

Humanitarian assistance to migrants irrespective of their status – towards a non-categorical approach

Thomas Linde

Thomas Linde is the Special Representative on Migration at the International Federation of Red Cross and Red Crescent Societies

Abstract

Humanitarian organizations dealing with migrants have long prioritized such people according to legal and institutional categories, therefore focusing on those fleeing conflict, violence or persecution. In a departure from this tradition, it was recommended at the 30th International Conference of the Red Cross and Red Crescent that the Movement should take an inclusive approach towards addressing the humanitarian dimension of migration, irrespective of the status of the migrants of concern. This article discusses the shift towards such an approach, and how it has been implemented in the International Federation of Red Cross and Red Crescent Societies' migration policy.



The year 2007 was a turning point for the Red Cross and Red Crescent Movement as this was the year when its high governance, including the 30th International Conference of the Red Cross and Red Crescent, acknowledged for the first time that migration, in a broad sense of the term, is one of its major strategic challenges of the future. Moreover, the recommendation issued in 2007 was that, in addressing the humanitarian dimension of migration, the Red Cross and Red Crescent should take an inclusive approach, irrespective of the status of the

migrants of concern. Therefore, the needs and vulnerabilities of migrants should prevail over the legal (or other) category to which they belong.

Adopting such a non-categorical approach requires a departure from a long-standing tradition. Humanitarian organizations have long been used to prioritizing the different categories of uprooted people according to international law and their institutional mandates. Thus they had the tendency to consider those whose move was linked to conflict, violence or persecution of special concern. ‘Economic migrants’ and others falling under non-specific international legal regimes were rather subsumed under the general humanitarian action.

As a consequence of the 2007 call for a strategic rethinking, the International Federation of Red Cross and Red Crescent Societies developed a general policy, setting out a strategic framework on the humanitarian dimensions of migration. The policy provides directions on how to avoid categorization and focus on the humanitarian dimensions in a more inclusive manner.

In particular, the policy is based on a descriptive concept of migration that allows for a direct and consistent focus on humanitarian concerns rather than typologies. Furthermore, it is clearly addressed to community-based staff as the primary actors that translate the humanitarian imperative into action, rather than to governmental or paragonovernmental audiences who act under the imperative to promote and guarantee legal mandates, rules and categories.

The traditional approach to categorizing migrants

In the eyes of politicians and the general public today, migration is often perceived exclusively as a challenge in terms of the management and regulation (or prevention) of ‘demographic pressures’ and ‘migratory fluxes’. Reinforced by the common notion of ‘the foreigner as a threat’, this perception has increasingly tended to deflect attention away from the humanitarian dimensions of migration.

The work of humanitarian organizations, on the other hand, has traditionally emphasized the plight of uprooted people whose movement is related to conflict, violence and persecution.

The development of international refugee law, and the efforts of the UN High Commissioner for Refugees as the agency mandated to safeguard it, have been indispensable in strengthening and sharpening international protection for a special category of uprooted people. The adoption of the 1951 Convention relating to the Status of Refugees, as well as its 1967 Protocol and several regional refugee conventions,¹ created sharply defined categories of refugees who as individuals are entitled to special protection and special humanitarian assistance. Accordingly,

1 In particular, the Organisation of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969, as well as the (non-binding) Cartagena Declaration on Refugees, 1984.

special procedures were also established, primarily at national level, to determine the asylum status of each claimant on an individual basis.²

This said, international refugee law also reflects the preoccupation of states with narrowing down the category of persons entitled to protection and assistance. Thus it had the side-effect of reinforcing the view that migrants who move due to socio-economic pressures and constraints, or simply voluntarily, merit only secondary, if any, humanitarian attention. Often labelled 'economic refugees' or 'economic migrants', these persons were assumed to have a space of choice enabling them to avoid distress and suffering. Their uprootedness was not considered a source of special vulnerability requiring a strategic humanitarian response. If such migrants faced difficulties, it was assumed that the response would fall under the general social and humanitarian responsibility of governments but was not of any special international concern.

