

EMN SWEDISH PRESIDENCY CONFERENCE

Displacement and migration related to disasters,
climate change and environmental degradation
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Dr Matthew Scott
Senior researcher in disasters and displacement
matthew.scott@rwi.lu.se
<https://rwi.lu.se/human-mobility/>

**RAOUL
WALLENBERG
INSTITUTE**
OF HUMAN RIGHTS AND HUMANITARIAN LAW



Nordic responses to inter-regional disaster displacement





Key messages

1. People already seek to enter and remain in European countries in the context of disasters and climate change
2. In Sweden, effective practices endorsed in the Protection Agenda were not reflected in the ~200 cases considered in original research by the Raoul Wallenberg Institute
3. Integrate the Protection Agenda.
4. Initiate a European regional consultative process similar to the Nansen Initiative including research and learning exchanges.
5. More info on the research:
<https://rwi.lu.se/climmobil-judicial-and-policy-responses/>

Regional snapshot

- **Finland and Sweden** – bespoke provisions on disaster displacement introduced in 1990s and revoked following 2015 refugee reception crisis. 2009 PACE resolution calls for study.
- **Iceland** – Foreign National Act 2016 – Article 43 – disasters included in provision on ‘arrival of refugee groups on government invitation’
- **Norway** - *Abid Hassan Jama v. Utlendingsnemnda*
- **Denmark** - residence permits to people affected by famine in Afghanistan



The view from judicial practice: Insights from the Swedish caseload

Caseload profile – more than 30 countries

- **Drought**-related food insecurity in Afghanistan, Palestine, Yemen, Somalia Ethiopia, Nigeria, Mali, Senegal, and Djibouti
- cities damaged or destroyed by **earthquakes** in Nepal, Iran, Albania, Chile, Colombia, Haiti, New Zealand, India, Japan, Iraq, Pakistan, and the Philippines
- homes destroyed by **flooding** and landslides in Albania, Kosovo, Macedonia, Bosnia-Herzegovina, Serbia, Georgia, the Philippines, Vietnam, Sri Lanka, Pakistan, India, Sierra Leone, El Salvador, Iran, and Zimbabwe
- the aftermath of **hurricanes, cyclones and typhoons** in El Salvador and the Philippines

International protection

- No engagement with the Refugee Convention
- 1 grant of subsidiary protection
[in the context of gender-based violence risk in the aftermath of 2010 earthquake in Haiti (UM22726-10)]
- Contrast with extensive engagement in Austria (see ClimMobil final report)



Disaster-related displacement into Europe: Judicial practice in Austria and Sweden

Margit Ammer
Monika Mayrhofer
Ludwig Boltzmann Institute of Fundamental and Human Rights
Matthew Scott
Raoul Wallenberg Institute of Human Rights and Humanitarian Law

