

# **International Climate Refugees: Policy Options for Canada**

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## **Abstract**

Migration flows emerging from displacement caused by climate change have been the subject of continued legal and academic debates, but those affected by climate-induced displacement remain ineligible for current refugee or humanitarian protection mechanisms. With Canada planning for increased immigration, including of refugees and protected persons, having endorsed the United Nations' Global Compacts on Refugees and Migration, and yet facing shortfalls on current refugee targets, there is an opportunity to explore new streams for the admission of climate-displaced persons by way of complementary protection mechanisms. Informed by Canadian, European, and New Zealand case studies, this paper conducts a multi-criteria analysis of several policy options and recommends the expansion of Canada's existing Economic Mobility Pathways Pilot program with a dedicated stream for climate-displaced persons, administered in partnership with trusted non-governmental organizations.

**Keywords:** climate refugees; climate-induced displacement; complementary protection; human rights; migration; adaptation

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## List of Acronyms

CARL	Canadian Association of Refugee Lawyers
ECHR	European Court of Human Rights
EMPP	Economic Mobility Pathways Pilot
GCM	Global Compact for Safe, Orderly and Regular Migration
GCR	Global Compact on Refugees
ICCPR	International Covenant on Civil and Political Rights
IPCC	International Panel on Climate Change
ILO	International Labour Organization
IMF	International Monetary Fund
IRCC	Immigration, Refugees and Citizenship Canada
IRPA	Immigration and Refugee Protection Act
MCA	Multi-Criteria Analysis
NGO	Non-governmental organization
OHCHR	Office of the High Commissioner for Human Rights
RAP	Resettlement Assistance Program
TPS	Temporary Protected Status
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
USCIS	United States Customs and Immigration Service

## Executive Summary

As the effects of climate change continue to manifest themselves, the risk of forced migrations as a result of environmental degradation or more frequent and severe natural disasters is becoming a pressing concern. Despite warnings from international organizations including the International Panel on Climate Change and the United Nations High Commissioner for Refugees, climate-displaced persons, or ‘climate refugees’, remain unrecognized by international legal frameworks and face a lack of safe and accessible migration pathways. Canada has been a leader in past responses to displacement caused by natural disasters, has endorsed key calls for action such as the Global Compacts on Refugees and Migration, and is targeting increased immigration of protected persons, making it well-placed to fill this gap with policies that recognize and protect those forced on the move by climate change.

This paper considers three options for the recognition of climate-induced displacement within the context of Canada’s immigration and refugee protection system:

- amending guidelines within the Immigration, Refugees and Citizenship Canada operational bulletin to recognize environmental degradation as a justification for protection of climate-displaced persons;
- expanding the existing Economic Mobility Pathways Pilot program, which enables select non-governmental organizations to facilitate skilled applicants’ resettlement and employment in Canada via streamlined procedures, to include a dedicated stream for climate-displaced persons; and
- developing a humanitarian visa scheme which will admit a predetermined number of climate-displaced persons to Canada each year, with an accompanying framework to determine eligible source countries and regions.

Employing a multi-criteria analysis that includes consideration of humanitarian protection, control over migration flows, accessibility, stakeholder acceptance, administrative complexity and program cost, I recommend Canada move forward with an



expansion of the Economic Mobility Pathways Pilot. Key benefits of this option include a robust expansion of humanitarian protection, broad stakeholder acceptance, and relative ease of implementation thanks to a preexisting model. Successful implementation will result in enhanced institutional knowledge of climate-induced displacement, active working relationships with civil society, and most importantly, safe migration pathways made available to climate-displaced persons otherwise unrecognized by international migration and refugee protection systems.

# Chapter 1.

## Background

There is mounting international concern about the prospect of new migration flows emerging from displacement caused by rising global temperatures, which the International Panel on Climate Change (IPCC) warned could be among “[t]he gravest effects of climate change” (IPCC, 1990, p.103) in its inaugural report. The IPCC’s 2023 report confirms that these effects are already being felt around the world, with high confidence that “[c]limate and weather extremes are increasingly driving displacement” (IPCC, 2023, p.6) in Africa, Asia and North America, especially in Caribbean and Pacific Island states. Though the United Nations High Commissioner for Refugees (UNHCR, 2020) has advised there may be grounds for protection under international and human rights law, climate refugees remain unrecognized as such when moving across borders and are often counted among the growing number of economic migrants instead (Library of Parliament, 2020). While precedent in some jurisdictions leaves open the possibility of complementary protection being granted under human rights law (Sciaccaluga, 2020), this is unlikely to be the case in Canada (Singh v. Canada, 1985) under the status quo. Under these circumstances, this paper explores options for how Canada might begin to adapt its immigration and refugee protection policies to accommodate climate-induced displacement.

Without reliable data, there is little certainty as to what proportion of current migrants might already be considered climate refugees; this both hampers the international community’s ability to measure and respond effectively to the impacts of climate change and risks muddling policy responses towards economic migration. Though Canada has been praised for its past leadership in response to displacement caused by natural disasters (Nansen Initiative, 2015), thanks to policy tools available under existing legislation, procedures which do not anticipate climate-displaced persons and inconsistencies in their application indicate change is still needed (CARL, 2021).

Canadian policymakers have signaled their openness to increased immigration in Canada’s 2023 immigration plan, which projects 500,000 arrivals per year by 2025 and

100% of population growth being sourced from immigration by 2032 (IRCC, 2022b). In line with Canada's renewed endorsement of the principles of burden- and responsibility-sharing via the Global Compacts on Refugees and Migration (UNHCR, 2018; CARL, 2021), this includes expanded targets for refugees and protected persons. Canada's approach to immigration and refugee protection enjoys "widespread support across provincial and municipal governments, businesses, settlement and immigration organizations, and the media" (Griffith, 2022). Despite concerns about the impact of immigration on factors such as public services, wages, and housing availability (Briffith, 2022), this consensus has proven resilient, and immigration continues to be seen as economically beneficial by a majority of the Canadian public (Griffith, 2022; Nanos, 2022). Moreover, Immigration, Refugees and Citizenship Canada (IRCC) has faced shortfalls in meeting refugee targets under existing processes (Boudjikianian, 2021), marking a gap that could be filled by new migration pathways for climate-displaced persons, who otherwise remain at risk of harm from the impacts of climate change or being forced into irregular migration (ILO, 2022). Irregular migration also adversely impacts settlement services within Canada (Serebrin, 2023), which demonstrates the value of a proactive approach to prepare Canada for growing climate-induced displacement. By contrast, a reactive response that takes place only if and when climate-displaced persons become commonplace may risk damaging the Canadian consensus on immigration. Accordingly, there is now an opportunity to fill the gaps in Canada's immigration policy and shape international norms by exploring options to recognize climate-displaced persons as a distinct category - such as the introduction of humanitarian visas, an expansion of the Economic Mobility Pathways Pilot program, or changes to IRCC procedures - as first steps in an effective response to the current and future impacts of climate-induced displacement.

