



Humanitarian action at Europe's borders: Ambivalence, contestation and domestication

OÑATI SOCIO-LEGAL SERIES VOLUME 16, ISSUE 3 (2026), 1011-1039: FRONTERAS DE EXCEPCIÓN: ENTRE EL CONTROL MIGRATORIO Y LA RESISTENCIA MIGRANTE

DOI LINK: <https://doi.org/10.35295/OSLS.IISL.2596>

RECEIVED 28 JANUARY 2026, ACCEPTED 11 MAY 2026, VERSION OF RECORD PUBLISHED 1 JUNE 2026

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Abstract

This article examines the ambivalent role of professional humanitarian action at Europe's borders, particularly along the EU's southern Mediterranean border. It argues that recent developments associated with the European Pact on Migration and Asylum mark a qualitative shift in the governance of humanitarian action. Humanitarian organisations have become embedded within border regimes while simultaneously facing academic and normative critique, instrumentalisation and criminalisation, and growing constraints on humanitarian autonomy. Situating these developments within a governance environment structured by crisis, emergency and exception, the article traces the expansion, ambivalences and contestation of humanitarian practices at European borders. It argues that processes of instrumentalisation and criminalisation increasingly culminate in forms of regulated incorporation that I conceptualize as *domestication*. *Domestication* exposes the limits of humanitarian neutrality where humanitarian need is produced by deliberate policy choices, placing humanitarian actors in the position of providing care-based intervention and the defense of migrants' rights.

Key words

Humanitarianism; European border governance; borderwork; European Pact on Migration and Asylum; criminalisation; domestication

The author would like to thank the students and colleagues of the NOHA Master's Programme in International Humanitarian Action for the many discussions and reflections on humanitarian action that have accompanied the development of this work. Special thanks are due to Joana Abrisketa, Enrique Eguren, Maite Daniela Lo Coco and Patricia García-Amado for their intellectual generosity and critical engagement throughout this process.

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Resumen

Este artículo examina el papel ambivalente de la acción humanitaria profesional en las fronteras europeas, particularmente a lo largo de la frontera sur mediterránea. Sostiene que los desarrollos recientes asociados al Pacto Europeo sobre Migración y Asilo marcan un cambio cualitativo en la gobernanza de la acción humanitaria. Las organizaciones humanitarias se han integrado en los regímenes fronterizos mientras enfrentan simultáneamente críticas académicas y normativas, procesos de instrumentalización y criminalización, y crecientes restricciones a su autonomía humanitaria. Situando estos desarrollos en un entorno de gobernanza estructurado por la crisis, la emergencia y la excepción, el artículo analiza la expansión, las ambivalencias y la contestación de las prácticas humanitarias en las fronteras europeas. Sostiene que los procesos de instrumentalización y criminalización culminan cada vez más en formas de incorporación regulada que conceptualizo como *domesticación*. La *domesticación* pone de manifiesto los límites de la neutralidad humanitaria allí donde las necesidades humanitarias son producidas por decisiones políticas deliberadas, situando a los actores humanitarios en la posición de proporcionar intervenciones basadas en el cuidado y la defensa de los derechos de las personas migrantes.

Palabras clave

Humanitarismo; gobernanza fronteriza europea; trabajo fronterizo (borderwork); Pacto Europeo sobre Migración y Asilo; criminalización; domesticación

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1. Introduction

Humanitarian action has become a visible and increasingly contested presence at Europe's borders, operating at the intersection of care and control, compassion and coercion, and reflecting what Fassin (2012) conceptualises as the ambivalent logics of humanitarian government. Over the past decade, a wide range of actors have intervened in border zones in response to deaths at sea, humanitarian emergencies in reception facilities, and the human consequences of increasingly restrictive migration and asylum policies. These actors encompass both professional humanitarian organisations and a broader field of citizen-led initiatives, grassroots groups, volunteer networks, activist collectives and migrant-led forms of support (Ataç *et al.* 2016, Sandri 2018, Jumbert and Pascucci 2021, Brković *et al.* 2021, Ambrosini 2024).

The growing presence of humanitarian action at Europe's borders must be situated within the dominant narrative of crisis and emergency that has structured European migration governance over the past decade. While the mid-2010s did involve significant pressure on reception and asylum systems—contributing to the widespread use of the label “refugee crisis”—the more consequential development lies in the persistence of crisis as a political and discursive frame. Migration and asylum continue to be presented by EU institutions and Member States as episodic and destabilising phenomena, rather than as structural features of contemporary mobility, rendering the “migration crisis” a recurrent and normalised element of European institutional language.

This discursive construction fulfils a central political function. The rhetoric of emergency legitimates exceptional measures that would be difficult to justify under ordinary legal and political conditions with significant human rights implications (Parliamentary Assembly of the Council of Europe 2018, Gkliati and Kilpatrick 2021, Moreno-Lax 2024). Operating through a logic of governance through emergency closely intertwined with humanitarianism (Agier 2011, 2020, Davitti 2019), “crisis” functions as a technology of government that enables the reconfiguration of European migration policy (De Genova and Tazzioli 2021, Bello 2022).

Within this governance framework, humanitarian action emerges simultaneously as a moral imperative and as a functional response to policy-induced harm. European strategies of deterrence, containment and externalisation systematically produce humanitarian needs at the borders, while humanitarian actors are mobilised to manage their consequences (Walters 2011, Fassin 2012, Cuttita 2018b, 2019, Pallister-Wilkins 2022). This structural entanglement places professional humanitarian organisations in a profoundly ambivalent position. On the one hand, their interventions aim to save lives, alleviate suffering and preserve human dignity; on the other hand, they operate within border regimes that actively generate vulnerability, exposure and harm. Humanitarian action thus unfolds in a space of tension between ethical commitment and political constraint.¹

¹ A substantial body of critical scholarship has problematised international forms of humanitarianism, highlighting how humanitarian practices and narratives may reinforce relations of power, inequality and injustice, even when grounded in ethical imperatives (Fassin and Pandolfi 2010, Fassin 2012, Kapoor 2012, De Lauri 2016, Pallister-Wilkins 2022).

