



May 28, 2021

Mr. Curtis Ried  
Senior Director for Multilateral Affairs  
International Organizations and Alliances  
National Security Council  
Executive Office of the President

**Re: Amnesty International USA policy recommendations on climate displacement**

Dear Mr. Ried:

On behalf of Amnesty International and our more than ten million members and supporters worldwide,<sup>1</sup> we write to submit recommendations to the forthcoming interagency report to President Biden commissioned by [Executive Order 14013: \*Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration\*](#). We welcome this important step to address human mobility in the context of climate change in a way that respects, protects, and promotes the rights of refugees, asylum-seekers, and migrants.<sup>2</sup>

The climate crisis is a human rights crisis. While we offer recommendations with respect to the report's consideration of "options for protection and resettlement of individuals displaced directly or indirectly," these recommendations should be seen as part of a comprehensive human rights framework to address climate change. We have attached the embargoed executive summary to Amnesty International's forthcoming publication on climate change, *Stop Burning Our Rights! What Governments and Corporations Must Do to Protect Humanity from the Climate Crisis*, which sets forth governments' human rights responsibilities to tackle the climate crisis and immediate steps to implement their obligations to respect, protect, and fulfil human rights in the face of the climate crisis. We will send the report once it is released on June 7, 2021. Additionally, our [letter to President Biden](#) and [letter to Special Presidential Envoy for Climate John Kerry](#)

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<sup>1</sup> Amnesty International is an independent, Nobel Peace Prize-winning, global human rights movement of more than ten million people. Amnesty International USA is the movement's U.S.-based section.

<sup>2</sup> Human mobility in the context of climate change refers to all forms of movement related to climate change: forced displacement (understood as primarily forced movements); migration (understood as primarily voluntary movements); evacuations (understood as the rapid movement of persons away from the immediate threat or impact of a disaster to a place of shelter); and planned relocations (understood as planned processes to settle persons or communities to a new location away from areas at risk of severe climate impacts).

provide further human rights recommendations to the U.S. government for addressing climate change impacts.

The administration's forthcoming report positions the U.S. to lead globally on climate displacement at a time when governments have failed to address this issue, endangering humanity's collective security, rights, and future. Assuming global leadership on climate displacement will not only directly benefit humanity, it will also further the U.S.'s own adaptation and resilience to climate change.

Many solutions already exist for building the policy framework for climate displacement. As with tackling climate change itself, the U.S. response to climate displacement will require adaptation in policy and process, but tools are available: enhancing existing protection mechanisms and admission pathways, supporting Congressional initiatives to develop new mechanisms, and providing robust financial support and international cooperation and assistance.

As the administration seeks to robustly address climate change, it must not sacrifice people's rights under the guise of climate adaptation and resilience. No one wants to leave home without a choice, and every effort should be made to ensure people can live with dignity, safety, and security in their home countries. But when they cannot and are forced to leave, their right to seek asylum must be upheld and other safe and orderly pathways to protection must be ensured.

Tackling climate-related mobility through only a national security lens, or for immigration deterrence and enforcement purposes, will undermine human rights and exacerbate already precarious situations, magnifying suffering and harm. Successful adaptation and resilience require addressing human rights and humanitarian protection, or root causes will never be adequately addressed and the cycle of grievous reasons for climate-related human mobility and human rights violations will continue.

The U.S strategy to address climate displacement should be based on human rights and humanitarian protection. Our recent [letter to Vice President Kamala Harris](#) on addressing root causes of displacement and migration from Central America lays out regional context and recommendations.

Amnesty recommends that the administration:

#### **Enhance pathways for admission and protection**

- Expand the use of Temporary Protected Status and Deferred Enforced Departure;
- Incorporate UN High Commissioner for Refugees expert guidance on assessing claims in the context of climate change into determinations of eligibility for asylum and refugee status;
- Continue to increase refugee resettlement, including regional resettlement initiatives and the use of private sponsorship;
- Restore and expand access to asylum; and
- Expand the use of alternative pathways.

#### **Strengthen support to internally displaced persons and refugee programs**

- Support the rights and security of internally displaced persons;
- Increase financial support to international humanitarian programs; and
- Increase financial support to national and international organizations working on the front lines with refugees.

#### **Ensure the participation of people displaced by climate change**

- Ensure the meaningful, effective, and informed participation of impacted persons to participate in national, regional, and international decision-making processes related to climate change displacement; and
- Ensure that measures to address climate change displacement are implemented in a non-discriminatory manner and do not disproportionately impact individuals, groups, and communities who are marginalized or discriminated against.

#### **Strengthen multilateral and regional cooperation**

- Implement the recommendations of the UN Framework Convention on Climate Change Task Force on Displacement;
- Endorse and implement the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration; and
- Ensure the provision of international cooperation and assistance to other countries is not dependent upon efforts to prevent people from migrating.

#### **Reduce the likelihood and extent of climate-related displacement**

- Fully implement the U.S.'s human rights obligations to mitigate climate change;
- Fully implement commitments under the Sustainable Development Goals, the Sendai Framework for Disaster Risk Reduction, and the Paris Agreement; and

- Substantially increase funding and support for human rights-consistent climate change mitigation, adaptation, and resilience initiatives in less wealthy countries.