One development towards a more inclusive and global approach was the emergence, in the 1990s, of the wider concept of 'forced migration'. Besides refugees under the 1951 Convention, this concept encompasses all 'people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects'.³ Yet the concept still excludes the migrant who moves in search of better economic and social opportunities, in spite of the ample evidence that such people often face hardship and hostility. Thus the concept of 'forced migration' still does not capture the humanitarian reality of migration in its entirety.

The exclusive approach focusing on specific groups of migrants is also reflected in the history of the International Red Cross and Red Crescent Movement. Throughout the 20th century, the terms 'migrant' and 'migration' are absent from the statutory language of the International Conferences of the Red Cross and Red Crescent. Instead, the Conferences designated more specific categories – be that in the context of humanitarian protection under international humanitarian law, be that for general humanitarian relief. It is striking to look at the terminology that was used: 'Prisoners of war, deportees, evacuees and refugees' (1921), 'Stateless persons, refugees of war, war victims' (1948), 'Refugees, returnees and displaced persons' (1981), 'Refugees, asylum seekers and displaced persons' (1986) 'Refugees and internally displaced persons' (1995 and 1999).⁴

2 The institution of 'prima facie refugee', i.e. of a provisional refugee status granted to a person or group without individual status determination, as implicitly stipulated under the broader definition of refugees in the OAU Convention, or also foreseen in provisions of national law or administrative regulations in many countries, is clearly an exception for situations of rapid onset displacement of large numbers of people across international borders, normally due to armed conflict and/or generalized violence.

3 See Forced Migration Online, *What is forced migration?*, available at <http://www.forcedmigration/whatisfm.htm> (last visited 29 September 2009).

4 10th International Conference, March 1921, Geneva: Resolution 15; 27th International Conference, August 1948, Stockholm: Resolution 31; 24th International Conference, November 1981, Manila: Resolution 21; 25th International Conference, October 1986, Geneva: Resolution 17; 26th International Conference, December 1995, Geneva: Resolution 4; 27th International Conference, November 1999, Plan of Action, Goal 2.3.

It seems, therefore, that in the past, the high governance of the Red Cross and Red Crescent considered principally those uprooted people whose movement was linked to conflict, violence or persecution to be of special and strategic humanitarian importance. This appears, by the way, quite a logical consequence of the bloody history of the 20th century, marked by the two World Wars and the numerous conflicts of the Cold War. General humanitarian attention and the operational priorities basically led to a strong focus on those migratory phenomena that were linked to conflict, violence and persecution.

This certainly does not mean that migrants not fitting under these criteria were systematically ignored by National Societies. Given the dispersal of archival evidence from today's 186 National Societies, it is extremely difficult to take full stock of past activities. This said, early examples do exist of assistance afforded to migrants of all categories, such as medical services to immigrants awaiting re-settlement, integration aid to post-war returnees, or basic health care for poor rural migrants. Deep research, in particular in the archives of immigration countries, may even bring to light some evidence of early strategic programming on migration at National Society level.

Nevertheless, for the Red Cross and Red Crescent, as a global Movement, no evidence can be found before the last decade of the 20th century that would indicate an acknowledgement of migration as a common, strategic and constitutive concern.

The 2007 turning point: Recognition of migration as an encompassing concern

It is only in the mid-nineties of the last century that a wider awareness began to emerge, of which a decision of the International Federation's General Assembly in 1995 is the earliest example. Noting, in particular, 'the restrictive measures taken by host countries and the expressions of racism, xenophobia and discrimination among some of them', this decision, 'requests National Societies to consider action in favour of migrant populations [...]', 'invites [them] to encourage migrants to take part in their activities', and underlines the need for co-operation with governments and international specialized institutions.⁵ From this instance onwards, migrants and migration slowly became a reference at governance level of the Movement – although still rarely so, and rather in passing.⁶

5 10th session of the General Assembly of the International Federation of Red Cross and Red Crescent Societies, Geneva, 1995, Decision 12: 'Red Cross and Red Crescent Work with Migrants'.

