

Facilitating Environmental Migration through Humanitarian and Labour Pathways: Recommendations for the UK Government

Helen Dempster, Amelia Dal Pra, and Mariam Traore Chazalnoël

Abstract

The impact of climate change, environmental degradation, and disasters on migration and human mobility is receiving more and more attention, by policymakers, academics, and the press alike. While there are gaps in the evidence base, much suggests that the vast majority of people will seek to move internally and regionally, rather than internationally. That being said, there are good reasons as to why high-income countries may want to facilitate so-called international “environmental migration” by adapting their existing legal and policy frameworks. This paper outlines how countries such as the United States of America (US), Canada, New Zealand, Australia, Japan, and various European countries have explored, created, or adapted their legal and policy frameworks to explicitly respond to international environmental migration, and the lessons learned therein. It concludes with a series of policy recommendations for the government of the United Kingdom of Great Britain and Northern Ireland (UK) as to how the UK could adapt their own legal and policy frameworks to better respond to international environmental migration.

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Introduction

In mid-November 2021, the United Kingdom of Great Britain and Northern Ireland (UK) hosted the 26th session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC), otherwise known as COP26. Much of the discussion at COP26 focused on the need for high-income countries to cut their own emissions while also increasing support for climate change mitigation and adaptation efforts in, and with, low- and middle-income countries. While migration has been increasingly discussed within global climate negotiations, there is widespread agreement that climate policy discussions should be better connected to migration policy discussions and vice versa. With policy milestones such as the 2022 International Migration Review Forum (IMRF) and COP27 on the horizon, high-income countries invested in addressing environmental migration challenges could explore commitments that are relatively cheap, politically feasible, and respond to pressing needs in climate-vulnerable countries.

One area that could fall within these parameters is facilitating environmental migration. In recent decades, environmental migration has received increasing attention among policymakers, academics, the media, and even the general public. Much of the coverage is sensationalist and lacks a grounding in both climate change and migration scholarship.¹ For example, we know that the vast majority of environmental migration will be internal and regional in nature, rather than international. That being said, to date, there is a lack of information about, and data on, the impacts of slow- and sudden-onset environmental disruptions on the lives and livelihoods of people; how these impacts will affect current and future migration patterns—internally, regionally, and internationally; and how legal and policy frameworks at the national, regional, and international levels should be adapted to better respond to such environmental migration. As a result, for a high-income country like the UK interested in addressing the impacts of climate change on migration, there is little information from which to draw, especially as to how safe, orderly, and regular migration could be facilitated to respond and adapt to environmental disruptions.

This paper, produced by the Center for Global Development (CGD) and the International Organization for Migration (IOM), aims to fill this gap. It is part of a series which attempts to support the UK Government in implementing its commitments under the Global Compact for Safe, Orderly, and Regular Migration (GCM). The companion paper to this one outlines how the UK can support *regional* legal and policy frameworks to better anticipate and manage environmental migration by analysing examples from the Bay of Bengal, the Sahel, and Small Island Developing States (SIDS).² This paper focuses on the UK's own legal and policy frameworks, exploring how it could adapt existing humanitarian and labour migration pathways to better respond to *international* environmental migration. It is hoped

¹ Hein de Haas, "Climate refugees: The fabrication of a migration threat," *International Migration Institute*, June 8, 2020, <https://www.migrationinstitute.org/blog/climate-refugees-the-fabrication-of-a-migration-threat>.

² Amelia Dal Pra, Mariam Traore Chazalnoël, and Helen Dempster, *Strengthening regional capacities to address slow-onset environmental impacts on migration* (Washington DC: Center for Global Development [CGD], 2021), [forthcoming].

that these papers provide useful clarity and information to the UK Government ahead of the IMRF, COP27, and beyond.

Box 1. Defining “environmental migration”

In this paper, we will use the International Organization for Migration’s (IOM) terminology on the links between climate change and migration. IOM defines an “environmental migrant” as:

“a person or group(s) of persons who, predominantly for reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are forced to leave their places of habitual residence, or choose to do so, either temporarily or permanently, and who move within or outside their country of origin or habitual residence.”¹

This term, “environmental migration,” is also commonly used by leading experts in the field such as the Hugo Observatory at the University of Liège.¹

We acknowledge the complex relationship between the environment and migration and do not intend to use the term to create a new category of migrant, refugee, or otherwise displaced person. The term “environmental migration” is merely used as shorthand. We also acknowledge that the vast amount of people who move in the context of disasters, climate change, and environmental degradation move internally and regionally, and that the number of people moving internationally is very small. That being said, this paper will predominantly focus on people moving internationally due to slow- and sudden-onset environmental changes, as this is where the legal and policy frameworks of high-income countries could be adapted to help meet their global commitments and responsibilities.

The UK context

The UK has posited itself as a leader on both climate change and migration. Recently, the UK announced it would be doubling its climate finance commitments to £11.6 billion over the next five years, with the majority of this funding going to sub-Saharan Africa and South Asia.³ It invested much political capital in both the organization of COP26 and subsequent chairmanship, and clearly saw this as a seminal moment for the UK and other high-income countries to invest in climate change mitigation and adaptation.⁴ Such investment can also be

³ Sky News, “Displaced by the Climate,” <https://news.sky.com/story/climate-change-the-people-forced-from-their-homes-by-floods-wildfires-storms-and-sea-level-rise-12355533>.

⁴ See Heather Stewart, “Boris Johnson tells UN that Cop26 must be ‘turning point for humanity,’” *The Guardian*, September 21, 2021, <https://www.theguardian.com/world/2021/sep/22/boris-johnson-to-tell-un-that-cop26-must-be-turning-point-for-humanity>; and UN Climate Change Conference UK 2021, “COP26 Goals,” <https://ukcop26.org/cop26-goals/>.

seen in their approach to the international governance of migration. The UK has endorsed both the GCM and the Global Compact for Refugees (GCR), pledging to enact their objectives, including those on climate change and migration.⁵ To support the implementation of these objectives abroad, the UK is one of the leading contributors to the Migration Multi-Partner Trust Fund, managed through IOM.⁶ The UK is also supporting operational work responding to disaster displacement through preparedness and disaster risk reduction programming.

The UK has also long been a supporter of climate change and migration scholarship. Not only has the UK Government financially supported academics and other researchers to explore the links between climate change and migration, but such links have also been explored by its own departments. Ten years ago, the UK's Government Office of Science published the seminal *Foresight Report*, one of the first assessments of the connections between climate change and migration. It argued that making numerical predictions as to the number of climate-induced migrants is impossible and popularized the notion of “trapped populations.”⁷ The report also spoke at length about the benefits of migration as an adaptation strategy, and ways in which this strategy could be supported.⁸ And earlier in 2021, the UK's Foreign, Commonwealth, and Development Office (FCDO) commissioned a rapid evidence assessment (REA) on the topic (see box 2), with a raft of recommendations including the need for more research on the way that legal and policy frameworks would need to respond to environmental migration.

⁵ See Stefano Fella, “The United Nations Global Compact for Migration,” *UK Parliament House of Commons Library*, August 16, 2019, <https://commonslibrary.parliament.uk/research-briefings/cbp-8459/>; and Karen Hargrave, “Policy into practice: Implementing humanitarian priorities in the Global Compact for Safe, Orderly and Regular Migration,” *British Red Cross*, 2020, <https://www.redcross.org.uk/-/media/documents/about-us/what-we-do/policy-into-practice-global-compact-migration.pdf>.

⁶ There is one project, supported by the Migration Multi-Partner Trust Fund, that explicitly focuses on climate change. For more information, see United Nations Network on Migration, “Migration Multi-Partner Trust Fund,” <https://migrationnetwork.un.org/mptf>; and International Organization for Migration (IOM), “Launch of the Migration Multi-Partner Trust Fund Regional Joint-Programme: Addressing Drivers and Facilitating Safe, Orderly and Regular Migration in the Contexts of Disasters and Climate Change in the IGAD Region,” <https://environmentalmigration.iom.int/event/launch-migration-multi-partner-trust-fund-regional-joint-programme-addressing-drivers-and>.

⁷ The term “trapped populations” refers to the vulnerable groups that lack the assets to move, despite being plagued by environmental disruptions.

⁸ UK Government Office for Science, *Foresight: Migration and Global Environmental Change (2011), Final Project Report* (London: UK Government Office for Science, 2011), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/287717/11-1116-migration-and-global-environmental-change.pdf.

Box 2. Rapid evidence assessment (REA) on the impacts of climate change on migration patterns

In 2021, the UK's FCDO commissioned two external experts to assess the impacts of climate change on migration patterns, understand how different countries and regions will be affected, and explore how credible the existing estimates and projections are. In total, the experts reviewed 273 quantitative and qualitative studies released between 2005 and 2021. They found a range of evidence showing that sudden-onset disasters (“shock events”) can both increase and reduce migration. Such sudden-onset hazards can negatively impact livelihoods, forcing people to move in search of income, but can also lead people to be “trapped,” without the capacity to move. Such movement is predominantly temporary and internal, and more likely among youth and areas dependent on agricultural production. In contrast, there were few studies looking at the impact of slow-onset events and processes. The few that tackled this issue explored the impact of temperature and rainfall changes on movement, without conclusive trends.

Other points raised by the REA include the impact of in-place adaptations to shocks and hazards. While these can reduce migration pressure, “maladaptation” may contribute to migration (for example, building a dam for adaptation purposes may displace vulnerable communities who are moved for the dam to be built, or who may be affected by resultant flooding). The authors also looked at narratives around the “climate crisis,” finding that many people choose to move, believing their area will become uninhabitable due to climate change. Finally, the study reviews the available estimates and predictions about the impact of climate change on migration. They reportedly find no rigorous global estimates of climate change-related migration and no evidence of upward trends. There are plenty of predictions as to the impact climate change will have on movement, but many rely on environmental exposure models (for example, the number of people affected by sea level rise) without considering how people could, and will likely, adapt (for example, millions of people have already adapted to live below sea level).¹

Source: Jan Selby and Gabrielle Daoust, *Rapid evidence assessment on the impacts of climate change on migration patterns* (London: UK Foreign, Commonwealth, and Development Office (FCDO), 2021), <https://www.gov.uk/research-for-development-outputs/rapid-evidence-assessment-on-the-impacts-of-climate-change-on-migration-patterns>.

However, UK political actors have not yet discussed this topic in depth. The 2019 election manifesto for the ruling Conservative Party includes a section on climate change, highlighting a strong commitment to reach Net Zero emissions by 2050, but makes no mention of the impact climate change may have on human mobility.⁹ The Labour Party manifesto does include a pillar on “welcoming climate refugees and preventing

⁹ Conservatives, “Our Plan | Conservative Manifesto 2019,” <https://www.conservatives.com/our-plan>.

displacement,” though this does not appear to have strongly featured in their opposition politics since the election.¹⁰ Also in 2019, the Foreign Affairs Committee published a report titled “Responding to irregular migration: a diplomatic route” which looked at how the UK’s strategic interests could be supported in the light of the climate crisis.¹¹ The report highlighted the links between climate change and migration, arguing that the policy area required urgent consideration. The Foreign and Commonwealth Office (FCO, as it was then known) acknowledged the report, but spoke about their policy response as a matter for “upstream” engagement (or their programming with countries of migrant origin) rather than one for UK legal and policy frameworks to address.¹² Unsurprisingly, therefore, the recently released “New Plan for Immigration” does not mention climate or environmental migration.¹³ Last year, the House of Lords Home Affairs Sub-Committee held a Select Committee meeting on the European Union (EU), focused on climate change and migration. Despite the interest of the politicians in attendance, the contributing experts were pessimistic about the ability of the UK Government to use COP26 to advance this discussion.¹⁴

One potential reason for this, Parsons (2021) argues, is that climate migration has been presented by the UK media as “an intrinsically southern problem and as a security risk for the north.”¹⁵ When climate-related migration is discussed, it is seen as a catastrophe or a crisis, rather than a problem that could be addressed through careful design of legal and policy frameworks. The remainder of this chapter will outline the existing humanitarian and labour migration pathways that people can use to access the UK, and then explore why the UK should consider designing these pathways to facilitate environmental migration.

Humanitarian pathways

The UK is a signatory to the 1951 Refugee Convention and its 1967 Protocol, meaning it has a legal obligation under international law to accept people who have a well-founded fear of being persecuted under a number of grounds (see box 3). People who qualify under these grounds are termed “refugees.” Some of these refugees, those who are particularly vulnerable due to health conditions, or because they are at a high risk of harm or exploitation, are selected for resettlement by the United Nations (UN). The UN High Commissioner for Refugees (UNHCR) estimates that 1.47 million people will need resettlement in 2022, out of a

¹⁰ UK Labour Party, “Welcoming Climate Refugees & Preventing Displacement,” 2019, https://static1.squarespace.com/static/5c742a3c77b9036ccae1eddf/t/5d718e8fc5e6b700017e0bd8/1567723153330/9+Welcoming+climate+refugees+_+preventing+displacement.pdf.

¹¹ UK Foreign Affairs Committee, “Responding to irregular migration: a diplomatic route,” November 4, 2019, <https://publications.parliament.uk/pa/cm201919/cmselect/cmfaaff/107/10702.htm>.

¹² Mischcon de Reya, “Mischcon de Reya announces Climate Migration Project,” April 23, 2021, <https://www.mishcon.com/news/mishcon-de-reya-announces-climate-migration-project>.

¹³ UK Home Office, “New Plan for Immigration: policy statement (accessible),” July 22, 2021, <https://www.gov.uk/government/consultations/new-plan-for-immigration/new-plan-for-immigration-policy-statement-accessible>.

¹⁴ UK House of Lords, “Select Committee on the European Union, Home Affairs Sub-Committee, Uncorrected oral evidence: Climate change and migration,” March 11, 2020, <https://committees.parliament.uk/oralevidence/235/pdf/>.

¹⁵ Laurie Parsons, “Climate migration and the UK,” *Journal of the British Academy* 9 (January 15, 2021): 3–26, <https://doi.org/10.5871/jba/009.003>.

total of 26 million recognized refugees.¹⁶ The UK operates three resettlement schemes: the UK Resettlement Scheme, Community Sponsorship Scheme, and Mandate Resettlement Scheme, through which they accept a small number of those eligible for resettlement each year.¹⁷ Of the 29,500 refugees resettled by the UK from 2010–2020, 75 percent were from the Middle East (such as Syria, Iraq, and Afghanistan) and 18 percent from sub-Saharan Africa (such as Somalia, the Democratic Republic of Congo, and Sudan).¹⁸ Other pathways to bring in vulnerable people exist, such as the Afghan Relocation and Assistance Policy (ARAP).¹⁹ There are also new pilots being developed to bring in skilled refugees through labour migration pathways. That being said, it is unlikely that the numbers of refugees resettled by the UK will increase significantly over the coming years.²⁰

Box 3. The 1951 Refugee Convention and its 1967 Protocol

The 1951 Refugee Convention and its 1967 Protocol were developed by the UN in the wake of World Wars I and II. The Convention defines a refugee:

“as a person who is outside his or her country of nationality or habitual residence; has a well-founded fear of being persecuted because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail himself or herself of the protection of that country, or to return there, for fear of persecution.”

Recognized refugees receive a number of rights and protections, including the right not to be returned to a country where he or she faces serious threats to his or her life or freedom (the principle of non-refoulement), the right to work, move, and access essential services. 149 countries, including the UK, have signed the 1951 Convention and are supported by UNHCR to uphold these rights.

Source: United Nations High Commissioner for Refugees (UNHCR), “The 1951 Refugee Convention,” <https://www.unhcr.org/uk/1951-refugee-convention.html>.

¹⁶ United Nations High Commissioner for Refugees (UNHCR), “UNHCR Projected Global Resettlement Needs 2022,” (Geneva: UNHCR, 2021), <https://www.unhcr.org/uk/protection/resettlement/60d320a64/projected-global-resettlement-needs-2022-pdf.html>.

¹⁷ UK Home Office, “UK Refugee Resettlement: Policy Guidance,” August 2021, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1011824/Resettlement_Policy_Guidance_2021.pdf.

¹⁸ Peter William Walsh, “Asylum and refugee resettlement in the UK,” *Migration Observatory*, May 11, 2022, <https://migrationobservatory.ox.ac.uk/resources/briefings/migration-to-the-uk-asylum/>.

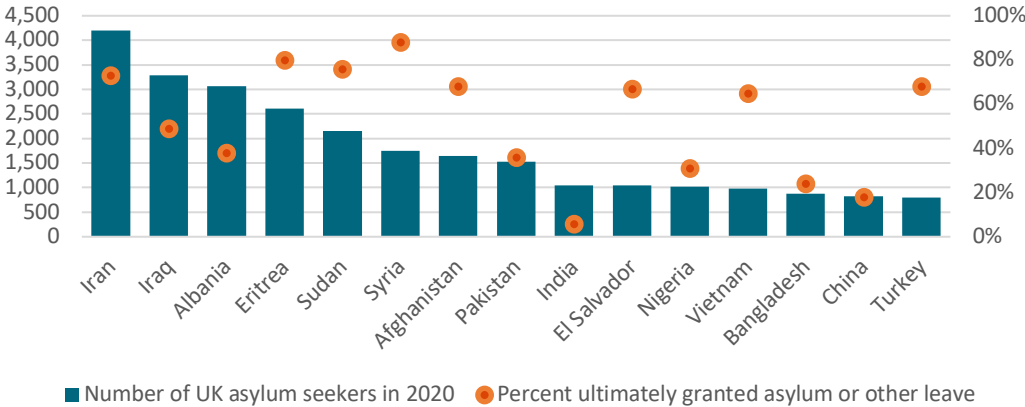
¹⁹ Rose Worden and Helen Dempster, “How NATO Contributors are Resettling their Afghan Allies,” *Center for Global Development (CGD)*, August 17, 2021, <https://www.cgdev.org/blog/how-nato-contributors-are-resettling-their-afghan-allies>.

²⁰ Marina Brizar, “The UK’s Displaced Talent Mobility Pilot,” *Talent Beyond Boundaries*, July 19, 2021, <https://www.talentbeyondboundaries.org/blog/introducing-the-uks-displaced-talent-mobility-pilot>.