**Provide support to address loss and damage**

- Cooperate at the international level to adopt adequate mechanisms and mobilize new and additional finances to provide means, support, and remedy to people and communities who have been displaced or may be relocated as the result of loss and damage caused by the climate crisis in climate-vulnerable developing countries;
- Cooperate to ensure that if permanent planned relocations are necessary as a measure of last resort to protect people from the unavoidable impacts of climate change, the human rights of both the displaced and the host communities are respected, protected, and fulfilled throughout the relocation process; and
- Ensure the Santiago Network on Loss and Damage established at COP26 is fully operationalized.

Please find attached a fuller description of our recommendations. Amnesty's specialists on refugee/migration and climate justice stand ready to brief the National Security Council and relevant agencies. We look forward to working with the administration to implement a human rights framework for climate displacement.

For more information, please contact Denise Bell at 917-583-8584 and [dbell@aiusa.org](mailto:dbell@aiusa.org).

Sincerely,



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Denise Bell  
Researcher  
Refugee and Migrant Rights

## **SAFEGUARD THE HUMAN RIGHTS OF PEOPLE DISPLACED OR AT RISK OF DISPLACEMENT DUE TO CLIMATE CHANGE**

The impacts of the climate crisis are already a significant driver of human mobility. In 2019, 23.9 million people were internally displaced by weather-related events. Without adequate climate change mitigation, adaptation, and resilience measures, the number of people forced to move internally and across borders is anticipated to increase.

The U.S.'s [human rights obligations](#) should inform analysis and recommendations in the interagency report, as well as the U.S. government approach to climate change generally. In order to comply with its human rights obligations, the [U.S. must urgently adopt strategies](#) that [protect human rights from the climate crisis](#). This requires taking all feasible steps to the full extent of its capacity to reduce emissions in the shortest timeframe possible and in a manner compatible with the imperative of keeping the global average temperature rise as low as possible and no higher than 1.5°C above pre-industrial levels. It also means adopting all necessary measures to assist those within its jurisdiction to adapt to the foreseeable and unavoidable effects of climate change. Based on the duty of international cooperation and assistance, as a wealthy country, the U.S. must also substantially increase funding and support for human rights-consistent climate change mitigation and adaptation initiatives in less wealthy countries and provide additional finances and access to legal remedy to people whose rights have been negatively affected as the result of loss and damage caused by climate change. The U.S. must abide by its human rights obligations in all aspects related to climate change, including ensuring the rights to information and participation of affected people and ensuring that climate action does not violate human rights and contributes to ending all forms of discrimination.

The climate crisis also triggers rights and responsibility-sharing around [the protection of individuals affected by climate displacement](#),<sup>3</sup> including the right to seek asylum<sup>4</sup> and the availability of [alternative pathways](#),<sup>5</sup> and the obligation to uphold the principle of non-

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<sup>3</sup> See [www.amnesty.org/download/Documents/IOR4082272018ENGLISH.PDF](http://www.amnesty.org/download/Documents/IOR4082272018ENGLISH.PDF). On the principle of responsibility sharing, see Preamble to the 1951 Refugee Convention; 1967 UN General Assembly Declaration on Territorial Asylum; Article 2(1) of the International Covenant on Economic, Social and Cultural Rights.

<sup>4</sup> Under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, the latter of which the United States has signed and incorporated into domestic law through the 1980 Refugee Act, governments must uphold the right to seek asylum. Refugee Act of 1980, Pub. L. No. 96-212. The U.S. government has codified in domestic law the right to seek asylum both at and between ports of entry along the U.S. border. 8 U.S.C. §§ 1158, 1225.

<sup>5</sup> See, e.g., Amnesty International, *Recommendations for the Global Compact on Migration* (February 1, 2018) (Index: IOR 40/7708/2018), available at [www.amnesty.org/download/Documents/IOR4077082018ENGLISH.PDF](http://www.amnesty.org/download/Documents/IOR4077082018ENGLISH.PDF).

*refoulement* – not returning an individual to a place where they would be at real risk of serious human rights harm, including the serious [human rights violations caused by the climate crisis](#).<sup>6</sup>

As a first step to meet its human rights obligations, the administration should accommodate and establish equitable and predictable pathways to protection for all refugees, including those affected by climate displacement, as well as protection against *refoulement*. It should also work with other governments and the United Nations to meet the needs of people forcibly displaced, including those displaced by the climate change. It must also ensure meaningful, effective, and informed participation of migrants and refugees in decision-making processes related to climate change and human mobility. Measures intended to protect people from the effects of climate change must be applied without discrimination and not result in the violation of other human rights.

## **AMNESTY INTERNATIONAL USA RECOMMENDATIONS TO THE ADMINISTRATION**

### **1. Enhance Pathways for Admission and Protection**

#### **1.1 Expand use of humanitarian protection from forced return: TPS and DED**

The U.S. should not remove people to any place where they would face a real risk of human rights violations as a result of the [adverse effects of climate change](#). Utilizing the already existing protection pathways of Temporary Protected Status (“TPS”) and Deferred Enforced Departure (“DED”) enables the U.S. to uphold its obligation to prevent forced return in violation of the obligation of non-*refoulement* in the context of climate change.