6 See for example: 27th International Conference, Geneva, 1999, Reference Document (Goal 1.1: Protection of victims of armed conflict through respect of International Humanitarian Law; Goal: 3.1: Strategic partnership to improve the lives of vulnerable people); Council of Delegates of the International Red Cross and Red Crescent Movement, Geneva, November 2001, Resolution 4: 'Movement Action in favour of Refugees and Internally Displaced Persons'; Council of Delegates, Geneva, August 2003: 'Tolerance, Non-discrimination, Respect for Diversity', Document prepared by the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies.

The real strategic change towards a new understanding of migration as a truly encompassing humanitarian concern came bottom-up: it is one of the very features of the Red Cross and Red Crescent Movement, as a community-based network, that humanitarian concerns often ‘filter up’ from the work on the ground, and therefore take time to get fully through to the sphere of high governance. Thus it was foremost at the level of Red Cross and Red Crescent Regional Conferences that the issue of migration as a grand humanitarian concern was discussed in depth, and the call for a comprehensive humanitarian engagement on their behalf became insistent (Berlin and Manila 2002, Santiago de Chile 2003, Athens, Istanbul and Guayaquil 2007).⁷

As the Movement’s Council of Delegates put it rather diplomatically in 2007:

‘[...] Feedback from the different components of the Movement shows that [the] statutory decisions do not always provide sufficient guidance for the Movement in its work to address the plight of persons in need of assistance and protection in the course of their migratory movements’.⁸

Consequently, in November 2007 the General Assembly of the International Federation of Red Cross and Red Crescent Societies reacted by mandating the development of a global policy on migration,⁹ requesting that this Federation policy should also benefit from the expertise of the International Committee of the Red Cross. In this manner, it announced a new, comprehensive, and far-reaching ambition.

Perhaps even more significant in terms of an official recognition of the issue as an encompassing humanitarian challenge was the declaration *Together for Humanity*, subsequently adopted by the 30th International Conference of the Red Cross and Red Crescent.¹⁰ One of the four sections of this declaration deals exclusively with ‘Humanitarian concerns generated by international migration’.

Alongside the 186 National Societies, the International Conferences include the 194 States party to the Geneva Conventions. Therefore, it is striking how far the declaration went in acknowledging the dimensions of the problem:

‘We are particularly concerned that migrants, irrespective of their status, may live outside conventional health, social and legal systems and for a variety of

7 6th European Regional Conference of the Red Cross and Red Crescent, Berlin, April 2002; 6th Asia and Pacific Regional Conference of the Red Cross and Red Crescent, Manila, November 2002; XVII Inter-American Conference of the Red Cross, Santiago de Chile, April 2003; 10th Mediterranean Conference, Athens, March 2007; 7th European Regional Conference of the International Federation of Red Cross and Red Crescent Societies, Istanbul, May 2007; XVIII InterAmerican Conference, Guayaquil, Ecuador, June 2007.

8 Council of Delegates of the International Red Cross and Red Crescent Movement, Geneva, November 2007, Background Paper: ‘International Migration’, p. 1.

9 16th Session of the General Assembly, Geneva, Switzerland, 20–22 November 2007, Decision 12: ‘Migration’.

10 30th International Conference of the Red Cross and Red Crescent, Geneva, November 2007, Resolution 1: ‘Declaration: Together for Humanity’, available at: <http://www.ifrc.org/Docs/pubs/events/intconf07/adopted/declaration-en.pdf> (last visited 29 September 2009).

reasons may not have access to processes which guarantee respect for their fundamental rights'.¹¹

On the basis of this acknowledgement, the Conference then calls for '[reinforced] international co-operation at all levels to address the humanitarian concerns generated by international migration'. Spelling out a number of specific areas of concern, it underlines the 'role of the International Red Cross and Red Crescent Movement' and concludes by recognizing, in particular, the role of National Societies 'in providing humanitarian assistance to vulnerable migrants, irrespective of their legal status'.¹²

In this way, the language of the 30th International Conference lays out an encompassing and inclusive concept of migration as a humanitarian challenge. Its insistence on the needs of migrants 'irrespective of their (legal) status'¹³ precludes any limitation of humanitarian assistance and protection to specific categories.

