Regional Discussion Paper
Focus on the Asian Experience

MICIC Regional Consultation on South East, South and East Asia
Manila, Philippines, 23-24 March 2015

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<tr>
<td>AAA-OESP</td>
<td>Alliance of Asian Associations of Overseas Employment Service Providers</td>
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<td>AADMER</td>
<td>ASEAN Agreement on Disaster Management and Emergency Response</td>
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<td>ASEAN Committee on Disaster Management</td>
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<td>AHA</td>
<td>Center ASEAN Coordinating Center for Humanitarian Assistance</td>
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<td>ASEAN Ministerial Meeting</td>
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<td>APSEMO</td>
<td>Albay Public Safety and Management Office</td>
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<td>ARRND</td>
<td>South Asian Association for Regional Cooperation (SAARC) Agreement on Rapid Response for Natural Disasters</td>
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<td>ASEAN</td>
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<td>CCCM</td>
<td>Camp coordination and camp management</td>
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<td>EO</td>
<td>Executive Order</td>
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<td>GCC</td>
<td>Gulf Cooperation Council</td>
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<td>IASC</td>
<td>Inter-Agency Standing Committee</td>
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<td>ILMS</td>
<td>International Labour Migration Statistics</td>
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<td>Index for Risk Management</td>
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<td>ILO</td>
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<td>IOM</td>
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<td>MCOF</td>
<td>Migration Crisis Operational Framework</td>
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<td>MOIA</td>
<td>Ministry of Overseas Indian Affairs</td>
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<td>NLRC</td>
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<td>OCHA</td>
<td>Office for Coordination of Humanitarian Affairs</td>
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<td>OFIS</td>
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<td>OLTCC</td>
<td>Overseas Landbased Tripartite Consultative Council</td>
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<td>Overseas Preparedness and Response Team</td>
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<td>OWWA</td>
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<td>PMEPC</td>
<td>Presidential Middle East Preparedness Committee</td>
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<td>Philippines Overseas Employment Administration</td>
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<td>SAARC</td>
<td>South Asian Association for Regional Cooperation</td>
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<td>SDMC</td>
<td>SAARC Disaster Management Centre</td>
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<td>UNDAC</td>
<td>United Nations Disaster Assessment and Coordination</td>
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<td>UNDESA</td>
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<td>United Nations Development Programme</td>
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<td>UNHCR</td>
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Introduction

This regional discussion paper is an annex to the more general background paper on the Migrants in Countries in Crisis initiative dated February 2015 ("MICIC Background Paper"). The MICIC Background Paper sets forth the history, purpose, scope, and background of the initiative, while this regional annex provides background that is especially relevant to the Asia region.

Asia has long accounted for a large proportion of both intraregional and international migration. Nowadays, Asians are the largest diaspora group of those living outside of their continent of birth, and they account for 30 percent of all global migration. Asia also attracts migrants from other parts of the world. Overall, total immigration in Asia averages about 1.6 million people every year (ADB-Institute, OECD, ILO, 2015).

Moreover, natural disasters have noticeably increased in Asia over the past four decades and have had tremendous effects on migrants. According to the estimates on disaster induced displacements provided by the International Displacement Monitoring Centre (IDMC), “between 2008 and 2013, 80.9 per cent of displacement took place in Asia. The region accounted for the 14 largest displacements of 2013 and the five countries with the highest displacement levels: the Philippines, China, India, Bangladesh and Vietnam” (IDMC, 2014). In addition, both Asian migrants outside Asia (in Iraq, Lebanon, Libya or Syria to name a few examples) and migrants in Asia (especially in Pakistan, India, Afghanistan, Myanmar, Indonesia, Sri Lanka and the Philippines) have been impacted by armed conflicts and generalised violence.

Against this backdrop, the first Migrants in Countries in Crisis (MICIC) regional consultation focuses on Asia and takes place in the Philippines in March 2015.

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2 According to IDMC, "most of the largest displacements took place in populous Asian countries. Typhoons, floods and earthquakes in China and the Philippines accounted for 12 of the 20 largest displacements." (IDMC, 2014)
1. Background to the MICIC Asian Regional Consultation

This paper informs the above-mentioned MICIC regional consultation for South East, South and East Asian countries, held in Manila on 23-24 March 2015.

The MICIC Background Paper sets forth the history, purpose, scope of the MICIC which, in brief, seeks to compile a range of good practices in preparing for, responding to, and addressing the consequences of migrants in crisis situations and to produce a set of non-binding, voluntary guidelines that set out principles, roles and responsibilities of different stakeholders vis-à-vis migrants in countries in situation of acute crisis.

As part of its contribution to the global MICIC initiative, the European Union (EU) funds the organisation of six regional consultations tentatively in: Asia, Eastern Europe and Central Asia, North Africa and the Middle East, West and Central Africa, Latin America, and Eastern and Southern Africa. The purpose of these consultations is to explore and define issues at stake gaining perspectives of consulted states and other stakeholders, learn from best practices from previous crisis situations, collect evidence and propose a way forward to strengthen the international community’s capacity to better manage and respond to situations of migrants caught in countries in crisis. The outcomes of the regional consultations will feed into voluntary guidelines that will be presented at a global consultation in the course of 2016. Building on the overall MICIC Background Paper, a regional discussion paper will be drafted for each of the regional consultations, which aims to:

i. Identify migration trends in the region (or those affecting the region’s migrants elsewhere) that might give rise to a crisis of the type contemplated by the MICIC initiative;

ii. Assess existing policy and legal frameworks in the region of focus for addressing migrants in countries in crisis (before, during and after a crisis);

iii. Highlight existing examples of notable practices considering possible new approaches; and

iv. Raise key questions for discussion for the regional consultative meeting.

The MICIC Asian regional consultation gathers the following countries: Bangladesh; Brunei Darussalam; Cambodia; China; India; Indonesia; Japan; Laos; Malaysia; Myanmar; Nepal; Pakistan; Philippines; Singapore; South Korea; Sri Lanka; Thailand; Viet Nam.