## **Chapter 2.**

### **Literature Review**

Despite steadily increasing international attention, the topic of 'climate refugees' remains a contested one in legal and academic discourses. Scholars continue to debate

the nature and magnitude of climate-induced migration as well as broader implications for climate justice. Though global efforts to expand international legal protections to those displaced are ongoing, they remain constrained by a narrowly-defined framework.

## **2.1. ‘Climate Refugees’ as Situated in International Law**

As they relate to this policy analysis, the most relevant legal developments in the decades since the IPCC first warned against the risk of climate-induced displacement concern what forms of protection may be available to those displaced and who exactly might qualify. Ultimately, the narrow scope of the 1951 Refugee Convention is generally understood to preclude those displaced by climate change from claiming formal refugee status. Though UNHCR has made efforts to alter the status quo, this has had little practical effect on how the Convention is interpreted by UN member states and muted the prospect of using refugee protection mechanisms to respond to climate-induced displacement.

The formal definition of ‘refugee’ in the context of international law is defined by the United Nations’ Convention Relating to the Status of Refugees (UNHCR, 2010), also known as the 1951 Refugee Convention or simply the 1951 Convention, obliging states to offer protection to those who:

[...] owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his [sic] nationality and is unable or, owing to such fear, is unwilling to avail himself [sic] of the protection of that country; or who, not having a nationality and being outside the country of his [sic] former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (p.14)

Originally only applying to European refugees displaced before 1951, as a result of the Second World War and its aftermath, the Convention was made permanent and extended globally in 1967 with otherwise identical language. Subsequent efforts to amend the Convention or to expand its definition of ‘refugee’ at the UN level have all failed, though additional regional protocols have been negotiated by Latin American and African states (Sciacaluga, 2020). As written, the Convention requires that refugees face an immediate threat of persecution on one of the specified grounds which, perhaps

unsurprisingly given its age, does not include a reference to threats borne out of environmental degradation.

Though the Convention remains widely regarded as unfit to protect those facing climate-induced displacement (Sciaccaluga, 2020), recent UNHCR guidance (2020) has attempted to address the issue by endorsing a broader interpretation of its text. Most importantly, UNHCR (2020) has stressed the potential for climate change to affect the enjoyment of fundamental human rights by impacting state and societal structures as well as individuals, arguing that “[b]oth in the short and longer-term, affected populations may be exposed to a risk of human rights violations that amount to persecution within the meaning of the 1951 Convention” (p.4). The guidance also clarifies other potential issues in the event of widespread climate-induced displacement, noting that many or all members of a community being impacted would not diminish the validity of any individual refugee claim and that the potential for slow-onset climate change to progressively affect new areas of a country may render internal relocation “neither relevant nor reasonable” (p.6). However, as will be demonstrated in the case studies discussed below, these innovations remain purely academic at present given that the courts have yet to accept claims made based on the impacts of climate change as they are currently being felt.

## **2.2. The Role of Complementary Protection**

Complementary protection, referring to all those forms of protection outside of formal refugee status, is often emphasized as a potential pathway for the protection of those forced on the move by climate change. This can include protection on humanitarian grounds in the face of an immediate danger, such as natural disasters not covered by the Refugee Convention, or on the basis of domestic human rights laws that prevent violation of certain fundamental rights, where returning a person to another jurisdiction would likely lead those rights to be violated (UNHCR, 2020). As with formal refugee obligations, complementary protection is rooted in the international human rights principle of *non-refoulement*, which holds that no one should be returned to a jurisdiction where they would face irreparable harm (OHCHR, 2018).

In recent years, complementary protection has been further linked with climate-induced displacement via the adoption of the Global Compact on Refugees (GCR) and

the Global Compact for Safe, Orderly and Regular Migration (GCM). These UN-sponsored compacts, which Canada played a significant role in negotiating, promote international cooperation on migration and “set out objectives for how migration management and refugee protection should be approached within states of origin, states of transit and host states” (Chesoi & Naef, 2019, p.1). Focused on the sudden-onset context, the GCR highlights the interaction of climate change, environmental degradation and natural disasters with other drivers of refugee movements such as war or famine. Though it falls short of recognizing climate-displaced persons as candidates for refugee status, in line with prevailing interpretations of the 1951 Convention, Türk and Garlick (2019) argue that the text of the GCR implicitly extends the principles of refugee burden- and responsibility-sharing among states to include when countries are significantly impacted by environmental degradation. The GCM, dealing with migration more broadly, goes further to include language on mitigation and adaptation in the context of climate-induced displacement and “calls on States to provide options, including planned relocation and visa channels, in cases where adaptation in, or return to, country of origin is not possible” (Türk & Garlick, 2019, p.398). Sciacaluga (2020) notes one of the most important additions made by the GCM is its indication that non-refoulement “should also apply before the actual manifestation of an environmentally irreparable harm that renders life with dignity unavailable in the country of origin” (p.162). The innovations present in both the GCR and the GCM are the result of an effort by members of the international community, including Canada, to lay the groundwork for a proactive use of complementary protection in response to climate -induced displacement outside of the 1951 Refugee Convention’s narrow parameters.

### **2.3. Estimates of Climate Migration Flows**

Attempts to estimate what number of current or future migrants might be classified as ‘climate refugees’ can be divided into two opposing camps, often labeled as ‘maximalist’ and ‘minimalist’. Sciacaluga (2020) credits maximalist scholars, largely drawing on a background in environmental sciences, with being the first “to appreciate the significant link existing between anthropogenic climate change and human migrations” (p.22) and to draw significant attention to the topic. However, maximalist estimates of the scale of climate migration have continued to grow increasingly large over time, often with an unclear methodology (Mayer, 2018). One example of this trend

is Myers' (2005) implicit classification of the entire total of migrants crossing the Mediterranean Sea and the United States-Mexico border as potential environmental refugees, despite earlier theorizing a spectrum that ranges from "people who are driven by environmental problems outright" to "economic migrants who are voluntary opportunists rather than refugees" (p.610). On these grounds, maximalist scholarship has been criticized for eschewing engagement with migration and international law studies in favour of an 'alarmist' tone, linked to the post-Cold War conception of human security (Methmann & Oels, 2015; Sciacaluga, 2020). This framework identifies climate migration as a potential security risk, incentivizing securitized governance and the development of restrictive policies (Methmann & Oels, 2015; Bettini et al, 2016). While acknowledging these criticisms, Bettini et al (2016) nonetheless credit the maximalist perception for its framing "of climate change as a 'wrong' causing harm in a way that is fundamentally unjust, impacting negatively on the rights of those who are affected and thus requiring action" (p.351), giving it powerful normative legitimacy despite the negative traits and lack of agency it may ascribe to those affected.

