



# Technically Not a Refugee: U.S. Policy Leadership on Emerging Climate Migration Issues

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As climate change worsens, the severity of environmental impacts will increase disproportionately across the planet. Many of the countries most affected by the crisis often have insufficient infrastructure and protocols in place to meet these challenges. This will lead to what scholars are calling a “climate refugee” crisis, where citizens of these countries will be forced to flee their homes in search of more climate resilient countries. The current international structures in place under international refugee law are not capable of addressing this rising issue. The mandate of the United Nations High Commissioner for Refugees (UNHCR) directly excludes climate refugees, as the legal definition for “refugee” only provides status to people fleeing their home country due to persecution. This leaves a gap that the international community must fill to sufficiently address the climate refugee crisis. This paper will discuss a policy intervention that the United States should pursue that advances a coordinated mobility program of potential climate refugees and progresses international discussions on the legal status of the term refugee.

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## BACKGROUND: CLIMATE DISPLACEMENT AND REFUGEE STATUS

Environmentally linked displacement is not a new phenomenon. In fact, human migration patterns have been dependent on environmental conditions since

early human settlements. Research has found that early humans across modern-day Europe changed their migration and settlement routes based on

paleoclimate conditions, such as sea levels and glacial activity.<sup>1</sup> This was not just a problem for early human settlers, though. In more recent history, an average of 27.5 million people per year between 2008 and 2013 experienced displacement due to environmental disasters around the world.<sup>2</sup> Climate change will make environmental disasters more severe and frequent,<sup>3</sup> likely increasing this figure each year. Taken together, this research illustrates the vulnerability human migration behaviors hold to the environment.

Despite environmental migration not being new, the climate crisis presents a new threat to human migration patterns that is completely unprecedented in scale and nature. Scientific consensus indicates that the current trajectory of global warming will exacerbate vulnerabilities in human systems through impacts such as heat-related public health risks, food and water insecurity, economic hardships across agricultural sectors, and sea-level rise threatening coastal communities.<sup>4</sup> These conditions can make entire communities economically nonviable and environmentally uninhabitable, leading to waves of internal and external displacement of unprecedented scale as people seek better conditions for themselves and their families. Projections under severe global warming scenarios show that over one billion people across 31 countries could be at risk of mass displacement by 2050 due to climate impacts creating untenable conditions in their communities.<sup>5</sup> The scale of potential climate displacement presents an extraordinary challenge that the international community is ill-suited to meet under the current refugee regime. This is contributing to what scholars and activists are labeling a “climate refugee” crisis and a “protection gap,” where people are forced to seek refuge in other countries to escape the most severe consequences of climate change but are

not guaranteed the same protections as political refugees.<sup>6</sup>

Certain countries are more at risk of climate change and the resulting climate refugee crisis than others. The populations of small island nations are uniquely vulnerable to external climate displacement as rising sea levels may submerge their entire nation. This leads to questions within the international community: where will these people relocate to; which countries are responsible for financially supporting this transition; what happens to their nationality if their home country ceases to exist; and how can these populations maintain national identity, sovereignty, and cultural heritage under these conditions?

An example of a country that has been grappling with these questions in recent years is the Pacific island nation of Tuvalu. Commonly labeled in the media as “disappearing”<sup>7</sup> or “sinking,”<sup>8</sup> the country is greatly threatened by rising sea levels. Moderate projections predict that around 95% of the country may experience regular extreme flooding by the end of the century.<sup>9</sup> This would be the first time under the modern international system where an entire nation is at risk of no longer existing, presenting a unique challenge to current international structures. Other populations of countries in Sub-Saharan Africa, Southeast Asia, and South America also experience heightened risk of external climate displacement.<sup>10</sup> This is a problem that the international community will be forced to confront eventually, so it is advantageous for countries to take action now before the issue is at their doorsteps.

Currently, the mandate of the UNHCR excludes providing protection and status to climate refugees, leaving them vulnerable to statelessness. The UNHCR has explicitly stated that the classification of a climate refugee has “no basis in international

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1 A. A. Velichko, Vladimir Kotlyakov and S.A. Vasil'ev, *Human Colonization of the Arctic: The Interaction Between Early Migration and the Paleoenvironment*, (Academic Press, 2017)

2 Norwegian Refugee Council, “Global Estimates 2014 People Displaced by Disasters”, (Geneva, Norwegian Refugee Council and Internal Displacement Monitoring Centre, 2014).

