
February 28, 2024

Attn: Mr. Gehad Madi, Special Rapporteur on the human rights of migrants
United Nations Office of the High Commissioner for Human Rights
8-14 Avenue de la Paix
CH 1211 Geneva 10
Switzerland

RE: Submission on factors facilitating and hindering migrants' contributions

Dear Mr. Madi,

Thank you for the opportunity to provide input on your upcoming report. Please find below [Artistic Freedom Initiative's](#) (AFI) responses to questions one through four, six, and seven of the key questions related to migrants' contributions to their host societies and the factors that facilitate or hinder these contributions. AFI's submission emphasizes the contributions of migrant artists at risk who have been forced to flee their countries of origin to seek safety abroad.

Led by immigration and human rights attorneys, AFI facilitates pro bono immigration representation and resettlement assistance for international artists who have experienced persecution, censorship, or other restrictions on their free expression. We work with immigrant artists to champion art produced in exile, advance creative cultural exchange, improve conditions for artists in their home countries, and safeguard their ability to express themselves through the arts.

In 2021, AFI launched the [Afghan Artists Protection Project](#) (AAPP), a holistic resettlement initiative developed in response to the humanitarian crisis following the United States' (US) withdrawal and the Taliban's takeover of Kabul. The project aims to safely resettle Afghan artists and their families who are threatened under Taliban rule and allow them to preserve their livelihoods as artists in their countries of resettlement. To date, AFI has resettled more than 1100 Afghan artists and cultural workers in the US and Germany through this project. The project has allowed AFI to compare outcomes for migrant artists in two countries with different approaches to resettlement services; through this process, we have identified policies that helped migrants to successfully restart their careers as artists in the host society, as well as policy gaps that hindered their ability to integrate professionally. We share some of our key observations in the answers below, using examples from our direct experience facilitating resettlement in the US and Germany. Ultimately, we aim to highlight policies that give migrants the support they need to acclimate to their new professional environment and contribute the skills and expertise they developed in their countries of origin to their host societies.

Please provide examples of migrants' contributions to various sectors of society and any relevant statistical or disaggregated data based on age, gender, disability, ethnicity, religion, sexual orientation and gender identity, migration status, or other categories.

Having facilitated the resettlement of thousands of migrant artists at-risk and their family members since our inception in 2017, AFI has borne witness to the numerous ways through which migrants add value to society. They include, but are not limited to, the following:

- Migrant artists and cultural workers **bring skills and expertise to their respective artistic and academic disciplines**, adding indispensable value to the cultural institutions and universities they work with. For example, AFI partnered with [Harvard University's Scholars at Risk](#) program to place Nasrin Belali, archaeologist and former managing curator at the National Museum of Afghanistan, as a curatorial fellow at Harvard Art Museums. In her capacity as a curator, Nasrin contributes her decades of expertise in Afghan art and cultural heritage of the bronze age to Harvard's team.
- Migrant artists **add depth and diversity to the arts and cultural sector** of their host countries by introducing new artistic traditions and movements into the lexicon, presenting multicultural perspectives in their work, and educating the public about international human and social rights movements. For example, AFI's 2024 annual arts festival, [Beautiful Forms: Queer Art Unbound](#), featured Afro-Brazilian musician [Bia Ferreira](#), who sang about Brazilian LGBTQ+ and Black communities' struggles against the State's suppression of their rights and police brutality. Through the powerful vehicle of music, Ms. Ferreira shared her perspective as a queer Afro-Brazilian woman and inspired audience members to join the global struggle for queer and Black liberation.
- Migrant artists **protect and preserve the artistic and cultural heritage of their countries of origin** by continuing their traditions abroad, sharing and imparting knowledge of their cultural heritage with their host communities, and raising awareness about at-risk cultural heritage. For example, AFI has been pleased to assist several Afghan cultural workers through AAPP who, since resettling in the US and Germany, have worked tirelessly in their capacity as archivists, archaeologists, curators, and leaders of arts organizations to protect and preserve Afghan cultural heritage from desecration by the Taliban by collaborating with Afghan institutions to inventory, catalog, and care for cultural objects and artworks. For example, members of the Afghan muralist group, [Artlords](#), have recreated murals that the Taliban destroyed in their new host communities in the US. In this and other ways, migrants are vanguards for the protection and preservation of cultural heritage.