The U.S. Congress envisioned TPS as a form of humanitarian protection for people already in the U.S. from forced return to their countries of origin affected by environmental disasters.<sup>7</sup>

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<sup>6</sup> Refugee Convention, Art. 33; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), Art. 3, G.A. Res. 39/46; UNHCR, *Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol*, at para. 7; see *Ioane Teitiota v. New Zealand*, CCPR/C/127/D/2728/2016, UN Human Rights Committee (January 7, 2020), available at [www.refworld.org/cases,HRC,5e26f7134.html](http://www.refworld.org/cases,HRC,5e26f7134.html).

<sup>7</sup> Immigration Act of 1990, Pub. L. No. 101-649, § 302, 104 Stat. 4978, 5030-36; Jill H. Wilson, “Temporary Protected Status: Overview and Current Issues,” *Congressional Research Service* (October 26, 2020), available at <https://fas.org/sgp/crs/homsec/RS20844.pdf>; Andrew I. Schoenholtz, “The Promise and Challenge of Humanitarian Protection in the United States: Making Temporary Protected Status Work as a Safe Haven,” *Northwestern Journal of Law & Social Policy*, Volume 15 (2019), available at <https://scholarlycommons.law.northwestern.edu/njls/vol15/iss1/1>. There are only three grounds for TPS designation: “an earthquake, flood, drought, epidemic, or other environmental disaster . . . resulting in a substantial . . . disruption of living conditions”; “ongoing armed conflict” that “pose[s] a serious threat to their

Successive administrations have continued to utilize TPS to provide [safe haven](#) to people whose home countries are gripped by earthquakes, floods, droughts, or other environmental disasters.<sup>8</sup>

As codified, TPS encompasses the [interconnectedness of climate change and environmental disaster](#). Climate change has led, and will increasingly lead, to the increased intensity and frequency of certain rapid-onset weather events already envisioned by TPS, such as extreme rainfall and flooding and increased intensity of hurricanes.<sup>9</sup> Similarly, drought, a slow-onset event of climate change, is statutorily named as an example of environmental disaster. In order to meet its human rights obligations, the risks of other [slow onset disasters](#) arising from climate change, such as glacial melting, sea-level rise, salt-water intrusion and ocean acidification, and shifting wildlife populations and habitats and biodiversity loss, should be considered in order to provide protection from forced return in the context of climate change.<sup>10</sup>

### **The U.S. should:**

- Expand the use of TPS to prevent forced return in violation of the obligation of non-*refoulement* in the context of climate change.
- Incorporate consideration of the risks of slow-onset disasters to assess designation of countries for TPS status and potential of safe return for TPS holders.
- Remove the requirement that a foreign government request the designation of TPS for an environmental disaster.

The U.S. should also expand the use of DED to prevent forced return to any place where individuals would face a real risk of serious human rights violations as a result of the adverse effects of climate change. Less frequently used than TPS, DED is another form of humanitarian protection for people already in the U.S. from forced return to their countries of origin affected

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personal safety”; and “extraordinary and temporary conditions” preventing safe return. INA § 244; 8 U.S.C. § 1254a.

<sup>8</sup> See Jill H. Wilson, “Temporary Protected Status: Overview and Current Issues,” *Congressional Research Service* (October 26, 2020), available at <https://fas.org/sgp/crs/homesec/RS20844.pdf>.

<sup>9</sup> See Union of Concerned Scientists, *The Science Connecting Extreme Weather to Climate Change*, (June 4, 2018), available at [www.ucsusa.org/resources/science-connecting-extreme-weather-climate-change](http://www.ucsusa.org/resources/science-connecting-extreme-weather-climate-change); Intergovernmental Panel on Climate Change, “Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation,” *Summary for Policymakers*, available at [www.ipcc.ch/site/assets/uploads/2018/03/SREX\\_FD\\_SPM\\_final-2.pdf](http://www.ipcc.ch/site/assets/uploads/2018/03/SREX_FD_SPM_final-2.pdf) (recognizing that “[a] changing climate leads to changes in the frequency, intensity, spatial extent, duration, and timing of extreme weather and climate events, and can result in unprecedented extreme weather and climate events” at p. 5); Erol Yayboke, Trevor Houser, Janina Staguhn, and Tani Salma, *A New Framework for U.S. Leadership on Climate Migration*, Center for Strategic and International Studies (October 2020), available at [www.csis.org/analysis/new-framework-us-leadership-climate-migration](http://www.csis.org/analysis/new-framework-us-leadership-climate-migration).

<sup>10</sup> See United Nations Framework Convention on Climate Change, *Slow-onset events: Technical paper* (November 26, 2012) UN Doc. FCCC/TP/2012/7, available at <https://unfccc.int/resource/docs/2012/tp/07.pdf>.

by natural disaster or political or civic conflict.<sup>11</sup> Unlike TPS, DED derives from the president's authority to conduct foreign relations and does not have a statutory basis or defined criteria. It is rooted in Extended Voluntary Departure ("EVD"), a measure used under presidential authority to protect against forced return from 1960 to 1990.<sup>12</sup> As with TPS, expanding DED to include protection from forced return in the context of climate change recognizes that both rapid-onset and slow-onset weather events are linked to natural disaster.

