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*Many more people are displaced by disasters each year than by conflict or violence. For those who cross an international border, only some will be eligible for protection under refugee law or human rights law.*

### What's the context?

Each year, many millions of people are displaced by the impacts of climate change and disasters – about one person per second. Most of these people move within their own countries, but some are forced across international borders.

### Who is in need of protection?

Legally, there is no such thing as a 'climate refugee' or an 'environmental refugee'. But there are refugees whose predicament is made worse because of the impacts of disasters or climate change. Climate change and disasters provide a context in which existing persecution may be amplified, or exposure to risks may increase.

Human rights law protects people from being returned to life-threatening conditions or inhuman or degrading treatment. So, if circumstances are dire – say, if water, food, shelter and healthcare become too scarce – then protection might be forthcoming on these grounds. To date, however, no claims have succeeded on the particular facts at hand.

### What is the international community doing about this?

The Global Compact for Safe, Orderly and Regular Migration, adopted in December 2018 by the UN General Assembly, is the first international instrument to reflect specific commitments about climate change, disasters, environmental degradation and displacement. Although not legally binding, the Global Compact provides an important framework for governments to address this issue, including through greater international cooperation, better preparedness, and new migration opportunities.

The Global Compact builds on the recommendations of the Nansen Initiative on Disaster-Induced Cross-Border Displacement. In 2015, it produced a Protection Agenda which outlined a number of responses to help people remain in their homes for as long as possible, and to assist those who wished to move. This document was endorsed by 109 governments, including Australia. Its successor organisation, the Platform on Disaster Displacement, continues to work with governments and affected communities to implement these recommendations, which include:

- (1) reducing disaster risk and helping affected communities adapt to the impacts of climate change;
- (2) developing temporary forms of protection, such as humanitarian visas or extended- stay arrangements, that give short-term relief to people who are displaced by a disaster;
- (3) creating and enhancing voluntary migration opportunities – such as free-movement agreements, training programs, and special access to existing visa schemes – so that people can move with dignity before disaster strikes or slow-onset environmental changes make their homeland uninhabitable;
- (4) planning relocations to help people move out of danger zones before disaster strikes, or safe areas to move to if they have already been displaced.

## **Do countries already admit people displaced by the impacts of climate change?**

In late 2017, New Zealand's newly elected Prime Minister, [Jacinda Ardern](#), announced a proposal to [create a special humanitarian visa](#) for Pacific Island residents who were forced to migrate because of rising sea levels. The plan was to provide for up to 100 such visas annually. However, this plan did not proceed.

Some countries have discretionary humanitarian visas which could be applied to people fleeing disaster or climate impacts (among other things). In May 2022, [Argentina](#) created a special visa for people displaced by disasters in Mexico, Central America or the Caribbean. The visa is provided for an initial three-year period, after which people may convert their immigration status towards permanent residence. The scheme is not only open to those who are displaced across an international border: UNHCR and IOM can recommend that internally displaced persons be granted entry permits to Argentina.

On 10 November 2023, Australia and Tuvalu adopted the [Australia–Tuvalu Falepili Union Treaty](#) - the world's first bilateral agreement on climate mobility. Australia will create a special visa scheme to allow up to 280 Tuvaluans a year to work, study and live in Australia, with access to education, health, and key income and family support benefits. More broadly, New Zealand's [Pacific Access Category](#) and [Australia's Pacific Engagement Visa](#) provide migration pathways for people to move to those countries on a permanent basis. While neither expressly references climate change or disasters, each is viewed as [enhancing opportunities for movement](#) in that context.

Elsewhere, regional groupings of countries have developed guidance on cross-border protection and assistance in the context of disasters and climate change, including in the [Americas](#) and [Africa](#). In November 2023, the Leaders of the Pacific Islands Forum endorsed the [Pacific Regional Framework on Climate Mobility](#) 'to guide Pacific Islands Forum governments, communities, non-state actors and partners in ensuring rights based and people-centred movement in the context of climate change ... through a proactive, inclusive and collaborative regional approach that reflects common Pacific interests in a culturally appropriate manner, while respecting national sovereignty and diversity'.