

The Ethics of Migration Policy Dilemmas

Breaking the Humanitarianism-Equity Dilemma in Health Services for Undocumented Migrants: A Response to Piccoli & Perna (2024)

Raffaele Bazurli

Raffaele Bazurli is a Marie Skłodowska-Curie Fellow in the School of Politics and International Relations at Queen Mary University of London, where he is carrying out the project Sanctuary Policies for Irregular Migrants in European Cities (SPIMEC). He is currently a visiting scholar at Harvard University's Minda de Gunzburg Center for European Studies. His research focuses on migration policy, urban governance, and social movements. More information: <https://raffaelebazurli.com/>

Denial of access to healthcare is a grievous yet common experience in the daily lives of people with irregular migration status. Despite the refrain that 'we're all in this together' during the COVID-19 pandemic, the right to health continues to be stratified by, and dependent on, immigration status. That is, the quantity and quality of treatments available to people hinge upon the papers they carry in their pockets. With far-right politics on the rise, governments are making these access conditions ever tighter, effectively subordinating immigrant welfare to deservingness criteria. Healthcare discrimination intersects with other hardships, such as aggressive policing and fear-mongering rhetoric, giving rise to cumulative experiences of exclusion—what sociologists Cecilia Menjivar and Leisy Abrego defined as “legal violence” (Menjivar & Abrego 2012). For example, while undocumented migrants often have the right to access at least emergency care, many of them refrain from doing so because of their fear to interact with public officials. In many countries, immigration authorities have increasingly delegated surveillance tasks to all sorts of subjects (doctors, nurses, teachers, employers, landlords), often with the stated aim to create a 'hostile environment' for the undocumented.

Exclusionary trends have gone hand in hand with the proliferation of solidarity initiatives meant to counter them. Through the provision of critical health services on behalf of (sometimes in collaboration with) the state, civil society organisations (CSOs) are a lifeline for people with care needs but no regular status. In filling these gaps, however, CSO staff must come to term with big dilemmas about the implications of what they do for their patients and the rest of society. These dilemmas are the central issue of Piccoli's and Perna's article, which sheds light on crucial yet overlooked questions in the study of immigrant solidarity: What ethical predicaments do CSOs face in providing medical services to undocumented migrants? When do they arise? And what strategies are deployed to mitigate them? Not only does the article come up with brilliant, original answers to these questions; it draws on an impressive wealth of fieldwork data, giving space to the voices of 40 members of CSOs who are on the frontline in providing health services to those in need in Italy and Spain.

Piccoli and Perna point at one overarching dilemma with which CSOs must grapple: the *humanitarianism-equity dilemma*. As a belief system, humanitarianism prescribes that a healthy and thriving life is a right standing above all else. Everything possible must be done to secure that right on the ground, granting access to emergency and non-emergency care to whomever in need, regardless of legal status or any other marker of social difference. Yet, in embracing these tenets, CSOs take on a responsibility that, after all, should be that of the state. The replacement of institutions in public service provision can lay the groundwork, and serve as a justification, for a further retreat of core state activity, thus breeding a spiral of welfare erosion. By creating parallel systems of care for second-class patients, CSOs might (unintentionally) undermine the universalistic basis on which public health systems were founded in the first place. Ultimately, the tension between humanitarianism and equity is an inevitable, seemingly unresolvable quandary for every immigrant solidarity initiative.

Inescapable dilemmas?

But is the humanitarianism-equity dilemma truly inescapable? It seems so in many ways, at least this is what CSO staff themselves say when asked about the issue. Indeed, the dilemma is the product of structural changes that are very hard to be reversed. Notably, welfare scholars see the involvement of CSOs in social policymaking as the ‘Trojan Horse’ of austerity amid neoliberal restructuring (e.g., [Andreotti, Mingione & Polizzi 2012](#); [Davies & Blanco 2017](#); [Turner 2019](#); [McGuirk et al. 2022](#)). While often praised as an opportunity to experiment with innovation, tackle inequalities, and revamp democracy, the rising role of CSOs in fact stems from the privatisation of public services and charity-based notions of social assistance. The overall result is welfare retrenchment, with the state retreating from its responsibilities to care, protect, and emancipate. Put differently, the humanitarianism-equity dilemma is deeply entrenched in the global rise of neoliberalism and thus stretches beyond the recent rise in popularity of anti-immigrant politics.

The humanitarianism-equity dilemma, however, is also grounded in very specific assumptions regarding CSOs, seen as mere stopgaps (or ‘makeshifts,’ as Piccoli and Perna call them) for institutional failures, rather than as agents of far-reaching transformation. Indeed, this question has long been at the core of critical humanitarian studies, which emphasise how charitable and seemingly apolitical activities carry the risk of victimising recipients, validating and ultimately re-producing the sociopolitical conditions that produced their oppression in the first place (e.g., [Fassin 2011](#); [Ticktin 2011](#)). Migration scholars have similarly highlighted that one of the inherent tensions of immigrant solidarity initiatives lies between the reproduction or disruption of the status quo ([Swerts & Nicholls 2021](#)). From this angle, there would be a neat boundary between social volunteering and political activism. The former alleviates the suffering of those in need through direct interventions; the latter instead contests the root causes of that suffering through participation in claims-making arenas. Essentially, the humanitarianism-equity dilemma seems to be the result of a certain approach to collective action, one that brings relief to vulnerable groups but gives up on driving political change.

