



## Through the Eyes of the “Vulnerable”: Exploring Vulnerabilities in the Belgian Asylum System

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The picture has been taken by Francesca Raimondo in the reception centre of Houthalen-Helchteren in Flanders, Belgium. It shows the arms of a young man interviewed during the fieldwork, wearing two bracelets which represent two flags: South Sudan and Europe.

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## Through the Eyes of the “Vulnerable”: Exploring Vulnerabilities in the Belgian Asylum System

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## EXECUTIVE SUMMARY

This research report has been published as part of the EU Horizon 2020 VULNER research project ([www.vulner.eu](http://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. Creating a framework to allow protection seekers to highlight their reality and experiences in their own words, and include the insights of associations and lawyers specialised in the asylum and migration fields, can shed greater light on how and to what extent an asylum procedure can accommodate those experiences.

To that end, the research fieldwork underlying this report on the asylum procedure in Belgium involved interviews with a) asylum seekers at seven reception centres and b) associations and lawyers specialised in asylum and immigration law (see the methodology section of this report). **Those interviewed included 39 asylum seekers, five lawyers** (three Dutch-speaking, two French-speaking), **and 15 members of associations active in the field of asylum and migration who had participated in the study. In addition, seven others from a specific day centre (PSA centre in Brussels) who had not applied for asylum were also met.**

This report on the fieldwork presents the following key findings:

- **At the micro level**, the report highlights the intersectionality of different types of vulnerabilities based on the personal accounts of protection seekers, in that their experiences related more generally to how certain *situations* impacted each of them during the asylum process and not simply to their *distinct personalities*. Conceiving vulnerability through an intersectional lens allowed us to better grasp how a combination of different factors (most commonly, gender, age and health) may increase the vulnerability that protection seekers experience at different points in the migratory path (country of origin, migratory road, country of arrival).
- **At the meso level**, the study underlines many types of the vulnerabilities the asylum seekers experience that the asylum process itself "favours", and possibly also produces or maintains. These vulnerabilities arise for numerous reasons ranging from the length of the procedure to possible information and communication gaps between the protection seekers and the authorities (mostly resulting in feelings of loneliness and real disempowerment).
- **At a macro level**, the research reveals different tensions around the way vulnerability is approached and dealt with by the Belgian asylum system. Most notably, it questions the capacity of the asylum system to account for the different types of protection seekers' vulnerabilities (and their particular needs) consistently and systematically, given that vulnerabilities are often assumed to crop up as a matter of "chance" or "coincidence". It also highlights some dissent among the asylum bodies on the weight given to the vulnerability of protection seekers in designing the asylum process (as an exceptional procedural guarantee to be granted in specific cases or as a minimum standard/basis to apply to all protection seekers by default).

This report outlines the scope of several issues based on these findings, among them: issues relating to predictability, equality (before the law, in general, and the asylum procedure, in particular), and (overall) consistency.

Firstly, the consideration of vulnerability varies in a non-systematic way. Often its consideration depends on the context, the support provided to the protection seekers, and their understanding of the core tenets of the procedure (*predictability*). Secondly, for protection seekers, the lack of predictability undermines the principle of equality before the law (*equality*). Thirdly, despite the attempts of those responsible for identifying and addressing vulnerability on the ground, there is a general lack of consistency that prevents a real *vulnerability policy* from being implemented (*consistency*).

**The researchers remain grateful to all those who crossed their paths during this study and agreed to share their stories, their fears, but also their dreams.**

## RÉSUMÉ

Ce rapport de recherche a été publié dans le cadre du projet de recherche européen Horizon 2020 VULNER ([www.vulner.eu](http://www.vulner.eu)). L'objectif du projet de recherche VULNER est d'assurer une compréhension plus approfondie des expériences et des vulnérabilités des migrants candidats à la protection internationale ainsi qu'à d'autres statuts de protection humanitaire. Ce projet a donc recours à une double analyse, qui confronte l'étude des normes et des pratiques juridiques et bureaucratiques existantes cherchant à évaluer les vulnérabilités des migrants en quête de protection avec leurs expériences personnelles et singulières. Dans ce rapport, la possibilité laissée aux demandeurs de protection de mettre en lumière leurs réalités avec leur propres mots, couplée aux expériences d'associations et de juristes spécialisés dans les domaines de l'asile et de la migration, permet de mieux comprendre comment et dans quelle mesure les procédures d'asile peuvent tenir compte de ces réalités.

