

Paper:

Migration with Dignity: A Legal and Policy Framework

Shanna N. McClain^{*1,†}, Carl Bruch^{*1}, Erin Daly^{*2}, James May^{*3}, Yuko Hamada^{*4},
Miko Maekawa^{*5}, Nagisa Shiiba^{*6}, Mikiyasu Nakayama^{*7}, and Glykeria Tsiokanou^{*2}

^{*1}Environmental Law Institute

1730 M Street NW, Suite 700, Washington, D.C. 20036, USA

[†]Corresponding author, E-mail: mcclain@eli.org

^{*2}Delaware Law School, Wilmington, USA

^{*3}SJ Quinney College of Law, Salt Lake City, USA

^{*4}International Organization for Migration, Washington, D.C., USA

^{*5}Sasakawa Peace Foundation, Tokyo, Japan

^{*6}Institute for Global Environmental Strategies, Tokyo, Japan

^{*7}Global Infrastructure Research Foundation, Tokyo, Japan

[Received September 27, 2021; accepted January 5, 2022]

This article presents a legal and policy framework for Migration with Dignity. As the scale of internal and international migration continues to grow, rhetoric around migration has been increasingly politicized and intended to fuel feelings of xenophobia. The way migration is framed has a substantial impact on both how migrants are able to cope and manage their untenable situation, and how adaptive policy options are developed for facilitating the migration and transition of individuals. In recent years, a noticeable trend has emerged with courts employing human dignity arguments in cases involving fundamental human rights, including rights to equal protection. Dignity is built upon the premise that every human being has intrinsic and equal worth and value. Therefore, the Migration with Dignity framework offers an opportunity to focus on the challenges experienced by individuals and provide policy and legal options to governments, policy makers, and NGOs for how to better improve the transition of migrants into new settings and foster opportunities for improved livelihoods.

Keywords: migration, dignity, human rights, migration with dignity

1. Introduction

The scale of internal and international migration is growing, with some of the largest migration and displacement events occurring in the last two years alone. These include conflict-related migration in Syria, Yemen, the Central African Republic, and South Sudan, migration from extreme violence with the Rohingya in Bangladesh, and migration from severe political instability as seen in Venezuela [1]. However, there is also growing recognition of the impacts from environmental and climate change on human mobility, particularly in regard to planned migra-

tion, relocation, and displacement.

Human mobility connected with environmental and climate change is often framed around protection and security agendas. Yet with increasing magnitude and frequency of extreme weather events and the growing likelihood of migration and displacement due to these events, it is progressively important to understand mobility from an adaptation perspective. Doing so enables migrants to have agency in relation to the decisions being made, particularly when climate change events like sea level rise are reducing island land mass, the communities tethered to this area, and the number of adaptation options available.

In recent years, a noticeable trend has emerged with courts employing human dignity in cases involving fundamental human rights, including rights to equal protection. In 2014, then-President of Kiribati, Anote Tong, coined the phrase “migration with dignity” [2]. The phrase embodied the intent to invest in the education of the Kiribati people to equip them with educational qualifications and employable skills that would enable them to live a life equal to or better than the one they had. It also represented the understanding that migration should be voluntary, though eventually may be the only option left once Kiribati could no longer sustain human life.

As people move, migrants are exposed to a number of challenges that exacerbate existing vulnerabilities and expose them to new ones. Violence and assault, exposure to harsh environmental conditions, lack of food, water, and sanitation. Because every border offers a different challenge as to whether a migrant will be allowed to cross, the number of informal smuggling networks have increased, as have the number of human rights violations. However, the legal and policy frameworks protecting the rights of migrants are not cohesive or comprehensive and do not consider the experiences of individuals.

Therefore, this article represents a new approach to Migration with Dignity, offering an opportunity to extend focus on the challenges experienced by individuals and



provide policy and legal options to governments, policy makers, and NGOs for how to better improve the transition of migrants into new settings and foster opportunities for improved livelihoods.

This paper focuses on the advancement of a legal and policy framework for Migration with Dignity. The article begins by reflecting on the experience of internal and international migration, including complex and emerging issues. Next, is a discussion of human rights and dignity rights and the role they play across the migration experience. This section is followed by a review of the Migration with Dignity Framework and the six human-centered dimensions essential to migrants, regardless of circumstances. The paper concludes with a reflection on opportunities to further apply the Migration with Dignity Framework across other thematic areas and at key stages across the migration cycle.