### **The U.S. should:**

- Expand the use of DED to prevent forced return in violation of the obligation of non-*refoulement* in the context of climate change.
- Incorporate consideration of the risks of slow-onset disasters to assess designation of countries for DED status and potential of safe return for DED holders.

## **1.2 Evaluate human rights impacts from climate change in asylum and refugee eligibility determinations**

Under the 1951 Refugee Convention and its accompanying 1967 Protocol which the U.S. ratified and codified in the 1980 Refugee Act, a refugee is "any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."<sup>13</sup> This definition of refugee also applies to people seeking asylum.<sup>14</sup>

According to the UN High Commissioner for Refugees ("UNHCR"), under some circumstances protection claims made in the context of climate change or a disaster can [qualify for refugee](#)

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<sup>11</sup> Jill H. Wilson, "Temporary Protected Status: Overview and Current Issues," *Congressional Research Service* (October 26, 2020), available at <https://fas.org/sgp/crs/homesec/RS20844.pdf>; Andrew I. Schoenholtz, "The Promise and Challenge of Humanitarian Protection in the United States: Making Temporary Protected Status Work as a Safe Haven," *Northwestern Journal of Law & Social Policy*, Volume 15 (2019), available at <https://scholarlycommons.law.northwestern.edu/njls/vol15/iss1/1>.

<sup>12</sup> Jill H. Wilson, "Temporary Protected Status: Overview and Current Issues," *Congressional Research Service* (October 26, 2020), available at <https://fas.org/sgp/crs/homesec/RS20844.pdf>; Andorra Bruno et al., "Analysis of June 15, 2012 DHS Memorandum, 'Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children,'" *Congressional Research Service* (July 13, 2012), available at <https://edsources.org/wp-content/uploads/old/Deferred-Action-Congressional-Research-Service-Report1.pdf>.

<sup>13</sup> 8 U.S.C. § 1101(a)(42).

<sup>14</sup> 8 U.S.C. § 1158.



[status](#).<sup>15</sup> This is especially true for people who are already marginalized or at risk of human rights abuse. For example, members of particular populations may have a well-founded fear of being persecuted on account of discriminatory access to or denial of relief aid; the politicization of post-disaster relief; or targeted environmental degradation for political aims.

#### **The U.S. should:**

- Incorporate [UNHCR expert guidance](#) on assessing claims in the context of climate change into agency training modules used by the U.S. Citizenship and Immigration Services, Refugees, Asylum and International Operations Directorate (“RAIO”),<sup>16</sup> to enable it to better consider climate-change impacts in its determinations of eligibility for asylum and refugee status.

### **1.3 Increase refugee resettlement**

A fundamental principle of refugee protection is responsibility-sharing and international cooperation. These are required to reduce the impact of large-scale refugee populations on host countries, and [each state should contribute](#) to the maximum of its capacity.<sup>17</sup> Resettlement is a key component of [responsibility-sharing](#) and allows states to support each other by agreeing to settle refugees from host countries.<sup>18</sup>

Because protection claims made in the context of climate change or a disaster can qualify for refugee status, increasing refugee resettlement would also benefit some people displaced in the context of climate change. Additionally, utilizing expanded community sponsorship, inclusive of a private sponsorship program, would welcome refugees more directly into communities, supporting their integration and outcomes and building more resilient communities and advocates for refugee resettlement. This form of synergy benefits both refugees and communities and communicates that people determined to be refugees on account of climate change are welcomed as refugees too. Resettlement opportunities should also be expanded

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<sup>15</sup> UN High Commissioner for Refugees, *Legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters* (October 1, 2020), available at [www.refworld.org/docid/5f75f2734.html](http://www.refworld.org/docid/5f75f2734.html).

<sup>16</sup> See, e.g., U.S. Citizenship and Immigration Services, Refugees, Asylum and International Operations Directorate (“RAIO”) training modules, available at [www.aila.org/infonet/asylum-lesson-plans](http://www.aila.org/infonet/asylum-lesson-plans).

<sup>17</sup> See Amnesty International, *‘I want a safe place’: Refugee women from Syria uprooted and unprotected in Lebanon*, p. 8 (February 2016) (Index: MDE 18/3210/2016), available at: [www.amnesty.org/pl/wp-content/uploads/2016/02/I-want-a-safe-place-1.pdf](http://www.amnesty.org/pl/wp-content/uploads/2016/02/I-want-a-safe-place-1.pdf).

<sup>18</sup> See Amnesty International, *Amnesty International urges governments to make the Global Compact on Refugees fit for the future* (April 2018) (Index: IOR 40/8227/2018), available at [www.amnesty.org/download/Documents/IOR4082272018ENGLISH.PDF](http://www.amnesty.org/download/Documents/IOR4082272018ENGLISH.PDF). For Amnesty International’s full proposal on genuine responsibility sharing, see *Genuine responsibility-sharing: Amnesty International’s five proposals* (July 2016) (Index: IOR 40/4380/2016), available at [www.amnesty.org/en/documents/ior40/4380/2016/en/](http://www.amnesty.org/en/documents/ior40/4380/2016/en/).

regionally to better uphold the rights and security of refugees from Central America and Venezuela, with safeguards to evacuate individuals at risk of imminent harm.