- Migrant artists **defend human rights by continuing to develop and share their socially engaged work abroad** when doing so would be censored or criminalized in their countries of origin. By continuing their work, they create and foster civic space and dialog in the diaspora, which inevitably influences the politics of the country of origin. For example, AFI's 2022 NYC Artist Safe Haven's Writer in Residence, author, playwright, and filmmaker, [Achiro Patricia Ulwoch](#), spent her fellowship developing several new works featuring LGBTQ+ characters in a Ugandan context, where being LGBTQ+ is criminalized. Through the residency, Achiro was able to continue advocating for the development of Uganda's human and civil rights from the diaspora, thus playing a crucial role in the development of civil society as both an artist and a human rights defender, while also enriching human rights advocacy in the host community.

What positive measures are taken by States at the local, national, regional and international levels that facilitate, maximize and optimize migrants, their families and communities' contributions in origin, transit and receiving societies? Please provide details, which may include, but are not limited to, development and/or implementation of legislative, policymaking, and institutional frameworks; regularization mechanisms and integration programs; social integration and social cohesion efforts; material and/or financial support; recruitment opportunities, education and/or training; access to health, social welfare, justice and reparation.

There are many measures states can take to facilitate, maximize, and optimize migrants' contributions to society. Having facilitated the resettlement of thousands of migrants in both the US and in Germany, AFI has identified that among the most positive interventions that States can take to maximize migrants' contributions to their host societies are the creation of policies and programs that provide access to basic social services and support for professional development.

Many migrants that AFI resettled in Germany through AAPP cited social services provisions in Germany's *bundesaufnahmeprogramm*, their Afghan refugee admissions program, as key to their successful integration and ability to contribute to society as artists. The German government provides Afghan migrants access to subsidized housing once they enter the country, thus directly addressing the biggest obstacle that most migrants face in being able to restart their careers abroad. Those who gain admission to Germany through the program also have access to state healthcare for both themselves and their families. Access to healthcare removes a significant burden from migrants, allowing them to enter society without fear of unforeseen accidents or health emergencies. With their basic needs for housing and healthcare met, migrants are able to successfully reenter the workforce.

The *bundesaufnahmeprogramm* also affords migrants the opportunity to take an integration program, which includes free German language courses. Language skills

are essential for migrants to be able to successfully find employment and connect with their host society, and the course ensures that migrants learn efficiently and are able to join the workforce as valuable contributors. By providing free language support to migrants through this program and incentivizing them to take the course, the German government maximizes migrants' ability to contribute socially and professionally to their new society.

What positive measures are implemented by civil society organizations and non-governmental stakeholders in maximizing and optimizing migrants' contributions? If so, please provide details.

For many migrants, fleeing persecution or other crises in their home countries means leaving behind the careers, professional networks, and financial stability they built in their country of origin. AFI is among the Civil Society Organizations (CSO) that support migrants' efforts to address their financial and professional needs during resettlement so that they can restart their careers and continue to make important contributions to the fields of human rights and the arts. For example, AFI and our partner CSOs in the [NYC Artist Safe Haven Coalition](#) developed the [Safe Haven Incubator for Music NYC](#) (SHIM:NYC), an artist-at-risk residency program that matches international musicians with a mentor to develop a specific work, hone their skills, and expand their professional network over the course of twelve months.

What obstacles are there in law and practice which hinder the realization and/or recognition of migrants' contributions in communities of origin, transit and destination? Please provide details, which may include, but are not limited to, development and/or implementation of legislative, policy and institutional frameworks as well as public discourse.

In our 2023 report, "[Artistic Exodus: Journeys of Afghan artists fleeing Taliban rule](#)," AFI identified a number of legal and policy gaps that hinder the realization of migrant artists' contributions to their host communities, including the financial burdens associated with forced migration and resettlement, inability to access to basic social services, lack of professional support, and indefinite or permanent family separation.

