VULNER

Lived Vulnerabilities in Asylum and Migration

Confronting the 'Vulnerability' Label with Migrants' Experiences

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Max Planck Institute for Social Anthropology

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About this Publication

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Work Package 1 | Additional Deliverable

EXECUTIVE SUMMARY

This report introduces the seven country reports that were produced as part of the VULNER project to understand migrants' experiences of their vulnerabilities, and how they are shaped by the existing legal frameworks governing access to 'protection' (broadly understood as including a legal status, such as the refugee status, and access to dedicated services, such as temporary housing for asylum seekers). These reports were drafted following the second research phase of the VULNER project, which focussed on documenting and analysing migrants' experiences. They follow a first research phase, during which the laws and practices through which institutional actors assess vulnerabilities were documented and analysed in each of the countries under study.

The countries under study are located in Europe (Belgium, Germany, Italy and Norway), Africa (Uganda), the Middle East (Lebanon) and North America (Canada) – thereby mixing Western countries with developing ones in order to draw lessons from the long-standing tradition of mobilizing 'vulnerability' as a criterion to identify aid beneficiaries in first countries of asylum. Such lessons are particularly useful when seeking to assess the promises, challenges, and pitfalls of the increasing trend of assessing vulnerabilities as part of asylum proceedings in Europe.

The first research phase revealed the various functions played by the concept of 'vulnerability' in legal reasoning in Europe, from identifying specific needs as part of the asylum process and when giving access to reception services, to including positions of 'vulnerability' as a relevant consideration when assessing the risk of persecution and ill-treatment in countries of origin. Based on the analysis of legal sources and administrative guidelines, as well as interviews with decision-makers on the ground (social workers, public servants in charge of deciding on asylum applications, asylum judges, etc.), the first VULNER reports showed the challenges, constraints, and limitations they face when seeking to address vulnerabilities among migrants seeking protection. Taken together, they demonstrated the transformations that the notion of 'vulnerability' undergoes as it becomes a legal and bureaucratic category that guides decision-making processes. They hinted at a disconnect between migrants' experiences of their vulnerabilities on the one hand, and on the other how they are translated in law and considered through the practices of state actors.

The second research phase thus sought to analyse how migrants seeking protection experience their vulnerabilities: what do they identify as their main life challenges? To this end, a field research was conducted, combining on-site observations with interviews with migrants and other relevant practitioners, such as NGO case workers. When analyzing the collected data in each corresponding country report, particular attention was given to the temporality of experiences of vulnerability; to the intersection between individual characteristics (such as health or gender), personal circumstances (such as the migration

journey and past persecutions), and structural factors (such as the rules governing the organization of asylum processes and reception conditions, and asylum and migration movements more broadly); and to how migrants exercise their agency in view of overcoming their vulnerabilities and navigating obstacles to their mobility.

This report builds on the analyses that were made by each of the VULNER project partners within their respective fields. It connects them with the main findings of our project's first research phase, and it shows how they empirically document the risks and challenges resulting from the use of 'vulnerability' as a tool for asylum and migration governance. Better consideration of migrants' vulnerabilities bears the promise of enhancing the connection between state practices and migrants' experiences, thereby supporting the implementation of asylum and migration laws and policies through operational norms, standards, and practices that rest on an appropriate understanding of the realities on the ground that they seek to govern and regulate. At policy-making level, adequate attention to migrants' vulnerabilities, including how these can also be the result of and/or exacerbated through some political choices, also carries the promise of sustaining the development of asylum laws and policies that give appropriate consideration to migrants' protection needs.

Yet, these promises go with pitfalls. These include reducing migrants' vulnerabilities to some strictly defined individual and bodily characteristics, without considering experiences of vulnerability in their situated and relational dimensions; and overlooking migrants' abilities at developing coping strategies, including by navigating obstacles to their mobility, thereby essentializing them as passive and innocent victims. Such pitfalls risk sustaining, in turn, state norms and practices that confine attention to migrants' vulnerabilities to yet another selective bureaucratic category, thereby contributing to the inflation of legal categorisations that limit and reduce migrants' care to a contingency. They also risk perpetuating excessively moralized outlooks on migrants' experiences, thus feeding emotional political debates that oppose stereotypical figures of 'migrant victims' and 'migrant perpetrators'.

In view of reducing such risks, operational practices and policymaking debates should acknowledge the primacy of legal standards over considerations of migrants' vulnerabilities. Only then could 'vulnerability' become an appropriate conceptual tool for use in designing operational standards, measures and strategies that accompany the implementation of legal standards in individual cases, and that guide how decision-makers on the ground make use of their leeway when implementing the law on a daily basis. If not, the current trend of emphasizing the protection needs of the most vulnerable migrants, asylum seekers, and refugees will fall into the trap of humanitarianism – focussing on compassion and deservingness, and ultimately reducing migrants' fundamental rights to peripheral and exceptional considerations.

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INTRODUCTION. WHO IS 'VULNERABLE'?

There is a widespread trend, in the legal and policy discourse on asylum and migration at the EU and UN levels, to emphasise the need to adopt specific protection measures towards vulnerable migrants and refugees. For example, the UN Global Compact for Migration requests that states address the 'vulnerabilities' of migrants in the implementation of its objectives, and that they refrain from adopting policies and practices that increase migrants' vulnerabilities (G.A. Res. 73/195, objectives 5; 9,b; 10,e; 11,a; and 15,b). The Global Compact on Refugees similarly calls on states to address the special needs of vulnerable refugees (G.A. Res. 73/12, paras. 59-60). In the EU, the Directives that harmonise the reception conditions for asylum seekers and the asylum procedures notably contain provisions towards vulnerable asylum applicants (Dir. 2013/33/EU; Dir. 2013/32/EU).[2] The EU New Pact on Migration and Asylum announces additional measures for vulnerable asylum seekers and refugees.[3] The ECtHR is also increasingly relying on 'vulnerability' as a relevant consideration when deciding on asylum and migration cases (see, e.g., App. 30696/09 M.S.S. v. Belgium and Greece).

But who is 'vulnerable'? The VULNER project was aimed at producing scientific data and analyses that support policymakers in tackling that question, through a field level approach that focusses on the implementation of migration and asylum laws and policies: does the overall emphasis on the special protection needs of 'vulnerable' migrants trickle down to the operational level, and if so, how? How do migrants experience their vulnerabilities? The ultimate objective was to contribute to critical thinking on the promises, challenges, and pitfalls of the increased reliance on 'vulnerability' as a tool for migration and asylum governance.

This report introduces the second series of the VULNER country reports, which present the results of our project's second research phase. During that phase, ethnographic fieldwork

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[2] See also the Return Directive, which requires EU member states to take the special needs of vulnerable migrants into consideration when implementing return procedures (Dir. 2008/115/EC), and the Directive on Human Trafficking, which requires a vulnerability assessment to identify the victims of human trafficking and to determine if they were abused and taken advantage of (Dir. 2011/36/EU).

[3] New measures, which are still under discussions at the time of writing, include a new systematic border screening procedure that includes the identification of vulnerabilities (COM, 2020, 612fin), and a Union Resettlement Framework to increase EU involvement in resettlement programmes that benefit the most vulnerable refugees (COM, 2016, 468fin).

and 657 interviews with migrants seeking protection were conducted in each of the countries under study. The objective was to understand the main determinants of migrants' experiences of their vulnerabilities. This complements the initial research phase, which studied the institutional norms and practices used in assessing and addressing vulnerabilities among the migrants seeking protection. We did so based on the analysis of the relevant legislation, court cases, and administrative guidelines, combined with 216 interviews with ground level decision-makers (including social and aid workers, and public servants in charge of deciding on applications for a residence permit on protection grounds) and other practitioners (such as NGO case workers). The results were presented and discussed in a first series of VULNER country reports.[4]

The objective of this report is to contextualise the findings from the VULNER country reports within our project's overall theoretical and methodological framework, to highlight the main common threads among the country findings, and to connect them in view of drawing lessons on the promises, challenges, and pitfalls of mobilising 'vulnerability' as a tool for asylum and migration governance in Europe.

Our project rested on a collaborative structure, and each partner enjoyed the necessary leeway to adapt their research to their field specificities. Common research tools were nonetheless established with a view to guaranteeing the overall coherence of the research, as well as the consistency of the research results. The common research tools were established by the scientific coordinator, based on the input and feedback from the VULNER project partners with whom he met regularly to steer the research.[5] This report should therefore be read as a gateway to the country reports, which provide their own analyses and conceptualisations of the vulnerabilities that are experienced by the migrants seeking protection.

The first section recalls the VULNER project's overall research objectives, geographical scope, and methodology. It also introduces the common tools that were developed to support the implementation of the research tasks by the project partners **(Section 1)**. The second section summarizes the main findings of the first research phase and shows how they informed the design of the fieldwork for the second research phase **(Section 2)**. The main common threads among the second country reports are then highlighted **(Section 3)**.

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[4] The first VULNER report series can be consulted on https://www.vulner.eu/115831/Research-Reports. It includes reports on Belgium (Sarolea, Raimondo, and Crine, 2021), Canada (Kaga, Nakache, Anderson, Crépeau, Delisle, Fraser, Frenyo, Purkey, Soennecken, and Tanotra, 2021), Germany (Kluth, Heuser, Junghans, 2021), Italy (Marchetti and Palumbo, 2021), Lebanon (El daif, Shuayb, and Maalouf, 2021), Norway (Liden, Schultz, Paasche, and Wessmann, 2021), Uganda (Nakueira, 2021), as well as an introductory report (Leboeuf, 2021). The Canadian report didn't include interview data, as interviews couldn't be conducted at the time because of COVID related restrictions.

[5] Catherine Brun (Centre for Lebanese Studies; in charge of the work package on Lebanon), Winfried Kluth (Martin Luther University of Halle Wittenberg; WP on Germany), Hilde Liden (Norwegian Institute for Social Research, WP on Norway), Sabrina Marchetti (Ca' Foscari University of Venice, WP on Italy), Delphine Nakache (University of Ottawa, WP on Canada financed by a matching funding of the SSHRC-CRSH), and Sylvie Sarolea (Catholic University of Louvain – UCLouvain, WP on Belgium).

Based on these findings, the last section reflects on the conceptual challenges that are likely to arise when mobilizing 'vulnerability'[6] among the standards that guide asylum and migration governance, as well as the (dis)advantages of such an approach when it comes to developing state norms, practices, and processes that adequately reflect and consider migrants' experiences **(Section 4)**.

1. The VULNER Project

The VULNER project gathers research partners across Europe (Belgium, Germany, Italy, and Norway), in Canada, and in Lebanon. Our objective was to unpack the multiple bureaucratic uses and mobilisations of 'vulnerability' as part of the daily practices of institutional actors in charge of migrants' protection (such as social and aid workers, and public servants and asylum judges in charge of deciding on asylum applications): how do they assess vulnerabilities? It was also to compare their practices with migrants' experiences of their vulnerabilities: what are their main life challenges?

The VULNER project partners therefore focussed on migrants seeking 'protection', which we understood in a broad sense (1.1.). The research combined Western countries and developing countries, so as to draw lessons from the long-standing uses of 'vulnerability' as a standard to design and implement humanitarian programmes towards refugees in the first countries of asylum (1.2.). We approached 'vulnerability' from two distinct conceptual perspectives: as a legal concept, and as an analytical concept that serves to analyse migrants' experiences. We thereby adopted an interdisciplinary approach that combined the theoretical (doctrinal) analysis of the law with the socio-anthropological study of its operationalistion by institutional actors on the ground, and of migrants' lived realities (Foblets, Gaudreault-DesBiens, and Graziadei, 2022) (1.3.). To guarantee the overall coherence and consistency of the research, as well as the observance of research ethics, a set of common tools were established among the project partners (1.4.).

1.1.   A Focus on Migrants' 'Protection'

The VULNER project focussed on the implementation of vulnerability assessment processes and practices, as part of current legal and bureaucratic procedures to obtain a residence permit and benefit from specific services on 'protection' grounds. 'Protection' was broadly understood as 'a concept that encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of human rights, refugee and international humanitarian law', in line with the definition provided in the EMN Glossary (EMN Glossary, 2020).

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[6] When referred to as a concept, vulnerability is used with quotation marks.

The objective of such a broad understanding of 'protection' was to adequately reflect domestic specificities, by including within the research scope the great variety of residence permits on humanitarian grounds that have been developed at the domestic level beyond simply refugee status, when their operationalisation requires vulnerability assessments that have been formalised to varying degrees through dedicated bureaucratic processes. It was also intended to avoid falling into the trap of 'categorical fetishism' (Crawley and Skleparis, 2017). This would have blinded us to the protection needs and experiences of vulnerability that do not constitute grounds for granting refugee status, but which have nonetheless been addressed by states through regulations and practices other than those resulting from the 1951 Refugee Convention.

Hereafter, when referring to 'protection', I thus include both the protection statuses (i.e. the legal status that can be obtained by migrants in need of protection, such as refugee status) and the protection services (i.e. the state assistance and support to migrants in need of protection, such as housing, health care, etc.).

1.2. The Geographical Scope of the VULNER Project

The research focussed on 7 countries located in Europe (Belgium, Germany, Italy, and Norway), North America (Canada), the Middle East (Lebanon), and Africa (Uganda). These countries were selected with a view to reaching a comprehensive understanding of the two main bureaucratic contexts in which vulnerability assessments are carried out and implemented as part of institutional responses to migrants' protection needs.

First, the research conducted in Lebanon and Uganda allowed us to study the vulnerability assessments which are developed as part of humanitarian aid programmes for refugees in first countries of asylum. Lebanon and Uganda were selected as they both are faced with protracted displacements and host large numbers of refugees, but they address them through different laws and policies: Uganda is often hailed as a model by the international community for its refugee law framework, which duly implements the 1951 Geneva Convention (UNHCR, 2018). Lebanon, by contrast, is not a party to the 1951 Geneva Convention, and it does not grant refugees a legal status (Janmyr, 2016).

Second, the research conducted in the Western countries in Europe and beyond (Belgium, Germany, Italy, Norway, and Canada) allowed us to analyse the mainstreaming of 'vulnerability' assessments as part of institutional responses to asylum and migration movements, for example, when identifying specific reception and procedural needs, and when evaluating the conditions for obtaining a legal status on protection grounds.[7] In

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[7] The processes studied are mainly the asylum process. When relevant in the domestic context, because vulnerability assessments are key elements in their implementation, the project partners included other processes within their study's scope (such as humanitarian provisions for the most vulnerable migrants, or for victims of human trafficking).

Canada, there is a long-standing tradition of establishing guidelines on how to address the special needs of vulnerable applicants, as part of asylum processes and other relevant processes to obtain a residence permit on protection-related grounds (Nakache, Purkey, Anderson, Tanotra, Soennecken, Sagay, Hajjar, Yousuf, Crépeau, 2023, p. 24). The EU countries were selected in view of including a mix of countries of first entry to EU territory (Italy) and of countries that are located higher up on the main migration routes to Europe (Belgium, Germany, and Norway). Although not an EU member state, Norway was included as a state associated with the Schengen Agreement, and which despite not being bound by the EU acquis on asylum and migration has developed similar asylum legislations and practices (Brekke and Staver, 2018).