Employing a more empirical methodology, rooted in migration studies literature, minimalist estimates of climate migration are far lower than maximalist ones. Additionally, whereas the maximalist school puts cross-border migration in the spotlight, minimalists place more emphasis on internal migration, which is likely to be larger in magnitude (Sciacaluga, 2020). At the extreme, some minimalists even reject the categorization of climate migration as such, acknowledging both climate change and migration as important issues but arguing they are better addressed without being combined as a distinct governance issue (Mayer, 2018). Others emphasize the difficulty in accurately distinguishing between forced and voluntary migrants in the context of climate change (Sciacaluga, 2020), an especially important point considering the requirement for persons to be fleeing persecution in order to qualify for refugee protections under the 1951 Convention.

While minimalist critiques have proliferated in academic literature, often without response from maximalist scholars, continued maximalist popularity in media and policy circles (Bettini et al, 2016; Mayer, 2018) has kept the two camps largely separate. Minimalist and maximalist estimates of the scale of climate-induced displacement remain exceedingly far apart, leading Canada's Library of Parliament (2020) to report to MPs that the number of people across the globe who will be compelled to move by climate

change by 2050 could range anywhere from 25 million to 1 billion. Some scholarship has attempted to bridge the gap in other ways, however, such as Renaud et al's (2007) proposed terminology of climate migration. The authors make a distinction between 'environmentally motivated migrants', 'environmentally forced migrants', and 'environmental refugees' based on the degree of forcedness in their movement, determined in turn by the nature of the environmental degradation they face and their vulnerability to it. As an example, the 'refugee' category of this framework is characterized by both a particularly vulnerable population and sudden environmental degradation. Noting that a wide variety of 'push' and 'pull' factors influence the decision to migrate, however, the authors acknowledge the potential for overlap between categories. Citing Bohle et al (1991), Sciacaluga (2020) concurs with this assessment, adding that movement along such a spectrum has been observed in studies of the response to different stages of famine.

## **2.4. Alternative Framings of Climate Migration**

In addition to the emergence of the minimalist school, an alternative response to the maximalist school's framing of climate migration as a security issue (Methmann & Oels, 2015) has been to recast migration in a more positive light, as a form of adaptation in and of itself. This 'migration as adaptation' discourse has begun to compete with the maximalist school beyond academic circles and into policy and advocacy arenas (Bettini et al, 2016). The World Bank's *Groundswell* report on internal climate migration is emblematic of this trend, embracing the idea of harnessing climate migration in order to "become part of an effective adaptation strategy, allowing people to rise out of poverty, build resilient livelihoods, and improve their living conditions" (Clement et al, 2021, p.4). However, this thesis has been the subject of sharp attacks from scholars of climate justice. For example, Methmann and Oels (2015) warn of the potential for mismanagement under such a framework, and of an undue shift in responsibility from the large emitters of the Global North to the affected populations of the Global South. Fornalé (2018) highlights the shortcomings of this approach in the experience of Pacific Islanders, where a "growing migration jigsaw puzzle" (p.206) of temporary work visa schemes operated by countries such as New Zealand and Australia; a solution incompatible with the idea that their home countries are at risk of being rendered permanently uninhabitable. Others, such as Bettini et al (2016), are more equivocal,



acknowledging that ‘migration as adaptation’ ascribes greater agency to vulnerable populations than maximalist conceptions, but nonetheless echo concerns about unequal effects on the Global South and the potential for “marginalisation of the very problem of ‘climate justice’ in the debate on the climate change and migration nexus” (p.349). These debates on ‘migration as adaptation’ draw attention to the necessity of properly considering the equity impacts of policy proposals, both in terms of the populations concerned as well as the larger global effort to combat rising emissions and mitigate the impacts of climate change.

### **Chapter 3. Methodology**

The main methodologies employed in this paper are a series of case studies and a multi-criteria analysis (MCA) of policy options. Informed by the background information in the preceding literature review, case studies from three different jurisdictions are used to inform a set of policy options. These case studies are, in essence, as a survey of three distinct approaches to climate-induced displacement. While Canada is the subject of this paper due to a lack of policies to recognize slow-onset or permanent displacement, it has acting as a leader in responding to temporary, sudden onset displacement caused by natural disasters (Nansen Initiative, 2015), as well as developing policies that link economic immigration and refugee protection policy objectives. The second case study concerns the use of pre-existing human rights law as a mechanism for climate-displaced persons to avoid *refoulement*, an area where the European Court of Human Rights (ECHR) has set encouraging precedents (Sciaccaluga, 2020). Finally, New Zealand has been at the forefront of approaching climate-induced displacement directly as a humanitarian concern, with key legal cases and legislative proposals having arisen from its close relations with Pacific Island states that are threatened by rising sea levels (Anderson, 2017).

Chapter 1. The MCA which follows takes several criteria into account, based on key policy objectives and potential barriers to implementation. The criteria employed in this policy analysis include humanitarian protection, control over migration flows, accessibility, stakeholder acceptance, administrative complexity and program cost. Based on the measure of each criterion, policy options are assigned a score which is used to inform a final recommendation.

## **Chapter 4.**

### **Case Study: Canada**

#### **4.1. Previous Policy Responses to Natural Disasters Abroad**

Canada has a history of effective policy responses to sudden-onset displacement caused by natural disasters, exemplified by immigration measures taken in response to the 2010 earthquake in Haiti. The 7.0 magnitude quake that struck Port-au-Prince in January of that year, leading to an estimated 150,000 deaths as well as mass food insecurity and homelessness (Kolbe et al, 2010), garnered widespread international attention and aid efforts. In addition to material aid, Canada's response included special immigration measures such as priority processing for adoption and immigrant sponsorship applications, the extension of visas for Haitians already in Canada, and a temporary halt to all deportations from Canada to Haiti. Notably, eligibility for these measures was limited to those who identified themselves as "directly and personally affected" by events (IRCC, 2010). This is not the case in the United States, for example, where 'Temporary Protected Status' (TPS) becomes available to all resident nationals of a similarly-affected country once designated by the Secretary of Homeland Security (USCIS, 2023).