In addition to resettlement, someone can claim asylum in the UK at a port of entry or after they have entered the UK.²¹ This person could be granted refugee status (as per the definition above) or one of the other forms of asylum available in the UK. The most widespread is “humanitarian protection,” which is granted to people who may not qualify under the 1951 Refugee Convention but would still be in serious harm if they returned to their country of origin, such as the death penalty or execution, unlawful killing, torture, or other indiscriminate violence. Those who receive refugee status or humanitarian protection (and their families) are granted a five-year visa with the full right to work, study, and access health and education services. After this point, they can apply for residency. There is no fee, and successful applicants may apply to have their partner and children also brought to the UK, known as family reunion.

Other grounds include “leave under the immigration rules” which is for people who have a partner in the UK, or who would face very significant obstacles to their reintegration in their country of origin; limited leave to remain for unaccompanied minors; discretionary leave to remain for victims of trafficking; restricted leave for those whose removal would breach their rights under Article 3 of the European Convention on Human Rights (ECHR); and discretionary leave to remain for those who have a very serious medical condition which could not be treated in their country of origin. These other grounds have more limited rights attached to them. As figure 1 shows, most asylum-seeking applicants in the UK come from countries like Iran, Iraq, Albania, Eritrea, and Sudan, though face different probabilities of success. For example, in 2020, 88 percent of Syrians had their asylum applications approved, while only 6 percent of Indians did.

Figure 1. The top 15 most common nationalities of UK asylum-seeking applicants and their dependents, 2020



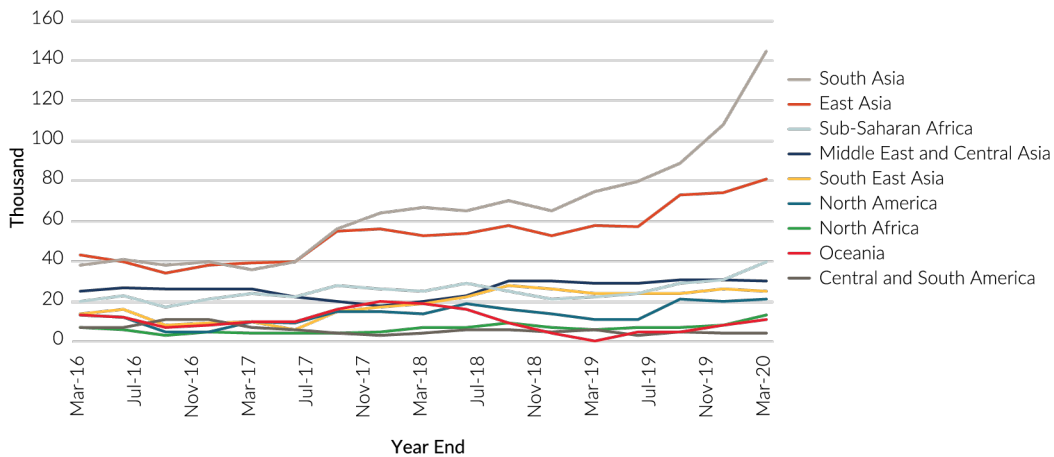
Source: Peter William Walsh, “Asylum and refugee resettlement in the UK,” *Migration Observatory*, May 11, 2022, <https://migrationobservatory.ox.ac.uk/resources/briefings/migration-to-the-uk-asylum/>.

²¹ The following discussion is drawn from Nath Gbikpi, “How to claim asylum in the UK,” *Free Movement*, <https://www.freemovement.org.uk/how-to-claim-asylum-in-the-uk/>.

Labour migration pathways

According to the Office of National Statistics (ONS), in the year between April 2019 and March 2020, 715,000 people migrated to the UK and 403,000 people left, leaving a net migration figure of 313,000 people. Those arriving for formal study constituted the biggest percentage of migrants (36 percent) while work came second (32 percent). As of December 2019, 11 percent of people migrating to the UK were British nationals, 29 percent were nationals of EU countries, and 60 percent were non-EU migrants.²² The increase in non-EU immigration has primarily been driven by East and South Asian citizens coming to the UK (see figure 2). The majority of said migrants are coming for formal study, but an increasing percentage are coming for work.

Figure 2. Long-term net international migration to the UK by citizenship, March 2016–March 2020



Source: Mike James, “Provisional long-term international migration estimates,” *UK Office for National Statistics (ONS)*, August 27, 2020,

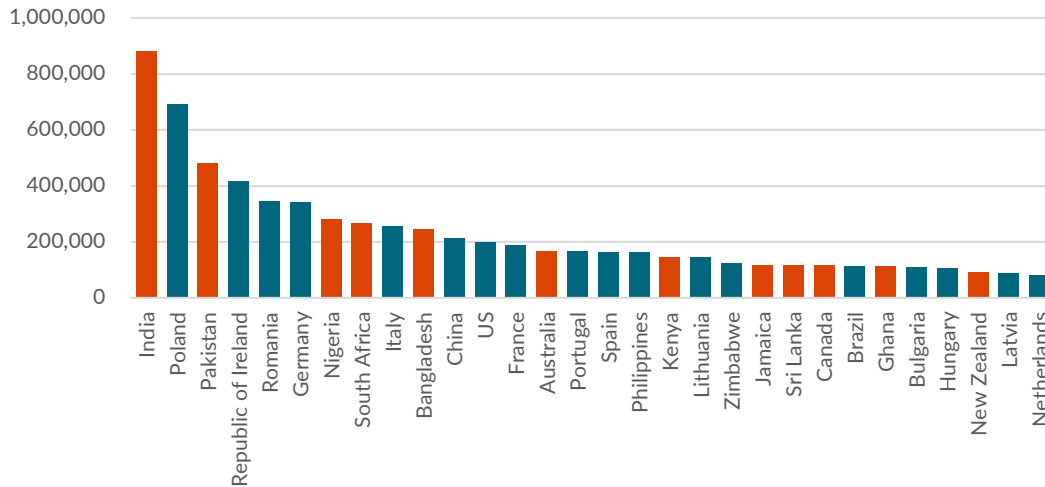
<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/datasets/migrationstatisticsquarterlyreportprovisionallongterminternationalmigrationtimestimates>.

Unfortunately, the sample size of these datasets is too small to allow robust country-specific data, hence it being aggregated at the region level. Therefore, to understand the specific countries that migrants in the UK are coming from, it is necessary to do a year-on-year analysis of migrant stock data, which is outside the scope of this paper. The January-December 2020 edition of this migrant stock data shows the population resident in the UK by country of birth, the top 30 of which are represented in figure 3.²³

²² While EU net migration has been sharply declining since 2016, non-EU migration has been sharply increasing. As a result, total net migration has been relatively constant in the last five years. See Georgina Sturge, “Migration Statistics,” *UK House of Commons Library*, Briefing Paper No. CBP06077, April 27, 2021, <https://researchbriefings.files.parliament.uk/documents/SN06077/SN06077.pdf>.

²³ Chris Stickney, “Population of the UK by country of birth and nationality: individual country data,” *UK Office for National Statistics (ONS)*, September 17, 2021,

Figure 3. Residents of the UK by country of birth, January-December 2020



Source: Chris Stickney, “Population of the UK by country of birth and nationality: individual country data,” *UK Office for National Statistics (ONS)*, September 17, 2021, <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/datasets/populationoftheunitedkingdombycountryofbirthandnationalityunderlyingdatasheets>.
Note: Those countries highlighted in red are current members of the Commonwealth.

As highlighted in figure 3, 40 percent of the top 30 countries of birth are current Commonwealth countries. The Commonwealth is a voluntary association of states that, while open to any country, has its roots in the British Empire. Countries are also free to leave the Commonwealth; for example, Zimbabwe formally withdrew in 2003. Being a member of the Commonwealth conveys on citizens an array of rights and privileges, including easier access to the UK labour market. For example, citizens from most Commonwealth countries can travel, work, visit, and study for up to six months in the UK without needing a work, travel, or student visa. They are often exempt from language requirements. Additional visas, such as the UK Ancestry Visa, may also be available.²⁴ As long as these rights and privileges remain in place, it is reasonable to assume that the proportion of migrants in the UK from Commonwealth countries will remain high.

In addition to the Commonwealth, the UK has 14 “British Overseas Territories;” countries such as Anguilla, Bermuda, the Cayman Islands, Falkland Islands, and the Turks and Caicos Islands. Broadly, people born in these countries can access British Overseas Territories Citizenship which allows them to access a British passport and register as a British citizen, granting the right to live and work in the UK.²⁵ This link was also used to create a new “British National (Overseas) visa” for which 5.4 million Hong Kong residents are potentially

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/datasets/populationoftheunitedkingdombycountryofbirthandnationalityunderlyingdatasheets>.

²⁴ UK Visas and Immigration, “UK Ancestry Visa,” <https://www.gov.uk/ancestry-visa>.

²⁵ UK Visas and Immigration, “Types of British nationality,” <https://www.gov.uk/types-of-british-nationality/british-overseas-territories-citizen>.

eligible.²⁶ The visa came into force on January 31, 2021, though it is unclear how many have taken up the offer to date.

If someone wants to come to the UK for work, and they are not able to access one of the specific visa routes outlined above, they must apply under one of the various labour migration pathways in place. From January 1, 2021, the UK is employing a new points-based immigration system to govern the migration of both EU and non-EU nationals.²⁷ Anyone wanting to come to the UK for longer than six months must fit within one of four categories:

1. **Skilled Workers.** A migrant under this route must speak English and have a job offer from a UK Home Office licensed sponsor. That job offer must be at the required skill level (RQF 3²⁸ or above) and meet the minimum salary threshold (at least £25,600, or the “going rate” for their occupation). If the job offer does not meet the salary threshold, the migrant may make up the number of points needed if they have a PhD, or a job offer in a shortage occupation. These shortage occupations include, among others, nurses, doctors, cooks, electricians, engineers, and scientists.²⁹
2. **Global Talent.** Highly skilled individuals can enter the UK without a job offer if they are endorsed by a recognized UK body. The route is designed to attract recognized global leaders and promising individuals in science, humanities, engineering, the arts, and digital technology. There is also a fast-track science, technology, engineering, and mathematics (STEM) scheme for top scientists and researchers.
3. **Graduate.** International students who have been awarded their degree in the UK can stay and look for work for two years, or three years for doctoral students. Once they have found a job, they can transition to a Skilled Workers visa.
4. **Intra-company.** Multinational organizations can facilitate the move of their staff into the UK, as long as the role is RQF 6 or above and at a higher salary threshold.

Under the Skilled Workers Route, there is also a separate Health and Care Worker visa which enables those with a job offer from the National Health Service (NHS) to obtain a

²⁶ Esme Kirk-Wade, “Hong Kong British National (Overseas) visa,” *UK Parliament House of Commons Library*, May 6, 2021, <https://commonslibrary.parliament.uk/research-briefings/cbp-8939/>.

²⁷ UK Visas and Immigration, “The UK’s points-based immigration system: an introduction for employers,” August 6, 2021, <https://www.gov.uk/government/publications/uk-points-based-immigration-system-employer-information/the-uks-points-based-immigration-system-an-introduction-for-employers>.

²⁸ RQF refers to the UK’s “Regulated Qualifications Framework.” The Framework ranks qualifications both on their size (e.g. an award, certificate, or diploma) and difficulty. Ranking qualifications in this enables comparison across qualifications within the UK, and also with qualifications abroad. An RQF Level 3 role, for example, requires a secondary school education, while an RQF Level 6 role requires a Bachelor’s degree.

²⁹ UK Visas and Immigration, “Immigration Rules,” July 2, 2021, <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-shortage-occupation-list>.

visa without meeting the minimum salary threshold.³⁰ The UK is suffering from large health worker shortages, estimated to grow to at least 250,000 vacancies by 2030, with the greatest shortages in nursing.³¹ As a result, one of the Conservative Party's campaign pledges was to increase nurse numbers by 50,000 by 2024. The Department of Health and Social Care (DHSC) is therefore looking at developing new nursing migration pilot projects, particularly with Commonwealth countries in Southeast Asia and sub-Saharan Africa.³²

There are also a number of targeted routes which can enable specific people to access the UK on a temporary basis. For example, migrants can access the "Start-up and Innovator" route, the "Creative" route, the "Sporting" route, or the Youth Mobility Scheme. The largest of these routes is the Seasonal Agricultural Worker Scheme (SAWS).

Between 1945 and 2013, tens of thousands of seasonal agricultural workers, most of them from Eastern Europe, came to work in the UK on temporary contracts.³³ The scheme was suspended in 2013 when the UK became a member of the EU. As a result of Brexit, the scheme was restarted in 2019 under the T5 Seasonal Worker visa route.³⁴ This new scheme is being coordinated by the Department for Food, Environment, and Rural Affairs (DEFRA) in coordination with other parts of government like the Home Office. In 2019, SAWS facilitated 2,500 migrant seasonal workers to come and pick fruit and vegetables, with the quota extended to 10,000 people in 2020. That quota was not met (only 6,500 visas were issued) with sources referring to COVID-19 and the ongoing freedom of movement which allowed growers to source European migrant workers.³⁵ In 2021, following pressure from farmers, the pilot was extended, and the number of visas increased to 30,000.³⁶ However, the scheme has not been without criticism. Farmers accuse the government of imposing high costs and too much red tape.³⁷ Advocates have identified risks of human trafficking, vulnerabilities resulting from zero-hour contracts, and lack of recourse to unions.³⁸

³⁰ UK Visas and Immigration, "Health and Care Worker visa," <https://www.gov.uk/health-care-worker-visa>.

³¹ Lucina Rolewicz and Billy Palmer, "The NHS workforce in numbers," *Nuffield Trust*, September 7, 2021, <https://www.nuffieldtrust.org.uk/resource/the-nhs-workforce-in-numbers>.

³² Samik Adhikari, Michael Clemens, Helen Dempster, and Nkechi Linda Ekeator, *A Global Skill Partnership in Nursing between Nigeria and the UK* (Washington DC: Center for Global Development [CGD], July 19, 2021), <https://www.cgdev.org/publication/global-skill-partnership-nursing-between-nigeria-and-uk>.

³³ Center for Global Development (CGD), "Seasonal Agricultural Worker Scheme (SAWS)," <https://gsp.cgdev.org/legalpathway/seasonal-agricultural-worker-scheme-saws/>.

³⁴ UK Visas and Immigration, "Temporary Worker—Seasonal Worker visa (T5)," <https://www.gov.uk/seasonal-worker-visa>.

³⁵ UK Parliament, "Seasonal agricultural workers," December 22, 2020, <https://publications.parliament.uk/pa/cm5801/cmselect/cmenvfru/231/23108.htm>.

³⁶ Paul Malik, "Number of migrant seasonal workers visas to be tripled in farmers' 'hard-won' victory," *The Courier*, December 22, 2020, <https://www.thecourier.co.uk/fp/politics/uk-politics/1835950/uk-seasonal-workers/>.

³⁷ James Ridler, "Seasonal worker shortage branded 'unnecessary and costly'," *Food Manufacture*, May 17, 2021, <https://www.foodmanufacture.co.uk/Article/2021/05/17/Seasonal-worker-shortage-branded-unnecessary-and-costly>.

³⁸ Lucila Granada, "New report highlights risks of human trafficking on UK Seasonal Workers Pilot," *Focus on Labour Exploitation (FLEX)*, March 15, 2021, <https://www.labourexploitation.org/news/new-report-highlights-risks-human-trafficking-uk-seasonal-workers-pilot>.

Why the UK should respond to environmental migration

The analysis above outlined the humanitarian and labour migration pathways people can use to access the UK. These pathways are ever in flux, and largely purport to respond to the needs of the British public, the British labour market, and external factors. To date, there is no specific pathway to support people affected by environmental disruptions.³⁹

The extent to which such a specific pathway is needed is debatable. Certainty, evidence suggests that the vast majority of people who will need to move for environmental reasons will move internally and regionally.⁴⁰ Most datasets also focus on internal migration, given the multi-causal nature of international migration makes it difficult to measure. High-income countries, especially geographically isolated ones such as the UK, are unlikely to need to receive large numbers of environmental migrants in the near future.⁴¹ As Caroline Zickgraf, Deputy Director of the Hugo Observatory, recently stated to the UK House of Lords EU, Home Affairs Sub-Committee, “I do not think that the UK should expect mass influxes of people.”⁴²

That being said, evidence also suggests that migration is often path-dependant; migrants provide information and assistance to those in their countries of origin, which reduce the costs and risks of further migration.⁴³ Hence many countries exhibit concentrations of immigrants from specific countries of origin, based on histories of past migration. If international environmental migration *does* occur (whether in the short- or long-term), it is likely that environmental migrants will seek to use these well-trodden paths.

This is especially relevant for the UK as much of their existing immigrant population comes from countries which are highly climate-vulnerable. Table 1 analyses the climate vulnerability of the main countries of origin for the UK resident population. Climate vulnerability is assessed using Germanwatch’s Climate Risk Index (CRI). The CRI ranks 180 countries based on the vulnerability, and level of exposure, to extreme climate events.⁴⁴ Countries

³⁹ The one small exception to this is the fact that the UK can grant a temporary stay for people who would otherwise be subject to forced deportation, if they are from a country that has experienced an environmental disruption. This is described in detail below.

⁴⁰ Viviane Clement, Kanta Kumari Rigaud, Alex de Sherbrin, Bryan Jones, Susana Adamo, Jacob Schewe, Nian Sadiq, and Elham Shabihat, *Groundswell Part 2: Acting on Internal Climate Migration* (Washington DC: World Bank, 2021), <https://openknowledge.worldbank.org/handle/10986/36248>.

⁴¹ Doug Saunders, “Climate migration isn’t a thing—but maybe we should make it one,” *The Globe and Mail*, September 25, 2020, <https://www.theglobeandmail.com/opinion/article-climate-migration-isnt-a-thing-but-maybe-we-should-make-it-one/>.