The focus on these two very different bureaucratic contexts (humanitarian aid programmes towards refugees, and asylum and migration processes) served to acknowledge the humanitarian roots of 'vulnerability', which has long been mobilised as an indicator to guide the development and implementation of humanitarian aid programmes at the EU and UN levels, and as a standard to evaluate their results. In this policy context, the objective is to better target the aid funding by measuring the 'vulnerabilities' of aid beneficiaries that should be addressed so as to enable them to achieve self-reliance. In its 2016 Communication entitled 'Lives in Dignity: from Aid-dependence to Self-reliance', for example, the EU Commission states that when targeting situations of protracted displacement, there is a need for humanitarian interventions that are tailored to the vulnerabilities of the aid beneficiaries:

> (…) when designing interventions actual vulnerabilities should prevail (…). The specific protection needs of the forcibly displaced must be addressed, based on their gender, age and disability as well as their politics, ethnicity, language, caste origin, religion and/or sexual orientation. A 'one-size-fits-all' approach is therefore not workable. (COM, 2016, 234 final)

Any attempt at better understanding the current trend of increased reliance on vulnerability assessments, as part of current processes to obtain protection in Western countries, thus requires acknowledging how the notion has travelled across these policy spheres. When concepts travel, they undergo transformation as they receive different functions (Bal, 2002), but they also keep some of their implied meanings and assumptions. As demonstrated below (Section 4.2.), unveiling these implicit meanings and the transformation processes at play is key to reaching a better understanding of the likely consequences, on the ground, of the policy decision to mobilise vulnerability as a conceptual tool for asylum and migration governance – and to forecasting implementation issues.

1.3.   A Field-Level Approach to 'Vulnerability'

We did not start out from any preconceived definition of 'vulnerability', which would limit the research scope to certain groups and people who are generally considered vulnerable, such as children. Rather, our project adopted a field-level perspective on 'vulnerability', which it approaches through the perspectives of actors on the ground: how is 'vulnerability' defined in the relevant legal and bureaucratic instruments, and what specific meanings does it receive in the practices of the actors that operationalise them? What circumstances do migrants identify as the main determinants of their experiences of 'vulnerability'?

The reason for not limiting the analysis to migrants' own experiences of their vulnerabilities was to better account for the constant interactions between these experiences and the legal frameworks. Confronting the legal frameworks with migrants' experiences contributed to understanding 'vulnerability' as a legal and bureaucratic category, and how this in turn shapes migrants' experiences. It allowed us to acknowledge and take stock of the legal and bureaucratic evolution that translates broader policy-making choices into institutional practices on the ground.

1.4.   The Common Research and Ethics Tools

The VULNER project rested on each research partner's own defined conceptualisations and research methods, which they developed with a view to addressing the research objectives and within the project's overall theoretical and methodological framework. An equilibrium had to be found between excessive streamlining of the research, which would run counter to its objective of studying practices on the ground (that require consideration of local specificities), and sufficient consistency that allows us to identify common findings and engage in a comparative exercise. To this end, some common research and ethics tools were established.[8]

No common interview guide was established. Instead, an overall document outlined the main broad research questions to be addressed throughout the fieldwork, thus leaving each partner with ample freedom to develop their own interview guides in ways that appropriately reflect the specificities of their field (if they wished to do so, given that some ethnographers prefer to avoid working with pre-defined questions in order to give themselves maximum flexibility when conducting interviews).

Each project partner decided on how to organise their fieldwork, including by identifying the field sites and taking decisions on how to combine data from semi-directed interviews with observations on the ground and casual encounters. While research participants were

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[8] These tools were established based on the feedback and inputs of the project partners, during regular meetings that were organised by the project coordinator with the VULNER team leaders throughout the project (Cathrine Brun, Winfried Kluth, Hilde Liden, Sabrina Marchetti, Delphine Nakache, and Sylvie Sarolea).

asked to include a mix of state actors and other relevant practitioners (such as NGO case workers) involved in the operationalisation of migration and asylum laws and policies, as well as migrants, each partner freely decided on whom to interview. This way, they could be guided by the field specificities, and remained open to casual encounters.

Common tools were established to guide the data storage and collection processes, with particular attention to research ethics.[9] The project greatly benefited from the assistance of Anthony Good, who acted as the dedicated independent ethics advisor throughout its implementation. He regularly took part in the project's events and internal meetings, and gave advice as needed on which elements to consider when addressing specific ethical conundrums to avoid causing any harm to the research participants – including identifying the moments when a casual fieldwork encounter turns into a more formal interview, thus requiring the researchers to produce a consent form. Various tools were placed at the disposal of the project partners to guarantee the confidentiality of the research participants who did not wish to disclose their identity (or when ethical assessments showed that disclosing their identity would cause them harm), including consent forms, an encrypted online cloud, and a data collection protocol detailing the precautions to follow when storing the data in the dedicated spreadsheets (pseudonymisation, etc).

Moreover, templates were established for the research reports. The objective was to refine 'vulnerability' as an overall analytical angle by combining it with three other conceptual frameworks, which were identified as particularly relevant based on a review of the literature and the research results from the first research phase: agency, intersectionality, and temporality **(Appendix 1)**.

This analytical framework, as well as the main common findings of the fieldwork, are detailed below after a brief reminder of the main common findings from the first research phase.

2. 'Vulnerability' in Law and the Implementing Practices. Between Special Needs and Flexibility

During the first research stage, the data collection process was focussed on documenting and analysing the mobilisations of 'vulnerability' in the domestic laws of each of the countries under study, and in the practices of street-level bureaucrats, that is, the state actors who are in direct contact with the public and decide on individual cases (Lipsky, 1980). The following main research questions were addressed: Did the overall legal and policy

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[9] The common ethics instruments included a detailed ethics strategy, which stated the principles that need to be considered throughout the research so as to implement the 'do not harm' principle. Common models of consent forms and information sheets were also developed, depending on the various research participants' profiles (they were adapted by some of the teams to meet the additional and specific requirements of their own ethics review board, and were translated). The researchers were also offered the possibility to record oral consent. The ethics instruments were approved by the ethics review board of the Max Planck Society, and of each of the project partners' institutions.

focus on 'vulnerability' at the EU and UN levels trickle down to concrete state practices (and, in the case of Lebanon and Uganda, practices of the aid organisations) on the ground, and if so, how? How has 'vulnerability' been further developed as an operational legal and bureaucratic concept which serves to identify and address migrants' special protection needs? What concrete processes were used, and with what explicit and implied definitions and understandings of migrants' vulnerabilities?

Therefore, legal sources were systematically analysed at UN and EU level, as well as in each of the countries under study. 216 in-depth interviews were conducted with institutional actors and other relevant practitioners, such as NGO case workers. The findings were extensively discussed in the corresponding reports published on each country under study (Sarolea, Raimondo, and Crine, 2021; Kaga, Nakache, Anderson, Crépeau, Delisle, Fraser, Frenyó, Purkey, Soennecken, and Tanotra, 2021; Kluth, Heuser, and Junghans, 2021; Marchetti and Palumbo, 2021; El Daif, Shuayb, and Maalouf, 2021; Liden, Schultz, Paasche, and Wessmann, 2021; Nakueira, 2021), and in the report that introduces them (Leboeuf, 2021).

Overall, the first research phase showed how the increased focus on 'vulnerability' results in two main translations into legal and bureaucratic instruments and processes governing state actors' responses to migrants seeking protection. First, various laws and administrative guidelines require identifying the 'special needs'[10] that some asylum seekers and refugees may have as a result of their personal characteristics (such as their age, health, gender, etc.), or because they were victims of human trafficking or other serious offences (including torture and sexual violence). Second, the case-law and interviews with decision-makers show that they mobilise 'vulnerability' as a loose and flexible notion that guides the margin of appreciation that they have when implementing laws that regulate access to services and/or a protection status, such as refugee status.

Each of these approaches have their own operational challenges, which were documented and analysed and are summarised below. The focus on the 'special needs' contributes to legal certainty and supports a (very relative) uniformity in institutional practices. But its focus on identifying some selected personal characteristics also risks generating practices that fail to adequately consider how experiences of vulnerability result from multiple factors and circumstances which intersect in varying ways, depending on circumstances that are ever-evolving (2.1.). A looser approach to 'vulnerability' gives decision-makers more room to consider migrants' vulnerabilities in each individual and specific case, but it also risks giving

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[10] Also named 'specific', 'particular', or 'extra', depending on the bureaucratic context and documents. The term 'extra', which is used in Norway (Liden, Schultz, Paasche, and Wessmann, 2021), has the advantage of highlighting that the 'needs' of vulnerable asylum seekers deserving special attention are those that go beyond basic needs, which must be met in order to provide dignified living standards and which should benefit every asylum seeker – irrespective of additional and specific personal factors and circumstances, which make them more vulnerable than others.

rise to uneven, if not arbitrary, practices that rely on stereotyped understandings of migrants' realities (2.2.).

2.1.   'Vulnerability' and 'Special Needs'

Numerous legal and bureaucratic documents and processes focus on the 'special needs' that some migrants seeking protection may have because of their personal characteristics. In the Western countries under study, this trend concerns mainly the asylum process. It manifests itself when hearings are organised to decide on asylum applications and on whether applications should be fast-tracked or not. In Europe, it also serves to organise the processes that relate to asylum seekers' access to reception services, such as housing, health care, etc.[11] In Uganda and Lebanon, this trend relates to refugees' access to humanitarian aid and services, including the design of specific and dedicated aid programmes for refugees that belong to some particularly vulnerable groups (such as children, the elderly, etc.).

The trend of focussing on 'special needs' reflects the content of the relevant provisions in the EU Directives on asylum and the UN Global Compact on Refugees. In the EU, the Asylum Procedures Directive (Dir. 2013/32/EU) and the Reception Conditions Directive (Dir. 2013/33/EU) both require EU member states to address the 'special needs' of 'vulnerable' asylum seekers (EASO, 2021).[12] The UN Global Compact on Refugees similarly calls on states to address the special needs of vulnerable refugees, paying particular attention to age, gender and disabilities (Paras. 59-60). The Global Compact thus reflects the UN agencies' long-standing tradition of paying particular attention to the special needs of the most vulnerable groups when offering them humanitarian support as part of its protection mandate – through the development of 'vulnerability assessment frameworks' and screening tools (see, for example, UNHCR and Mindset, 2022; IOM, 2019).

The aim of the focus on 'special needs' is to identify and remove obstacles in accessing dignified living standards, or in benefitting from a fair chance at submitting an asylum application. This is particularly apparent from Art. 2(k) of the EU Reception Conditions Directive (Dir. 2013/33/EU), which equates the vulnerability of asylum applicants with special needs, i.e., with those having a 'need of special guarantees in order to benefit from the rights and comply with the obligations provided for in this Directive'. From that perspective, 'vulnerabilities' are to be identified and addressed teleologically, through measures that enable vulnerable asylum seekers to genuinely enjoy their rights.[13]

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[11] The reception services were not studied in Canada where, contrary to Europe, there is no state-run reception system for asylum seekers, who are instead expected to provide for their own needs (Kaga, Nakache, et al., 2021).

[12] The proposed recast of the EU Reception Conditions Directive removes any reference to 'vulnerable' asylum applicants, referring to 'applicants with special reception needs' instead (COM, 2016, 465 final, Art. 2,13).

[13] This kind of legal approach in identifying the beneficiaries of states' obigations is not unique to EU asylum law. It can also be found in other international legal instruments, such as the UN Convention on the Rights of Persons with Disabilities (CRPD), whose purpose is to 'promote, protect and ensure the full and equal enjoyment of all human

In practice, however, the empirical enquiry conducted as part of our project showed that the obligation to address special needs often translates into a focus on the most obvious needs, which can be detected at first sight and which are of a practical nature and can be addressed through minor adjustments to the usually applicable rules. This phenomenon is relatively widespread and was identified by the VULNER project partners in Belgium, Canada, Italy, and Norway. In these countries, social workers and public servants commonly regretted lacking the time and resources to investigate beyond the needs that appear at first sight, without further observations (such as minority, physical disabilities, etc), as well as to respond beyond some practical adjustments to the reception conditions and/or the asylum process.

For example, a Norwegian social worker interviewed by Lidén, Schultz, Paasche, and Wessmann, noted that:

> We are capturing the more serious things, such as disabilities and whether a person is deaf. In these cases, we know where to start. You know in these cases that something needs to be done. Less visible needs are more difficult to discover. Vulnerabilities caused by what happened in their home country or on the journey to Norway are not easy to voice. They need to settle down before opening up to difficult experiences and feelings. (Norway report 1, 2021, p. 54)

An Italian NGO case worker interviewed by Marchetti and Palumbo reached a similar conclusion, when commenting on the practices of Italian public servants:

> Their vulnerability does not emerge, because there is no interest in letting it emerge. Commonly, there is not the […] [skills] to let it emerge, apart from when it is striking. A person in mental distress like schizophrenia, yes, but situations like depression and post-traumatic stress disorder are rarely recognized for what they are or represent[14] (Italy report 1, 2021, p. 86)

A public servant employed by the Belgian asylum authority, who was interviewed by Sarolea, Raimondo, and Crine, similarly emphasised the difficulty of identifying the measures to be taken with regard to asylum seekers with special needs, beyond what is dictated by common sense:

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rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity' (Art. 1 CRPD; Motz, 2021).

[14] There was no evidence of a lack of willingness on the part of social and aid workers to identify and address 'vulnerabilities' among the migrants they care in any of the countries under study. On the contrary, they commonly complained that they lack sufficient resources to identify and address vulnerabilities properly.

> *[...] [when] you interview [an asylum seeker to decide on their application], you always need to take into account how they [are] reacting, what they are saying, and if what they are saying makes sense or not - if it does not make sense, [you must] find the reason why [...]. I guess [...] [vulnerabilities] [...] [are] always something that you try to take into account [...] (Belgium report 1, 2021, p. 74).*

His viewpoint was shared by a judge in the Belgian asylum court, who was also interviewed by Sarolea, Raimondo, and Crine:

> *[...] [there are] categories of vulnerable persons in the law and in the [EU] Directives, [...] but we [...] [wonder] 'So what'? [...] Here, at the Council for Alien Law Litigation [the Belgian asylum court], no consequences are drawn. We are told 'that's a vulnerable person', but what do we do with that? (Belgium report 1, 2021, p. 73).*

In Canada, the administrative guidelines, which were established to assist public servants within the asylum authority when dealing with vulnerable asylum applicants, similarly focus on procedural accommodations to the asylum process that are required to guarantee effective access to protection. As noted by Nakache, Purkey, Anderson, Tanotra, Soennecken, Sagay, Hajjar, Yousuf, and Crépeau in their VULNER report:

> *Simply because a foreign national is identified as vulnerable (or as potentially vulnerable) does not mean that protection is automatically granted (or granted permanently). In most instances, the 'vulnerable' label is used primarily as a procedural override (i.e., it allows for a modification of or exemption from standard procedures and requirements; for instance, regarding the admission of individuals with higher medical needs, or in granting the decision maker a larger scope of discretion). These discretionary accommodations, which take place mainly in the adjudication of in-Canada refugee claims, aim to address the potential inequalities faced by persons recognized as vulnerable to present their case and have a fair hearing. They are not aimed at addressing the underlying issues that contribute to a situation of vulnerability, such as by leading to the granting of a protective status. (Canada report 1, 2021, p. 15).*

The unease that state actors express might thus reveal the gap they experience and perceive between the special needs, which they have the means to detect and address, and the deeper and more complex life challenges faced by the migrants seeking protection, which they witness on the ground without being able to respond to them. It shows that while the focus on special needs has the advantage of turning 'vulnerability' into a workable concept that can be operationalised in relatively straightforward ways, it also risks limiting the response of state actors to some practical adjustments to the existing norms, practices, and processes (such as the organisation of the asylum hearing, the sharing of the rooms in the reception centre, etc.) in order to meet needs mainly of a practical nature.

