U.S. in 2013.¹⁶ The document attempts to provide a comprehensive normative framework to address the rights of climate-displaced people within countries based on principles of international law, human rights obligations, and good practice. The [Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change](#)¹⁷ was endorsed by 109 governments in 2015, after meetings convened by the [Nansen Initiative](#),¹⁸ a consultative process led and funded by Norway and Switzerland intended to develop a protection framework for people displaced across borders as a result of climate change or disasters. It presents a comprehensive approach to disaster displacement that focuses on protecting cross-border disaster-displaced persons; presents a set of effective practices to be used by nations to respond to cross-border disaster displacement more effectively; and highlights the need to develop coordinated policies in response to cross-border disaster displacement. The [Platform on Disaster Displacement](#) is a follow-up to the Nansen Initiative, composed of countries including France, Fiji, Germany, Bangladesh, Australia, and Morocco (among others) working toward better protection for people displaced across borders in the context of disasters and climate change, supported by money from the EU, France, Germany, and Switzerland.¹⁹ While

none of these frameworks and agreements are binding, more regional, national, and local efforts are being undertaken in places that are already seeing effects of climate migration.

ASIA

Asia, particularly South and Southeast Asia, is likely to see fairly high levels of climate migration, as the region is [already](#) experiencing harmful effects from climate change.²⁰ Of particular [concern](#) for the region is that climate migration could further strain cities, which are already under pressure to provide services to residents, as climate migration tends to lead to higher levels of rural-to-urban migration. This dynamic is already on display in Bangladesh.²¹ People from coastal areas that are [affected](#) by climate change have migrated into Dhaka, one of the most densely populated cities in the world.²² The [Asian Cities Climate Change Resilience Network](#) is attempting to build urban climate change resilience in anticipation of increasing urbanization in the face of climate change and is particularly focused on the poor and vulnerable.²³ The program is active in Indonesia, India, Thailand, Vietnam, Bangladesh, and the Philippines.

The government of Bangladesh has a [National Strategy on the Management of Disaster and Climate Induced Internal Displacement](#) focused on internal climate-induced displacement.²⁴ It aims to make vulnerable communities in Bangladesh more resilient, but also puts in place a comprehensive rights-based framework that ensures the rights of climate migrants at differing stages of displacement. The strategy is organized according to three phases: predisplacement, displacement, and postdisplacement, with differing rights and strategic responses highlighted for each phase.

AFRICA

Africa is the only continent with a binding continental agreement that addresses internal displacement due to natural disasters. The agreement is particularly relevant in the continent since about [40%](#) of the world's internally displaced people are in Africa.²⁵ The [Kampala Convention](#)²⁶ [compels](#)²⁷ governments to prevent displacement through strategies like disaster risk reduction and climate mitigation measures and protect those who are displaced. The convention also takes into consideration those displaced by armed conflict and large-scale development projects. Thirty of the African Union's 55 member states (which represent all the countries in Africa) have ratified the convention. Though historic, the convention has been [critiqued](#) for not translating its provisions into concrete improvements for internally displaced persons.²⁸

In 2020, the Intergovernmental Authority on Development (IGAD), a trade bloc of eight countries in East Africa, endorsed the Protocol on Free Movement of Persons in the IGAD region. The agreement [allows](#) people in disaster-affected countries (including both nonclimate and climate-related natural disasters) to seek safe haven in neighboring countries, and guarantees they will not be sent back to that country until it is safe to return.²⁹ It allows entry and lawful stay for displaced people, but also allows people at risk of displacement to move preemptively, as a mitigation method.

LATIN AMERICA

[Evidence](#)³⁰ shows that climate migrants are already on the move within and from Latin America, with many [Central Americans](#)³¹ heading to the U.S., while 11 million [South Americans](#)³² have resettled or temporarily moved within the region due to natural disasters in the last decade.

Uruguay's [National Resettlement Plan](#) relocates families out of flood-prone or polluted areas and into secure housing on safe land.³³ The plan also provides funding for job training, and utilizes the land left behind for more appropriate and flood-prone activities. The program focuses on families living in extreme poverty who do not have the resources to move on their own.

Bolivia's [migration law](#), passed in 2013, defines the term “climate migrant,” which is significant, especially for a law passed nine years ago.³⁴ Though this may seem relatively minor, the term [lacks](#) clear definition internationally, making unified policy response difficult.³⁵ Peru's [national climate change law](#),³⁶ passed in 2018, requires government planning that [aims](#)³⁷ to prevent and address forced migration and temporary displacement due to climate change and other natural disasters, a process that is now occurring, guided by the country's Ministry of Environment and Ministry of Women and Vulnerable Populations. Honduras' [national climate change strategy](#)³⁸ says the country should establish a legal and institutional framework for climate migration, and Guatemala's [climate strategy](#)³⁹ includes a chapter on human mobility.