⁴² UK House of Lords, “Select Committee on the European Union, Home Affairs Sub-Committee, Uncorrected oral evidence: Climate change and migration,” March 11, 2020, <https://committees.parliament.uk/oralevidence/235/pdf/>.

⁴³ A good summary of this literature is contained within Miranda Simon, “Path Dependency and Adaptation: The Effects of Policy on Migration Systems,” *Journal of Artificial Societies and Social Simulation* 22, no. 2 (March 31, 2019), <https://doi.org/10.18564/jasss.3970>.

⁴⁴ David Eckstein, Vera Kunzel, Laura Schafer, “Global Climate Risk Index 2021: Who Suffers Most from Extreme Weather Events? Weather Related Loss Events in 2019 and 2000–2019,” *GermanWatch*, January 2021, https://germanwatch.org/sites/default/files/Global%20Climate%20Risk%20Index%202021_2.pdf.

ranking from 1–10 are at the highest risk of climate fragility and frequency of severe environmental disruptions, 11–20 are at moderately high risk, 51–100 are at lower risk, and countries ranked below 100 are considered low risk. It is important to note that data is limited; some slow- and sudden-onset events may not be represented in the ranking. For example, though South Africa is ranked as “low risk” there are continuing water scarcity issues throughout the country, especially in Cape Town.⁴⁵ That being said, it is clear from table 1 that the majority of the top ten countries of origin for UK immigrants are moderately high, high, or medium risk countries. Other countries of origin that are lower risk, such as Ireland, are geographically closer to the UK and will therefore likely have high concentrations of migrants regardless of the climate risk.

Table 1. Climate vulnerability of top ten existing countries of origin for population residents in the UK, January 2020–December 2020

Country of origin	Estimated Number of Residents	2021 Climate Risk Index Ranking (see below)
India	880,000	11–20 (moderately high risk)
Poland	691,000	51–100 (lower risk)
Pakistan	479,000	1–10 (highest risk)
Republic of Ireland	415,000	>100 (low risk)
Romania	345,000	21–50 (medium risk)
Germany	340,000	11–20 (high risk)
Nigeria	281,000	>100 (low risk)
South Africa	267,000	51–100 (lower risk)
Italy	257,000	21–50 (medium risk)
Bangladesh	243,000	1–10 (highest risk)

Sources: “Estimated number of residents” from Chris Stickney, “Population of the UK by country of birth and nationality: individual country data,” *UK Office for National Statistics (ONS)*, September 17, 2021, <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/datasets/populationoftheunitedkingdombycountryofbirthandnationalityunderlyingdatasheets>; and “2021 Climate Risk Index Ranking” from “Global Climate Risk Index 2021,” *Germanwatch*, January 21, 2021, <https://reliefweb.int/report/world/global-climate-risk-index-2021>.

There are also several good reasons as to why the UK should *want* to admit people fleeing sudden- and slow-onset environmental phenomena:

1. **To champion innovative policies in both the climate change and migration realms, and rally other high-income countries behind a similar position.** The UK is one of the top twenty climate polluters in the world, considering its amount of carbon dioxide emissions per capita. These elevated emissions are connected with

⁴⁵ Charlotte Edmond, “Cape Town almost ran out of water. Here's how it averted the crisis,” *World Economic Forum*, August 23, 2019, <https://www.weforum.org/agenda/2019/08/cape-town-was-90-days-away-from-running-out-of-water-heres-how-it-averted-the-crisis/>.

global warming and widespread environmental degradation.⁴⁶ The UK is also one of the highest income countries in the world and has the capacity to provide support to countries, communities, and people vulnerable to climate impacts. One such way to do this would be supporting mobile populations. Ahmed (2016), for example, proposes a model for resettling environmental migrants in the largest climate polluting countries.⁴⁷ Based on a range of factors, he concludes that the UK should receive five percent of the 50,000 people he predicts will need to move internationally, or 2,500 people per year. To put that in perspective, last year, the UK approved approximately 10,000 asylum seekers and resettled refugees.⁴⁸ If the UK implemented the ideas explored below, it would set an example to other high-income countries as to the moral way to act in the coming decades.

- 2. To support more climate adaptation in countries of origin.** Migration provides those who move with the potential to earn much more income than they could at home, some of which they send back in the form of remittances.⁴⁹ In 2018, remittances contributed US\$529 billion to low- and middle-income countries (approximately £390 billion), many of which are highly climate-vulnerable.⁵⁰ In some countries, remittances from migrants contribute more to the economy than aid and trade combined.⁵¹ Access to migrant income allows households in communities of origin to invest in education and household enterprises, leading to higher domestic incomes, as well as adaptation to climate change.⁵² For example, there is some research that shows remittances can help people cope with weather shocks and diversify income through efforts such as seasonal migration and crop

⁴⁶ See “IEA Atlas of Energy,” IEA World Energy Database, 2021, <http://energyatlas.iea.org/#!/tellmap/1378539487>; and Intergovernmental Panel on Climate Change (IPCC), *Climate Change 2021: The Physical Science Basis* (Geneva: IPCC, 2021), https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Full_Report.pdf.

⁴⁷ Bayes Ahmed, “Who takes responsibility for the climate refugees?,” *International Journal of Climate Change Strategies and Management* (2017), <https://doi.org/10.1108/IJCCSM-10-2016-0149>.

⁴⁸ Peter William Walsh, “Asylum and refugee resettlement in the UK,” *Migration Observatory*, May 11, 2021, <https://migrationobservatory.ox.ac.uk/resources/briefings/migration-to-the-uk-asylum/>.

⁴⁹ For example, see Mushfiq Mobarak, Iffath Sharif, and Maheshwar Shrestha, *Returns to Low-Skilled International Migration: Evidence from the Bangladesh-Malaysia Lottery Program*, Policy Research Working Paper No. 9165 (Washington DC: World Bank, 2020), <https://openknowledge.worldbank.org/handle/10986/33408>; and David McKenzie, Steven Stillman, and John Gibson, “How Important is Selection? Experimental vs. Non-Experimental Measures of the Income Gains from Migration,” *Journal of the European Economic Association* 8, no. 4 (June 1, 2010): 913–945, <https://doi.org/10.1111/j.1542-4774.2010.tb00544.x>.

⁵⁰ World Bank KNOMAD, “Remittances Data,” <https://www.knomad.org/data/remittances>.

⁵¹ For example, in 2018–19, Tonga received AU\$36.5 million in net earnings from engagement in Australia’s Seasonal Worker Programme (SWP) (approximately £19.5 million), and only AU\$28.9 million in aid from Australia and AU\$2.3 million in exports to Australia. See Stephen Howes and Beth Orton, “For Tonga, Australian labour mobility more important than aid and trade combined,” *DevPolicy*, January 21, 2020. <https://devpolicy.org/for-tonga-australian-labour-mobility-more-important-than-aid-and-trade-combined-20200121/>.

⁵² Gaurav Khanna, Dean Yang, and Caroline Theoharides, “Beyond Remittances: How Migrant Wages Help Communities Back Home,” *Center for Global Development (CGD)*, November 24, 2020, <https://www.cgdev.org/blog/beyond-remittances-how-migrant-wages-help-communities-back-home>.

diversification.⁵³ Beyond financial flows, social and knowledge transfers have also been shown to communicate knowledge and technical expertise, that could be used by communities of origin to harness new techniques and technologies.⁵⁴ If the UK assisted people to move in the face of climate change, it could contribute to facilitating more remittances to support communities of origin in further adapting to shocks and becoming more resilient.

3. **To offset the impacts of an aging society and skill shortages.** It is in the UK's economic self-interest to promote migration to the UK, both temporary and permanent. Data from the ONS shows that a combination of declining fertility rates and increasing life expectancy is leading to a rapidly aging population; by 2050, one in four people in the UK will be aged 65 years and over.⁵⁵ This is leading to substantial skill shortages, especially in professions such as nursing, engineering, and information and communications technology (ICT).⁵⁶ Such skill shortages have been compounded by declining EU migration in the wake of both Brexit and the COVID-19 pandemic. Facilitating migration, especially of skilled workers from climate-vulnerable countries, can help plug these shortages and offset the negative impacts of an aging population.
4. **To uphold its global commitments.** Admitting environmental migrants would enable the UK to uphold its commitments under both the GCM and the GCR. For example, the GCM clearly identifies “slow onset environmental degradation, natural

⁵³ See Kayly Ober, *The Links between Climate Change, Disasters, Migration, and Social Resilience in Asia: A Literature Review*, Asian Development Bank (ADB) Economics Working Paper Series No. 586 (Manila: ADB, July 2019), <https://www.adb.org/sites/default/files/publication/510651/ewp586-climate-change-disasters-migration-asia.pdf>; Issah Justice Musah-Surugu, Albert Ahenkan, Justice Nyigmah Bawole, and Samuel Antwi Dar, “Migrants’ remittances: A complementary source of financing adaptation to climate change at the local level in Ghana,” *International Journal of Climate Change Strategies and Management* 10, issue. 1 (January 2018): 178–196, <https://www.emerald.com/insight/content/doi/10.1108/IJCCSM-03-2017-0054/full/html>; Zhanna Babagaliyeva, Abdulkhamid Kayumov, Nurullo Mahmaddullozoda, and Nailya Mustaeva, *Migration, remittances and climate resilience in Tajikistan*, PRISE Consortium Working paper Part 1 (Almaty: Regional Environmental Centre for Central Asia (CAREC), April 2017), https://carececo.org/eng_P2%20WP1%20Migration,%20remittances_FIN.pdf; Cécile Couharde, Junior Davis, and Rémi Generoso, *Do Remittances reduce vulnerability to climate variability in West African Countries? Evidence from panel vector autoregression*, UNCTAD Special Unit for Commodities working paper series on commodities and development, Discussion paper 2 (Geneva: UNCTAD, September 2011), https://unctad.org/system/files/official-document/suc-miscDP02_en.pdf; and Amina Maharjan, Sabarnee Tuladhar, Abid Hussain, Arabinda Mishra, Suruchi Bhadwal, Sultan Ishaq, Basharat Ahmed Saeed, Ishani Sachdeva, Bashir Ahmad, Jannatul Ferdous, and S. M. Tanvir Hassan, “Can labour migration help households adapt to climate change? Evidence from four river basins in South Asia,” *Climate and Development* (February 4, 2021), <https://doi.org/10.1080/17565529.2020.1867044>.

⁵⁴ Charlotte Bedford, Richard Bedford, and Heather Nunns, *RSE Impact Study: Pacific stream report* (Wellington: New Zealand Immigration, May 12, 2020), <https://www.immigration.govt.nz/documents/statistics/rse-impact-study-pacific-stream-report.pdf>.

⁵⁵ Office of National Statistics (ONS), “Overview of the UK population January 2021,” January 14, 2021, <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/article/s/overviewoftheukpopulation/january2021>.

⁵⁶ UK Visas and Immigration, “Skilled Worker visa: shortage occupations,” April 6, 2021, <https://www.gov.uk/government/publications/skilled-worker-visa-shortage-occupations/skilled-worker-visa-shortage-occupations>.

disasters and climate change impacts as drivers of contemporary migration,” and acknowledges that regular migration pathways need to be strengthened to enable climate change adaptation.⁵⁷ And while the GCR does not recognize climate change as a driver of migration in and of itself, it does acknowledge the increasing interaction between climate, environmental degradation, disasters, and the root causes of displacement.⁵⁸ Exploring ways in which to respond to this interaction, including adapting its own humanitarian and labour migration pathways, would be one way in which the UK could uphold its commitments under these frameworks and others.

How high-income countries have responded to environmental migration

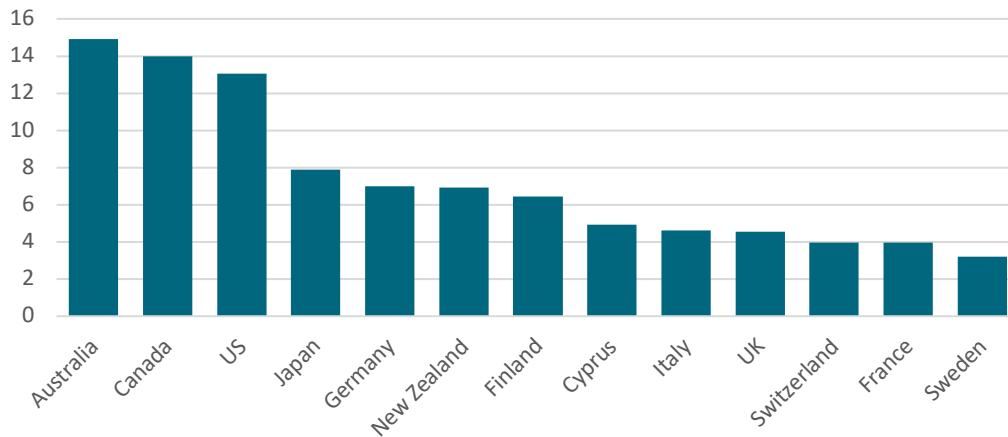
To understand how the UK’s current legal and policy migration frameworks could be adapted to respond to environmental migration, it is useful to explore how other high-income countries have attempted to do so. In this section, we explore the responses of high-income countries including the United States of America (US), Canada, New Zealand, Australia, Japan, and a range of European countries.⁵⁹ These countries were chosen as they also epitomise the factors above: they are all large carbon emitters (see figure 4), support climate adaptation efforts abroad, have large skill shortages, and (largely) all are signatories to various global commitments aimed at supporting regular migration. Their experiences, therefore, have much to teach the UK Government as they consider a way forward.

⁵⁷ Dina Ionesco and Mariam Traore Chazalnoël, “The Global Compact for Safe, Orderly and Regular Migration (GCM)—Perspectives on Environmental Migration,” *International Organization for Migration (IOM)*, n.d., <https://environmentalmigration.iom.int/10-key-takeaways-gcm-environmental-migration>.

⁵⁸ For example, there is also a growing body of research exploring the links between climate change and conflict. See Sanjula Weerasinghe, *Bridging the Divide in Approaches to Conflict and Disaster Displacement: Norms, Institutions and Coordination in Afghanistan, Colombia, the Niger, the Philippines and Somalia* (Geneva: UNHCR and IOM, 2021), <https://environmentalmigration.iom.int/bridging-divide-approaches-conflict-and-disaster-displacement-norms-institutions-and-coordination>. For more on the GCR see Jittawadee Chotinukul, “The Global Compacts on Refugees and for Migration and the Future of Climate Change-Induced Displaced Persons,” *Refugee Law Initiative, School of Advanced Study*, University of London, January 27, 2021, <https://rli.blogs.sas.ac.uk/2021/01/27/the-global-compacts-on-refugees-and-for-migration-and-the-future-of-climate-change-induced-displaced-persons/>.

⁵⁹ Many low- and middle-income countries have also developed legal and policy frameworks to respond to environmental migration, but these are not discussed in this paper. For more information, please see Sanjula Weerasinghe, *In Harm’s Way: International protection in the context of nexus dynamics between conflict or violence and disaster or climate change*, PPLA/2018/05 (Geneva: UNHCR, December 2018) <https://www.unhcr.org/5c1ba88d4.pdf>; and The Nansen Initiative, *Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change: Volume 1* (Geneva: The Nansen Initiative, December 2015), https://disasterdisplacement.org/wp-content/uploads/2014/08/EN_Protection_Agenda_Volume_I_low_res.pdf. Regional legal and policy frameworks, incorporating many of these countries, are discussed in the companion paper.

Figure 4. Per capita CO₂ emissions (tons) from the high-income countries assessed in this paper, 2019



Source: “IEA Atlas of Energy,” *IEA World Energy Database*, 2021, <http://energyatlas.iea.org/#!/tellmap/1378539487>; and “World Population Prospects,” *UN Department of Economic and Social Affairs (DESA)*, 2019, <https://population.un.org/wpp/Download/Standard/Population/>.

In the next section, we focus on ways in which these countries have explored, created, or adapted legal and policy frameworks to respond to environmental migration. These efforts tend to fall within two broad buckets: *humanitarian pathways*, including “climate refugee” visas, expanding asylum grounds, and extending temporary protections for people from countries affected by disasters; and *labour migration pathways*, including facilitating both temporary and permanent mobility for work purposes. In the analysis, we explore the ways in which these frameworks have been applied, recommendations for how they could be improved to better respond to environmental migration, and the lessons they hold for similar discussions within the UK.

Recognition of the links between climate change and migration

All the high-income countries reviewed for this paper commit a substantial amount of aid and other finance towards both climate change mitigation and adaptation. Over time, the proportion being provided to the latter has increased, as high-income countries have come to terms with the reality of the impact of climate change and environmental degradation on lives and livelihoods. Yet, despite this increase, there is still relatively little attention paid to the role migration can play for adaptation purposes, and little finance provided to expanding migration pathways.

This trend can be seen in the various policies and practices high-income countries have announced in recent years. For example, in June 2021, at the G7 Summit, Canada pledged to double their climate spending from CA\$2.65 billion in 2015 to CA\$5.3 billion over five years (approximately £1.53 to £3 billion), increasing the number of grants provided to impacted

communities to build resilience.⁶⁰ At the same summit, New Zealand made a NZ\$200 million commitment for climate-related assistance to the Pacific region over the next four years (approximately £102 million), almost 60 percent of the country's total aid budget.⁶¹ Japan announced that they will provide JPY6.5 trillion (approximately £46 billion) over the next five years, increasing their support for adaptation efforts.⁶² *Australia's Climate Change Action Strategy 2020–25*, launched by the Department of Foreign Affairs and Trade (DFAT) on November 1, 2019, pledged AU\$500 million to build climate and disaster resilience in the Pacific region (approximately £265 million), up from AU\$300 million in 2016–2020.⁶³ Between 2013 and 2017, the US government spent US\$2.8 billion on average per year on climate finance, with US\$500 million going to adaptation (approximately £370 million).⁶⁴ In April 2021, the Biden Administration announced that they would triple their spending on climate adaptation by 2024, leveraging private sector financing and directing the Development Finance Corporation (DFC) and Millennium Challenge Corporation (MCC) to prioritize climate change in its lending.⁶⁵

The strategies of these countries all mention a prominent role for climate change adaptation efforts, especially building resilience and leveraging private sector investment. Yet very few acknowledge the central role of migration within these discussions, much less provide funding and support to facilitate and manage it. For example, Australia's *Climate Change Action Strategy 2020–25* only mentions migration twice, both as a negative consequence of a lack of adaptation.⁶⁶ While New Zealand has played a leading role in supporting Pacific adaptation efforts, like installing renewable energy supplies and protecting fishing resources,⁶⁷ these projects are explicitly targeted at “supporting communities to adapt in situ to the effects of climate change, which will enable them to avert and delay relocation.”⁶⁸ The potential benefits of facilitating migration are not considered.

