

Humanitarian Border Management and Services for Citizens Abroad

Overview

Complex crises produce varied mobility patterns, which may involve significant vulnerabilities for individuals and affected communities and generate acute and longer-term migration management challenges. Based on the understanding that States bear the primary responsibility to protect and assist crisis-affected persons present in their territory in a manner consistent with international law, IOM supports its Member States and partners to better respond to the assistance and protection needs of crisis-affected populations, including displaced persons and migrants stranded in their destination and transit countries. The **Humanitarian Border Management (HBM)** model provides practical and sustainable solutions to strengthen preparedness and establish adequate response mechanisms to assist crisis-affected populations, both nationals and non-nationals, in need of crossing the border during a humanitarian crisis, while ensuring that relevant national Authorities maintain border security also during a humanitarian crisis.

Through HBM initiatives, IOM provides technical support to Member States in building and strengthening responses to crisis settings on three main fronts:

1. Enhance cross-border humanitarian responses, in line with national security and border integrity, to ultimately uphold the rights of crisis affected population;
2. Enable border governance conforming with national sovereignty and International Law; and
3. Ensure border security.

Border management agencies (immigration, police, customs, and others) need to be equipped with the appropriate legal, procedural and operational systems in order to respond effectively to humanitarian crises and related cross border movements. For example, an efficient needs assessment and referral system (e.g. support network of agencies and individuals) are necessary in order to more effectively assist migrants in vulnerable situations and with protection needs when they cross international borders. Border authorities can play a crucial role in assessing individual needs for emergency care, and referring individuals in vulnerable situations to appropriate authorities, whether to other national agencies or international humanitarian agencies operating on the ground.

HBM supports States in developing effective and rights-based border management initiatives and responses, to ultimately ensure safety for crisis-affected population. As crises such as conflicts, climate change, environmental degradation and uneven development are driving more displacement and irregular migration globally, HBM aims to improve preparedness for sudden changes in cross border movements, in order to protect the rights of those who cross international borders, as well as to respect national sovereignty and security at the times of crises.

Incorporated in the IOM's **Migration Crisis Operational Framework (MCOF)**, HBM is an institutional priority to assist migrant affected population in cross-border movements, and support emergency preparedness and response, in post-crisis recovery, as well as in stable contexts where contingency planning is paramount. HBM is included in the **Global Crisis Response Plan (GCRP)** objective 1: Saving lives) and aligns with the **IOM's Strategic Plan 2024-2028** Objective 1 on saving lives and protecting people on the move, assisting States to develop appropriate and rights-based border management responses, so that all affected people can move to safety. HBM indirectly contributes also to the achievement of **Objective 3** of the **IOM's Strategic Plan** on pathways in the **medium and long term**. Moreover, HBM indirectly contributes also to the achievement of **Objective 3** of the IOM's Strategic Plan on pathways in the medium and long term, as HBM interventions encompass leveraging values, opportunities and advantages for integration initiatives, and/or return programs, as well as the evaluation of avenues for regular pathways, including regularization and/or resettlement. Among others, HBM interventions include review of international legal and procedural frameworks, capacity development for relevant agencies, strengthening infrastructures, procuring and deploying necessary equipment and technology, supporting bilateral and multilateral cooperation including conducting joint initiatives and concluding agreements.

Key Points

- The goal of Humanitarian Border Management (HBM) is combining State security and humanitarian imperatives. This is applied by managing borders in a way that protects crisis-affected populations and guarantees their human rights and interests, while respecting national sovereignty and security. To this end, the HBM model covers three dimensions: humanitarian response, border governance and security aspects.

- Humanitarian crises produce varied mobility patterns which may generate acute and longer-term migration management challenges.
- Different HBM activities are required depending on the phase of the crisis: preparedness, response, and the after the crisis for resilience and recovery.
- Adequate preparedness and well managed crisis response can help prevent the closure of borders, facilitating national authorities and relevant international stakeholders and actors in responding effectively to mobile populations' humanitarian needs.
- HBM interventions encompass leveraging values, opportunities and advantages for integration initiatives, and/or return programs and the evaluation of avenues for regular pathways, including regularization and/or resettlement.
- HBM supports the verification of legal basis to enable alternatives to administrative detention for crisis-affected migrant population.

