

Paper:

The Methodology and Application of a Migration with Dignity Framework

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The scale of migration is increasing, and while great uncertainty exists in identifying exact numbers, the estimated number of international migrants is already surpassing 2050 projections in the order of 2.6%, or 230 million. As people migrate, they face a number of challenges including exposure to disease and other health threats, violence and assault, trafficking and unlawful detention. However, of the protections available to migrants, the implementation and realization of these protections and how they impact the individual experiences of migrants and their loss of human rights and dignity rights across the migration cycle, are lacking. In acknowledgement of this, McClain et al. developed a legal and policy framework for Migration with Dignity, which identified six fundamental elements central to the migration experience that can supplement and support the implementation of migrant protections. The framework was built upon the foundational policy of former President of Kiribati, Anote Tong, who understood the climate change was impacting the lives and livelihoods of his people and that in the face of diminishing land area and opportunities, that the Kiribati should have the opportunity to determine when and how they migrate, and that in doing so that they are able to live a life that is equal to or better than the one they left behind. The Migration with Dignity framework offers an opportunity to provide policy and legal options to governments, policy makers, and NGO's for how to improve to consider the dignity of migrants while they move, and improve the transition of migrants into new settings, while also fostering opportunities for improved livelihoods. However, in order to provide these opportunities, the framework would benefit from additional application of the fundamental elements across different contexts and in different settings. With this in mind, this article provides the necessary methodology for considering the social and legal dimensions of the framework, it also provides examples for how to apply the framework across multiple contexts.

Keywords: migration with dignity, climate change, migration lifecycle, gender inclusion, COVID-19

1. Introduction

Migration has always existed, with people moving for multiple reasons – some chosen, and some forced. However, the current scale of migration is increasing, and while great uncertainty exists in identifying exact numbers, the estimated number of international migrants is already surpassing 2050 projections in the order of 2.6%, or 230 million [1].

Migrants can face a number of challenges in accessing documentation, information, resources, and assistance, and may be exposed to discrimination and violence, leaving the concepts of human dignity and human rights as an afterthought to the migration process. Recognizing the right of migrants to human dignity accepts the equal worth of each person without regard to gender, race, wealth, political status, or any other societal signifier.

Protected under the 1951 Refugee Convention and its 1967 Protocol, refugees are persons fleeing armed conflict or persecution, whose situation is so perilous that they must flee international borders to seek sanctuary elsewhere [2, 3]. Their protections include access to asylum, measures that ensure basic human rights that enable them to live in dignity and safety, and –above all– they are protected from being expelled from asylum or returned to situations where their lives and freedoms would be under threat. The term “migrant” however, is not defined under international law and refers to a person who moves away from their place of residence, within a country or across an international border, temporarily or permanently, for a variety of reasons [1]. Further, countries manage migrants under their own immigration laws and processes, and therefore the protections afforded to migrants are limited in number and highly variable depending on which national boundary a migrant is leaving from or entering in to [4]. Given the increasing impacts of climate change on societies and economies, there is a growing impetus to understand the underlying factors that may mitigate or exacerbate climate-related migration and displacement, and to develop strategies to both humanely and proactively manage these impacts.

‘Migration with Dignity’ is a phrase coined by former Kiribati President Anote Tong, who aimed to empower Kiribati people to envision conditions in which they have



control over whether, when, and how they migrate [5]. The concept focuses on improving education standards for migrants to compete in international labor markets as well as facilitating access to improved healthcare and education. Migration with Dignity stresses the importance of maintaining the skills and cultural knowledge of the country of origin.

Dignity was established as a concept associated with duty, honor, respect, and deference to the associated individuals or institutions; it was an obligation whose infringement could be met with criminal and civil sanctions [6]. Today, dignity is built upon the premise that every human being has intrinsic worth and value. Dignity's recognition under law rose to heightened attention following the 1948 adoption of the Universal Declaration of Human Rights (UDHR) by the United Nations General Assembly. The UDHR asserted that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world" and further affirmed that "all human beings are born free and equal in dignity and rights" [7]. This placed human dignity at the center of the protection of all human rights. In this sense, dignity rights apply to all persons, regardless of circumstances.

Building from the vision of Anote Tong, McClain et al. have developed a legal and policy framework for Migration with Dignity [8]. Drawing upon a range of dignity rights, and identified needs across the cycle of migration, the authors propose that Migration with Dignity has six key dimensions, including movement, security, equality, basic quality of life, access to services, and civil and political rights.

