

Jordan Stone - IHRP Internship Final Report International Organization for Migration

This summer I had the opportunity to intern at the International Organization for Migration (IOM) in Geneva, Switzerland. IOM is the leading inter-governmental organization in the world in the field of migration. Within IOM, I worked in the International Migration Law Unit (IML Unit). The IML Unit's primary purposes are to train governments and individuals in IML, to conduct research on IML, and to advise governments on migration legislation. As an intern this summer, my work consisted of research on a number of interesting IML projects and legislation review.

My primary project this summer was developing, researching, and writing an information note on the law behind rescue at sea. Information notes are used by IOM to instruct field officers and staff in local offices on the law governing a given subject. Information notes are also published on IOM's website for public access.

Rescue at sea proved to be an interesting and important topic. The IML Unit's focus on rescue at sea was prompted largely by the disaster at Lampedusa last year, where more than 350 migrants drowned after their ship crashed on route from Libya to Italy. Due to conflicts in Africa and the Middle East, there has been an increase in migration flows across the Mediterranean into Italy and Southern Europe. According to the IOM, over 20,000 people have died trying to reach the Italian coast alone in the past 20 years.¹ Compounding the issue is the fact that migrants crossing the Mediterranean often do so on unsafe vessels manned by smugglers. Smugglers eagerly exploit the desperation of asylum seekers and cram migrants into overcrowded vessels without adequate fuel or life jackets.² Because of the turmoil in Africa and the Middle East, rescue at sea is becoming an increasingly important issue for the international community to address.

From a legal perspective, rescue at sea is interesting because it involves overlapping, and sometimes conflicting, obligations arising from maritime, refugee, and human rights law. Although my main task was to summarize the law on the subject, I was also given the opportunity to highlight gaps and issues in the law. In particular, the obligation of states to prevent non-refoulement intersects with the obligation to rescue those in distress at sea in interesting ways. For instance, an asylum seeker rescued at sea cannot be returned to their country of origin without a status determination – otherwise the principle of non-refoulement will be violated. At the same time, however, no state is under a duty to allow disembarkation onto their territory. Thus, situations can arise where an asylum seeker is rescued at sea, only to be denied entry into nearby ports. Having researched the topic, it will be interesting to see how the international community deals with this gap in the law in the face of increasing migration flows, and the likely increasing need for rescue, across the Mediterranean.

¹ <http://www.iom.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2014/pbn-listing/migrants-risking-lives-in-medite.html>

² <http://www.iom.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2014b/pbn-listing/iom-condemns-people-smugglers-wh.html>

My other main project was to draft a memorandum for my supervisor on legal protections offered to non-nationals during armed conflict. This project involved a close analysis of the Geneva Conventions and research into international human rights conventions. My research efforts will be used by senior staff to write a chapter of an upcoming IOM book.

Aside from my two primary research projects, I also had the opportunity to contribute to my co-workers projects, which included editing national immigration legislation and contributing to submissions to the UN Human Rights Council (UNHRC). In the former, I was tasked with ensuring that a country's legislation on the status of aliens was in line with international conventions. In the latter, I worked on several country reports to the UNHRC, including Ireland, Georgia, and Chile. In this role, I read through the general comments of the International Convention on Civil and Political Rights to ensure IOM's submissions are in accordance with general interpretative consensus.

On top of my research at IOM, I was given the opportunity to attend several UNHRC sessions, including a session on internally displaced persons and a session on the rights of migrants. A particularly great experience was attending a panel discussion with the Special Rapporteur on the human rights of migrants (a McGill law professor) and being introduced to him by my supervisor. It was a tremendous experience to be able to attend UNHRC sessions whenever we pleased and to have access to such a wealth of opportunities to learn about almost any aspect of international law.

Living and working in Europe for almost 3 months was an incredibly rewarding experience. I would like to thank the IHRP for the opportunity to gain great work experience while living in a country as beautiful as Switzerland.