Many migrants find themselves financially strained or in debt as a result of the exorbitant expenses associated with forced migration and resettlement. The migrants that AFI spoke with for *Artistic Exodus* shared that the visa application process for the US was costly and lengthy; many waited in a third country - where they were unable to lawfully work - for months or years before receiving a visa approval. Once in the US, they struggled to adjust to the high cost of living, they had to rely on family or community members for housing while they looked for jobs, and they had difficulty finding employment without fluency in English. For asylum seekers, the financial burdens of forced migration were also compounded by the mandatory 180-day processing period before they could receive work permit

authorization, leaving them unable to support themselves for the first six to eight months of their time in the US. Grappling with mounting financial burdens, many had to take time-intensive, low-paying service jobs to make ends meet, leaving them with little time or opportunity to continue their work and use their talents as artists in their host countries. States and CSOs can help migrant artists avoid this outcome by lowering or eliminating costs associated with forced migration and resettlement.

For migrants in all visa and legal categories, the US's lack of housing and healthcare support was a major obstacle that prevented them from being able to resume their careers in the arts. They reported that much of their time was dedicated to finding temporary housing solutions while they continued to search for jobs or were not making a liveable wage in the few service jobs that did not require English fluency. Further, while migrants who entered the US on humanitarian parole were eligible to enroll in Medicaid, the federal healthcare program for low-income earners, coverage offered by the program is limited and varies significantly by state. Limited access to health insurance means that medical emergencies could not only be life-threatening, but could also cost them potentially tens of thousands of dollars that they would be hard-pressed to pay. Ultimately, constant worries over being able to meet housing and healthcare needs prevents migrants from being able to fully engage in their work.

The migrants AFI spoke to for *Artistic Exodus* also shared logistical obstacles that prevented their professional integration, including credential recognition and language barriers. They reported that a lack of international transferability of professional and academic degrees, licenses, and other credentials limited their eligibility to apply for jobs of an equivalent caliber to those they held in their countries of origin. Further, those who lacked English fluency reported being unable to qualify for nearly all jobs in arts and culture, but struggled to access language learning resources. They shared that language courses were hard to find and cost-prohibitive. As a result of these obstacles, migrant artists reported being unable to fully integrate and contribute the full range of their professional skills and expertise to the arts and cultural sector of their host communities.

Lastly, many migrants cite indefinite or permanent family separation related to their immigration cases as a main factor hindering their wellbeing and ability to contribute to society, as they constantly worry about family members left behind in dangerous situations in their home countries. Indefinite separation is the result of the extremely long processing times for the visas of spouses and children with whom they hope to be reunited, while permanent separation is the result of the limited categories of dependent family members that arriving migrants are able to reunite with according to their host countries' immigration regimes. Typically, and as is the case in the United States, visa holders and permanent residents can only apply to sponsor the visas of spouses and unmarried, minor children. These restrictions to family reunification often leave arriving migrants unable to assist other family

members that may rely on them for support, including parents or siblings. In contrast, German visa holders and permanent residents may apply for reunification with dependent extended family members facing hardship, allowing them to care for all of their dependents. In sum, one of the most impactful measures that States can take to support migrants' wellbeing is to avoid family separation at all costs during visa and immigration processing, prioritize and expedite family reunification in all lawful migration cases, and to enable reunification with all dependent family members facing circumstances of hardship.

How can we raise awareness, rethink and change the way migration is spoken about, especially when harmful narratives on migration are inserted into the public discourse and politicized?

As migrants and their rights are increasingly politicized, AFI believes that it is more important than ever that migrants be given platforms to demonstrate their positive contributions to culture and society. AFI's programs enable migrant artists to use the power of art to share their stories, amplify the struggles of their compatriots and other forced migrants, and to engage the public in the global struggle for human rights. In doing so, AFI and the artists in our network are at the forefront of the effort to counter the harmful and dehumanizing narratives on migration.