Following the development of the Migration with Dignity framework, it is now imperative to look at each of the dimensions and address the significance of each in relation to the migration lifecycle, understanding that some dimensions are more or less important as people move. Further, it is important to apply the Migration with Dignity framework across a number of contexts and considerations in order to test the robustness of the six key dimensions, and better understand where there may be gaps or opportunities.

Application of the Migration with Dignity Framework across the cycle of migration may also lead to the complementary development of multilevel governance instruments to improve cooperation among cities, states, and regional bodies. Furthermore, the implementation of the framework could have the added benefit of further strengthening the legal and normative frameworks protecting human rights and dignity rights.

This paper focuses on the methodology and application of the Migration with Dignity framework. The article begins by framing the individual challenges of migrants and the six human-centered, fundamental dimensions of the Migration with Dignity framework essential to migrants, regardless of circumstances. Next, is a review of the methodology to be used for applying the Migration with Dignity framework, with specific focus on the social and legal dimensions. This section is followed by the ap-

plication of the Migration with Dignity Framework, first looking at key considerations across the migration lifecycle, followed by a review of different contexts where the framework could be applied. These include climate change considerations, gender and social inclusion, and pandemics. The paper concludes with a reflection on opportunities to further apply the Migration with Dignity Framework across additional thematic areas and across key stages of the migration lifecycle.

2. Framing Migration with Dignity

Drawing upon the Migration with Dignity Framework developed by McClain et al., six fundamental elements¹ are emphasized: 1) *movement*, that is, the right to choose when to leave and when to return; 2) *security*, namely, the right to be free from violence including rape and sexual exploitation, human trafficking, slavery, forced labor and arbitrary and abusive detention; 3) *equality*, that is, the right to be treated as a human being of equal worth, including access to benefits, services, and legal protections; 4) a *standard of living*, including to work and shelter; 5) *access to services*, including healthcare, education, and legal services; and 6) *civil and political rights*, including freedom of speech, religion, assembly, and political participation.

Freedom of movement represents an essential aspect of the migration process, and includes consideration of 1) freedom to leave one's country of origin; 2) freedom to return to one's country of origin; 3) admission to a foreign country, and 4) freedom of movement between and within country of origin or country of destination.

The *right to be secure* can implicate migrants before, during, and after they migrate. This right includes the right to be free from sexual violence, human trafficking, slavery and forced labor, and arbitrary and abusive detention.

Equality, intrinsic to the idea of human rights and human dignity, focuses on rights related to non-discrimination, oppression, humiliation, or the denial of equal protections under the law.

The *right to a basic standard of living* includes adequate access to food, water, housing, health care, and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other livelihood limitations beyond a person's control.

Access to services includes education, healthcare, welfare, and other benefits, and legal service.

Finally, *civil and political rights* ensure that migrants are given the opportunity to participate meaningfully in their communities and protect religious and cultural practices.

It is based on these six key dimensions of migration

1. As discussed, these dimensions draw upon a range of international and domestic law, particularly human rights law, through the International Covenant on Economic, Social, and Cultural Rights (ECSR) and the International Covenant on Civil and Political Rights (ICCPR) [9, 10].

that we propose a social and legal methodology for applying the Migration with Dignity framework across the migration lifecycle and across the three specific contexts of climate change, gender and social inclusion, and pandemics.

3. Proposed Methodology

Research conducted with the intent to apply the Migration with Dignity framework should focus on the six fundamental elements of the framework, although analysis of particular situations may focus on a few of the six core dimensions (i.e., not all six). The research may include interviews, surveys, and consideration of legal and policy dimensions. These are elaborated in the below sections. This assessment methodology provides an approach for examining the extent to which a particular context meets the six dimensions of Migration with Dignity and identifies where there are gaps or opportunities for further exploration. A summary of the findings from the research should be presented along with the elements of the Migration with Dignity framework that were considered. Any additional findings relating to the framework that should be considered but are not currently reflected in the six element should be noted.