While Haiti is the most well-known case of Canada's response to natural disasters, similar policies were adopted to support Filipinos affected by Typhoon Haiyan in November 2013, and Nepalis after a 7.8 magnitude earthquake in April 2015 (Nansen Initiative, 2015). Especially in regard to atmospheric phenomena like typhoons, which are predicted to increase in frequency and intensity as global temperatures rise (Acevedo & Novta, 2017), Canada's previous responses are a demonstration of policymakers' willingness to use immigration policy tools to alleviate the harms caused by climate-induced displacement. However, actions to date have focused largely on temporary protection and lack a clearly defined set of criteria for when they are used. For example, immigration measures were not part of Canada's response to large-scale

flooding in Pakistan during summer 2022, which caused an estimated \$30 billion in damage along with widespread health and food crises (Evans, 2022). These gaps indicate a need for more comprehensive policies, especially in anticipation of longer-term displacement emerging as the long-term impacts of climate change manifest themselves.

## 4.2. Canadian Association of Refugee Lawyers' Proposals

Within Canadian civil society, the Canadian Association of Refugee Lawyers (CARL) is a notable advocate for further action on climate-induced displacement. Compared to Canada's previous, relatively narrow-ranging responses to displacement caused by natural disasters, CARL's 2021 *Report on Climate Migrants* endorses a far broader definition of 'climate migrant':

A climate migrant is a person: 1) who is outside of their country of nationality or former habitual residence; 2) whose country of nationality or former habitual residence has been or will during their lifetime be affected by a short- or long-term environmental disaster or by environmental degradation; and 3) who, if returned, faces on account of that disaster or degradation a risk to their life, liberty, or security of the person. (p.6)

Highlighting Canada's international human rights obligations, CARL asserts that Canada can and should work to protect climate migrants and proposes several pathways towards this goal. Several of these proposals build on the suggestion by a Library of Parliament report (Becklumb, 2010) that action can be taken, by way of regulatory changes or policy direction, within the bounds of existing legislation.

The most notable regulatory changes proposed by CARL revolve around sections 24 and 25 of the *Immigration and Refugee Protection Act (IRPA)*. Section 25 (IRPA, 2022) compels the Minister to consider whether an application for permanent residency from a foreign national, who is otherwise ineligible, should be approved due to "humanitarian and compassionate considerations", while section 24 allows immigration officers to grant temporary residence permits when "justified in the circumstances" and according to the Minister's instructions. IRCC's operational bulletin provides a list of factors relevant to decision-making as to when a recommendation should be made regarding humanitarian and compassionate status; these include "actors in their country of origin including adverse country conditions" (CARL, 2021, p.11) but no explicit

references to climate change or natural disasters. CARL's proposed addition to these guidelines casts a wide net in suggesting immigration officers be required to consider:

short-term or long-term environmental disasters or degradation - including typhoons, hurricanes, wildfires, tsunamis, desertification, deforestation, rising temperatures, and rising sea levels, among others - that can be expected to pose a risk to a person's life, liberty, or security of the person during the course of their lifetime, because of its direct physical effects and/or because of secondary socio-political effects such as population pressures, profound poverty, and political strife. (p. 12)

Another option proposed by CARL under s.25 of the *IRPA* is the creation of a public policy class for climate migrants. Public policy classes are standing exemptions to immigration criteria which may be authorized by the Minister due to "public policy considerations" (*IRPA*, 2022, s. 25.2), allowing a great deal of flexibility. This is the same mechanism which Canada has used to respond to displacement caused by natural disasters, as well as other key immigration policy objectives such as the resettlement of refugees from Syria, Iraq and Afghanistan (CARL, 2021; IRCC, 2023b).

### **4.3. Economic Mobility Pathways Pilot**

A recent addition to Canada's immigration policy with regard to refugees is the Economic Mobility Pathways Pilot (EMPP) program. Launched in 2018 and expanded in 2022, the EMPP is designed to link skilled refugees outside of Canada, including nurse aides, personal support workers, chefs, cooks, and tradespeople, with existing economic immigration streams (IRCC, 2022c). Applicants to the EMPP are admitted to Canada through economic immigration programs, such as the Atlantic Immigration Program or Provincial Nominee program, but receive a waiver of several regular requirements and fees, as well as eligibility for a low-interest loan to provide the required settlement funds that prove a refugee can support themselves and their family (IRCC, 2022a). These measures are implemented through public policies issued by the Minister under section 25 of the *IRPA* (IRCC, 2023b).

At present, the EMPP is limited to refugees within the definition of the 1951 Convention and with a job offer in Canada. However, these barriers are mitigated by partnerships with select non-governmental organizations (NGOs) which facilitate hiring, and are in some cases empowered to issue a referral letter that vouches for their

refugee status in lieu of regular IRCC adjudication procedures (IRCC, 2022a). As a pilot program, the EMPP is relatively small in scale at present, with funding to support the resettlement of up to 500 refugees as part of its second phase, 100 of which had arrived in Canada by October 2022 (IRCC, 2022c). Nonetheless, the EMPP is a notable example of refugee recruitment from outside Canada, as well as a link between Canada's economic and humanitarian immigration policy objectives.

## **Chapter 5.**

### **Case Study: The European Court of Human Rights**

#### **5.1. *Non-refoulement* under the European Convention on Human Rights**

At the highest levels of the European legal system, discussions of climate-induced displacement revolve around the European Court of Human Rights (ECHR), a body of the Council of Europe charged with interpreting the 1950 European Convention on Human Rights. This Convention is viewed by the ECHR as a 'living instrument' to be continually reinterpreted in light of present-day conditions (Mowbray, 2005), contrasting with the rigidity of the UN's 1951 Refugee Convention. Equally important to note is that while UNHCR guidance on the Refugee Convention acts only as a suggestion to UN member states, ECHR decisions carry the force of law.

Sciaccaluga (2020) has outlined the applicability of the ECHR's jurisprudence to claims for protection made on human rights grounds related to climate change. This concerns the European Convention on Human Rights' Article 2, protecting the right to life, and Article 3, absolutely prohibiting torture, inhuman or degrading treatment or punishment. The ECHR has established the potential for *non-refoulement* obligations to be triggered if a person's deportation or extradition would put them at risk of violations under Articles 2 and 3, which have historically been considered in tandem due to their close conceptual links. A key precedent for climate-related claims is that *non-refoulement* obligations can be triggered by treatment that is not necessarily deliberate,

or by violations of socio-economic rights. For example, complementary protection has been granted when claimants faced deportation to refugee camps in their home countries where conditions would lead to denial of basic necessities. The threshold for protection remains high, however, as a person must face extreme poverty characterized by circumstances exceptional to their individual case.