À cette fin, le travail de terrain qui sous-tend ce rapport sur la procédure d'asile belge s'est fondé sur la réalisation d'entretiens auprès a) de demandeurs d'asile dans sept centres d'accueil et b) d'associations et d'avocats spécialisés dans le droit de l'asile et de l'immigration (voir la section méthodologie de ce rapport). **Au total, 39 demandeurs d'asile, cinq avocats (trois néerlandophones, deux francophones) et 15 membres d'associations actives dans le domaine de l'asile et de la migration ont été interrogés et ont participé à l'étude.** En outre, sept autres personnes non candidates à l'asile ont été rencontrées dans un centre de jour spécifique (le centre PSA de Bruxelles).

Ce rapport, fondé sur le travail de terrain réalisé pour l'étude, permet de poser les constats suivants :

- **Au niveau micro**, le rapport met en évidence l'intersectionnalité de différents facteurs de vulnérabilité sur la base des récits personnels des demandeurs de protection, en soulignant que leurs expériences se rapportent plus généralement à la manière dont ils ont été impactés par certaines *situations* au cours de la procédure d'asile et non simplement à leurs *personnalités singulières et distinctes*. Concevoir la vulnérabilité à travers un prisme intersectionnel nous a permis de mieux comprendre comment une combinaison de différents facteurs (le plus souvent, les facteurs sexe, âge et santé) peut accroître la vulnérabilité des demandeurs de protection à différents moments de leur parcours migratoire (pays d'origine, trajet migratoire, pays d'arrivée).
- **Au niveau méso**, l'étude souligne de nombreux types de vulnérabilités auxquels le demandeur d'asile est exposé, vulnérabilités que la procédure d'asile elle-même «favorise», voire produit ou maintient. Plusieurs raisons permettent d'expliquer la création de ces vulnérabilités, allant de la longueur de la procédure aux éventuelles lacunes en matière d'information et de communication entre les demandeurs de protection et les autorités (qui se traduisent le plus souvent par un sentiment de solitude et de déresponsabilisation).

- **Au niveau macro**, la recherche met en évidence différentes tensions dans la manière dont la vulnérabilité est abordée et appréhendée dans le système d’asile belge. Par ailleurs, cette étude questionne la capacité du système d’asile à prendre en compte les différents types de vulnérabilité des demandeurs de protection (et leurs besoins particuliers) de manière cohérente et systématique. La prise en compte des vulnérabilités semble en effet surtout être le fruit de la « chance », du « hasard » ou d’une forme de « coïncidence » dans la procédure d’asile actuelle.

Cette étude met également en évidence certaines divergences entre acteurs de l’asile quant au poids accordé à la vulnérabilité dans la procédure (perçue comme une garantie procédurale exceptionnelle à accorder dans des cas spécifiques ou comme une norme et base minimale à appliquer par défaut à tous les demandeurs de protection).

Le présent rapport soulève alors différents questionnements sur base de ces résultats, questionnements en termes de prévisibilité, d’égalité (devant la loi, en général et dans la procédure d’asile, en particulier) et de cohérence générale du système d’asile.

D’abord, la prise en compte des vulnérabilités des demandeurs de protection semble varier de manière arbitraire. Cette prise en compte dépend souvent du contexte dans lequel elle se déploie, du soutien apporté aux demandeurs de protection et de leur compréhension des enjeux de la procédure (*prévisibilité*). Ensuite, le manque de prévisibilité dans la prise en compte effective des vulnérabilités peut poser question au regard du principe d’égalité devant la loi (*égalité*). Enfin, malgré les tentatives des personnes chargées d’identifier les vulnérabilités sur le terrain, le système d’asile belge est marqué par un manque de cohérence générale qui empêche la mise en œuvre d’une véritable *politique de vulnérabilité (cohérence)*.