3.1. Social Dimensions

The assessment of social dimensions of the Migration with Dignity framework should include the development of interviews, surveys, or mixed method approaches (i.e., a combination of quantitative (yes/no) questions along with qualitative (open-ended, elaborating) questions) that enable a robust understanding of the migration experience. Questions can be developed to assess the extent to which each of the six key dimensions of the framework apply to a particular portion of the migration lifecycle, or to a particular context. For example, questions relating to freedom of movement will be more or less relevant depending on whether an individual is an internal migrant, and international migrant, or a refugee. Similarly, situations of security, equality, and access to services may be applied differently under a gender context or in the context of pandemic.

Components of the interviews or surveys should include questions relating to demographics, migration dynamics, and, as appropriate, some or all of the six dimensions of the Migration with Dignity framework. For example, if research is focused on pre-migration, questions could reflect on current status in comparison to expectations. For post-migration research, questions could consider the movement from country of nationality to current destination and also consider intentions to return or migrate further [11].

3.2. Legal Dimensions

The assessment of the legal dimensions of the Migration with Dignity framework should include consideration

of the types of legal provisions that exist, how they are applied, and at what levels of governance they are administered. Do the laws create constraints or challenges? Do they create protections? Opportunities?

In reviewing particular contexts, it is important to not only look at national laws, but also at the relevant international (global and regional) laws that may apply. Many of these relate to human rights (e.g., ICCPR, ESCR) and sub-regional human rights instruments. There are also relevant international and bilateral agreements on migration, and in many instances national constitutions and statutes provide additional protections above and beyond what is found in international law.

Analysis should particularly focus on national law, including consideration of specific provisions in the constitution or national law. If the case study includes a federal system, look to both state and federal constitutions and laws. At international level, relevant provisions from global and regional instruments could be considered, as well as which states are party to particular conventions. Also consider both textual provisions in the law and examples of application of the law.

4. Applications of Migration with Dignity

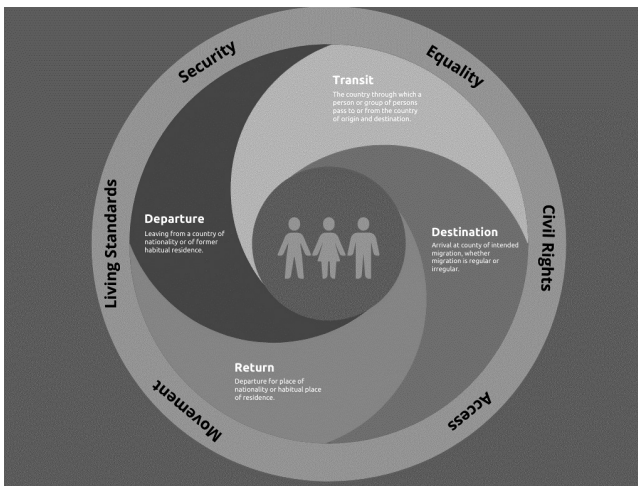
This section considers how migration with dignity can be applied. It first reflects on the application across the migration cycle, starting in the country of origin, through transit, to the country of destination. It then studies thematic applications in the context of climate change, gender and social inclusion, and pandemics. In all instances, the analysis applies to international and internal migration.

4.1. The Migration Lifecycle

In many instances, migration policies and practices focus on specific economic and social aspects of immigration or emigration, leaving a complex and fragmented legal architecture. This fragmented landscape often fails to adequately account for the various aspects of health, education, justice, gender, welfare, social protections, employment, and culture related to migration [12]. In order to effectively manage these multidimensional aspects of migration with dignity, focus should turn to how dignity rights (and the attendant obligations of states and non-state actors) are implicated at particular phases of movement across the migration lifecycle (**Fig. 1**).

Figure 1 highlights the various stages of migration, and how the dimensions of Migration with Dignity may be implicated. The respective priority of each dimension may elevate or diminish the importance of particular dimensions at particular points in the migration lifecycle.

Use of this analytic tool – and the underlying legal and policy framework – can assist countries, communities, and advocates to identify and develop better policies and practices that enable free movement, access to services, and promote circulation and socialization of migrants within and across societies. Implementation of the



Source: S. N. McClain

Fig. 1. Dimensions of Migration with Dignity across the migration lifecycle.

Migration with Dignity framework across the migration cycle can also spur complementary development of multi-level governance instruments to improve cooperation between cities, states, and regional bodies. Moreover, the application of the framework can have the added benefit of further strengthening the legal and normative frameworks protecting human rights.

