

New Walled Order:



How barriers to basic services turn migration into a humanitarian crisis



Summary Report – July 2018



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The International Federation of Red Cross and Red Crescent Societies (IFRC) is the world's largest volunteer-based humanitarian network. With our 190 member National Red Cross and Red Crescent Societies worldwide, we are in every community reaching 160.7 million people annually through long-term services and development programmes, as well as 110 million people through disaster response and early recovery programmes. We act before, during and after disasters and health emergencies to meet the needs and improve the lives of vulnerable people. We do so with impartiality as to nationality, race, gender, religious beliefs, class and political opinions.

Guided by *Strategy 2020* – our collective plan of action to tackle the major humanitarian and development challenges of this decade – we are committed to saving lives and changing minds.

Our strength lies in our volunteer network, our community-based expertise and our independence and neutrality. We work to improve humanitarian standards, as partners in development, and in response to disasters. We persuade decision-makers to act at all times in the interests of vulnerable people. The result: we enable healthy and safe communities, reduce vulnerabilities, strengthen resilience and foster a culture of peace around the world.

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CH-1214
Route de Pré-Bois 1
Switzerland
Telephone: +41 22 730 4222
Telefax: +41 22 730 4200
E-mail: secretariat@ifrc.org
Web site: www.ifrc.org

New Walled Order: How barriers to basic services turn migration into a humanitarian crisis

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Key takeaways:

While there is room for disagreement about migration policy, there is no policy goal that can ever justify the suffering of vulnerable people, including migrants.


Around the world, migrants, especially irregular migrants, face increasing barriers to essential services that are critical to their survival and basic dignity. These include health care, shelter, food and legal assistance.

There are a range of factors that prevent this access, from the overt – such as outright exclusions– to the subtle – fear of arrest, detention and deportation, prohibitively high service costs, and language issues.

Limiting or preventing access to basic services disregards the basic human rights that all people have, including migrants. Migration can be managed more effectively when we do not compromise the safety and dignity of vulnerable people. States and humanitarian actors should work together to ensure access to essential services for all vulnerable migrants.

The Global Compact for Migration is a chance to ensure that all people migrating, regardless of their status, have access to the humanitarian assistance they need. States can adopt a range of measures to achieve this, including building “firewalls” between immigration enforcement and public services.


Introduction



The current negotiations on the **Global Compact for Safe, Orderly and Regular Migration** present a rare opportunity to develop a new global approach to migration that is more effective and humane. It is an opportunity that cannot be missed.

Migration has always been a polarizing topic. But in recent years it has become even more divisive, to the point of dominating elections in many countries. Concerns about the impacts of migration on receiving states have led some governments to adopt strategies specifically designed to reduce and deter migration, extending even so far as restricting access to essential and lifesaving services including basic health care, shelter, food and legal assistance.

Governments have the right to set migration policies. However, contrary to conventional wisdom, all migrants, even those with no claim to asylum, have rights under international law. These rights include access to health, safety and protection.



Barriers to receiving assistance:

How migrants are prevented from accessing basic services

As migration policies shift towards restriction and control, a range of factors are conspiring to prevent vulnerable migrants from accessing essential – and even life-saving – support. These include explicit exclusions of migrants from public services, the use of service provision as a means of identifying and apprehending irregular migrants, practices that restrict the ability of humanitarian organizations to safely provide their services, and a range of difficulties and inconveniences that can conspire to prevent access.

1. Limiting access to services: Achieving little at an enormous human price

Access to the most basic services necessary for good health and well-being by migrants is at risk. This is often the result of restrictive policies and laws that exclude migrants – especially irregular migrants – from getting help. Lack of access to basic health care, in particular, may result in dire consequences, especially for children, pregnant women and the elderly.