The research conducted in Lebanon and Uganda further demonstrated the operational difficulties that are associated with an exclusive focus on the special needs, without considering more deeply entrenched and complex vulnerabilities. In these countries, 'special needs' are mainly relevant when deciding on who will get access to services. Aid workers commonly view the special attention given to the 'special needs' of the 'vulnerable' refugees as reflecting limitations in funding, rather than contributing to a consistent strategy aimed at improving the dignity of aid beneficiaries. As stated by El Daif, Shuayb, and Maalouf with respect to the practices of international aid agencies in Lebanon, 'constructing vulnerability criteria and targeting assistance is based on how much money there is' (Lebanon report 1, 2021 at 86). Similarly, Nakueira established with respect to Uganda that:

> *[...] the focus on vulnerability categories was fluid and interviewees' definitions of vulnerable groups oscillated depending on the mandate, donor interests, and resources of the agency to which the person interviewed belonged. (Uganda report 1, 2021, p. 46)*

Moreover, local actors commonly share the viewpoint that the vulnerability classifications, which govern the identification of the special needs, and which focus on personal characteristics (such as age, gender, health, etc), reflect donors' priorities more than actual needs on the ground.[15] As noted by El Daif, Shuayb, and Maalouf, 'state officials on their end refuse "canned criteria" and define their own criteria', which focus on households' socio-econimic situation (Lebanon Report 1, 2021 at 86). They also note that:

> *Two of our interviewees, who work with local NGOs partnering with the UNHCR, responded to this question [of how they view and understand the requirement to assess and address "vulnerabilities"] with "we see it as the donor sees it". (Lebanon report 1, 2021, p. 63)*

This viewpoint was also expressed in Uganda, where the aid system is fragmented among numerous agencies, some of which offer specialised support to certain groups who are considered more vulnerable than others and who are identified based on the criteria established by funding programmes to select the aid projects and activities that can be eligible for funding. As argued by Nakueira:

> *[...] the vulnerability categories used in the identification and assessment of the most vulnerable persons are specific to each aid agency based on their mandates and funding priorities. (Uganda report 1, 2021, p. 44)*

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[15] See, for example, the UNHCR 'specific needs codes' that are developed by the agency for each of the fields in which they operate, and that commonly include categories such as 'child-headed household', 'teenage pregnancy', 'physical disability', 'victim of sexual and gender based violence', 'single woman', etc.

These criticisms reveal the implicit tensions behind the identification of the special needs that should be addressed, as such tensions are heightened in a context where refugees' basic needs aren't always met – as is the case in Lebanon and Uganda, where the refugees are faced with rampant and extreme poverty. Aid workers in these countries remind us that behind the focus on some special needs, there are always implied understandings and assumptions of who needs and deserves additional and specific protection. They also remind us and that the definition of 'special needs' results from complex factors and circumstances, which sometimes have little connection with the refugees' sufferings – such as resource limitations and power imbalances within the aid architecture, which means that the viewpoints of donors prevail over the ones of local actors who depend on international funding.

While the focus on 'special needs' has the advantage of serving as a fertile ground for practices that consider the vulnerabilities among migrants seeking protection, it also runs the risk of dissociating these practices from migrants' actual experiences. It risks generating 'sanitised' approaches and understandings of migrants' vulnerabilities (Barbou des Places, 2021) which fail to account for their situated dimensions and socially embedded nature, ultimately reducing vulnerability assessments to a mere 'box-ticking exercise' that is disconnected from migrants' actual experiences. One way to tackle such a risk is to give additional leeway to the actors on the ground, and to enable them to address vulnerabilities in all their complexities. As discussed in the next sub-section, this is not without its own operational challenges.

2.2. 'Vulnerability' Beyond Special Needs

Some of the analysed documents (and court rulings in particular) show how 'vulnerability' is also used as a loose and flexible notion which guides the implementation of legal provisions in individual cases and the justification of these decisions. From that perspective, 'vulnerability' has a strong resemblance to 'fuzzy' legal concepts of the kind theorized by Delmas-Marty (Delmas-Marty, 2004). In her work, she showed how the rise of human rights law compels legal practitioners to increasingly complex reasoning when implementing specific domestic provisions in concrete cases, in order to adequately account for the relevant international legal commitments, which are phrased in broad terms in the relevant international legal instruments (Delmas-Marty, 1986). 'Vulnerability' is a concept that legal practitioners, such as judges and public servants, mobilise implicitly and explicitly as part of the legal syllogism that is required to implement legal provisions in particular cases. It is based on an informal assessment by the decision-maker in charge, in a way that considers the special needs but is not limited to them.

For example, when explaining how he approaches this notion as part of his everyday assessment of asylum cases, a judge of the Belgian asylum court explained to Sarolea, Raimondo, and Crine that:

To identify them [the vulnerabilities], first of all I'm going to see the documents I received, there are still a lot of files where we have medical or psychological documents that warns us about vulnerabilities. Then I'm going to see the person's story, so I already have an idea of their profile: is it a young academic or is it a young woman fleeing a forced marriage? And so there already, based on their profile, I know that they will be more or less fragile or vulnerable. And then I'm going to see which persecutions are also put forward as a justification for fleeing one's country [...] It also warns me about the vulnerability of the person in view of what they have gone through (Belgium report 1, 2021, at 70)

The vulnerabilities that have been identified play a role not only to identify the practical adjustments to the existing rules that are required to guarantee equal access to protection, but also to adjudicate on the basis of the legal criteria for obtaining protection. The concept of 'vulnerability' serves as an overall and broad consideration, which decision-makers consider when exercising the margin of appreciation they have in applying the legal norms to the concrete cases submitted to them. Such an approach to 'vulnerability' allows the street-level bureaucrats and judges to duly consider the socially embedded nature of experiences of vulnerability among the migrants seeking protection. It prevents an exclusive focus on the special needs, which, as explained above, translates in practice mainly into a focus on the practical adjustments needed to the existing norms on account of some personal characteristics. As argued by Marchetti and Palumbo:

The elasticity of the legal definition of vulnerability may be the best option to cover the range of complex situations and enable individual-based rather than group-based assessment. This aspect is surprising when considering that most of the implementation efforts by international organizations and the government are concentrated on standardizing policies and homogenizing practices. (Itably report 1, 2021, p. 83)

It is often difficult to distinguish decisions in which 'vulnerability' is used in a purely descriptive fashion from those in which it plays a meaningful role in shaping legal reasoning and the final decision on the case. In many decisions, moreover, consideration for the vulnerabilities of the applicants is implied within the overall assessment of the specific circumstances, but it is not explicitly stated or formulated as such. The VULNER project partners could not identify clear and definitive legal meanings, or legal consequences, that are given to 'vulnerability' in the case-law of any of the countries under study. This is simply because in current legal approaches, 'vulnerability' is not a fully fledged legal concept, but rather one of those flexible and fuzzy notions that judges rely on when determining the specific circumstances of the case and interpreting them in the light of the existing legal frameworks, and when justifying why they reached a given conclusion in a given case.

Our systematic analysis of the ECtHR case-law and of the CJEU case-law reveals one certainty, however: the assessment of the severity threshold, which is required to conclude that there

was a breach of the prohibition against inhumane and degrading treatment, should be performed in ways that consider vulnerabilities among the other relevant facts and circumstances (Leboeuf, 2021). Applicants' vulnerabilities should be considered when assessing whether the reception conditions comply with international and EU legal obligations (*App. 30696/09 M.S.S. v. Belgium and Greece*; *Case C-578/16 PPU C.K.*), and when evaluating whether the risk of ill-treatment in the country of removal amounts to an inhuman or degrading one (*see, for example, App. 60367/10 S.H.H. v. the UK*).

The advantages of a flexible and elastic understanding of 'vulnerability' also go hand in hand with the risks associated with granting a (relatively) wide margin of appreciation to the decision-makers. On the one hand, such a margin of appreciation allows them to tailor their decisions to the specific circumstances of the case, while indicating the overall direction to be taken, which is a requirement in order to be sensitive to the vulnerable positions in which migrants seeking protection find themselves and to how these vulnerabilities express themselves in complex and context-specific ways. On the other hand, the wider the margin of appreciation, the more uneven the practices – especially if the margin left to the decision-makers is not accompanied by accurate understandings of the 'vulnerabilities' experienced by the migrants seeking protection. Without such an accurate understanding, decision-makers risk relying on stereotyped assumptions of migrants' realities and may take decisions that reflect their own affects and perceptions more than migrants' experiences.

Ethnographic studies on 'street-level bureaucrats' in asylum and migration bureaucracies have shown that the way they exercise their margin of appreciation when operationalising the norms in individual cases is also affected by external factors, such as resource and time constraints, and their own conceptions of fairness and deservingness (Evans, 2010; Eule, Borelli, Lindberg, and Wyss, 2018; Mascia, 2020). The practices of street-level bureaucrats are also be guided by affects and emotions, especially when deciding on welfare claims and provisions (Andreetta, 2022). Such human factors are inherent in any bureaucratic system, and are also part of humanising state responses. But too much of a dissociation between the meanings of migrants' vulnerabilities as they are produced within state bureaucracies on the one hand, and migrants' realities and experiences of their vulnerabilities on the other, can be managed and reduced.

To do so requires improving empirical knowledge on migrants' realities, in nuanced ways that also consider how these realities are constantly shaped through encounters with institutional actors – including practices that are aimed at addressing migrants' vulnerabilities – and how migrants themselves consider the practices and regulations in favour of vulnerable migrants when exercising their agency. The aim of the second research phase of our project was to produce such knowledge, based on extensive fieldwork among migrants in each of the countries under study. The results are further discussed below.

3. Lived Vulnerabilities. Marginalisation, Prolonged Uncertainties, and Lack of Life Opportunities

With a view to improving knowledge of migrants' vulnerabilities, the second research phase of the VULNER project analysed the vulnerabilities of migrants seeking protection based on a phenomenological approach. The experiences of migrants were documented and analysed by each project partner, based on ethnographic fieldwork among them as well as on interviews. The objective was to give them a voice, so that decision-making processes may be based on adequate consideration and understanding of their everyday realities and on what migrants themselves see as their main life challenges and difficulties.

The results are discussed extensively by the project partners in the country reports, which provide detailed analysis of the experiences of vulnerability among migrants seeking protection in each of the countries under study, while also duly reflecting the specificities of each field.[16] Each report gives further details and explanations on how the authors organised their fieldwork, including the field sites they selected and the people they met. This section discusses the common threads among these reports, and what I identify as the main transversal findings, which are detailed in each of the reports referred to here.

After introducing how 'vulnerability' was refined as a heuristic concept in view of the second research phase (4.1.), the main findings are organised around three themes that also reflect the common structure of the country reports. A distinction is made between the factors and circumstances that determine experiences of vulnerabilities, depending on whether they relate to the individual's profile, such as the person's personal characteristics and past experiences, including those that are at the origin of the decision to flee the home country (4.2.); those that arise in the course of interactions with state actors in the course of the process of obtaining a protection status, such as refugee status, or access to protection services, such as health care or housing (4.3.); and those that result from broader policy choices on how to govern migration and refugee movements (4.4.).[17]

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[16] Brun and Maalouf, 2022 (Lebanon); Carnassale and Marchetti, 2022 (Italy); Liden, Paasche, and Damsa, 2022 (Norway); Nakache, et al., 2022 (Canada); Nakueira, 2022 (Uganda); Sarolea, Raimondo, and Crine, 2022 (Belgium).

[17] This distinction differs from the determinants of the migrant vulnerability model that was established by the IOM, and which distinguishes between 1. individual factors, 2. household and family factors, 3. community factors, and 4. structural factors (IOM, 2019). Our greater emphasis on the structural factors, which result from the process required to access protection services and from migration and asylum policies more broadly, is justified by our project's objective to analyse not only how migrants' vulnerabilities are assessed and addressed in law, but also how they are shaped and produced by the relevant legal frameworks.

3.1. Mobilising 'Vulnerability' as Heuristic Device. Facing 'Vulnerability''s Relational and Temporal Dimensions, and Implied Meanings

'Vulnerability' originates from the Latin word '*vulnus, - eris*', meaning 'the wound'. It refers to the predisposition to suffer harm as the result of a condition of impairment, or as defined by the Oxford Dictionary: '*[T]he quality or state of being exposed to the possibility of being attacked or harmed, either physically or emotionally.*' The Intergovernmental Panel on Climate Change similarly defines 'vulnerability' as:

> *[...] [t]he propensity or predisposition to be adversely affected [...] [;] Vulnerability encompasses a variety of concepts and elements including sensitivity or susceptibility to harm and lack of capacity to cope and adapt.* (IPCC, 2015; Afifi and Jäger, 2010)

Aysa Lastra and Cachon also note that:

> *[...] the vulnerability of a person or group is determined by the absolute or relative deprivation of symbolic, social, emotional, or material resources or the difficulty or impossibility to use them in a specific historical context due to institutional, political, economic, social, or cultural constraints.* (Aysa Lastra and Cachon, 2015)

These definitions of 'vulnerability' highlight its three main components: 1. an exposure to harm and 2. a lack of ressources to cope with said harm, which 3. manifest themselves within a specific context. In the academic literature, moreover, 'vulnerability' has come to acquire refined meanings, following the mounting success of vulnerability theories. Feminist authors,[18] in particular, have developed an ontological perspective on vulnerability, which they view as inherent in the human condition (Browne, Danely, and Rosenow, 2021; Gilson, 2014; Mackenzie, 2013). All human beings are vulnerable to a varying extent, depending on the circumstances, their personal characteristics (such as their age, gender, or health status), social position, resources, and past experiences.

Vulnerabilities take different forms and expressions, depending on the social and interpersonal context in which they arise: an individual may be vulnerable in one situation, but they may enjoy a position of power in another. Some vulnerabilities may have an innate dimension, such as when they result from corporeal characteristics (such as a disability). But vulnerabilities are always embodied in a given context, and they emerge as part of social and intersubjective dynamics. Experiences of vulnerabilities manifest themselves through exposure to others (Boublil, 2018; Virokannas, Liuski, and Kuronen, 2018).

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[18] 'Vulnerability' is a central concept in the ethics of care, a philosophical school of thought that advocates attention and sollicitude for others as the main ethical paradigm. In the ethics of care, a 'just' society is a society in which those who are in a vulnerable position are being adequately taken care of (Fineman, 2008; Tronto, 2009).