**Les chercheuses du projet restent reconnaissantes envers celles et ceux qui ont croisé leur chemin au cours de cette étude et qui ont avec elles accepté de partager leurs histoires, leurs craintes, mais aussi leurs rêves.**

## Samenvatting

Dit onderzoeksrapport is gepubliceerd in het kader van het EU Horizon 2020 onderzoeksproject VULNER ([www.vulner.eu](http://www.vulner.eu)), dat beoogt meer inzicht te krijgen in de wijze waarop kwetsbaarheden ervaren worden door aanvragers van asiel en andere humanitaire beschermingsgronden en hoe deze kwetsbaarheden het best kunnen worden aangepakt. Het project hanteert een tweeledige analyse, waarbij de studie van bestaande wettelijke normen en bureaucratische praktijken op vlak van het beoordelen en aanpakken van kwetsbaarheden bij migranten die bescherming zoeken, geconfronteerd worden met de eigen ervaringen van migranten. Het creëren van een kader, waarin beschermingszoekers hun ervaringen in hun eigen woorden kunnen delen en waarin ook de inzichten van gespecialiseerde verenigingen en advocaten worden opgenomen, kan meer licht werpen op de manier waarop en de mate waarin een asielprocedure rekening kan houden met die ervaringen.

Het veldwerk dat aan dit rapport over de asielprocedure in België ten grondslag ligt, omvatte dan ook interviews met a) asielzoekers in zeven opvangcentra en b) verenigingen en advocaten die gespecialiseerd zijn in asiel- en vreemdelingenrecht (zie het onderdeel methodologie van dit rapport). **Concreet werden 39 beschermingszoekers, vijf advocaten (drie Nederlandstalige, twee Franstalige) en 15 verenigingen die actief zijn op het gebied van asiel en migratie en die aan de studie hebben deelgenomen, geïnterviewd. Daarnaast werden ook zeven anderen uit een specifiek dagcentrum (PSA-centrum in Brussel) ontmoet die geen asiel hadden aangevraagd.**

In het rapport worden de volgende bevindingen voorgesteld:

- **Op microniveau** belicht het rapport de intersectionaliteit van verschillende soorten kwetsbaarheden die voortvloeien uit de persoonlijke verhalen van beschermingszoekers. Meer bepaald omdat hun ervaringen niet alleen verband houden met hun *persoonlijkheidskenmerken* maar ook meer in het algemeen met de impact van bepaalde *situaties* tijdens het asielproces. Het bekijken van kwetsbaarheid door een intersectionele lens stelde ons in staat te begrijpen hoe een combinatie van verschillende factoren (meest voorkomend: geslacht, leeftijd en gezondheid) de kwetsbaarheid van beschermingszoekers op verschillende punten van het migratietraject (land van herkomst, migratietraject, land van aankomst) kan vergroten.
- **Op mesoniveau** wijst de studie op het feit dat vele van de door de asielzoekers ervaren kwetsbaarheden door het asielproces zelf worden «bevorderd», en mogelijk ook door het asielproces worden veroorzaakt of in stand gehouden. De oorzaak hiervan varieert van de lengte van de procedure tot het eventuele gebrek aan informatie en communicatie tussen de beschermingszoekers en de autoriteiten (wat vaak leidt tot gevoelens van eenzaamheid en werkelijke machteloosheid).
- **Op macroniveau** worden diverse spanningen omtrent de benadering en behandeling van kwetsbaarheid in het Belgische asielsysteem blootgelegd. Daarbij wordt in het bijzonder ook het vermogen van het asielstelsel – waarin het onderzoek naar kwetsbaarheden vooral een kwestie van «geluk» of «toeval» is - om consequent en systematisch rekening te houden met de verschillende soorten kwetsbaarheden (en de specifieke behoeften die daaruit voortvloeien) in vraag gesteld. Verder wijst het verslag op het bestaan van een meningsverschil tussen



de diverse asielinstanties rond de plaats die kwetsbaarheid in de asielprocedure moet krijgen (als een uitzonderlijke procedurele waarborg die in specifieke gevallen moet worden toegekend dan wel als een minimumnorm die standaard voor alle beschermingszoekers moet gelden).

Het rapport schetst daarnaast ook de reikwijdte van de diverse problematieken voortvloeiend uit onze bevindingen. Het gaat daarbij onder meer om problemen inzake voorspelbaarheid, gelijkheid (voor de wet in het algemeen en de asielprocedure in het bijzonder) en (algemene) consistentie.

Zo gebeurt de beoordeling van kwetsbaarheid ten eerste op een niet-systematische manier, variërend naargelang de context, de steun die aan de beschermingszoekers wordt verleend en hun begrip van de kernbeginselen van de procedure (*voorspelbaarheid*). Ten tweede ondermijnt het gebrek aan voorspelbaarheid voor beschermingszoekers het beginsel van gelijkheid voor de wet (*gelijkheid*). Ten derde is er, ondanks de pogingen op het terrein van personen die instaan voor het vaststellen en aanpakken van kwetsbaarheid, een algemeen gebrek aan samenhang waardoor een echt *kwetsbaarheidsbeleid* *verhindert* wordt (*samenhang*).