This year marks the 70th anniversary of the Refugee Convention. After four years of devastating retreat on refugee resettlement, the U.S. should use this moment to assert leadership in refugee protection by meeting the refugee admissions commitment and leveraging global commitments to re-establish the importance of this lifesaving program through international cooperation for refugee protection, including for those displaced in the context of climate change.

#### **The U.S. should:**

- Act expeditiously and with full government resources to admit 62,500 refugees by October 2021, consistent with the presidential determination (“PD”) for fiscal year (“FY”) 2021.
- Issue a PD of 125,000 for FY 2022, as pledged.
- Expand community sponsorship programs, including development of a private sponsorship program and robust co-sponsorship. Private sponsorship could be considered to resettle people determined to be refugees on account of human right harms because of climate change.
- Establish a multilateral resettlement initiative for Central Americans and Venezuelans, which should include expansion and improvement of the Protection Transfer Arrangement and Central American Minors programs and evacuation mechanisms for individuals at risk of imminent harm.

#### **1.4 Restore and expand access to asylum**

Because there are mixed drivers of forced displacement and irregular migration, the U.S. must respond with a variety of tools at its disposal, starting with ensuring the right to seek asylum, which is enshrined in both international and domestic law.

The U.S. must immediately stop the unlawful use of Title 42 of U.S. Code Section 265 (“Title 42”) to effectively shut down access at the U.S.-Mexico Border for asylum-seekers and migrants. Disregarding the [objections of its own experts](#), the U.S. Centers for Disease Control and Prevention (“CDC”) issued an [order under Title 42](#) in March 2020, allegedly as a public health measure responding to COVID-19. The U.S. Department of Homeland Security (“DHS”) subsequently used the Title 42 order to close U.S. borders to migrants and asylum-seekers. The unlawful use of Title 42 has resulted in the summary expulsion of over 500,000 families and individuals, and particularly affected [Black migrants and asylum-seekers](#). Recent developments [exempting individuals](#) identified as uniquely vulnerable from Title 42 are a positive development

for the small number of people permitted to exercise their right to seek protection in the U.S. but does not relieve the government of its urgent need to rescind the unlawful CDC order and uphold all people's right to see asylum.

All of this was entirely preventable, endangered lives, and is in violation of the U.S.'s obligations under international and domestic law to uphold the right to seek asylum and not forcibly return individuals to a place where they would be at risk of serious human rights harm – the principle of *non-refoulement*. The U.S.'s public health laws should not be used to evade U.S. obligations under human rights and refugee law.

Immigration deterrence and enforcement should not masquerade in the guise of supporting climate adaptation and resilience. The reported [bilateral agreements](#) with Mexico, Guatemala, and Honduras to increase border security, and the reported proposal to help [train Guatemala's border protection force](#), should not be efforts to hinder the ability to seek asylum or result in *refoulement*. Similarly, the [reported U.S. policy memo](#) urging Mexico to implement measures to decrease the number of migrants and asylum-seekers trying to cross the U.S.-Mexico, including by facilitating the U.S.'s expulsions of families and individuals under Title 42, should be fully repudiated. This memo further exposes that the U.S. is using Title 42 for border control – not public health – purposes. The U.S. must halt such measures to prevent people from seeking safety.

#### **The U.S. should:**

- Immediately stop expelling individuals and families under Title 42.
- Withdraw the Centers for Disease Control and Prevention (“CDC”) order and rescind the accompanying Health and Human Services (“HHS”) final rule.
- Restore fair and humane asylum processes that provide a meaningful opportunity to ask for protection at the U.S. southern border, including provision of universal legal representation for individuals in immigration proceedings and freedom from detention, and without the use of expedited processing.
- Not use financial assistance, provide training or equipment, or pursue diplomatic agreements to effect migration control measures which undermine the right to seek asylum or result in *refoulement*. Efforts to address climate-related displacement cannot be a pretext to prevent people from seeking safety.

#### **1.5 Expand the use of other admission pathways**

The U.S. should enhance safe and regular migration pathways to ensure that those who live in areas where climate change is negatively impacting their human rights have the option to migrate

safely and regularly. The U.S. should identify and address the specific barriers faced by disadvantaged and marginalized groups in accessing these other admission pathways.

**The U.S. should:**

- Support passage of the [Global Climate Change Resilience Strategy](#) bill introduced by Senator Edward J. Markey and Representative Nydia M. Velázquez ([S.1335](#) / [H.R.2826](#)), which allows permanent relocation in the U.S. for those displaced by climate change.
- Expand the use of other [safe and regular admission pathways](#), such as humanitarian parole and visas, to provide a wide range of mobility opportunities to meet climate displacement needs.<sup>19</sup>

## **2. STRENGTHEN SUPPORT TO INTERNALLY DISPLACED PERSONS AND REFUGEE PROGRAMS**

The U.S. should act to fortify protection regimes for people forcibly displaced, including by climate change. The protection system is under duress, and returning to prior levels of humanitarian assistance is not sufficient. Governments need technical and financial support to uphold the rights of internally displaced persons and refugees and meet their human security needs.