The European example of human rights law is analogous to the Canadian context in several aspects. The 'living instrument' doctrine applied by the ECHR is analogous to the 'living tree' doctrine used in Canadian courts with reference to the Charter of Rights and Freedoms (Centre for Constitutional Studies, 2019). Additionally, the Supreme Court of Canada has established in the case of *Singh v. Minister of Employment and Immigration* that the Charter applies to persons without legal status, such as refugee claimants, and not just citizens or permanent residents (Singh, 1985). These two points illustrate a close alignment between the European Convention of Human Rights' sections 2 and 3 on one hand, and the Charter's sections 7 and 12 on the other. These sections guarantee the right to life, liberty, and security of the person and the right not to be subjected to cruel and unusual punishment respectively.

While the alignment between Canadian and European human rights jurisprudence might suggest a similar pathway to the protection of climate migrants as that outlined by Sciacaluga (2020), Canada's *non-refoulement* obligations have been interpreted more narrowly. In the case of *Schmidt v. Canada*, the Supreme Court set a high bar, with a person's deportation or extradition only unjustifiable when it would lead to treatment that 'shocks the conscience'. In two hypotheticals, torture would qualify as 'shocking' treatment, but an unfair trial where an accused is presumed guilty would not (Maryniuk, 2008). Accordingly, pinning hopes for a response to climate-induced displacement to be motivated by action in Canada's courts alone is likely to be insufficient.

## Chapter 6.

### Case Study: New Zealand

#### 6.1. The *Teitiota* Case

New Zealand, a country similar to Canada in its legal and political makeup, has been at the forefront of debates regarding climate-induced displacement. In particular, the case of *Teitiota v Chief Executive Ministry of Business, Innovation and Employment* drew global attention by adjudicating a formal claim for protection on environmental grounds. The appellant, Ioane Teitiota, is a Kiribati citizen who was arrested after overstaying his visa in New Zealand and subsequently applied for refugee status; this was denied, leading his case to be brought before an appeals court. Ultimately, Teitiota's deportation order was upheld and the Supreme Court of New Zealand declined to hear a further appeal, but not before it took care to note that its decision "did not mean that environmental degradation resulting from climate change or other natural disasters could never create a pathway into the Refugee Convention or protected person jurisdiction" (Teitiota 2015, para 13). Following his deportation, Teitiota appealed once more to the United Nations' Human Rights Committee, arguing that his right to life under the International Covenant on Civil and Political Rights (ICCPR) had been violated by returning him to face environmental degradation caused by Kiribati's rising sea levels. Though his case was accepted and heard, the committee concurred with the decision reached in New Zealand and declined to intervene further. The committee did stress, however, that *non-refoulement* obligations could indeed be activated in the near future, especially in the absence of significant national and international efforts to mitigate the effects of climate change (Sciaccaluga, 2020).

Despite Teitiota's appeals for refugee status being denied, it is notable in that his case was considered to be justiciable at all stages. Even more importantly, Teitiota's claims were denied on the basis of the specific circumstances he and his family would face in Kiribati, rather than a rejection of the broader premise that climate change can present a threat to life and trigger international protection mechanisms. These decisions

recognize the need for a legal framework to address climate-induced displacement, clarifying how standards of irreparable harm and *non-refoulement* might apply in future cases.

## **6.2. New Zealand's Humanitarian Visa Proposal**

A second key development in New Zealand's policy sphere is a proposed humanitarian visa scheme, intended to accommodate residents of Pacific Island countries threatened by rising sea levels. In October 2017, New Zealand's minister for climate change and Green party leader James Shaw announced plans for an "experimental humanitarian visa category" (Anderson, 2017), which would be available to 100 Pacific Islanders each year displaced by the effects of climate change. However, this proposal faced pushback from Pacific Islander governments themselves, and was ultimately abandoned. First and foremost, Pacific Island nations remain committed to their continued existence as a community, calling for emissions reductions to mitigate climate change and support from developed nations in adapting to the effects that may be unavoidable (Dempster & Ober, 2020). Secondly, Pacific leaders see refugee status in a distinctly negative light and reflective of a loss of agency. In discussing the option of migration, expanding legal migration pathways in the short term and retaining the integrity of the community in the long term are seen as priorities instead (ABC News, 2014). The response to New Zealand's humanitarian proposal highlights the potential divide between proponents of migration as adaptation on one hand, and the priorities of communities most affected by climate change on the other, but at the same time represents a breakthrough in immigration options proposed specifically to tackle climate-induced displacement.



## **Chapter 7.**

### **Policy Options**

#### **7.1. Option 1: Amend the IRCC Operational Bulletin**

Drawing from the administrative changes proposed by CARL, Canada could begin to accommodate climate migrants by amending the IRCC operational bulletin regarding sections 24 and 25 of the *Immigration and Refugee Protection Act* to recognize environmental degradation as a justification for complementary protection. A key benefit of this option would be flexibility, without a fixed intake limit and with decisions on individual cases in the hands of the civil service, to respond to sudden changes in climatic conditions. However, individuals would still need to travel to Canada to make their claim, facing a precarious legal status in the interim, and the revised operational bulletin would be open to differing interpretations or rollback by a future government.

#### **7.2. Option 2: Expand the Economic Mobility Pathways Pilot**

As recognition of climate-induced displacement remains a largely untested area of policy, the existing Economic Mobility Pathways Pilot presents an opportunity to test the expansion of Canada's humanitarian obligations while contributing to traditional economic immigration objectives. This could be achieved by opening a separate category for climate-displaced persons, using partnerships with trusted NGOs to assist in determining eligibility as is done with Convention refugees under the current EMPP. This option would require significant engagement to identify appropriate partner organizations and develop agreed-upon definitions, policies and procedures. Contingent on the pilot's successful continuation, such a program would likely be more politically secure due to the perceived economic benefits of attracting skilled workers.

### **7.3. Option 3: Develop a Humanitarian Visa Scheme**

Although New Zealand's proposed humanitarian visa scheme was met with opposition from Pacific Island states, Canada could nonetheless explore a similar program to welcome a set number of climate-displaced persons each year. The negative view of 'refugee' status, and the focus on mitigation rather than migration, observed in the South Pacific may not necessarily apply across the globe. For example, a humanitarian visa scheme could find support in the Sahel region, where Mali alone lost 90,000 hectares of agricultural yield in 2021 to the advancing Sahara Desert (Red Cross, 2022). Adopting a region-based approach would be necessary in cases where displacement is geographically limited to part of a country, but the remainder is unable to respond with effective aid or resettlement options (UNHCR, 2020). Being admitted to Canada on humanitarian grounds, successful applicants would be included in the Resettlement Assistance Program (RAP), which provides start-up allowances and income assistance for up to a year after their arrival (IRCC, 2023a).