This article starts from the premise that professional humanitarian action at Europe's borders cannot be understood either as a neutral response to suffering or as an autonomous instrument of migration control. Rather, humanitarian practices are embedded within a governance environment structured by crisis, emergency and exception, in which humanitarian action is simultaneously enabled, utilised and constrained. Focusing on the specific role, constraints and contradictions of professional humanitarian action at Europe's borders—particularly along the EU's southern border and in the Mediterranean context—the article examines how these tensions are produced and managed within European border governance,² and why humanitarian actors have become both central to policy implementation and the object of sustained critique.

I argue that recent developments in European migration policy, particularly under the European Pact on Migration and Asylum, mark a qualitative shift in the governance of humanitarian action at the border. Adopted in 2024 and expected to become fully operational by mid-2026, the European Pact on Migration and Asylum represents the most significant reform of EU migration governance since the so-called “refugee crisis” of 2015. Presented as a framework aimed at improving responsibility-sharing, accelerating border procedures and strengthening coordination among Member States, the Pact further consolidates the integration of asylum, border control and migration management within a permanent framework of crisis governance. Critics have warned that the new system risks normalising containment-oriented practices, accelerated procedures and reduced procedural safeguards at the EU's external borders (Carrera 2020, Cassarino and Marin 2022, Moreno-Lax 2024, Porrás-Ramírez 2024). In this context, the Pact also marks an important transformation in the governance of humanitarian action at the border.

Beyond relying on humanitarian intervention as an exceptional response to crisis, EU institutions and Member States increasingly incorporate professional humanitarian organisations into the ordinary functioning of border procedures, including screening, reception, vulnerability assessments and fundamental rights monitoring. To capture this transformation, I introduce the concept of *domestication*, understood as a mode of governance through which humanitarian action is progressively integrated, regulated and functionalised within migration management frameworks. Domestication does not imply the disappearance or repression of humanitarian actors, but rather their incorporation under conditions that constrain autonomy, redefine mandates and align humanitarian expertise with governmental objectives.

The article adopts a perspective grounded in critical border studies, which conceptualise borders not merely as territorial lines but as multifaceted, relational and contested spaces of governance.³ Borders are understood as sites of interaction shaped by everyday

² While this article focuses on humanitarian action at Europe's borders, the dynamics analyzed here are not unique to the European context. As Didier Fassin has argued, contemporary humanitarianism operates as a transnational moral and political rationality that travels across sites and scales, shaping governance practices well beyond any single border or region (Fassin 2012). Many of the tensions discussed in this article can thus be observed at other border sites, particularly across the borders of the Global North, understood as the developed countries of destination of forced migrants from the developing, lower-income countries of the Global South. See Chumir Foundation and the Overseas Development Institute (ODI) 2019, 4-5.

³ From the late 1980s and early 1990s, the understanding of borders has evolved from interpreting borders as fixed territorial lines dividing sovereignties, to the idea of bordering as a set of sociocultural and

practices—or borderwork—through which mobility, protection, exclusion and care are continuously produced and negotiated (Pallister-Wilkins 2015, 2017, Dijkstra and van der Veer 2021). From this perspective, humanitarian action is neither external to border governance nor reducible to a purely corrective or oppositional force. Rather, humanitarian practices unfold within the multiple dynamics of power that are involved at the border ‘as a site of the production of sovereign power but also of resistance and struggles’ (Brambilla and Jones 2019, 3). They emerge within border spaces structured by deterrence, containment and securitisation, while simultaneously intersecting with practices of contestation, critique and moral claim-making that challenge the normalisation of border violence.

In this context, the article pursues two main objectives. First, it analyses how professional humanitarian action at Europe’s borders operates within an increasingly constrained space shaped by three interconnected dynamics: the ambivalent position of humanitarian actors within border regimes, the sustained critique directed at humanitarian practices, and the growing exposure of humanitarian actors to processes of instrumentalisation, criminalisation and political hostility. Rather than treating these dynamics separately, the article examines how they interact to narrow humanitarian autonomy and place humanitarian actors in a position of sustained tension and contestation. Second, the article examines how this constrained humanitarian space is progressively stabilized and institutionalized within European migration governance. It traces processes of instrumentalisation and criminalisation and argues that, under the European Pact on Migration and Asylum, these dynamics culminate in forms of regulated incorporation that the article conceptualises as domestication.

The article is structured as follows. Section 2 examines how professional humanitarian action has become established at Europe’s borders. Section 3 analyses the structural tensions and ambivalences that characterise humanitarian action in border contexts. Section 4 explores humanitarianism as an increasingly contested field at the EU’s external borders, focusing on academic and grassroots critiques. Section 5 analyses institutional attacks on humanitarian action, tracing a shift from instrumentalisation and criminalisation towards domestication within European migration governance. The conclusion reflects on the implications of these developments for the future of humanitarian action and the possibilities of preserving autonomy and ethical integrity in contexts of border violence.

2. The emergence of humanitarian action at Europe’s borders

To understand the growing presence of humanitarian actors at Europe’s borders, it is necessary to clarify what is meant by humanitarian action and to situate this notion historically. A widely used sector definition describes humanitarian action as

the principled provision of assistance and protection in order to save lives, prevent and reduce suffering and preserve people’s dignity in crises arising from armed conflict, hazards and other causes. Humanitarian action is international when these activities involve resources (financial, technical or in-kind) provided by sources in one country to respond to a crisis in another. International humanitarian action excludes responses

discursive processes and practices and has become an interdisciplinary field of study. See Parker and Vaughan-Williams 2012, Brambilla and Jones 2019.

that are fully resourced within the country experiencing the crisis, which fall within the domain of domestic crisis management. (ALNAP 2022, 26)

This definition conceptualises humanitarian action as both principled—grounded in the principles of humanity, neutrality, impartiality and independence⁴—and international, explicitly excluding responses that are fully resourced within the country experiencing the crisis. This understanding closely aligns with the European Union’s own definition of humanitarian aid. Under the European Consensus on Humanitarian Aid, EU humanitarian action is conceived as a needs-based emergency response aimed at preserving life, preventing and alleviating human suffering and maintaining human dignity “wherever the need arises if governments and local actors are overwhelmed, unable or unwilling to act” (European Union 2008, Art. 8). Taken together, these definitions situate humanitarian action outside the core spaces of state sovereignty, as an exceptional response activated in contexts of state incapacity or failure.

