

116TH CONGRESS
2D SESSION

H. R. 5878

To promote the adoption of a binding Global Migration Agreement, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2020

Ms. OMAR introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote the adoption of a binding Global Migration
Agreement, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Global Migration
5 Agreement Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) According to the United Nations High Com-
9 missioner on Refugees, there are more than 70 mil-

1 lion displaced people worldwide, which is the highest
2 figure in recorded history.

3 (2) Among those displaced people are approxi-
4 mately 41 million internally displaced people (IDPs),
5 approximately 26 million refugees, and another 3.5
6 million asylum seekers.

7 (3) In addition, there are entire classes of vul-
8 nerable migrants who are not accounted for by tradi-
9 tional definitions of refugees, IDPs, and asylum
10 seekers, including people forced to flee a broader set
11 of factors, including generational poverty, climate
12 change, or some combination of these factors.

13 (4) As a consequence of the insufficient cat-
14 egorizations of vulnerable migrants in domestic and
15 international laws and norms, the actual number of
16 forced migrants is not known and has not been
17 tracked.

18 (5) According to the Internal Displacement
19 Monitoring Center, more than 60 percent of the in-
20 ternal displacements in the world in 2017 resulted
21 from disasters as opposed to conflict.

22 (6) In 2018, the World Bank estimated that
23 Latin America, sub-Saharan Africa, and Southeast
24 Asia will generate 143 million more climate migrants
25 by 2050.

1 (7) The gender, sex, gender identity, and sexual
2 orientation of migrants shape every stage of the mi-
3 gration process. Women and members of the
4 LGBTQIA+ community are disproportionately vul-
5 nerable to—

6 (A) gender-based violence and impunity for
7 gender-based violence that serve as root causes
8 of migration;

9 (B) legal discrimination that serves as a
10 root cause for forced migration;

11 (C) gender-based and sexual violence dur-
12 ing migration;

13 (D) human trafficking during migration;

14 (E) the denial of the right to health as a
15 root cause of forced migration, during migra-
16 tion, and upon arrival;

17 (F) the denial of the right to work and to
18 education as a root cause of forced migration,
19 during migration, and upon arrival; and

20 (G) the denial of other human rights as
21 root causes of forced migration, during migra-
22 tion, and upon arrival.

23 (8) Identifying the trigger for a given migrant
24 often does not adequately explain the root causes.

1 Root causes of forced migration are often complex
2 and multifaceted, and may include—

- 3 (A) human rights violations;
- 4 (B) systematic impunity and corruption;
- 5 (C) climate change;
- 6 (D) widespread community violence;
- 7 (E) gender-based violence; and
- 8 (F) institutional discrimination.

9 (9) Migrants are particularly vulnerable to—

- 10 (A) human trafficking;
- 11 (B) violence and extortion from organized
- 12 crime;
- 13 (C) violations of the rights to health, edu-
- 14 cation, and work; and
- 15 (D) violations of the particular human
- 16 rights of women, the LGBTQIA+ community,
- 17 racial minorities, ethnic minorities, indigenous
- 18 people, religious minorities, and other vulner-
- 19 able populations.

20 (10) Migrants who have arrived in either a host
21 country or, in the case of those internally displaced,
22 a host city or community, are particularly vulnerable
23 to—

- 24 (A) violations of the right to due process;

1 (B) the rights to health, education, and
2 work; and

3 (C) violations of the particular human
4 rights of women, the LGBTQIA+ community,
5 racial minorities, ethnic minorities, indigenous
6 people, religious minorities, and other vulner-
7 able populations.

8 (11) In the case of internal displacement, there
9 are inadequate resources for the cities, communities,
10 and other localities that take on a disproportionate
11 burden of forced migration.

12 (12) In the case of cross-border migration,
13 there are inadequate resources for the countries that
14 take on a disproportionate burden of forced migra-
15 tion.

16 (13) On September 19, 2016, the United Na-
17 tions General Assembly unanimously adopted the
18 New York Declaration for Refugees and Migrants.

19 (14) Among the provisions of the New York
20 Declaration for Refugees and Migrants was a com-
21 mitment to the creation of a Global Compact for
22 Safe, Orderly, and Regular Migration.

