

Revising MIMC: Finding Solutions to the Challenges of Today's Migration

Concept for a distinguished lecture, workshop and discussion event
hosted by the Centre for Fundamental Rights, Hertie School, Berlin, Germany
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RefMig* project

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Capital, goods and people are more mobile than ever in our globalized world. Yet the movement of people across borders is still significantly a matter for individual states to regulate, leaving many people unprotected in irregular and dire situations. International mobility – the movement of individuals across borders for any length of time as labor migrants, entrepreneurs, students, tourists, asylum seekers, or refugees – has no common definition or legal framework.

There does exist a well-established refugee regime based on the 1951 Refugee Convention and the 1967 Additional Protocol, and regional refugee instruments, supported by the role of UN High Commissioner for Refugees. As the nature of conflict has changed in recent decades, however, this regime has shown strain and weakness. Today there are approximately 26 million refugees and asylum seekers in the world. Many people displaced across borders struggle to secure recognition as refugees, in spite of the causes of their displacement warranting such recognition. Moreover, the question of the appropriate status for those forced to move as a result of severe economic devastation, gang violence, natural disasters, or climate change remains highly contested.

Migration is similarly incoherent. Students, tourists, and short-term workers who do not fit the UN definition of migrant all face distinct and separate governance regimes. States are highly selective in their commitments and compliance within the patchwork of international instruments that makes up global migration law. International migration has historically lacked a lead organization within the UN system. Questions persist about the role of IOM, now associated with the UN and self-styled as ‘the UN Migration Agency’. Its ‘non-normative’ self-characterization and highly deferential approach to states means its role in global migration governance remains of concern. Critics have charged that in its diverse national settings, the “national” standard of treatment simultaneously under-protects and over-privileges temporary migrants. The overlaps and gaps of these existing regimes need to be addressed.

To do so a group of 40 plus specialists in migration and refugee protection gathered in 2015 and 2016 to draft a Model International Mobility Convention (MIMC). MIMC aims to offer a “realistic utopia” that is comprehensive of the various forms of mobility and a cumulative protection of rights for the varying statuses under which people move across borders. The completed convention with commentary was published as a special issue of the *Columbia Journal of Transnational Law* in 2018.

The shortened version, MIMC 2.0, can be found at [this](#) link at the Carnegie Council and is summarized in the attached note.

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While MIMC addresses many of the gaps of the current international legal regime, it misses some important challenges, whose effects have become particularly prominent in recent years. Current challenges such as those to our environment, public health and democracy have deeply affected migrants and asylum seekers and have starkly demonstrated the inadequacy of our current system. They have given rise to a new set of questions that we do not yet have answers or solutions to: Should those who are losing their homes and livelihoods to climate change be recognized as refugees or offered other forms of international protection? What protections are offered to and appropriate for those displaced by natural disasters? How is the mobility and work of digital nomads to be regulated, given their inherently transnational nature? How can workers' rights be ensured in the context of migration? How should they be taxed? Are existing institutions at the global or regional apt to address new forms of mobility, and how should the global and regional interact?

In order to respond to such questions, we are convening a workshop focused on the challenges to migration and the revision of the Model International Mobility Convention. The workshop is designed to open a space for identifying and expanding key debates around migration and to start conceptualizing the necessary revisions that should be incorporated in a MIMC 3.0. It will allow for exchange and debate on how migration can be governed better and how those who cross borders can be supported as new challenges arise.

For this purpose, this workshop will address three contemporary challenges for migration governance in three broad thematic panels:

1. **Labour Migration Challenges for MIMC**
2. **The Limits of Refugee Protection and Climate-Related Displacement**
3. **Institutional and Regulatory Challenges**

We are inviting papers that address these topics broadly, including previously drafted papers and short notes which we will circulate amongst participants.