Towards a non-categorical humanitarian approach

When it comes to formulating a global policy on migration for the Red Cross and Red Crescent, the consequences of the non-categorical approach stipulated by the International Conference in 2007 are indeed far-reaching. There are considerable obstacles and problems to overcome.

'Rights-based programming' – the method used by many humanitarian organizations in recent years – justly highlights the fact that the degree to which a person enjoys, or is denied, his/her rights is a co-determinant of vulnerability. However, the method has also encouraged many humanitarian workers to think first and foremost in legal categories rather than in an encompassing manner.

This being said, even for adherents of the conventional 'needs-based approach' it is difficult to avoid creating certain types of beneficiary categories, and aligning programmes accordingly – whether these categories are built on legal status, or on other single distinguishing qualities. As a matter of fact, special programming is often vital for certain basic categories, such as children.

Moreover, as pointed out earlier, the humanitarian mainstream of the past was precisely focused on specific categories, in particular refugees and asylum seekers, rather than migration in a broad sense, as a source of humanitarian concern. This tradition is reflected in today's programming of many National Societies. Broadening the focus, without losing the specific expertise and capacities acquired over decades, requires major changes in strategic programming and the use of structures and resources.

11 *Ibid.*

12 *Ibid.*

13 *Ibid.*

For example, it is only natural for a National Society benefiting from public contracts in conducting its support programmes for asylum seekers and refugees to be reluctant when it comes to enlarging its activities by setting up additional assistance for migrants who are deemed irregular: the specific expertise acquired over years in working with asylum seekers and refugees is often not easily transposable onto irregular migrants. Additional funding for assistance to irregular migrants may also be difficult to obtain; moreover, in many countries such assistance programmes would be considered as a transgression, and could endanger the public funding for assistance to groups who are deemed by the state to be legitimate, namely asylum seekers and refugees.

In fact, there is a wide-spread and legitimate concern that a broad humanitarian approach to migration – one that admits that irregular and regular migrants are equally entitled to basic humanitarian assistance and protection, based on a strict concept of human needs and vulnerabilities – will undermine the special protection that is due to asylum seekers and refugees. Yet we know in the meantime – the 30th International Conference has left no doubt about it – that the humanitarian dimensions of migration go well beyond the boundaries that traditionally served the Movement in targeting its action to those uprooted persons it considered of special concern.

Besides, it is in the very nature of humanitarian action that it cannot wait for clean definitions and proper processes to sort out who is of concern and who is not. Instead, it must continuously redefine itself to shape an adequate response to the complexity of social phenomena as they evolve. Migration is, undoubtedly, a typical example of such a complex and evolving phenomenon: there is no binding, internationally accepted definition of migration. The terminology in use today is diffuse and often politically charged.¹⁴ In addition, migrants' status and situation change along the migratory trails. Nevertheless, we know that the humanitarian needs and vulnerabilities accompanying the phenomenon are pressing and require a strategic readjustment.

There are no easy answers, of course, as to how a new approach should be articulated – the debate must go on. However, the policy on migration, developed under the lead of the Federation's Reference Group on Migration appointed following the decision of the 2007 General Assembly, provides a first direction.¹⁵ Its two most general tenets are outlined in the sections that follow.

14 For example, who exactly is an 'illegal' or 'irregular' migrant? In many contexts – particularly in regions where borders have been drawn arbitrarily, cutting through ethnic and historical entities – making the difference is impossible. And even where the legal instruments to draw a distinction exist, these can be in contradiction to other law: If the act of crossing a border elsewhere than at official entry points is made a criminal act – what about the migrant who crosses in this manner but under constraints that constitute a claim to protection under international refugee law?