In spite of these national efforts, regional efforts among countries in Latin America, like other regions, still are lacking.



EUROPE

On the side of “receiving countries,” some European countries have, or had, provisions for the protection of climate migrants. Sweden and Finland suspended provisions granting protection to persons affected by environmental catastrophes because of the European refugee crisis, and the subsequently high number of arrivals in 2015-2016. Italy has a dedicated national protection status for environmental reasons, and Sweden used to have such a status. The [Swedish Aliens Act of 2005](#) provided protection for people who are “unable to return to the country of origin because of an environmental disaster.”⁴⁰ [Italy](#) allows national protection to be given to migrants who do not qualify for international protection for reasons including environmental or natural disasters in country of origin, though the status only lasts six months, and has only been used once.⁴¹ The [Finnish Aliens Act](#) of 2004 included a provision that permitted humanitarian parole if asylum or subsidiary protection could not be granted, but the person in question could not return to their country of origin because of an environmental catastrophe.⁴²

In Germany, the German Advisory Council on Global Change, an independent, scientific advisory body that provides recommendations to the federal government, has proposed a [climate passport](#).⁴³ The passport would [primarily](#) be used to offer protection to people living in island regions that are threatened by rising sea levels.⁴⁴ Though it would offer protection to an estimated 2.2 million people in the Indian and Pacific Oceans regions, the passport would still be reserved for a very narrow and specific population, instead of offering protection to broad swaths of people who might be forced to move due to climate disruption. Despite its relatively limited scope, the idea has drawn criticism, with one author [arguing](#) in 2018 that Germany had still not recovered from the refugee crisis in 2015, and that the criteria for the climate passport were far too unclear.⁴⁵ The idea has not yet been put forward in legislation.



UNITED STATES

There has not been much legislation presented regarding climate migration, though the U.S. has undertaken some efforts to resettle climate migrants within the country. In the absence of any specific federal framework to address climate migration, the U.S. government has relied on the offering of TPS to people fleeing climate disasters. TPS covers people already in the U.S. who came from a country that has suffered a natural disaster or other circumstance that would make it hard for that country to receive its nationals back. TPS beneficiaries are protected from deportation and granted work authorization for the duration of the designation of their country in the program. Many countries have had TPS designations that have lasted decades. Hurricane Mitch, the 1998 hurricane that caused more than \$6 billion in damage and over 11,000 fatalities throughout Central America, [led to](#) TPS protection for 150,000 Nicaraguans and Hondurans.⁴⁶ Offering TPS to climate migrants is a stopgap solution, with some [pointing out](#) that “TPS is inadequate in the face of climate change impacts precisely because it is temporary.”⁴⁷ Though the Department of Homeland Security (DHS) can extend TPS for as long as the dangerous environmental conditions endure, TPS is revocable and provides no pathway to legal residency.

The most salient bill addressing climate migration was introduced by Sen. Ed Markey (D-MA) in 2019, S.2565, [A bill to establish a Global Climate Change Resilience Strategy, to authorize the admission of climate-displaced persons, and for other purposes](#).⁴⁸ The House version, [H.R. 4732](#), was introduced by Rep. Nydia Velazquez (D-NY).⁴⁹ The bill, reintroduced in May 2021 as [S.1335](#)⁵⁰ and [currently](#)⁵¹ in committee, calls for the creation of a global climate resilience strategy and a new humanitarian immigration program for people who have been displaced for environmental reasons (including climate change and natural disasters). The proposed program would function separately from the U.S. refugee admissions program but would offer people in the program the same benefits as refugees. The bill’s “Global Climate Resilience Strategy” advocates for the creation of a White House position of “Coordinator of Climate Resilience,” who would be responsible for all federal efforts to address the effects of events caused by climate change. The bill would enable the president to provide assistance for initiatives and programs that aim to foster resilience among climate-impacted communities and asks that the president collect and retain data on displacement caused by climate change.

In October 2021, the Biden administration released a [report](#)⁵² on climate migration, a requirement of an [executive order](#)⁵³ released in February. The report focuses mostly on detailing the facts of and threats related to climate migration, with a short section dedicated to recommendations at the end. The report’s central recommendation is to establish a standing interagency policy process on climate change and migration that would coordinate policy efforts

related to climate migration across the government and other sectors. The goal of the process is to create long-term strategies to cope with and mitigate climate migration. [Critics](#) of the report argued it did not go far enough, offering little in the way of concrete policy.⁵⁴ Meanwhile, [defenders](#)⁵⁵ of the White House report underscored that the report itself marked a significant milestone, and [insisted](#)⁵⁶ that the report was never meant to mandate policy. The Biden administration's climate migration report, like most international and some national frameworks, is light on actual policy and solutions, identifying the problem clearly but pulling back when it comes to delineating how to solve it.