The EU-funded ‘Migrants in Countries in Crisis: Supporting an Evidence-based Approach for Effective and Cooperative State Action’ initiative has three inter-related sets of activities, namely research, consultation and capacity building.; this and other regional MICIC consultations comprise one of those sets of activities. This four year project was launched in January 2015 and is being implemented by the International Centre for Migration Policy Development (ICMPD). The project aims to improve the capacity of states and other actors to assist and provide protection to migrants who find themselves in countries in crisis and address the long-term implications of such situations.

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Migration is a critical trend in Asia and represents 30 percent of all global migration. Countries in this region are not only major sources of international migration, but are increasingly becoming countries of destination for migrants with an estimated 43 percent of Asian migrants moving within the region. Men and women migrate to and from this region for a variety of reasons, including for work, study, marriage, and tourism. Those who migrate for work frequently travel to the Middle East/Gulf region for temporary lower-skilled labour, such as domestic work or construction; however, Asian migrants also contribute to destination countries' infrastructure as medium and high-skilled professionals in the medical, engineering, education, and other sectors. Remittances are a key source of income for Asian countries, comprising up to 10-30 percent of the GDP in some states in the region. As migrants travel from lower-income countries to countries that have labour shortages, their remittances offer critical benefits to their home countries.

A number of key issues render Asian migrants vulnerable as they migrate internationally. According to IOM, “A significant share of the migratory flows in the Asia and Pacific region is irregular. The region hosts the largest undocumented flows of migrants in the world, mainly between neighbouring countries.” Economic downturns that have led to a decline in legal avenues for labour migration may exacerbate the demand for illegal migration (i.e., fewer legal job opportunities may lead migrants to seek jobs abroad through illegal channels). Irregular migration creates vulnerabilities for migrants who can suffer exploitation and lack of protection as a result of their irregular status. In addition, the region hosts the largest number of refugees and displaced persons in the world. Other groups of Asian migrants who are vulnerable in migration situations include women, unaccompanied children, and stateless.

Many crises, both conflict-driven and natural disasters, have affected Asian migrants in particular. One of the first conflicts that brought attention to the consequences of conflicts on migrants from Asia was the invasion of Kuwait by Iraq in 1990 and the consequent international response led by the United States through Operation Desert Storm. Overall approximately 1.5 million migrants were affected by the conflict, about 500,000 from South and Southeast Asia (Battistella 1991).

More recently, the political uprisings in the Middle East and North Africa, including the civil war in Syria that has expanded in Iraq, and resumed unrest in Libya are affecting Asian migrants in those countries. Of the many conflicts in between, the ones with more impact on the migrants from Asia were probably the wars in Iraq and Lebanon. The Asian region itself is no stranger to conflicts and generalised violence affecting migrants from the region as well as those from further afield. Local conflicts at the borders between India and Bangladesh, between Bangladesh and Myanmar, between Myanmar and China and between Myanmar and Thailand also originate displacements of migrants.

When it comes to natural disasters, it is undeniable that Asian countries are, and are very likely to be in the future, severely affected. Natural disasters occur with alarming frequency in this region (nearly 40% of all natural disasters occur in Asia (Peters 2014)) and cause large

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7 According to International Organization for Migration (IOM) (http://www.migration-crisis.com/libya/reports/view/589), the cross border movement to escape the conflict in Libya reached 768,372 migrants in November 2011, 40 percent of them third country nationals. Bangladesh was among the top countries of origin, as close to 40,000 migrants were repatriated with IOM assistance, while a similar number remained in Libya.
displacements of population, forcing some to migrate and others to remain. Between 2008 and 2012, 117.3 million people became displaced in Asia because of environmental reasons, of which 20.6 million were in Southeast Asia. Among the most disastrous events were the Indian Ocean Tsunami which affected many countries, particularly Indonesia and displaced 2.2 million people (Peters 2014), the 2008 Sichuan Earthquake in China, (which displaced 15 million people), the 2008 cyclone Nargis that struck Myanmar and left around 140,000 persons dead or missing and affected about 2.4 million people, the 2010 floods and landslides in China which displaced around 3 million people (IOM 2011a), the 2011 Great Tohoku earthquake and tsunami in Japan, and the 2013 typhoon Haiyan in the Philippines. Floods occur periodically in Bangladesh and cyclones are almost as frequent as the annual floods- there have been about over 36 cyclones between 1970 and 2010 (Aila UN Assessment June 2010); Cyclone Aila in 2009 displaced about 123,000 people. The 2011 flood in Thailand was particularly disastrous.

While it is clear that natural disasters affect and displace a great number of migrants in Asia, there are currently no specific and disaggregated figures available.

Future areas susceptible to be struck by earthquakes, tsunamis and monsoon rains have been mapped. According to the ADB (2012, 22-23), hot spots in Southeast Asia coincide with the Mekong, Red, and Irrawaddy river deltas, with cities located at the sea level, with flooding along major rivers, including the Chao Phraya Irrawaddy, Mekong, Salween, and Red rivers and coastal areas affected by storm surges. In South Asia, storm surges will impact the Bay of Bengal and the Arabian Sea, the deltaic areas of Ganges-Brahmaputra, Godavari, Indus, Krishna, and Mahanadi rivers will be affected by cyclonic activities, and some mega cities like Dhaka in Bangladesh, and Kolkata, Mumbai, and Chennai in India will be at risk because at sea level rise.