⁶⁰ Government of Canada, “Prime Minister concludes productive G7 Leaders’ Summit in United Kingdom,” June 13, 2021, <https://pm.gc.ca/en/news/news-releases/2021/06/13/prime-minister-concludes-productive-g7-leaders-summit-united-kingdom>.

⁶¹ Winston Peters, “Pacific climate change-related displacement and migration: a New Zealand action plan,” *Analysis & Policy Observatory*, May 2, 2018, <https://apo.org.au/node/213946>.

⁶² Ministry of Foreign Affairs of Japan, “Japan announced renewed commitment of JYP 6.5 trillion on public and private climate finance over the next 5 years, from 2021 to 2025,” June 15, 2021, https://www.mofa.go.jp/ic/ch/page24e_000301.html.

⁶³ Australian Government Department of Foreign Affairs and Trade (DFAT), “Pacific regional—climate change and resilience,” <https://www.dfat.gov.au/geo/pacific/development-assistance/climate-change-and-resilience>.

⁶⁴ The White House, “Executive Summary: U.S. International Climate Finance Plan,” April 22, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/22/executive-summary-u-s-international-climate-finance-plan/>.

⁶⁵ Andrea Shalal, “U.S. to double public climate finance to developing countries by 2024,” Reuters, April 23, 2021, <https://www.reuters.com/business/environment/us-double-public-climate-finance-developing-countries-by-2024-2021-04-22/>.

⁶⁶ Australian Government Department of Foreign Affairs and Trade (DFAT), “Pacific regional—climate change and resilience,” <https://www.dfat.gov.au/geo/pacific/development-assistance/climate-change-and-resilience>.

⁶⁷ Rajan Chandra Ghosh and Caroline Orchiston, “Climate-induced Migration in the Pacific: The Role of New Zealand,” *NZALA*, <https://www.nzaia.org.nz/ghoshandorchiston.html>.

⁶⁸ Asia-Pacific Report, “Strings attached: The reality behind NZ’s climate aid in the Pacific,” March 19, 2021, <https://asiapacificreport.nz/2021/03/19/strings-attached-the-reality-behind-nzs-climate-aid-in-the-pacific/>.

The one exception is the US. On February 4, 2021, the US President Joe Biden signed an Executive Order: “Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration.” It gave the Administration 180 days to report on the impact of climate change on migration, including providing options to the US for how to enhance protection and resettlement.⁶⁹ The report was finally released in late October 2021.⁷⁰ It is notable for being the first report of its kind by any US Administration, recognizing the impact climate change will have on mobility, the role of migration as an adaptation strategy, and the importance of foreign assistance to support planned and voluntary migration. That being said, while it notes the need for a “new legal pathway for individualized humanitarian protection in the United States for individuals who establish that they are fleeing serious, credible threats to their life or physical integrity, including as a result of the direct or indirect impacts of climate change,” it does not offer concrete recommendations or ideas of what that pathway should look like.⁷¹ While there are many countries which could benefit from such expanded pathways, it is Central America that most concerns the Biden Administration. As well as experiencing frequent hurricanes and storms, much of the region is part of the “Dry Corridor,” a tropical dry forest region that suffers from severe droughts and floods. These slow-onset impacts may lead close to 700,000 people in Mexico and Central America to move to the US every year by 2025.⁷² Recent research has focused on existing environmental migration from the Dominican Republic,⁷³ Ecuador,⁷⁴ and Honduras to the US.⁷⁵

Humanitarian pathways

In this section, we explore ways in which high-income countries have expanded, or discussed expanding, humanitarian and asylum grounds to better account for environmental migration. Broadly their experiences have been grouped into several categories, ordered from most expansive to least expansive. These categories include expanding the 1951 Refugee Convention at regional and national levels; creating special visas and climate

⁶⁹ The White House, “Executive Order on Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration,” February 4, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/04/executive-order-on-rebuilding-and-enhancing-programs-to-resettle-refugees-and-planning-for-the-impact-of-climate-change-on-migration/>.

⁷⁰ The White House, *Report on the Impact of Climate Change on Migration* (Washington DC: The White House, 2021), <https://www.whitehouse.gov/wp-content/uploads/2021/10/Report-on-the-Impact-of-Climate-Change-on-Migration.pdf>.

⁷¹ Kayly Ober, “Refugees International on Today’s White House Climate and Migration Report,” *Refugees International*, October 21, 2021, <https://www.refugeesinternational.org/reports/2021/10/21/refugees-international-on-todays-white-house-climate-and-migration-report>.

⁷² Abrahm Lustgarten, “The Great Climate Migration,” *ProPublica* and *The New York Times Magazine*, July 23, 2020, <https://www.nytimes.com/interactive/2020/07/23/magazine/climate-migration.html>.

⁷³ Stefan Alscher, “Environmental Degradation and Migration on Hispaniola Island,” *International Migration* 49, issue. s1 (May 19, 2011): e164–e188, <https://doi.org/10.1111/j.1468-2435.2010.00664.x>.

⁷⁴ Clark L. Gray, “Environment, Land, and Rural Out-migration in the Southern Ecuadorian Andes,” *World Development* 37, issue. 2 (February 2009): 457–468, <https://doi.org/10.1016/j.worlddev.2008.05.004>.

⁷⁵ David J. Wrathall, “Migration Amidst Social-Ecological Regime Shift: The Search for Stability in Garifuna Villages of Northern Honduras,” *Human Ecology* 40 (2012): 583–596, <https://doi.org/10.1007/s10745-012-9501-8>.

passports; expanding or creating new grounds for asylum; and extending temporary or permanent protections to people from countries affected by environmental disasters.

The 1951 Refugee Convention

As described in box 3, being affected by climate change or wider environmental disasters is not a ground under which someone can claim refugee protection under the 1951 Refugee Convention and its 1967 Protocol. 143 countries have signed the Convention, pledging to recognize those people who fall within its definitions as refugees. Some countries have gone further, signing regional instruments such as the 1969 Organisation of African Unity (OAU) Convention and the 1984 Cartagena Declaration on Refugees, which extend the definition of a “refugee” to persons fleeing “events seriously disturbing public order.”⁷⁶ A broader discussion of these is included in the companion paper.⁷⁷

There has been much academic and policy discussion about whether the 1951 Refugee Convention should be expanded to include environmental migration as a ground for a refugee claim. The adverse effects of climate change can exacerbate existing social, economic, and political tensions; in particular, the link between climate change and conflict is increasingly being identified. As such, environmental degradation could lead to someone, or people from an entire community, having a “well-founded fear of persecution.”⁷⁸ Extending the Convention to these people would extend a well-known and established legal and policy framework to a much wider set of people than the drafters of the Convention intended. Commentators worry that doing so would dilute the protections available to traditional “Convention refugees.” Already, very few people are resettled under the Convention; less than a tenth of the people eligible for resettlement were able to access it in 2019.⁷⁹ It also may not be the correct instrument; the Convention is usually applied to bring people from their countries of origin to countries of destination on a permanent basis, which may not be the type of migration needed by the vast majority of environmentally affected migrants.⁸⁰

Certainly, if the Convention was expanded, this would have knock-on effects for other national, regional, and international policies that are based on the definitions therein. For example, the European *Qualification Directive* aims to harmonize and set common standards across Member States on how to designate a person as being in need of international

⁷⁶ UNHCR, “Summary of Deliberations on Climate Change and Displacement,” April 2011, <https://www.unhcr.org/4da2b5e19.pdf>.

⁷⁷ Amelia Dal Pra, Mariam Traore Chazalnoel, and Helen Dempster, *Strengthening regional capacities to address slow-onset environmental impacts on migration* (Washington DC: Center for Global Development (CGD), 2021), [forthcoming].

⁷⁸ UNHCR, *Legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters* (Geneva: UNHCR, October 1, 2020) <https://www.refworld.org/docid/5f75f2734.html>.

⁷⁹ Helen Dempster and Euan Ritchie, “1.4 Million Refugees Need Resettlement: Can Innovative Finance Help?” *Center for Global Development (CGD)*, August 19, 2020, <https://www.cgdev.org/blog/14-million-refugees-need-resettlement-can-innovative-finance-help>.

⁸⁰ Jane McAdam, “Seven reasons the UN Refugee Convention should not include ‘climate refugees,’” *Platform on Disaster Displacement*, June 7, 2017, <https://disasterdisplacement.org/staff-member/seven-reasons-the-un-refugee-convention-should-not-include-climate-refugees>.

protection. The *Directive* follows the definition set out in the Convention. If this definition was changed, this could theoretically impact all European Member States. But changes can also be considered through a bottom-up approach, whereby regional and national changes feed the global practice.

To date, however, there has been no serious discussion about expanding the Convention, nor is this desirable or possible in the current political context.⁸¹ The supplementary OAU and Cartagena Declaration's application to people fleeing climate change and its related impacts is still limited. Of course, just as countries have signed up to supplementary regional refugee frameworks, they would be free to expand their own national definitions of a "refugee" or "asylum seeker." This could have implications for those who would be eligible for formal refugee resettlement, or private and community refugee sponsorship.

Special visas and climate passports

Instead of amending the Convention, some countries have explored ways in which to create an entirely separate category of "climate refugees" or "climate migrants" which would qualify for permanent protection.

In 2017, the New Zealand Labour Government announced that the country was considering issuing "an experimental humanitarian visa," bringing 100 Pasifika people per year to New Zealand as a way to support those displaced by climate change.⁸² The "climate refugees" announcement spread around the world, with many praising the government for the move.⁸³ Just six months later, the plan was discarded. After extensive discussion with Pasifika communities and leaders, it transpired that affected people would rather have access to "migration with dignity," rather than being labelled "climate refugees" which many felt would threaten Pacific identity and their connection to the land.⁸⁴ New Zealand has now stalled any discussions about long-term humanitarian visas until 2024.⁸⁵ This example, especially the reaction of affected communities, should be at the forefront of any discussions around creating separate categories for climate-induced movements.

⁸¹ Dina Ionesco, "Let's Talk About Climate Migrants, Not Climate Refugees," *United Nations*, June 6, 2019, <https://www.un.org/sustainabledevelopment/blog/2019/06/lets-talk-about-climate-migrants-not-climate-refugees/>.

⁸² Helen Dempster and Kayly Ober, "New Zealand's "Climate Refugee" Visas: Lessons for the Rest of the World," *Center for Global Development (CGD)*, January 10, 2020, <https://www.cgdev.org/blog/new-zealands-climate-refugee-visas-lessons-rest-world>.

⁸³ Jonathan Pearlman, "New Zealand creates special refugee visa for Pacific islanders affected by climate change," *The Straits Times*, December 9, 2017, <https://www.straitstimes.com/asia/australianz/new-zealand-creates-special-refugee-visa-for-pacific-islanders-affected-by-climate>.

⁸⁴ John Campbell and Olivia Warrick, *Climate Change and Migration Issues in the Pacific* (Suva: United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) and International Labour Organization (ILO), 2014) <https://www.ilo.org/dyn/migpractice/docs/261/Pacific.pdf>.

⁸⁵ New Zealand Ministry of Foreign Affairs and Trade (MFAT), "Cabinet Paper progress update: A New Zealand response to Pacific climate migration," February 20, 2018, <https://www.mbie.govt.nz/assets/2f57159b6d/pacific-climate-migration-cabinet-paper-progress-update.pdf>.

Similar discussions have taken place across the Pacific. In 2006, the Australian Labour Party proposed a Pacific Rim coalition to accept “climate refugees.”⁸⁶ Just a year later, the Greens Senator Kerry Nettle proposed the *Migration (Climate Refugees) Amendment Bill 2007* which had three main components:

1. Amend the Migration Act to incorporate a new visa class: the “Climate Change Refugee Visa”;
2. Establish a new migration program to admit, annually, 300 refugees from Tuvalu, 300 from Kiribati, and 300 from elsewhere in the Pacific where appropriate; and
3. Push for a new international definition and framework to govern environmental migration.⁸⁷

The Bill attracted significant criticism and did not proceed to a vote. Koser (2012) argues that it placed too much responsibility into the hands of a singular Minister to determine who should be eligible for the visa. Others questioned the “climate refugee” concept, argued Australia was already doing its fair share on both climate change and migration, stated that Australia “should not be taking unilateral action on a multilateral issue,” and were worried about the financial implications.⁸⁸

The same pattern, with grand propositions attracting criticism and eventually being dropped, has occurred in the Northern Hemisphere as well. In August 2018, the German Advisory Council on Global Change proposed creating a climate passport which would offer “civil rights in safe countries” to “people from island states that are objectively threatened by the potential loss of their territory.”⁸⁹ Similar to Ahmed (2016), the report proposes a “polluter-pays principle” which would form the basis for deciding which nations should accept people with a climate passport. And in 2018, the European Parliament requested the Commission to submit a proposal for establishing a European Humanitarian Visa which would enable people to enter a Member State to submit an application for international protection. Little progress has come from these proposals.

In the US, Massachusetts Senator Edward Markey has proposed two bills—the Global Climate Change Resilience Strategy in September 2019⁹⁰ and the Climate Displaced Persons’

⁸⁶ Louise Collett, *A fair-weather friend? Australia’s relationship with a climate-changed Pacific*, The Australia Institute Paper No. 1, July 2009, https://australiainstitute.org.au/wp-content/uploads/2020/12/IP-1-A-fair-weather-friend_7.pdf.

⁸⁷ Susan F. Martin, “Climate Change and International Migration,” *The German Marshall Fund of the United States*, June 2010, https://www.preventionweb.net/files/14679_MartinV3.pdf.

⁸⁸ Khalid Koser, “Environmental Change and Migration: Implications for Australia,” *Lowy Institute for International Policy*, December 2012, https://www.lowyinstitute.org/sites/default/files/koser_environmental_change_and_migration_web_0.pdf.

⁸⁹ German Advisory Council on Global Change, *Just & In-Time Climate Policy: Four Initiatives for a Fair Transformation*, Policy Paper 9 (Berlin: German Advisory Council on Global Change, July 20, 2018), https://www.wbgu.de/fileadmin/user_upload/wbgu/publikationen/politikpapiere/pp9_2018/pdf/wbgu_policy_paper_9.pdf.

⁹⁰ *Global Climate Change Resilience Strategy*, 116th Congress, 1st Session, S. 2565 (September 2019), <https://www.congress.gov/116/bills/s2565/BILLS-116s2565is.pdf>.

Act in May 2021⁹¹—that would admit at least 50,000 “climate-displaced persons” every year, in a similar manner to the existing refugee admissions process. Such a system of complementary protection leading to permanent residency and citizenship has also recently been advocated for by both Refugees International⁹² and the Center for Strategic and International Studies (CSIS).⁹³ Despite the Biden Administration positioning themselves as leaders on the climate change stage, such new legal instruments to admit environmental migrants have not yet been seriously considered.

Expanding the grounds for asylum

Most high-income countries also allow people to claim asylum for reasons outside of the 1951 Refugee Convention. Expanding an existing definition, or creating a new ground, could allow select people to claim asylum without changing the formal refugee definition. That being said, the same concerns as elucidated above regarding the 1951 Refugee Convention also apply here. Some commentators worry that expanding asylum channels at all would dilute the political capital and legal basis for the well-established asylum channels, including those protecting people from violence.⁹⁴ Any expansion must therefore be done carefully and through a robust consultative process, with these concerns in mind.

Here, New Zealand provides an interesting example. The New Zealand Government has recognized that some form of migration to New Zealand is inevitable and must be part of responding to climate change in the Pacific.⁹⁵ This position has, in part, been forced on them by recent events. In September 2015, a man from Kiribati named Ioane Teitiota was deported for overstaying his visa, the court rejecting his asylum claim on climate change grounds.⁹⁶ He took a case against New Zealand to the UN Human Rights Committee in February 2016 on the grounds that the deportation violated his right to life. While the claim was rejected, the court did recognize that climate change represents a serious threat to life and could, in the future, be a ground for an asylum claim if a certain threshold is met.⁹⁷

⁹¹ *The Climate Displaced Persons’ Act*, 117th Congress, 1st Session, S. ____ (May 2021), <https://www.markey.senate.gov/download/climate-displaced-person-text>.

⁹² Refugees International, *Task Force Report to the President on the Climate Crisis and Global Migration: A Pathway to Protection for People on the Move* (Washington DC: Refugees International, July 14, 2021), <https://www.refugeesinternational.org/reports/2021/7/12/task-force-report-to-the-president-on-the-climate-crisis-and-global-migration-a-pathway-to-protection-for-people-on-the-move>.

⁹³ Erol Yayboke and Janina Staguhn, *A New Framework for U.S. Leadership on Climate Migration* (Washington DC: Center for Strategic and International Studies (CSIS), October 23, 2020), <https://www.csis.org/analysis/new-framework-us-leadership-climate-migration>.

⁹⁴ See, for example, Kara K. Moberg, “Extending Refugee Definitions to Cover Environmentally Displaced Persons Displaces Necessary Protection,” *Iowa Law Review*, 94, 1107: 1114–1117 (2009), <http://reseau-terra.eu/article1145.html>

⁹⁵ New Zealand Ministry of Foreign Affairs and Trade (MFAT), “Cabinet Paper progress update: A New Zealand response to Pacific climate migration,” February 20, 2018, <https://www.mbie.govt.nz/assets/2f57159b6d/pacific-climate-migration-cabinet-paper-progress-update.pdf>.

⁹⁶ Amnesty International, “UN landmark case for people displaced by climate change,” January 20, 2020, <https://www.amnesty.org/en/latest/news/2020/01/un-landmark-case-for-people-displaced-by-climate-change/>.