15 International Federation of Red Cross and Red Crescent Societies, *Policy on Migration*, May 2009, available at: <http://www.ifrc.org/Docs/pubs/who/policies/migration-policy-en.pdf> (last visited 29 September 2009). The document was approved by the Federation's Governing Board on 3 May 2009. The Board requested that implementation of the policy should go underway, in anticipation of its final endorsement by the General Assembly in November 2009.

Taking a descriptive and open approach to who is considered a migrant

An essential assumption in humanitarian work is that beneficiaries at all times present a range of qualities, which will cumulatively determine their assistance and protection needs. Exclusive categories formed on the basis of a single criterion or quality are perhaps helpful for theoretical purposes, but they are of little use when it comes to formulating an adequate response to actual needs in their diversity. Classifications such as ‘refugee’, ‘migrant’, etc. are abstractions that do not reflect the complexities on the ground.

This is also the reason why a legal typology of migrants falls short of the humanitarian reality. It may reveal their qualities as related to specific rights¹⁶ but other qualities (origin, state of health, gender, age, motivations, and so many others) are equally important and need to be taken into account simultaneously.

This said, a basic understanding of the subject of our attention is indispensable in order to align our work under a common policy that makes sense, i.e. is targeted and specific. The way forward may be an approach that does not define migrants as belonging to a category formed on the basis of sharp criteria for inclusion and exclusion, but rather describes migrants as belonging to a ‘family of concerns’ with overlapping similarities, but where no single characteristic necessarily must be common to all.¹⁷

As an example, evidently a migrant is not a migrant simply because of his or her humanitarian vulnerabilities and needs – there are many migrants that require no assistance. Inversely, a vulnerable person in need of assistance is not necessarily a migrant. However, humanitarian needs and vulnerabilities are a ‘family resemblance’ that occurs quite frequently among migrants. As another example, a migrant is not necessarily a person ‘on the move’ just as a person ‘on the move’ is not necessarily a migrant. However, migratory movement is, indeed, a frequent feature in migrants’ lives – though this is again not always the case, for example for second generation migrants. Lastly, migrants whose move is entirely voluntary are rare, and for many, the pressures and constraints that induce them to migrate are considerable. Yet conversely, migration cannot be characterized merely as a forced movement. So the ‘family resemblance’ here could be that migration is, usually but to a certain and limited degree, a deliberate and planned move.

Thus, by using multiple ‘soft criteria’ on a sliding scale, one arrives at a description of the phenomenon that will allow a direct assessment of what

16 Indeed, in many contexts (although not all), legal considerations constitute an important determinant helping us to formulate a template for migrant’s needs, vulnerabilities, potentials, and prospects inasmuch as they relate to the realization or denial of one or the other specific right. Thus for many contexts, including migration, they do deserve special mention in terms of the operational instruments as well as the arguments for advocacy they can provide to humanitarian action with (see International Federation of Red Cross and Red Crescent Societies, *Policy on Migration*, above note 15, section 4: ‘*Recognizing the Rights of Migrants*’).

17 In philosophical terms, this is following the concept of ‘family resemblances’ used by Ludwig Wittgenstein in arguing against Aristotelian categorization.

humanitarian response may be required, without having to take a preliminary sharp and artificial decision as to what subject to include or exclude.

The use of ‘soft criteria’ does not preclude differentiations between migration and other forms of human mobility. For example, the Federation policy keeps migration distinct from displacement, as two separate, if interrelated, ‘families of concern’.¹⁸ On the one hand, migration usually occurs individually or in small groups and is characterized by complex migratory motivations. The pressures and pull-factors that induce migration make themselves felt over time. Displacement, on the other hand – be it across borders (e.g. refugee exoduses/influxes) or internal (e.g. due to disasters or armed conflict) – is usually more of a collective, unplanned, involuntary phenomenon due to a sudden-onset crisis; the displaced must move as a temporarily coping mechanism, but with the intent to return as conditions allow.¹⁹

From an operational point of view, the difference is evident, but again the distinction is not rigid and categorical: migration normally requires a social care approach, involving a range of individual choices, perspectives, and constraints; also, given the humanitarian principle of neutrality, migration should neither be discouraged nor encouraged. Displacement normally involves relief and ‘care and maintenance’ operations, combined with efforts aiming at collective durable solutions, with return often the one of predilection; also, in principle, the displacement of populations must be prevented.