Some tools, such as the Index for Risk Management (InfoRM), have been developed to assess the risk of humanitarian crises and disasters and are useful when providing guidance for the deployment of migrants. This Index “combines around 50 different indicators that measure hazards (events that could occur), vulnerability (the susceptibility of communities to those hazards) and capacity (resources available that can alleviate the impact).” It appears that risk is higher in countries of origin and lower in countries of destination within South East Asia. In fact, Singapore is listed as the country where risk is lowest in the whole world. However, migrants going from Cambodia and Laos to Thailand face a higher risk than remaining at home. The risk is mainly in exposure to natural and human hazards, although Thailand has a superior coping capacity. In the case of South Asia, risk is fairly similar in Bangladesh, India and Nepal, while it is lower in Sri Lanka. It is important to note that the Gulf countries, which are the major destination for Asian migrants, rank low in terms of exposure to natural hazards and therefore are a safe destination in this regard. Of the other major destinations, only Japan, New Zealand and the US present risk to natural disasters, but the same countries score high for their capacity to cope with them. Needless to say, countries where Asian migrants can be found, like Iraq, Syria and Libya score very high in the overall ranking of the risk index.

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8 More information at: https://www.academia.edu/5364200/Brief_Paper_Cyclone_Aila-displaced_People_in_Southwest_Coastal_Region_of_Bangladesh_A_Case_Study_of_Climate-Induced_Migration

For the future, variables such as protection of human and labor rights, working conditions, labor mobility, salary, welfare protection and others need to be factored. In addition, to assess the preparedness for migration crisis management, the following mechanisms, relevant to crisis management, at a minimum, should be considered: guidelines for crisis management, crisis monitoring/alert system, MOU and SOP with countries of destination, knowledge of migrants’ location, information to migrants on crisis operations and insurance covering disasters, among others.
Any analysis of potential crises in which migrants might be caught should take into account key vulnerabilities that define migration flows from and within Asia, including the high portion of both irregular and low-skilled migrants as well as compounding factors such as gender and age.

3. Relevant Stakeholders and Frameworks of Consultation in Asia\textsuperscript{10}

3.1. Governments

Principal responsibility for assisting and protecting migrants rests with states. The MICIC regional consultations will seek to identify issues such as how national labour legislation of countries where Asian migrants are working could be strengthened so as to take further into account migrants, especially in times of crisis\textsuperscript{11}.

As described in section 4, Asian countries have made significant progress in the area of preparedness and improving their capabilities in handling crises.

In addition, since the beginning of the new century there has been a proliferation of bilateral agreements and memoranda of understanding involving countries of origin in Asia and destination countries in the Middle East and North Africa to manage labour migration. While beneficial, agreements have only partly succeeded in addressing the exploitation of migrants (Wickramasekara 2012).

3.2. ASEAN\textsuperscript{12}

Drawing from the experience of the Indian Ocean Tsunami of 2004 and the 2008 cyclone Nargis, the region has adopted the ASEAN Agreement on Disaster Management and Emergency Response (AADMER) – the first binding instrument related to the Hyogo Framework of Action. Countries are committed to cooperate and respond promptly to requests for assistance. Assessment, prevention, preparedness, response and recovery are the typical strategies of the ASEAN. However, the limitation of AADMER to natural disasters does not provide ASEAN guidance in crises generated by conflicts (Fan and Krebs 2014).

In addition, mechanisms are already in place to facilitate the movement of the citizens of the member countries as all ASEAN countries have bilateral agreements for visa-free travel. Within ASEAN, the member states have agreed that countries of destination should facilitate

\textsuperscript{10} For a more comprehensive overview of the various stakeholders involved in assisting and protecting migrants in countries in crisis please refer to the MICIC Background Paper.

\textsuperscript{11} International instruments for the protection of migrants are not widely ratified in general, and even less by Asian countries. Only Bangladesh, Indonesia, Philippines and Sri Lanka have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC); only the Philippines has ratified International Labour Organization (ILO) Conventions No. 97 (plus Malaysia, but limited to Sabah) and No. 143, related to migrants, and only the Philippines has ratified ILO Convention No. 189 on domestic workers. Cambodia, India, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Sri Lanka, Thailand, and Viet Nam have ratified the protocols to the Transnational Organized Crime Convention against trafficking in persons and the same countries, except for Malaysia and Viet Nam, have ratified the protocol against the smuggling of migrants.

\textsuperscript{12} The ASEAN Member States are: Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam. 1 Observer — Papua New Guinea.
the exercise of consular functions when migrants are arrested, or detained in any other manner (ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, 10). In July 2007, ASEAN Member States committed to providing emergency assistance to ASEAN nationals caught in crisis situations in third countries (AMM 2007).

3.3. **SAARC**

The South Asian Association for Regional Cooperation (SAARC) as a region has yet to formulate an instrument for the protection of migrants and has only committed to “ensure safety, security and wellbeing of their migrant workers in the destination countries outside the region” in the 2014 Kathmandu Declaration.

According to the 2011 Agreement on Rapid Response for Natural Disasters (ARRND), Member countries should take measures for needs assessment and mobilising facilities to respond to disaster. The SAARC Disaster Management Centre (SDMC), set up in 2006, consists of a group of professionals working in cooperation with the national disaster management agencies of the member countries and with academic institutions to produce research and provide capacity building. It is structured in divisions for climate change, preparedness and response, recovery and reconstruction, planning and capacity development.

3.4. **Regional Consultative Processes on Migration**

Three Regional Consultative Processes on migration are in place in Asia: the Bali Process (which focuses on smuggling and trafficking in persons), the Colombo Process (which gathers countries of origin of migration) and the Abu Dhabi Process (which fosters dialogue between the Colombo Process countries and the Gulf Cooperation Council countries). In 2011, the ministerial meeting of the Colombo Process concluded with the Dhaka Declaration, which includes two paragraphs on emergency responses and emergency issues involving migrants. The countries recommended ensuring migrants’ “safety, security and well-being as well as early evacuation, repatriation, compensation and opportunities to return to their jobs”.