23 (15) On December 19, 2018, the United Na-
24 tions General Assembly adopted the Global Compact
25 for Migration that emerged from a two-year process,

1 with 152 countries voting in favor, 12 abstaining, 24
2 not voting, and 5 voting against.

3 (16) The United States was among the coun-
4 tries that voted against the Global Migration Com-
5 pact, issuing a statement that said the Compact was
6 “an effort by the United Nations to advance global
7 governance at the expense of the sovereign right of
8 States”.

9 (17) The United States has demonstrated its
10 commitment to maintaining its historic leadership in
11 the field of global migration by remaining the top
12 funder of the United Nations High Commission on
13 Refugees and the International Organization for Mi-
14 gration.

15 **SEC. 3. SENSE OF CONGRESS.**

16 It is the sense of Congress that—

17 (1) the leadership of the United States is para-
18 mount to addressing the global forced displacement
19 crisis;

20 (2) in order for the United States to restore its
21 global leadership on the issue of migration, it must
22 reaffirm its commitments in both the domestic and
23 international arena, including by restoring refugee
24 resettlement to adequate levels, affirming and codi-
25 fying the rights of asylum seekers, and adequately

1 funding the Bureau of Population, Refugees, and
2 Migration of the Department of State;

3 (3) as a first step in taking leadership on the
4 issue of global migration, the United States should
5 sign the existing Global Compact for Migration;

6 (4) as an additional measure to restore Amer-
7 ican leadership on global migration issues, the
8 United States should work in bilateral and multilat-
9 eral relationships with North American, Central
10 American, and Caribbean Governments to develop a
11 regional migration agreement rooted in the prin-
12 ciples outlined in the Global Compact for Migration
13 to be used as a model for the Agreement required
14 by section 4 of this Act;

15 (5) the effects of climate change on displace-
16 ment, including both displacement from “sudden
17 onset” natural disasters as well as the increasing
18 scarcity of resources, represent an urgent concern
19 for the United States;

20 (6) countries with less capacity but greater
21 proximity to countries of origin for refugees and asy-
22 lum seekers, such as Lebanon, Jordan, Niger, and
23 Colombia, have taken on a disproportionate burden
24 of the global forced displacement crisis; and

1 (7) a global migration system with substantial
2 multilateral buy-in is necessary to adequately ad-
3 dress the increasing levels of forced migration, and
4 significant institution-building is needed in order to
5 provide adequate protection for migrants at risk.

6 **SEC. 4. GLOBAL MIGRATION AGREEMENT.**

7 (a) IN GENERAL.—The Secretary of State, the
8 United States Permanent Representative to the United
9 Nations, and other officials of the Department of State
10 shall use the voice, vote, and influence of United States
11 in bilateral relationships and multilateral organizations to
12 promote the adoption of a binding Global Migration
13 Agreement that should—

14 (1) address the root causes of migration, the
15 vulnerabilities faced by migrants, and integration of
16 migrants into their new countries;

17 (2) centralize the human rights of migrants, in-
18 cluding their rights to health;

19 (3) recognize the particular vulnerabilities of
20 marginalized groups; including women; members of
21 the LGBTQIA+ community; racial, ethnic, and reli-
22 gious minorities; and indigenous people;

23 (4) establish clear, ambitious quantitative and
24 qualitative benchmarks according to each country's
25 capacity and need;

1 (5) provide global funding for crisis response in-
2 volving migrants at risk, whether their migration is
3 internal or cross-border;

4 (6) establish clear reporting requirements for
5 countries on their progress in achieving the bench-
6 marks specified in this subsection;

7 (7) establish mechanisms for support, including
8 funding, for countries and localities taking on a dis-
9 proportionate burden of forced migration;

10 (8) expand and revise existing categorizations
11 and definitions of migrants to incorporate classes of
12 vulnerable migrants who are currently unprotected
13 by international norms and laws; and

14 (9) establish clear consensus on the due process
15 rights of migrants, regardless of their motivations
16 for migrating.

17 (b) REPORTS.—Not later than 180 days after the
18 date of the enactment of this Act and every 180 days
19 thereafter, the Secretary of State shall submit to the Com-
20 mittee on Foreign Affairs of the House of Representatives
21 and the Committee on Foreign Relations of the Senate
22 a report on progress made toward adopting the Global Mi-
23 gration Agreement described in subsection (a).

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