



# UNHCR

United Nations High Commissioner for Refugees  
Haut Commissariat des Nations Unies pour les réfugiés

## UNHCR Statement

### IOM International Dialogue on Migration Panel 1: Understanding migrant vulnerability concepts, drivers, protection frameworks and gaps

11:30-13:00 18 July 2017

UNHCR would like to thank IOM for the invitation to take part in this International Dialogue on Migration, and welcomes the timely focus on understanding migrant vulnerabilities.

UNHCR takes a special interest in this issue, and in this context, we wish to offer our perspective on who a migrant in vulnerable situation is, in order to contribute to reflections in this morning's session. At the outset though, if I may, it is important to underline first that refugees are not a subset of migrants, but a group of people forced to flee situations of conflict, violence and persecution. A solid international legal framework exists both at the global and regional levels, at the center of which is the 1951 Convention and the customary international law principle of non-refoulement.

Mr. Chair, Excellencies,

Migrants, as well as refugees, may find themselves in vulnerable situations for a wide range of reasons, which often overlap and which broadly speaking fall into two main categories. One is 'situational' and can arise due to circumstances experienced en route or in countries of destination that put migrants at risk of exploitation, abuse and hazardous conditions. The other relates to individual characteristics which may place a person at particular risk, for example as a result of age, gender or disability.

These factors may interact to create a vulnerable situation where migrants require particular assistance to meet their needs. UNHCR is pleased in this regard to be contributing to the development of the Global Migration Group Principles and Guidelines on the human rights of migrants in vulnerable situations.

Understanding migrant vulnerabilities can benefit from clarity about the difference between:

- (a) On one hand, the specific needs which migrants (or other people on the move) may have because they are in a vulnerable situation as just described; and
- (b) And on the other, the need for international protection, which arises when a person is outside their own country and is unable to return home because of a serious threat to their life, physical integrity, or freedom there.

This clarity is particularly important so as to ensure that any efforts to effectively meet the specific needs of migrants in vulnerable situations do not duplicate or undermine existing frameworks.

In this context, for example as a result of incomplete or inconsistent application of the 1951 Refugee Convention and other relevant legal frameworks, implementation gaps have arisen. Where this is so, the most pressing need is to work towards fuller and more robust implementation of the agreed international framework for international protection.

[Moreover, in certain circumstances, people who are outside their country of origin but who may not qualify as refugees may nevertheless require international protection, on a temporary or longer-term basis. This may include, for example, those displaced across an international border in the context of large-scale natural disasters or the effects of climate change when their circumstances are such that they need protection against return to serious ongoing risks at home. The notion of 'international protection' has always been intimately bound to the refugee protection regime, and there are effective legal and practical approaches to ensure international protection is provided to those who need it.]

While refugees and others who are forcibly displaced across borders and who cannot return home are distinct in their need for international protection, both refugees and migrants face common challenges due to their individual circumstances or the situations in which they are traveling, which may place them at risk. It is essential that we protect their human rights, and put in place mechanisms to meet their individual needs, including to ensure their protection and humane treatment at all points along the routes of movement. We look forward to engaging together with States, SRSR, and members of the Global Migration Group including IOM in contributing to the development of principles on the treatment of migrants in vulnerable situations, drawing on our extensive experience in areas such as protection, reception and assistance, and responding to mixed migration.

Let me conclude please by drawing participants' attention to two recently published papers which are available on its online repository, Refworld. These are entitled: 'Migrants in vulnerable situations: UNHCR's perspective' and 'Persons in Need of International Protection', and elaborate further on some of the points on which I have touched today. UNHCR hopes that these papers will prove useful in the ongoing discussions around the development of guiding principles on the treatment of migrants in vulnerable situations and the Global Compact on Migration.