3.5. **International Organisations**

UN agencies (including UHNCR, UNDP, UNOCHA, UNDAC, UNICEF and ILO) and others international organisations play an important role in assisting and protecting migrants in countries in crisis in Asia. For example, IOM was instrumental in helping Asian countries of origin to evacuate their nationals during different crises, from the massive evacuation of Filipinos from Kuwait in 1991 to the Bangladeshis from Libya in 2011 and from Syria (2012 to date). In addition to providing a wide range of direct assistance to affected migrants, IOM also assists several countries in the region in helping to build their capacities to better protect and assist their nationals abroad (e.g. the Philippines), in disaster risk reduction and in recovery, rehabilitation, stabilisation and reconstruction post-crisis.

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13 The SAARC Member States are: Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka.

14 More information on the Migration Crisis Operational Framework (MCOF) elaborated by IOM at [http://www.iom.int/cms/mcof](http://www.iom.int/cms/mcof)
3.6. **The Private Sector**

Employers and recruitment agencies play a role in safeguarding the safety of migrants caught in crisis. Labour contracts do not always have provisions concerning responsibilities during crisis. In some Asian countries, migrants must be covered by an insurance policy, which, however, may not cover emergency situations. The consultation will seek to identify ways in which the private sector can effectively respond to migrants in countries in crisis.

3.7. **Civil Society Organisations**

Migrants’ organisations and NGOs of various kinds in Asia traditionally provide assistance to migrants caught in crisis. Most helpful in this regard are the diasporas and their organisations, both for the help they can give to the migrants, but also for assistance to the authorities of the countries of origin in obtaining information on whereabouts, contacts within the country and temporary safe houses.

4. **The Asian Experience: Assistance and Protection of Migrants in Countries in Crisis**

Assisting and protecting migrants caught in crises requires varied but interrelated responses by different actors through all phases of a crisis: pre-crisis, crisis, and post-crisis. As stated in the MICIC Background Paper, the extent and soundness of the policies, programs, practices and structures that are in place prior to a crisis will affect both the vulnerability of migrants as well as the ability of states to respond to the needs of migrants during a crisis. This encompasses implementing mechanisms for monitoring and assessing crises and contingency plans, drafting, adopting and implementing legal instruments and guidelines, undertaking capacity building and training, disseminating and raising awareness about crises and how to respond, among other things. During the emergency phase when the crisis is afoot, activities to be undertaken ideally include ensuring emergency and humanitarian needs are met efficiently and effectively on a non-discriminatory basis, activating pre-existing response mechanisms (including internal, bilateral and multilateral channels of communication, and deployment of response teams etc.), and executing evacuations and repatriations, among other actions. Following the abatement of a crisis, many needs may persist for migrants, including protection and prevention of sexual and gender based violence, access to emergency healthcare services and psychosocial support, medical evacuations for those with acute or life-threatening conditions, prevention measures in case of disease epidemics, amongst others. These needs must be carefully assessed and tailored responses and solutions put in place to ensure pre-existing and crisis-specific vulnerabilities are mitigated as far as possible.

In this context, countries in Asia have responded to crises in a variety of ways to prepare and protect their nationals. In the pre-crisis phase, some countries have instituted programs to monitor crisis-prone regions and alert migrants to potential crises, register migrants in their countries of destination to facilitate communication and assistance in the event of a crisis, and provide pre-departure orientation or information on what to do if a crisis occurs. During an emergency, countries from the region have provided consular services and other assistance to communicate information to their nationals, provide humanitarian assistance where able, and bring them to safety. In the post-crisis phase, countries in the region have
provided return and reintegration assistance, as well as legal and other assistance for migrants to adapt to their situations after crisis.

This section provides some examples of the Asian experience in responding to the protection and assistance needs of migrants caught in crises. While the purpose of the consultation will be to generate concrete ideas and fresh thinking on ways to prepare for and respond to the needs of migrants in crisis situations, these examples illustrate practices countries in the region have already undertaken. The discussion is broken down by each of the three phases mentioned above.

### 4.1. Pre-Crisis Phase

#### a. Monitor the outbreak and development of crisis

Different government agencies are involved in monitoring outbreak and development of crises, whether originated by conflicts or disasters.

**Notable practices**

- **Crisis alert system in the Philippines**: The Department of Foreign Affairs in the Philippines has adopted a four level crisis alert system, with consequent action: Alert Level 1 (Precautionary Phase, No Deployment Ban); Alert Level 2 (Restriction Phase, Ban on Deployment of New Hires Only); Alert Level 3 (Voluntary Repatriation, Total Ban on OFW Deployment); Alert Level 4 (Mandatory Repatriation, Total Ban on OFW Deployment) (Nicolas 2015).
- **Alert System in Indonesia**: Indonesia also has an alert system in three levels: green (standby and make preparations), yellow (voluntary repatriation) and red (mandatory repatriation).

#### b. Tracking migrants

Countries of origin in Asia have procedures for the registration of their citizens who travel abroad. Some provide mechanisms to register before embarking on a journey. Others provide mechanisms to register following arrival at the country of destination. Many facilitate both.

Other mechanisms employed by countries of origin also support the ultimate objective of knowing the whereabouts of their citizens that travel abroad. For example, accreditation of employers, verification of job orders, hiring through a registered agency, the execution of a standard employment contract with protection provisions, trainings which explain the importance of maintaining contact with governments, etc. are all tools that have facilitated authorities’ understanding of where migrants are located. Many of these aspects are most relevant for migrant workers, one specific group of migrants falling within MICIC.

Registration mechanisms (and other types of mechanisms discussed in the above paragraph) facilitate the generation and maintenance of database(s) of citizens abroad.

These databases, however, may not always have up-to-date information on the location and contact details of citizens. In addition, they may not provide a comprehensive listing. In some

15 Some migration data are available from most countries, but the type of data, the breakdown by social characteristics and gender disaggregation varies from country to country.
countries, such as India, not all citizens are required to go through the registration process; only those requiring a so-called ‘exit clearance certificate’ are required to register.