Historically, humanitarian action has been most visible in contexts of armed conflict, natural disasters and large-scale displacement, particularly in the Global South. Refugee movements and internal displacement have long constituted key sites of humanitarian intervention, where organisations have operated in camps, informal settlements and protracted crisis settings. In these contexts, humanitarian engagement was conceived as an external and exceptional response to crises occurring outside destination states, and typically took place at a distance from international borders and from the sites where migration control was exercised (Walker and Maxwell 2009).

Against this background, the sustained presence of humanitarian organisations at the external borders of the European Union—where states retain significant capacity and control—represents a notable departure from established understandings of humanitarian action. Rather than responding to crises in distant or weakly governed contexts, humanitarian actors are now operating within highly regulated border spaces that are central to the exercise of state sovereignty. This shift raises fundamental questions about the meaning, scope and limits of humanitarian action in contemporary European border governance (Ticktin 2016).

Within the EU, humanitarian action has historically been conceived primarily as an external policy instrument. According to the European Consensus on Humanitarian Aid and the EU Civil Protection and Humanitarian Aid Operations framework, EU humanitarian action is implemented mainly outside EU territory, in response to crises in third countries, through partnerships with UN agencies, international organisations and humanitarian NGOs (European Union 2008, European Commission 2023). Prior to the mid-2010s, needs arising at Europe’s borders were therefore expected to be addressed through reception systems, asylum procedures and domestic welfare mechanisms rather than through explicitly humanitarian frameworks. This conceptual separation helps explain both the initially limited role of humanitarian organisations in

⁴ Humanitarian action is commonly grounded in four core principles—humanity, neutrality, impartiality and independence—which function simultaneously as ethical commitments, operational guidelines and claims to legitimacy. While interpretations of these principles vary across organisations and contexts, they remain central reference points through which humanitarian actors define the limits of their engagement, negotiate access with authorities and distinguish their work from political, military or security-oriented interventions. See, Peterson (2015), 4-5.

European border contexts and the tensions generated by their subsequent expansion into these spaces.

While the refugee crisis of 2015 was initially marked by a significant strain on reception and asylum systems in several Member States (Guild *et al.* 2015), this moment of institutional overload was relatively short-lived, as arrivals declined significantly after the 2015 peak and EU migration governance progressively stabilised (European Court of Auditors 2019). As European states and EU institutions progressively reasserted control over migration flows, the persistence of humanitarian needs at the borders cannot be explained by a lack of state capacity alone. Rather, it reflects political choices to limit reception, restrict access to protection and prioritise deterrence-oriented responses, despite the availability of institutional and material resources (Solodoch 2021).

2.1. Humanitarian search and rescue at sea

One of the most visible expressions of the expansion of humanitarian action into Europe's border spaces has been the development of humanitarian search and rescue (SAR) operations at sea, particularly in the Central Mediterranean.⁵ From 2014 onwards, and especially after 2015, humanitarian NGOs began to conduct maritime rescue operations in response to escalating deaths at sea and what many organisations identified as insufficient, inconsistent or deliberately reduced state-led rescue capacity.

These operations emerged in a context marked by the reconfiguration and externalisation of state search and rescue responsibilities, alongside the growing prioritisation of deterrence-oriented border control strategies. As state-led rescue missions were scaled back, redirected or delegated to third countries, humanitarian actors committed to the principle of "duty to rescue," stepped in to address a life-saving gap left by national coast guards and international bodies. As several authors have noted, the sea itself became reconfigured as a contested humanitarian space, where legal obligations to rescue, humanitarian imperatives and border control objectives increasingly overlap and collide (Cusumano 2017, Cuttitta 2018a, Mann and Mourão Permoser 2022).

Humanitarian SAR represented a qualitative shift in both the geography and modalities of humanitarian action. By intervening directly in maritime border zones, humanitarian organisations entered spaces that had become central arenas of European migration control, characterised by legal ambiguity, operational fragmentation and intense political scrutiny. The presence of humanitarian vessels at sea thus challenged prevailing assumptions about where humanitarian action should take place and who bears responsibility for saving lives in border contexts.

In operational terms, humanitarian SAR extends beyond the moment of rescue. Humanitarian crews patrol areas of known risk, respond to distress alerts and conduct rescue operations in accordance with international maritime law. Following rescue, they

⁵ According to data from the International Organisation for Migration's *Missing Migrants Project*, by the end of January 2026 at least 33,362 migrants had been recorded as dead or missing in the Mediterranean since 2014, with more than 25,000 deaths occurring along the Central Mediterranean route. See, Missing Migrants project available at: <https://missingmigrants.iom.int/data>

provide emergency medical care, distribute essential items and engage in protection-sensitive practices, including the identification of urgent vulnerabilities and coordination upon disembarkation (Smith 2017, Cusumano 2021).

Stierl (2018) has conceptualised this civilian presence at sea as the emergence of a “humanitarian fleet” composed of professionalised NGOs seeking to prevent deaths in a context where state-led rescue efforts were increasingly subordinated to migration control objectives. According to Salvagno and Jachetti’s (2024) analysis of SAR operations, around a dozen NGO vessels rescued over 110,000 migrants and refugees in distress in the Central Mediterranean Sea between 2014 and 2017, with activity peaking at more than 45,000 rescues per year in 2016–2017, illustrating the scale of civilian humanitarian engagement in maritime search and rescue. From this perspective, humanitarian SAR appears both as a response to immediate humanitarian imperatives and as a reaction to the political reconfiguration of maritime border governance in the Mediterranean. Nevertheless, their operations have faced increasing scrutiny and criminalisation by European Union member state

At the same time, humanitarian SAR operations quickly became the object of intense political, legal and operational contestation. Coastal states increasingly framed NGO-led rescue as problematic, introducing measures such as port closures, vessel seizures, administrative sanctions and restrictive codes of conduct aimed at limiting humanitarian presence at sea (Cusumano and Gombeer 2018, Carrera *et al.* 2023). As Cuttitta (2018b, 640-650) argues, these dynamics reveal how humanitarian rescue has been progressively drawn into struggles over sovereignty, responsibility and control at Europe’s maritime borders.