To avoid essentialising vulnerabilities, the analysis carried out as part of the VULNER project's second research phase focussed on migrants' experiences, thereby allowing us to reveal how, concretely, their vulnerabilities emerge and the forms they take. We sought to do so while taking stock of the research results from the first research phase, during which we focussed on legal and bureaucratic uses and understandings of migrants' vulnerability. As explained above, we then found that the situated and relational dimensions of experiences of vulnerability were often overlooked in the legal and policy documents that specify how to address and assess migrants' vulnerabilities, as well as in the corresponding implementing practices. There is an overall focus on certain personal characteristics, which are evaluated in non-situated ways at one specific point in time, without giving deeper consideration to how experiences of vulnerability may evolve over time and depending on the context, based on multiple intersecting factors and circumstances, nor of how they result from broader structural factors and circumstances which result from the constraints that are inherent in organising asylum processes and other processes to access protection and services.

Therefore, we included 'intersectionality' and 'temporality' within the overall theoretical framework of our research. 'Intersectionality' was used as a flexible heuristic tool to analyze the interactions of the multiple personal, social, and structural factors that contribute to generating inequalities (Crenshaw, 1991). The concept has been widely discussed in the literature on anti-discrimination law, where it is mobilized to refine the focus on the grounds of discrimination as recognized in anti-discrimination law (gender, ethnicity, etc), putting them into their broader individual and structural perspectives (Fredman, 2016).

'Intersectionality' thus also offers a conceptual and analytical framework for reflecting critically on laws and institutional practices that are aimed at addressing vulnerabilities, showing how doing so requires moving beyond an exclusive focus on some personal characteristics, to adopt a transversal outlook that considers how they relate to other personal characteristics, as well as to broader structural and social factors.[19]

'Temporality' allows us to bring into our research the dimension of the passage of time and how it can be experienced in varying ways depending on each migrant's position. There is a long-standing tradition in migration studies of accounting for the temporal dimensions of migration trajectories (Cwerner, 2001; Griffiths, 2014; Baas and Yeoh, 2019). It has also been shown consistently that the uncertainties which most people face when migrating take a variety of expressions over time (Farcy and Smit, 2020). By devoting particular attention to how experiences of vulnerabilities may vary depending on the passage of time, we aimed

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[19] There is a burgeoning trend, in the academic literature on migration law and in migration studies, to mobilise 'intersectionality' as a theoretical framework, for example in relation to identifying human rights violations (Peroni, 2018; Moreno-Lax, 2021), and in the sociological literature in order to foster better understanding of the inequalities that affect migrants, asylum seekers, and refugees (Danisi, Dustin, Ferreira, and Held, 2021; Domaas, 2021).

to account for how they may be connected to prolonged uncertainties and precarity, as well as to factors and circumstances (such as trauma) that can evolve over time.

But mobilising 'vulnerability' as a heuristic device to document and analyse human experiences also comes with challenges. Analytical lenses are never neutral: they always have various explicit and implicit meanings, which ultimately shape the results of the analysis. When mobilising 'vulnerability' as a conceptual framework to document migrants' experiences, we necessarily direct our attention to identifying what makes them feel vulnerable, that is, what constitutes their main life challenges with which they are unable to cope, or can do so only with great difficulty. This gives rise to the risk of portraying migrants as passive actors.

Moreover, while there is a strong emphasis in vulnerability theories on resilience and on how individuals may develop their own coping strategies when empowered to do so (Butler, Gambetti, and Sabsay, 2016; Freedman, 2019), vulnerability remains an affective concept (Chouliariki, 2019). It conveys victimhood, and thus ultimately risks overlooking migrants' ability to navigate obstacles to their mobility, including by mobilising existing legal and bureaucratic categorisations of 'vulnerability' to gain access to protection.

To prevent the risk of overlooking these phenomena, which are key to reaching a better understanding of the likely consequences of relying on 'vulnerability' in asylum and migration laws and policies, we thus combined our focus on migrants' vulnerabilities with one on their agency. 'Agency' generally refers to the capacity of actors to act and make their own independent life choices (Schlosser, 2019). Such a capacity to exercise their autonomy depends on their power position and, for migrants, is greatly restricted and constrained by the legal and bureaucratic frameworks that regulate migration movements (Carpentier, Farçy, Smit, and Orsini, 2021). But there is agency within these constraints, among which migrants seek to navigate throughout their journey (Triandafyllidou, 2017). They also mobilise existing legal and bureaucratic categories in attempts at overcoming obstacles to their mobility.

The common findings across countries based on the individual country reports drawn up by each project partner based on this overall conceptual framework, are discussed below.

3.2. Experiences of Vulnerabilities Determined by Personal Characteristics. Loneliness, Dependency, and Stigmatisation

While the experiences of vulnerabilities among migrants are determined by multiple intersecting factors and circumstances, expressed in multiple ways depending on each individual and situation, a few key components emerge. They are detailed below, with a focus on those that add depth to the legal and bureaucratic categorisations of migrants'

vulnerability because they give consideration to the situational nature of migrants' experiences.

VULNER researchers found that migrants' testimonies commonly emphasise relations with their families and communities as a major determinant of their experiences. Leaving existing social networks, and having to create new ones, is inherent in the migration experience. It can, in turn, give rise to marginalisation and significant feelings and situations of vulnerability. As noted by Brun and Maalouf when asked about what makes them feel 'vulnerable', most of their research participants invoke loneliness:

> *In those extended discussions with the research participants about the meaning of vulnerability, it was also translated as loneliness, the feeling of being left alone, that there is no help, no one to look after them [...]* (Lebanon Report 2, 2022, p. 25)

A woman asylum seeker in Norway, who was interviewed by Liden, Paasche, and Damsa, similarly emphasised loneliness as one of her main sources of distress:

> *It's hard, especially when you're alone; then you sit and think that you don't have a job, you can't plan anything for your future. All the thoughts increase my concerns. Worries that one does not share with anyone. I just sit by myself and think. You worry about the family at home. Since I arrived in Norway, my mother passed away, and I have lost other family members too. We have our own traditions that I cannot follow on my own* (Norway report 2, 2022, p. 43).

For those who are dependent on others for access to support services (for example, because of physical and/or psychological health issues, old age, or as a result of being underage), loneliness can have serious consequences for their vulnerabilities. For example, Nakueira notes with respect to elderly people living in the Nakivale settlement in Uganda, where she conducted her fieldwork:

> *Some elderly people lived alone, with no family members to support them, and expressed acute distress as a result. One elderly Burundian man [...] was now living by himself. His legs were swollen, and he complained of heart issues at the time of the interview. He explained that at his age he was unable to fetch water, and that he had to rely on a friend to collect food aid on his behalf. [...] He narrated that there was a time when he was too sick to leave the house and was bedridden for 3 days. He feared that he would die, and that nobody would notice.* (Uganda report 2, 2022, p. 26)

Family and community[20] relationships are key to overcoming loneliness and, in the most extreme cases of poverty that were documented in Lebanon and Uganda, to guarantee survival. As noted by Nakache, et al., based on their interviews with migrants and on the ground practitioners in Canada, family networks are key to supporting integration in the host society and, thus, to assisting migrants in overcoming their vulnerabilities:

Interaction with family members in Canada was […] presented as "buffering" migrant participants against vulnerabilities by housing them, helping them to find jobs, getting them oriented to their new cities, cultures, and new ways of life, and by assisting them to navigate and access settlement services. (Canada report 2, 2022, p. 33)

But living with family members can also be a source of additional challenges and difficulties, especially for those acting as main caregivers. This role increases their stress and worries, as exemplified by the case of an Ethiopian mother in her thirties, who gave birth to a child with severe health issues, and who Liden, Paasche, and Damsa encountered during their fieldwork in Norway:

For the mother, coping alone with these extended care needs was challenging because of her limited language skills and knowledge of the […] health system. She also lacked a support network, as she knew only a few people outside the reception centre. Nevertheless, the mother took an active role in searching for information. She asked the reception centre staff for the help she needed to apply for various sources of assistance. In addition, the children's health centre took an active role to ensure that her son received the necessary treatment. Furthermore, the mother obtained legal advice on how to apply for a permit on humanitarian grounds because of the boy's health problem. Still, their status as irregular migrants caused her stress, as it was always uncertain whether they would get the help they needed. […] This case demonstrates the constraints on a single mother in caring for a child who is seriously ill, which adds to her anxiety and experiences of vulnerability. (Norway report 2, 2022, p. 45)

Caring for family members, such as infants, limits the resilience strategies that can be adopted in view of improving living conditions and integrating into the host society, such as finding a job. This can have a particular impact on women, whose transition to motherhood generates additional constraints, which go beyond the specific healthcare needs resulting from pregnancy (Stock, 2011; Grotti, Malakasis, Quagliarello, and Sahraoui, 2018). As noted by Sarolea, Raimondo, and Crine with respect to their fieldwork in reception centres for asylum seekers in Belgium, women often conform to traditional gender roles and assume the duties of caring for their children:

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[20] 'Community' is understood in its broadest sense, as including any social group to which an individual may belong, irrespective of the main characteristics that bind the members of that group and generates the group feeling (ethnicity, faith, etc.).

While men often work outside of the reception centre, women generally spend their time inside. The reasons are manifold […] Some had to take care of their children because the reception centres did not provide childcare to be able to leave the children during the day. (Belgium report 2, 2022, p. 60)

Nakache, et al., reached a similar conclusion based on their interviews in Canada:

Several female migrant participants highlighted how their gender and family situation made them "particularly" vulnerable. For example, one female participant came to Canada with her two young children (2 and 5 years old) and left her husband behind. She felt she was "particularly" vulnerable because she was alone to care for her two children, and everything "traditionally falls on mothers" to look after their children. She had received refugee protection after several years but could not yet reunite with her husband (Canada report 2, 2022, p. 34)

Families and communities can also be a source of stigmatisation. LGBTQIA+ migrants, in particular, often cannot rely on their family and community, from whom they are estranged as a result of their stigmatisation, and from whom they are sometimes fleeing (Danisi, Dustin, Ferreira, and Held, 2021, p. 139). They then try to recreate their own social network upon arrival, as exemplified by the role played by 'Mama Sandra' – a trans woman living as a refugee in the Nakivale settlement, where she and her friends seek to offer support to LGBTQIA+ refugees arriving in the settlement (Uganda report 2, 2022, p. 32).

Junghans and Kluth identified a similar phenomenon in Germany, where LGBTQIA+ refugees seek to connect with LGBTQIA+ associations that can offer them support and assistance. Some view such support as so essential that this leads them to resist decisions that relocate them to other parts of Germany in the latter stages of the asylum process. They prefer losing state support to ending up isolated and without a social network:

[…] the distribution procedure within Germany can be really triggering for LGBTQI+ asylum seekers since they rely greatly on their community' support, who is mostly present in larger cities. […] One of our interviewees resisted the relocation, and as a result he wasn't eligible for state support during a year, after which their casefile was transferred back to Berlin where they registered, and therefore had to provide for themselves, resorting to sex-work. This lack of understanding from state-representatives of the importance of being located close to a support system led to the aggravation of our interviewee's situation of vulnerability. (German report 2, awaiting publication)

As noted by Liden, Paasche, and Damsa with respect to Norway, finding ways of connecting with new social networks can be very challenging for LGBTQIA+ individuals, due to stigmatisation in the host country and feelings of estrangement from the local LGBTQIA+ community:

Another challenge for LGBTQIA+ people is integrating into the local community. Not all are (re)settled in cities where they can find people with whom to socialize. Some reported experiencing harassment, which added to their feeling of being unsafe. This may be because of general discrimination in society towards LGBTQIA+ people; however, for some, it is even more problematic if intimidation comes from people from their home areas, because that might have consequences for their family members. Another challenge may be feeling marginalized by the social codes of being [...] [queer] in LGBTQIA+ communities or in Norway more generally. (Norway report 2, 2022, p. 47)

Experiences of stigmatisation can also result from past persecutions, as illustrated by the difficulties that male victims of sexual violence encounter in Uganda:

The suffering of SGBV men was worsened by the lack of job prospects which, as many explained, further emasculated them. Many SGBV victims were unemployed and could not provide for their families, which also 'undermine[d] their sense of masculinity' (Twigt, 2022:60; Kiss et al, 2020:2; UN Report, 2020) given that, in many African countries, men are considered as the ones who should be the main or sole breadwinners and the protectors of the household. Therefore, by African patriarchal norms, interlocutors stated that people (including their spouses) did not regard them as 'real' men anymore (Uganda report 2, 2022, p. 22).

In all the countries under study, the research showed that past persecutions can be a major source of trauma and other health issues, for example, as a result of torture and other forms of bodily harm. They can amplify sufferings in the host countries, and access to health care was identified as a key concern among migrants in all of the countries under study. Some interviewees emphasised their fear of reliving past persecutions, and their feelings of not being safe in the country of asylum. This can be because of the geographical proximity to their home country, where they live among numerous other members of the community they fled. In Lebanon, for example, Brun and Maalouf note that:

[...] Syrians who have experienced violence are sometimes still affected by particular relations that make them vulnerable (threats of revenge for incidents that took place in Syria, for example) (Lebanon report 2, 2022, p. 26)

Difficult and protracted journeys to safety can also heighten the traumas and health issues resulting from past persecutions, or even generate new ones. As argued by Liden, Paasche, and Damsa:

Vulnerabilities increase in transit situations, in camps, hotspots or when working to save money and because of the indefinite time horizon for moving on. [...] To reach Norway, informants talked about journeys through various European countries. They were afraid

of being stopped by border control while in transit, with the possibility of being returned to the country where their fingerprints and eventually application for asylum were registered, although most managed to cross borders without being identified. Exploitation also takes place on this part of the route; young men talked about sexual abuse and forced criminality to survive and obtain overnight stays and income when on the move in Europe. (Norway report 2, 2022, p. 33)

Yet, revealing these events and circumstances can be particularly difficult for migrants, because of their traumatic and/or intimate nature. Moreover, they sometimes refrain from communicating some information on relevant past events out of fear that they may harm their cases or those of family members. For example, in the EU+ context, they may fear that doing so would reveal that another country is responsible for deciding on their asylum application, as per the Dublin Regulation (Reg. EU 604/2013). [21] They may also refrain from communicating about past events simply because they were told that they were irrelevant to their case – for example, if they happened while in transit and do not contribute to showing a risk of persecution in the home country.

Besides, research participants often reported that social and aid workers treat these types of information with particular caution, fearing that they may be faked in the hope of supporting a pending application for asylum or resettlement. As showed in the ethnographic literature on asylum decision-making processes, there is a 'denial and disbelief discourse that underpins the exercise of decision-making' in asylum cases (Jubany, 2017, p. 191). Such disbelief discourse might be inherent in any decision-making process on claims to access some rights and advantages. But it becomes particularly relevant when the decision outcomes have major consequences for applicants' life prospects, such as when deciding on claims to asylum or resettlement. As noted by Nakueira, this impacts the aid and social work towards asylum seekers by feeding an overall atmosphere of mistrust:

In the interviews we conducted, some refugees complained that they were barred from accessing certain services because of a culture of distrust among aid workers, who suspected that they were seeking help as a way to demonstrate that they should benefit from resettlement. This is particularly true in those instances where the service being sought could also support a resettlement claim, for example, on the ground that the settlement is unsafe for them. A father whose child went missing shortly after arriving in the settlement relayed that when he reported his child missing, his claims were dismissed by the Police. (Uganda report 2, 2022, p. 39).