Key Considerations

Key Principles

- The primacy of human rights calls for rights to be at the centre of all border governance measures
- The principle of non-discrimination requires migrants to be protected against any form of discrimination at borders
- The principles of do no harm, realized by assessing the potential for harm of any proposed action, and protection and assistance, namely human rights obligations must take precedence over law enforcement and migration management objectives
- The principle of non-refoulement calling upon States not to return anyone to a country where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm. This principle applies to all migrants at all times, irrespective of migration status.
- The principle of saving lives at sea and the duty to render assistance to persons in distress at sea, in danger of being lost to the extent they can do so without serious danger to their ship, crew a, or passengers (article 98 UNCLOS, SOLAS and SAR Conventions).

The International Covenant on Civil and Political Rights (ICCPR) provides that "in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin." (article 4, par. 1). The derogation to certain human rights by States is valid if it is implemented in accordance with criteria of lawfulness, legitimate aim, necessity, proportionality and non-discrimination. Lastly, as exceptional measure, it has a limited duration in time.

Key international standards relevant for HBM:

International Migration Law comprises different branches of law as follows:

- Human Rights Law
- Humanitarian Law
- Refugee and Statelessness Law (for Refugees and Asylum Seekers)
- Labour Law (for Migrant Workers)
- Consular Law
- Law of the Sea (for Search and Rescue at Sea)
- International Criminal Law (Transnational Organized Crime Convention and the two Protocols on Smuggling of Migrants and Trafficking in Persons, Convention against Corruption and other Penal Matters).

Among the most relevant instruments there are:

- Charter of the United Nations (1945)
- Universal Declaration of Human Rights (1948)
- Core international human rights treaties
- Regional human rights treaties
- Other relevant treaties
- Customary international law
- Human rights treaty bodies

Relevance to IOM's Emergency Operations

What is the difference between ordinary border management and humanitarian border management?

The difference lies in the situation of emergency that triggers humanitarian border management response for exceptional circumstances.

In partnership with requesting Member States, IOM's border management programming aims at enhancing the migration policies, legal frameworks, technical and administrative structures, and human resources required to facilitate safe, orderly and regular migration along with predictable human mobility, and effectively address the challenges and harness the opportunities of migration and cross-border mobility.

The main strategic objective of border management is facilitating **movements of individuals** and **trade**, by ensuring safe, orderly and regular migration and identifying individuals in need of immediate or long-term assistance or protection for referrals to specialized assistance.

This is done through:

1. Maintaining Public Order:

- Detection/prevention of unlawful entries and exit
- Countering transnational organized crime
- (among others)

2. Safeguarding National Security:

- Security or protecting the national economy and investments
- Security or controlling tourism
- Security or managing commercial exchanges
- Collecting customs revenue for trade crossing the border
- (among others)

3. Guaranteeing Public Health and Security:

- Passenger screening according health-specific risk assessments

- Prevent further outbreaks
- (among others)

The above-mentioned points summarize the strategic objectives of border management that may be challenged when humanitarian crises force people to cross borders to flee insecurity, hence the need for countries to equip themselves with more agile and flexible border management model to timely and effectively respond to unpredicted dynamics.

HBM is an operational tool to help authorities in managing borders during a crisis, so that public order, public health, national security and sovereignty are maintained, as well as abiding by international obligations and the responsibility to protect. Therefore, HBM must be implemented in a comprehensive manner, focusing on policy, laws and procedures, down to training, information management and equipment that make the model effective if started with preparedness prior to the crisis to occur, rather than responding during the crisis only.

If States have HBM model fully institutionalized in advance, this can be timely activated when exceptional circumstances arise.

In addition, although the label “HBM” seems suggesting that it relates only to border management fields, the HBM model requires the participation and contribution also of other stakeholders such as non-governmental organizations (NGOs), civil society organizations (CSOs) and communities, among others.

At the request of States, IOM supports relevant authorities in developing context-specific HBM models, and strengthening the legal, policy and operational capacities to ensure that borders remain open also during humanitarian crisis, when migrants are not in the position to fulfil ordinary requirements to enter or leave a country.

Operations

Recommendations and Suggestions for Programming

1. Strengthen border management surge capacity:

- Assess and quantify in advance the resources required to safely identify crisis-affected population in cross-border movement;
- Identify infrastructure that can be adapted or further enhanced, as well as surveillance technologies that can be scaled up in response to a crisis;
- Identify and quantify procurement needs for equipment or materials in advance to support the scale-up;
- during the preparedness phase identify training needs and develop capacities of various personnel and prepare expedite procedures for swiftly hiring, deploying, and/or redeploying existing human resources to areas in high need;
- Ensure that training content includes topics relating to relevant international law principles around sovereignty and human rights, with special considerations to gender sensitivity, vulnerabilities, child protection and humanitarian principles.