**Tenslotte wensen de onderzoekers nogmaals hun dank te betuigen aan alle personen die tijdens deze studie hun pad kruisten en bereid waren hun verhalen, hun angsten, maar ook hun dromen te delen.**

## **ABBREVIATIONS**

**CALL** Council for Alien Law Litigation

**CGRS** Office of the General Commissioner for Refugees and Stateless persons

**CIRÉ** Coördination et Initiatives pour Réfugiés et Étrangers (Belgian non-profit association)

**ECtHR** European Court of Human Rights

**FGM** Female Genital Mutilation

**LGBTQIA+** Lesbian, Gay, Bisexual, Pansexual, Transgender, Genderqueer, Queer, Intersexed, Agender, Asexual, and Ally community.

**LRI** Local Reception Initiative

**MINTEH** Bureau Mineurs et Traite des Êtres Humains (Minors and Victims of Human trafficking special unit)

**OHCHR** UN Office of the High Commissioner for Human Rights

**OOC** Observation and Orientation Centre for unaccompanied minors

**UCLouvain** University of Louvain (Belgium)

**UM(s)** Unaccompanied Minor(s)

**UNRWA** United Nations Relief and Works Agency for Palestine Refugees in the Near East

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## I. INTRODUCTION

In the past few years, the vulnerability of protection seekers<sup>1</sup> has become a central notion that can no longer be overlooked in the policy debate on migration issues<sup>2</sup>, nor in international, European and Belgian national legal and policy provisions. According to Belgian law, vulnerability must be identified and assessed at different stages of the asylum procedure<sup>3</sup>. At the political level, the issue of “vulnerable persons” has also structured the narrative around the reception of asylum seekers, particularly in light of the saturation of the asylum reception network in Belgium over the last few years<sup>4</sup>.

With the understanding that vulnerability is becoming an essential notion, our [first Belgian VULNER report](#) underlined a problem within the Belgian asylum system: vulnerability and its concrete scope remain undetermined, lacking precise content and clear consequences. Indeed, the previous report showed that vulnerability was being understood in a rather technical and fragmented manner. On the one hand, vulnerability was often reduced to special practical procedural needs (e.g. making an interview room wheelchair-accessible, etc.) and, on the other, different asylum bodies involved in the procedure do not attach the same significance to it. By giving a voice to the main actors in the asylum procedure<sup>5</sup>, the previous report demonstrated how this notion continues to be affected by some pitfalls in the Belgian asylum system.

The present report aims to continue to address the notion of vulnerability in the asylum context<sup>6</sup>, albeit from a different perspective. Its main objective is to document the existing relationship between the vulnerability of asylum seekers and the current practices in the Belgian asylum process, i.e., at the national level. In this perspective, this report gives voice to protection seekers themselves, while also shedding light on the experiences of asylum seekers with the help of associations and lawyers specialised in defence of their rights. In this sense, this study is a continuation of the first VULNER report: it seeks to complement these initial data with the experiences of asylum seekers and those who work with them to provide legal, social, or material support. This allows the researchers carrying out this study to

1 In this research, most people we met were in fact asylum seekers. In order to also include our interviews with migrants who were not in the procedure, we sometimes also use the term “protection seekers”.

2 On this, see among others: De Bauche I., *Vulnerability in European Law on Asylum: A Conceptualization under Construction. Study on Reception Conditions for Asylum Seekers*, Bruxelles, Bruylant, 2012; Costello C., Hancox E., “The Recast Asylum Procedures Directive 2013/32/EU: Caught between the Stereotypes of the Abusive Asylum-Seeker and the Vulnerable Refugee”, in Chetail V., De Bruycker P., Maiani F. (Eds.), *Reforming the Common European Asylum System. The New European Refugee Law*, Boston, Brill Nijhoff, 2016, pp. 375-445; Jakuleviciene L., “Vulnerable Persons as a New Sub-Group of Asylum Seekers?” in Chetail V., de Bruycker P., Maiani F. (Eds.), *Reforming the Common European Asylum System. The New European Refugee Law*, Boston, Brill Nijhoff, 2016, pp. 353-373; Atak I., Nakache D., Guild E., Crépeau F., “Migrants in Vulnerable Situations’ and the Global Compact for Safe Orderly and Regular Migration”, *Queen Mary School of Law Legal Studies Research Paper No. 273/2018*, 15 February 2018, pp. 1-28.