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[21] The Dublin Regulation identifies the state that is responsible for deciding on an asylum application in the EU+ countries, and which is often the state of first entry on EU+ territory. 'EU+' refers to the EU member states and the European Free Trade Area (EFTA) member states, which are not member of the EU but which take part in the Schengen area and the Dublin Regulation (Iceland, Liechtenstein, Norway, and Switzerland). Asylum seekers who introduce their application in a state that is not responsible to take a decision, will be transferred to the responsible state.

The vulnerable position in which the migrants seeking protection find themselves cannot therefore be dissociated from the broader rules governing access to protection, and from the relationship between migrants and the institutional actors, who they meet as part of the relevant processes of accessing protection statuses and services. These constraints, and how they impact the way migrants' experience their vulnerabilities, are further explored below,distinguishing between the situation in the Northern countries under study and in the Southern ones. This distinction is justified by as the fundamental differences in the processes available to obtain protection (including the objective of these processes, and the available resources).

3.3. Experiences of 'Vulnerabilities' Determined by Processes to Access Protection. Mistrust and Disempowerment

3.3.1. Belgium, Canada, Germany, Italy, and Norway

When asked about their feelings upon arrival in the host country and while waiting for a decision on their application to obtain a protection status (such as refugee status), it was not uncommon for the research participants to express their disappointment. Commenting on their fieldwork in reception centres for asylum seekers in Belgium, Sarolea, Raimondo, and Crine note that:

> *The feeling of disillusionment is particularly noticeable in the discourse of the people we met. Some speak of Europe as "a cage surrounded by flowers", about their disappointment after having come "for the dream", about experiencing a real "blow" when they arrived in Belgium and realised how little care was available.* (Belgium Report 2, 2022, p. 75)

Such feelings of disappointment reflect the stress and anxiety that most migrants seeking protection experience as a result of the constraints inherent in the legal and bureaucratic processes aimed at controlling migration and refugee movements. It is in the nature of these processes to restrict migrants' autonomy, and to generate exclusion, thereby putting migrants in a more vulnerable position than citizens (De Genova, 2002). As a result of legal and practical restrictions in accessing labour markets and integrating within the host society more broadly, they are often made dependent on state support pending a decision on their application for asylum – thereby generating feelings of 'being stuck', which increase as long as they are maintained in a precarious legal status while waiting for a decision (Wyss, 2019; Jefferson, Turner, and Jensen, 2018).

These restrictions result from how states define their membership through state citizenship. The result has a binary quality, serving to distinguish between insiders and outsiders (Bauböck, 2018, p. 65). While understandings of citizenship have become more universalistic over time (Joppke, 2010), citizenship still acts as the main dividing line between insiders,

who will benefit from policies designed to support their integration, and outsiders, who will be subjected to exclusionary measures, and thus rendered vulnerable.

The objective of this report is not to question the legitimacy of states placing limits on membership by limiting access to their citizenship. Rather, it is to reach a more detailed understanding of how norms and processes that seek to control asylum and migration movements, also contribute to shaping and producing experiences of vulnerability among migrants seeking protection. I view such understanding as crucial to supporting decision-making processes – especially those that are aimed at addressing migrants' vulnerabilities – such as when deciding on requests to access protection services and to obtain a residence permit for protection-related reasons. Knowledge of migrants' realities supports the state actors who deal with migrants in adopting decisions that are based on an adequate understanding of the experiences of those who are subject to the outcomes of their decisions.

One of the key aspect of experiences of vulnerabilities among the migrants seeking protection is the profound anxiety that they experience, as long as there is uncertainty as to their application for a residence permit. Such anxiety can be further increased by a variety of intersecting personal factors and circumstances, including those that have been discussed above: duties of caring for family members in the home country, and trauma due to past persecution.

For example, Nakache, Purkey, Anderson, Tanotra, Soennecken, Sagay, Hajjar, Yousuf, and Crépeau noticed the pressure that migrants experience in accessing resources as swiftly as possible, especially when family members are dependent on them in the home country:

> *For some migrants, their personal family circumstances include situations of pressing familial and financial obligations as parents, spouses, or children of elderly or ailing parents back in their home countries. While the pressing desire to provide for and support families back home propels the need to migrate, in some cases, their inability to do so is a source of stress and can exacerbate their vulnerability.* (Canada Report 2, 2022, p. 35)

Others are worried about their family members who stayed home, and whom they would like to bring to safety. An Afghan asylum seeker who was evacuated to Norway following the takeover of his country by the Taliban shared his worries with Liden, Passche, and Damsa:

> *For Malik, worries about his family take all his energy. He describes his evacuation from Afghanistan after the Taliban takeover in 2021, when he had to leave his wife and children behind: "Physically, I'm safe, but psychologically, I'm not. My mind is with my family". From a distance, he observes how his wife and children are not safe because of*

him. In his current situation, he cannot protect his family, and the process for family reunification takes time. (Norway report 2, 2022, p. 33)

In that respect, Carnassale and Marchetti noticed a significant mismatch between the priorities expressed by migrants who want to be reunited with their family members, and the vulnerability categories established by the authorities, which do not consider these relational dimensions of experiences of vulnerability:

Many of the respondents reported these different perceptions of priorities, along with communication difficulties, particularly by those who mentioned a protracted sense of failure that had transnational repercussions and supra-individual implications. For example, women like Hania (Pakistan) and Karin (Nigeria) directly linked their malaise and vulnerable situation to being far from their children. Therefore, they called for increased efforts to facilitate quicker and more effective family reunification policies. These difficulties point to a perception of vulnerability centred only on individuals rather than thought about in relational terms, considering the perspectives of those directly affected (Italy report 2, 2022, p. 49)

Moreover, the longer the uncertainty, the more vulnerabilities will depeen. For example, psychological health issues that are related to past persecutions, including trauma, can further increase with the passage of time and be exacerbated by prolonged uncertainties. As noted by Liden, Passche, and Damsa:

The trauma of former abuse, persecution and intrusive memories may first sink in after they have been granted residence; at that point, their mental health may worsen, increasing their need for sufficient health supports. Additional stress, such as extended periods of insecurity, worries about family members and a lack of trauma-informed treatment and care, increase the risk factors of long-lasting psychological implications of inhumane treatment and harm. (Norway report 2, 2022, p. 29)

But uncertainty does not only exacerbate pre-existing vulnerabilities. It also generates experiences of vulnerability in and of itself, by contributing to the general sense of disempowerment faced by migrants seeking protection. Sarolea, Raimondo and Crine note that:

Many asylum seekers we interviewed described their time during the procedure as if in limbo and not in control of their lives, both in regard to their present situation and their plans for the future. Some asylum seekers even confessed to feeling like "prisoners" in the reception centre [...], complaining mainly about a palpable sense of boredom, especially for those without work or training possibilities. (Belgium report 2, 2022, p. 60).

Feelings of disempowerment in turn affect the relationships that migrants entertain with state actors. Interviewed migrants commonly complain about a lack of information on the accessible services, and on the criteria to meet in order to obtain a protection status (Belgium report 2, 2022, p. 52; Canada report 2, 2022, p. 37; Italy report 2, 2022, p. 37 and p. 50). They sense that they must express their protection needs in ways that fit with how they are understood by the decision-makers, if such needs are to be considered and addressed by the authorities. But they generally find it difficult to grasp and understand the underlying logic and dynamics of the bureaucratic system and to find their way among its various processes and actors. As argued by Liden, Paasche, and Damsa:

> *The administrative understanding of why a person ends up in a vulnerable situation does not necessarily reflect what that person emphasizes and sees as their main challenge* (Norway report 2, 2022, p. 52)

Along with a general sense of distrust of state actors, the lack of information from state authorities leads migrants to rely on additional sources of information and makes them prone to exploitation by smugglers and human traffickers, or simply to misinformation by incompetent legal counsellors. For example, some of the asylum seekers who were interviewed in Norway by Liden, Paasche, and Damsa reported that they were not upfront about their situation during the earliest stages of the asylum process, as a result of misinformation:

> *Some of those with an extended appeal process regretted not having told the truth during the registration and asylum interview phases. This was often because of bad advice from smugglers and/or other protection seekers. Some smugglers told them to hold back information and not explain their migration routes. As one said, 'I was tricked; the smugglers told me not to tell the truth. Change your name and so on and so on. I regretted it and felt guilty; why should it be like that? I decided then to come clean with the truth'. In addition, people they met in the arrival centre advised them not to tell their real story but to adjust it to a standard narrative.* (Norway report 2, 2022, p. 38)

Others report having been misguided by incompetent legal counsellors, who requested payment but took little or o concrete action to effectively improve the migrants' situation. During his fieldwork in Germany, for example, Junghans encountered unaccompanied minors who failed to be reunited with family members despite seeking the paid support of legal counsellors, who appeared to take no concrete steps to reunite them with their family:

> *They independently searched for a lawyer to introduce a [family] reunification procedure, using their pocket money. However, they were disappointed as no progress was made: « [The lawyer] didn't even call the Iranian authorities to see if it was possible to bring them to Germany. » The lawyer didn't answered mails and even lost their file with important documents.* (German report 2, under publication)

Nakache, et al., noticed a similar trend in Canada:

> *Luckily, some of the migrants that we interviewed had very positive interactions with lawyers and immigration consultants. They referred to them as knowledge intermediaries who assisted tremendously with their application process leading to successful outcomes. However, for other migrants, immigration consultants and lawyers were described as unhelpful, and a waste of time and money. In fact, those migrants expressed frustration with lawyers and immigration consultants for failing in their roles, resulting in some of them having to take matters into their own hands. The lower the quality of legal and social support, the higher the risks that migrants seeking protection fall prey of these unscrupulous actors.* (Canada Report 2, 2022, p. 48)

Even when they have sufficient information on which state actors to contact to convey their protection needs, and on how to do so, interviewees report inadequate responses due to lack of ressources and widespread disbelief towards their claims. For example, Sarolea, Raimondo, and Crine noticed that obtaining a medical certificate has become a particularly salient issue for asylum seekers. Such documents have become one of the main trusted sources for establishing past persecution, thereby allowing asylum seekers to benefit from a presumption that their fear of persecution is well-founded (art. XX EU Qualification Directive) and strengthening their asylum application:

> *[…] health is a vital consideration in the issuance of medical certificates, which are particularly important for evaluating the applicants' profile and their vulnerabilities. Indeed, they represent a crucial means of proof for the asylum procedure, especially for the victims of torture and ill-treatment in the country of origin.* (Belgium report 2, 2022, p. 31)

A focus on the body has indeed become central when evaluating claims for asylum. As argued in the anthropological literature, Western societies tend increasingly to view migrants' protection needs through the lens of bodily harms (Ticktin, 2011). Such harms are often perceived as easier to establish objectively based on medical certificates, which have thus become a central feature of the asylum procedure (Fassin and D'Halluin, 2005). This puts increased pressure on the health system within the reception centres for asylum seekers, which they described as overwhelmed by requests and difficult to access:

> *[…] the majority of those we interviewed were generally very critical. They complained about the particularly long waiting times in the centres to get a medical appointment with the nursing staff. In other words, the time spent waiting for a medical appointment only exacerbates that feeling of endless waiting that asylum seekers experience during the procedure and their stay in the reception centre. Mohammad, a young Syrian man, affirmed that the possibility of seeing a doctor is always appointment-based, even when*

it is urgent, and critically added: "the way to go to the hospital is either to put pressure on the people that work in the centre or by causing a fight". Some residents have mentioned that they also sense a "lack of trust" from the medical staff, who do not believe them when they say they feel sick. (Belgium report 2, 2022, p. 40)

3.3.2. <u>Lebanon and Uganda</u>

In Lebanon and Uganda, additional issues arise as a result of the very different legal and bureaucratic contexts in which migrants seeking protection find themselves. Most of their encounters with institutional actors take place when they seek to access aid programmes. There is no process available to obtain legal status as refugee in Lebanon, which is not a signatory to the 1951 Refugee Convention (Lebanon report 1, 2021, p. 35). In Uganda, most refugees benefit from the *prima facie* recognition of their status: they were legally registered as refugees upon arrival and based on their nationality, without having to go through a detailed refugee status determination process that would require them to demonstrate an individual well-founded fear of persecution (Uganda report 1, 2021, p. 15).

As a result, in both Lebanon and Uganda, the main encounters with institutional actors revolve around access to humanitarian aid, which is often crucial to refugees' survival, given the widespread poverty in both countries. They are marked by distrust and frustration, with an overall feeling that the criteria for obtaining assistance is opaque.

In Lebanon, the lack of legal status makes it difficult for refugees to engage with state authorities with a view to benefiting from assistance. While the legality of the stay is not a condition for receiving assistance from the 'social development centres' that are run by the Lebanese authorities, it still acts as major determinant of the relationships between refugees and state authorities. As noted by Brun and Maalouf, the interviewees express ambivalent feelings towards the Lebanese security forces in particular, since the latter regularly conduct raids in refugee shelters:

> *The interviewees generally understood the main reason for the raid to be searching for weapons. The opinions of the refugees were divided on the experience: some of them welcomed it and considered it routine procedures from the security forces, and others were upset. Other interviewees described their experience with the Lebanese Army when they got detained in the past because of the lack of their legal papers. Reflecting on their experiences, they felt fairly treated and were asked to renew their papers and to pay and were then released. However, later in the interview, some of the research participants were less positive about such encounters and presented more mixed attitudes towards the same government institutions. These mixed messages may be partly related to the feeling – as a refugee – of not having the right to criticise the host state. Such feelings of mistrust and uncertainty in the encounters with the state were more difficult to reflect on*

and only came out when they felt more comfortable in the interview setting (Lebanon report 2, 2022, p. 41)

Moreover, interviewees in Lebanon commonly complain of a lack of support from international organisations, such as the UNHCR, the World Food Programme, and the UNRWA. They point to difficulties in getting in touch with them and in understanding the criteria they use to identify those who are eligible for assistance:

> *Over time, however, most research participants' experience with the organisation was one of disappointment and some complained about being cut from the monthly cash aid without any explanation or facing delays in accessing cash assistance. The immense struggles to communicate and get in touch with the organisation, and a feeling of being neglected meant that many no longer trusted the UNHCR* (Lebanon report 2, 2022, p. 45)

For example, most of the refugees who Brun and Maalouf interviewed knew very little about resettlement programmes or how to apply for them (Lebanon report 2, 2022, p. 51). Interviewees' views on civil society actors were not very positive, either:

> *In some areas where specific organisations operated, there was somewhat more mention of assistance – ongoing or that had happened in the past. There was frustration expressed towards organisations dropping in with a needs assessment for then never to return to the area again, a well-known narrative from displacement-settings across the world (Brun 2010). Some interviewees felt that an organisation had promised help but never delivered. The disillusionment regarding assistance was thus prominent.* (Lebanon report 2, 2022, p. 48)

The same criticisms were expressed in Uganda, where the refugees whom Nakueira met also complained of the rampant corruption among state and aid officials. They mention practices of extortion, for example, through arbitrary arrest or solliciting bribes in exchange for access to humanitarian programmes. Without questioning the veracity of these allegations, Nakueira noted that they also often reflect a lack of understanding of how state authorities and aid agencies operate, pointing to the broader issue of a lack of trust in states and humanitarian actors, as well as a lack of understanding of the norms and processes under which they operate:

> *[…] not all corruption allegations are founded. To the contrary, many of them seem to result from a lack of information on the conditions that determine humanitarian interventions. Refugees are often not aware of the elements and circumstances that were considered when deciding on their requests for humanitarian intervention. As a result, they are quick to blame corruption for decisions they do not understand nor accept. For instance, a refugee complained that he was being charged by aid workers for water,*

whereas it is meant to be free. However, a UNHCR official informed me that water is not free for everyone: only the refugees from very vulnerable households are entitled to free water, while the others are required to pay a small fee. This misunderstanding is indicative of a communication gap […] (Uganda Report 2, 2022, p. 37)

3.4. *Experiences of Vulnerabilities Determined by the Policies that Govern Migration and Refugee Movements. Temporariness, Precarity, and Power Imbalances*

The roots of some of the experiences of vulnerability that have been identified throughout the fieldwork can often be found in some of the fundamental characteristics of the overall architecture of existing policies, which govern migration and refugee movements. The main ones that have been identified throughout the VULNER reports are summarised below, because they are key to reaching a better understanding of the main determinants of the experiences of vulnerability which were identified among the migrants seeking protection.