2. Comprehensive and inclusive immigration policies:

- Review existing legal frameworks and policies to assess the possibility for special entry permissions on exceptional base in extraordinary times of crisis;
- Consider pre-drafting special or temporary protection measures that can be invoked upon a declaration of emergency or crisis, which can be applicable to any crisis-affected person seeking entry regardless of their nationality, marital, economic, or immigration status;
- Take stock of entitlements, social services, as well as permissions relating to employment, education, and healthcare, that can be made available to crisis-affected migrants under exceptional circumstances and identify the processes to

access them, ensuring that these are embedded within an emergency response plan in consultation with all stakeholders involved, and that a user-friendly process to enrol people and disperse such support is established.

3. Comprehensive protection protocols:

- Facilitate response to those who report protection concerns or are flagged through preliminary screening as cases requiring further examination and ensure that processes are equipped to address large or complicated caseloads in the event of a crisis;
- Identify existing legal and administrative provisions to protect children, including those under guardianship and household or domestic affairs to avert any risks of violence and abuse;
- Establish and/or strengthen existing processes for addressing unaccompanied or separated migrant children, appropriate protocols in terms of age determination – taking into consideration data protection principles and the ability to provide consent – as well as determination of family relations;
- Ensure that a clear process for establishing guardianship of migrant children is prepared prior to a crisis, whereby children are taken into the care of the State or delegated to another family member or vetted adult, recognizing that this could require solutions for large numbers of children;
- Clarify the means and legal process of family tracing both inside and beyond the country in question, and the conditions for, and authority over, family reunification.

4. Bilateral and multi-lateral cooperation:

- Based on geographic location as well as past and/or predicted migration trends, map States and government counterparts to engage with on issues of large scale migration and regional security;
- Foster opportunities for dialogue and sharing of information and data as well as data analysis and migration trends, in full respect of data protection principles;
- Where possible, establish partnerships and/or cross-border cooperative agreements, coordinated strategies, and an ongoing commitment to monitor common challenges; establish points of contact and open channels for engaging on issues of migration and cross-border dynamics in the case of a crisis.

5. Early Warning Systems:

- Build capacities to identify, formalize, establish and/or strengthen systems of gathering, producing and sharing information on potential changes to migration dynamics and possible security threats. This could be a combination of analysing immigration data from border control points and border patrolling activities, information sharing among States and military forces where feasible, news and social media monitoring, and information conveyed by local law enforcement, social services, as well as obtained directly from the migrants themselves;
- Consider establishing dialogue with bilateral or multi-lateral contacts to communicate developing or potentially new migration issues stemming from one's own country, in the spirit of transparency, cooperation, and preparedness.

6. Humanitarian Assistance:

- Anticipate the possible humanitarian needs of incoming or exiting migrant populations and pre-position supplies and

personnel accordingly;

- Collaborate with State-run emergency services as well as national non-governmental international, and volunteer organizations that may be equipped to provide services in the realms of accommodation, transportation, food, water, medical care, protection and case management, telecommunications, information management, and other areas of coordination, noting also the potential role for military forces if required by the security context;
- Where institutional rapport is consistent, seek to formalize collaborative protocols or at a minimum, general language on cooperation upon which contemporary Memoranda of Understanding can be drafted;
- Establish a humanitarian focal point which can liaise with the potential influx of external actors or national actors from elsewhere in the country, to ensure appropriate permissions, activities, and standards are well coordinated; establish procedures for launching emergency protocols that clearly delineate authority over specific functions as well as an over-arching chain of command and hierarchy, such that each participating stakeholder is aware of their role and limitations, including among volunteer organizations;
- Consider pre-drafting terms of reference and/or memoranda of understanding such that cooperation with national, international, non-governmental, volunteer, and/or other civil society organizations is guided by clear legal conditions;
- Establish connections with local and/or border communities to facilitate their participation in the process and if their endorsement of the response is required.

