



# HABITAT III ISSUE PAPERS

## 2 - MIGRATION AND REFUGEES IN URBAN AREAS

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## ISSUE PAPER ON MIGRATION AND REFUGEES IN URBAN AREAS

### KEY WORDS

Migrants, refugees<sup>1</sup>, internally displaced persons, diaspora, resilience, equality, discrimination, marginalization, xenophobia, access to adequate housing, livelihoods and basic services.

### MAIN CONCEPTS

The purpose of this Issue Paper is to raise awareness of how inclusive planning for rapid urbanization, migration and displacement – through improved rights and protection for migrants and refugees, access to adequate services, opportunities and space, and regulations that create an enabling environment – can maximize the skills, resources and creativity of migrants and refugees that drive sustainable development.

The central pillars of the New Urban Agenda, which provide guidance on issues such as urban planning and design and the legal frameworks needed to produce positive outcomes of urbanization, also offer an opportunity to respond to the needs of migrants, displaced and refugees in urban areas. Accordingly, the Issue Summary section of this paper discusses the enabling national legal and policy frameworks required to address the vulnerabilities and injustices facing these populations; the need for integrating migration concerns into development planning; and ways forward to bridge humanitarian and development concerns.

### FIGURES AND KEY FACTS

More than a billion people are migrants, of which almost 250 million of these are outside their own countries. All have moved in search of opportunity, too many have moved in search of safety from conflict, persecution and disasters.

Approximately 37% of international migration is between developing countries, and around 40% of international migrants have moved to a neighbouring country within their region of origin.

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<sup>1</sup> The 1951 Convention relating to the Status of Refugees defines a REFUGEE as a person who 'owing to [a] well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political



The majority of migrants and displaced populations move to urban areas.<sup>2</sup> Almost all countries are now simultaneously countries of origin, transit and destination, with the majority of countries carrying international legal obligations to protect refugees. Some 60% of the total 14.4 million refugees<sup>3</sup> and 80% of the 38 million IDPs<sup>4</sup> are thought to live in urban areas as a result of conflict and other drivers.

Mixed migratory movements continue to grow in scale and complexity. Those fleeing conflict and persecution are caught in precarious situations, and distinguishing those with a legitimate claim to international protection or other genuine protection needs is increasingly difficult as a result of the varied and composite motivations for moving, while legal status may also change during the voyage.

The proportion of refugees living in urban areas out of the total number of refugees has increased by 8% in the past three years. In addition, it is estimated that 45% of refugees are in protracted situations.<sup>5</sup> For IDPs, there were people living in displacement for ten years or more in nearly 90% of the 60 countries and territories IDMC monitored in 2014.<sup>6</sup>

## ISSUE SUMMARY

Destination countries often lack an enabling national legal and policy framework (permitting freedom of movement and the right to work, for example) in accordance with their international obligations. Many migrants and refugees are compelled by law or circumstance to live in segregated, hazard-prone and poorly maintained residential areas. Those lacking legal documents are vulnerable to abuse, exploitation, arrest and detention, are restricted in movement and face severe difficulties accessing justice, livelihoods, adequate housing and services such as health and education. Even without legal barriers, lack of information, bureaucratic procedures, language barriers and regulations often combine to make it difficult for migrants and refugees to access these rights, services, and opportunities and in turn, contribute to the sustainable development of host cities.

Legal restrictions and social, economic and racial discrimination often impact negatively on the ability of migrants, IDPs and refugees to access economic opportunity. City administration must work with partners including those concerned to ensure access to the tools required to promote livelihoods. This must be undertaken in such a way as to buttress and build links with the local economy.

Migrants and refugees contribute to the social, economic and cultural fabric of their host communities, though are frequently seen as burdens rather than assets. Studies confirm that migration energizes labour markets and generates new demand for goods and services, while also contributing to innovation that fuels urban centres.<sup>7</sup> Migrants and refugees can become key players in city development, growth,

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<sup>2</sup> IOM's World Migration Report (2015, forthcoming).

<sup>3</sup> The refugee number referred to in this paragraph does not include the 5.1 million refugees registered with UNRWA.