⁹⁷ United Nations International Covenant on Civil and Political Rights Human Rights Committee, “Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No.

The implications of this case should not be overstated. As described above, the low-lying island nature and lack of available land across the Pacific Islands makes them exceptionally vulnerable to the impacts of climate-related hazards, especially incremental sea level rise, saltwater intrusion, and drought. It is predicted that at least 50,000 Pasifika people could lose their homes each year due to these hazards⁹⁸ with the countries of Kiribati, Tuvalu, the Marshall Islands, and Tokelau expected to be most affected.⁹⁹ Indeed, some estimates suggest that Kiribati could be unfit for human habitation by 2035.¹⁰⁰ Ioane Teitiota, being from Kiribati, likely had the strongest potential claim under climate change grounds and this was still rejected.

That being said, it is not inconceivable that the number of people from climate-affected low- and middle-income countries claiming asylum within high-income countries will likely increase in the coming years. For example, Japan maintains a very strict definition of the 1951 Refugee Convention, recognizing only people who have been individually targeted or persecuted and have the documentation to prove it. Refugees must also legally enter Japan through a valid visa (such as a tourist visa) before they are able to claim asylum. As a result, they reject approximately 95 percent of asylum claims, the highest for any industrialized nation,¹⁰¹ and the backlogs in asylum processing are large.¹⁰² Yet the vast majority of claims are coming from highly climate-vulnerable countries such as Bangladesh, Bhutan, India, the Maldives, Nepal, and Sri Lanka, and the number of claims has been increasing over time.¹⁰³ Citizens of these countries also have an easier time obtaining a legal visa to Japan, which would enable them to claim asylum. Despite this obvious geographic reality, and Japan's own extensive history with internal climate-induced displacement, there have been no discussions as to how climate change could impact Japanese asylum claims in the future.¹⁰⁴

2728/2016," September 23, 2020,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f127%2fD%2f2728%2f2016&Lang=en.

⁹⁸ Rajan Chandra Ghosh and Caroline Orchiston, "Climate-induced Migration in the Pacific: The Role of New Zealand," *NZALA*, <https://www.nzaia.org.nz/ghoshandorchiston.html>.

⁹⁹ Winston Peters, "Pacific climate change-related displacement and migration: a New Zealand action plan," *Analysis & Policy Observatory*, May 2, 2018, <https://apo.org.au/node/213946>.

¹⁰⁰ Migration Data Portal, "Migration data in Oceania," June 14, 2021, <https://migrationdataportal.org/regional-data-overview/oceania>.

¹⁰¹ Katsunori Koike, "Forgotten and unattended: refugees in post-earthquake Japan," *Forced Migration Review* 38 (October 2011): 46–47, <https://www.fmreview.org/technology/koike>.

¹⁰² Tetsuji Ida, "Climate refugees—the world's forgotten victims," *World Economic Forum*, June 18, 2021, <https://www.weforum.org/agenda/2021/06/climate-refugees-the-world-s-forgotten-victims/>.

¹⁰³ Tara Francis Chan, "NO ENTRY: How Japan's shockingly low refugee intake is shaped by the paradox of isolation, a demographic time bomb, and the fear of North Korea," *Insider*, April 12, 2018, <https://www.businessinsider.com/why-japan-accepts-so-few-refugees-2018-4?r=US&IR=T>.

¹⁰⁴ Hirotaka Fujibayashi and Mikiyasu Nakayama, "An Option to Avoid the Sudden Mass Influx of Migrants Resulting From Worldwide Environmental Threats," *International Journal of Social Science Studies* 5, no. 6 (June 2017): 2324–8041, <https://doi.org/10.11114/ijsss.v5i6.2397>.

Protection for people from countries affected by disasters

The vast majority of policy discussion in this space focuses on providing temporary or permanent protection to people from countries affected by disasters caused by natural hazards. Sometimes these systems of complementary or subsidiary protection are labelled as “humanitarian visas.”

Often, this protection only covers people *already in* a high-income country. It could prevent someone from being returned to their country of origin and / or extend the rights available to them. Such an approach is in line with the Migrants in Countries in Crisis (MICIC) Initiative, co-led by the Philippines and the US with IOM support, leading to the “Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster.”¹⁰⁵ Much of the discussion stems from the principle of *non-refoulement*, an international human rights law principle which guarantees that no-one should be returned to a country where they would be subject to persecution.¹⁰⁶ As described by Kälin and Schrepfer (2012), there could be legal, factual, and humanitarian impediments to forcibly returning people who come from countries affected by environmental disasters, which should trigger both protection and assistance from a host country.¹⁰⁷

The best example comes from the US, with their Temporary Protected Status (TPS).¹⁰⁸ TPS is one of the only humanitarian designations in the world that explicitly offers protected status to people affected by “environmental disasters.”¹⁰⁹ The Secretary of Homeland Security can designate a country eligible for TPS due to conditions in the country that temporarily prevent its nationals from returning safely.¹¹⁰ Citizens of these countries *currently in the US* cannot then be detained or removed, and can obtain employment and travel authorizations. Crucially, it does not lead to lawful permanent residence, although some TPS

¹⁰⁵ Migrants in Countries in Crisis (MICIC), “Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disasters,” <https://micicinitiative.iom.int/guidelines>.

¹⁰⁶ For a fuller discussion of how the principle of non-refoulement could be applied in the context of climate change, see Christopher Caskey, *Non-Refoulement and Environmental Degradation: Examining the Entry Points and Improving Access to Protection*, Global Migration Research Paper no. 26 (2020), <https://www.graduateinstitute.ch/sites/internet/files/2020-11/C%20Caskey%20Research%20Paper%20-%20No.%2026%20-%20Final%20v2.pdf>.

¹⁰⁷ Walter Kälin and Nina Schrepfer, *Protecting People Crossing Borders in the Context of Climate Change: Normative Gaps and Possible Approaches* (Geneva: UNHCR, February 2012), <https://www.unhcr.org/4f33f1729.pdf>.

¹⁰⁸ There is a similar pathway, Deferred Enforced Departure (DED), though it is less used than TPS. It offers a short stay to designated individuals from countries that are facing conflicts or severe environmental disasters. Currently it is available to citizens from Hong Kong, Liberia, and Venezuela who are *currently in the US*. See Fragomen, “President Biden Announces Deferred Enforced Departure (DED) for Hong Kong Residents,” August 5, 2021, <https://www.fragomen.com/insights/alerts/president-biden-announces-deferred-enforced-departure-ded-hong-kong-residents>.

¹⁰⁹ Kayly Ober, *At a Climate Change Crossroads: How a Biden-Harris Administration Can Support and Protect Communities Displaced by Climate Change* (Washington DC: Refugees International, February 11, 2020), <https://www.refugeesinternational.org/reports/2021/2/10/at-a-climate-change-crossroads-how-a-biden-harris-administration-can-support-and-protect-communities-displaced-by-climate-change>.

¹¹⁰ US Citizenship and Immigration Services, “Temporary Protected Status,” <https://www.uscis.gov/humanitarian/temporary-protected-status>.

holders have been in the US for more than 20 years.¹¹¹ There are roughly 400,000 TPS holders from countries such as El Salvador, Honduras, and Haiti, all countries highly vulnerable to climate change.¹¹² Estimates show that TPS holders are able to get higher-paying jobs and send more remittances home.¹¹³

There have been several calls over the years to expand and improve TPS, as well as its applicability to environmental migration. Many argue that TPS holders should have a pathway to permanent residency and citizenship; indeed, President Biden's proposed *U.S. Citizenship Act* would allow TPS holders to apply for green cards, and eventually citizenship.¹¹⁴ Yet TPS still does little to support people who are in countries affected by disasters *before they move to the US*. Proposals to expand TPS to support these people include redesignating the arrival date, thereby reducing the risks associated with irregular migration.¹¹⁵ Finally, Refugees International have called for a whole host of reforms, including a mechanism and guidelines around assessing country risk to slow-onset disasters to address the validity of return for TPS holders.¹¹⁶

Canada, similarly, has several provisions within the Immigration and Refugee Protection Act (IRPA), the primary federal legislation regulating immigration, which could support environmental migration. The first is through Operational Bulletin 83, "Guidelines for Priority Processing in the Event of Disaster Solutions," which advises visa offices to use their discretionary powers to prioritize and expedite applications from countries that have experienced disasters.¹¹⁷ In the wake of the 2010 Haiti Earthquake, the Department of Citizenship and Immigration Canada (CDC) imposed a raft of policies to support both Haitians applying for visas to Canada and those already living in Canada. They received priority processing, fee exemptions, interim federal health coverage, work and study permits,

¹¹¹ Aline Barros, "TPS Holders Seek More Stable Immigration Status," *VOA News*, June 8, 2021, <https://www.voanews.com/usa/immigration/tps-holders-seek-more-stable-immigration-status>.

¹¹² National Immigration Forum, "Fact Sheet: Temporary Protected Status (TPS)," March 12, 2021, <https://immigrationforum.org/article/fact-sheet-temporary-protected-status/>.

¹¹³ For example, remittances as a share of GDP when TPS is present goes from an average of 2.4 percent to 7.2 percent. See David A. Leblang, Benjamin Helms, Alexa Iadarola, Ankita Satpathy, Kelsey Hunt, Rebecca Brough, Eric Xu, and Mahesh Rao, "Temporary Protected Status and Immigration to the United States," SSRN, June 30, 2018, <http://dx.doi.org/10.2139/ssrn.3206009>.

¹¹⁴ Nicholas Micinski, "5 Steps Biden Can Take To Protect Climate Migrants," *WBUR*, January 21, 2021, <https://www.wbur.org/cognoscenti/2021/01/21/immigration-climate-change-refugees-nicholas-micinski>.

¹¹⁵ Erol Yayboke and Janina Staguhn, *A New Framework for U.S. Leadership on Climate Migration* (Washington DC: Center for Strategic and International Studies (CSIS), October 23, 2020), <https://www.csis.org/analysis/new-framework-us-leadership-climate-migration>.

¹¹⁶ Kayly Ober, *At a Climate Change Crossroads: How a Biden-Harris Administration Can Support and Protect Communities Displaced by Climate Change* (Washington DC: Refugees International, February 11, 2020), <https://www.refugeesinternational.org/reports/2021/2/10/at-a-climate-change-crossroads-how-a-biden-harris-administration-can-support-and-protect-communities-displaced-by-climate-change>.

¹¹⁷ Michaela Hynie, Prateep Nayak, Teresa Gomes, and Ifrah Abdillah, *Environmental Displacement and Environmental Migration: Blurred Boundaries Require Integrated Policies*, Refugee Research Network and Centre for Refugee Studies Policy Brief, Submitted to the Government of Canada, December 2, 2016, https://refugeeresearch.net/wp-content/uploads/2017/02/hynie_feb%E2%80%9917.pdf.

and deportations were suspended.¹¹⁸ This is just one in a long series of similar moves to respond to humanitarian crises; just four years later, a similar program was enacted to respond to Typhoon Haiyan in the Philippines. Yet the ad-hoc nature of the bulletin means that there is little guidance as to how or when it should be applied, and therefore little consistency. For example, Omeziri and Gore (2014) point out that no such moves were made in the wake of large-scale flooding in Pakistan. The second is section 25 of IRPA which grants permanent residency on “humanitarian and compassionate grounds.” Generally, section 25 is only applied to people within Canada, and then only sparingly, but some have suggested it could be expanded to speculative applications.¹¹⁹

At the regional level, Europe contains a number of legislative instruments that could, in theory, be used to respond to environmental migration. For example, the 2001 *Temporary Protection Directive* defines the decision-making procedure needed to trigger, extend, or end temporary protection in the event of a mass influx of displaced persons. Yet the *Directive* is complex, “mass influx” is not defined, and it has therefore never been used.¹²⁰ Ineli-Ciger (2020) argues that one of the reasons for the lack of implementation of the *Directive* was the belief that activating it may create a “pull factor” for migrants seeking entry to the EU.¹²¹ Indeed, a 2020 proposal aims to repeal the *Directive*.¹²² Even if it was implemented, as Kraler et al (2020) note, it may be applied to sudden-onset disasters, but is unlikely to apply to slow-onset disasters.¹²³ The 2008 *Return Directive* sets out the principle of *non-refoulement* and other obstacles that may prevent the removal of people from the EU. Theoretically, *non-refoulement* could be extended to a country hit by a disaster, but this would need to be agreed by Member States.

¹¹⁸ Eric Omeziri and Christopher Gore, “Temporary Measures: Canadian Refugee Policy and Environmental Migration,” *Refuge* 29, no. 2 (2014): 43–53,

<https://refuge.journals.yorku.ca/index.php/refuge/article/view/38166/34562>.

¹¹⁹ Stephanie Dickson, Sophie Webber, and Tim K. Takaro, *Preparing BC for Climate Migration* (Vancouver: Canadian Centre for Policy Alternatives, November 2014),

https://www.policyalternatives.ca/sites/default/files/uploads/publications/BC%20Office/2014/11/ccpa-bc_ClimateMigration_web.pdf.

¹²⁰ Hanne Beirens, Sheila Mass, Salvatore Petronella, and Maurice van der Velden, *Study on the Temporary Protection Directive: Final report* (Brussels: European Commission, 2016), https://ec.europa.eu/home-affairs/system/files/2020-09/final_report_evaluation_tpd_en.pdf.

¹²¹ Meltem Ineli-Ciger, “What a difference two decades make? The shift from temporary to immediate protection in the new European Pact on Asylum and Migration,” European Union Migration Law Blog, November 11, 2020, <https://eumigrationlawblog.eu/what-a-difference-two-decades-make-the-shift-from-temporary-to-immediate-protection-in-the-new-european-pact-on-asylum-and-migration/>.

¹²² European Commission, *Proposal for a Regulation of the European Parliament and of the Council addressing situations of crisis and force majeure in the field of migration and asylum*, COM(2020) 613 final, 2020/0277 (COD) (Brussels: European Commission, 2020), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX%3A52020PC0613&from=EN>.

¹²³ Albert Kraler, Caitlin Katsiaficas, and Martin Wagner, *Climate Change and Migration: Legal and policy challenges and responses to environmentally induced migration*, Study requested by the LIBE committee, Policy Department for Citizens’ Rights and Constitutional Affairs, Directorate-General for Internal Policies PE 655.591 (Brussels: European Parliament, July 2020), [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/655591/IPOL_STU\(2020\)655591_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/655591/IPOL_STU(2020)655591_EN.pdf).

A number of European Member States have therefore decided to enact their own national legislation to extend temporary or permanent protections to people affected by disasters:

- **Sweden.** The Swedish *Aliens Act* offers both asylum and subsidiary protection to people seeking refuge in Sweden. Under the 2016 version of the Act, someone could apply for a temporary residence permit under “other protection needs” if they cannot return to their home country due to a disaster. Yet the extent to which this included natural hazards was unclear; the provision was originally intended for catastrophes like Chernobyl and would therefore not cover slow-onset disasters.¹²⁴ In the wake of the so-called refugee crisis, Sweden suspended this provision in 2016.¹²⁵ In mid-2021, Sweden revised their Act to reduce the length of this permit, from three years (pre 2016) down to 13 months,¹²⁶ perhaps reflecting the declining public support for refugees and migrants in Sweden.¹²⁷
- **Finland.** The Finnish *Aliens Act* provides for temporary protection where “there has been a massive displacement of people... as a result of an armed conflict, some other violent situation or environmental disaster.”¹²⁸ If a person was therefore unable to return to their home country, they could apply for humanitarian status.¹²⁹ Yet, as in Sweden, the provision has never been tested, would be unlikely to cover slow-onset disasters, and was also suspended in 2016.
- **Italy.** In 2018, Italy introduced a residence permit to provide protection to third-country nationals who cannot return to their country of origin due to a “contingent situation and exceptional calamity that does not allow their return and stay in safe conditions.” The six-month, extendable, residence permit provides work authorization and access to the education and health system.¹³⁰

¹²⁴ Emily Hush, “Developing a European Model of International Protection for Environmentally-Displaced Persons: Lessons from Finland and Sweden,” *Columbia Journal of European Law*, September 7, 2017, <http://blogs2.law.columbia.edu/cjel/preliminary-reference/2017/developing-a-european-model-of-international-protection-for-environmentally-displaced-persons-lessons-from-finland-and-sweden/>.

¹²⁵ European Migration Network (EMN), *Comparative overview of national protection statuses in the EU and Norway* (Brussels: EMN, 2019), https://ec.europa.eu/home-affairs/sites/default/files/emn_synthesis_report_nat_prot_statuses_final_02062020_0.pdf.

¹²⁶ Henrik M. Nordentoft, “Statement on the revision of the Swedish Aliens Act,” UNHCR, June 6, 2021, <https://www.unhcr.org/neu/62473-statement-on-the-revision-of-the-swedish-alien-act.html>.

¹²⁷ Kerrie Holloway and Amy Leach, *Public narratives and attitudes towards refugees and other migrants: Sweden country profile* (London: Overseas Development Institute (ODI), 2020), <https://odi.org/en/publications/public-narratives-and-attitudes-towards-refugees-and-other-migrants-sweden-country-profile/>.

¹²⁸ Victoria Mence and Alex Parrinder, “Environmentally related international migration: Policy challenges,” in *A Long Way to Go: Irregular Migration Patterns, Processes, Drivers and Decision-Making*, eds. Marie McAuliffe and Khalid Koser (Canberra: Australian National University Press, December 2017), <http://press-files.anu.edu.au/downloads/press/n4016/pdf/ch12.pdf>.

¹²⁹ Nicole de Moor and An Cliquet, *Environmental Displacement: a New Security Risk for Europe?* (Ghent: University of Ghent, 2009), <https://core.ac.uk/download/pdf/55728496.pdf>.

¹³⁰ Matteo Tisato, “New Italian “Permit of Stay” for Victims of Natural Disasters,” *Davies & Associates, LLC*, January 22, 2021, <https://www.blog.usimmigrationadvisor.com/new-italian-permit-of-stay-for-victims-of-natural-disasters/>.