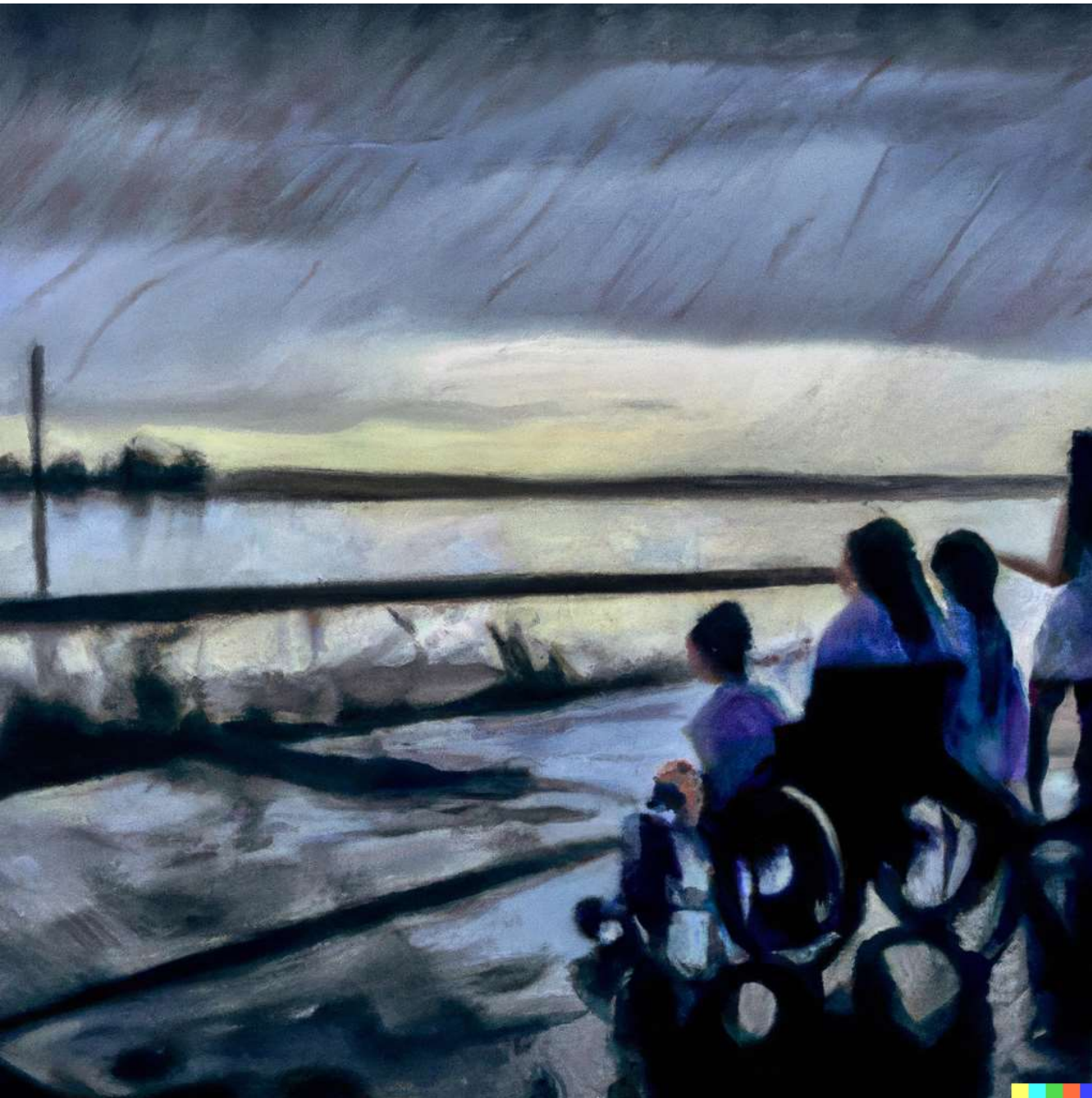


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INSTITUTE
OF HUMAN RIGHTS AND HUMANITARIAN LAW

Sweden's pioneering legal provision

- “A person otherwise in need of protection... unable to return to the home country because of an environmental disaster” (4 kap. 2a§)
- Adopted 1996; Invoked in 140 cases, but never succeeded; repealed in 2021
 - Very high threshold equivalent to Article 3 ECHR – makes provision redundant
 - Very limited judicial (or Migrationsverket) engagement with COI
 - 1 page of guidance in preparatory works



Bosnia and Hercegovina was affected by flooding during the spring and summer of 2014. There is no reason to doubt the information [provided by the applicants] that they lost their home and work in the floods. According to their own information the authorities have offered them emergency assistance with food and clothing. That the authorities temporarily do not have the resources to repair buildings is not such a situation that established a need for international protection. No information has been provided to suggest that the authorities in Bosnia and Hercegovina, with international help, are unable to offer sufficient help to those affected. **The prevailing situation in the region is not of such an extent that it is to be considered an environmental disaster under the Aliens Act (UM5969-14)**

Visit visa extension request

- Application to extend a visit visa in the aftermath of a typhoon

the situation of not having a home in one's country of origin is not a basis for granting a residence permit (UM2983-19)





Student visa extension request

[the applicant's] explanation for his break in studies during the autumn term of 2010 - **that he felt he needed to return to his home country because of the natural disaster - is according to the Migration Court's assessment a fully acceptable explanation** for why he did not take some higher education points during the most recently granted residence permit. In order for him to be able to be granted an extended residence permit for studies, however, it must be expected of him to be able to clearly show his intention to study and take all thinkable measures in order to as soon as possible complete his studies. In this regard he should, before leaving Sweden, have taken steps to make it easier for him to resume his studies, and in the most possible way adjust his return trip. (UM2014-11)

Dependent relative application

Post-2010 Haiti earthquake

She lives on the street and sleeps in a tent. Her home was destroyed in the earthquake and she has no relatives or other people to turn to. The neighbour she lived with before the disaster has disappeared and she receives no help. People around her have no capacity to share because the situation is extreme. She is afraid for her safety.

...

*The Migration Court does not find that there are such compassionate and unusual circumstances that constitute exceptional reasons for granting a residence permit under Chapter 5.3a § third paragraph 3. [The applicant's] **situation in the country of origin appears compassionate but not unusual** in the meaning of the Aliens Act. (UM22776-10)*



THE NANSSEN INITIATIVE

DISASTER-INDUCED CROSS-BORDER DISPLACEMENT



AGENDA FOR THE PROTECTION OF
CROSS-BORDER DISPLACED PERSONS IN THE
CONTEXT OF DISASTERS AND CLIMATE CHANGE
VOLUME I

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