## **Chapter 8.**

### **Considerations for Multi-Criteria Analysis**

This chapter outlines the criteria and measures which form the basis for MCA of the three policy options proposed above. These criteria, namely humanitarian protection, control over migration flows, accessibility, stakeholder acceptance, administrative complexity and program cost, and their corresponding measures are listed in the table below, followed by a discussion of each in turn and the objectives which inform them.

**Table 1. Criteria and Measures**

<b>Criterion</b>	<b>Measure</b>
<b>Humanitarian Protection</b>	Effectiveness in expanding migration pathways to include currently unrecognized climate-displaced persons.
<b>Control of Migration Flows</b>	Estimated level of control over migration flows
<b>Accessibility</b>	Relative ability of vulnerable populations to access migration pathways
<b>Stakeholder Acceptance</b>	Relative acceptance by internal stakeholders, such as public and provincial governments
	Relative acceptance by external stakeholders, such as NGOs and source country governments
<b>Administrative Complexity</b>	Estimated complexity of administration and adjudication
<b>Program Cost</b>	Estimated program cost

## **8.1. Humanitarian Protection**

The primary objective of the proposed policy options is to expand the scope of humanitarian protection to climate-displaced persons, who are otherwise unrecognized as at risk of *refoulement* by returning to, or remaining in, their country of origin. Humanitarian protection is what creates the impetus for a proactive approach to climate-induced displacement, as a lack of recognition and accessible rights-based migration pathways gives rise to human security concerns in the form of increased risk of trafficking and exploitation by way of irregular migration (ILO, 2022). Options are scored from high to low based on their projected effectiveness in changing the status quo and extending migration pathways to populations that are vulnerable to climate-induced displacement, with high being preferable. To highlight the importance of humanitarian protection as a primary policy objective, its MCA scores are doubled, though the options' ranking was ultimately unaffected by this change.

## **8.2. Control of Migration Flows**

The influential position of maximalist scholarship on climate-induced displacement in policy circles (Bettini et al, 2016) demonstrates the continued importance of security and control of national borders as a consideration for migration

policies. Furthermore, the failure of attempts at liberalization of the 1951 Refugee Convention indicates that this state-centric approach to migration governance is deeply rooted in the international community and will likely remain the dominant paradigm for some time. To reflect these normative considerations, policy options are scored from high to low, with those that retain a higher level of control by Canada over the resulting migration flows taken to be preferable.

### **8.3. Accessibility**

The practical ability of target populations to access the migration pathways made available by each policy option is an important consideration for their overall efficacy. Migration pathways provided by existing policies, such as labour migration, are characterized by a lack of opportunities for countries at the highest risk of adverse effects from climate change (ILO, 2022). With factors such as gender or socioeconomic status likely to pose overlapping barriers to migration for those most vulnerable to climate-induced displacement (Sciaccaluga, 2020; UNHCR, 2020), ensuring the proposed pathways are accessible in practice to their target populations is a key concern. Accordingly, relatively higher accessibility is considered preferable for this criterion, on a scale from high to low.

### **8.4. Stakeholder Acceptance**

When considering stakeholder acceptance of each policy option, there are two distinct perspectives to take into account: constituencies with a focus on the impact of a policy within Canada, and those focused on the broader humanitarian impacts. Both measures range from high to low, with high being preferable. These considerations are particularly important in a Canadian context, where provincial governments and civil society are integral to the settlement process for new immigrants, despite immigration being a largely federal area of jurisdiction. For this reason, both measures of stakeholder acceptance are weighted equally to other criteria.

Among external-facing stakeholders, such as NGOs and source country governments, preferences are aligned towards a more secure or dignified status for those displaced by climate change. Pacific island states' preference for regular migration

pathways (ABC News, 2014), and CARL's (2021) advocacy for broad protection mechanisms are key pieces of evidence. The failure of New Zealand's humanitarian visa proposal highlights the need for external stakeholder acceptance, especially when advocating for a proactive approach to an emerging and largely untested policy areas such as climate-induced displacement (Dempster & Ober, 2020).

Among the internal-facing group, including the public and provincial governments, the general orientation of the immigration system towards economically attractive immigrants and a negative framing of refugees in public discourse (Dickson et al, 2014) is significant. At the provincial level, the Quebec government's recent request to redirect all asylum seekers elsewhere "regardless of their profile" (Bongiorno, 2023) is evidence of an outlook, likely shared by other provinces to various extents, of caution regarding strain on services that support resettlement (Serebrin, 2023). A loss of public support for immigration would disrupt the economic and population growth projections which accompany Canada's current immigration plan (IRCC, 2022b), underscoring the importance of buy-in from domestic stakeholders.

## **8.5. Administrative Complexity**

The question of when climatic conditions begin to pose a threat of irreparable harm for the purposes of *non-refoulement* is at the heart of the academic debates over climate-induced displacement. The presence of overlapping push and pull factors of migration (Renaud et al, 2007), a lack of unambiguous guidelines in international law (Sciaccaluga, 2020), and other factors outlined in this paper's background and literature mean developing and applying a standard for humanitarian protection requires a thorough process of policy design, which highlights the importance of acting proactively to be prepared for the increasing impact of climate-induced displacement (IPCC, 2023). This criterion is primarily concerned with the administrative resources necessary to implement a policy option, including legal frameworks as well as policy and procedures for adjudicating immigration applications. Though measured from high to low, with low being preferred, though no option receives a low score in practice due to the inherent complexity of the problem.

## **8.6. Program Cost**

As always, the level of funding required to sustain a program over time is an important consideration, especially with longer-term issues such as climate-induced displacement. This criterion represents estimates of the ongoing monetary costs of program administration, such as assistance to new arrivals in Canada. Scores range from high to low, with low being preferred, though each option's own cost estimate is discussed in more detail below.

## **Chapter 9.**

### **Multi-Criteria Analysis of Policy Options**

This chapter analyzes the policy options previously described, employing an MCA based on the criteria and measures presented in the prior chapter. The table below provides a summary of this analysis to clearly portray how each policy option scores and is followed by a more detailed discussion.