- **Switzerland.** The Swiss *Foreign Nationals and Integration Act, Asylum Act*, and the *Aliens and Integration Act* all include provisions that would temporarily prevent the removal of a person if their home region or country was affected by a disaster.¹³¹
- **Cyprus.** Cyprus' *Refugee Law* extends the non-refoulement obligation under international law to include "environmental destruction."¹³²
- **France.** While such protections are not explicit within French law, a recent case has opened the potential for such claims. In January 2021, a Bangladeshi man nicknamed "Sheel" had his deportation order stayed by the Bordeaux appeals court. Sheel has severe asthma, and his lawyer successfully argued that he risked a severe deterioration in his condition, perhaps even leading to death, if he was returned to Bangladesh and its high levels of air pollution.¹³³

As is evident from the above, this is the area where the most discussion has taken place as to how existing legal and policy frameworks could be augmented to recognize environmental migration. Yet they generally only apply to people who are already within a high-income country, likely would only apply to people who are from countries that have been affected by a sudden-onset disaster, and have rarely been applied in practice. Hence while could be a useful instrument, their application has been (to date), and is likely to be, limited.

Labour migration pathways

The other way in which high-income countries could facilitate migration from climate-vulnerable countries is through regular labour pathways. This provides a useful way to link the economic development needs of low- and high-income countries, encourage remittances which could be further used to support climate adaptation strategies (including migration), while also addressing workforce shortages in many high-income countries.

¹³¹ Albert Kraler, Caitlin Katsiaficas, and Martin Wagner, *Climate Change and Migration: Legal and policy challenges and responses to environmentally induced migration*, Study requested by the LIBE committee, Policy Department for Citizens' Rights and Constitutional Affairs, Directorate-General for Internal Policies PE 655.591 (Brussels: European Parliament, July 2020),

[https://www.europarl.europa.eu/RegData/etudes/STUD/2020/655591/IPOL_STU\(2020\)655591_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/655591/IPOL_STU(2020)655591_EN.pdf).

¹³² Albert Kraler, Caitlin Katsiaficas, and Martin Wagner, *Climate Change and Migration: Legal and policy challenges and responses to environmentally induced migration*, Study requested by the LIBE committee, Policy Department for Citizens' Rights and Constitutional Affairs, Directorate-General for Internal Policies PE 655.591 (Brussels: European Parliament, July 2020),

[https://www.europarl.europa.eu/RegData/etudes/STUD/2020/655591/IPOL_STU\(2020\)655591_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/655591/IPOL_STU(2020)655591_EN.pdf).

¹³³ Jon Henley, "Man saved from deportation after pollution plea in French legal 'first'," *The Guardian*, January 12, 2021, <https://www.theguardian.com/world/2021/jan/12/bangladeshi-man-with-asthma-wins-france-deportation-fight>.

Free movement protocols

Encouraging the development of free movement protocols will enable people to move (whether temporarily or permanently) in the context of disasters, the adverse effects of climate change, and environmental degradation. The existence of free movement protocols with high-income countries, therefore, is important when considering the labour migration channels that affected people may use to move.

One of the most interesting examples comes from the US. Citizens of Guam and the Commonwealth of the Northern Mariana Islands are entitled to US citizenship, and those from American Samoa are entitled to residency. The Compacts of Free Association (CFA) provide visa-free entry to citizens from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, in return for strategic access to surrounding waters and airspace.¹³⁴ The number of people who have moved through the CFA has increased by 70 percent in the last decade, with 94,000 migrants now living and working in the US and its territories.¹³⁵ Many of these migrants cite more-frequent typhoons, coral reef bleaching, and depletion of fishing stocks as their reasons for leaving.¹³⁶ Yet the entry and stay of CFA migrants is not guaranteed; people with insufficient means can be deported, and their stay in the US does not count towards permanent residence.¹³⁷

Slightly further south are similar arrangements with Pacific Islands and New Zealand. The Cook Islands, Niue, and Tokelau are self-governing countries in free association with New Zealand, meaning that people born in these countries are automatically also New Zealand citizens. They can therefore freely travel to, work, and live in New Zealand (as well as Australia, by virtue of the 1973 Trans-Tasman Travel Arrangement).¹³⁸ This has led to substantial migration from these islands to New Zealand. For example, there are fifteen times more Niueans in New Zealand than in Niue.¹³⁹ Given the aforementioned climate

¹³⁴ Grant Wyeth, “Why the Compacts of Free Association Matter to Washington,” *The Diplomat*, June 9, 2020, <https://thediplomat.com/2020/06/why-the-compacts-of-free-association-matter-to-washington/>.

¹³⁵ US Government Accountability Office, *Compacts of Free Association: Populations in U.S. Areas Have Grown with Varying Reported Effects*, Report to the Chairman of the Committee on Energy and Natural Resources, US Senate, June 2020, <https://www.gao.gov/assets/gao-20-491.pdf>.

¹³⁶ US Government Accountability Office, *Compacts of Free Association: Populations in U.S. Areas Have Grown with Varying Reported Effects*, Report to the Chairman of the Committee on Energy and Natural Resources, US Senate, June 2020, <https://www.gao.gov/assets/gao-20-491.pdf>.

¹³⁷ Bruce Burson and Richard Bedford, *Clusters and Hubs: Toward a Regional Architecture for Voluntary Adaptive Migration in the Pacific*, Technical Paper (Geneva: The Nansen Initiative, December 9, 2013), <https://openrepository.aut.ac.nz/bitstream/handle/10292/7892/NANSEN-TP-Clusters%20and%20Hubs.pdf?sequence=2&isAllowed=y>.

¹³⁸ Jane McAdam and Jonathan Pryke, *Climate Change, Disasters and Mobility: A Roadmap for Australian Action*, Policy Brief 10 (Sydney: Kaldor Center for International Refugee Law, October 2020), https://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/Policy_brief%2010_Climate_Change.pdf.

¹³⁹ Associated Press, “Niue, the Pacific island struggling to cope as its population plummets,” *The Guardian*, July 13, 2014), <https://www.theguardian.com/world/2014/jul/13/niue-pacific-island-struggling-population-new-zealand>.

vulnerability of these islands, it appears likely that some people could use these existing channels to move to New Zealand to cope with climate impacts.

Similar arrangements have yet to take off between the Pacific Islands and Australia. In 2019, former Prime Minister Kevin Rudd proposed a “formal constitutional condominium” with the Pacific Nations of Tuvalu, Kiribati, and Nauru. Under his proposal, Australian citizenship would be offered to citizens from these nations, in return for control over sea territories. This proposal was not well received in the Pacific, with Tuvalu’s then Prime Minister accusing him of “imperial thinking.”¹⁴⁰ In 2020, John Blaxland of the Australian National University (ANU) proposed Australia develop a “grand compact” for Kiribati, Tonga, Tuvalu, and Nauru. And earlier in 2021, the World Bank proposed that Australia should “consider providing open access to people from low-lying atoll nations most at risk from climate change.”¹⁴¹

Visa lotteries

One interesting policy option is developing a visa lottery. The examples of the US and New Zealand, outlined below, provide a way in which people from climate vulnerable countries could access high-income country labour markets, if these lotteries were targeted as such.

In 1990, the US Immigrant Act established the Diversity Immigrant Visa, also known as the Green Card Lottery. It provides 50,000 visas annually to people with high-school degrees or two years of experience from countries with low numbers of migrants in the previous five years. As a result, it doesn’t currently prioritize climate-vulnerable countries, but could reach countries with less history of migration to the US (and large numbers of potential environmental migrants). The lottery is massively oversubscribed; in 2020, 14 million people applied.¹⁴² Yet it provides a useful way for people from countries with less history of migration to obtain permanent residency in the US, benefitting the US in the process.¹⁴³

In New Zealand, the Pacific Access Category (PAC)¹⁴⁴ and Samoan Quota Scheme¹⁴⁵ visas provide a pathway to residency for a small number of Pacific Islanders each year.¹⁴⁶ Any

¹⁴⁰ John Blaxland, “The Fix: Solving Australia’s foreign affairs challenges,” *Australian Foreign Affairs*, February 2020, <https://www.australianforeignaffairs.com/articles/the-fix/2020/02/the-fix/john-blaxland>.

¹⁴¹ “Australia urged to open doors to imperiled Pacific islanders,” *Financial Times*, <https://www.ft.com/content/2d68b646-935a-11e7-a9e6-11d2f0ebb7f0>.

¹⁴² Daniel Shoer Roth, “The 2021 visa lottery winners have been announced. Egypt, Iran and Russia top the list,” *Miami Herald*, May 7, 2021, <https://www.miamiherald.com/news/local/immigration/article245117670.html>.

¹⁴³ Jeremy L. Neufeld, “The Myth of the Unskilled Diversity Visa Immigrant,” *Niskanen Center*, November 20, 2018, <https://www.niskanencenter.org/diversity-visa-myths/>.

¹⁴⁴ New Zealand Immigration, “Information about Pacific Access Category Resident Visa,” <https://www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/about-visa/pacific-access-category-resident-visa>.

¹⁴⁵ New Zealand Immigration, “Information about Samoan Quota Resident Visa,” <https://www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/about-visa/pacific-access-category-resident-visa>.

¹⁴⁶ Every year, the PAC provides visas for 75 people from Kiribati, 75 from Tuvalu, 250 from Tonga, and 250 from Fiji, and the Samoan Quota Scheme provides 1,100 visas for people from Samoa. See New Zealand Immigration, “Information about Pacific Access Category Resident Visa,”

English-speaker aged between 18 and 45 can enter the ballot, which then provides a visa to the applicant, their partner, and dependent children. Those who are granted a visa then have a set period of time to obtain a job offer. While there are no formal evaluations of these schemes, academic evidence shows vast positive benefits. For example, Tongan migrants who accessed a visa under the PAC earned 300 percent more than non-migrants, had better mental health, lived in households with 250 percent higher expenditure, owned more vehicles, and had more durable assets.¹⁴⁷ The scheme was not designed to respond to environmental drivers, but several commentators have suggested ways in which it could be improved to better respond to such movements. Recommendations focus on raising the quota (especially for people from Kiribati and Tuvalu),¹⁴⁸ supporting winners of the ballot with job seeker assistance, and encouraging more remittances to support in-country adaptation.¹⁴⁹

Late last year, the Kaldor Center proposed Australia create a Pacific Access Category similar to that instituted by New Zealand.¹⁵⁰ To date, the Australian Government has not considered this proposal. The country has historically provided temporary visas to people in response to war¹⁵¹ and disasters,¹⁵² but these were very time and country of origin limited.¹⁵³

<https://www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/about-visa/pacific-access-category-resident-visa>.

¹⁴⁷ John Gibson, David McKenzie, Halahingano Rohorua, and Steven Stillman, *The Long-Term Impacts of International Migration: Evidence from a Lottery*, Institute for the Study of Labor (IZA) Discussion Paper No. 9492, November 2015, <http://ftp.iza.org/dp9492.pdf>.

¹⁴⁸ The demand for these visas vastly outstrips supply. For example, in 2019, there were 12,000 applicants for just 650 PAC visas. See Leandra Fiennes, *New Zealand's Climate Refugee Visa, a Framework for Positive Change: Creating a regional framework of protections for climate migrants from the Pacific*, A dissertation in partial fulfilment of the degree of Bachelor of Laws (with Honours) at the University of Otago—Te Whare Wānanga o Ōtāgo, Dunedin, New Zealand, October 2019, <https://www.otago.ac.nz/law/research/journals/otago734244.pdf>.

¹⁴⁹ Harriet Farquhar, *"Migration with Dignity": Towards a New Zealand Response to Climate Change Displacement in the Pacific*, A dissertation as part of the degree of Bachelor of Laws (with Honours) at Victoria University of Wellington, Wellington, New Zealand, 2015, <http://www.nzlii.org/nz/journals/VUWLawRw/2015/4.pdf>.

¹⁵⁰ Jane McAdam and Jonathan Pryke, "Preparing for when climate change drives people from their homes," *The Interpreter*, October 27, 2020, <https://www.lowyinstitute.org/the-interpreter/preparing-when-climate-change-drives-people-their-homes>.

¹⁵¹ For example, Australia created a "Temporary Safe Haven Visa Class" in 1999 to provide temporary refuge to people from Kosovo. See *Migration Legislation Amendment (Temporary Safe Haven Visas) Bill 1999*, Parliament number 39, Parliament of Australia, https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=s214.

¹⁵² For example, the Trans-Tasman Travel Arrangement enabled 3,600 New Zealanders to move to Australia after the Christchurch Earthquake of 2010-11. Once the Christchurch area stabilized, many families moved back. See Jane McAdam, "Australia's chance to turn with the tide," *Asia & The Pacific Policy Society*, May 15, 2019, <https://www.policyforum.net/australias-chance-to-turn-with-the-tide/>.

¹⁵³ Jane McAdam and Jonathan Pryke, *Climate Change, Disasters and Mobility: A Roadmap for Australian Action*, Policy Brief 10 (Sydney: Kaldor Center for International Refugee Law, October 2020), https://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/Policy_brief%2010_Climate_Change.pdf.

Skills partnerships

In recent decades, there has been much policy discussion about skills partnerships—linking investments in technical and vocational education and training (TVET) within low-income countries with the skills in shortage among high-income countries. Models such as CGD’s Global Skill Partnership aim to harness such investments to build the global stock of workers within a specific skill,¹⁵⁴ and some commentators have posited that such schemes could even be used to build skills needed to support the low-carbon transition.¹⁵⁵ It would be a matter of smart, though feasible, policy design to target these partnerships to countries or even regions that are climate-vulnerable.

Europe has made the largest strides towards establishing skills partnerships. Frameworks such as the Seasonal Workers Directive, Global Approach on Migration and Mobility (GAMM), and Mobility Partnerships (including the recently proposed Talent Partnerships) aim to enhance temporary and permanent legal mobility pathways to Europe. Their overarching migration frameworks—the 2015 European Agenda on Migration and the 2020 New Pact on Migration and Asylum—also mention climate change as a root cause of migration and forced displacement.¹⁵⁶ Theoretically, these mobility frameworks could be used to target labour migrants from climate-vulnerable countries, facilitating migration ahead of a sudden- or slow-onset disaster. In 2008, for example, Spain extended seasonal work permits to Colombia in the context of floods (see box 4).¹⁵⁷ Yet wholesale use of these permits for the purposes of environmental migration has not yet been tested.

¹⁵⁴ Center for Global Development (CGD), “Global Skill Partnerships,” <https://cgdev.org/bettermigration>.

¹⁵⁵ Ipek Gencsu, Avery Parsons Grayson, Nathaniel Mason, and Marta Foresti, *Migration and skills for the low-carbon transition* (London: Overseas Development Institute (ODI), July 27, 2020), <https://odi.org/en/publications/migration-and-skills-for-the-lowcarbon-transition/>.

¹⁵⁶ European Commission, “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions: a European Agenda on Migration,” COM(2015) 240 final, May 13, 2015, <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1485255362454&uri=CELEX:52015DC0240>; and European Commission, “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions: on a New Pact on Migration and Asylum,” COM(2020) 609 final, September 23, 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1601287338054&uri=COM:2020:609:FIN>.

¹⁵⁷ Tatiana Rinke, “Temporary and Circular Labour Migration Between Spain and Colombia,” in *The State of Environmental Migration 2011*, eds. François Gemenne, Pauline Brückner, and Dina Ionesco (Paris: Institut du développement durable et des relations internationales (IDDRI) and International Organization for Migration (IOM), 2012), <http://labos.ulg.ac.be/hugo/wp-content/uploads/sites/38/2017/11/The-State-of-Environmental-Migration-2011-25-34.pdf>.

Box 4. The Colombian Temporary and Circular Labour Migration Scheme (TCLM) with Spain

The scheme was designed by the Unión de Pagesos (UP), the main agricultural trade union in Catalonia, and ran between 2007 and 2012. It had three goals: to meet Catalonia’s demand for seasonal agricultural workers; to better regulate and manage irregular migration to Spain; and to give Colombians facing environmental degradation an opportunity to access a new, temporary, income stream to enhance economic development back home. The scheme was specifically targeted to environmentally vulnerable Colombian communities, including those affected by recurrent disasters and those whose crops are vulnerable to floods and other natural hazards. An external evaluation found the programme met its three goals and it has been heralded by IOM, the Organization for Economic Co-operation and Development (OECD), and the EU as a model labour migration tool. It was eventually stopped as the financial crisis depressed the needs of Spanish employers.

Sources: Center for Global Development (CGD), “Temporary and Circular Labour Migration (TCLM) Model,” <https://gsp.cgdev.org/legalpathway/temporary-and-circular-labour-migration-tclm-model/>; and Nicole de Moor, “Labour Migration for Vulnerable Communities: A Strategy to Adapt to a Changing Environment,” Paper presented at the ESF-UniBi-ZiF research conference on ‘Environmental Change and Migration: From Vulnerabilities to Capabilities’, Bad Salzflun, Germany, December 5–9, 2010, COMCAD Arbeitspapiere—Working Papers No. 101, 2011, <https://core.ac.uk/download/pdf/55901939.pdf>.

Temporary and permanent visa schemes

Similar to the above, existing temporary and permanent visa schemes could be better adapted to respond to environmental migration by targeting regions or countries that are especially climate-vulnerable. The final part of this section outlines the available temporary and permanent visa schemes implemented by the US, Canada, New Zealand, Australia, and Japan, and how they could be adapted.

The US

There are a number of temporary and permanent visa pathways to bring people into the US to meet various economic needs, including the H-1B,¹⁵⁸ H-2A,¹⁵⁹ and H-2B visas.¹⁶⁰ There

¹⁵⁸ Center for Global Development (CGD), “H-1B Program,” <https://gsp.cgdev.org/legalpathway/h-1b-program/>.

¹⁵⁹ Center for Global Development (CGD), “H-2A Program,” <https://gsp.cgdev.org/legalpathway/h-2a-program/>.