2. Migration Experiences

As of 2019 there were approximately 272 million international migrants in the world, a mere 3.5% of the world's population. The vast majority of migrating populations are internal migrants who move within their country of nationality [1]. However, there are upward trends in relation to internally displaced persons whose immediate cause of displacement is due to disasters and conflict. This highlights the growing need to improve the collective understanding of displacement in the context of multiple drivers, including climate change.

People move for a number of reasons. The overwhelming majority of international migrants are seeking better employment opportunities, education, or are moving for reasons relating to family and health. While internal migration is largely a response to environmental stresses and other slow-onset processes, including drought, food insecurity, and diminished access to water.

Mobility is an inherent characteristic of all populations and should therefore be seen as a dynamic process. The recently adopted Global Compact for Safe, Orderly, and Regular Migration takes a first step at addressing human mobility; however, the protections they suggest for states to consider, including improving freedom of movement for migrants, are non-binding and depend on states to implement at national and regional levels [3].

Distinguishing between who is a "migrant" and who is a "refugee" has become the focus of much recent debate [4], especially with regard to the issue of climate change. However, the UN High Commission for Refugees (UNHCR) have placed great emphasis on the differences between these populations and why it matters [5]. 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 [6, 7]. 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 [5]. Given the exponential impact climate change is having on societies and economies, there is an intensifying need 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.

As people migrate, they can face a number of obstacles. Record numbers of men, women, and children lose their lives while trying to reach other countries. In 2014, a total of 3,279 migrant deaths at sea were recorded in the Mediterranean crossing from the coast of Northern Africa to Spain [8]. Nearly 570 deaths were recorded in Northern Africa due to violence and abuse, dangerous transportation conditions, sickness, and starvation [9]. Since 2014, nearly 2,000 deaths have been recorded along the United States–Mexico border, with hundred more in Southeast Asia, the Saharan desert, and elsewhere.

The recent politicization of migration has increased fears of 'invasion' by foreigners, questioned the role of migrants in economic and social upheaval and financial crisis, and led to restrictive policies and backlash further fueling xenophobia. These examples reflect the close connection between migrants and mobility, and issues of economy, politics, and social issues.

The status and treatment of migrants can play a significant role in their ability to cope and manage vulnerabilities and crisis. Addressing the needs of migrants, recognizing the diversity of mobility and migration pathways, and supporting migrant's ability to respond to crisis are essential for upholding international human rights obligations.

3. Human Rights and Dignity Rights

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 [10]. 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” [11]. 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.

Since the adoption of UDHR, dignity has become a bastion of ethical consensus, mentioned in numerous international documents, national constitutions, legal statutes, and judicial decisions [12]. The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which complete the International Bill of Rights and to which almost every country on earth adheres, both state that the equal and inalienable rights of all members of the human family “derive from the inherent dignity of the human person” [13]. Further, the concept of human dignity gained prominence in many national constitutions written (i.e., Germany, Italy, Japan, Portugal, Spain, South Africa, Brazil, Israel, Hungary, and Sweden), owing its origins in law to German constitutional law which declared that “human dignity shall be inviolable,” that dignity embodies the “right to have rights” [14]. Thus, human dignity has been recognized as a foundational right throughout international and national law.

Dignity under law is significant for three principal reasons. First, it reflects the ongoing struggles against domination, oppression, and humiliation and the demand for human dignity as a condition by which a right may be claimed or achieved [15]. Examples include rights violations of due process, equal protection, liberty, and property. Second, dignity is essential to the transformation of global normative ideals, especially human rights norms. Therefore, dignity is not only central to understanding human rights, but to the social and political issues that change over time, including issues of sovereignty, war and peace, immigrants and refugees, and the plight of individuals who are not adequately respected and protected by state-centered approaches [16]. Third, dignity is featured prominently in legal texts providing for human rights protections, is used frequently in judicial decisions, and now plays a central role in human rights discourse; therefore, implying its value for interpreting and applying law [17].

Despite the myriad application of dignity rights in humanitarian settings, there is no comprehensive legal or policy framework designed to protect the growing number of migrants on the basis of dignity.