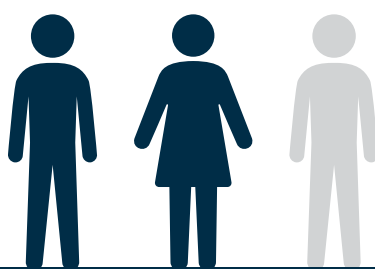
Preventive health services must be part of this equation, not only because it is the right thing to do but because it makes economic as well as moral sense. For example, studies in Germany and Greece have found that giving irregular migrants access to prenatal care can generate savings of up to 48 per cent compared to costs incurred through unnecessary use of emergency health care.

Risks to health are compounded for most migrants by poor living conditions and inadequate diets. Many irregular migrants work, but mainly in informal situations where wages tend to be so low that they cannot meet their own basic needs, and where they are vulnerable to abuse and exploitation by employers.

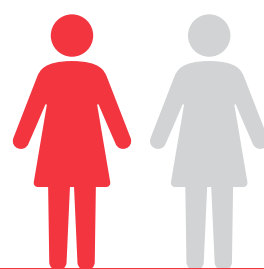
THE HUMAN TOLL IN NUMBERS



In a 2017 report, the British Red Cross found that **the majority of asylum seekers were not receiving any form of support**, and were struggling to find stable accommodation, food and clothing.



In Northern France, **almost two thirds of refugees and migrants** treated by one NGO had health conditions related specifically to their poor and cramped living conditions.



Nearly **half of women interviewed** by UNICEF reported rape or sexual abuse while navigating the Central Mediterranean migration routes.

2. Criminalizing compassion: When aid organizations are prevented from helping people in need

In recent years, efforts by humanitarian organizations to support vulnerable migrants have been challenged by government strategies for controlling migration. Instead of supporting the work of humanitarian organizations, some states have sought to discourage humanitarian assistance through interference, outright bans and criminalization. Such restrictions often stem from the perception that humanitarian assistance can encourage migration.

Similarly, there has been increasing opposition to humanitarian search and rescue operations, particularly in the Mediterranean. There have been armed attacks on rescue boats, run-ins with border control agencies and even accusation that non-governmental organisations (NGOs) were colluding with smugglers and endangering lives.

Yet studies have shown that restrictive policies, such as those criminalizing humanitarian activities, are unlikely to stop migratory movements. Instead they simply divert people towards different routes, often increasing risks.

States and humanitarian actors should work together to ensure access to essential services for all vulnerable migrants. They have complementary roles. In some contexts, it may be appropriate for states to provide reception and shelter. In others, particularly in low-income countries where public resources are already overstretched, humanitarian actors may be better placed to do so.

Similarly, in many settings humanitarian actors may be a more trusted or accessible source of information for migrants than public authorities. In these cases, humanitarian actors cooperate with public authorities to ensure information is accurate and up-to-date, while maintaining their independence and neutrality.

In the case of the exclusively neutral, impartial work of the International Red Cross and Red Crescent Movement, the states party to the Geneva Conventions committed in 2011 to **“ensure that relevant laws and procedures are in place to enable National Societies ... to enjoy effective and safe access to all migrants without discrimination and irrespective of their legal status”** (Resolution 3, 31st International Conference of the Red Cross and Red Crescent, 2011).

IFRC is calling on authorities to develop agreements with their National Red Cross and Red Crescent Societies that ensure that they can provide humanitarian services and that they will not be required to give information to immigration services. States can also agree that they will not arrest those accessing services because of their immigration status.

Such approaches are already working in some countries, for example:



Italian Red Cross Safe Points provide legal assistance, information on rights, first aid, basic health care and orientation, psychosocial support and restoring family links.



In **Agadez, Niger**, the Red Cross of Niger (with support from the French Red Cross) offers services for migrants and returnees in its office. Services include restoring family links, psychosocial support, first aid and referrals to hospital.



The Belgian Red Cross Espace Migrants provides services including orientation, legal and social counselling, assistance with administrative procedures, information about the health care and education systems, help with finding lodgings and distribution of clothes to all migrants, irrespective of their legal status.