**Table 2. Summary of Multi-Criteria Analysis**

Criteria	Option 1: IRCC Operational Bulletin	Option 2: EMPP Expansion	Option 3: Humanitarian Visas
Humanitarian Protection (Primary Objective)	Medium (2*2 = 4)	High (3*2 = 6)	High (3*2 = 6)
Control of Migration Flows	Medium (= 2)	High (= 3)	High (= 3)
Accessibility	Low (= 1)	Medium (= 2)	High (= 3)
Stakeholder Acceptance (Internal)	Low (= 1)	High (= 3)	Medium (= 2)
External Stakeholder Acceptance (External)	Medium (= 2)	High (= 3)	Medium (= 2)
Administrative Complexity	Medium (= 2)	Medium (= 2)	High (= 1)
Program Cost	Low (= 3)	Medium (= 2)	High (= 1)
<b>Total Score</b>	15	<b>21</b>	18

## 9.1. Option 1: IRCC Operational Bulletin

### *Humanitarian Protection*

While amending the IRCC operational bulletin has the potential to apply broadly, the standard of protection it offers would be highly variable in practice. Even if a broad definition of ‘climate migrant’ such as that proposed by CARL (2021) were adopted, there would be a wide range of potential applicants, but each case would depend on interpretation by IRCC officials which could vary significantly. Moreover, the way the operational bulletin is applied at a systemic level could easily and quietly be changed under different governments or political circumstances. This mix of potential and uncertainty is represented by a medium score.

### *Control of Migration Flows*

The use of an amended IRCC bulletin is dependent on ad-hoc arrivals in Canada, rather than a set quota. Though the government retains control over its policies and procedures and can adjust to changing circumstances, this option carries the

potential to incentivize irregular border crossings as an unintended consequence. In such a scenario, migration flows resulting from this option would become unpredictable, which in turn complicates the adjudication of claims and delivery of adequate services to new arrivals (Serebrin, 2023). Though not guaranteed, the risk of unintended consequences to the use of an ad-hoc system results in a medium score for this option.

### ***Accessibility***

Amending the IRCC operational bulletin scores the lowest in terms of accessibility for applicants, who would need to make their way to Canada before having their case considered. This requirement poses a significant barrier to many of the most vulnerable to climate-induced displacement, who may be compelled to travel anyways and put themselves at risk of exploitation (ILO, 2022). Even for those with the means to travel safely, the prospect of being denied entry creates financial and other risks that contribute to this option's low score.

### ***Stakeholder Acceptance***

The risk of irregular crossings outlined in the Control of Migration Flows section above suggests that internal stakeholders would perceive a revised IRCC bulletin in a negative light. Indeed, as in the case of Quebec (Bongiomo, 2023), provincial governments and their constituents have been unforgiving when faced with unintended consequences of immigration policy decisions. From the perspective of external stakeholders, including NGOs such as CARL (2021), amending the IRCC bulletin is at best an imperfect solution due to the precarious legal status faced by applicants on their arrival in Canada. Accordingly, this option is scored low for acceptance by internal stakeholders and medium for external stakeholders.

### ***Administrative Complexity***

With the IRCC operational bulletin containing existing guidance and procedures for considering complementary protection under section 25 of the *IRPA*, the complexity of making amendments to include climate-induced displacement is mitigated somewhat. Nonetheless, the inherent complexity of the task, as well as the need for clear and comprehensive wording to ensure consistent application by IRCC officers, means that this option receives a medium score.



### ***Program Cost***

Though successful applicants for complementary protection under a revised IRCC bulletin would be eligible for social assistance upon becoming permanent residents, this is equally true under the alternative policy options and does not represent an additional cost. This contrasts with the loans available under the EMPP or the need for RAP allowances under a humanitarian visa scheme. Accordingly, amending the operational bulletin stands out as the lowest-cost option of the three proposed.

## **9.2. Option 2: EMPP Expansion**

### ***Humanitarian Protection***

Applied to a dedicated stream for climate-displaced persons, the model of collaboration with NGOs employed by the existing EMPP would encourage both stability and a broad standard of humanitarian protection. By engaging with civil society expertise on the area of climate-induced displacement, an expanded EMPP has the potential to enhance institutional knowledge of the problem within the civil service and incentivizes partner NGOs to advocate for the program's continuation past the pilot phase. Collaboration on policy development in this environment lends itself to the inclusion of a wide range of potential applicants, provided they meet the necessary economic criteria, and this policy option receives a high score as a result.

### ***Control of Migration Flows***

Under the existing EMPP, successful applicants must meet the criteria to be considered a refugee, as determined by IRCC or an authorized NGO partner, as well as qualifying for a provincial economic immigration program. As these two overlapping criteria narrow the pool of applicants, which would be similar in the case of an expansion to include climate-displaced persons, there is little risk of unpredictable migration flows; this is especially true in the pilot phase with a limited number of applicants. Accordingly, this option receives a high score for control of migration flows.

### ***Accessibility***

While accessible from abroad without the need to travel to Canada, the EMPP is limited by the requirements of existing provincial economic immigration programs.

Conversely, those most vulnerable to climate-induced displacement are often lacking in economic opportunities or the resources to emigrate (Sciaccaluga, 2020). These requirements pose a disproportionate barrier for women, the elderly, and ethnic or religious minorities in many countries (UNHCR, 2020). Though formal program requirements might indicate a high level of accessibility, the significance of these informal barriers and the resulting equity concerns mean this option receives a medium score.

### ***Stakeholder Acceptance***

Internal stakeholder acceptance is likely to be high from an expansion of the EMPP due to its perceived economic benefits. This is evidenced by provincial support for the existing EMPP via links to provincial economic immigration programs, while 51% of the broader public indicated support for increased immigration when framed in terms of the potential for positive impacts on the economy (Nanos, 2022).

Among external stakeholders, the EMPP is an equally attractive option. The use of economic immigration programs as a path to assist populations at risk of climate-induced displacement is aligned with both the current preferences of Pacific Island states (ABC News, 2014) and the GCM's call for enhanced availability and flexibility of pathways for regular migration (United Nations, 2018). For these reasons, along with the incentive of potential partnerships with the federal government, NGOs can similarly be expected to support an expanded EMPP.

### ***Administrative Complexity***

The availability of the existing EMPP as a model is a mitigating factor when considering the administrative complexity of its expansion to include a dedicated stream for climate-displaced persons. Nonetheless, an expansion would require significant canvassing to identify potential partner NGOs, followed by engagement efforts to establish working relationships, as well as a common understanding of how to define climate-induced displacement for the purposes of the program. Taken together with the inherent complexity of the issue, this option receives a medium score.

## ***Program Cost***

As an existing pilot program, the previous expansion of the EMPP provides a useful baseline to compare other policy options against. A total of \$6.2 million was allocated to Canada's NGO partners in 2022, with the goal of resettling 500 refugees and their families (IRCC, 2022c). This figure ranks in the middle of the three proposed policy options, and accordingly receives a medium score.