4. A Framework for Migration with Dignity

Drawing upon a range of human rights and dignity rights, and identified needs across the cycle of migration, the framework for Migration with Dignity emphasizes six fundamental elements: 1) *movement*, that is, the right to choose when to leave and when to return; 2) *security*, namely, the right to be free from sexual 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.

4.1. Movement

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 country of origin or country of destination.

Countries often limit these freedoms through restrictions such as passport or visa requirements, imposed quotas, or perceived threats to national security. However, in situations of forced displacement, statelessness, or internally displaced persons, the necessary paperwork to facilitate freedom of movement rarely exists.

In many situations, cross-border or international migration occurs in the context of slow-onset stresses, such as drought. However, slow-onset events can very quickly lead to disaster when drought turns to famine. Similarly, sudden-onset events such as recurring flooding can have protracted impacts over time as repeated incidence of flood can increase vulnerability, gradually erode resilience, and lead to migration or displacement.

Distinctions between internal and international migrants are becoming further strained as internally displaced persons and migrants may decide to move beyond national borders when they can no longer access adequate protections following a disaster or can no longer find viable livelihoods. Further, if these individuals are unable to re-establish themselves in the host country, they may return home. As individuals move back and forth between locations to access a wider range of economic opportunities, protections, or food security, migration and mobility are thought to be circular and are therefore in need of more adaptive arrangements that consider this cycle of migration.

Flexible immigration and visa policies can support the safety and protection of migrants while also enabling them to recover from the impact of a crisis. This does not mean that all persons have to be admitted to a new country as citizens, but rather that countries’ immigration policies must be designed and implemented with respect for each person’s inherent and equal worth.

Under international law, cross-border mobility mechanisms often distinguish between voluntary or forced movement. Refugees are protected from refoulement – the return of individuals who are fleeing persecution, torture, or inhumane treatment, while international protection mechanisms operate as exceptions to state decisions on who enters their territory and under what conditions [3]. Temporary stay is often permitted in cases of forced displacement related to disasters, and regular

migration schemes (e.g., labor, student visas) offer extended but not permanent stay; however, both have been criticized as protections due to their limited availability and potential to undermine needs-based protections [3]. Through the Migration Compact, states committed to cooperate on facilitating and ensuring safe, orderly, and regular migration; however, this relies heavily on the discretionary powers of national authorities to implement.

4.2. Security

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. Criminal networks are often involved in migrant smuggling. These networks often morph into human trafficking that entail substantial human rights violations, including sexual and gender-based violence, forced labor, arbitrary detention, extortion, and exploitation. Certain migrants are at particular risk, including those fleeing violence and conflict; those dislocated from community and family support structures without access to legitimate forms of employment, legal status, or social protection; and those who move or work through irregular channels.

Migrant women and girls are at particular risk of sexual violence due to limited governmental and police protection that might otherwise keep them safe. Up to 80% of women and girls experience rape and sexual assault during migration [18], and 35% of the victims trafficked for forced labor are women and girls [19]. During the Bosnian war of 1992–1995, Muslim women and others were systematically raped and tortured in an attempt to advance ethnic cleansing. Several survivors testified against three Bosnian soldiers in the courtrooms of the Hague, in the International Criminal Tribunal for the Former Yugoslavia and the resulting landmark ruling established that systematic rape during conflict is not merely a violation of the practice of war but also a crime against humanity [20]. Many other courts have described rape as a crime against human dignity.

Human trafficking is a form of slavery, and it refers to the exploitation of individuals through threat or use of force, coercion, abduction, fraud, or deception. As of 2017, there were approximately 40.3 million victims of human trafficking globally [21]. Through the help of smugglers, migrants from many countries can embark on highly dangerous journeys. Human smuggling can often morph into human trafficking, with many migrants facing forced labor, arbitrary detention, extortion, and exploitation, among other human rights abuses.

Among the multiple challenges of migration, many also face the risk of being detained during transit or upon arrival in a new country. Some of the cases concerning treatment of detainees focus on the physical conditions of detention of the minimum core of comfort that is necessary to ensure that individuals live in dignity. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of December 10, 1984 empha-

sizes that the “equal and inalienable rights of all members of the human family, derive from the inherent dignity of the human person” [22]. Conditions of detention are often punitive, jail-like conditions with limited access to medical care and can contribute to extreme distress, and cognitive, physical, and emotional deterioration.

