A Tale of Two Disasters:
The plight of migrants caught up in Hurricane Katrina and the Asian Tsunami

Introduction

The fate of migrants caught up in natural disasters has only come to heightened attention in recent years as a result of calamities like Hurricane **Katrina** and the Asian **Tsunami**. These disasters show that migrants are often a forgotten group in crisis situations suffering from very particular forms of disadvantage and discrimination. The juxtaposition of these two cases highlights remarkable commonalities in the migrant experience: despite the fact that these disasters transcend two continents; economic, regional, cultural divides; disparate groups of people; and both the developed and developing world, the fate of **Burmese** migrants in **Thailand** following the **Tsunami** and **Latino**[1] migrants in the United States after Hurricane **Katrina**, provides a salutary lesson for disaster planners. It is a warning which merits heeding; given the increasing likelihood of freak weather events resulting from climate change visited on an ever expanding and mobile global population.

The **Tsunami** hit **Thailand's** southern seaboard on the morning of 24 December 2004. A total of 5400 people died but the number of **Burmese** migrants who were killed or affected remain unknown to this day, conservative estimates suggest 7000 victims [Inter-agency, 2005, 4]. Hurricane **Katrina** hit the Gulf Coast of the **US** half a year later, on 29 August 2005. It displaced 2 million people, killed 1300, affected some 160,000 migrants (regular and irregular) [NCLR, 2006, 8; Batalova, 2005], and left a trail of damage estimated to cost between US$75-200 billion.

This paper is based on information collected by a desk review of literature on migration and natural disasters materials collected through internet research and email enquiry in 2007. The material was originally collected as part of consultancy assignments on natural disasters and migration carried out for International Organisation for Migration (IOM) [Naik et al, 2007]. The papers resulting from those assignments very briefly touched on the issues raised here, but do not develop the themes covered by this paper or make parallels between the plight of migrants facing disasters in the developing and developed world. The analysis therefore is an original comparison of the impacts of the **Tsunami** and Hurricane **Katrina** on migrants. The paper is based on documents obtained from: UN agencies, inter-governmental organisations (INGO), human rights organisations, research institutes, sector journals, national non-governmental organizations (NGO), lobby groups, government bodies and press agencies.

Before Disaster Struck

Both groups of migrants led a precarious existence prior to these disasters. The **Burmese** victims of the **Tsunami** were living on the margins of society: they lacked labour rights, and were poorly paid; they lived in inadequate living and working conditions; and faced the threat of arbitrary arrest, harassment and deportation [AI, 2005,9-11, 1, 15]. Many had fled areas of armed resistance, forced labour, forced relocation or a dearth of jobs and economic opportunities in Myanmar (the distinctions between **Burmese** 'refugees' and 'migrants' being a matter of controversy in **Thailand**) [AI, 2005, 3]. They survived by making a meagre living in the coastal districts in seasonal unreliable work in agriculture, construction and fisheries [AI, 2005, 16; Associated Press, 3, Jan 2005; University of Berkeley, 2005, 8]. The **US Latino** migrants likewise lived very similar vulnerable lifestyles prior to the **Katrina** disaster [Human Rights Watch, 2005, 1; Boalt Hall, 2006, 6-9; Opportunity agenda, 2007]. The socio-economic reality was that they, alongside African Americans, were twice as likely to be poor as white Americans [Boalt Hall, 2006, 6]. This influenced how they coped with the hurricane; they were less able to evacuate, and more likely to be living in the lower-lying flood prone areas of New Orleans [Brookings, 2005]. Already vulnerable prior to disaster, the plight of these two groups was suddenly made dramatically worse by the advent of natural calamity.

During the Crisis

Migrants suffer in the same way as nationals when disaster strikes; they lose their homes, livelihoods, families, communities, and suffer physical injury and emotional trauma. The plight of nationals of **Thailand** and the United States in the face of both disasters was plain for all to see. The **US** government was criticised by the **US** House of Representatives and others for failing to meet the needs of its own citizens [US House of Representatives, 2006, 349; NCLR, 2006,4]. Whereas the Thai government, though it fared better in its initial response, was criticised later on for the long-term assistance it provided to **Tsunami** victims.