Critical analyses of maritime bordering further show that humanitarian rescue cannot be understood in isolation from broader transformations in European border governance. Practices of (non-)assistance at sea, the delegation of rescue responsibilities to third countries and the creation of zones of legal and operational uncertainty have contributed to making the Mediterranean a lethal frontier shaped by political choices rather than unavoidable risk. From this perspective, humanitarian SAR emerges as both a response to, and a product of, policies that render mobility increasingly dangerous (Heller and Pezzani 2016, Garelli and Tazzioli 2017).

2.2. Humanitarian action in hotspots and reception infrastructures

Alongside maritime search and rescue, the expansion of humanitarian action at Europe’s borders has taken a second, equally significant form within reception, identification and containment infrastructures. A central site of this expansion has been the EU’s hotspot approach, initially introduced in Greece and Italy as part of the European Agenda on Migration. Hotspots were presented as emergency tools designed to improve coordination and efficiency in the management of arrivals by bringing together EU agencies, national authorities and international organisations in spaces of identification, registration and processing (European Commission 2015, Luyten and Orav 2020).

Empirical research and institutional assessments have consistently documented how hotspot facilities and reception centres generate persistent humanitarian concerns, including overcrowding, inadequate healthcare, protection risks, prolonged containment and limited access to information and legal safeguards (ECRE 2016,

European Court of Auditors 2017, 2019, European Parliament 2023). Rather than constituting short-term emergency responses, many of these infrastructures have become durable components of European border governance, normalising exceptional measures and reduced procedural guarantees in contexts officially framed as temporary or crisis-driven (Campesi 2018, Gerbaudo 2022).

While state authorities and EU agencies focused on registration, processing and migration control functions (Dimitriadi 2017, Pallister-Wilkins 2020), humanitarian organisations played a central role in responding to needs produced by containment-oriented reception policies and by the withdrawal or insufficiency of state-provided welfare, healthcare and social support within hotspot and reception infrastructures. In the Greek islands and Italian disembarkation zones, international organisations and NGOs have provided emergency healthcare, mental health and psychosocial support, protection services, vulnerability assessments, referral mechanisms and legal assistance (UNHCR 2016, Danish Refugee Council 2017, MSF 2021, 35).

Humanitarian engagement in hotspot and reception settings has thus extended beyond material assistance to include protection monitoring, legal counselling and procedural support. Numerous reports have highlighted significant gaps in access to information, effective legal assistance and remedies within accelerated border procedures and detention-like conditions, prompting specialised NGOs to develop initiatives focused on rights monitoring and legal advocacy (Papoutsi *et al.* 2019, Bousiou 2022). Taken together, these developments indicate a significant transformation in the role of humanitarian action at Europe's borders. Hotspots and related reception infrastructures have evolved from emergency arrangements into routine components of European border governance, operating through hybrid configurations that combine assistance, registration, containment and mobility control. Within these settings, humanitarian organisations increasingly function as embedded operational actors, responding to needs generated by containment-oriented policies while simultaneously contributing to the day-to-day management of arrivals.

3. Humanitarian action at the EU's external borders: structural ambivalences

Humanitarian action at the European Union's external borders takes place within a dense and highly politicised landscape shaped by migration control, deterrence-oriented policies and the long-term management of mobility. Far from being external to border governance, humanitarian intervention has become a regular—and in many contexts indispensable—component of the governance of borders, camps and reception systems. Professional humanitarian organisations are routinely relied upon to provide healthcare, shelter, protection and monitoring in contexts where state provision is limited, fragmented or strategically restrained, despite the continued capacity of public authorities to act.

This embeddedness generates a series of structural tensions that shape humanitarian practices, meanings and effects, even in the absence of overt hostility or repression. These ambivalences do not arise from individual moral failures or organisational shortcomings, but from operating within border regimes structured by exclusion, containment and the normalisation of exception (Moreno-Lax 2024). As a result, humanitarian action at the border simultaneously alleviates suffering and risks

contributing—often unintentionally—to the stabilisation of restrictive migration regimes. Examining these tensions allows for a more nuanced understanding of humanitarian action that neither romanticises humanitarianism as a force external to power nor reduces it to mere complicity with state control.

3.1. Emergency framing and the routinisation of exception

Humanitarian intervention at borders is commonly legitimised through the language of emergency. Shipwrecks at sea, sudden arrivals, overcrowded camps and inadequate reception facilities are framed as exceptional situations requiring urgent action to save lives and respond to immediate needs. This emergency framing plays a crucial role in enabling humanitarian presence, mobilising resources and justifying extraordinary legal and operational measures that would otherwise be politically or legally difficult to sustain (Calhoun 2008, Ticktin 2011).

At the EU's external borders, however, humanitarian action increasingly unfolds in contexts where emergency has become structural rather than episodic. Empirical research on hotspots and reception facilities in Greece and Italy demonstrates how spaces initially established as short-term emergency responses have persisted for years, becoming durable infrastructures of migration governance (Pallister-Wilkins 2018, 2022, Gervaudou 2022). A wide body of scholarship has shown how this routinisation of emergency transforms exception into a normalised mode of governing migration (Agamben 2005, Fassin 2012, Davitti 2019).

For humanitarian actors, this temporal dissonance generates a profound tension. While humanitarian intervention remains indispensable for mitigating acute suffering and preventing further harm, operating within frameworks of permanent emergency risks normalising crisis as a stable condition of border governance. Practices designed for short-term response become embedded in long-term systems of containment, contributing to the endurance of spaces characterised by legal liminality, situations of restricted rights, uncertain status and prolonged containment within border procedures (Agier 2011, Campesi 2018, Basilien Gainche 2021) and forms of chronic precarity associated with protracted insecurity and dependency.

3.2. Care and control at the border

A second structural tension emerges from the close proximity between humanitarian action and border control. At the EU's external borders, humanitarian organisations routinely operate alongside police forces, border guards, coast guards and migration authorities. Access to border zones, camps and reception facilities is typically mediated through formal coordination with state actors responsible for enforcing migration policies.

This spatial and operational co-presence produces configurations in which practices of care coexist with practices of control (Moreno-Lax 2018, Pinelli 2018). Humanitarian actors deliver assistance, medical care and protection, while security actors implement policies oriented towards deterrence, containment and exclusion. Rather than existing in opposition, these logics are frequently intertwined in everyday practice. This entanglement has been conceptualised through notions such as humanitarian borderwork and the humanitarian–security nexus, highlighting how humanitarian

rationalities are incorporated into border policing and migration management (Walters 2011, Pallister-Wilkins 2015, Andersson 2017).