**Notable Practices**

- **Sri Lanka:** Sri Lanka is using new technologies, social media and mobile phones, to establish contact and disseminate information to their people abroad (IOM, 2012: 12). The country has started a process to link a national database on migrant workers with the immigration and emigration database. It is a contingency plan aimed to facilitate more accurate estimates of migrants in different locations in the event of a crisis. There are registration systems and they plan to provide SIM cards to migrants, especially those working in isolated areas or in private households. The objective is to make it easier to communicate between migrants and consular authorities in emergencies.

- **Philippines:** The Philippines is developing a system that would allow them to map Filipinos overseas—the Overseas Filipinos Information System (OFIS) seeks to integrate databases of the various agencies and provide a website for migrants’ registration. OFIS is not yet operational.

Countries of destination also register migrants. Most commonly this occurs as they go through an immigration procedure upon arrival, although again, these systems will not necessarily capture those entering through irregular means. In addition to immigration procedures, countries of destination may also gather data on migrants through other administrative procedures. In this context, private actors and international organisations can play a complementary role and supplement gaps and inaccuracies in databases managed by governments.

**Notable practices**

- **International Labour Organization:** ILO’s International Labour Migration Statistics (ILMS) Database for ASEAN (launched in December 2014). ILMS provides policymakers and other stakeholders a tool to profile and monitor the international migrant labour force within the ASEAN region. The database collects relevant, comparable and tractable data, including from a range of previously unpublished sources. The data includes countries’ stocks of international migrants and international migrant workers; the corresponding annual inflows of these; and countries’ stocks and outflows of nationals abroad. The initiative has generated inputs and technical assistance for the improvement of the national databases on migration. It needs to be further perfected and it does not provide precise indications on the location of migrants in times of crisis, but it provides basic information and it should be replicated in other regions.

- **LBS Recruitment Agency (Philippines):** The information system used by this agency uses advanced technology and can always locate the whereabouts of its deployed workers. The information system stores electronic copies of the passports, which is crucial during emergencies in order to update families.

**c. Inclusion of crisis in migration policies of countries of origin**

In some countries, provisions for the protection of migrants in time of crisis are included in their migration law. Some provisions identify conditions in the destination country that would prohibit migrants from migrating there, while other policies set obligations on the home country to provide protection to their nationals in countries in crisis abroad.

**Notable Practices**

- **Indonesia:** In Indonesia, according to section 5 of Law No 37 series 1999, the “Indonesian foreign office is obliged to give protection and assistance, as well as a safe place to stay, and exert all efforts to repatriate them. Repatriation expenses are to be borne by the state” (art. 21). “In cases of war or termination of diplomatic relations with
a certain country, a Minister or a designated official appointed by the President coordinates efforts to secure and protect national interest, including Indonesian citizens’ (art. 22).

- **Bangladesh:** The Overseas Employment and Migration Act 2013 of Bangladesh states that “a worker detained or stranded, or otherwise is in situation of distress overseas, shall have the right to return […] and receive the necessary assistance from the Bangladesh Mission in the concerned foreign country” (7, 29).

- **India:** In India, the Emigration Act 1983, Section 31, prohibits emigration to any country if emigrants “would be exposed to serious risk to life on arrival there by reason of – (i) outbreak of any disease or grave pollution environment […] (ii) outbreak of hostilities or civil war or civil commotion or political disturbances […]”.

- **Nepal:** Provision 75 of the Nepal Foreign Employment Act, 2064 (2007) states that where “workers have to be immediately brought back to Nepal due to a war, epidemic, natural calamity […] the Government of Nepal shall make arrangements for repatriating such workers through the diplomatic mission or Labor Attaché.”

- **Sri Lanka:** Sri Lanka Bureau of Foreign Employment Act No 21 of 1985, Section 39 (b) does not allow clearance for employment outside of Sri Lanka if persons “would be exposed to serious risk to life by reason of any civil war, civil commotion or political disturbances in the country in which they are to be employed.”

- **Philippines:** In the Philippines, a preventive measure consists in deploying migrants only to countries that provide for their protection (RA 10022 sec. 3). The law mandates the Overseas Workers Welfare Administration (OWWA), in cooperation with other agencies, the duty to repatriate “workers in cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events” (RA 8042, sec. 15).

d. **Attention to migrants in national instruments for crisis management, including consular contingency planning**

Instruments for disaster management as well as consular contingency plans were developed in various countries, with implementing institutions to ensure preparedness and coordinate response. In regard to migrants caught in crisis, some countries of origin have prepared contingency plans embracing warning before conflicts erupt, action for assistance and repatriation of nationals and immediate assistance for reintegration. However, in most cases they delineate measures and initiatives for the whole population without specific concerns for the migrants.

**Notable Practices**

- **Philippines:** According to the Philippine Office of the Undersecretary for Migrant Workers Affairs, “each foreign post usually has a confidential contingency plan which contains the following: country profile, political and security situation and risk assessment, political climate and threats to stability, data and profile of the Filipino community, area coordinators including their contact information, OFW mapping, crisis management organization, movement plan, alert levels, relocation and evacuation sites, exit points and alternate evacuation routes, and logistics, and details of the implementation of the contingency plan” (PSSC 2014, 27).
e. Orientation for migrants

Most countries of origin in Asia have instituted orientation programs for migrants.

Notable Practices

- **Nepal**: Pre-departure orientation is mandatory in Nepal and it is mentioned in the ‘Foreign employment act 2014’. The orientation training clearly informs migrants about who to contact in case of an emergency in their country of destination.

- **Philippines**: In the Philippines, orientation is done in various stages: at the beginning of the migration process (Pre-Emigration Orientation Seminar or PEOS), before departure (Pre-Departure Orientation Seminar or PDOS) and after arrival (Post-Arrival Orientation Seminar or PAOS). However, only PDOS is mandatory and PAOS is provided only in locations with a sizeable number of Filipino migrants. It is noted that information on conduct in crisis situations does not receive much attention during those seminars.