For migrants, added to these hazards is the disadvantage of being in a foreign land, especially in cases where return home is impossible. The lack of legal status brings with it very specific tribulations that are not faced by nationals [Boyce et al, 43]. In the chaos of disaster, migrants easily become a forgotten group, eclipsed by attention to others. The fate of migrant communities living on the **US** Gulf Coast remained conspicuously unaddressed by the mainstream media [Boalt Hall, 2006, 1-3. In **Thailand**, Western holidaymakers grabbed international headlines, with Thai nationals coming a poor second and **Burmese** migrants almost completely overlooked. When they were noticed, it was for the wrong reasons. In both places migrants and minorities were scapegoated as looters and pillagers, blamed for thieving from the wreckage left behind [Irrawaddy, 28 January 2005; Inter-agency, 2005,19].

<u>Lost documents</u>

One direct effect in both places was the loss of crucial identity documents. Many **Burmese** lost their residency/work permits in the **Tsunami**, which limited their access to help and turned them overnight into illegal aliens. Although the Thai authorities made efforts to re-issue documents [AI, 2005, 5], the procedure was too slow and complicated to be of much use at the height of the crisis [Inter-agency, 2005, 20]. Similarly in the **US**, loss of documentation had an impact on access to services, employment and immigration procedures. The **US** authorities also tried to address this problem with advisories on reclaiming documentation and a suspension on requirements for eligibility documents for a period [Batalova, 2005].

<u>Arrests and deportations</u>

Anxieties of legal status were heightened in both contexts. In **Thailand**, there were reports of increased deportations and arrests of irregular or undocumented **Burmese** migrant workers [AI, 2005, 5]. Community groups told of harassment, theft of gold and extortion of money by the police [Inter-agency, 2005, 19, 18, 4; AI, 2005, 5]. The Thai government assisted some voluntary returns, and deported others with irregular status. However, it denied a crackdown on illegal migrants. A similar controversy brewed in the **US** with reports of several storm victims being questioned by immigration authorities [Murray, 2005; New American Media, 2005; Boalt Hall, 2006, 20; NCLR, 2006, 13; Pacific News Service, 19 October 2005], with a few being arrested and deported even during the evacuation phase (though the authorities insist that these were only a couple of legitimate cases amongst thousands of evacuees).

<u>Identification of bodies</u>

The fear of arrest and deportation had a profound effect on the way migrants were able to access assistance in the aftermath of disaster. One of the most poignant consequences was the inability of **Burmese** survivors in **Thailand** to properly grieve and bury their dead. There were tragic stories of survivors too afraid to claim the bodies of their wives, husbands, parents and children [Inter-agency, 2005, 13]. One 27-year old woman who lost 3 small children said she did not dare come forward as her documents had been swept away, "I can't sleep at night because I am still scared of the water and ghosts – but my children have never visited me. I really want to see them"[Reuters, 25 March 2005]. Other factors which inhibited relatives from coming forward to claim their dead included language barriers, prohibitive transfer and funeral costs, shock, relocation and discrimination by the local community [Inter-agency, 2005,16].

For those **Burmese** migrants that did venture forth, the identification process proved arduous due to the lack of verification data like dental records or DNA samples, full-names and mis-spellings. This was compounded by the reluctance of Thai employers to vouch for identities and the alleged poor cooperation of the **Burmese** authorities in verifying home addresses [Irrawaddy, 2 December 2005; South China Morning Post, 24 January 2006]. There were also complaints that Thai authorities did not make sufficient efforts to track missing migrants or that they took away corpses from grieving relatives before they had a chance to pay their final respects in order prevent people from making false compensation claims for dead relatives. [AI, 2005, 5; Agence France Press, 19 January 2005; Irrawaddy, 28 January 2005; Inter-agency, 2005, 15]. Some survivors continued to feel excluded a year later by not being invited to commemorative ceremonies held by the Thai government [Mizzima News, 24 November 2005].

Migrant fear in accessing aid

In **Thailand**, rumours of a clampdown made **Burmese** migrants wary of coming forward for relief with many going into hiding deep in rubber plantations where they lived in squalid conditions without clean water and proper sanitation facilities [AI, 2005,5; Inter-agency, 2005, 8, 20, 21]. Some individuals were so fearful that they did not ask for help for months. In one case a survivor did not seek treatment for his injured leg until 5 months later by which time it had become infected and required amputation [Humantrafficking.org, 2005]. A compensation scheme was made available to registered migrant workers in **Thailand**, but few felt brave enough to file for it [Inter-agency, 2005, 17; **Tsunami** Action Group, January 2005]. The same terror prevailed amongst **Latino** migrants in the **US post-Katrina** [Batalova, 2005; Dyson, 2006; NCLR, 2006,4] as many opted to remain in dangerous and mouldy apartments without electricity, food and health care, instead relying on informal networks for support [NCLR, 2006, 8].

