

1. **What experiences and examples are you aware of, of individuals or communities, displaced by climate change?**

As a resettlement agency in the United States, U.S. Committee for Refugees and Immigrants serves newcomers from a variety of countries that are vulnerable to the effects of climate change, such as the Democratic Republic of the Congo, Afghanistan, and Myanmar.

Numerous individuals and communities have been displaced by climate change over the past year, as OHCHR is surely aware through United Nations humanitarian activities and public reporting. A series of devastating floods have displaced millions of people in Pakistan. Mass displacement is occurring in the Horn of Africa, particularly in Somalia, after another failed rainy season. Central Americans are increasingly relocating due to droughts, floods, and storms that are fueled in part by climate change. Residents of Small Island Developing States are increasingly threatened by rising sea levels causing coastal erosion and saline intrusion into limited sources of freshwater, which together are prompting instances of relocation and displacement.

1. **Do you think there are differences between the notion of climate change migrants and people displaced by climate change? If yes, what are these differences?**

Terminology and framing are important when discussing human mobility and climate change. The notion of a “climate change migrant” represents similar terminology to the concept of an “economic migrant.” Economic migrants leave their country of origin purely for economic reasons to seek material improvements to their livelihood—and thus are not entitled to international protection as refugees. In a similar manner, the notion of climate change migrants implies that individuals make a voluntary choice to relocate for climate-related reasons in order to secure material improvements to their livelihoods. In contrast, the framing of “people displaced by climate change” implies that a decision to relocate is more of an involuntary phenomenon. This terminology also uses climate change as a factor affecting the individuals in question rather than a defining characteristic, in the way that “climate change migrant” uses “climate change” as the adjective to describe the affected person. Both framings, however, attribute climate change as the major factor in relocation, which can be useful in a policy discourse but imperfect framing when individuals and families often relocate for more than one reason or a fluid combination of different factors. Regardless, USCRI remains committed to ensuring that both forced displacement and voluntary migration occur in safety and dignity for affected populations.

1. **What legislation, policies and practices are you aware of that are in place to give protection to the rights of individual and communities displaced by climate change?**

In the United States, Temporary Protected Status, or TPS, provides work authorization and protection from removal for individuals whose countries of origin are unsafe for return due to different factors, including environmental disasters such as hurricanes. Temporary Protected Status thus can essentially act as a program to prevent removal of individuals back to climate-vulnerable countries, such as, for example, Somalia, Yemen, Myanmar, and Ethiopia. However, TPS only applies to individuals already residing in the United States—so it does not extend protections to people newly displaced by climate-related events within designated countries. If environmental disasters continue to negatively impact designated countries, TPS does act as a de-facto program of protection tied to climate-related displacement.

However, other States are beginning to pursue more direct action to offer protection to the rights of individuals and communities displaced by climate change. Argentina has created a special humanitarian visa for people from Mexico, Central America, and the Caribbean displaced by natural disasters to let them stay in the country for three years.

1. **Please provide examples of policies, practices and legal remedies and concepts of how States, business enterprises, civil society and intergovernmental organizations can provide protection for people and communities displaced by climate change.**

States can establish policies specifically geared toward offering protection to those displaced by climate change. Policies that provide protection to people displaced by slow-moving, more permanent climate phenomena, such as sea level rise or desertification, should be connected to a pathway to lawful permanent residency. Similar to other forms of protection, displaced individuals should be able to make their case that climate-related trends create well-founded fears that they are unable to safely return and reside in their country of origin. Other protections can be geared to be more temporary if the climate-related events are sudden onset phenomena that render areas unsafe for more limited periods of time.

Business enterprises, civil society actors, and intergovernmental organizations can engage in private and community sponsorship of refugees displaced by climate change. Private refugee sponsorship, as it functions in model countries such as Canada, involves private entities selecting, or “naming,” refugees they would like to sponsor. This sort of approach allows people displaced by climate change to obtain access to protection even though they may not meet the strict Convention definition for refugees. Business enterprises can also advocate for visa policies that align populations displaced by climate change with their sectoral, labor force needs in the country of relocation.

In these ways, different actors across societies can serve and offer protections to different populations negatively affected by climate change.

1. **What international, regional and national policies and legal approaches are necessary to protect people and communities displaced by climate change**

International policymakers must finance climate-related loss and damage to respond to critical infrastructure damage from climate change that causes people to relocate. The UN’s Early Warning for All initiative must take special steps to bridge digital and language divides to reach affected populations and have specific strategies for communicating with already displaced individuals.

Regional organizations and forums should allow States to coordinate responses to climate-related displacement in a way that protects the rights of affected populations. States should apply standards of international refugee law such as non-refoulement to their responses to climate-related displacement so affected populations are not unjustly returned to unsafe conditions.

States can establish innovative policies specifically geared toward offering protection to those displaced by climate change in all its forms. The duration and extent of protections ought to be informed by the nature of the displacement and the vulnerabilities of the affected population. Temporary protections from removal ought to be offered to populations whose countries of origin have been affected by sudden onset climate-related disasters that do not make areas permanently uninhabitable, such as storms. Protections for people displaced by slow-moving, more permanent climate phenomena, such as sea level rise or desertification, ought to be connected to pathways for a more permanent status. In all policies, States ought to protect freedom of movement and the right to work so affected populations can provide for themselves and their families in safety and dignity.

1. **Please provide separate considerations for people or communities internally displaced and those displaced across international borders**

States maintain the ultimate responsibility for protection of citizens and other people in their territories during slow moving or sudden onset climate-related disasters. International organizations must respond to these challenges in a way that supports, rather than supplants, State capacity to respond to the protection needs of the populations within their borders. Enhanced protections for internally displaced persons affected by climate change ought to be part of the larger international conversation on addressing internally forced displacement, which continues to be the most frequent manifestation of forced displacement worldwide.

1. **What do you understand by the concept of “climate change refugee”? Do you think that the UN Refugee Convention should include a separate category for climate change refugees? How do you think this would work? What other legal options may be possible?**

A “climate change refugee” can be understood as someone who has fled their country of origin and is unable or unwilling to return or seek protection from their home country due to climate change or factors related to climate change. Under international law, climate change refugees are not afforded the same protections as Convention refugees, who have a well-founded fear of being persecuted because of their race, religion, nationality, membership of a particular social group, or political opinion.

People displaced by climate change ought to be afforded protections under international law, which is outdated and unprepared to contend with the coming impacts of climate change on human mobility. However, USCRI is concerned that opening the 1951 Refugee Convention to renegotiation could do more harm than good if it results in a far weaker protection framework than what currently exists in international humanitarian law.

While USCRI remains concerned about opening the Refugee Convention to renegotiation, USCRI would support a distinct international instrument or mechanism to protect individuals displaced by climate change.

Regional frameworks may offer some promise in assigning States responsibilities to protect the rights of affected populations because climate-related displacement takes different forms depending on the regional or environmental context. Since climate change is a different threat to human security than persecution as it is described in the Refugee Convention, States can and should offer programs and policies that provide pathways for safe and dignified relocation because of factors related to climate change.

1. **Should separate and particular considerations be given to indigenous peoples with respect to climate change displacement? What are these particular considerations?**

Separate and particular considerations should be given to indigenous peoples and population related to climate-related displacement. Indigenous peoples are among the first communities to face the direct consequences of climate change due to their close relationship with the environment and its resources despite barely contributing to global greenhouse gas emissions that drive climate change. Indigenous peoples should be given specialized consideration for non-economic losses and damage, such as the loss of indigenous knowledge or sites of cultural or ancestral importance.



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