3 Intergovernmental Panel on Climate Change, “Climate Change 2023 Synthesis Report”, (Geneva, 2023).

4 Ibid.

5 Institute for Economics & Peace (IEP), “Over one billion people at threat of being displaced by 2050 due to environmental change, conflict and civil unrest”, (London, 2020).

6 Anxhela Mile, “Legal Protection Gap: ‘Climate Refugees’”, (Pace University, New York, 2019).

7 Sophie Yeo, “Tuvalu: The disappearing island nation recreating itself in the metaverse”, (BBC, 2024).

8 Atul Dev, “Life in a ‘sinking nation’: Tuvalu’s dreams of dry land”, (The Guardian, 2025).

9 UNDP, “Notes from Tuvalu: Leading the way in adapting to sea-level rise”, (2023).

10 IEP, “Ecological Threat Report 2021” (2021).

refugee law.”<sup>11</sup> The origins of international refugee law trace back to 1951 when global leaders convened in Geneva, Switzerland under the United Nations Convention relating to the Status of Refugees. There, the parties adopted a definition of refugee that applied status to European people externally displaced by the events of World War II fleeing “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.”<sup>12</sup> This definition reflected the political climate at the time but was not sustainable

in sufficiently addressing displacement crises due to it only protecting individuals displaced before 1951. Therefore, in December of 1966, the parties reconvened to remove the temporal boundaries from the definition under the Protocol relating to the Status of Refugees that was adopted in 1967.<sup>13</sup> This demonstrates that the international community is willing and able to update the definition of refugee when the current structure is not meeting the needs of the contemporary displacement issues, though this has not happened since 1967.

## POLICY INTERVENTION

The United States should seek to implement a meaningful policy intervention to address the forthcoming climate refugee crisis for several reasons. For starters, the United States is a country largely responsible for worsening climate change. From 1980 to 2021, the United States had contributed an estimated 20% of global Carbon Dioxide emissions into the atmosphere.<sup>14</sup> Carbon Dioxide is the greenhouse gas most contributing to global warming and climate change.<sup>15</sup> Therefore, the United States holds a significant amount of blame and responsibility for the problem. The international community will expect the United States to play a proportionately responsible role in addressing the problem and its consequences. Additionally, it is in the United States’ best interests to create coordinated mobility responses to the climate refugee crisis. Illegal migration is a widespread social issue and contested political topic in the United States. A coordinated mobility effort that distributes the responsibility of

migrants amongst the wealthiest and most developed nations would take a large portion of the burden off the United States and alleviate the potential harm that this problem could cause in the future if unaddressed.

To sufficiently address the issue, this paper proposes that the United States should pursue the following two policy interventions. The first policy intervention will focus on how the United States can strengthen its internal response mechanisms to address the climate displacement crisis. The second policy intervention will focus on the United States’ ability to sway global cooperation in modernizing international refugee law to have it officially recognize and sufficiently protect climate refugees. These policy interventions will provide the best response to the climate refugee issue if the United States pursues them simultaneously; however, they each stand on their own and one or the other can be effective if pursued independently, too.

## POLICY INTERVENTION 1: ESTABLISHING PATHWAYS

To start, the United States should establish more robust pathways to citizenship for potential climate refugees. Developing nations that hold a

disproportionate contribution to climate change are already executing similar plans. Australia created a “climate visa” program that allows a set number of

11 UNHCR, “Climate change, natural disasters and human displacement: a UNHCR perspective”, (Geneva, 2009).

12 UNHCR, “Convention and protocol relating to the status of refugees”, (Geneva, 2011).

13 UNGA, “Protocol relating to the Status of Refugees” (Geneva, 1967).

14 Simon Evans, “Analysis: Which countries are historically responsible for climate change?”, (Carbon Brief, 2021), <https://www.carbonbrief.org/analysis-which-countries-are-historically-responsible-for-climate-change/>.

15 Rebecca Lindsey, “Climate change: atmospheric carbon dioxide”, (Climate.gov, 2025), <https://www.climate.gov/news-features/understanding-climate/climate-change-atmospheric-carbon-dioxide>.