4.2. Migration Contexts

This section considers how migration with dignity can be applied in the context of climate change, gender and social inclusion, and pandemics. The intent is to offer examples for application of the framework in order to test the robustness of the six fundamental dimensions and where gaps or more nuanced considerations exist.

4.2.1. Climate Change

According to the Sixth Assessment Report by the Intergovernmental Panel on Climate Change, global warming caused by human activities is causing widespread and rapid changes in the atmosphere, ocean, cryosphere, and biosphere. Temperatures have already risen by one degree Celsius compared to pre-industrial levels, climate-induced extreme events have occurred around the world, and sea levels have risen by 20 cm. Changes in the oceans and rising sea levels will not stop soon, even if there is success in drastically reducing Greenhouse Gas (GHG) emissions. Sea level rise will continue to be an irreversible change over hundreds to thousands of years. It is projected that under the scenario with the highest GHG emissions, the sea level will rise by more than 1 m by the end of the 21st century, and under the most decarbonized scenario, it is likely to rise by about 50 cm. In the worst-case scenario, should the Antarctic ice sheet destabilize and collapse, it could rise up to 15 m by 2300 [13]. The extent of impact from these scenarios places great number

of small island and coastal communities at risk of losing their lives and livelihoods, and directly contributes to the abandoning of these communities via extensive migration.

To date, there are relatively few documented cases where climate change is the sole factor driving migration. However, climate change is widely recognized as contributing to and exacerbating migration and conflict. Analysis of climate change and migration is challenging due to the timing of sudden shocks versus longer-term stresses, as well as the perceptions around perceived or imminent threats to a person's dignity. Moreover, migration decisions tend to have multiple motivations that can span livelihoods, education, access to services, and personal security – many of which may have linkages to climate change that are real but difficult to objectively ascertain.

Protections exist for those displaced by a sudden-onset disaster, yet there are few protections for slow-onset events that can equally threaten human health, welfare, and dignity. Where protections do exist, they are often inadequately and unevenly applied [14]. Additionally, it can be difficult to untangle the combination of motivations for migration to ascribe responsibility to climate change.

Analyses of migration of Pacific Islanders shows how complicated “climate migration” can be. While both the academic and gray literature argues that Pacific Islanders, particularly those living on low-lying atolls such as the Marshall Islands and the outer islands of the Federated States of Micronesia, are on the front lines of sea level rise and are being forced to migrate, interviews with actual migrants paints a more complex picture. Interviews with migrants from the three COFA countries in Arkansas, Oregon, and Hawaii show that the primary reasons for migration are education, jobs, family, and health [15–17].

Climate change is often a secondary reason or contextual factor, but rarely the primary reason that people migrate. Of note, however, once settled in the United States, most of the citizens from the COFA countries (up to 80%) indicate that they do not intend to return migrate, citing climate change as the primary reason [15]. In short, even among populations who are thought to be most at risk of climate change and are migrating, (1) the reasons for migration are often complex, (2) climate change is not yet the primary reason for migration, but (3) climate change is the primary reason they do not expect to return to their home countries.

It may take some time for climate-related migration to gain full legal recognition. Moreover, it remains difficult to distinguish those who are migrating due to climate change and those who are migrating for other reasons. The Migration with Dignity framework may be applied to further elaborate on these issues and expand protections for climate-related migration.

4.2.2. Gender and Social Inclusion

The term “gender” traces back to the 1950's when researchers were referring to gender roles as different sets of conduct attributed to men and women. Over time research matured to reflect the socialization process that

creates identity. Thus, gender identity is understood as connected to cultural constructs and not to biological sex. Further, this differentiates between gender and sex, where sex refers to physical and biological features of an individual and gender to the social construction of these sexual differences [18]. For example, the biological fact that women can become pregnant should not be confused with the cultural construct of maternal instinct. Additionally, addressing gender issues should not be relegated to only considering inequalities among men and women, but also understanding the varied experiences of persons with a range of diverse sexual orientations and gender identities (e.g., lesbians, gays, transvestites, transsexuals, bisexuals, intersex, non-binary).

Gender can be a central component to the causes and consequences of migration; indeed, it is widely recognized that a person's sex, gender, gender identity and sexual orientation shape every stage of the migration experience whether it lies along the spectrum between forced and voluntary [19]. Gender can influence the reason for migrating, who migrates and where, how a person migrates and the networks they use to support their migration, and the resources available to them across various destinations. Similarly, those with disability, injury and illness can have increased exposure to violence, including sexual violence (particularly for disabled women and children), risk of hunger, and lack of access to healthcare, often reducing mobility, exacerbating hearing and sight impairments and thus increase dependency [20].