Already, most displaced people around the world are situated in climate hotspots, in regions such as South Asia, sub-Saharan Africa, and Latin America, where they are exposed to secondary or repeated displacement internally and across borders and have reduced chances of being able to return home.<sup>20</sup>

Displaced people also face specific challenges following extreme weather events, such as barriers to housing and accessing crucial or even life-saving information and disaster relief, loss of identity documents necessary to prove regular status or support asylum applications, and disruption of services. They may find themselves in temporary camps for displaced people, or may settle in

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<sup>19</sup> See, e.g., Amnesty International, *Recommendations for the Global Compact on Migration* (February 1, 2018) (Index: IOR 40/7708/2018), available at [www.amnesty.org/download/Documents/IO4077082018ENGLISH.PDF](http://www.amnesty.org/download/Documents/IO4077082018ENGLISH.PDF); see also J. McAdam & S. Weerasinghe, "Climate change and human movement," in Ismail et al. (eds), *Climate Change, Justice and Human Rights 2020*, available at [www.amnesty.nl/content/uploads/2020/08/Verkenningen2020-climate-change.pdf?x55436](http://www.amnesty.nl/content/uploads/2020/08/Verkenningen2020-climate-change.pdf?x55436).

<sup>20</sup> See UN High Commissioner for Refugees, *UNHCR, the Environment and Climate Change* (October 2015), available at [www.unhcr.org/540854f49.pdf](http://www.unhcr.org/540854f49.pdf); [www.unhcr.org/en-us/news/stories/2020/12/5fc74f754/climate-change-multiplying-risks-displacement.html](http://www.unhcr.org/en-us/news/stories/2020/12/5fc74f754/climate-change-multiplying-risks-displacement.html); [www.unhcr.org/en-us/climate-change-and-disasters.html](http://www.unhcr.org/en-us/climate-change-and-disasters.html); <https://reliefweb.int/report/world/climate-migration-hotspots-mexico-and-central-america>; [www.brookings.edu/research/the-climate-crisis-migration-and-refugees/#footref-5](http://www.brookings.edu/research/the-climate-crisis-migration-and-refugees/#footref-5); [www.thenation.com/article/environment/border-biden-climate-migration](http://www.thenation.com/article/environment/border-biden-climate-migration); <https://openknowledge.worldbank.org/bitstream/handle/10986/29461/GroundswellIPN3.pdf?sequence=8&isAllo wed=y>.

urban informal settlements, often in unhealthy living conditions and/or in locations which are themselves particularly vulnerable to natural hazards and climate change impacts.

## 2.1 Support the rights and security of internally displaced persons

The vast majority of those who move in relation to climate change do so within their country, generally from rural to urban areas, either because they are suddenly displaced as the result of a weather event or because the adverse effects of climate change force, or contribute to, their decision to move internally.<sup>21</sup> The World Bank estimates that by 2050, climate change could contribute to the [internal displacement](#) of 140 million people in Sub-Saharan Africa, South Asia, and Latin America alone.

Many governments are not sufficiently equipped to protect the rights and address the human security needs of those who are internally displaced.<sup>22</sup> For example, Tropical Cyclone Idai, described by the UN as "one of the deadliest storms on record in the southern hemisphere," [left a trail of destruction](#) across the three southern African countries Malawi, Mozambique, and Zimbabwe in March 2019; it was followed one month later by Cyclone Kenneth in northern Mozambique. Between 5 and 10 percent of the population affected by the cyclones was displaced and faced [challenges in accessing aid and disrupted services](#).<sup>23</sup> In northern Central America, the devastation wrought by the unprecedented back-to-back hurricanes Eta and Iota in 2020 drove displacement as they also aggravated poverty and inequalities in the affected areas. Hurricanes Eta and Iota further exacerbated the [precarious conditions](#) for people living in the "Dry Corridor" of southern Mexico and Central America, already severely impacted by climate change.

Without sufficient services, adequate support to relocate internally, or humanitarian assistance, internally displaced persons ("IDP") may choose to migrate as they are exposed to secondary or repeated displacement and reduced chances of being able to return home.<sup>24</sup>

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<sup>21</sup> See, e.g., M. Bradley and J. McAdam, "Rethinking durable solutions to displacement in the context of climate change," *Brookings-LSE Project on Internal Displacement* (2012), available at [www.brookings.edu/~media/research/files/papers/2012/5/14-displacement-bradley-mcadam/05-displacement-bradley-mcadam.pdf](http://www.brookings.edu/~media/research/files/papers/2012/5/14-displacement-bradley-mcadam/05-displacement-bradley-mcadam.pdf).

<sup>22</sup> See UN Guiding Principles on Internal Displacement, available at [www.unhcr.org/uk/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html](http://www.unhcr.org/uk/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html); see also Operational Guidelines on the Protection of Persons in Situations of Natural Disasters (UN Doc. A/HRC/16/43/Add.5) and Framework on Durable Solutions for Internally Displaced Persons (UN Doc. A/HRC/13/21/Add.4).

<sup>23</sup> See also [www.amnesty.org/en/latest/campaigns/2019/04/cyclone-idai-survivors-need-more-assistance](http://www.amnesty.org/en/latest/campaigns/2019/04/cyclone-idai-survivors-need-more-assistance).