- **Sri Lanka**: The pre-departure seminars for migrant workers in Sri Lanka include training sessions that provide information and advice on how to behave and seek safety in case of an emergency, although it is acknowledged that information is limited in actual emergency situations (IOM 2012, 35).

f. Migrants’ insurance

Migrants’ insurance is mandatory in some countries, like Indonesia, Nepal and the Philippines and it must be paid by the employment agencies. In Sri Lanka, insurance is provided by the government through the National Insurance Trust Fund. Unfortunately, migrants are often not aware of their rights (Farbenblum et al. 2013) and losses due to crisis are usually not covered by the insurance packages.

4.2. Emergency Phase

a. Monitoring and coordination

Governments of countries of origin whose nationals are in countries affected by crisis usually activate special teams from different agencies, normally under the lead of the department of foreign affairs, to monitor political and natural disaster developments.

Notable Practices

- **Thailand**: Thailand established the “Emergency Coordination System” to supervise and to monitor the general condition of Thai nationals in Japan, particularly in the areas of Toyo and Myogo, during the tsunami crisis.

- **Philippines**: To address the current crisis in Libya, the Secretary of Labour in the Philippines instituted in June 2014 the Libya Crisis Quick Response Team to monitor the development of the crisis and be ready to intervene.¹⁶

b. Facilitating the migrants’ departure

To assist migrants in the evacuation procedures, countries of origin have deployed rapid response teams, with various capabilities, including documentary assistance.

Notable Practices

- **Philippines**: In the case of the Philippines the rapid response team is authorized by EO 34 and it is normally comprised of personnel from different government agencies, including the Departments of Foreign Affairs, Labour and Interior. Furthermore, the Provincial Government of Albay, in the Philippines, set up the Albay Public Safety and Management Office (APSEMO) which established various ways (cell phone, Facebook, radio) through which the migrants from Albay could maintain communication during the Libya crisis and cooperated with national agencies for their repatriation (Asis 2013).

- **Cambodia**: In the 2011 mass repatriation of workers from Thailand during the floods, the government of Cambodia created a one stop service centre for migrants to provide them with identity documents, established passport-issuing centres at the borders and reduced the passport fee from US$ 12 to US$4 (IOM 2012).

- **Myanmar**: Consular authorities from Myanmar visited Thailand during the flood crisis to issue temporary passports to the victims and allow the extension of their stay by 180 days.

Countries of destination can also assist in the evacuation and repatriation process by facilitating communication with embassies and consulates, suspending the enforcement of immigration regulations, ensuring the safe passage to a third country, and providing emergency travel documents.

Notable Practices

- **Syria**: In 2013 the Syrian Government helped the departure of Filipino migrants by waiving the exit visa fees.

- **Japan**: During the tsunami crisis, the joint cooperation of the Ministry of Foreign Affairs and the Ministry of Immigration of Japan facilitated the visas for family members to visit the victims trapped in Japan.

When it comes to the private sector, there is no uniformity in the practices of employers toward migrants in time of crisis. The main difference seems to be between employers of a large number of migrants and employers of a few, or one worker (as in the case of domestic workers).

Notable Practice

- **Libya**: Some foreign employers of migrants in Libya, like Daewoo, Hanil and Hyundai, facilitated their departure and one Chinese company covered the loss of earnings because of the unfinished contract of Bangladeshi migrants (Kelly and Wadud 2012).

- Again in the context of the crisis in Libya, over 100 Nepali migrants were evacuated and their salaries compensated by their recruitment agency.

- **Syria**: Some employers of Filipino domestic workers in Syria demanded to be reimbursed for the costs of hiring them, before allowing them to leave.17

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17 It should be remembered that many Filipino domestic workers in Syria were not in a regular status and the exit clearance from the employer was necessary for them to leave. It is said that employers were asking between US$3,000 and 5,000 or more and the Philippine Government paid as the migrants could not afford those costs (Asis 2013).

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Notable Practices

- **Indonesia**: During the crisis in Libya, the government of Indonesia deployed a Task Force Group to guide the migrants out of the danger zone.
- **Vietnam**: For Vietnam, the coordinating mechanism during that crisis was the Steering Committee on the Evacuation of Vietnamese workers in Libya while the Frontline Headquarters was established in Djerba, Tunisia, to coordinate the operations for evacuation (Thanh 2012).
- **China**: Immediately in the aftermath of the 2011 earthquake and tsunami, China organised an airlift of their nationals from Tohoku.
- **Nepal**: Nepal’s migrant welfare fund assists only migrants who migrate through formal procedures. Those who migrated through irregular routes/channel, who are often the most vulnerable, are not eligible to such assistance. During the Libya crisis about 1,400 – 1,500 Nepali stranded migrants were repatriated by the Government of Nepal. The evacuation of these migrants was coordinated by the Ministry of Foreign Affairs and the Ministry of Labour and Employment with IOM, which assisted with exit visas. The Government of Nepal funded 80-90 percent for the return assistance provided to these migrants.

The cooperation of transit countries is often crucial to ensure the safe evacuation/repatriation of workers. Transit countries might require assurances from the origin country that migrants will not remain in their territory. The Philippine Government evacuated migrants from Syria through Lebanon after promising that migrants would not stay in Lebanon for more than 48 hours (Asis 2013). During the Libya crisis, Tunisia temporarily waived the entry visa requirement for migrants being evacuated, established an air bridge between Libya and Tunisia, and initiated a “tent city” which served as a camp centre for the migrants, also providing relief goods (Dal Callar 2014). Egypt established the Sallum Transit Center to address the needs of migrants fleeing from the crisis. In both cases, migrants (and also Libyan citizens) were given some form of temporary protection (Betts 2014).

