

116TH CONGRESS  
2D SESSION

# H. R. 5878

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

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## 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

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## 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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