Empirical studies of border policing and migration governance in Europe have shown how humanitarian discourses—such as saving lives or protecting vulnerable migrants—are mobilised within enforcement practices themselves, further complicating the boundary between assistance and control (Pallister-Wilkins 2015, Vaughan-Williams 2015). The tension lies in the fact that cooperation with authorities is often necessary to reach people in need, yet such cooperation may blur the distinction between humanitarian assistance and mechanisms of control. Even where organisations seek to maintain independence, their practices are shaped by the institutional environments in which they operate, situating humanitarian presence within the broader apparatus of border governance.

3.3. Conditional access and constrained autonomy

Humanitarian action at the EU's external borders is further shaped by conditions of access that structure the scope and autonomy of intervention. Access to camps, reception facilities and border zones is generally regulated through permits, memoranda of understanding, funding arrangements and coordination mechanisms established by state authorities or international organisations (Tsourdi *et al.* 2022).

These arrangements generate relations of dependency that shape everyday humanitarian practice. Compliance with administrative and operational requirements enables organisations to maintain a presence in critical locations and deliver assistance. At the same time, these access arrangements may shape organisational priorities, constrain operational flexibility and discourage forms of advocacy perceived by state authorities as incompatible with continued access to border spaces and reception facilities. Humanitarian autonomy is therefore not eliminated, but continuously negotiated and constrained through relations of conditional access and tolerance (De Genova 2017, De Bono 2019).

Conditions of access therefore do more than regulate humanitarian presence at the border: they shape the terms under which humanitarian action can be exercised. By conditioning access on coordination, compliance and operational compatibility with migration governance objectives, these arrangements contribute to constraining humanitarian autonomy and integrating humanitarian actors into broader systems of border management.

3.4. Selectivity, vulnerability and hierarchies of deservingness

Another key tension concerns the selective nature of humanitarian intervention at the EU's external borders. Faced with limited resources and operational constraints, humanitarian actors must prioritise assistance, frequently through the identification of categories of vulnerability—such as unaccompanied minors, survivors of gender-based violence or individuals with serious medical needs—who are deemed most deserving of protection (Ticktin 2011, Fassin 2012).

While such selectivity is operationally necessary, critical scholarship has shown that vulnerability does not function as a neutral descriptor of need, but as a classificatory

device that organises access to protection and resources, producing hierarchies of deservingness embedded in broader regimes of migration governance (Sales 2002, Marchetti 2020, Nielsen 2021).

From a governance perspective, these hierarchies are actively produced through humanitarian practices that translate politically generated harm into administrable categories of need. As Agier (2011) argues, humanitarian action operates through processes of categorisation and spatial ordering that render certain populations governable while relegating others to zones of invisibility or neglect. In border contexts, this logic fragments migrant and refugee experiences into differentiated humanitarian profiles associated with uneven forms of protection or abandonment, leaving those who do not conform to recognised vulnerability categories effectively unprotected despite being equally exposed to violence and precarity (Bird 2022).

3.5. Buffering effects and the displacement of responsibility

Humanitarian action at the EU's external borders raises fundamental questions about the allocation of responsibility between state authorities and non-state actors within contemporary border governance. In contexts characterised by restrictive reception policies, limited access to protection and the strategic containment of migrants and asylum seekers, humanitarian organisations are frequently mobilised to address gaps in care, shelter and protection that arise not from a lack of state capacity, but from deliberate political and policy choices (Little and Vaughan-Williams 2017, Cuttitta 2018, De Bono 2019, Gordon and Larsen 2021).

By intervening in these settings, humanitarian actors often perform a buffering function that mitigates the most acute manifestations of harm and prevents humanitarian breakdown in border zones and reception infrastructures (Pallister-Wilkins 2018, MSF 2021). While this role is frequently framed as ethically indispensable, critical scholarship shows that sustained humanitarian engagement may simultaneously enable the externalisation of responsibility and the political management of suffering, stabilising restrictive border regimes by rendering their human costs administrable (Walters 2011, Fassin 2012).

This buffering dynamic⁶ does not simply displace responsibility; it also creates the conditions under which humanitarian action becomes governable, regulable and incorporable within border management frameworks. As the following sections show, these dynamics are progressively formalised under the European Pact on Migration and Asylum through processes of conditional inclusion and legal codification that the article conceptualises as domestication

4. Critique and contestation of humanitarian action at the EU's external borders

Humanitarian action at the EU's external borders has increasingly become the object of contestation. Beyond the structural tensions inherent in its embeddedness within border regimes, humanitarianism itself has been challenged, questioned and, in some cases,

⁶ By *buffering dynamic*, I refer to the structural role played by humanitarian action in mitigating the most acute manifestations of harm and preventing systemic breakdown in border and reception settings, while addressing the consequences of the political and policy choices that produce vulnerability.

directly targeted. These challenges take different forms and operate through distinct logics. Some emerge through academic and political critique, others through normative disagreements within the field of migration support, and others still through legal and administrative repression exercised by state institutions.

Distinguishing between these forms of challenge is analytically crucial. Academic and grassroots critiques articulate forms of delegitimisation grounded in political disagreement, ethical dissent or theoretical analysis. Criminalisation, by contrast, constitutes a qualitatively different intervention: a direct institutional attack exercised through law, policing and administrative power, in which humanitarian actors are transformed into objects of suspicion and punishment. Treating these modes as equivalent risks obscuring the specific violence of criminalisation and normalising the use of law to discipline acts of care.

4.1. Academic critiques: humanitarianism as border governance

A central line of academic critique conceptualises humanitarian action at the EU's external borders as an integral component of border governance rather than as an external response to suffering. This literature challenges the assumption that humanitarianism operates as a neutral or corrective force vis-à-vis migration control. This section therefore focuses on the key arguments that frame humanitarian action as part of border governance, rather than offering an exhaustive review of the literature.