In sum, the descriptive approach, based on a ‘family of concerns’, rather than sharp ‘categories’, is best suited to capture directly and integrally the humanitarian concerns arising under the complex universal phenomenon of migration. Therefore, it is this approach that the Federation’s policy on migration has taken. In its introduction, it gives a description of the wide range of difficulties that migrants may encounter, concluding:

‘In order to capture the full extent of humanitarian concerns [...], our description of migrants is deliberately broad: migrants are persons who leave or flee their habitual residence to go to new places – usually abroad – to seek opportunities or safer and better prospects. Migration can be voluntary or involuntary, but most of the time a combination of choices and constraints are

18 International Federation of Red Cross and Red Crescent Societies, *Policy on Migration*, above note 15, art. 9.1: ‘Situations of displacement of populations are often linked to migration’ because ‘[p]eople in displacement may not be in a position to return or to stay where they have sought refuge. Thus, they may take the path of migration to reconstruct their lives elsewhere’.

19 A more systematic presentation of the sliding scale of multiple criteria for differentiating between migration and displacement might look as follows:

	MIGRATION		DISPLACEMENT
(1) <i>Subject</i>	Individual or small group	←.....→	Collectives, populations
(2) <i>Cause</i>	Slow-onset pressure or pull	←.....→	Sudden impact
(3) <i>Movement</i>	Slow-continuous	←.....→	Rapid-accelerating
(4) <i>Predetermination</i>	Premeditated move	←.....→	Precipitated flight
(5) <i>Intent/time-horizon</i>	Longer-term intent	←.....→	Temporary move
(6 etc)			

(additional criteria on a sliding scale)

involved. Thus, this policy includes, among others, labour migrants, stateless migrants, and migrants deemed irregular by public authorities. It also concerns refugees and asylum seekers, notwithstanding the fact that they constitute a special category under international law.²⁰

Focusing on community-based staff as the primary humanitarian actor

The challenge is not merely which conceptual approach to migration should be adopted; much will also depend on who is to translate the approach into humanitarian action. After all, it is at this level that the assistance, irrespective of status, will be provided.

The question of who the policy audience within National Societies ought to be is delicate: National Societies play an important role as humanitarian auxiliaries in support of public authorities. Thus authorities on the ground may interpret this to mean that National Societies, through their action, should participate in the promotion of law, including by enforcing legal categorizations in the assistance to migrants.

This would, however, be a misunderstanding of the auxiliary role. A precondition of the role is the recognition and respect by public authorities of the principles proper to the Red Cross and Red Crescent – principles that are different from those that underlie governmental action. Maintaining this difference is crucial in order to allow National Societies to respond directly and without partiality to the humanitarian dimensions of migration. This is why it is essential to understand the profile of the primary audience that a Federation policy on migration must primarily address.

It goes without saying that humanitarian programming must be responsive to and respectful of its beneficiaries. Programmes should be constructed on the basis of a direct relationship with beneficiaries as well as other stakeholders on the ground. The rooting of National Societies of the Red Cross and Red Crescent in their communities is fundamental. It is at this level that the humanitarian imperative is translated into action, and from this source that Red Cross and Red Crescent work derives its humanitarian pertinence. A National Society lacking this field-based operational backbone becomes a ‘stranger to its own community’, ineffective in its relations with counterparts, and unresponsive to needs.

Therefore, the Federation policy on migration is geared towards those whose action it intends to align and reinforce, i.e. the community-based National Society staff. Such a policy must be fundamentally different from one aimed at bearers of governmental functions who must act as promoters and guarantors of legal mandates, rules and categories. National Society staff on the ground should act, first and foremost, under the imperative for neutral and impartial humanitarian action. While their action, like any action, must respect the legal

20 International Federation of Red Cross and Red Crescent Societies, *Policy on Migration*, above note 15, Introduction, p. 3.

frameworks, their prime objective is not to promote and guarantee the rule of law but rather to assist and protect those vulnerable and in need.