<sup>4</sup> The IDMC total figure includes a mere estimate of people displaced living outside camps (including both urban and rural displacement).

<sup>5</sup> Definition: minimum 25,000 people having been displaced for five years.

<sup>6</sup> The IDMC GO did not focus on land grabbing and looked at evictions only as a cause of secondary displacement.

<sup>7</sup> OECD Migration Policy Debates May 2014.



resilience and sustainability as bridges between destination and origin cities, with skills and resources and acting as transnational traders, business partners, philanthropists and investors.

There is growing international attention to urbanization and local strategies for sustainable development. The Sendai Framework reflected a more urgent need for mobilized action to prevent the creation of new risks, reduce the impacts of hazards, and expedite recovery after disasters. States recognized that mobile populations, if well managed, contribute to the resilience of communities and societies and their knowledge, skills and capacities can be useful in the design and implementation of disaster risk reduction plans.

Migrants and refugees, particularly those in an irregular situation, are often rendered invisible, due to their legal status, language barriers, marginalisation and restricted opportunities in participating in society. Their true numbers are only estimates, resulting in them being left out in policy and decision-making processes.

Integrating migration concerns into development planning solutions at local, national and global levels offers sustainable responses to situations of large scale and protracted displacement, promoting benefits for the displaced as well as their host societies. Urban environments offer the possibility of greater opportunities for economic integration and self-reliance for migrants and refugees, and potentially offer a local integration alternative to return.

An increasing number of cities are integrating migration policies into urban planning and development initiatives. Despite this, cities are faced with significant obstacles ranging from a lack of resources and capacities to efficient and effective coordination with local authorities' administration and other stakeholders to harness this potential.

Without planning for migration and displacement, city urban plans lack the necessary practical approaches to address the challenges that municipalities face. In many destination cities, the generic urbanization model of the last forty years has fostered segregation over integration. As cities grow due to migration they must also plan in such a way as to foster "placemaking" for all city dwellers, migrants, refugees and IDPs included.<sup>8</sup> Planning for urbanization includes spatial as well as regulatory planning to eliminate legal and practical barriers that prevent the full participation of migrants and refugees in the urban economy and system.

Municipalities are largely not involved in migration policy processes and have little contact with institutions that would support them with the required expertise. Including migration and displacement issues in urban planning and development will help make cities capable of responding to the physical, social and economic challenges that are a growing part of the 21st century.

States have a responsibility to protect all individuals on their territory and should work to find durable solutions. However, in situations involving large influxes of mobile populations, states are often in greater need of support to fulfil this responsibility.

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<sup>8</sup> Thouez, UNITAR (2015, forthcoming).



Humanitarian and development concerns are often addressed in an entirely separate and “stove-piped” manner. There is a clear and evident relationship between emergency, rehabilitation and development, and migration and displacement are relevant and key components of all. The international community recognizes that emergency assistance should be provided in ways that support long-term development to ensure smooth transition from relief to rehabilitation. At the same time, economic growth and sustainable development are essential for prevention of, preparedness and resilience against natural disasters and other emergencies. Integrating migration and refugee concerns into disaster preparedness and response creates the indispensable link between humanitarian assistance and development.

## KEY DRIVERS FOR ACTION

The New Urban Agenda provides an opportunity to respond to the needs of mobile population in urban areas by adopting an inclusive urbanization model that takes into account population movements; promotes and protects the rights of all people, while building on their capacity; and responds to humanitarian and development concerns in synergy.

### Planning for population movements

Planning for, and effectively managing migration and displacement is critical to promoting productive, socially inclusive, resilient and sustainable cities:

Urban development policies must incorporate an appropriate, area-based understanding of potential migration, displacement and settlement patterns, local hazard exposure and vulnerability factors.

Contingency planning and preparedness in urban areas is essential in this regard, including assessment of national legal and policy frameworks and the capacity of communities, the economy, infrastructure, administrative structures, service delivery systems, housing, land and other resources to absorb newly arrived populations.

Building the capacity of local actors to collect robust data, disaggregated to identify protection challenges, including discrimination, to inform urban planning and development is also critical. Knowing where migrants and refugees are, who they are, and bringing “hidden” problems to light requires creative approaches to outreach for registration, documentation and protection monitoring, support, and services.