3 See more on the section “Setting the legal and bureaucratic scene” of this report.

4 As an example, in November 2018, Theo Francken, then Secretary of State for asylum and migration, decided to limit the number of asylum applications to 60 per day. The Secretary of State justified this citing an increase in registered asylum applications and a desire to avoid a crisis situation for the Belgian reception system. It is interesting to note that the Secretary of State then decided that the priority in the submission of asylum applications would be given to vulnerable persons (sick, disabled, unaccompanied minors, etc.). This decision was later annulled by the Council of State. See: Belga, “Les demandes d’asile augmentent, Theo Francken décide de les limiter à 60 par jour”, *RTBF online*, 23 November 2018, available at: [https://www.rtb.be/info/belgique/detail-les-demandes-d-asile-augmentent-theo-francken-decide-de-les-limiter-a-60-par-jour?id=10080081\(last\\_access\\_14.07.2022\)](https://www.rtb.be/info/belgique/detail-les-demandes-d-asile-augmentent-theo-francken-decide-de-les-limiter-a-60-par-jour?id=10080081(last_access_14.07.2022)).

5 The previous report was indeed based on a fieldwork conducted with asylum bodies such as the Council for Alien Law Litigation, the Office of the General Commissioner for Refugees and Stateless persons, the Immigration Office but also social workers from various reception centers.

6 For the purposes of this report, we include the reception system as part of the asylum system for convenience, insofar as access to a reception facility becomes compulsory from the moment the asylum application is filed.

have a deeper – and more grounded – understanding of vulnerability in the Belgian asylum system from different angles and perspectives: of those who have to *identify and assess* it during the asylum process (asylum bodies), of those who *deal* with it on the ground (associative sector), and of those who actually *experience* and are impacted by it (asylum seekers). This objective is also in line with the question at the heart of the VULNER research project (namely, how does the law assess, address, shape and produce the vulnerabilities of protection seekers?).

This report also aims to reach out to the institutions, actors and organisations involved in the asylum system at different levels. It can be seen as a tool to better understand the experiences of those often neglected in the asylum process. It also raises awareness of how the system functions and dysfunctions to ensure greater coherence and improve its overall capacity to be fair.

The report addresses some salient questions concerning the protection seekers' main life challenges and the asylum process: What are the biggest challenges asylum seekers face within the Belgian protection system? How do they deal with them? How does the asylum process maintain, produce, or reinforce certain vulnerabilities? What roles do the lawyers and the associative networks play in dealing with vulnerable people? Finally, what conclusions can be drawn from the significance of vulnerability in the Belgian asylum system? The report answers these questions at the micro, meso, and macro levels. Thus, the report is divided into three distinct parts and allows the issue of vulnerability to be understood in a transversal and continuous manner. These three parts are preceded by a section detailing the methodological choices made for this study.

The first part of this report, focusing on *micro-level* issues, aims to highlight the situations of vulnerability connected to the personal experiences of protection seekers. From an intersectional perspective<sup>7</sup>, it pays particular attention to the different axes of social inequality at the intersections of which (some) vulnerabilities emanate and evolve over time (e.g., vulnerabilities connected to the country of origin, to the migration journey, and sometimes to the country of destination). It also highlights the strategies put in place by migrants and the forms of agency they can develop to cope with situations of vulnerability. The second part of this report aims to examine vulnerability from a *meso perspective* by analysing the impact of the asylum procedure and the bureaucratic system in place on the experience of asylum seekers. This section shows how elements, such as the waiting time associated with the procedure, the rigidity of the asylum system and policies, the interview procedures at the General Commissioner for Refugees and Stateless Persons (hereinafter, the CGRS), but also the terms and conditions of stay in the reception centre contribute to keeping the asylum seeker in a situation of vulnerability over an extended period. This section also highlights the role of other actors involved in the process, particularly the associative sector, which offers specialised support to mitigate specific vulnerabilities of protection seekers (e.g., psychological or gender-related ones). It also highlights the key role played by lawyers in the legal process as well