¹⁶⁰ Center for Global Development (CGD), “H-2B Program,” <https://gsp.cgdev.org/legalpathway/h-2b-program/>. There have also been propositions for the US to create new forms of visa pathways which target depressed communities within the US. See, for example, Adam Ozimek, Kenan Fikri, and John Lettieri, *From Managing Decline to Building the Future* (Washington DC: Economic Innovation Group (EIG), April 2019), <https://eig.org/heartland-visa>.

have been calls, including from CGD, to expand the number of visas available under these schemes, and to explicitly ringfence some of these visas for people from Central America.¹⁶¹ Such a move could help stimulate economic development and climate adaptation in the region, while also reducing irregular migration. In April 2021, the Department of Homeland Security (DHS) announced 22,000 additional H-2B visas, including 6,000 explicitly for those from El Salvador, Guatemala, and Honduras.¹⁶² Depending on demand, these visa schemes could be expanded to any number of countries, encouraging labour migration in advance of disasters or environmental degradation (or even as a result of it, as evidenced in box 5).

Box 5. Expanding temporary work visas in the wake of a sudden-onset disaster in Haiti

In 2010, a catastrophic earthquake in Haiti left more than 200,000 people dead and over US\$8 billion in damage. In the wake of the disaster, CGD proposed that the Department of Homeland Security (DHS) make Haitians eligible for the H-2A temporary seasonal work visa to the US. As a result of these efforts, Haiti was made eligible in 2012 and a small number of people were able to move. An early impact evaluation found that the economic benefits of such movement was very large, with

Haitian workers able to earn 15 times their potential earnings in Haiti, with much flowing back in remittances.¹⁶³ Few people were able to access the work visa due to logistical challenges and the programme was terminated in 2017.¹⁶⁴ However it provides an interesting way in which high-income countries can facilitate labour migration in the wake of sudden-onset disasters. Several other countries provided similar support for Haitians, including Canada, Brazil, and Mexico.¹⁶⁵

¹⁶¹ Michael Clemens, Reva Resstack, and Cassandra Zimmer, *Harnessing Northern Triangle Migration for Mutual Benefit* (Washington DC: Center for Global Development (CGD), December 2020),

<https://www.cgdev.org/sites/default/files/harnessing-northern-triangle-migration-for-mutual-benefit.pdf>.

¹⁶² US Department of Homeland Security, “DHS to Make Additional 22,000 Temporary, Non-Agricultural Worker Visas Available,” April 20, 2021, <https://www.dhs.gov/news/2021/04/20/dhs-make-additional-22000-temporary-non-agricultural-worker-visas-available>.

¹⁶³ Michael Clemens and Hannah Postel, *Temporary Work Visas as US-Haiti Development Cooperation: A Preliminary Impact Evaluation*, Policy Paper 101 (Washington DC: Center for Global Development (CGD), January 23, 2017), <https://www.cgdev.org/publication/temporary-work-visas-us-haiti-development-cooperation-preliminary-impact-evaluation>.

¹⁶⁴ Tatiana Devia, “Haiti-U.S. Migration through a Labour Lens: The H-2 Visa Program, the Temporary Protected Status (TPS), and its Policy Implications,” *University of Miami Inter-American Law Review* 51, no. 1, article 5 (December 18, 2019): 85–115, <https://repository.law.miami.edu/cgi/viewcontent.cgi?article=2582&context=umialr>.

¹⁶⁵ See a fuller discussion of these responses in Patricia Weiss Fagen, *Receiving Haitian Migrants in the Context of the 2010 Earthquake*, The Nansen Initiative Discussion Paper (Geneva: International Environment House, December 3, 2013), https://disasterdisplacement.org/wp-content/uploads/2015/03/DP_Receiving_Haitian_Migrants_in_the_Context_of_the_2010_earthquake.pdf.

Canada

Outside of Canada's formal immigration system, they have a vast array of schemes which are targeted to specific skill needs within the Canadian economy. For example, the *Temporary Foreign Worker Program (TFWP)* was started in 1973 and admits workers in five streams: high-wage workers, low-wage workers, global talent, foreign agricultural workers, and foreign academics. Employers are able to hire foreign nationals for up to one year to fill roles where there are no Canadian workers available. Between 2013 and 2018, 527,247 people benefitted from the scheme.¹⁶⁶ Within this scheme are the *Seasonal Agricultural Worker Program (SAWP)* and the *Canada / Guatemala Temporary Guest Worker Program (TGWP)*. The former facilitates the temporary (maximum eight-month) recruitment of agricultural workers from the Caribbean, Jamaica, and Mexico. In 2017, 48,000 people came to Canada under the scheme.¹⁶⁷ And the latter was created in 2003 to bring Guatemalan agricultural workers to Canada. It has benefitted 9,825 people as of 2018.¹⁶⁸

The *International Mobility Program (IMP)* encompasses all schemes that fall outside the two above. It was established in 2014 and allows employers to recruit a broad range of workers that provide economic, cultural, or competitive advantages for Canada. As of 2018, there were 1,249,651 IMP work permit holders in Canada.¹⁶⁹ The *Home Child Care Pilot* and *Home Support Worker Pilot* which have allowed up to 2,750 foreign nationals to work as caregivers in Canada. They must have a job offer, work experience, pass a language test, and meet the minimum education threshold.¹⁷⁰ Finally, the *Canada Rural and Northern Immigration Pilot* is a new five-year program to attract migrants to rural areas. Once they have a job offer from an eligible employer in one of the 11 participating communities, they can apply for permanent residence. Roughly 150 people are due to benefit.¹⁷¹

Many of these programs target countries that are highly climate-vulnerable, including the SIDS of the Caribbean, and countries throughout the Dry Corridor such as Mexico and Guatemala. In addition, many of the leading source countries of migration to Canada outside these pilot programs, such as Bangladesh, the Philippines, and Somalia, are experiencing significant environmental degradation. Yet there is, to date, little talk about using these labour pathways to expand mobility as a way to accommodate environmental migration. This is despite studies showing that people from climate-vulnerable areas would be willing to

¹⁶⁶ Center for Global Development (CGD), "Canada Temporary Foreign Worker Program (TFWP)," <https://gsp.cgdev.org/legalpathway/canada-temporary-foreign-worker-program-tfwp/>.

¹⁶⁷ Center for Global Development (CGD), "Seasonal Agricultural Worker Program (SAWP)," <https://gsp.cgdev.org/legalpathway/seasonal-agricultural-worker-program-sawp/>.

¹⁶⁸ Center for Global Development (CGD), "Canada/Guatemala Temporary Guest Worker Program (TGWP)," <https://gsp.cgdev.org/legalpathway/canada-guatemala-temporary-guest-worker-program-tgwp/>.

¹⁶⁹ Center for Global Development (CGD), "Canada International Mobility Program (also known as the Open Work Permit)," <https://gsp.cgdev.org/legalpathway/canada-international-mobility-program-also-known-as-the-open-work-permit/>.

¹⁷⁰ Center for Global Development (CGD), "Canada Home Child Care Pilot and Home Support Worker Pilot," <https://gsp.cgdev.org/legalpathway/canada-home-child-care-pilot-and-home-support-worker-pilot/>.

¹⁷¹ Center for Global Development (CGD), "Canada Rural and Northern Immigration Pilot," <https://gsp.cgdev.org/legalpathway/canada-rural-and-northern-immigration-pilot/>.

explore migration to Canada if specific employment opportunities were available,¹⁷² and those surveying existing migrants showing that environmental factors do play a role in migration decisions to Canada.¹⁷³

New Zealand

New Zealand's Recognised Seasonal Employer (RSE) scheme allows for the temporary entry of low-skilled seasonal workers within the horticulture and viticulture industries. It is open to residents across the Pacific Islands, allowing applicants to work in New Zealand for up to seven months at a time.¹⁷⁴ In 2020/21, the cap was set at 14,400 workers, though this cap has been raised year on year and will likely rise again post COVID-19.¹⁷⁵ The RSE scheme has been called the “gold standard” in seasonal migration programs, and has been beneficial to both employers and employees.¹⁷⁶ On the latter, between 2010 and 2014, RSE workers earned more than NZ\$460 million in gross income (approximately £235 million).¹⁷⁷ A study of 640 workers from Samoa and Tonga conducted in 2014/15 found that they remitted 42 percent of their take-home pay.¹⁷⁸ These remittances have supported climate adaptation throughout the region.¹⁷⁹ Recommendations for adapting the scheme for environmental migration focus on increasing the intake of workers from specific countries and / or subsidizing the costs for workers from these countries.¹⁸⁰

¹⁷² Sabira Coelho and Angelica Neville, *Effects of Climate Change on Human Mobility in the Pacific and Possible Impact on Canada* (Grand-Saconnex: International Organization for Migration (IOM), 2017), <https://environmentalmigration.iom.int/effects-climate-change-human-mobility-pacific-and-possible-impact-canada>.

¹⁷³ Luisa Veronis and Robert McLeman, “Environmental influences on African migration to Canada: focus group findings from Ottawa-Gatineau,” *Population and Environment* 36 (2014): 234–351, <https://doi.org/10.1007/s11111-014-0214-3>.

¹⁷⁴ Center for Global Development (CGD), “Recognised Seasonal Employer (RSE),” <https://gsp.cgdev.org/legalpathway/recognised-seasonal-employer-rse/>.

¹⁷⁵ New Zealand Immigration, “Recognised Seasonal Employer (RSE) scheme research,” <https://www.immigration.govt.nz/about-us/research-and-statistics/research-reports/recognised-seasonal-employer-rse-scheme>.

¹⁷⁶ Richard Whatman and Jerf Van Beek, “The Seasonal Labour Strategy and the Role of Recognised Seasonal Employer (RSE) in helping make Transformative changes for Employers and Industry,” *Labour, Employment and Work in New Zealand* (2008), <http://ojs.victoria.ac.nz/LEW/article/view/1641>.

¹⁷⁷ Heather Nunns, Charlotte Bedford, and Richard Bedford, *RSE Impact Study: Synthesis report*, New Zealand Immigration, May 22, 2020, <https://www.immigration.govt.nz/documents/statistics/rse-impact-study-synthesis-report.pdf>.

¹⁷⁸ New Zealand Ministry of Business, Innovation, and Employment (MBIE), *The Remittance Pilot Project: The economic benefits of the Recognised Seasonal Employer work policy and its role in assisting development in Samoa and Tonga*, 2015, <https://www.immigration.govt.nz/documents/statistics/remittance-pilot-project-report.pdf>.

¹⁷⁹ For example, financial remittances were used for diversifying income streams, investing in agricultural technologies, and recovering from natural disasters (e.g. repairing buildings, installing new water systems). Social remittances were used to improve farming techniques. See Charlotte Bedford, Richard Bedford, and Heather Nunns, *RSE Impact Study: Pacific stream report*, New Zealand Immigration, May 12, 2020, <https://www.immigration.govt.nz/documents/statistics/rse-impact-study-pacific-stream-report.pdf>.

¹⁸⁰ Leandra Fiennes, *New Zealand's Climate Refugee Visa, a Framework for Positive Change: Creating a regional framework of protections for climate migrants from the Pacific*, A dissertation in partial fulfilment of the degree

Australia

Similar to New Zealand, Australia has relied on its existing labour migration schemes with the Pacific Islands—the Seasonal Worker Programme (SWP) and Pacific Labour Scheme (PLS)—to address environmental migration. The SWP was implemented as a pilot in 2008 and scaled to new countries and sectors in 2012.¹⁸¹ The program permits 12,000 workers per year from eight Pacific Island countries to access nine-month visas to undertake seasonal horticultural work. The circular nature of the pathway, along with efforts to encourage remittances, have been described by the Australian government as a “key part in building resilience” in the Islands.¹⁸² A survey of 400 participants conducted by the World Bank found that the average worker takes home close to net AU\$9,000 over six months (approximately £4,785), a four-fold increase in the average amount they could earn at home.¹⁸³ Between 2012 and 2018, the program injected approximately AU\$144 million in net income gains (approximately £77 million), making it more important than aid and trade combined in some countries.¹⁸⁴

The PLS was created in July 2018 in response to criticism from some Pacific governments that the only options available to them abroad were in low-skilled seasonal work. The scheme provides temporary (one- to three-year) visas to people from the Pacific Islands who are qualified in a range of mid-skill professions. To date, 2,180 people have benefitted. The long-term aim is to align the needs of Australian employers with the skills built by a DFAT-funded training initiative in the Pacific, the Australia-Pacific Training Coalition (APTC).¹⁸⁵ Recommendations for improving the scheme include building in a pathway to residency and enabling people to bring their families for the length of their visa. Outside of these schemes, the ability for Pacific Island citizens to move to Australia is limited; there is no Pacific Island country in the top 25 sending countries for permanent migrants under other, higher-skilled, visa categories.¹⁸⁶

of Bachelor of Laws (with Honours) at the University of Otago—Te Whare Wānanga o Ōtāgo, Dunedin, New Zealand, October 2019, <https://www.otago.ac.nz/law/research/journals/otago734244.pdf>.

¹⁸¹ Center for Global Development (CGD), “Seasonal Worker Programme (SWP),” <https://gsp.cgdev.org/legalpathway/seasonal-worker-programme-swp/>.

¹⁸² Jane McAdam and Jonathan Pryke, *Climate Change, Disasters and Mobility: A Roadmap for Australian Action*, Policy Brief 10 (Sydney: Kaldor Center for International Refugee Law, October 2020), https://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/Policy_brief%2010_Climate_Change.pdf

¹⁸³ Jesse Doyle and Manohar Sharma, *Maximizing the Development Impacts from Temporary Migration: Recommendations for Australia’s Seasonal Worker Programme* (Washington DC: World Bank, 2017), <https://documents1.worldbank.org/curated/en/572391522153097172/pdf/122270-repl-PUBLIC.pdf>.

¹⁸⁴ Stephen Howes and Beth Orton, “For Tonga, Australian labour mobility more important than aid and trade combined,” *DevPolicy*, January 21, 2020. <https://devpolicy.org/for-tonga-australian-labour-mobility-more-important-than-aid-and-trade-combined-20200121/>.

¹⁸⁵ Center for Global Development (CGD), “Australia Pacific Training Coalition (APTC),” <https://gsp.cgdev.org/2021/07/07/australia-pacific-training-coalition-aptc-2/>.

¹⁸⁶ Jane McAdam and Jonathan Pryke, *Climate Change, Disasters and Mobility: A Roadmap for Australian Action*, Policy Brief 10 (Sydney: Kaldor Center for International Refugee Law, October 2020), https://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/Policy_brief%2010_Climate_Change.pdf.

To what extent these schemes can be augmented to take account of environmental migration is, as yet, unclear, though there are some indications that the Government is interested in such a shift. As DFAT's Danielle Heinecke told a parliamentary inquiry late last year, "typically, we've had an economic response to migration, rather than necessarily a strategic look at migration, so there are a lot of interesting policy questions that government needs to unpack."¹⁸⁷ Such a move could hugely improve the ability of those staying behind to adapt to climate change. For example, analysis has found that allowing just one percent of the Pacific population (3,000 people per year) to work permanently in Australia would deliver three times the benefits to the people of the Pacific than the aid program by 2040.¹⁸⁸ It would also have little impact on Australia's population. As Jane McAdam, a law professor at the University of New South Wales, recently said:

*"Australia currently accepts about 130,000 permanent migrants to the country each year... If the entire populations of Kiribati and Tuvalu—two of the Pacific islands most threatened by climate change—were to relocate to Australia in one year, they would still number fewer than that annual total."*¹⁸⁹

Japan

Japan has the oldest population in the world and huge skill shortages in a range of low- and mid-skill industries.¹⁹⁰ In 1993, Japan established the Technical Intern Training Program (TITP), a temporary labour program allowing small- and medium-size enterprises in Japan to hire trainees for temporary, low-paid, work. By 2019, 308,489 foreign trainees from across South-East Asia were working in Japan, mostly as construction and engineering professionals in small businesses in rural areas.¹⁹¹ There is little evidence of the impact of the program, though many commentators have noted that it has facilitated large-scale human-rights violations.¹⁹² Until recently, this aversion to permanent and systematic migration has undermined the effectiveness of both the TITP and the asylum system.¹⁹³

¹⁸⁷ Ben Doherty, "Australia should create 'Pacific visa' to reduce impact of climate change and disaster on islanders," *The Guardian*, October 21, 2020, <https://www.theguardian.com/world/2020/oct/21/australia-should-create-pacific-visa-to-reduce-impact-of-climate-change-and-disaster-on-islanders>.

¹⁸⁸ Thea Philip, "Climate Change Displacement and Migration: An Analysis of the Current International Legal Regime's Deficiency, Proposed Solutions and a Way Forward for Australia," *Melbourne Journal of International Law* 19 (2018): 1–27, https://law.unimelb.edu.au/__data/assets/pdf_file/0007/2983057/Philip-unpaginated.pdf.

¹⁸⁹ Laurie Goering, "Australia urged to offer migration safety valve as climate pressures Pacific," *Thomas Reuters Foundation*, October 22, 2020, <https://news.trust.org/item/20201022161804-p9gut>.

¹⁹⁰ Charles Kenny, "What Comes After the Demographic Dividend? East Asia is Finding Out," *Center for Global Development (CGD)*, September 20, 2021, <https://www.cgdev.org/blog/what-comes-after-demographic-dividend-east-asia-finding-out>.

¹⁹¹ "Technical Intern Training Program (TITP)," *Center for Global Development (CGD)*, <https://gsp.cgdev.org/2021/07/07/technical-intern-training-program-titp/>.

¹⁹² Menju Toshihiro, "Japan's Historic Immigration Reform: A Work in Progress," *Nippon*, February 6, 2019, <https://www.nippon.com/en/in-depth/a06004/japan%E2%80%99s-historic-immigration-reform-a-work-in-progress.html>.

¹⁹³ Tara Francis Chan, "NO ENTRY: How Japan's shockingly low refugee intake is shaped by the paradox of isolation, a demographic time bomb, and the fear of North Korea," *Insider*, April 12, 2018, <https://www.businessinsider.com/why-japan-accepts-so-few-refugees-2018-4?r=US&IR=T>.