<sup>24</sup> See, e.g., Internal Displacement Monitoring Centre, *Global Report on Internal Displacement 2020* (April 2020), available at [www.internal-displacement.org/global-report/grid2020/](http://www.internal-displacement.org/global-report/grid2020/); *Protection of and assistance to internally displaced persons: Note by Secretary-General* (August 9, 2011) (UN Doc. A/66/285), available at

### **The U.S. should:**

- Support measures, including through technical assistance and funding, to help national governments develop and implement protection programs to uphold the rights of IDPs, including the governments of Guatemala and Honduras and the government of El Salvador's still developing program.
- Allocate funding to support organizations that assist IDPs.

## **2.2 Increase support for refugee programs**

Refugees are frequently hosted in areas prone to environmental disasters or highly at risk of climate-related impacts. Host countries can exacerbate this by locating refugee populations to inhospitable places, especially in prolonged and intractable situations. For example, Rohingya refugees fleeing violence and persecution in Myanmar have been hosted in the border district of Cox's Bazar in Bangladesh, which the World Bank predicts will be the district worst hit by climate change in all of South Asia by 2050. In 2020, Bangladesh's government began carrying out its plan to relocate up to 100,000 refugees to Bhasan Char, a previously uninhabited low-lying island in the Bay of Bengal, [putting the refugees at high risk of flooding and other extreme weather events](#). In 2016, 75,000 Syrian refugees were trapped in a desert no-man's land at the Syria-Jordan border in the informal Rukban camp called the "[berm](#)," virtually cut off from humanitarian aid. In 2020, Jordanian authorities [forcibly transferred](#) at least 16 Syrian refugees, including eight children aged between four and 14, to the berm, where its remaining 10,000 residents lack access to sufficient and affordable food, clean water, medical care, and sanitation.

The administration should invest in refugee and humanitarian programs at new levels. Returning to U.S. funding and assistance levels of President Obama's administration is not sufficient. Refugees cannot continue to live in places that are unsustainable, and cannot be deprived of measures to support resilience and adaptation to climate change.

### **The U.S. should:**

- Significantly increase financial support to national and international organizations working on the front lines with refugees, including ensuring that refugee camps and host countries have medical personnel and supplies along with clean running water, and that refugee camps are not set in areas prone to environmental disasters or highly at risk of climate-related impacts.

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<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/448/35/PDF/N1144835.pdf?OpenElement>; ActionAid, *Costs of climate inaction: displacement and distress migration* (2020), available at <https://actionaid.org/publications/2020/costs-climate-inaction-displacement-and-distress-migration#downloads>.

- Significantly increase financial support to international humanitarian programs, including programs to enhance refugees' and migrants' self-reliance through educational opportunities, job and livelihood training, consideration of women's and children's unique needs, energy support, and other independence measures to support resilience and adaptation to climate change. This should include ensuring people have access to timely and accurate information along with access to healthcare in the host state's public health systems, without discrimination, and access to testing, treatment, and preventive measures for COVID-19.

### **3. ENSURE THE PARTICIPATION OF PEOPLE DISPLACED BY CLIMATE CHANGE**

Climate change has thrown into stark relief structural inequalities and systemic discrimination in countries around the world. The principle of equality and non-discrimination is essential to shape the content of climate action. Governments should ensure that the people most affected by the climate crisis are not left behind and that climate actions reduce and redress, rather than exacerbate, structural discrimination and inequality. Groups disproportionately affected by the climate crisis should be given equal and meaningful opportunities to participate in shaping climate measures, including by taking leadership roles.<sup>25</sup>

#### **The U.S. should:**

- Ensure the [meaningful, effective, and informed participation](#) of impacted persons to participate in national, regional, and international decision-making processes related to climate change displacement. This should especially include migrants, refugees, asylum-seekers, IDPs, Indigenous Peoples, and human rights defenders, particularly those who defend land, territory, and the environment.
- Ensure that measures to address climate change displacement are implemented in a non-discriminatory manner and do not disproportionately impact individuals, groups, and communities who are marginalized or discriminated against.

### **4. STRENGTHEN MULTILATERAL AND REGIONAL COOPERATION**

President Biden signing an executive order to have the United States rejoin the Paris Agreement as one of his first actions as president was a critical and welcome step for the U.S. to re-engage

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<sup>25</sup> See Office of High Commissioner for Human Rights, *Addressing human rights protection gaps in the context of migration and displacement in climate change*, para. 66(i) (April 23, 2018) (UN Doc. A/HRC/38/21), available at <https://reliefweb.int/sites/reliefweb.int/files/resources/G1811626.pdf>; *Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*, para. 64 (July 15, 2019) (UN Doc. A/74/161), available at [www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/HealthySustainable.aspx](http://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/HealthySustainable.aspx).

globally on climate change. The U.S. should further this international cooperation by supporting mechanisms to address climate displacement, without using such engagement to prevent people from migrating.