Urban planning for disaster risk reduction should prepare for any potentially adverse impact of incoming migration and displacement to urban areas particularly in hazard prone areas or those already limited by inadequate housing, water and sanitation services.

Documenting and promoting the use of good practices is critical to the inclusive urbanisation model. When going forward, we must find ways to capture learning and ensure that the new urban agenda replicates new and innovative ideas and good practices. For example, humanitarian and development



organisations, universities and other partners should continue undertaking research on migrants' and refugees' impact on local economies.

In situations of displacement, alternatives to camps, whenever possible, should be pursued. National and local authorities should be supported in receiving the displaced in urban areas, recognising the vulnerabilities and contributions of displaced, while considering the absorption capacity of host neighbourhoods and cities.

### Enhancing participation and empowerment

The new urban agenda must in all circumstances embrace strategies for the political, social and economic empowerment of people. Too often, migrants, refugees, and IDPs do not count in urban development, resulting in city development that further marginalizes and discriminates against those most in need of protection:

Local authorities and other actors should ensure the free, active and meaningful participation of migrants, refugees and IDPs in urban decision-making processes and urban and spatial development. For example, these groups should be included in relevant national action plans and strategies, such as plans on the provision of public housing or national strategies to combat racism and xenophobia.

Freedom of speech and assembly, the right to information, consultation and participation in decision-making processes and the right to vote – to name a few – are also crucial to sustainable and inclusive urban development.

A human rights approach to urbanization will pay particular attention to the needs of all migrants and mobile populations, including refugees, victims of trafficking, internally displaced persons and unaccompanied minors, for example in the context of health and education delivery or housing.

Migrants, refugees and IDPs should not be seen as mere recipients of aid and charity, but as rights-holders, contributors and partners in the development of cities. If appropriately empowered, migrants and refugees can generate a considerable boost for local economies by helping create jobs and fuelling growth. Local authorities and other actors must therefore harness and maximise the skills, productivity, and experience migrants and displaced populations bring to their host communities.

Discrimination is a significant barrier to migrants and refugees meeting their full development potential. The new urban agenda should therefore address the sometimes hostile stance of many local governments and communities against migrants, the urban poor and the informal sector, especially during times of economic difficulties. Lack of inclusion practices is often reinforced by discriminatory practices, both official and de facto.



### Building strengthened partnerships

Harnessing the positive potential of migrants and refugees, while addressing the implications of population movements, requires strengthened partnerships between global, national and local actors, humanitarian and development actors, and migrants and refugees themselves:

Our main collective responsibility should be greater efficiency and effectiveness through a closely coordinated link between humanitarian interventions and broader development planning to make sustainable livelihoods in neighbourhoods affected by displacement a reality. We must avoid parallel structures for migrants and refugees, and build on and support what exists on the ground. This requires effective coordination of creative and strategic partnerships between governments, civil society, private sector, academia, community-based organizations and humanitarian and development partners.

## PLATFORMS AND PROJECTS

The special procedures of the Human Rights Council are independent experts with mandates to report and advise on human rights from a thematic perspective, including:

### **Special Rapporteur on the human rights of internally displaced persons**

<http://www.ohchr.org/EN/Issues/IDPersons/Pages/IDPersonsIndex.aspx>

(See latest report to the General Assembly was on sustainable solutions for IDPs in urban setting, A/69/295, [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/69/295](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/69/295))

### **Special Rapporteur on the human rights of migrants**

<http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/SRMigrantsIndex.aspx>

The **Global Migration Group** (GMG) is an inter-agency group bringing together heads of agencies to promote the wider application of all relevant international and regional instruments and norms relating to migration, and to encourage the adoption of more coherent, comprehensive and better coordinated approaches to the issue of international migration. The GMG is particularly concerned with improving the overall effectiveness of its members and other stakeholders in capitalizing upon the opportunities and responding to the challenges presented by international migration.

The **Global Forum on Migration and Development** (GFMD) is a voluntary, informal, non-binding and government-led process open to all States Members and Observers of the United Nations, to advance understanding and cooperation on the mutually reinforcing relationship between migration and development and to foster practical and action-oriented outcomes.