Countries of origin have increased their capacity to face the costs of evacuation and repatriation, but some still need international assistance. For example, 45 countries requested IOM to evacuate their nationals from Libya in 2011. In addition, Bangladesh obtained a US$ 40m loan from the World Bank during the crisis in Libya to finance the costs of evacuations done through IOM, and to provide initial safety net cash payments.

Notable Practices

- **Philippines**: Learning from the experience of the first Gulf crisis, in 1995 the Philippine instituted the Repatriation Fund, to face the costs of bringing home migrants in danger in crisis areas. The fund consisted initially of PHP 100,000,000 (RA 8042, sec. 15).
- Other countries, like Bangladesh, India, Nepal, Pakistan, Sri Lanka and Thailand assist migrants in crisis through a migrant welfare fund (IOM 2011c).
- In 2014, during the recent crisis in Libya, the Governments of the Philippines and Thailand agreed to jointly evacuate their citizens (The Sunday Nation August 3, 2014).

**d. Providing humanitarian assistance**

In time of crisis, countries of origin provide migrants with a range of services including shelters, food, non-food items, psychological support, health, water and sanitation services etc.

Notable Practices

- **Indonesia**: Prior to the evacuation of migrants from Libya, the Government of Indonesia sponsored temporary shelters for the migrants to protect them from any form of violent
attacks. To assist migrants in Syria, it deployed an intervention team which could provide psychosocial assistance to the victims.

- **Philippines:** At the time of the tsunami in Japan, the Philippine government deployed doctors and nurses to assist Filipino victims. In the Philippines, a Crisis Management Centre was established within the Department of Foreign Affairs to facilitate contact between families and migrants and the National Telecommunications Commission (NTC) set up *Libreng Tawag* booths to assist families and relatives of OFWs affected by the political unrests in Libya and by the earthquake in New Zealand (PSSC-PMRN 2014).

Different forms of humanitarian assistance are also provided by countries of destination.

**Notable Practices**

- **Thailand:** During the 2011 floods, the Thai Ministry of Labor established a Flood Relief and Assistance Center for Migrant Workers to provide relief aid (shelter, food, relocation assistance, temporary work) for displaced migrants.
- **Libya:** Authorities in Libya permitted the construction of base camps in selected locations that served as a support in facilitating the rescue and relief operation in the country (IOM 2012). Furthermore, cooperation between the government and Al Wafa Charity Society brought assistance to displaced migrants.
- **Japan:** During the tsunami crisis, Japan activated the Hotline Service for Migrant Workers (Yorisoi Hotline) to reconnect displaced migrants with their loved ones. The Mayors from the affected places initiated the “One-Stop Consultation Support Project for Social Inclusion” to address the needs of vulnerable migrants. They established the “Social Inclusion Support Center” which received partial support from the national government. The mentioned centre delivered services such as access to telephone, emergency consultation and support from communities.

**e. The role of diasporas**

Diasporas maintain political, economic and cultural linkages with countries of origin and are useful bridges for the strengthening of international relations among countries. In time of crisis, diasporas provide information, assist with humanitarian initiatives, and contribute to communities in need through philanthropic remittances (IOM 2013).

**Notable Practice**

- **Philippines:** “The Philippine government considers the Filipino diaspora as a strategic partner in implementing its policy to assist Filipino migrants caught in crisis situation” (Yabes 2013). Within diasporas, Filipino community leaders are part of a “wardenship” system, designed to connect and inform Filipino migrants of the development of situations. Filipino schools in Libya were used as temporary shelters for the migrants to be evacuated. Filipino religious organizations in Japan assisted migrants during the tsunami crisis (PSSC-PMRN 2014).
- During the Third Global Summit of Filipinos in the Diaspora (February 27 2015) the Philippine Philanthropic Fund was established as a US recognized philanthropic vehicle.
In time of crisis, and during evacuation procedures, migrants with different levels and types of vulnerability are lumped together. International organisations, like the IASC humanitarian response system and UNDP, have prepared manuals to ensure gender sensitivity in crisis management. Countries also prioritise the safety of women and children.

Notable Practice

- **Philippines:** In the standard operating procedures of the Philippines, women and children are evacuated first and placed in different sections in temporary shelters (Asis 2013).

### 4.3. Post Crisis Phase

#### a. Immediate assistance

Immediate assistance is particularly needed for migrants who are evacuated from danger zones.

**Notable practices**

- **Philippines:** In 2014 the Philippine Department of Labor adopted the Assist WELL program for citizens repatriated from crisis. As the acronym indicates, the program includes Welfare (airport assistance; temporary shelter/accommodation; transport assistance to residence; emergency medical assistance; and stress debriefing); Employment (job placement/referral for local and overseas employment); Livelihood (entrepreneurial and skills training and loan assistance); and Legal assistance. Overall, 3,999 returnees have benefited from the program, including 494 who received temporary shelter, 1,333 who were provided with transportation assistance, 33 who requested stress debriefing, and 2,432 who availed of the PHP 10,000 (about USD 220) financial relief assistance (Overseas Landbased Tripartite Consultative Council (OLTCC), 12 February 2015). Local governments also provided assistance, as with the provincial government of Albay that provided cash assistance of PHP 5,000 (about USD 110) to returnees from Libya; in addition, some municipal governments also provided PHP 5,000 cash assistance (Asis 2013).

- **Vietnam:** Vietnamese migrants who returned from Libya were given financial assistance up to VND 8 million (about USD 370) for those who were abroad for less than a month and a progressively decreasing amount to the others, based on the time spent abroad. “Of 10,193 returnees, 3,102 workers received further aid, totally amounting to VND 18.6 billion (equivalent to 1 million USD) (Thanh 2012).

- **Bangladesh:** The Government of Bangladesh provided returnees from Libya cash assistance in the amount of 50,000 Taka ($ 600).

#### b. Legal assistance

As migrants return in haste, they often have claims concerning unpaid salary and assets left abroad. Assistance is needed for them to pursue those claims.