The vulnerability of migrants can increase when people are isolated, insecure, and defenseless in the face of shock and stresses, including during transit and upon arrival in host country. Many countries will limit or ban the registration of migrants, removing their ability to have a secure residence status. For migration solutions to be lasting, security of status must be a foundational element.

4.3. Equality

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. Increasingly xenophobic and anti-immigrant sentiment globally has resulted in intolerance, discrimination, racism, and even acts of extreme violence against and toward migrants, particularly in countries where nationalism, patriotism, and populism have been on the rise.

Discrimination can threaten human dignity in even more profound ways, not only by denying people goods and services that are available to others, but also attacks a person’s sense of identity – which lies at the heart of the protection for human dignity. In the context of migration, there is strong nexus between the right of equality and the right to identity, which becomes more prominent upon a migrant’s arrival to the new country. Sadly, many people who migrate are confronted with discrimination, racism, and xenophobia, which can harm a person’s dignity by demeaning her and by separating her from her old and new communities. Migrants can also face tensions between assimilating into a new society and holding on to her traditions, customs, and values (which can be central to identity) [23].

These issues can play out in a number of ways. For example, skilled migrants moving from developing countries intending to settle in host countries often face issues of occupational downgrading, which entails a loss of occupations status between the last job in their home country and their first job in the host country. In this situation, they are considered a disadvantaged category of employees despite their professional qualifications and previous work experience. This can specifically cause a questioning of a person’s value or sense of worth (their dignity) and pose a challenge to their identity, given that a sense of self is often shaped by personal attributes, occupational roles, and group affiliations [24].

In research conducted with Marshallese moving from the Republic of the Marshall Islands to Springdale, Arkansas, many individuals noted having to apply for positions below their experience, feeling like they had a lesser role or value with this diminished status, and experienced feelings of frustration with their experience and education not being recognized in their host country [25].

4.4. Standard of Living

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. In the case of internally displaced persons, access to these services can be tenuous.

Article 25(a) of the 1948 Universal Declaration of Human Rights enshrines the "right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control" [11].

In the United States, the Fair Housing Act provides for nondiscriminatory access to housing and accommodation, while the Equal Credit Opportunity Act protects against discrimination in financing for homes. These laws and others have provided protections for undocumented migrants and access to housing information in languages other than English.

In addition to being able to afford a place to live in, realizing an adequate standard of living requires access to utilities such as electricity. Utility companies often require account holders to have identification documents that may be difficult for noncitizens to obtain. In addition to the broad protections to an adequate standard of living, the United Nations General Assembly has recognized a human right to water and sanitation in Resolution 64/292.

4.5. Access to Services

Access to services includes education, healthcare, welfare, and other benefits, and legal service. Access is often approached through two pathways: first through the shared information or knowledge pathways that must exist in order to ensure that migrants are aware of services that might be available to them; second to ensure the ability to use the service as needed and in a sustained manner. Even when services are available, lack of knowledge as well as language barriers can make it difficult for migrants to access services.

Migrants can often face challenges in addressing their mental, physical, and social well-being due to limited or no ability to access to public health. This can be connected to factors such as insecure income, poor documentation of status, or only being able to access health care when an individual is incredibly ill. Delays in treatment can lead not only to poor outcomes for the affected individual, but in the case of infectious diseases, can increase the onward transmission of infection across migrant populations. The relatively recent emergence of "sanctuary cities"¹ in countries with restrictive immigration policies has in part developed in response to the need for improved

1. 'Sanctuary city' refers to municipal jurisdictions that limit city cooperation with national efforts to enforce immigration law. Examples include multiple locations in North America, Canada, and in the United Kingdom [26].

access to healthcare services regardless of a person's migration status.

Of the many factors for migration, education is one of the main drivers of the migration of children, youths, and young adults. Few services are as important as the ability of children to access education, as it not only generate social and professional capital that will serve the individual's future livelihood, but it also provides a foundational context for social inclusion, peer group exchanges, and new cultural and language acquisition.

An additional dimension of education rights that has particular salience for migrants is the trans-jurisdictional acceptance of educational degrees and professional certifications. While receiving countries and states have the prerogative to establish and enforce standards for education and professional certifications, some have undertaken processes to compare the requirements from other jurisdictions to acknowledge degrees and certifications received from those jurisdictions. Where a degree or certification from another jurisdiction may be lacking required elements, knowledge of these gaps can drive reforms in those originating jurisdictions to meet those elements. In practice, access to educational loans are an important enabling condition that can empower migrants to access education [27]. Relatively few countries have addressed this.