The objective is not to adopt a policymaking perspective that would call for these structural factors to be eradicated as such. Migration policies are not exclusively about the protection of migrants; they are also about matching the interests of the host societies with those of migrants, while respecting the latter's fundamental rights. Rather, the objective is to enhance knowledge of the realities faced by migrants and to support the quality of decision-making processes on the ground, which gain from greater understanding of migrants' realities.

Therefore, I make a distinction below between the architecture of migration and refugee policies in the Northern countries under study in Europe and Canada, and that of aid policies in Lebanon and Uganda. The objective is to reflect both the difference in the primary objectives that those policies pursue (managing and controlling refugee movements and presence vs. offering assistance to refugees), as well as the context (developed countries vs. developing countries, which are first countries of asylum and which refugee policies are dependent on international aid).

3.4.1.   Asylum and Migration Policies in Belgium, Canada, Germany, Italy, and Norway

In the Northern countries under study, the uncertainties that the research participants commonly experience, and that they identified as among the main sources of their life challenges, are intrinsically linked to the precarity of their legal status. Having limited rights and lacking certainty about the outcome of their application for asylum weighs heavily upon them. These concerns affect their ability to developing coping and resilience strategies to overcome their vulnerabilities and ultimately to better integrate into the host societies. They also exacerbate their vulnerabilities, for example in the event of health issues or trauma related to past persecutions.

While a certain degree of precarity in legal status might be inherent in the organisational constraints of the asylum process, Liden, Paasche, and Damsa insist that it should not expand further. They notice that:

> *As in many other Western countries, we find a temporary turn in refugee protection in Norway over the last decade (Schultz, 2022). This means an increased use of direct and indirect measures that reduce the safety previously associated with individualized refugee status. As we show below, such measures are used in various parts of the procedure of becoming a new citizen, including the expansion of temporary permits and increased obstacles to accessing permanent residence and citizenship. Temporality clauses increase the differentiation of rights within the same protection tracks and categories of protection seekers (Brekke et al., 2019; Schultz, 2022).* (Norway report 2, 2022, p. 53)

Moreover, additional structural factors and circumstances contribute to increasing the uncertainties and anguish which migrants experience as a result of the precarity of their legal status. First, the quality of social and legal support is key to allowing them to regain some control over their life. As argued by Nakache et al.:

> *[…] the consequences of a lack of proper representation can be devastating […]. Since designated representatives are essential players to ensure that vulnerable persons understand the process and make decisions in their best interests, they should be available in any immigration proceeding* (Canada report 2, 2022, p. 36)

The quality of the social support was found to vary depending on the housing structure. Carnassale and Marchetti noticed that the vulnerabilities and special needs of asylum seekers who are hosted in large and centralised reception centres are generally overlooked and undetected:

> *Generally, a relationship can be drawn between the size of the [reception] centre and the type of support provided (Fabini et al, 2019; Sacchi & Sòrgoni, 2019; Declich & Pitzalis, 2021). Many participants (migrants and non-migrants) described big reception centres as places where the underestimation of vulnerabilities is systematic. For instance, some people who spent years in such places said that they did not receive assistance or even information about the procedure […] Last but not least, both social workers and protection seekers reported that the possibility to establish contact and give support in big [reception] centres is almost impossible, because the number of guests is not proportionate in comparison to the staff working there.* (Italy report 2, 2022, p. 36)

The fact that these centres are often located in remote areas, instead of being embedded in the local context, also contributes to generating internal dynamics that can reproduce and further exacerbate vulnerabilities that were faced in the home country. For example, larger

structures generally give rise to gendered divisions among asylum seekers, thereby perpetuating the vulnerabilities that are faced by women, especially single women who do not receive support from family members, and other minority groups who are exposed to stigmatisation (Seethaler-Wari and Yanasmayan, 2023).

This gendered division was also witnessed by Sarolea, Raimondo, and Crine in large reception centres in Belgium, where they noticed that women are seldom being present in public spaces:

> *[…] the gendered division of space in reception centres creates many forms of iniquities. In centres with a mixed population (women and men), public spaces remain highly masculine (bars, meeting points, the refectory) so that women are forced to evolve in tiny spaces, almost confined to the privacy of their room, in any case, to the sidelines. It was striking that female asylum seekers were seldom present in public spaces where we usually hung out, for instance, during interviews. Solange, who introduces us to this aspect of the centre, explains how the different spaces in the centre are divided between "men's spaces" and "women's spaces" so that women do not "go down to the restaurant to eat" but prefer cooking for themselves separately. These constraints in the use of space, particularly as many complain about the male gaze on female bodies, can sometimes raise certain questions about the prospects facilitating contact and communication in mixed centres.* (Belgium report 2, 2022, p. 37)

Second, pending a decision on the application for asylum, mobility constraints were identified as prolonging uncertainties and the associated experiences of vulnerability. In Germany, Junghans and Kluth identified the obligation imposed on some asylum seekers to move from one reception centre to another one, sometimes located in an isolated area of the country, as a major factor disrupting their integration and the coping strategies they developed in order to overcome their vulnerabilities:

> *The place where one stays during the asylum procedure is especially important for those who are in need of special support. For example, our interviewees reapplying for asylum in Berlin belong to sexual and gender minorities. Their community and LGBTQI+ focused organisations are more developed there, since bigger cities often provide better community networks than peripheral localities. […] The fear of being relocated [to a reception centre outside of Berlin] and the bureaucratic struggle to be able to stay in Berlin had an important impact on the psychological state of our interviewees. One of our interviewees refused the relocation imposed by the authorities and therefore didn't receive any state support for two years (e.g., financial and health insurance). Thus, [he] felt compelled to provide for themself through sex-work. This clearly demonstrates the intersection of situational vulnerability factors related to personal circumstances such as gender identity and community support on the one hand, and on the other hand*

structural factors like administrative restrictions to the freedom of movement or work conditions. (German report 2, under publication)

Carnassale and Marchetti noticed that the Dublin Regulation (Reg. EU 604/2013) also had the effect of prolonging the uncertainties faced by those who are sent back to Italy after having started to settle in another country which they intended as their primary destination, but which happened not to be responsible for examining their application:

> *During the research, some protection seekers explained how the Dublin Regulation led to the failure of their migration project and forced them to reinvent themselves elsewhere. A clear example is in the stories of Sara from Jordan […]. Sara migrated with four minor children at the age of 45, taking a flight to Italy and then traveling to Germany, her intended destination. […] Sara recounted her difficult reception in Germany and constant move to various centres, until a night when – after a party in the middle of winter – the police raided her home and proceeded to deport her family to Italy. What exacerbated the trauma of this resettling in Italy was the fact that her children had laboriously learned German and were starting to develop good social interactions with their peers. Sara recounted how her youngest son, who had just been deported to Italy, cried constantly and would not take off the bracelet from the party he had attended just a few days earlier. Furthermore, in the period immediately following their arrival, her son refused to study Italian because he was afraid that something similar to what he had just experienced might happen again.* (Italy report 2, 2022, p. 48)

Difficulties in reuniting with family members were also commonly invoked among the main concerns of the research participants. During their fieldwork, for example, Liden, Paasche and Damsa encountered an Afghan refugee who insisted that being reunited with family members was the centre of their worries and preoccupations:

> *Physically, I'm safe, but psychologically, I'm not. My mind is with my family. I now plan, if the family reunification does not work, to leave Norway and be with my family [in Afghanistan]. […] Because I feel that my children will be killed, and the whole idea was for me and my family to be safe in Norway together. […] Then, I could have planned for the future and my kids and engaged in education and working life.* (Norway report 2, 2022, p. 49)

3.4.2. Aid Policies Towards Refugees in Lebanon and Uganda

In Lebanon and Uganda, refugees often invoked difficulties in achieving means of livelihood and escaping from extreme poverty. In Lebanon, the lack of legal status for refugees plays a major role in exacerbating their vulnerabilities, and even gives rise to new ones. As argued by Brun and Maalouf:

The state largely produces vulnerabilities by making it near to impossible for Syrian refugees and Palestinian refugees from Syria to stay in legality, by preventing people from accessing employment and through their increasingly prominent discourse of return. (Lebanon report 2, 2022, p. 40).

In Uganda, refugees have access to legal status, but harsh living conditions make it difficult for them to envisage a future there. The organisation of the aid system also indirectly contributes to keeping them in camps, for those who are not present at regular intervals (for example, to collect their cash assistance) lose their registration with the UNHCR:

[…] those who find employment outside the settlement are still inadvertently lured back through Biometric Control Systems. Unable to cope with the transport costs from Kampala to the settlement, one of my interlocutors explained that he had to give up his job because it did not make financial sense to pay a large fraction in transport costs to collect his Cash Based Transfer of 19,000 UGX (4 EUR), which was far less than the travel costs. The cost of the transport to the settlement was far more expensive than the amount provided by humanitarian aid. Yet, as he and many other interlocutors explained, they feared to miss this verification three times in a row because they would be removed from the UNHCR database (Uganda report 2, 2022, p. 27)

In this context, the opacity of resettlement programmes has the effect of further contributing to maintaining refugees in a vulnerable situation. Some fear that if they become less vulnerable, they will lose their chance at being resettled, although their chance of actually being resettled is extremely low. As a result, prospects of resettlement paradoxically hinder the possibility of integration:

Many refugees put their lives on hold in hopes that they can live a better life once they are resettled. Some refugees I spoke to had put off marriages, or having children, or did not want to find work in fear of appearing less vulnerable. As one aid worker in a micro-financing institution explained to me, many refugees feared to take up loans to start small businesses because of fear that having debt, or a business, would impede resettlement opportunities (Uganda report 2, 2022, p. 52)

Overall, as argued by Brun and Maalouf, the architecture of the aid system '*continues to be top-down and does largely exclude local communities and local practices'* (Lebanon report 2, 2022, p. 60), thereby supporting the vulnerability assessments that reflect donors' priorities more than the actual needs on the ground. Combined with the temporary nature of humanitarian funding, this gives rise to responses that often fail to address the root causes of vulnerabilities among aid beneficiaries. Nakueira notes that *'the funding of temporary programmes leads to ever-changing target populations, as programmes end and are replaced by new ones, which often focus on different vulnerable groups and nationalities'* (Uganda report

2, 2022, p. 5), so much so that the root causes of vulnerabilities are hardly identified and addressed.

4. Questioning the 'Vulnerability' Label

Being uprooted already places individuals in a vulnerable position as they integrate into a new social environment which requires them to adapt to new social and institutional norms, as well as to acquire the skills to navigate among them. As shown above, the extent of that vulnerable position depends on various factors and circumstances that do not result exclusively from each individual's specific profile and past experiences, but that also relate to the constraints of the processes for accessing protection and to mobility constraints more broadly.

In the academic literature, models for identifying vulnerabilities commonly emphasise the need to connect the personal and innate characteristics of individuals with their broader social environment, including the broader factors that structure that environment. Academic attempts at conceptualising vulnerability often consider the concept as resulting from a combination of 1. innate characteristics, mainly with corporeal dimensions; 2. situated experiences, which relate to interpersonal relationships; and 3. structural factors and dynamics, which relate to the organisation of society (Fineman, 2008; Cortina and Conill, 2016; Brown, Ecclestone, and Emmel, 2017).

Among the various models that have been designed around these three dimensions of vulnerabilities (innate, situational, and structural), that of Gilodi, Albert, and Nienaber recommends devoting particular attention to how they evolve over time and how they can be affected by the consequences of being labelled 'vulnerable' by the state authorities, for example, because of stigmatisation (Gilodi, Albert, and Nienaber, 2022).[22] The IOM model of the determinants of migrant vulnerability also considers the three aforementioned dimensions of 'vulnerability', as it recommends combining the analysis of 1. individual factors with 2. household and family factors, 3. community factors, and 4. structural factors (IOM, 2019). This model thus breaks down the situated vulnerabilities by making a distinction between the family and the community environment.

These models provide useful frameworks with which to understand migrants' experiences, while including adequate attention to their situated dimensions, including how they result from multiple intersecting factors of circumstances, which are not purely innate but also

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[22] The overall research design of the VULNER project, as refined in the templates that were established for the second research phase, therefore integrated a focus on 'temporatility' into the analytical framework alongside the focus on 'agency', which allowed us to analyse the consequences of being labelled as 'vulnerable' while also paying particular attention to how such label is mobilized as part of coping strategies; in addition, the focus on 'intersectionality' allowed us to account for how situated experiences of vulnerability result from the complex interactions of various factors and circumstances, and are not determined exclusively by one specific personal characteristic.

structural (such as those relating to the architecture of legal mobility). The objective of this section is not to propose yet another theoretical model for understanding migrants' experiences. Rather, it is to reflect on how empirical knowledge and analyses of migrants' experiences of vulnerability that were developed throughout the VULNER reports, and introduced above, can help refine current vulnerability assessments as part of asylum and reception processes in Europe and reflect critically on the promises and pitfalls of the increasing success of 'vulnerability' in legal reasoning and as a tool for asylum and migration governance.

Placing migrant individuals at the centre of the analysis and focussing on their experiences of vulnerability allowed the VULNER partners to identify how such experiences are embodied within their field, and how they are determined through some common patterns of interaction between different factors and circumstances of both an individual and a structural nature.

The relational understanding of migrants' vulnerabilities, of the kind that was developed throughout the VULNER reports, can assist in refining the vulnerability assessment processes that were studied and analysed during the first research phase (4.1.). But the consequences of relying on 'vulnerability' as part of individual decision-making processes with regard to asylum seekers in the EU also need to be acknowledged, with a view to reaching a better understanding of the likely consequences of that trend on the ground (4.2.). As it travels from the analytical sphere to the legal sphere, where it guides decision-making processes, 'vulnerability' undergoes tranformation. Such transformation needs critical thinking in order to understand the operational challenges that are likely to arise, and to elaborate adequate strategies to tackle them.