7. Sensitization and social cohesion:

- Take steps to mitigate anti-migrant sentiments and sensitize host or border communities to the circumstances migrants may face;
- Undertake transparent consultations with host communities to ensure their grievances and concerns are documented, and jointly seek solutions to issues that can be addressed locally;
- Ensure that the concerns and expectations of host communities are continually explored and dialogue remains open at all levels, to avoid the development and escalation of frustration or social unrest;
- Invest in infrastructure and social development programming among host communities to foster a sense of visibility and validation, which may facilitate a more sympathetic and proactive response to the influx of migrants, thereby mitigating initial hostility or apathy.

8. Constantly monitoring security aspects:

- Implement comprehensive strategies to maintain national security and public order, as well as prevent any unlawful initiatives of organized crime taking advantage of the increased vulnerability of affected populations. Such strategies may include addressing socio-economic factors, promoting inclusive societies, empowering local communities, and offering alternatives to extremist ideologies through education, outreach programs, and access to economic opportunities.

1. Long-Term Development and Stability:

- Address the underlying socio-economic, political, and security factors that contribute to large scale migrations and insecurity. Investing in long-term development, conflict resolution, good governance, and stabilization efforts can help address the root causes and reduce the likelihood of these issues arising.

While the recommendations above provide a starting point, it is recognized that each context requires specific analysis, tailored approaches, and continuous evaluation, so as to prepare and adapt as circumstances evolve.

IOM's Role

IOM is well-positioned to provide on-the-ground, targeted expertise and capacity-building assistance to Member States who wish to establish or improve their response mechanisms to heightened cross-border movements. HBM recognizes the necessity of ensuring that border authorities are prepared to respond appropriately to cross border movements arising from climate change, environmental degradation and disasters due to natural hazard or man-made disasters, in a way that protects crisis affected migrants and guarantees their human rights and needs, while respecting national sovereignty and security. IOM assists Member States in building robust immigration and border management programmes based on and complemented by appropriate policies, laws, procedures, and information systems, with due considerations of any vulnerability and protection needs that may complement the tools mentioned above.

IOM can assist governments in developing their capacities to manage relationships with international agencies active in humanitarian crises relief efforts. For example, develop standard operating procedures (SOP) as aid may require expedited and flexible border clearance, or to provide clear guidance to border officials in the acceptance and delivery of international aid, either of goods (food, medical aid, shelters, construction materials, etc) or experts and their specialized equipment for Search and Rescue (SAR) operations.

A variety of HBM activities can be implemented according to the different phases of the crisis.

- **Pre-crisis phase (preparedness)** may include assessments of HBM capacities, development of and training on operational mechanisms, ensuring inter-agency coordination and contingency planning and conducting risks assessments to minimize threats posed by transnational organized crime operating in crisis contexts.
- **During the crisis (Response)**, HBM could include rapid assessments and on-the-job mentoring, specifically targeted to the emergency at stake, include mechanisms to help non-nationals with transit out of the region with emergency consular services and assistance in readmission, assist with the coordination of referrals of migrants to humanitarian actors or provide equipment and support for search-and-rescue operations.
- **After the-crisis phase**, HBM activities focus on evidence-based support for resilience and recovery and could include assessment of the short and long-term effects of the crisis, restoration of border infrastructure if needed, risk analysis to improve effectiveness of the response to transnational organized crime operating in crisis context, leverage values, opportunities and advantages for integration initiatives, and/or return programs, evaluation of avenues for regular pathways, including regularization and/or resettlement and facilitate identity solutions for migrants without identity documents.

IOM's HBM programming includes:

<u>PREPAREDNESS</u>	<u>RESPONSE</u>	<u>AFTER CRISIS</u>
For enhanced, efficient and effective responses and facilitate after the crisis resilience	Saving lives and protecting people on the move (during the crisis)	Evidence-based support for Resilience and Recovery
HBM legal, capacity and needs assessment	Registration and collection of data on migration movements	Assessments on impact of HBM interventions
Situational context analysis	Screening, identification and referral of people in vulnerable situations	Redefining border and migration management procedures, according to the HBM assessment evidence and recommendations
Legal framework for human rights and international obligations and agreements	Evacuation/ Search & Rescue (SAR) operations at sea, land and desert.	Restoration of ordinary border and migration management systems and processes.