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<sup>7</sup> Intersectionality theory argues that different forms of discrimination, based on race, gender, class, disability, sexuality and other forms of identity, are not independent but interact to produce particular forms of social oppression. The term was coined by the African American lawyer and critical race theorist K. W. Crenshaw in 1989 to address the particular experience of discrimination faced by Black women and the lack of protection provided by anti-discrimination law. See, Crenshaw K. W., "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics", *University of Chicago Legal Forum*, 139, 1989, Iss. 1, pp. 139-167. On how intersectionality theory can also be applied to the issue of migration, see, among others: Doomas N., "More than a Migration Status: Examining Intersectionality and Its Effect on the Experiences of Migrant Women in France", *Journal of Immigrant & Refugee Studies* [online], 2021, pp. 1-14.

as the role of guardians. Lastly, this section delineates the strategies asylum seekers use to navigate the increasingly restrictive asylum system and the kind of agency and resistance strategies they develop to succeed<sup>8</sup>. This report also briefly touches on the issue of people rejected from the asylum system receiving supported from the associative network.

The third part of this report adopts a *macro perspective* by highlighting more general trends that emerge when considering the role and impact of vulnerability in the Belgian asylum system. It highlights the divergent positions and lines of tension between actors in that regard, as well as the “information” and communication gaps inherent and transversal to the functioning of the Belgian asylum system. It also brings attention to the essential (but precarious) role of the associative sector and the lawyers in the implementation of vulnerability-oriented policies<sup>9</sup> to achieve a balance between commitment and caution in the face of an increasingly repressive asylum system.

The abovementioned parts are structured as follows. As this report aims explicitly to give the protection seekers a voice, the beginning of each section is first devoted to their experience. Subsequently, these sections deal with those who have a supportive role (lawyers, members of associations, guardians, etc.). Specific paragraphs are, therefore, devoted to the role, functions, and experiences of these actors.

Juxtaposing the *law*, the *practice and processes* adopted by the asylum bodies as well as the associative sector with the *trials and tribulations* of the asylum seekers allows for a more comprehensive approach to vulnerability and the real challenges this notion brings forth. These three main parts – *micro, meso, macro* – are followed by a conclusion delineating the lessons to be drawn from this report.

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8 Indeed, this report highlights resilience and at the same time, strategies of resistance to certain mechanisms of the asylum system, which are being contested. In this sense, it also highlights the relationships that can exist between situations of vulnerability and situations of resistance. On this subject, see the work of Judith Butler and others: Butler J., Gambetti Z., Sabsay L., *Vulnerability in Resistance*, Durham and London, Duke University Press, 2016, 352 p.

9 In line with those “vulnerability-oriented” policies, also see the “case-management approach” to migration policies, which aims at providing personal and adapted support to people throughout their migration procedure. In that sense, this approach also tends to help people to better deal with their case, while being supported and appropriately informed. See among others: European Alternatives To Detention Network, International Detention Coalition, Platform for International Cooperation on Undocumented Migrants, “Implementing case management based alternatives to detention in Europe”, March 2020, available at: [https://picum.org/wp-content/uploads/2020/04/Concept-Paper-on-Case-Management\\_ENg.pdf](https://picum.org/wp-content/uploads/2020/04/Concept-Paper-on-Case-Management_ENg.pdf) and Vluchtelingenwerk Vlaanderen, “Bevraging Migratiewetboek: Inbreng Vluchtelingenwerk Vlaanderen”, available at: <https://vluchtelingenwerk.be/sites/default/files/media/documenten/Migratiewetboek%20-%20Inbreng%20Vluchtelingenwerk%20%20Vlaanderen.pdf> (last access 14.07.2022). See also section 5.8.1. “Associations as key actors in addressing vulnerabilities” of this report, where the case management approach proposed by Vluchtelingenwerk is mentioned as a way of dealing with vulnerabilities in a transversal and holistic manner.

## II. METHODOLOGY

The main aim of this report is to analyse how applicants for protection experience the asylum process based primarily on our interviews with them. However, the experiences of actors in a supportive role to the asylum seeker (legal, material, psychological, etc.) are also taken into account. To that end, we also interviewed associations and lawyers specializing in asylum applications to understand the challenges and gaps in addressing and assessing the vulnerabilities of asylum seekers. Besides, some guardians – legal representatives of unaccompanied minors (hereinafter, UMs) – have also been interviewed. The data for this report was collected using empirical research methods. The following sections explain the methodological choices made in this study. In view of the sources interviewed, this report pays particular attention to forms of vulnerability created, reinforced, or maintained by the asylum procedure itself and is informed by the experiences of those who seek protection.