Access of migrant workers to social security varies from country to country and even from employer to employer. In Malaysia, for example, many migrant workers in plantation industries are insured for occupational health and injuries; however, migrant workers' families do not have access to health insurance or other services such as education [28]. Other countries, especially in Europe, have historically made national healthcare free and accessible to migrants, with some variations as compared to their own citizens. The welfare system in the UK is one such example.

Access to legal services refers to the ability of persons to make full use of the existing legal processes designed to protect their rights in accordance with fundamental standards of fairness and justice. Due to lack of knowledge, language barriers, or simply inability to secure legal representation, migrant workers often give up their right to pursue claims protecting their labor rights after returning to their country of origin [29]. This is particularly evident for migrants who flee abuse, violence, and persecution are unable to remain due to lack of evidence to support their claims.

The development of an empowering environment is needed to address disparities in education, employment, and in access to information and services in origin, transit, and host countries. The burden or expectations for building such an environment should not fall on any one individual or organization alone and should instead be offered in concert among government agencies and border management organizations, as well as with local governments and non-governmental organizations. Working in a connected manner can allow for improved transition of migrating populations and provide capabilities to pursue

livelihoods free of discrimination or inequality [30].

4.6. Civil and Political Rights

Civil and political rights ensure that migrants are given the opportunity to participate meaningfully in their communities. In part, it ensures freedom of speech and (to a lesser extent) political participation, but it also guarantees religious and cultural protections. Many migration policies reflect approaches of assimilation, and assimilation has often been suggested as a path to avoid ethnic or cultural differences by adaptation intended to blur ethnic distinctions. Conversely, the protection of civil rights can reflect policies of accommodation which enable livelihood strategies that include maintenance of cultural and societal practices that can strengthen the survival and reduce the vulnerability of migrant populations [31].

A migrant's participation in civic life may be uneven from location to location, but many are interested in voting, and are willing to vote to uphold diversity in politics. Much of the political and civic participation is bolstered by local non-governmental organizations that provide regular and sustained support of these rights. Political participation is an important element of integration to a community, as manifested by people's ability to elect those who govern them. Courts are affirming that human dignity entails political rights with what some have called participatory dignity.

Freedom of speech protects both the person's ability to express themselves as they choose, thus expressing the full development of their personality, and their ability to interact in society with others. The freedom of speech is intimately linked to identity, political participation, and freedom of religion. Freedom of speech often includes expression, thought, and opinion; and may include other rights related to dignity including the right to language and the right to culture. Generally, freedom of speech come with restrictions (e.g., hate speech, defamation, trade secrets, and obscenity), and in certain countries, speech and access to information is censored regardless of immigration status. Nonetheless, there is extensive international law protecting the freedom of expression [11].

Religion is, for many, an intrinsic part of their identity. People who migrate are especially likely to face religious discrimination, which burdens their dignity rights in several respects. Courts have long recognized the dignity right to fully develop one's personality, to express oneself according to one's conscience, and to engage with others in social and cultural community – all of which are implicated in religious freedom.

5. Conclusion

The Migration with Dignity framework offers 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. The framework reflects the unique experiences and perspectives of migrants and – based upon these experiences – provides six key dimensions central to supporting human rights and dignity rights across the migration cycle. The framework also presents policy options that can be integrated into and complement the 23 objectives of the Global Compact, which can collectively support the better management of migrants at local, national, regional, and global levels.

Moving forward, this framework would benefit from further consultation on the dimensions and applications considered. This includes applying the framework in a variety of contexts, including disaster, conflict, and other types of crisis where mobility is an essential pathway to protection. Additional consideration should be given to the application of the framework in regard to gender and identity, age and disability, race, and ethnicity, all of which can compound vulnerability and the ability to cope in crisis contexts.

Implementation 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. Moreover, the application of the framework could have the added benefit of further strengthening the legal and normative frameworks protecting human rights and dignity rights.

Acknowledgements

This study was supported by the JSPS KAKENHI (Grant Numbers 19KK0025 and 21H03711). The authors would like to express their sincere appreciation to the Ocean Policy Research Institute of Sasakawa Peace Foundation (OPRI-SPF) and the Nippon Foundation for their support for this study.