Standard operating procedures (SOP)	Rapid mobile intervention teams and mobile assistance/ training	Leveraging values, opportunities and advantages for integration initiatives, and / or return programs.
Early warning systems	Procurement of mobile registration and communications equipment	Evaluation of avenues for regular pathways, including regularization and / or resettlement.
Inter-agency contingency planning	Emergency consular services; assistance in readmission and return of non-nationals	Risk assessment to minimize threats posed by transnational organized crime operating in crisis context.
Training and capacity-building		
Development of a framework for cultural mediators support		
Risks assessments to minimize threats posed by transnational organized crime operating in crisis context.		
Verification of legal basis to enable alternatives to administrative detention for crisis-affected migrant population		

Humanitarian Border Management Assessments

HBM assessments are conducted jointly by national authorities with the support of specialised IOM's experts using the Humanitarian Border Management Model. This model provides for a comprehensive analysis of the major elements of border management systems, including border control procedures, identity management, interagency coordination and international cooperation, monitoring and reporting. This model breaks down the function of Humanitarian Border Management into four inter-related components, each of which can be further disaggregated into a number of sub-elements.

Although not suggested for the "response" phase, comprehensive HBM assessments can be undertaken at any time. The assessment model presented below depicts an assessment that is best made during times of regular migration movements (pre- or post-emergency) in order to anticipate efficient capacity building measures to bolster preparedness. Rapid assessments, focused on particular operational subjects, can instead be undertaken during emergencies. The assessment commences with a broad situational context analysis and vulnerability assessment for potential exposure to crisis scenarios for affected populations. This assessment takes account of regional and national political stability, economic and development indicators and exposure to natural disasters.

Humanitarian Border Management Assessment Model

HUMANITARIAN BORDER MANAGEMENT ASSESSMENT MODEL

Situational context analysis on exposure and vulnerability to potential migration crisis scenarios

Regulatory Framework	Administration	Operations	Information Management
Policy, Legislation, Regulations dealing with Migration Emergencies	Structure, Number and Locations of Border Posts	Standard Border Operating Procedures (SOPs) for Emergencies	Identity & Risk Management, Emergency Passport and Visa Systems
Interagency Contingency Planning	Temporary Resources	Interagency, Regional and International Cooperation	Border Communications Systems
International Obligations and Agreements	HBM and related Training	Risk Analysis/ Assessment and Information Sharing	Mobile Border Registration/Identity Technologies and Referral Systems
	Interagency Cooperation and Oversight Mechanisms	Rapid Border Intervention Teams and Mobile Assistance/ Training	
		Search and Rescue (SAR)	
		Leveraging values, <u>opportunities</u> and advantages for integration initiatives, and/or return programs and evaluation of avenues for regular pathways, including regularization and/or resettlement.	

Links

- [Article on HBM on LinkedIn](#)
- [\[External\] E-Campus Training - Introductory e-learning course on HBM: Border management agencies](#)
- [\[Internal\] E-Campus Training - Introductory e-learning course on HBM: Border management agencies](#)
- [Humanitarian Border Management promotional video](#)
- [Border Security in Contested Environments](#)
- [Charter of the United Nations](#)
- [Universal Declaration of Human Rights](#)
- [Core International Human Rights Treaties](#)
- [Regional Human Rights Treaties](#)
- [Other relevant treaties](#)
- [Customary international law \(par. 24\)](#)
- [Human rights treaty bodies](#)

Media



[Simulation Exercise EN](#)



[IOM Crisis Simulation Exercise in Burkina Faso](#)



[Crisis simulation exercise at the border, Dagana, 11/30/2016](#)



[Crisis simulation exercise at the border in Kidira, December 13 2017](#)



[IOM Crisis Simulation in Podor, Senegal](#)



[Flintlock: the simulation exercise](#)



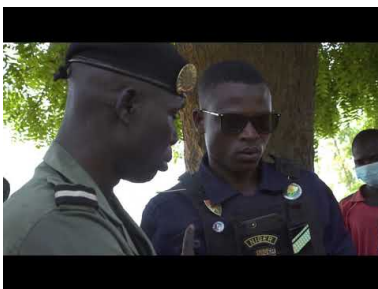
[IOM Niger - Agadez Simulation Exercise - English](#)



[IOM Niger - Simulation exercise - Tillabéri - 2018](#)



[Exercice de simulation de crise transfrontalière : Kolama/Tahoua, 12 novembre 2020](#)



[Exercice de simulation de crise transfrontalière : Maradounfa/Maradi](#)

References and Tools

Other Entries in this Topic

- [Coordination in Different Contexts](#)

Contacts

For additional support and guidance on humanitarian border management, contact the Immigration and Border Governance (IBG) Division: ibg@iom.int.

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