A foundational contribution in this regard is the concept of the *humanitarian border*. Walters (2011) introduced the notion to describe “the reinvention of the border as a space of humanitarian government” (2011, 138). Measures of migration control have transformed border crossing into “a matter of life and death” (Walters 2011, 137). For Walters what is so characteristic of the humanitarian is “minimalist biopolitics”, that is, “entities devoted to monitoring and assisting populations in maintaining their physical existence” (Walters 2011, 143–144). Subsequent work has developed this insight by showing how the humanitarian border is continuously reproduced through institutional practices, narratives and dispositifs that render humanitarianism a routine feature of migration management (De Bono 2019, Novak 2022)

Complementing this structural perspective, the concept of humanitarian borderwork shifts attention to the everyday practices through which borders are enacted. Pallister-Wilkins (2015, 2017) and Dijkstra and van der Veer (2021) analyse how humanitarian practices—such as rescue, triage, care provision or vulnerability assessment—produce borders in action. These studies show how humanitarian actors, alongside police and migration authorities, participate in the continuous making and remaking of borders through routine decisions, affective labour and operational judgments. Humanitarianism thus appears not as a moral counterweight to control, but as one of the modalities through which bordering is performed.

Extending this practice-oriented perspective, Pallister-Wilkins' concept of the humanitarian borderscape shifts the analysis to the spatial and relational configurations within which such practices are embedded. Rather than operating within a discrete or bounded humanitarian space, humanitarian action unfolds across a dispersed and interconnected set of sites—including maritime zones, camps, hotspots, reception infrastructures and transit corridors—structured by regimes of mobility, containment

and legal uncertainty (Pallister-Wilkins 2017, 2022). Humanitarian practice, she argues, is intimately shaped by regimes of im/mobility, responding through limited and provisional forms of care provision. At the same time, mobility remains in persistent tension with humanitarian practice—particularly medical humanitarianism—which depends on fixed spaces and sufficient time to deliver effective and ethically sound treatment (Pallister-Wilkins 2017, 134). Recently Novak (2025) further underscores the productive nature of the humanitarian border to show that it not only produces death and fabricates worlds, but it also constitutes a productive relation with the social context(s) in which it operates producing “other forms of societal ordering, domination, and exploitation” (Novak 2025, 63). Drawing on critical humanitarian studies, Dadusc and Mudu (2022) propose a differentiation between autonomous solidarity and humanitarianism, arguing that while the first is criminalised, the latter is often complicit in the harm and violence of borders.

Within this analytical framework, critiques of non-governmental humanitarian actors have further highlighted the political implications of humanitarian borderwork. Focusing on NGO-led search and rescue operations in the Central Mediterranean, Cuttitta (2019) shows that non-governmental humanitarianism is not external to border governance but structurally entangled with it. While some NGOs seek to challenge restrictive migration policies and repoliticise the border through humanitarian action, their practices may also relieve states of responsibility and provide operational or symbolic support to exclusionary border regimes. Cuttitta thus highlights the ambivalent political effects of non-governmental humanitarian action, which may simultaneously contest and stabilise existing forms of border governance.

Critical security approaches further reinforce this critique. Work on *humanitarian securitisation* shows how humanitarian discourses are mobilised to legitimise exceptional border measures, presenting deterrence and containment as necessary to protect life (Chouliaraki and Georgiou 2017, Stepka 2018). Similarly, the concept of *humanitarian border security* highlights how appeals to protection and life-saving incorporate biopolitical hierarchies that differentiate between lives worth saving and lives exposed to harm (Vaughan-Williams 2015b). Together, these approaches converge in analysing humanitarianism as a rationality of governance embedded within contemporary border regimes rather than as an external moral intervention.

More recently, Jansen (2025) shows that humanitarian action in border hotspots can generate hostile reactions among parts of the local population. Based on the case of Lesbos, he argues that violence against aid organisations cannot be explained solely by far-right mobilisation, but is linked to perceptions of humanitarian actors as complicit in an asylum system experienced locally as producing neglect and exclusion. This highlights the need for humanitarian actors to reflect on how their work is perceived and to explain their role and limits in relation to border and asylum policies.

4.2. *Grassroots and solidarity critiques: refusing humanitarian neutrality*

A second form of contestation emerges from solidarity-based, citizen-led and grassroots initiatives operating at Europe’s borders. Unlike academic critiques, which interrogate humanitarianism primarily as a rationality of governance, these critiques are grounded

in situated practices of assistance and political engagement by actors who intervene directly in contexts of border violence.

While *citizen humanitarianism* and *solidarity activism* are sometimes used interchangeably, the literature draws an important analytical distinction between them. Citizen humanitarianism typically occupies an ambivalent space between aid and political engagement, driven by ethical motivations while articulating political claims only implicitly (Jumbert and Pascucci 2021). Solidarity activism, by contrast, explicitly frames assistance as political action grounded in critique and resistance, rejecting humanitarian neutrality and confronting border regimes and state authorities (Cantat 2016, Rozakou 2017).

Ethnographic research shows how these critiques are articulated through everyday practices at the border. Rozakou's work on solidarity initiatives in Greece documents how volunteers rejected the language of aid and service provision in favour of horizontality, shared responsibility and political accountability, criticising humanitarianism for reproducing hierarchical relations compatible with violent border regimes (Rozakou 2017).

Research on citizen humanitarianism further highlights the political significance of ordinary acts of help. Jumbert and Pascucci (2021) show how non-professional citizens intervene in moments of moral urgency, unsettling state monopolies over care and responsibility while exposing the limits of humanitarian neutrality in the face of border injustice. At the same time, studies caution against romanticising solidarity. Research on grassroots initiatives in Calais, the Aegean islands and along the Balkan route highlights internal differentiation and power relations, including racialised assumptions, gendered divisions of labour and unequal access to resources (Sandri 2018, Brković *et al* 2021). Grassroots actors also operate under conditions of precarity, navigating tensions between resisting professionalisation and the need to coordinate and formalise.

A recurrent axis of grassroots critique concerns the professionalisation and institutionalisation of care. Solidarity actors oppose the bureaucratisation of assistance and donor-driven coordination mechanisms, perceived as depoliticising and controlling, directing critique not only at humanitarian principles but at the organisational forms through which humanitarianism is governed.