Beyond the humanitarianism-equity dilemma

Recently, however, rigid juxtapositions between contentious and non-contentious forms of civil society engagement have been problematised, revealing their relation as synergic rather than antithetical (e.g., [Bauder & Juffs 2020](#); [Bosi & Zamponi 2020](#); [della Porta & Steinhilper 2021](#)). The boundaries between social volunteering and political activism are indeed increasingly blurred. On the one hand, humanitarian activities can keep political networks alive in times of latency and serve as a resource for mobilisation in times of visibility. Resources for mobilisation deriving from humanitarian activities include political legitimacy, on-the-ground knowledge of social problems, and trust among reference constituencies. On the other hand, the growing criminalisation of solidarity has made political advocacy a more common practice among humanitarian groups. A very visible example is that of search-and-rescue operations in the Mediterranean Sea, with CSOs (even the ones that are traditionally less protest-oriented) becoming more and more vocal in contesting the repressive laws enforced against them (e.g., [Doctors Without Borders 2023](#)). But similar dynamics can be observed across any city and town where community organisations are involved in other immigrant solidarity initiatives. In short, humanitarian groups are hybridising with political ones in terms of repertoires of action (e.g., participation in protest campaigns), organizational forms (e.g., overlapping membership), and discourses (e.g., politicised frames).

These hybrid forms of civil society engagement show a way out of the humanitarianism-equity dilemma. The provision of healthcare services to undocumented migrants does not inevitably fuel welfare state retrenchment. On the contrary, it can be a base for pushing systemic transformation, nailing institutions to their responsibilities. Piccoli and Perna deftly identify three practices that CSOs deploy to drive political change: lobbying, advocacy, and litigation. To further develop their discussion, however, it is important to clarify *why* and *how* this change can be achieved. What strategic leverage do CSOs have inside institutional venues and the public sphere? Why should state authorities be responsive to their demands and reform the system? After all, undocumented immigrants are likely to be marginalised and unpopular groups in society, meaning that policymakers likely have little incentive to embrace their cause and advocates are often poorly structured and resourced. So, where does their power come from?

Despite mobilising from the periphery of power relations, CSOs can drive political change by utilising various strategic leverages. These lie, first of all, in the realm of party politics. Left-leaning officials may want to embrace demands coming from below as a way to enhance their progressive credentials. This is especially the case in times of political polarisation that make strategic positioning more appealing, or simply unavoidable. CSOs can also exert influence on municipal bureaucrats, notably providing them with material, cognitive, and human resources for enacting and implementing public policies. Service provision is also a crucial source of knowledge that can be used for raising public awareness and building legal cases. I was lucky enough to learn about these sources of political power from participants who took part in research I conducted in Barcelona and Milan (e.g., [Bazurli 2019](#)). In these two South European cities, immigrant advocates won meaningful reform thanks to intensive coalition-building efforts across institutional scales. But similar dynamics have also been observed across other geographical contexts (e.g., [de Graauw 2016](#); [Mayer 2018](#)).

Besides winning policy victories through specific campaigns, humanitarian work can also redefine the meanings and practices of social care in the longer term. The forms of assistance that CSOs provide are sometimes translated into fully-fledged public policies down the road, possibly travelling to other localities through diffusion mechanisms. This is exactly what happened in Italy during the 1990s, when a growing number of people fleeing wars in former Yugoslavia sought asylum in the country. To fill the legislative void of central authorities, some municipalities and CSOs began experimenting with ‘artisanal’ reception and other welfare services, including healthcare. These sparse bottom-up initiatives rapidly diffused, networked with each other, and bubbled up to higher levels of government—ultimately giving rise to what was to become Italy’s asylum system in the 2000s ([Marchetti 2016](#)).

This is not to suggest that breaking the humanitarianism-equity dilemma is an easy task. Civil society groups that provide healthcare services to patients with irregular migration status are inevitably torn between their mission of helping whomever in need and the risk of fuelling welfare state retrenchment. Leveraging humanitarian work to drive political change, however, offers a way out of the dilemma. This is something that Piccoli’s and Perna’s article highlights very neatly, making it a must-read for all those with an interest in these important issues. As the authors put it, CSOs involved in healthcare provision “become part of political processes that draw the boundaries of who is included in, and who is excluded from, public services” (Piccoli & Perna 2024, 13). The article also offers an unvarnished account of the barriers to effective political activism, such as CSOs’ dependence on institutional partners or donors, a commitment to neutrality, or simply a lack of resources and expertise. In this comment piece, I merely put Piccoli & Perna’s brilliant discussion in dialogue with other scholarly debates and offered some insights on immigrant advocates’ strategic leverage in political arenas.

The plight of undocumented and other marginalised immigrants has essentially political reasons. A key lesson from Piccoli’s and Perna’s article is that vocal coalitions advocating for their fundamental rights are crucial vehicles for changing the status quo.

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About the “Dilemmas” project

This commentary contributes to the ‘Dilemmas’ project at the EUI’s Migration Policy Centre. Dilemmas analyses and debates fundamental ethical dilemmas in policy-making on migration and refugee protection.

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Contacts

Website: <https://www.migrationpolicycentre.eu/>

Twitter: @MPC_EUI

Facebook: Migration Policy Centre

E-mail: migration@eui.eu

Address: Convento di San Domenico
Via delle Fontanelle 19

I-50014 San Domenico di Fiesole (FI)