**Urban Refugee Task Team:** Established in 2012, the Urban Refugee Task Team (URTT) is a network of UNHCR and NGOs working to strengthen engagement and collaboration in urban areas, including the URTT Webinars Series, the promotion of learning through the Urban Refugee Learning Programme (URLP) and the uptake of good practices in urban areas through the [www.urbangoodpractices.org](http://www.urbangoodpractices.org) website, which is a rich resource offering hundreds of good practices from urban settings and tools and guidance.

**IOM's Conference on Migrants and Cities (CMC)** will be held on 26 and 27 October 2015 in Geneva within the framework of IOM's International Dialogue on Migration (IDM), the Organization's main forum for migration policy dialogue. The Conference aims at providing mayors and local authorities with the opportunity to have a voice in migration governance and it will thus bring them around the same table with national authorities to debate, for the first time in a global policy forum (IDM), the issue of mobility management at local level and advance the discourse of the socio-economic well-being of migrants and their inclusion in communities and societies in which they live.

The **Second Mayoral Forum on Mobility, Migration and Development** will be held in Quito Ecuador on 10-11 November 2015 – this is a City-led initiative, convening Mayors from around the world to strategise on working collectively, staying politically engaged and gaining support for their policies and activities relating to promoting economic development and human rights protection in a context of diversity, urbanization and human mobility. The Quito Forum will focus on city leadership in the implementation of migration-related development targets in the new Sustainable Development Goals framework. The annual Mayoral Forum is supported by UNITAR, the World Bank KNOMAD Project, and the Joint Migration and Development Initiative, in addition to other international, regional and local partners.

**Policy on Refugee Protection and Solutions in Urban Areas**<sup>9</sup>: released in 2009, the Policy aims to ensure that cities are recognized as legitimate places for refugees to reside and exercise the rights to which they are entitled.

**UNHCR Policy on Alternatives to Camps**<sup>10</sup>: released in July 2014, the Policy reinforces the principles of the urban refugee policy and seeks to move away from traditional camp-based operational response and create possibilities for refugees to live lawfully, peacefully and independently in communities with the ability to take responsibility for their own lives and families. The Policy promotes sustainable operational approaches that build upon the resources and capacities of refugees and promote synergies with national and local development, infrastructure and service delivery systems.

**The World Migration Report 2015 - Migrants and Cities: New Partnerships to Manage Mobility** will examine the complex dynamics between migrants and cities and new partnerships being forged at local level among migrants, local government, civil society and private sector to manage highly mobile, diverse cities. It will showcase various local initiatives to create inclusive environments for migrants and offer practical policy options to create an 'opportunity structure' to maximize the benefits of urban migration.

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<sup>9</sup> Available from: <http://www.refworld.org/docid/4ab8e7f72.html>.

<sup>10</sup> Available from: <http://www.refworld.org/pdfid/5423ded84.pdf>.





The **Migrants in Countries in Crisis (MICIC) Initiative** is a state-led effort to improve the ability of states and other stakeholders to prepare for and respond to the needs of migrants caught in countries in situations of acute crisis, whether as a result of conflict or natural disaster, including protecting their dignity and alleviating suffering. Through a process of broad and inclusive consultations, the Initiative aims to produce a set of voluntary guidelines and principles which define the roles and responsibilities of different stakeholders vis-à-vis migrants in countries in crisis and compile good practices in preparing for, responding to, and addressing long-term consequences of such situations.

The **Solution Alliance** seeks to promote and enable the transition for displaced persons away from dependency towards increased resilience, self-reliance and development. The Alliance works through policy agenda, including the post-2015 development agenda and the New Deal process, to recognise displacement as a development challenge as well as a humanitarian and protection issue and to ensure that a diverse and growing group of partners form a vibrant network and maximise the impact of their individual efforts based on the Alliance's principles and objectives.

*The Habitat III Issue Papers have been prepared by the United Nations Task Team on Habitat III, a task force of UN agencies and programmes working together towards the elaboration of the New Urban Agenda. The Issue Papers were finalized during the UN Task Team writeshop held in New York from 26 to 29 May 2015.*

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