Mexico Red Cross has set up aid stations (run in conjunction with the Guatemalan and Honduran Red Cross Societies, and supported by ICRC) along migration routes that provide migrants with basic health care, water and the opportunity to contact loved ones. A mobile clinic with Red Cross staff and volunteers travels along the migratory trails offers first aid and information about locations where migrants can get support.

3. Indirect barriers: Fear and confusion

The barriers migrants face are not just the result of outright bans. In many cases, while services might “technically” be available to migrants, a combination of indirect barriers conspire to block them.

The most significant of these is the often well-founded fear that accessing health or social services will lead to arrest and eventual detention and deportation. This is particularly true where laws or regulations require public service providers to share details of irregular migrants with immigration enforcement. Some states have imposed obligations on public (and even private) services to literally “denounce” irregular migrants.

Migrants often lack information about their rights, what services exist and how to obtain them. People travelling through multiple countries face the biggest obstacles because they are often unaware of different practices and laws in the countries along their route. Information is as essential as health care or shelter.

Many irregular migrants experience violence or other abuse but are afraid to report these incidences to the police because they fear they will be arrested and detained on immigration charges.

COMMON BARRIERS TO HEALTH CARE ENCOUNTERED BY MIGRANTS

Laws that limit eligibility based on status or citizenship	High costs of services and ineligibility for public assistance	Discrimination based on nationality, religion, ethnicity/race, income, education level, disability, sex, or health status
Costs related to missing work or travelling to a health centre	Cultural and social norms, including those related to gender and age (such as autonomy of women in decision-making, access by adolescents to sexual and reproductive health services)	Language barriers (including lack of translation/interpretation services)
Administrative complexities combined with limited support for navigating the health system	Lack of awareness by health professionals, administrative staff and migrants themselves about health entitlements	Lack of trust and fear that privacy and confidentiality will not be respected
		Fear of being reported to immigration authorities, losing one's job or being deported

RED CROSS RED CRESCENT IN ACTION

Today National Red Cross and Red Crescent Societies are stepping in to fill the gap in essential services for migrants. Here are some examples:

HEALTH SERVICES



In the **Seoul Red Cross Hospital**, the Republic of Korea National Red Cross runs a Healthy Neighbour Centre to provide free medical care for vulnerable migrants.



Since 2010 the **Swiss Red Cross** has been running a clinic for undocumented and irregular migrants in Zurich.



The **Thai Red Cross Relief and Community Health Bureau** has an on-going programme providing dental services for migrants free-of-charge.



LEGAL SUPPORT



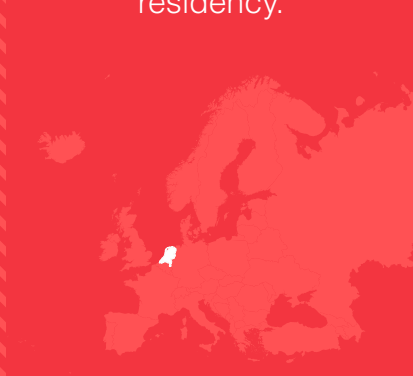
The **Russian Red Cross** offers legal advice to migrants through a mobile unit.



The **Swedish Red Cross** operates a hotline that migrants can use to obtain legal advice.



Netherlands Red Cross volunteers with a legal background provide victims of human trafficking with practical and legal support as they seek residency.



Recommendations:

Remove barriers

States have the power to substantially reduce the barriers to essential services for migrants. IFRC and National Red Cross and Red Crescent Societies are calling on countries to solidify commitments, ideally through concrete, time bound goals. We call on all countries – through law or policy change where required – to:

1.

Guarantee migrants, irrespective of legal status, effective access to essential services, including emergency and maternal health care, as well as shelter, food and information about their rights.

2.

Ensure humanitarian assistance is never deemed unlawful.

3.

Create firewalls between public services and immigration enforcement. States should abolish policies and legislation that require health service-providers to disclose the migration details of the people they treat.

4.

Make sure that National Red Cross and Red Crescent Societies and other humanitarian actors can provide humanitarian services to migrants irrespective of status.