In April 2019, the Government enacted a historic migration policy reform.¹⁹⁴ Responding to rising demographic and economic growth concerns, they expanded their visa programs to allow more than 345,000 new workers to immigrate to Japan over the next five years. Low-skilled workers (Category 1) can stay for five years, and foreign workers with specialized skills (Category 2) can stay indefinitely.¹⁹⁵ These “Specialized Skills” visas are targeting key industries like agriculture, nursing, construction, manufacturing, and hospitality.¹⁹⁶ While it’s unclear how this visa will actually be implemented in practice (including whether Category 1 migrants may “upgrade” to Category 2), it does provide a new labour migration route for people throughout the region. What remains to be seen is whether Japan’s general softening of its labour migration programs will attract more environmental migrants from the region and / or whether it will lead to a more general political discussion about deliberately attracting environmental migrants.

Conclusion

These examples show that some countries have adapted their legal and policy frameworks to better respond to environmental migration, but that these adaptations have usually happened in an ad-hoc, fragmented, and time- and scope-limited way. None of the high-income countries reviewed in this section have implemented new and permanent humanitarian pathways to provide refugee or asylum status to people fleeing environmental degradation. Most have focused on instead providing temporary protections to people from countries that have experienced an environmental disaster, though these protections largely only apply to people *already within* the high-income country. These policies have also rarely been implemented, nor their application evaluated.

Similarly, while all of the high-income countries reviewed have a wide range of labour migration pathways, many of which admit people from highly climate-vulnerable countries, there has been little discussion of how these could be better adapted to suit this purpose. The policy options that have been explored are things such as visa lotteries, which would provide an objective way to support the movement of people from climate-vulnerable countries, and ad-hoc visa extensions in the wake of natural disasters.

¹⁹⁴ Rebekah Smith and Anita Vukovic, “How Can Japan Meet Its Goal of 500,000 Foreign Workers by 2025? By Contracting Out Labor Mobility Programs,” *Center for Global Development (CGD)*, September 12, 2019, <https://www.cgdev.org/blog/contracting-out-labor-mobility-programs>.

¹⁹⁵ Martin Gellin, “Japan Radically Increased Immigration—and No One Protested,” *Foreign Policy*, June 23, 2020, <https://foreignpolicy.com/2020/06/23/japan-immigration-policy-xenophobia-migration/>. The number of industries that have a pathway to permanent residency and citizenship may also be expanding in the future. See Eugene Lang, “Japan weighs opening immigration door wider amid labor crunch,” *Nikkei Asia*, November 17, 2021, <https://asia.nikkei.com/Spotlight/Japan-immigration/Japan-weighs-opening-immigration-door-wider-amid-labor-crunch>.

¹⁹⁶ Menju Toshihiro, “Japan’s Historic Immigration Reform: A Work in Progress,” *Nippon*, February 6, 2019, <https://www.nippon.com/en/in-depth/a06004/japan%E2%80%99s-historic-immigration-reform-a-work-in-progress.html>.

As a result, this is an interesting time for the UK Government to act. Many commentators have provided ways in which things such as the US TPS or the New Zealand PAC could be better adapted to respond to environment migration. The UK Government can learn from the lessons of these countries in the design of their own legal and policy frameworks. At the same time, the UK Government could experiment with new forms of policy design, establishing a leading role on the climate change and migration stage and providing a path for other high-income countries to tread.

Policy recommendations for the UK Government

The final section of this paper outlines ways in which the UK Government could adapt their legal and policy frameworks to better respond to environmental migration. The recommendations are grouped into three categories based on their level of difficulty to achieve: easy, medium, and hard.

Of course, it must be noted that building a political constituency for any of these recommendations will be difficult. In the vast majority of high-income countries, including the UK, there are public and political constituencies in favour of expanded humanitarian and labour migration.¹⁹⁷ Yet pathways remain limited, and in many respects are reducing.¹⁹⁸ Research from the US and Germany has shown that, among the public, climate migrants receive greater support than traditional “economic migrants” but less than refugees.¹⁹⁹ In addition, discussing the prospect of impending climate migration seems to do little to actually increase support for climate change mitigation and adaptation measures, including opening new legal pathways. This is a nascent area of study, and few high-income countries have attempted to craft narratives to “sell” the expansion of these pathways to a sceptical public on climate grounds. As a result, it may be useful to test different arguments—painting environmental migrants as “refugees,” deserving of humanitarian protection; as labour migrants, who can contribute their skills to low-carbon transition and beyond; or as a group of people who deserve support due to the contributions of high-income countries like the UK to climate change over the decades—to see what most resonates.

¹⁹⁷ Paul Butcher, Helen Dempster, and Alberto-Horst Neidhardt, “Making the ‘Movable’ Middle More Open to Immigration,” *Center for Global Development (CGD)*, March 2, 2021, <https://www.cgdev.org/blog/making-movable-middle-more-open-immigration>.

¹⁹⁸ For example, see UNHCR, “With refugee resettlement at a record low in 2020, UNHCR calls on States to offer places and save lives,” January 25, 2021, <https://www.unhcr.org/uk/news/press/2021/1/600e79ea4/refugee-resettlement-record-low-2020-unhcr-calls-states-offer-places-save.html>.

¹⁹⁹ Sabrina B. Arias and Christopher W. Blair, “Changing Tides: Public Attitudes on Climate Migration,” *The Journal of Politics* (2021), <https://doi.org/10.1086/715163>.

Easy

Extend temporary protections to people from countries affected by disasters

The UK Government could extend temporary or even permanent protections to people from countries affected by disasters who are *already in the UK*. The most straightforward protection is to suspend removals and deportations, in line with the principle of *non-refoulement*. The UK committed to such a policy after the 2004 Indian Ocean tsunami, and, as explored above, similar protections have been extended by the US, Canada, France, Sweden, Finland, Italy, Switzerland, and Cyprus, in addition to in several low- and middle-income countries.

To enact such a protection, the UK would need to establish two things. Firstly, the type and scale of disaster required to ensure that nationals from that country receive temporary protection. This is likely only to apply to sudden-onset disasters, though their impact varies hugely. The UK Government could establish a dialogue with those responsible for the methodology behind the US TPS to explore how such countries are added or removed from that list. Secondly, how long the removal and deportation stay would be in place for, likely determined by the type and scale of disaster, and whether it would be extendable. Sweden, for example, provides a fixed 13-month permit while Italy provides a six-month, extendable, permit.

Such an approach has many positives. It gives the UK flexibility to determine the scale and type of disaster that would lead a country to qualify for such a status, and such a status could be very time-limited. Protections could be granted on a blanket or case-by-case basis, the latter giving judges and visa officers discretion as to how the status was applied. It would also bring the UK in line with many other high-income countries in their thinking on these issues, and implement their global commitments set out in the GCM, Paris Agreement, the Sendai Framework, and others.

It also has many drawbacks. The example of Canada outlined above how such an ad-hoc instrument could be applied irregularly, leading to backlash and a lack of trust in the system. It would likely only apply to people *already in the UK*, and people from a country affected by a sudden-onset disasters, thereby not providing coverage to a large swathe of people affected by environmental degradation. Finally, there would need to be a difficult political conversation about how the rights of these people were compared to those rights provided to refugees, asylum-seekers, and other people seeking protection in the UK.

There are two ways in which the UK could take this policy option a step further:

1. **Explore other forms of protections, beyond suspending removals and deportations.** This could include ensuring that holders of temporary protection had the ability to work, study, receive health insurance, and access essential services. Such temporary protection could even become permanent, if the conditions in their country of origin continued. For example, there have been repeated calls to give US TPS holders a pathway to permanent residency and citizenship, and provisions in Canada could be used for a similar outcome.

2. **Explore whether such protections could be granted to people affected by a disaster when they are not already in the UK.** For example, some commentators have explored ways in which US TPS could be used to reduce irregular migration in the wake of a disaster, perhaps by redesignating the arrival date. The other option here would be to use another form of asylum, as explored below.

Target labour migration pathways to climate-vulnerable countries

The second way in which the UK could easily adapt its legal and policy frameworks to respond to environmental migration is by targeting labour migration pathways to climate-vulnerable countries. As described above, the UK is seeing an increase in the number of people coming to the UK for work, study, and family reasons from non-EU countries. Many of these countries, particularly those in South and East Asia, are extremely climate-vulnerable. Migrants from these countries are educated and skilled, helping to offset the substantial skills shortages seen in the UK as a result of demographic crisis, Brexit, and COVID-19.

In addition to these general migration patterns, the new Points-Based Immigration System has established a number of specific routes—including the Skilled Worker Route, Health and Care visa, and the Seasonal Agricultural Worker Scheme—which enable the UK to target skilled professionals in EU and non-EU countries with specific work opportunities. Some of these routes (in particular, pilots using the Health and Care visa) are also being used by the UK Government to actively build the skills of people in low-income countries and then facilitating some of them to move, in a bid to reduce brain drain.²⁰⁰

The UK Government could develop these labour migration pathways with a climate lens in mind. They could sign bilateral labour agreements (BLAs) with climate-vulnerable countries or even regions or ensure climate-vulnerable countries have incentives provided within general migration systems. For example, the existing SAWS already reduces the visa fee for people from specific countries.²⁰¹ Such facilitated movement will not only benefit the UK, but will also enable people to escape slow-onset impacts and contribute remittances to climate adaptation efforts in their country of origin. However, research has shown that such pathways are already difficult to design and implement, and that is when only labour and economic development considerations are taken into account.²⁰² Adding a climate dimension may make it even more difficult to ascertain which countries of origin should be partnered with and the structure of such a partnership.

²⁰⁰ Samik Adhikari, Michael Clemens, Helen Dempster, and Nkechi Linda Ekeator, *A Global Skill Partnership in Nursing between Nigeria and the UK* (Washington DC: Center for Global Development (CGD), July 19, 2021), <https://www.cgdev.org/publication/global-skill-partnership-nursing-between-nigeria-and-uk>.

²⁰¹ UK Visas and Immigration, “Temporary Worker—Seasonal Worker visa (T5),” <https://www.gov.uk/seasonal-worker-visa>.

²⁰² Diana Stefanescu, *Partnerships for Mobility at the Crossroads: Lessons Learnt from 18 Months of Implementation of EU Pilot Projects on Legal Migration* (Vienna: International Center for Migration Policy Development (ICMPD), 2020), <https://www.migrationpartnershipfacility.eu/storage/files/mpf-policy-brief-pilot-projects-1020.pdf>.

Medium

Create a new ground for UK asylum claims

There are already a number of grounds under which someone can claim asylum in the UK, beyond formal refugee protection under the 1951 Refugee Convention. Two of the most important are “humanitarian protection,” which is granted to people who would be in serious harm if they returned to their country of origin, and “leave under the immigration rules,” which is granted to people who (among other things) would face very significant obstacles to their reintegration in their country of origin. If the UK wanted to facilitate asylum claims from environmental migrants, it could augment its own asylum policies by (a) adding a new ground for asylum; (b) expanding the grounds under which someone could be granted “humanitarian protection;” and / or (c) clarifying whether climate change was a “very significant obstacle” that would enable someone to be granted “leave under the immigration rules.”

The impact of such a move would be limited. Asylum is granted on a case-by-case basis, and therefore it would be up to individual judges or case officers to ascertain whether someone qualified for protection. It would, however, give the UK a ground under which someone could claim asylum if they were affected by slow-onset disasters in their home country.

Establish a visa lottery for people from climate-vulnerable countries

The options described above target people based on purely humanitarian or purely skill-based grounds. One way to ensure people from climate-vulnerable countries can migrate to the UK, that falls between these two grounds, is a “visa lottery.” The examples above from the US and New Zealand show how this could be done in practice. The UK could establish a set number of visas—say, 1,000 per year—which would be available to people from a set number of countries. In line with New Zealand’s PAC, eligibility could be restricted to people who are young, educated, speak English, and can obtain a job offer from a UK employer. This visa would provide a pathway to permanent residency and citizenship, and allow applicants to bring their families. In doing so, the UK should learn the lessons from the PAC, including exploring supporting winners with job seeker assistance, and helping facilitate remittances.

Hard

Design a new visa for people affected by slow-onset disasters

The final policy option that the UK could explore is creating a new visa scheme entirely separate from both the Points-Based Immigration System and the refugee and asylum systems, which would admit a set number of people per year explicitly affected by environmental degradation in their home countries. As with the PAC described above, this scheme would provide people with a pathway to permanent residency and citizenship, and would allow visa holders to bring their families. However, different to the PAC, this pathway would not require people to have a certain level of skill nor obtain a job offer before moving.

Such a scheme has been considered by New Zealand, Australia, Germany, and the US, with their experiences detailed above. Humanitarian visas more broadly have also been widely

discussed, including by the EU.²⁰³ There are four main concerns with establishing such a visa. The first is around securing political buy-in, convincing actors that more action on this issue is needed especially at a time when political support for general refugee and migrant admissions is low. The second is cost, covering the financial implications of supporting these migrants when local authorities and resettlement agencies are already struggling. The third is establishing the criteria for who would be eligible for such a visa. Clearly this would need to be based on some objective assessment of the impacts of climate change on someone's life and livelihood, though agreeing on such a set of criteria will be extremely difficult.

The fourth, and most important, concern is the desires of the people affected by climate change. As the New Zealand case illustrates, people may not want to migrate through a humanitarian visa, especially if it means they are labelled as "refugees." Hence, it is recommended that the UK explore the other options above (especially allowing people to move as labour migrants) and consider the establishment of a humanitarian visa as a last resort. That being said, with the recent assessment provided by the Intergovernmental Panel on Climate Change (IPCC), it is likely that this may be needed sooner rather than later.²⁰⁴

Overarching considerations

When developing the above policy recommendations, there are several overarching considerations that must be kept in mind:

- To date, the Foreign, Commonwealth, and Development Office (FCDO) has led the way in thinking about the links between climate change and migration, with their REA published earlier in 2021.²⁰⁵ It is likely that FCDO will lead the efforts outlined above, but **this must be done in conjunction with other government departments**, especially the Home Office, Cabinet Office, the Department of Business, Energy, and Industrial Strategy (BEIS), and others.
- Building on the existing REA, the UK Government should conduct a major review of the countries (and ideally the regions) that both labour migrants and asylum seekers to the UK are coming from. By laying this knowledge over evidence as to the impact of slow- and sudden-onset disasters in these places, the UK will **gain a better understanding of how climate change may affect existing patterns of mobility to the UK**, and better tailor instruments accordingly. A similar assessment has been conducted by the US' Biden Administration and proposed in a 2019 French law.²⁰⁶

²⁰³ Ulla Iben Jensen, *Humanitarian Visas: Option or Obligation?*, Study requested by the LIBE committee, Policy Department for Citizens' Rights and Constitutional Affairs, Directorate-General for Internal Policies PE 509.986 (Brussels: European Parliament, 2014),

[https://www.europarl.europa.eu/RegData/etudes/STUD/2014/509986/IPOL_STU\(2014\)509986_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2014/509986/IPOL_STU(2014)509986_EN.pdf).

²⁰⁴ Intergovernmental Panel on Climate Change (IPCC), "Global Warming of 1.5°C," <https://www.ipcc.ch/sr15/>.

²⁰⁵ Jan Selby and Gabrielle Daoust, *Rapid evidence assessment on the impacts of climate change on migration patterns* (London: UK Foreign, Commonwealth, and Development Office (FCDO), 2021), <https://www.gov.uk/research-for-development-outputs/rapid-evidence-assessment-on-the-impacts-of-climate-change-on-migration-patterns>.

²⁰⁶ *Proposition de Loi: visant à mieux anticiper les déplacements des populations victimes des changements climatiques et environnementaux, en France et dans le monde*, National Assembly no. 2533, December 17, 2019, https://www.assemblee-nationale.fr/dyn/15/textes/115b2533_proposition-loi.

The UK Government should also explore ways in which they can **fill the gaps highlighted by the recent REA** (see box 2), by commissioning more research (particularly on the links between slow-onset disasters and migration patterns).

- It is unlikely that there will be large-scale political buy-in for a “brave new instrument,” at least in the short-term.²⁰⁷ Even if such an instrument was established, it is unlikely that it would cover *everyone* who is affected by environmental change. Hence **a tailored approach will be required**, with different policies affecting different types of people. In developing such policies, the UK Government must **be very clear about exactly who these policies are targeting** (e.g. people already in the UK or outside, people affected by slow- or sudden-onset disasters) and what benefits such people will receive.
- These instruments must **not be substitutes for other channels**. For example, countries not deemed “climate vulnerable” must not miss out on opportunities for labour migration to the UK, and applications for humanitarian protection must still prioritize vulnerability without having to prove a connection to climate change.
- Any **new instrument must be objective, easy to understand, and flexible**. It must be clear to all (especially applicants) whether and how they apply for the instrument, and upon which grounds their claim will be assessed. Baking in flexibility will give judges and visa officers the ability to assess whether both applications and rejections are fair, and overturn if necessary. Yet in doing so, the UK should learn from the experiences of Canada outlined above. Too much flexibility (especially too much discretion given to individual officers) can lead to uneven applications of policies which should be avoided.

A final word of caution: as outlined at the beginning of this report, the number of people seeking to enter the UK due to climate change is small and will likely remain small, at least in the short-term. Yet, given what we know about the impacts of climate change and the existing patterns of mobility to the UK, this number could change in the coming years. There are good reasons as to why the UK should seek to facilitate the regular entry of environmental migrants to the UK, not least that of self-interest. But regardless of whether the UK enacts any of the policy recommendations outlined above, the UK Government should prepare for these movements by investing in essential infrastructure and services and encouraging social cohesion between environmental migrants and their host communities. We have most of the needed tools already; we just need to add a climate lens to them.

²⁰⁷ Albert Kraler, Caitlin Katsiaficas, and Martin Wagner, *Climate Change and Migration: Legal and policy challenges and responses to environmentally induced migration*, Study requested by the LIBE committee, Policy Department for Citizens’ Rights and Constitutional Affairs, Directorate-General for Internal Policies PE 655.591 (Brussels: European Parliament, July 2020), [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/655591/IPOL_STU\(2020\)655591_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/655591/IPOL_STU(2020)655591_EN.pdf).