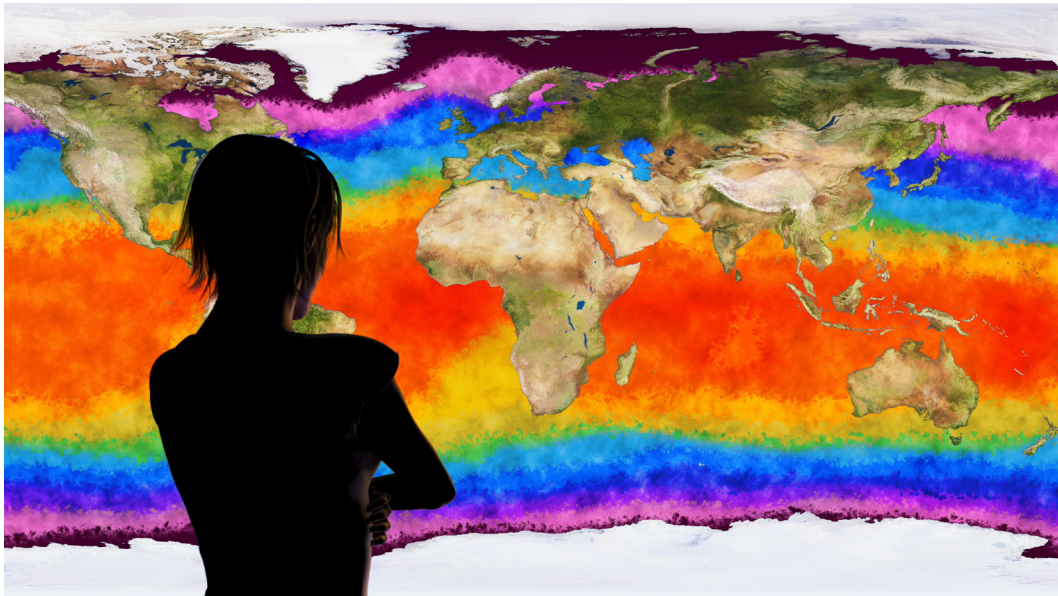
While some efforts to resettle climate migrants within the country have been made, departmental authorities and funding for relocation are not always clear cut. Residents of the [Isle de Jean Charles](#),⁵⁷ an isle on Louisiana's delicate coast that has shrunk by 98% since 1955, are being [moved](#)⁵⁸ about 35 miles inland to a new community being built for them. The U.S. Department of Housing and Urban Development gave a grant of \$48 million to the Louisiana Office of Community Development in 2016 to make the move possible, making it the first federally funded move of a community threatened by climate change. The grant is also in some ways a learning grant, allowing the federal and state government to observe the process and determine what does and does not work so that future moves can be more effective. Tribal and Indigenous communities, like the community on the Isle de Jean Charles, are [often](#) on the frontline of climate-related displacement and are taking the most active steps toward relocation of their communities.⁵⁹ However, existing institutional barriers limit their adaptive capacity. It is also important to acknowledge that Indigenous and tribal communities are disproportionately [vulnerable](#) to climate impacts, and often have deep and significant relationships with the land they live on.⁶⁰

CONCLUSION

Though climate migration promises to become a more salient problem for governments across the world in the coming years, the lack of proposed concrete solutions to manage climate migration suggests that the issue may not be as urgent for lawmakers as some advocates would hope. Many activists pushing for a solution to the problem—particularly via law review [articles](#) and research and policy reports—point out the inadequacy of the frameworks that currently exist, but few propose concrete steps and solutions that can be taken, especially in the form of national legislation.⁶¹

Of note, most successful efforts at creating climate migration frameworks have come from the regions that have been most affected by climate change, and not the receiving countries. The refugee crisis of 2015 in Europe provided a rationale for some countries to either repeal legislation that could be used to grant protection to climate migrants, or to stop legislation that could be used to grant protection to climate migrants from being considered.

In the U.S., the arrival of hundreds of thousands of Central American migrants, many of whom cite desperation in part driven by climate effects on their livelihood, has had similar effects on the politics and policies that might address climate migration. The Trump administration moved to terminate TPS for most of the countries that had received it in the last 20 years, although those moves were mostly stopped in court and subsequently overturned by President Biden. Biden came to office promising to do more to address climate change and its consequences. However, in the first year, the administration has dealt with a massive evacuation from Afghanistan, rising numbers of migrants at the border, and litigation over its various immigration policies, which have taken precedence over addressing climate migration. And yet, as one of the drivers of the [largest number of forcibly displaced people](#) in history, developing durable solutions to address climate migration is still needed.⁶²



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