4.1. The Relational Dimensions of Migrants' Experiences

The first research phase of our project showed that vulnerability assessments as part of asylum and reception processes in Europe focus on abstractly defined personal characteristics, which commonly have a bodily component and can thus be identified relatively swiftly and objectively (health, age, gender, etc.). From the migrants' perspective, however, lived vulnerabilities have strong relational dimensions: embodied vulnerabilities are mainly relational in nature. When asked about their main life challenges, research participants commonly referred to how they enter into relationships with others, and the challenges they face when doing so. These challenges manifest themselves through relationships at three different levels: with family and community members, with institutional actors who are in charge of their protection, and with the host society.

Some migrants emphasise their personal characteristics which make them dependent on the care of others (for example, because of a physical or mental health condition, or because of old age), or estrange them from their family and community members (for example,

Luc Leboeuf, 2023

because they question traditional gender roles). Other migrants refer to the difficulties that emerge as part of their interactions with institutional actors, when seeking to obtain access to some services. This is seen in the widespread complaints of not being believed when expressing protection needs, for example in relation to accessing health care. Challenges in integrating within host societies and entering into relationships with its members also arise from the frustration the research participants expressed at the specific constraints they face as a result of their legal status or lack thereof (for example, restrictions in accessing the job and housing market).

The relational dimensions of experiences of vulnerability that were demonstrated in the VULNER reports justify the types of logic that underpin the institutional focus on the personal characteristics likely to generate care needs, such as physical or psychological impairment and/or stigmatisation because of health, age, gender, etc. But the research findings also warn against developing vulnerability assessment practices and processes, which would essentialise migrants as lone and isolated individuals. While the vulnerability categories as established in current legal and bureaucratic instruments adequately reflect the personal characteristics that are likely to generate situations of vulnerability due to special needs for care and increased risks of stigmatisation, such situations can only be adequately assessed and identified by considering the individual's social networks which are crucial when developing coping strategies to overcome vulnerabilities. Individual experiences of vulnerability differ greatly, depending on each migrant's integration within a support network. As argued by Carnassale and Marchetti:

> *The testimonies show the importance of looking at vulnerability in relation to both the individual and their social network, going beyond simplistic reasoning that leads to standardised and culturalized categorisations of contexts or backgrounds* (Italy report 2, 2022, p. 25)

Assessing the vulnerabilities faced by a given migrant seeking protection in a given setting thus requires identifying the relationships they maintain with others in that setting: do they have a social support network? Are they stigmatised and estranged from their own family and other social support networks as a result? Do others depend on their care? For example, the 'tool for identification of the special needs' (ISPN tool), which was established by the European Union Agency for Asylum (EUAA) to guide vulnerability assessments as part of asylum and reception processes[23], includes indicators as to how asylum seekers interact with their environment and relate to others.

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[23] https://ipsn.euaa.europa.eu/ipsn-tool. The EUAA was established in 2021 by the Reg. (EU) 2021/2303 in view of harmonizing asylum practices across the EU+ member states. Its creation was among the measures implementing the legislative and policy agenda set out in the EU New Pact on Migration and Asylum. The EUAA replaced the European Asylum Support Office (EASO), whose missions were limited to strengthening and coordinating the cooperation among the EU+ member states (Reg., EU, 439/2010).

This can't be done through a 'one-size-fits-all' approach. It requires long-term observation and adequate understanding of each individual's situation and how they interact with their social environment. It also requires knowledge of a person's past experiences, which can have a deep impact on his or he r current well-being, and which include those that relate to life in the home country, events that happened on the journey to the country of asylum, and reasons for fleeing home.

Moreover, the relational dimensions of vulnerability imply that experiences of vulnerability among migrants are shaped by broader policy constraints on their abilities to form relationships with others within the host society. The VULNER reports showed that policies that restrict migrants' access to the labour and housing market, freedom of movement, and family reunification opportunities generally exacerbate vulnerabilities. Precarious and temporary legal statuses, or the lack thereof, limit migrants' means of integrating into social networks. Without seeking to lift each and every constraint on migrants' autonomy, which can be justified by the protection of competing interests, vulnerability assessment processes that consider how vulnerabilities are also shaped by the constraints migrants face in forming relationships with others would gain in depth. Such broader consideration can be relevant not only as part of identifying special needs, but also when deciding on claims for protection that are made by migrants (as is increasingly the case in the ECtHR case-law).

But for vulnerability to achieve its potential of providing useful guidance when operationalising asylum and migration laws, beyond the identification of some special needs, there is a need to acknowledge how the concept of 'vulnerability' is likely to be transformed when mobilised as part of legal reasoning. This transformation process, and the likely consequences on the ground, are discussed below.

4.2. The Travels and Transformations of 'Vulnerability'

There have been mounting calls, in the academic literature, to develop and mobilise empirical knowledge about people's vulnerabilities with a view to guiding state action. Authors on the ethics of care, in particular, have underlined the potential benefits of using 'vulnerability' to identify specific disadvantaged positions in society which deserve special treatment and attention in order to guarantee equality, and meet the corresponding legal obligations of states to consider and address these vulnerabilities (Fineman, 2008). In the field of migration law and with respect to ECtHR case-law, scholars have similarly argued in favour of greater use of empirical knowledge about migrants' vulnerabilities, in order to better consider their realities when adjudicating their rights (Peroni and Timmer, 2013; Baumgärtel, 2020; Heri, 2020; Ippolito, 2020).

There does not seem to be a straightforward and clear connection between these academic arguments on the one hand, and contemporary legal developments in EU asylum law and ECtHR case-law on the other. But these trends nonetheless rest on a similar implicit logic and

lead to similar conceptual challenges: how to turn 'vulnerability' from a heuristic concept that serves to analyse human experiences into a legal and bureaucratic standard which supports decision-making processes when deciding on individual claims? How can one incorporate adequate consideration for migrants' vulnerabilities into governing refugee and migration movements?

Answering these questions requires acknowledging the implicit meanings of 'vulnerability', and how these feed the challenges that arise at operational level, as documented throughout the VULNER project (4.2.1.). These challenges, in turn, shed light on the risks associated with mobilising 'vulnerability' as a tool for asylum and migration governance, and which should be addressed in support of developing policy responses that adequately consider realities on the ground (4.2.2.).

4.2.1.   The 'Vulnerability' Label

In her seminal work on 'travelling concepts', Bal shows how concepts acquire different meanings and functions as they travel across disciplines (Bal, 2002): Concepts are flexible, and their uses can vary depending on the framework of a discipline, which affects the nature of the content they receive. Moreover, concepts are never fully neutral, and they always contribute to shaping the realities they seek to represent.

Similar phenomena occur as 'vulnerability' is increasingly used to shape legal reasoning. 'Vulnerability' turns into a label which makes it possible to decide on how to allocate resources: Migrants who are labelled as 'vulnerable' gain access to more favourable treatment and specific protection measures, and 'vulnerability' thus becomes a legal and bureaucratic criterion to be met by those who seek to benefit from these rights and advantages.

As a result, migrants must express their protection needs in ways that fit into how they are categorised in law and the relevant bureaucratic guidelines, and how they are perceived by decision-makers. For example, during her VULNER fieldwork, Nakueira noticed that most of the research participants she met with were careful to use the same wordings and concepts as the ones mobilised by the UNHCR when assessing vulnerabilities for the purpose of resettlement:

> *[…] during meetings, all the different groups I met with were careful to show that there was no durable solution for their challenges in Uganda and that resettlement was the only option. When drawing on perpetual insecurity to their lives, or insisting that the country lacked the health infrastructure to address their injuries, interlocutors were wittily mobilizing the language used to assess vulnerability categories that support referral for resettlement.* (Uganda report 2, 2022, p. 42).

That phenomenon is not unique to 'vulnerability' nor to the migration context. In its work on communication ethics, for example, Habermas showed how the development of the welfare state was based on a process of juridification whereby legal categories are established in support of the identification of welfare beneficiaries. These legal categories in turn constrain how those who claim access to benefits must communicate about their needs in order for them to be considered by state actors (Habermas, 1984 ; Loick, 2019). They must translate their personal situation into the corresponding legal categories if they are to access their entitlements.

Yet, the implicit meanings of 'vulnerability' generate additional difficulties and challenges for migrants when they engage in such translation exercise. Migrants rarely identify themselves as 'vulnerable' (Clark, 2007; Freedman, 2019). They need to go through a learning process before being able to translate their needs into the legal and bureaucratic understandings of their 'vulnerabilities'. The ability to engage successfully in such a learning process will depend, in turn, on migrants' abilities to integrate new social norms. This depends on various factors, including the quality of social networks within the host country (Wissing, 2022). As noted by Sarolea, Raimondo, and Crine:

> *[…] the community remains a critical source of information, right from the start and throughout the [asylum] procedure. […] While this method allows information to be obtained quickly and efficiently, it does not always guarantee that […][the information is of] good quality*[24] (Belgium report 2, 2022, p. 54).

Moreover, 'vulnerability' is an emotionally loaded notion that is likely to receive varying concrete meanings, depending on each decision-maker's affect. Affects and ideologies necessarily play a role among state actors when they implement state norms (Jordan, Strat, and Triandafyllidou, 2010; Eule, Borelli, Lindberg, and Wyss, 2019, p. 57; Andreetta, Enria, Jarroux, and Verheul, 2022). But whereas legal norms and bureaucratic standards generally serve the purpose of reducing and managing subjectivity and of guaranteeing some degree of objectivity in the practices of street-level bureaucrats, one may wonder if that is still the case with concepts that have strong affective dimensions, such as 'vulnerability', which generates state practices that favour those who manage to generate feelings of compassion.

Based on their fieldwork study in reception centres for asylum seekers in Italy, for example, Carnassale and Marchetti concluded that:

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[24] In that regard, Carnassale and Marchetti also noticed the ambiguous role of compatriots in providing information and assistance: 'As stated by Martina, a interviewee based in Lazio, the most common example is that of people selling at great expense hospitality certificates, which are essential for initiating an application for international protection […], as well as other documents or other types of benefits.' (Italy report 2, 2022, p. 42). This reminds us of the importance of social work.

In the field of services and support for […] [asylum] seekers there is a risk of discretionary practices that reproduce a rewarding perspective whereby the person who is considered "deserving" is helped even beyond the real possibilities, while the one considered "lazy" or "undisciplined," does not enjoy the same consideration and activation (Italy report 2, 2022, p. 37).

Concepts that allow street-level bureaucrats to express compassion help to humanise state responses by giving the state actors who are in direct contact with the public the leeway to account for difficult human situations and adapt state responses accordingly (Brown, 2017). These concepts should not be avoided as a rule of thumb. But they require additional accompanying measures, such as training and guidelines, to avoid supporting discretionary practices that vary depending on each decision-maker's personal preferences, and that ultimately rest on subjective and stereotyped understandings of migrants' experiences.

For example, institutional uses of the 'vulnerability' label have often been criticised for reflecting misconstrued understandings of gendered experiences of vulnerabilities, essentialising women as 'vulnerable' and men as 'non-vulnerable' (Grotti, Malakasis, Quagliariello, and Sahraoui, 2018; Sözer, 2019; Turner, 2019). The VULNER findings concur. Based on the fieldwork conducted in Belgium, Sarolea, Raimondo, and Crine argue that the organisation of the reception network for asylum seekers reflects a stereotyped view of men's abilities to face additional hardship:

[…] in the imagination of the reception network organisation, men are seen as able to cope with "harsher" living conditions without difficulty. It is, therefore, not uncommon, in the centres visited by the researchers, to see men placed in less comfort- able reception conditions (in containers, for example). The CAMPO centre – an emergency accommo-dation centre – we visited during the first year of the research also accommodated an exclusively male and young population, considered to have no apparent vulnerabilities. Some people interviewed told us that these conditions barely respected their primary needs. Étoile, who spent time in a CAMPO centre in a shared, crowded room with no curtains on the windows, said: "There were always fights, I couldn't stand the noise". (Belgium report 2, 2022, p. 42)

Another operational challenge associated with 'vulnerability', which goes hand in hand with its affective dimensions, is that it conveys victimhood and passivity. Besides feeding stigmatisation (Brown, 2011), this risks rendering decision-makers blind to how migrants exercise their agency in order to make their own independent choices – including how they develop coping strategies to overcome their vulnerabilities and obstacles to their mobility. Attention to these coping strategies is essential, however, when seeking to address vulnerabilities through institutional norms and practices, notably as part of social work.

First, coping strategies can be enhanced through dedicated measures that empower migrants to overcome their life challenges. For example, Nakache et al. identified the organisation of information sessions as a best practice in Canada, which can prevent migrants from falling prey to disinformation (Canada report 2, 2022, p. 57). Second, some coping strategies should be avoided, as they cause harm either to migrants themselves or to others, for example when they are compelled to engage in work activities in which they are exploited, or when they scam others (Lebanon report 2, 2022, p. 53; Uganda report 2, 2022, p. 44). If one remains blind to these coping strategies, it is not possible to support (or prevent) them through the required operational measures and policies.

The operational challenges that arise as 'vulnerability' is transformed into a label that supports decision-making processes in individual cases, and that were documented throughout the VULNER project, also provide grounds for rethinking critically the current trend of mobilising 'vulnerability' as part of policy discourses on asylum and migration. That practice reveals some unwanted side effects, which can emerge when attention to 'vulnerable' migrants becomes a key consideration when designing asylum and migration policies and communicating on them. These unwanted side effects are highlighted below.

4.2.2. An Endless Deservingness Debate?

The success of 'vulnerability' in European policy discourses on migration cannot be disconnected from the overall social and political context, which is characterised by heightened divisions as to how best to address asylum and migration movements in Europe. Studies have shown that while anti-immigration feelings are not shared by a majority of EU voters, a consistent proportion cast their vote based on how political parties address migration in their programmes (Dennison and Geddes, 2017). This phenomenon nurtures the rise of political movements that take an anti-immigration political stance that is met with strong opposition from growing numbers of grassroots volunteer movements, which contest state-driven logics of migration control (Holmes and Castaneda 2016; Vandevoordt 2019; Monforte and Maestri, 2022).

In such a context, some policymakers have been searching for ways of legitimising their policy choices by reference to concepts and notions which are more likely to generate widespread consensus and support in public opinion. This search for consensus is particularly evident at the EU level, for multiple reasons that may also have to do with the EU constitutional structure and missions, which require it to build consensus among the member states so as to sustain the legitimacy of its actions. 'Vulnerability' is one such notion, for very few would oppose the protection of 'vulnerable' persons and groups, such as children. This may explain, at least in part, why 'vulnerability' has become an increasingly common talking point in political communication on asylum and migration.

Yet, the advantages of 'vulnerability' in supporting the emergence of consensus as part of public debates also stem from its emotional dimensions. From that perspective, 'vulnerability' is but another manifestation of the uses of humanitarian concepts in public discourse, which draw on perceptions of victimhood, innocence, and deservingness to generate feelings of compassion among the public, in the hope of obtaining their adhesion. This can concern measures that increase migrant protections or that restrict them, in which case the adoption of specific protection mechanisms for the most vulnerable also supports arguments that these restrictions are reasonable.