References:

- [1] International Organization for Migration, "World Migration Report," 2020.
- [2] A. Tong, "Statement by H.E. President Anote Tong at the 69th UN General Assembly," September 26, 2014.
- [3] T. Wood, "The Role of Free Movement of Persons Agreements in Addressing Disaster Displacement," Platform on Disaster Displacement, 52pp., 2019.
- [4] D. Lind, "Migrant vs. refugee: What the terms mean, and why they matter," Vox, September 2015, <https://www.vox.com/2015/9/14/9319695/refugee-migrant-difference> [accessed December 15, 2021]
- [5] United Nations High Commissioner for Refugees (UNHCR), "UNHCR Viewpoint: 'Refugee' or 'Migrant' – Which is Right?," July 2016, <https://www.unhcr.org/news/latest/2016/7/55df0e556/unhcr-viewpoint-refugee-migrant-right.html> [accessed December 15, 2021]
- [6] United Nations General Assembly Resolution, "Draft Convention relating to the Status of Refugees," A/Res/429, December 1950.
- [7] United Nations General Assembly Resolution, "Protocol Relating to the Status of Refugees," A/RES/2198, December 1967.
- [8] UNHCR, "Desperate Journeys: Refugees and migrants arriving in Europe and at Europe's Borders," December 2018.
- [9] D. Kerwin, "International Migration, Human Dignity, and the Challenge of Sovereignty," Proc. of the 4th and 5th Int. Forum on Migration and Peace, pp. 13-21, 2016.
- [10] C. Girard and S. Hennette-Vauchez, "Human Dignity: Survey on a Judicialization Process," French University Press – P.U.F., 2005.
- [11] United Nations, "Universal Declaration of Human Rights," UN General Assembly Resolution 217A, 1948.

[12] L. R. Barroso, "Here, There, and Everywhere: Human Dignity in Contemporary Law and in the Transnational Discourse," *Int. & Comp. L. Rev.*, Vol.33, No.1, pp. 331-393, 2012.

[13] United Nations General Assembly, "The International Covenant on Civil and Political Rights," UNGA Resolution 2200A (XXI), 1966.

[14] Federal Republic of German, "Grundgesetz für die Bundesrepublik Deutschland," 1948.

[15] E. Bloch, "Natural Law and Human Dignity," MIT Press, 1986.

[16] A. Nascimento and M. Lutz-Bachman, "Human Dignity in the Perspective of a Critical Theory of Human Rights," A. Nascimento and M. Bachmann (Eds.), "Human Dignity: Perspectives from a Critical Theory of Human Rights," pp. 1-23, Routledge, 2018.

[17] C. McCrudden, "Human Dignity and Judicial Interpretation of Human Rights," *The European J. of Int. Law*, Vol.19, No.4, pp. 655-724, 2008.

[18] A. Parish, "Gender-based Violence Against Women: Both Cause for Migration and Risk along the Journey," *Migration Policy Institute*, 2017.

[19] UN Office on Drugs and Crime, "Global Report on Trafficking in Persons," 2018.

[20] "Prosecutor v. Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic (Trial Judgment)," IT-96-23-T & IT-96-23/1-T, International Criminal Tribunal for the former Yugoslavia (ICTY), February 22, 2001.

[21] International Labour Organization, "Global Estimates of Modern Slavery: Forced Labour and Forced Marriage," 2017.

[22] UN General Assembly, "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," United Nations, Treaty Series, Vol.1465, p. 85, 1984.

[23] J. Hammet, "Migrant Adjustment and Personal Identity," *The Australian Quarterly*, Vol.31, No.2, pp. 40-48, 1959.

[24] D. Fernando and G. Patriotta, "Us versus Them: Sensemaking and identity processes in skilled migrants," *J. of World Business*, Vol.55, Article No.101109, 2020.

[25] S. N. McClain, C. Bruch, M. Nakayama, and M. Laelan, "Migration with Dignity: a Case Study on the Livelihood Transition of Marshallese to Springdale, Arkansas," *J. of Int. Migration and Integration*, Vol.21, pp. 847-859, 2019.