**Notable Practice**

- **Philippines:** In the Philippines, POEA has a legal assistance division to help migrants in the process. In addition, money claims can be settled with the Labor Arbiters of the National Labor Relations Commission (NLRC). This is possible because the
recruitment agencies are held jointly liable with the employers for the claims that migrants have (RA 10022, sec. 10).

c. Return and reintegration programmes

Countries of origin provide various reintegration programs for migrants returning from overseas work. Cambodia, Indonesia, the Philippines, Vietnam, Bangladesh and Sri Lanka have such programs, consisting of financial literacy, entrepreneurship training, vocational training, legal assistance, micro-credit and similar initiatives to help toward reintegration. However, as many of these programs are designed for migrants who have returned after successfully completing their migration term, migrants repatriated because of crisis are not necessarily able to avail of these programs. In general, such programs have had limited effects on migrants who returned from a country in crisis because of various shortcomings: migrants are not adequately informed about the programs, requirements are too difficult to meet, and opportunities are not suitable.

Notable Practice

- Philippines: The Philippines established the Replacement and Monitoring Center in 1995 (RA 8042, sec.17), but it remained ineffective for many years. In 2006, the Department of Labor created the National Reintegration Center for Overseas Filipino Workers (NRCO) and it was incorporated in the amending law of 2010 (RA 1022, sec. 17) with broad functions, including the provision of livelihood training, incentives for entrepreneurship and local job opportunities. However, from the experience with Filipino migrants repatriated from Libya, it appears that the referrals for local employment opportunities offered by NRCO were not effective in terms of sustainable return as migrants intended to return abroad as soon as possible.

5. Questions for Discussion

This paper has considered crises in the form of by conflicts and natural disasters, illustrating with some examples how countries in South, East and Southeast Asia have intervened and indicating notable practices that have emerged. Examples were limited to information readily available and should be complemented with more extensive research. The following questions are meant to help compile a more comprehensive sharing of initiatives and programs that the participating governments and other stakeholders have implemented or are planning to put in place.

a. Countries of Origin

a1. Crisis experience
What crises have affected your nationals abroad in the last 15 years? What were the greatest obstacles in ensuring the assistance and protection of your nationals in crisis situations?

a2. Tracking nationals abroad
What, if any, mechanisms (including, but not limited to, consular registration) do you have to keep track of your nationals abroad? If you do have mechanisms to keep track of your nationals abroad, do you have means by which to make your nationals abroad aware of them?
a3. Migrants' training and information
If your country has programmes to prepare migrants before they leave the country, do they include information and training related to possible crisis situations?

a4. Level of preparedness
What (if any) strategies and capacities has your government put in place for pre-crisis actions (e.g. contingency planning), actions during a crisis (e.g. evacuations), and post-crisis actions (e.g. reintegration programs) to ensure migrants are protected?

a5. Crisis monitoring and alert mechanisms
Does your government monitor crisis situations overseas and advise your nationals accordingly? What official and other resources exist to help your nationals make informed choices about whether to travel, work, or otherwise spend time abroad?

a6. Cooperation
In what ways do you work with other stakeholders to prepare for and respond to crises and to reintegrate your nationals who return to their home countries following a crisis? Have you entered into bilateral agreements or MOUs with other countries or international institutions/organisations that include response initiatives in case of crisis?

b. Countries of Destination

b1. Crisis experience
What crises have affected your country in the past 15 years? Were non-nationals considered in government and other responses, and if so, how? What were the greatest obstacles in ensuring the assistance and protection of non-nationals during these crises?

b2. Tracking migrants
Do you have a registration system for non-nationals residing in your country or other means of keeping track of non-nationals? Are their locations known?

b3. Migrants’ information
Do your laws, policies, and internal guidelines related to the management of disasters and other emergencies integrate and account for non-nationals and their needs? When a crisis occurs, what official communication and oversight exists with this population? Are there informal mechanisms that complement this? For example, are there radio or public service announcements in multiple languages? Do you facilitate specific outreach measures taken for and/or by consular officials to reach their nationals in times of crisis? How can communication during crises be improved with migrant communities?

b4. Level of preparedness
What types of contingency planning exists in your country or could be introduced to protect non-nationals in crisis? What (if any) other strategies have your government put in place at the pre-crisis (e.g. emergency preparedness; drills), during crisis (e.g. emergency aid), and post-crisis (e.g. longer-term assistance) phases to ensure this population is protected? Are there specific safeguards to protect different groups of non-nationals? For example: What safeguards are in place for foreign workers in your country? Are they entitled to retain their national/travel identity documents? Do you issue them documentation? Do contractual provisions exist to provide for compensation for lost income and unforeseen evacuation costs whether by law or common practice?

b5. Cooperation
In what ways do you work with other stakeholders to prepare for and respond to the needs of non-nationals affected by crises in your country?
c. Diasporas and the Private Sector

How do private sector actors and diasporas contribute to assist and protect migrants in countries in crises? What are the greatest obstacles? How could their contribution be further strengthened?

d. Regional approach

What regional initiatives are in place to address crises? Are there specific measures to ensure the assistance and protection of nationals from neighbouring member countries? Are there specific measures for the assistance and protection of nationals from non-member countries?

e. Capacity Building and Follow-up

Does your country need specific assistance from international organisations or other external actors in preparing for crisis management? In what areas would international assistance benefit the capacity of your country to address the concerns of migrants caught in a crisis situation? How could follow up on the consultation be ensured at national and regional level in Asia?

f. Post-crisis Impact

What have been the major post-crisis challenges following (1) a sudden mass departure of migrants or (2) a mass return of your own nationals?

i. Have migrants returned?

ii. What have been the socio-economic implications?

iii. What have been the impacts on the access to health care and well-being needs of migrants caught in crisis and/or in health epidemics?

iv. In the first case, have labour shortages arisen, and if so how have they been addressed? In the second case, has the return caused wider economic and social problems?

v. How have migrants contributed to recovery?
6. References