## **9.3. Option 3: Humanitarian Visas**

### ***Humanitarian Protection***

The creation of a dedicated humanitarian visa category for climate-displaced persons requires the development of an accompanying framework to determine eligible countries or regions at risk of climate-induced displacement. As noted in the description of this policy option, this analysis assumes a region-based approach which would be optimal in terms of humanitarian protection. Additionally, a dedicated framework would incentivize greater consistency in its application than the ad-hoc nature of the IRPA's section 25 (CARL, 2021; IRPA, 2022). Accordingly, a humanitarian visa scheme scores highly for this criterion.

### ***Control of Migration Flows***

By allowing applications from abroad and limiting successful applicants to a predetermined number of visas, a humanitarian visa scheme retains a high level of control over migration flows. As with other Canadian immigration schemes, a lottery system could be used when the number of eligible applicants exceeds the number of available visas. As with an expansion of the EMPP, this option is given a high score.

### ***Accessibility***

A humanitarian visa scheme scores highly in terms of accessibility, aside from the need to navigate an application process which is equally present across all three options. Though a lottery system to allocate visas across a pool of applicants is not proactive in terms of preferential treatment for those at the most risk, it is administratively simple and does not create any additional systemic barriers, whereas both alternative options exacerbate existing inequalities.

### ***Stakeholder Acceptance***

Without the prospect of irregular crossings as an unintended consequence, internal stakeholder concerns are less pronounced for a humanitarian visa scheme, but remain present due to the negative perception of refugees detailed by Dickson et al (2014). Similarly, Pacific Islander opposition to New Zealand's humanitarian visa proposal, especially the negative light in which humanitarian protection and its association with refugee status are viewed compared to more regular migration pathways (ABC News, 2014), is an important piece of evidence. On the other hand, CARL (2021) suggests Canada adopt private sponsorship of climate migrants, so the outlook cannot be entirely negative. On balance, humanitarian visas receive medium scores for both internal and external stakeholder acceptance.

### ***Administrative Complexity***

For a humanitarian visa scheme, the design of the initial framework, especially taking a region-based approach, would be administratively complex to a greater degree than other options. Eligible countries and regions would need to be continuously updated as climatic conditions evolve, and this burden would not be shared with others as in the case of NGO partnerships under an expanded EMPP. This high and sustained administrative burden means humanitarian visas receive a high complexity score.

### ***Program Cost***

Being admitted to Canada on humanitarian grounds, successful applicants under a humanitarian visa scheme would be included in the Resettlement Assistance Program (RAP) to cover resettlement costs and provide temporary income assistance (IRCC, 2023a). Taking the figure of 500 arrivals from an expanded EMPP and 2022 RAP rates (2022), assuming an average family unit of four located in Ontario, this would result in an estimated expense of \$11 million. Accordingly, this option is scored the highest of the three for estimated program cost.

## Chapter 10.

### Recommendation

The purpose of this policy analysis has been to emphasize that Canada's immigration and refugee protection system is unequipped to accommodate climate-induced displacement, and to propose options for the recognition of climate-displaced persons as a first step in building policy and legal frameworks that are likely to become increasingly necessary. Based on the results of the preceding MCA, I recommend an expansion of the EMPP to include a separate category for people displaced by climate change. This option allows an expansion of Canada's humanitarian protection agenda in partnership with civil society, garnering support from a wide range of stakeholders while attaining the primary objective of bringing humanitarian protection in line with the reality of a changing climate.

With the IPCC warning that climate change and extreme weather are already driving displacement and continuing to grow as push factors of migration, including in North America (IPCC, 2023), the need for a proactive approach to this form of migration is pressing. It is for this reason that I recommend a single policy option - successful implementation in the short term is key for Canada's future preparedness, and focusing on a single program with broad acceptance is the likeliest path to success. By building partnerships with NGOs and grappling with the dimensions of climate-induced displacement, Canada can build up institutional knowledge that will prove invaluable if and when other options such as humanitarian visas are raised for consideration in the longer term. Additionally, it should be noted that the expanding the EMPP to include climate-displaced persons does not preclude the continued use of existing tools like public policy classes under section 25 of the *IRPA*, which will continue to enable ad-hoc responses by Canada to larger-scale or sudden-onset displacement events like natural disasters.

# Chapter 11.

## Limitations

This study's scope is rooted in the exploration and analysis of policy options to recognize climate-induced displacement and extend protection mechanisms to those affected. Given the innate complexity of the problem, however, this study's limitations and factors considered out of scope must be acknowledged and discussed to give a more complete picture of the policy environment.

Firstly, it is important to note the presence of factors challenging the implementation of new immigration measures by IRCC that could not be successfully addressed in this study, as they concern the inner workings of Canada's immigration and refugee protection system as a whole. Issues of backlog and processing times at IRCC have garnered significant media attention (Boudjikianian, 2021) and may persist as planned increases in immigration levels continue to place an administrative burden on the department. As this is a generalized issue not specific to climate-induced displacement, and with access to internal information at IRCC would likely be necessary to understand the full scope of these limitations, it was not included in policy analysis. Instead, the relative complexity of each option was considered; however, improved visa processing remains an important milestone for the success of any of Canada's immigration policy objectives.

Another limitation of this study is the lack of options for improving Canada's responses to short-term displacement events like natural disasters. The need for more comprehensive policies to alleviate the immediate humanitarian impacts caused by such disasters, even when the resulting displacement is temporary, is likely to grow alongside the risk of long-term displacement as disaster frequency and intensity increases (Acevedo & Novta, 2017). Nonetheless appropriate policy responses may differ between the two cases. Further, an adequate explanation of why Canada has employed special immigration measures in some instances but not others would again require access to internal information at IRCC, especially given the lack of clear criteria for their use.

Consideration of these important, but distinct, questions are not included within this policy analysis and warrant further study in their own context.

Finally, it should be re-emphasized that the relationship between climate change and migration is highly complex and interrelated. The question of how to delineate between climate-induced displacement and other forms of migration is an ongoing debate in academic and policy circles, and would require dedicated analyses with a strong evidentiary basis to answer in a fully satisfactory way. Engagement with the scientific community and related fields like migration studies will be a key step in any final policy design, in order to reflect our evolving understanding of climate change and its impact on the movement of people.

## **Chapter 12.**

### **Conclusion**

While climate-induced displacement remains a topic of continued debate as its impact on global patterns of migration is felt, the warnings of the scientific community are clear that action must be taken to prepare adequate policy responses. In the context of a system of humanitarian protection, both globally and within Canada, that has yet to recognize climate change's capability to force people on the move, collaborating with civil society and taking advantage of existing structures to build an initial policy framework is a pragmatic choice. An expansion of the Economic Mobility Pathways Pilot program to include climate-displaced persons will place Canada at the leading edge of policies to respond to climate-induced displacement and offer meaningful reprieve to those who are presently left out of international migration and refugee protection systems.

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