**The U.S. should:**

- Implement the recommendations of the UN Framework Convention on Climate Change (“UNFCCC”) [Task Force on Displacement](#).
- Endorse and implement both the [Global Compact for Safe, Orderly and Regular Migration](#) and the [Global Compact on Refugees](#), including by strengthening regional co-operation with the aim of facilitating refugee and migrant admissions and by providing [durable solutions](#) to people who move on account of the adverse effects of climate change.<sup>26</sup>
- Ensure the provision of international cooperation and assistance to other countries is not dependent upon efforts to prevent people from migrating.

**5. REDUCE THE LIKELIHOOD AND EXTENT OF CLIMATE-RELATED DISPLACEMENT**

Climate change alone can rarely be isolated as the main driver of displacement and migration.<sup>27</sup> Rather, it is a threat multiplier, exacerbating the difficulties and challenges faced by marginalized people such as poverty, discrimination, lack of social protection, and an adverse political context.<sup>28</sup> Reducing the likelihood and extent of climate displacement requires mitigation and adaptation, and measures to tackle socio-economic inequality and discrimination, as these magnify the risk of displacement.

**To reduce the likelihood and extent of climate-related displacement, the U.S. should:**

- Fully implement its human rights obligations to mitigate climate change in a manner consistent with its responsibility for the climate crisis and capacity to tackle it. In particular, reduce GHG emissions by 50 percent well before 2030 and reach zero carbon

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<sup>26</sup> See Office of High Commissioner for Human Rights, *Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*, para. 68 (July 2019) (UN Doc. A/74/161), available at [www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/HealthySustainable.aspx](http://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/HealthySustainable.aspx).

<sup>27</sup> See, e.g., R. Zetter, “Protecting people displaced by climate change: Some conceptual challenges,” in J. McAdam (ed.), *Climate Change and Displacement: Multidisciplinary Perspectives* (2010,) pp. 132-150; E. Ferris, “Governance and climate change-induced mobility: International and regional frameworks” in E. Manou et al. (eds.), *Climate Change, Migration and Human Rights* (2017), pp. 11-27; John Podesta, *The climate crisis, migration, and refugees*, The Brookings Institution (July 25, 2019), available at [www.brookings.edu/research/the-climate-crisis-migration-and-refugees/](http://www.brookings.edu/research/the-climate-crisis-migration-and-refugees/).

<sup>28</sup> See, e.g., R. Zetter, “Protecting people displaced by climate change: Some conceptual challenges,” in J. McAdam (ed.), *Climate Change and Displacement: Multidisciplinary Perspectives* (2010,) pp. 132-150; E. Ferris, “Governance and climate change-induced mobility: International and regional frameworks” in E. Manou et al., (eds.), *Climate Change, Migration and Human Rights* (2017), pp. 11-27.



emissions by 2030 or as soon as feasible after that while ensuring a just transition that enhances human rights.

- Substantially increase funding and support for human rights-consistent climate change mitigation and adaptation initiatives in less wealthy countries, ensuring that climate funding is additional to existing commitments for overseas development assistance, that climate finance to low-income countries is in the form of grants, not loans, and that a better balance is achieved between mitigation and adaptation funding. This should include funding for evidence-based programs addressing poverty alleviation, community-based violence prevention (including preventing gender-based violence and anti-LGBTI violence), and anticorruption efforts. Funding should not be spent on programs, activities, or institutions engaged in human rights violations, and should ensure consistency with human rights standards and the principle of non-discrimination.
- Fully implement commitments under the Sustainable Development Goals (“SDG”), the Sendai Framework for Disaster Risk Reduction, and the Paris Agreement to mitigate climate change, support people to adapt to its effects, and protect people from disasters.

## **6. PROVIDE SUPPORT TO ADDRESS LOSS AND DAMAGE**

The climate crisis is already seriously harming the enjoyment of human rights for people around the world and already acting an important driver of migration and displacement. People in some small low-lying island states face an existential threat as the entire or most of their countries’ territory is predicted to become inhabitable in the next few decades.

### **Given its historical responsibility for global emissions and its obligations under human rights law, the U.S. must:**

- Provide financial means, technical support, and access to remedy, including compensation, to people in developing countries whose rights have been negatively affected as the result of loss and damage caused by the climate crisis.
- Cooperate at the international level to mobilize new and additional finance to address loss and damage and ensure effective remedy is provided to all those who experience human rights violations because of the climate crisis.
- Ensure the Santiago Network on Loss and Damage established at COP26 is fully operationalized, including through adequate financial arrangements, and able to provide technical assistance for countries with less resources in a timely manner to avert, minimize, and address the loss and damage of climate-related impacts.
- Cooperate to ensure that if permanent planned relocations are necessary as a measure of last resort to protect people from the unavoidable impacts of climate change (for example, when areas have become too dangerous for human habitation), the human

rights of both the displaced and the host communities are respected, protected, and fulfilled throughout the relocation process. Ensure that following a genuine consultation process, the affected people are able to re-establish themselves and maintain their collective identity and right to self-determination in a safe and adequate location that ensures all their human rights are guaranteed.

Amnesty International continues to strongly urge the U.S. government to commit to national, regional, and international mechanisms that uphold fair, predictable, and equitable responsibility sharing to address the climate crisis. Efforts to address the root causes of displacement in the context of climate change should be centered on protecting human rights.

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