While there are many reasons why people migrate, there are specific contexts of the Migration with Dignity framework uniquely relevant to women. Some reasons include gender-related discriminatory practices that push women to pursue liberties for which they are deprived. For example, situations of domestic violence, early marriage, or female genital mutilation may drive women to leave their country of origin. Discriminatory practices may also prevent migration, as they may undermine a woman's ability to independently determine whether she wants to migrate or not. Legal regulations that impose restrictions on women including access to education can create dependencies on male relatives and acquaintances that force women from making important and independent life choices [21].

Given these diverse circumstances, it is crucial to understand how these components interact with and apply to the Migration with Dignity framework in order to avoid failing to consider specific needs and potentially perpetuating inequality.

4.2.3. Pandemics

Crisis narratives often fuel reactionary measures that may not be the most effective course of action given the interconnectedness between inequality and governance dynamics and their interconnectedness to the structural nature of climate change, migration, and health-related issues.

Pandemics do not respect borders, yet borders have become a hallmark feature for COVID-19 and a way to per-

petuate biases of "us" versus "them." The closure of physical crossing points between states, finger pointing at carriers of disease, and perpetuation of racial prejudices with terminology such as the "Chinese virus" for COVID-19 or the "African virus" for Ebola encourage fear and security-based narratives. State-imposed restrictions on mobility can undermine human health and well-being and reshape the landscape of many human rights and dignity rights.

Governments that fail to appropriately address health care, assistance and access to essential rights will be less effective in outbreak containment efforts during pandemics and will likely see an overall higher number of people affected, and a more protracted emergency situation [22]. For example, insufficient inclusion of migrants in 2020 containment efforts of the COVID-19 pandemic led to fears of second-wave infection in Singapore where over 200 of the 287 newly affected people in the country were migrants living in the city's dormitories. This spike led to renewed closures, quarantines, and mobility restrictions creating delays in effective economic and social recovery [23].

There are often many restrictions regarding access to health care and other services by migrants. Even where they may be entitled to certain services, language barriers, limited knowledge of the country's medical system, or prioritization of its citizens may prevent a migrant from access to health care. Lack of awareness of local prevention measures, informal communication channels, and/or adherence to culture-specific customs and practices may also result in a migrant placing themselves and their community at increased risk of transmission.

Living conditions of migrants may also exacerbate a number of physical and psychological conditions during pandemics. Formal and informal transit sites and reception centers present the most acute challenges, but working and living quarters of migrants, particularly where there are limitations to social distancing, limited access to water and hygiene products, and in under-served communities can reflect similar challenges with heightened spread of disease.

Depending on the location, migrants can constitute a disproportionate share of the workforce in sectors that remain active throughout a crisis, including healthcare, agriculture, construction, deliveries, garbage collection, and cleaning services [24]. Inability to work remotely, limited access to private transportation, and physical proximity to co-workers along with lack of personal protective equipment can exacerbate the risk of infection.

Finally, limitations in mobility including closing of borders and tightening of immigration regimes were among the most common responses to COVID-19. As options for mobility dwindle, migrants were pushed to quarantine at borders, or faced to remain in informal, overcrowded, and underserved transit locations where they face threats to their dignity and their survival.

The integration of migrants into the social, cultural, and economic components of society is essential for promoting human rights and dignity rights and for responding more effectively to situations of crisis. The Migration

with Dignity framework may be applied to further elaborate on these issues and expand protections for migrants across further pandemic-related crisis beyond COVID-19.

5. Conclusion

The Migration with Dignity framework can offer opportunities to address migration, understand and consider a variety of migration contexts, and better consider what policies are working or where gaps exist in order to develop more accommodating solutions.

Using the methodologies and contexts reviewed in this paper, the Migration with Dignity framework benefits from broader consultation on the dimensions and applications considered, and increased awareness and adoption of the opportunities offered through its use.

The Framework can serve as an invaluable tool for countries and partners seeking to provide an alternative model for addressing migration patterns impacted by climate change and other variables. This alternative approach is important because it provides a proactive approach that benefits migrants, origin countries, and receiving countries alike.

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