Quality of the aid response

Beyond the issue of security measures inhibiting migrants from coming forward, the degree to which the government response took into account migrant needs was questioned in both cases. In the **US**, short-term, non-cash emergency disaster relief and services (food, shelter, search and rescue, emergency medical care, crisis counselling and disaster legal services) was available to irregular migrants; and certain categories of migrants were also eligible for the broader benefits (rental and mortgage assistance, temporary housing allowances, small business loans etc.) [Batalova; 2005; Lutheran Immigration and Refugee Service, 2007; NCLR, 2006, 8]. However, government rules were criticised for being excessively confusing and complex as even Univision, the country's largest Spanish language broadcaster, claimed it had trouble finding accurate information on eligibility [Boalt Hall, 2006, 18; New American Media, 2005]. Government officers themselves did not always understand requirements, and sometimes wrongly assumed **Latino** residents had irregular migration status and thus considered them ineligible for housing assistance, leaving them in severely damaged homes without water and electricity [NCLR, 2006, 4]. The government faced sharp criticism for not doing as much as it had done in previous crises like 9/11 and in 2004 for Hurricane Charley, to assure victims that relief was available to all irrespective of immigration status [NILC, March 2006; NCLR, 2006, 8].

In the US, humanitarian not-for-profit organisations, which were designated to deliver services by the government, were also chastised for failing minority/migrant communities. In the **US**, they were criticised for hindering **Latino** evacuees from receiving necessary relief services, for evicting them from shelters on the presumption that they were newly arrived migrant workers and hence ineligible for assistance; and for lacking cultural sensitivity [NCLR, 2006, 2, 5, 9, 10, 11, 13; NILC, March 2006; Pacific News Service, 19 October 2005]. The net result was that irregular migrants especially, became the invisible victims of Hurricane **Katrina** [Pacific News Service, 13 September 2005]. Civil rights organisations filed complaints to international human rights bodies (Inter-American Commission on Human Rights and the UN Human Rights Committee), about the **US** government's disaster response to migrant communities [NILC, 2006; Boalt Hall, 2006, 1].

In the **Burmese** case, an Inter-agency mission led by the IOM [Inter-agency, 2005, 4] concluded that relief was made available to migrant workers during the immediate emergency, but that it became increasingly difficult for them to avail further assistance due to fears of arrests and/or deportation as well as discrimination in aid camps. Organisations trying to assist migrants reported feeling threatened [Inter-agency, 2005, 20]. There were cases of survivors being thrown out of relief queues to make way for Thai victims or being refused medical treatment [Hedman, 2005, 4-5; Reuters, 25 March 2005]. The government however denied any refusal of aid to **Burmese** victims [Interpress service, 14 January 2005; South China Morning Post, 14 January 2005]. Whatever the official policy was, it seems there were some instances of local officials discriminating in relief efforts, possibly fearing the wrath of Thai villagers if they favoured **Burmese** migrants [Financial Times, 13 January 2005; Economist, 21 January 2005; Reuters, 25 March 2005].

Life after Disaster

<u>Reconstruction</u>

Exploitation of migrant workers in the reconstruction effort following disaster was a key feature. Migrant workers flocked to the disaster struck areas of **Thailand's** coast and **US** states ravaged by **Katrina** in search of labour in the rebuilding effort. In the **US**, some 30,000 **Latino** workers arrived in the Hurricane struck area [Donato, 2006]. There were many allegations of exploitation by unscrupulous contractors: physical and verbal abuse, poor living and working conditions and inadequate health and safety standards [NCLR, 2006, 12-15; Opportunity Agenda, 2007]. The governments was criticised for creating an environment in which migrant workers were easily exploitable [NCLR, 2006, 2]. The **US** government took a number of legislative steps in the immediate aftermath of the disaster to temporarily suspend various statutes which penalised employers for hiring irregular migrants, and imposed minimum wage requirements and health and safety regulations [Donato, 2006; Murray, 2005; NILC, March 2006]. These suspensions were intended to stimulate the rebuilding process and to facilitate the employment of hurricane victims; this could have been advantageous for migrants but instead had the opposite effect. Wage claims on behalf of migrant workers were taken up by private legal services as well as the US Department of Labour [NILC, March 2006; NCLR, 2006, 12-15; Opportunity Agenda, 2007]. There were other repercussions too as the increased presence of **Latinos** led to a backlash in the community and some felt that this community conflict was being deliberately stoked for political reasons [NCLR, 2006, 15; NILC, July 2006, 5-6].