Tuvaluans to legally migrate to Australia each year. The program emphasizes maintaining Tuvaluan identity while also granting visa holders access to Australian social benefits and employment and education opportunities.<sup>16</sup> The United States can pursue similar visa pathways for other climate-vulnerable populations around the world.

These programs should allow a specific number of citizens from identified vulnerable countries to relocate to more climate resilient regions where they can rebuild their lives and access new opportunities. Once in the United States, these migrants could have access to national community building opportunities where they can connect with other people from their home country and maintain their cultural heritage, as well as integration resources and social benefits to help them resettle into American society and build

a foundation there. Qualifications for this program should not be as strict as other United States visa programs such as student and worker visas because potential climate refugees may not have the time to secure these opportunities before needing to relocate. The flexibility of this program should reflect the unpredictability and instability of the trajectory of climate change and the associated human-felt consequences.

This program would require significant administrative coordination. However, this should not prevent the United States from pursuing it. This intervention is feasible under existing visa and resettlement frameworks under the management of the U.S. Citizenship and Immigration Services and departments like the Bureau of Consular Affairs.

## **POLICY INTERVENTION 2: MODERNIZING INTERNATIONAL REFUGEE LAW**

The international community has not updated international refugee law since 1967. At that time, the concept of anthropogenic climate change was not widely known, and the idea of a climate refugee had not been born yet. This highlights that the current structures are outdated and incapable of addressing the needs of 21<sup>st</sup> century displacement issues where over a billion people may be at risk of displacement exacerbated by climate change.<sup>17</sup>

As an influential actor on the international stage with immense geopolitical power, the United States is uniquely qualified to inspire international climate refugee action. The United States can use the UN General Assembly as a forum to discuss the need for change in international refugee law and call for a proposal for protocol negotiation, similar to how parties discussed the 1967 Protocol at the General Assembly. The goal of this intervention should be to inspire multilateral discussions on how the international community can legally recognize the term

“climate refugee.” While updating the current definition of “refugee” to include climate refugees comes with many complications – as noted by the UNHCR,<sup>18</sup> there are other ways to bring climate refugees under international refugee law and the UNHCR’s mandate. This new protocol can add an article to the Convention that establishes the conditions of a climate refugee and the required responses of countries when a climate refugee seeks asylum at its border.

This protocol should also discuss the issue of statelessness with regards to climate change-induced rising sea-levels threatening the very existence of low-lying island nations, such as Tuvalu. Current statelessness status neglects the idea that a state’s territory could physically disappear, creating a legal vacuum that could lose individuals their diplomatic protections and human rights under the status quo. It is vital to commence the international negotiations on how to seal this legal vacuum and prevent this problem before it grows into a larger issue.

16 Shubhangi Derhgawen, “Australia’s climate visa: A model for sinking islands?”, (DW, 2025), <https://www.dw.com/en/australias-climate-visa-a-model-for-sinking-islands/a-73125985>.

17 IEP, “Over one billion people at threat of being displaced by 2050 due to environmental change, conflict and civil unrest”.

18 UNHCR, “Climate change, natural disasters and human displacement: a UNHCR perspective”

## CONCLUSION

It is evident that current international refugee law cannot meet the needs of climate refugees. This is especially problematic considering the scale of the looming climate refugee crisis and the unprecedented nature of climate change threatening entire countries' existence. As a large contributor to climate change and a country that experiences issues related to irregular migration, it is a moral responsibility, an expectation from other international actors, and in the United States' best interest to address this problem. Policy interventions are available for the United States to meaningfully intervene on this problem. This paper outlines how the United States can create coordinated mobility programs and pathways for citizens from

climate vulnerable populations to legally migrate to the United States. It also suggests that the United States pursue an intervention at the United Nations General Assembly through a proposal for a protocol negotiation on the Convention Relating to the Status of Refugees that absorbs the concept of a climate refugee in legal terms under international refugee law. The burden to outline these solutions does not fall onto one actor – whether that be the United States or the countries most vulnerable to climate displacement. However, the United States can play a significant role in reshaping the global discussions on the solutions to these challenges through these policy interventions.



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This paper was advised by Professor Malcolm Purinton in HIST2211 The World Since 1945.

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