In particular, AFI's [Artists for Social Change](#) (ASC) program, seeks to give migrant artists who have been censored or persecuted a platform to share their work freely in a safe environment. The ASC program creates paid opportunities for artists to share their stories, their artwork, and their fight for rights and freedoms in their home countries with their new host communities. Programs like these are easy to replicate, and their emphasis on cultural exchange and communion through art have a positive impact on the host community's understanding and appreciation of migrants, their struggles, and their contributions to society.

Building on AFI's approach, governments and CSOs in host countries can foster empathy and respect for migrant communities by creating similar opportunities for migrants to contribute to local arts and culture, including but not limited to:

- **Create funding for arts and cultural events that showcase artists from migrant communities** with the aim of giving audiences in the host community access to diversity and multiculturalism in the arts, encouraging empathy and international engagement, and broadening collective understanding of social justice and responsibility, using AFI's annual arts festival as a model for migrant-led arts and cultural programming.
- **Inaugurate residency programs for migrant artists at risk** to safely develop and share their work in a host community, emulating the model created by the [International Cities of Refuge Network](#) (ICORN).
- Cultural institutions and universities can support the human rights of migrants by **inviting migrant artists and academics to lead the**

development of exhibitions, workshops, research, and programming that draw attention to issues of forced migration, refugeehood, and other human rights topics, thus allowing migrants to take the leading roles in creating and disseminating public discourse and knowledge about their experiences, using the [New University in Exile Consortium](#)'s work as a model.

What practical recommendations would you propose in order to effectively address these ongoing challenges and protect migrants' human rights in origin, transit and host communities?

1. Support migrants' successful integration by creating laws and policies that meet their basic needs, including but not limited to:
 - a. Guarantee that migrants have access to safe and affordable housing;
 - b. Ensure that migrants have access to free or low-cost healthcare, including mental healthcare services; and
 - c. Increase funding for CSOs that offer basic services and essential support to migrants.
2. Optimize migrants' ability to use their professional skills and expertise by creating policies and programs that equip them with essential skills, including but not limited to:
 - a. Ensure that migrants have access to free or low-cost language education courses so that they can take advantage of the full range of opportunities in the host country;
 - b. Provide guidance to universities and institutions on international professional degree and credential transferability to maximize migrants' eligibility to contribute their skills and expertise to the host countries workforce; and
 - c. Expand and fund upskilling programs, including degree or credential conversion programs, needed for joining the professional workforce in the host country.
3. Ensure that migrants who enter on lawful visas and/or seek asylum are not financially burdened by the immigration process or related costs, so that they are able to make professional contributions to their host societies as soon as possible, through policy interventions including but not limited to:
 - a. Ensure that migrants who enter on lawful visas are guaranteed access to work upon entry to the host country;
 - b. Grant asylum seekers the right to work as soon as their applications for asylum and/or humanitarian aid are received by authorities in the host country; and
 - c. Create need-based waivers for visa filing and renewal fees.
4. Prioritize migrants' dignity and well-being during migration by avoiding family separation and prioritizing reunification of migrants and their dependents, including by:
 - a. Expediting visa processing for family reunification in all lawful migration cases; and

- b. Expanding family reunification to include all dependent family members facing hardship.
 5. Promote and foster a culture of inclusivity and respect for all people and cultures, with the aim of facilitating a positive environment for migrants and encouraging safe and dignified integration in the host community. To this end, we recommend the following additional reforms:
 - a. Develop public advocacy campaigns, including through arts and culture, to educate the host society about different migrant populations' reasons for forced migration, and human and refugee rights;
 - b. Fund arts and cultural institutions to create programming, exhibitions, and projects to feature the work of migrant artists;
 - c. Fund arts and cultural institutions to create fellowships, residencies, academic placements, and other professional opportunities to support migrant artists and cultural workers; and
 - d. Develop awards to recognize the contributions of migrants to the host society, including migrant artists and their influence on the artistic traditions of the host society.
-

ANNEX

Artistic Freedom Initiative. Artistic Exodus: Journeys of Afghan artists fleeing Taliban rule © Artistic Freedom Initiative 2023, Accessible at:

<https://artisticfreedominitiative.org/projects/artistic-freedom-monitor/afghanistan/>