A similar scenario unfolded in **Thailand** with many **Burmese** migrant workers carrying out unpaid rebuilding work (food only) or accepting deferred payment, in the hope of having some protection from deportation [Inter-agency, 2005, 15]. Contractors failed to pay up or reported workers to the police for deportation. Payment when it came was minimal (between US $ 2-6 a day) child labour was reported and there were cases of workers being beaten, scalded with hot water, deprived of adequate food, drink, and health care. Living conditions on construction sites were often so poor that workers were forced to use water contaminated with fecal bacteria [Irrawaddy, 28 June 2005; 6 November 2006]. There were individual acts of kindness by employers who helped out financially, or vouched for migrants in front of the authorities [South China Morning Post, 24 January 2006]. However, the general picture was one of employers taking advantage of the situation, by not allowing NGO access to areas where migrants lived (effectively preventing the distribution of humanitarian aid), in the mistaken belief that such organisations would assist voluntary repatriations back to Myanmar. They were also accused of withholding personal identification to prevent workers leaving for other jobs [Inter-agency, 2005, 15; Human trafficking.org, 2005; Reuters, 20 June 2005]. In some cases, employers became so concerned about losing their supply of migrant workers that they resorted to violent action. In one case, World Vision staff assisting the voluntary return of migrant workers back to Myanmar from Ban Thab Lamu village in January 2005, suffered a vicious attack by villagers – this was reportedly instigated by a local fishing operator who was concerned that his workers would desert him [Financial Times, 13 January 2005; AI, 2005, 19; Irrawaddy, 28 January 2005; Independent, 18 January 2005; Nation, 13 January 2005; University of Berkeley, 2005, 85].

Postscript

While disasters can leave a legacy of disadvantage and worsen discrimination against migrants, earlier academic research has shown that they can eventually lead to an empowerment of affected communities. Following **US** disasters, Hurricane Andrew and the Loma Prieta earthquake, **Latino** migrants became better organised and a stronger political force at local level [Boyce et al, 48]. Likewise in **Thailand**, a small ray of hope emerged with community representatives noticing more support for the **Burmese** community since the **Tsunami**. "Many died, but some people benefited from the **Tsunami**, before the **Tsunami** there were no (charities) working for the **Burmese** migrants" said Htoo Chit, Director of Grassroots Human Rights and Development [Agence France Press, 18 December 2006].

Lessons for the future

The plight of migrants post natural disaster is in some ways uniquely different to that of citizens; and experiences from the **US** and **Thailand** show that it is not simply irregular migrants who suffer by virtue of their lack of legal status, the plight of all migrants is made more insecure by the advent of catastrophe. These two cases have policy implications for governments across the developing and developed world in terms of their approach to disaster-preparedness and disaster response. An analysis of these cases indicates two factors that exacerbate the plight of migrants in such disaster settings:

- Uncertainties about legal status, whether they are irregular migrants who never had legal rights or regular migrants who are unable to prove their legality, the questions over status raises the spectre of arrest and deportation and affects access to assistance in the relief phase and employment rights in the reconstruction period.

- Lack of proper understanding and assessment of socio-economic issues, cultural norms and specific needs of migrant communities that undermines an effective disaster response.

International human rights law and international humanitarian standards both provide for some basic minimum guarantees and protections for all victims of natural disasters. The United Nations International Convention on the Protection of the Rights of All Migrant

Workers and Members of their Families (2003) and the United Nations Guiding principles on Internal Displacement, for example, both underscore the need for States to provide assistance to all survivors of disaster regardless of status. These two cases highlight a variety of unique risks for migrants at different stages of disaster which planners need to prepare for in order to ensure that migrants are treated with basic humanity, given access to humanitarian assistance without fear of reprisal and protected from exploitation and abuse in the recovery phase.

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[i] Term 'Latino' is used by the US Census Bureau to identify persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican and Spanish descent, they may be of any race.