[26] T. Henderson, "Cities, States Resist – and Assist – Immigration Crackdown in New Ways," Pew Stateline Article, August 2018, <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2018/08/03/cities-states-resist-and-assist-immigration-crackdown-in-new-ways> [accessed December 15, 2021]

[27] S. Drinkall, J. Leung, C. Bruch, K. Micky, and S. Wells, "Migration with Dignity: A Case Study on the Livelihood Transition of Micronesians to Portland and Salem, Oregon," *J. Disaster Res.*, Vol.14, No.9, pp. 1267-1276, doi: 10.20965/jdr.2019.p1267, 2019.

[28] T. Loganathan, D. Rui, C. Ng, and N. S. Pocock, "Breaking down the Barriers: Understanding Migrant Workers' Access to Healthcare in Malaysia," *PLoS One*, Vol.14, No.7, e0218669, 2019.

[29] C. Caron, "Portable Justice, Global Workers, and the United States," *Clearinghouse Review: J. of Poverty Law and Policy*, Vol.40, p. 549, 2007.

[30] S. N. McClain, J. Seru, and H. Lajar, "Migration, Transition, and Livelihoods: A Comparative Analysis of Marshallese Pre-and Post-migration to the United States," *J. Disaster Res.*, Vol.14, No.9, pp. 1262-1266, doi: 10.20965/jdr.2019.p1262, 2019.

[31] S. N. McClain and C. Bruch, "Migration with Dignity: A Framework to Manage Climate Change and Prevent Conflict," *The Peace Chronicle*, Vol.Climate (Spring 2021), 2021.



Name:
Shanna N. McClain

Affiliation:
Environmental Law Institute

Address:
1730 M Street NW, #700, Washington, D.C. 20036, USA

Brief Career:
2017- Program Manager, National Aeronautics and Space Administration
2009- Visiting Scientist, Environmental Law Institute
2011- Consultant, Joint OCHA/UNEP Environmental Emergency Unit

Selected Publications:

- "Migration with Dignity: a Case Study on the Livelihood Transition of Marshallese to Springdale, Arkansas," *J. of Int. Migration and Integration*, Vol.21, No.3, pp. 547-589, 2019.
- "Migration, Transition, and Livelihoods: A Comparative Analysis of Marshallese Pre- and Post-Migration to the United States," *J. Disaster Res.*, Vol.14, No.9, pp. 1262-1266, 2019.

Academic Societies & Scientific Organizations:

- American Association for the Advancement of Science (AAAS)
- American Geophysical Union (AGU)
- American Meteorological Society (AMS)



Name:
Carl Bruch

Affiliation:
Environmental Law Institute

Address:
1730 M Street NW, #700, Washington, D.C. 20036, USA

Brief Career:
2006- Senior Attorney and Director of International Programs, Environmental Law Institute
2018- Founding President, Environmental Peacebuilding Association
2017- Senior Adjunct Professor, American University School of International Service

Selected Publications:

- "Migration with Dignity: A Case Study on the Livelihood Transition of Marshallese to Springdale, Arkansas," *J. of Int. Migration and Integration*, Vol.21, pp. 847-859, 2019.
- "Environmental Rule of Law: First Global Report," UN Environment Programme, 2019.

Academic Societies & Scientific Organizations:

- Environmental Peacebuilding Association
- IUCN World Commission on Environmental Law
- International Water Resources Association (IWRA)



Name:
Erin Daly

Affiliation:
Delaware Law School

Address:
4601 Concord Pike Wilmington, Delaware 19803, USA

Brief Career:

2001- Professor of Law, Widener University Delaware Law School
2019- Co-Founder and Co-Director, Dignity Rights International

Selected Publications:

- “Dignity by Any Other Name,” *Tulsa Law Review*, Vol.55, No.2, 197, 2020.

Academic Societies & Scientific Organizations:

- American Bar Association (ABA)



Name:
Yuko Hamada

Affiliation:
International Organization for Migration

Address:
1752 N Street NW, #700, Washington, D.C. 20036, USA

Brief Career:

2000- Country Representative, Kosovo, Association of Medical Doctors Asia
2011- Senior Regional Labor Migration, Migration and Development Specialist, IOM Regional Office Bangkok, Thailand
2018- Senior Monitoring and Partnership Officer, IOM Washington DC

Selected Publications:

- “Migrant Labour in Global Value Chains in Asia,” D. Nathan, M. Tewari, and S. Sarkar (Eds.), “Labour in Global Value Chains in Asia,” Cambridge University, 2016.
- “South to South Migration in Asia,” P. Short, M. Hossain, and M. A. Khan (Eds.), “South-South Migration: Emerging Patterns, Opportunities, and Risks,” Routledge, 2017.