These critiques do not call for the abandonment of humanitarian action but articulate a refusal of neutrality and a demand for political positioning. However, actors who openly contest border controls are often disproportionately exposed to criminalisation and administrative harassment, occupying a precarious position at the intersection of humanitarianism and repression.

5. Instrumentalisation, criminalisation and domestication of humanitarian action at the EU's external borders

Over the past decade, humanitarian rationales centred on saving lives, protection and vulnerability have become increasingly embedded in EU border governance. Rather than signalling a humanitarian turn in migration policy, this development reflects a reconfiguration through which humanitarian language, obligations and practices are incorporated into the exercise of border control. This dynamic has been described as

governmental humanitarianism, capturing the ways in which humanitarianism becomes a functional element of migration management rather than an external corrective to it.

As Cuttitta (2019) argues, humanitarian and protection-oriented discourses operate not as constraints on border control, but as justificatory frameworks that legitimise deterrence, containment and externalisation. Appeals to rescue and protection transform border violence into a humanitarian problem to be managed, displacing political responsibility while rendering restrictive practices ethically defensible. Humanitarian concern is thus mobilised to support, rather than challenge, border regimes primarily oriented towards control.

Legal analyses further show how this logic operates through increasingly human-rights-friendly narratives that frame migrants as victims in need of protection while depicting interception and containment as life-saving interventions. As Moreno-Lax (2018, 119) demonstrates, humanitarian imperatives are actively mobilised to justify practices that restrict access to territory and asylum, allowing border control to be articulated as a moral response to humanitarian risk rather than as a source of harm.

At the discursive level, humanitarian narratives contribute to shaping public and political understandings of border violence. Appeals to protection and emergency frame suffering and death at the border as tragic but unavoidable outcomes of dangerous journeys, rather than as the foreseeable effects of policy choices. Border violence is translated into a humanitarian problem to be managed, rather than a political issue of accountability and responsibility. In this sense, humanitarian language operates as a moral vocabulary that stabilises restrictive regimes by rendering practices of exclusion ethically defensible and politically palatable.

Importantly, this instrumentalisation is selective and conditional. Humanitarian action is facilitated and incorporated insofar as it aligns with governance objectives and remains compatible with deterrence-oriented policies. By contrast, practices that politicise care, refuse neutrality or openly contest border controls are increasingly marginalised or rendered suspect. It is at this point that instrumentalisation intersects with criminalisation. Humanitarian and solidarity actors who exceed the boundaries of authorised care are subjected to legal scrutiny, administrative obstruction and, in some cases, prosecution, as acts of assistance are reframed as facilitation, collusion or security threats.

The instrumental incorporation of humanitarian language into border governance has been accompanied by a parallel process of criminalisation targeting humanitarian and solidarity practices that exceed authorised forms of care (Fekete 2018). Across Europe, individuals and organisations providing assistance to migrants and asylum seekers have increasingly been subjected to criminal prosecution, administrative sanctions, surveillance and judicial harassment (Carrera *et al.* 2016, Fernández-Bessa and Mendiola 2024). This development reflects the expansion of security and penal rationalities within migration governance, in which acts of assistance are reinterpreted through logics of suspicion, risk and threat (Bigo 2002).

Acts such as search and rescue at sea, providing shelter, food or transportation, offering legal assistance or accompanying migrants through administrative procedures are increasingly reframed as facilitation of irregular migration, smuggling or threats to

public order. PICUM (2025) documents how these practices are recoded through criminal law and administrative regulation, transforming acts of care into suspect activities subject to policing and punishment. From this perspective, humanitarian and solidarity actors are assessed not in terms of harm prevention or legal obligation, but according to their perceived impact on border control objectives.

These dynamics can be situated within the broader framework of *crimmigration*, a concept describing the increasing convergence between migration control and criminal law (Stumpf 2006, Brandáriz 2024).⁷ As socio-legal scholarship shows, border enforcement increasingly relies on penal techniques that extend beyond migrants themselves to encompass those who assist them, producing a form of border penalty — that is, the use of criminal law and punitive measures as instruments of migration governance — that governs both mobility and solidarity through criminalisation (Franko 2020). The criminalisation of humanitarian and solidarity practices thus appears not as an unintended side-effect, but as a structural feature of contemporary border regimes.

Empirical evidence confirms the scale and systematic character of this process. According to PICUM (2023), more than one hundred individuals were criminalised for helping migrants in the European Union in 2022 alone, through criminal charges, fines, administrative penalties or the opening of investigations. Importantly, most of these cases did not result in convictions. Instead, criminalisation often operates through prolonged legal uncertainty, vessel seizures, financial and psychological pressure, reputational damage and the disruption of humanitarian activities.

Within this context, De la Orden (2025) examines how *crimmigration* are increasingly extended to civil society actors in the European Union, situating the criminalisation of solidarity within broader transformations of migration governance and penal power. His analysis shows how practices of assistance, support and human rights defence are progressively incorporated into security frameworks originally designed to police migration, blurring the boundary between border control and the repression of civic and rights-based engagement.

Criminalisation operates selectively and unevenly. Humanitarian action is tolerated, and at times even facilitated, insofar as it remains aligned with state objectives, confined to emergency relief and refrains from contesting border policies. By contrast, practices that politicise care, refuse neutrality, document abuse or obstruct deterrence measures are more likely to be targeted. In this sense, criminalisation functions as a disciplinary mechanism that distinguishes between “acceptable” humanitarianism and forms of solidarity deemed excessive, disobedient or politically disruptive.

The implications of this process are profound. Criminalisation undermines core humanitarian principles such as independence and impartiality by conditioning legality and access on compliance with migration control objectives. It also reshapes humanitarian space itself, transforming acts of care into sites of legal risk and moral

⁷ Academic debates on the criminalisation of mobility have gained increasing prominence over the past two decades. In this context, a growing number of scholars have adopted the thesis of *crimmigration* to analyse recent transformations in migration control. This theoretical perspective argues that migration (administrative) law and criminal law have progressively converged, leading both to the criminalisation of migration-related offences and to the imposition of migration sanctions in cases involving crimes committed by non-citizens. See Stumpf 2006 and Brandáriz 2024.

suspicion. In this sense, criminalisation marks a qualitative shift from critique and delegitimisation towards coercive governance, in which law and penal rationalities are mobilised not to protect humanitarian action, but to delimit, domesticate and, in some cases, suppress it.