These uses of 'vulnerability' in the policy discourse is not without unwanted side effects, however. In his critical analysis of humanitarianism, Fassin showed how humanitarian discourses and policies essentialise the beneficiaries of humanitarian intervention as innocent victims of unjust sufferings (Fassin, 2007). Such depiction does not correspond to human realities or to how human beings relate to the legal and bureaucratic systems within which they find themselves: any human actor within any organised system necessarily navigates its legal and social norms when exercising their agency and developing strategies with a view to making their own independent life choices (Friedberg and Crozier, 1977).

When used as part of policy discourses on asylum and migration, additional issues arise. Far from being passive victims, migrants who reached European territory to seek protection managed to navigate and overcome numerous obstacles to their mobility. Most endured harsh journeys during which they had to overcome violence and exploitation, which have become increasingly common on the way to Europe (Lorenz and Etzold, 2022). Even assuming that human beings can ever be fully 'innocent', essentialising migrants as passive victims estranges them from their experiences and lived realities. Not only does this create operational challenges, as shown above, but it also leads to additional challenges at the policymaking level.

Mobilising 'vulnerability' as a humanitarian concept risks trapping public debates in endless debates about deservingness, which oppose victimising stereotypes to abusing ones (Ticktin, 2016; Armbruster, 2018). Such debates, which are more emotional than fact-based, stand in the way of developing comprehensive responses to migration and refugee movements that adequately account for migrants' experiences. Long-standing discussions on the uses of 'vulnerability' to design aid policies show that debates as to *who* deserves to be labelled as 'vulnerable' bring few solutions to the broader structural issues that affect policy responses – including, in this policy context, insufficient involvement of aid beneficiaries and local communities in determining aid priorities (Brun, 2016; Turner, 2019; Krause and Schmidt, 2019).

This raises the question whether there is any added value in mobilising 'vulnerability' to guide asylum and migration policies in Europe. As demonstrated above, 'vulnerability' has strong potential for shedding light on migrants' experiences and supporting the

establishment of policies that give adequate consideration to them. It can serve as a strong conceptual analytical framework to better encapsulate migrants' experiences and to draw attention to these experiences in legal and political reasoning at both operational and policymaking levels. For such potential to be realised, however, 'vulnerability' should be prevented from developing into yet another moralised outlook on migration and refugees, which ultimately create a distinction between innocent victims that *deserve* protection and others.

One way of limiting such a risk is to recognise the primacy of migrants' rights. If the more favourable treatment received by those who are labelled as 'vulnerable' doesn't question their rights, which are afforded to all irrespective of additional vulnerabilities, discussions on *who* deserves to be labelled as 'vulnerable' lose most of their relevance. This does not render 'vulnerability' irrelevant. In so far as decision-making processes at operational level are always marked by affects and emotions, translating them into refined legal and bureaucratic concepts (such as 'vulnerability') also supports the development of adequate accompanying measures, such as guidelines and training.

If well-managed, 'vulnerability' can thus accompany the discretion that street-level bureaucrats necessarily have when implementing regulations. Doing so would foster similarity among state practices while also allowing decision-makers to act in humane ways that consider the life challenges faced by those who are subject to their decisions. Otherwise, 'vulnerability' will turn into yet another legal and bureaucratic category that does little to address structural challenges, but instead further imports the difficulties that have been commonly identified with humanitarianism into the heart of EU asylum and migration policy.

5. Conclusion. The Promise of Better Consideration for the Realities of Migrants Seeking Protection, and the Risk of Developing yet Another Humanitarian Label

There is currently a trend, in the academic discourse in migration studies, to call for greater attention to vulnerabilisation processes, that is, to how migrants' vulnerabilities are not exclusively the result of innate characteristics, but are also exacerbated and produced through broader structural factors related to how states govern migration and refugee movements. The second VULNER research reports did this in empirically grounded ways, based on extensive fieldwork and interviews with migrants and other relevant practitioners, in order to document and analyse migrants' experiences of their vulnerabilities in each of the countries under study.

In each country report, the analysis sought to consider the complex interactions between personal factors and circumstances, as well as structural ones that relate to the processes for obtaining access to protection and the broader mobility constraints that migrants face. The analyses were further refined by considering how these experiences are influenced by the

passage of time, while paying particular attention to how these factors and circumstances intersect and how migrants exercise their agency in order to overcome their vulnerabilities.

Combined with the findings from an earlier research phase, which dissected the legal and bureaucratic uses of 'vulnerability' by institutional actors when deciding on claims for protection, the findings from the country reports also provide a grounded understanding of the challenges of relying on 'vulnerability' when operationalising asylum and migration laws. These include insufficient consideration for the relational dimensions of vulnerabilities and a lack of attention to how migrants develop coping and resilience strategies. These operational challenges, in turn, inform the challenges that arise at policymaking level, including getting trapped in an endless deservingness debate as vulnerable migrants are essentialised as passive victims.

For 'vulnerability' to achieve its potential for guiding asylum and migration policies and their implementation, it needs to be grounded in an adequate understanding of migrants' realities, as this has been developed in the VULNER reports with respect to each field. It also needs to be used by policymakers in ways that mobilise such knowledge in view of guiding the operationalisation of migrants' rights and their implementation in individual cases, not to identify who should benefit from such rights. If not, 'vulnerability' will contribute to import the long-standing difficulties with humanitarianism, which have been experienced in developing countries, into EU asylum and migration policy, thus making migrants' rights a contingent consideration.

APPENDIX 1. Common template for the country reports

Cross-Cutting Analytical Concepts

When drafting your report, please mobilise the following analytical concepts in a cross-cutting way:

- Agency: to be understood as the ability of protection seekers to make their own independent and free choices, and to mobilise existing rules to achieve their own personal objectives – such as obtaining a residence permit and/or achieving better socio-economic living conditions.

In the context of our project, agency should be mobilized in connection with self-reliance (i.e., how protection seekers make use of their agency to support their own self-reliance strategies, that allow them to overcome their vulnerabilities and to become independent individuals) and with the legal and bureaucratic framework that regulates migration movements.

- Intersection: to be understood in its empirical sense, as a combination of diverse social circumstances and personal characteristics that contribute in placing protection seekers in a vulnerable position.

In the context of our project, intersection should relate to intersectionality, that is, a particular concern for these factors that lead to a position of vulnerability and weakness.

- Temporality: vulnerabilities are constantly evolving over time. This temporal aspect should be addressed through a focus on how vulnerabilities increase/decrease in relation to the relevant domestic procedures (including how vulnerabilities evolve as a result of the existing measures to address them, and how the passing of time may exacerbate vulnerabilities, especially as protection seekers remain trapped in camps and in a precarious status over long periods of time).

Common Template

All reports should follow this template:

EXECUTIVE SUMMARY (2 pages max in the English version)

The executive summary should present the main findings, in a way that is accessible to a wide audience beyond academia, including policymakers and other relevant stakeholders (NGOs…).

The executive summary should be no longer than 2 pages. It should be accompanied with a translation in the national language, with the purpose of reaching national stakeholders on top of EU and international audiences (who are the report's primary audiences).

The executive summary should start with a common introductory paragraph:

This research report has been published as part of the EU Horizon 2020 VULNER research project (www.vulner.eu). The VULNER research project's objective is to reach a more profound understanding of the experiences of vulnerabilities of migrants applying for asylum and other humanitarian protection statuses, and how they could best be addressed. It therefore makes use of a twofold analysis, which confronts the study of existing legal and bureaucratic norms and practices that seek to assess and address vulnerabilities among migrants seeking protection, with migrants' own experiences.

The following paragraphs should remind of the first research report's approach and main findings, and refer to the data collected for the second report (with a reference to the number of conducted interviews: even though our project adopts a very qualitative approach, numbers matter for communication and review purposes). The last paragraphs should briefly present the main findings, in a straightforward way and language that is accessible to a wide audience beyond academia, including policymakers and other relevant stakeholders (NGOs…).

There should be no policy recommendations in the executive summary – policy recommendations will be made in your policy brief that will accompany your research report (but which you are being advised to finalise after the workshop with national stakeholders).

ABBREVIATIONS

TABLE OF CONTENTS

INTRODUCTION (1 to 2 pages)

The introduction should make the connection with the first research report, which main findings should be briefly reminded.

The introduction should present the research question, which is: how are experiences of vulnerabilities shaped, and sometimes even produced, by the legal and bureaucratic framework in the country under study?

The introduction should remind the reader of the report's objective, which is to identify the relationship between experiences of vulnerabilities and the legal and bureaucratic framework in place. The report should do so from a decremental and incremental perspective: how do vulnerabilities increase/decrease as a result of the legal and bureaucratic framework in place?[25]

The introduction should also present the structure of the second research report.

1. METHODOLOGY (3 pages)

The methodology chapter should situate your report within the common and overall research objectives of the VULNER project. It should specify how its focus on the protection seekers' experiences seeks to complement the first research reports, through a bottom-up perspective that sheds a critical light on state practices[26] (see pp. 10-13 of the DoA).

The methodology chapter should provide detailed information on the sites where the ethnographic fieldwork was conducted (in so far as this remain compatible with the 'do-not-harm' principle), and on the criteria that were used to select these sites (including why these criteria allow your report to adequately reflect the diversity of situations at the domestic level), and to select the research participants.[27]

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[25] The 'legal and bureaucratic framework' is to be understood in its strict sense, as encompassing the legal and bureaucratic norms and processes that aim at identifying, assessing and addressing vulnerabilities. It should also be understood in its broader sense, as encompassing all norms that seek to control migration movements.

[26] State practices are to be understood in a broad sense. They include the norms and practices aimed at addressing vulnerabilities, and the norms and practices that seek to regulate migration and refugee movements more broadly.

[27] As stated in the DoA, the focus is on the vulnerabilities during the procedures to obtain a protection status. This should be reflected in the selection of the research participants, which should be able to bring relevant information

The methodology chapter should include a short and concrete reflection on your positionality, how it affected the data collection process, and on the concrete measures you adopted to mitigate its effects on the quality of the collected data.

The use of the VULNER common ethics instruments established in line with the ethics WP should be reminded, including how you made use of these instruments in the context of fieldwork (observations, informal interactions etc).

The methodology chapter should briefly mention how you faced and addressed COVID related restrictions during the data collection process, as well as some general thoughts on the extent to which your findings may be affected by the COVID situation (for example, because it led to the adoption of some additional measures by states or restrictions to accessing the labour market, which in turn deeply impacted protection seekers' everyday life and vulnerabilities).[28]

2. SETTING THE LEGAL AND BUREAUCRATIC SCENE (2 pages max)

The second chapter should set the legal and bureaucratic scene and remind the reader of the main findings from the first research report, and which relate to the various uses of 'vulnerability' as a legal and bureaucratic concept to assess protection needs in the country under study.

The objective is not to repeat the study of the whole domestic protection regime, which was made in the first research reports. It is to contextualize the second report through a reminder of the main legal and bureaucratic functions of "vulnerability" in your country – including the bureaucratic approach to "vulnerability" assessments (flexible and/or formalized through standardized tools and processes, such as questionnaires that are filled in when introducing the asylum application, for example).

For the countries in the Global North, the focus will be on how "special/specific/extra" needs are being assessed as part of the relevant procedures to obtain a residence permit (such as the asylum procedure) and to organize the reception conditions[29], as well as on how 'vulnerability' shapes the evaluation of applications for a residence permit on their merits in various direct and/or indirect ways – as exemplified in the domestic case-law.

For the countries in the Global South, the focus will be on how 'vulnerability' is being mobilized as a bureaucratic concept to guide and to tailor the implementation and the development of aid programmes, in a way that accounts for the specific needs and position of 'vulnerable' refugees (i.e., as part of the vulnerability assessment framework implemented under Lebanon's crisis response plan, and as part of the multifocal 'whole of society' approach in Uganda).

The next chapters should present the common threads identified through interviews with protection seekers, observations and other kind of informal interactions as part of the fieldwork, and that relate to the experiences of vulnerability of the protection seekers – with

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about that specific period of time – either because they are in the procedure, or because they went through the procedure.

[28] The objective is not to detail the multiple consequences of the COVID epidemic, but to acknowledge its deep impacts on the realities on the ground that are empirically documented through the second research reports. It is to show our awareness of how the realities we studied are impacted by the COVID situation.

[29] To the exception of Canada, which does not have a State-run reception system with collective accommodation.

a specific focus on how these experiences relate to the existing legal and bureaucratic frameworks, on resilience and coping strategies, and on situations where protection seekers fail to overcome their vulnerabilities. Given how the COVID epidemic keeps affecting our societies and lifes, it can also be expected that it will be addressed throughout the report.

3. VULNERABILITIES AND PERSONAL CIRCUMSTANCES (around 10-15 pages)

The third chapter should adopt a *micro* perspective. It should address and discuss the vulnerabilities of protection seekers that result from personal circumstances, which relate to their own individual profile and life experiences.

Such personal circumstances should include, at least, the vulnerability categories identified in the relevant legal and policy instruments - such as the Global Compact on Migration and other relevant regional (EU) and domestic instruments (I'm referring here to the 'group-based vulnerabilities' resulting from personal characteristics such as age, gender, health etc).

Moreover, events that occurred before the arrival in the host country and on the way to the host country are likely to be particularly relevant.

4. VULNERABILITIES AND THE PROTECTION PROCEDURE (around 10-15 pages)

The fourth chapter should adopt a *meso* perspective. It should address and discuss the vulnerabilities that result from events and interactions occurring as part of the relevant procedures.

The emphasis should be on the relational aspects: how do vulnerabilities arise/decrease through interactions in the host country, such as interactions with street-level bureaucrats (social workers, aid workers, public servants in charge of deciding on asylum applications etc), other protection seekers and other relevant stakeholders (lawyers etc) (in Africa and Lebanon, the relationships with local authorities beyond aid workers may be particularly relevant)?

This should offer the opportunity of a thorough reflection and critical evaluation of current state practices/practices of aid agencies, with a focus on those identified and discussed in the first report, and that relate to the identification of the most vulnerable protection seekers and to the way their specific protection needs are being addressed.

5. VULNERABILITIES AND MIGRATION POLICIES (around 10-15pages)

The fifth chapter should adopt a *macro* perspective. It should take a step back and make a broader analysis of how current state norms and practices towards protection seekers impact their vulnerabilities.

This chapter should allow you to draw broader conclusions on how experiences of vulnerabilities are shaped (and sometimes even produced) by the legal framework and bureaucratic practices, beyond those aimed at identifying, assessing and addressing vulnerabilities. It should identify the state practices towards protection seekers that exacerbate vulnerabilities, or even create them – in a nuanced way that goes beyond the overall (and relatively obvious) finding that migration control mechanisms have the overall effect of producing vulnerabilities. The objective is to broaden the picture beyond the evaluation of current protection mechanisms, to put them in their broader bureaucratic context.

CONCLUSION (2 pages)

The conclusion should remind of the main findings of the report and lay the emphasis on the findings that will sustain policy recommendations. These policy recommendations will have to be formulated in a policy brief, that can be issued at the end of your national workshop presenting and discussing the research results with local stakeholders.

APPENDIXES

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