Academic Societies & Scientific Organizations:

- American Evaluation Association
- Association of Medical Doctors of Asia



Name:
James May

Affiliation:
SJ Quinney College of Law, University of Utah

Address:
383 South University St. E, Salt Lake City, Utah 84112, USA

Brief Career:

1991- Distinguished Professor of Law, Widener University Delaware Law School
2019- Co-Founder and Co-Director, Dignity Rights International
2021- SJ Quinney College of Law, University of Utah

Selected Publications:

- “Dignity Law: Global Recognition, Cases and Perspectives,” William S. Hein & Co., Inc., 2020.

Academic Societies & Scientific Organizations:

- American Bar Association (ABA)
- American Association of Law Schools



Name:
Miko Maekawa

Affiliation:
Ocean Policy Research Institute, Sasakawa Peace Foundation

Address:
1-15-16 Toranomon, Minato-ku, Tokyo 105-8524, Japan

Brief Career:

2000- United Nations Development Programme
2012- University of Tokyo “Wisdom of Water” (Suntory) Corporate Sponsored Research Program
2013- Graduate School of Human Sciences, Osaka University
2014- Sasakawa Peace Foundation

Selected Publications:

- M. Maekawa, P. Singh, D. Charan, N. Yoshioka, and T. Uakeia, “Livelihood Re-Establishment of Emigrants from Kiribati in Fiji,” *J. Disaster Res.*, Vol.14, No.9, pp. 1277-1286, 2019.

Academic Societies & Scientific Organizations:

- Japan Society of Ocean Policy (JSOP)
- Society for Environmental Economics and Policy Studies (SEEPS)
- Japan Society of Evaluation (JES)



Name:
Nagisa Shiiba

Affiliation:
International Organization for Migration

Address:
2108-11 Kamiyamaguchi, Hayama, Kanagawa 240-0115, Japan

Brief Career:

2018- Ocean Policy Research Institute, Sasakawa Peace Foundation
2021- Adaptation and Water Area, Institute for Global Environmental Strategies

Selected Publications:

- N. Shiiba, H. H. Wu, M. C. Huang, and H. Tanaka, "How blue financing can sustain ocean conservation and development: A proposed conceptual framework for blue financing mechanism," *Marine Policy*, Article No.104575, 2021.



Name:
Glykeria Tsiokanou

Affiliation:
Seton Hall University School of Law

Address:
4601 Concord Pike Wilmington, Delaware 19803, USA

Brief Career:

2021 Managing Attorney, Seton Hall University School of Law
2020 Legal Consultant, Dignity Rights International

Selected Publications:

- "Migration Strategies for Human Rights Violations in Immigration Detention," 2022.



Name:
Mikiyasu Nakayama

Affiliation:
Global Infrastructure Fund Research Foundation
Japan

Address:
Roppongi T-Cube 14F, 3-1-1 Roppongi, Minato-ku, Tokyo 106-0032,
Japan

Brief Career:

1989- Associate Professor, Faculty of Agriculture, Utsunomiya University
1999- Professor, United Graduate School of Agricultural Science, Tokyo
University of Agriculture and Technology
2004- Professor, Graduate School of Frontier Sciences, the University of
Tokyo
2020- Managing Director, Global Infrastructure Fund Research
Foundation Japan

Selected Publications:

- M. Nakayama, I. Taafaki, T. Uakeia, J. Seru, Y. McKay, and H. Lajar, "Influence of Religion, Culture and Education on Perception of Climate Change, and its Implications," *J. Disaster Res.*, Vol.14, No.9, pp. 1297-1302, 2019.
- K. Ogino, J. Son, and M. Nakayama, "Effectiveness of hydropower development finance: evidence from Bhutan and Nepal," *Int. J. of Water Resources Development*, Vol.37, pp. 491-507, 2020.
- S. N. McClain, C. Bruch, M. Nakayama, and M. Laelan, "Migration with dignity: a case study on the livelihood transition of Marshallese to Springdale, Arkansas," *J. of Int. Migration and Integration*, Vol.21, pp. 847-859, 2020.

Academic Societies & Scientific Organizations:

- Japan Society of Hydrology and Water Resources
- Environmental Peacebuilding Association