Beyond criminalisation, processes of *domestication* of humanitarian action are significantly deepened and formalised under the European Pact on Migration and Asylum. Rather than excluding humanitarian actors from border governance, the Pact restructures their role by embedding humanitarian practices within legally defined and tightly regulated operational frameworks. Legal and policy analyses of the Pact underline that it consolidates a model of permanent border governance in which exceptional measures are normalised and humanitarian action is incorporated as a functional component of migration control rather than as an external safeguard (Cassarino and Marin 2022, Tsourdi 2022, Moreno-Lax 2024).

This dynamic is particularly visible in the Screening Regulation (Regulation (EU) 2024/1356), which establishes mandatory pre-entry screening procedures at the external borders. Articles 5–14 institutionalise accelerated identification, security checks, health assessments and vulnerability detection under conditions of containment and severely compressed timelines. While the Regulation is framed in the language of fundamental rights safeguards (Recitals 20–24), legal commentary highlights how screening creates a legally stabilised space of reduced guarantees in which humanitarian actors are expected to contribute to care provision and vulnerability identification without altering the underlying logic of filtering and exclusion (Moreno-Lax 2024, 79–185, Apatzidou 2025, 205–210).

Similarly, the Asylum and Migration Management Regulation and the revised Border Procedures Regulation (Regulation (EU) 2024/1348) expand the use of border procedures as a default mechanism for processing asylum claims. Articles 41–43 of the Border Procedures Regulation normalise accelerated decision-making and *de facto* containment at the border, while humanitarian organisations are channelled into narrowly circumscribed roles related to reception support, basic assistance and vulnerability assessments. These arrangements absorb humanitarian language and actors into control-oriented legal architectures, transforming protection into an operational tool of migration management rather than a constraint upon it (Moreno-Lax 2024, 179–183, 195–198).

National implementation plans further reinforce this domestication. As reflected in the Spanish National Implementation Plan of December 2024, humanitarian organisations are explicitly integrated into screening and reception infrastructures as service providers operating within state-led coordination frameworks. Access to border spaces, funding and operational continuity are conditioned on compliance with procedural timelines, reporting duties and coordination requirements, effectively subordinating humanitarian practice to the objectives of orderly and efficient migration management (Spanish Ministry of Inclusion 2024, sections 3.2 and 4.1).

Domestication therefore operates through conditional inclusion rather than overt repression. Humanitarian action is facilitated insofar as it remains technical, neutral and aligned with the regulatory architecture of the Pact. Practices that exceed these parameters—by politicising care, contesting border procedures or exposing structural

rights violations—are displaced towards criminalisation or exclusion. In this sense, domestication and criminalisation function as complementary strategies within the governance framework of the Pact, structuring a differentiated humanitarian field between compliant incorporation and coercive discipline. In this configuration, humanitarian action becomes neither an external critic nor a purely repressed actor, but a managed and differentiated component of contemporary border governance.

6. Conclusion

Humanitarian action at the EU's external borders cannot be understood as a response external to migration control, but as a practice increasingly embedded within regimes of crisis governance. Rather than approaching humanitarianism as either a corrective to border violence or a mere instrument of control, I have argued that humanitarian action occupies an ambivalent and structurally constrained position, shaped by overlapping logics of care, security and governance.

By tracing the expansion of humanitarian practices across search and rescue operations, hotspot infrastructures and reception systems, the analysis has shown how humanitarian intervention has become central to the management of borders characterised by deterrence, containment and the routinisation of emergency. In these contexts, humanitarian action responds to suffering while simultaneously operating within legal and policy frameworks that actively produce vulnerability. This tension is not accidental, nor reducible to organisational choices, but reflects the structural conditions under which humanitarianism is mobilised at Europe's borders.

Academic and grassroots critiques question humanitarian neutrality and expose humanitarianism's entanglement with border governance through processes of analytical and moral delegitimisation. Criminalisation, by contrast, represents a qualitative shift in which humanitarian and solidarity practices are directly subjected to legal and penal control. Treating these dynamics as equivalent risks obscuring the specific violence of criminalisation and the role of law in disciplining acts of care.

Building on this distinction, the concept of *domestication* captures a further transformation in the governance of humanitarian action under the European Pact on Migration and Asylum. Domestication does not operate through exclusion or repression, but through conditional inclusion. Humanitarian practices are incorporated into legally codified and operationalised frameworks that normalise accelerated procedures, containment and restricted access to rights. In this process, humanitarian action is reshaped as a managed component of migration governance, expected to deliver care, vulnerability assessments and basic assistance without contesting the political and legal arrangements that generate humanitarian need.

Conceptualising *domestication* as a distinct mode of governance allows us to move beyond binary readings of humanitarianism as either complicit or resistant. It highlights how humanitarian action is differentiated, stratified and disciplined through a combination of instrumentalisation, criminalisation and regulated incorporation. Importantly, domestication does not replace criminalisation; the two operate together, structuring a humanitarian field in which some forms of care are authorised and facilitated, while others are rendered suspect or punishable.

One implication of this analysis concerns the limits of humanitarian neutrality in contexts where border violence is not the result of state incapacity, but of deliberate political choice. At the EU's external borders, humanitarian need is not produced by the absence of governance, but by highly developed legal and administrative regimes oriented towards deterrence and exclusion. In such settings, claims to political neutrality become increasingly difficult to sustain, as humanitarian action is systematically drawn into frameworks that manage, rather than prevent, harm.

This does not imply that humanitarian actors should abandon care-based interventions, nor that humanitarianism should be replaced by advocacy alone. It does, however, suggest that the separation traditionally drawn between humanitarian action and human rights work becomes increasingly blurred at Europe's borders. As protection is rendered operational and conditional, humanitarian actors face growing pressures to engage in practices of documentation, denunciation and rights-based accountability traditionally associated with human rights organisations. This convergence emerges not as a strategic or normative choice, but as a response to governance contexts in which suffering is actively produced and legally stabilised.

Ultimately, the *domestication* of humanitarian action points not to the end of humanitarianism at the border, but to its reconfiguration as a tightly governed and politically managed practice. Understanding this transformation is essential for assessing the shifting relationship between humanitarianism, law and political responsibility under conditions of permanent crisis governance.

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