The 30th International Conference reaffirmed this difference by underlining the special role of National Societies in providing humanitarian assistance to vulnerable migrants, ‘irrespective of their (legal) status’. There are contexts and situations in which the very identity of a government official restricts his or her capacity to assist without differentiation²¹ – this is where the Red Cross and Red Crescent must come in to accomplish its specific humanitarian task!

This is why the Federation policy on migration has been formulated with a clear focus on Red Cross and Red Crescent staff as its primary audience. It is only through their action that the Movement can maintain a ‘primary focus on migrants whose survival, dignity, or physical and mental health is under immediate threat’.²² It is only through them that activities can be integrated to link ‘direct assistance [with] legal advice, referrals to relevant organisations, and different forms of advocacy’;²³ and it is only at their level that we can realize and support ‘community linkages [as] part of National Societies’ overall engagement in promoting the social inclusion and integration of migrants’.²⁴

Conclusion

The general way forward projected by the International Federation in view of its new approach to the humanitarian dimensions of migration is thus as follows:

1. First of all, we must abstain from following categories of inclusion and exclusion in conceiving the humanitarian subject of migration. Instead we should group the subject under a description of the humanitarian needs that migrants may face, describing the latter as members of one ‘family of concern’. Therefore, the guidance required should centre on areas of action, rather than types of beneficiaries.²⁵
2. Secondly, we need to leverage the guidance systematically at the level of community-based humanitarian staff where the humanitarian imperative is

21 Increasingly, government officials are even obliged to hinder or block assistance to certain categories of migrants. This is the case where governments are focusing more and more exclusively on curbing migration, including by legal or administrative measures aimed at reducing to a minimum any assistance to irregular migrants, or even at simply outlawing it.

22 International Federation of Red Cross and Red Crescent Societies, *Policy on Migration*, above note 15, section 1: ‘Focusing on the Needs and Vulnerabilities of Migrants’.

23 *Ibid.*, section 5: ‘Linking Assistance, Protection and Humanitarian Advocacy’.

24 *Ibid.*, section 7: ‘Working Along the Migratory Trails’.

25 Thus the general principles enunciated by the Federation Policy are formulated along an axis of action rather than of typology: ‘1. Focus on the Needs and Vulnerabilities of Migrants, 2. Include Migrants in Humanitarian Programming, 3. Support the Aspirations of Migrants, 4. Recognize the Rights of Migrants, 5. Link Assistance, Protection and Humanitarian Advocacy for Migrants, 6. Build Partnerships for Migrants, 7. Work Along the Migratory Trails, 8. Assist Migrants in Return, 9. Respond to the Displacement of Populations, 10. Alleviate Migratory Pressures on Communities of Origin.’

translated into action, rather than at the governmental level where mandates, rules and categories must be maintained and enforced.

The way forward thus appears clear. As mentioned earlier, the member States of the 30th International Conference of the Red Cross and Red Crescent encouraged this path by implicitly recognizing the difference between the governmental sphere – with its limits in providing for migrants that ‘may live outside conventional health, social and legal systems’ – and the humanitarian sphere that can provide ‘humanitarian assistance to vulnerable migrants, irrespective of their legal status’.²⁶

Nevertheless, the reality on the ground looks somewhat more complicated. As previously explained, there is a tendency in many regions for governments to hinder or block assistance to certain categories of migrants, thus actually curbing the access ‘to processes which guarantee respect for [migrants’] fundamental rights’.²⁷

The challenge for the Movement, and in particular National Societies of the Red Cross and Red Crescent, will therefore be substantial: to acquire from governments the necessary humanitarian access to all categories of migrants – so that their volunteers and staff on the ground can develop their work, pursuing a non-categorical and insistently humanitarian perspective on migration – and doing so in all confidence as their leaders lend them the indispensable backing, in accordance with the Movement’s high governance.

26 30th International Conference, ‘Declaration: Together for Humanity’, above note 10.

27 *Ibid.*