### **2.1. Objectives of the study and “research design”**

The first VULNER report<sup>10</sup> analysed vulnerability through the lens of the experiences and realities of the asylum bodies and actors on the ground. It enabled the researchers to understand state practices better and identify how those asylum bodies were implementing the law. In this second report, we have shifted our angle of analysis by giving a voice to asylum seekers and to those who help to navigate the asylum process (lawyers, associations, and guardians). We aim to understand their experience of the asylum process and its existing practices. In view of the specific features of the Belgian reception system, the researchers also chose to study informal settlements used by people seeking protection or simply people “on the move”<sup>11</sup>, near Brussels North station. In this sense, the researchers visited the PSA Red Cross day centre in Brussels, which opened in March 2020, for about a month. This reception and orientation centre is there to meet the essential needs (notably access to food, access to a safe, caring and heated place during the day, access to showers, etc.) and provide quality advice and guidance for protection-seeking migrants who find themselves in a precarious situation in Brussels. This centre is also very popular among those whose asylum applications have been rejected or who did not apply for asylum.

**In total, 5 lawyers, 15 members of associations<sup>12</sup> and 39 asylum seekers and seven people “on the move” were interviewed as part of this study from April 2021 to February 2022.** The data collected, especially from associations, lawyers and guardians, are built and generated using **semi-structured interviews**, which form the core of this qualitative inductive research. In addition to such interviews, informal conversations were held with asylum seekers. They sometimes took the form of discontinuous talks and chats. In addition to conducting interviews and discussions during our fieldwork, we produced data based on observations and informal encounters. Those data mostly describe the atmosphere in the reception centre we visited, people’s feelings or emotions or simply their experiences on the ground.

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10 See: Saroléa S., Raimondo F., Crine Z., *Exploring Vulnerability’s Challenges and Pitfalls in Belgian Asylum System – Research Report on the Legal and Policy Framework and Implementing Practices in Belgium*, 2021, VULNER Research Report 1, available at: [www.vulner.eu](http://www.vulner.eu).

11 By people on the move, we mean people who are not a part of the asylum procedure in Belgium but are temporarily there waiting to be settled elsewhere, to return to their country of origin, or to leave for England and other destinations.

12 The term “association” in the present report includes members of non-profit organisations, NGOs and other forms of associations.



## 2.2. Features and characteristics of the interviews and key actors selected

The interviews and discussions were generally conducted at the participants' workplace or at their residence (at the reception centres). Due to the pandemic (Covid-19), some interviews with associations and lawyers had to be conducted online. The lawyers' observations are valuable here because lawyers are in direct and sometimes repeated contact with the people undergoing the asylum procedure and are central to identifying vulnerabilities within the asylum procedure (e.g., in the context of special procedural needs to be mentioned)<sup>13</sup>. The voluntary sector is also a critical pillar in the asylum landscape for managing and mitigating the different vulnerabilities among people seeking protection. They offer specialised support and guidance in that regard. In order to meet the asylum seekers and understand how and where they live, we visited the reception centres for several days. We entered into communication with a variety of people seeking protection and were, through a "snowball effect", able to meet others living in the centre (men, women and minors). Due to their very precarious administrative situation, we became aware of the fears of the population we were studying: We established protocols to ensure voluntary and informed participation<sup>14</sup> and systematically proposed the possibility of anonymizing the reports of individual asylum seekers who agreed to participate in the study as most did not wish to be recorded. Therefore, pseudonyms have been used to maintain anonymity. Minors were interviewed with the consent of their legal representatives<sup>15</sup>. We structured our discussions to suit this specific category of protection seekers (shorter discussions, adapted questions, reassuring environment, informal settings, etc.)<sup>16</sup>.

In those interviews and discussions, the researchers did not refer directly to the notion of vulnerability and did not focus on it<sup>17</sup>. Indeed, vulnerability serves as an "analytical tool" here to shed light on the experiences of asylum seekers, who talked to us about their difficulties they experienced throughout the asylum process.

**All observations and interviews and informal discussions with asylum seekers relate to six reception centres: three from Fedasil<sup>18</sup>: three from the Red Cross both from the Dutch and French speaking parts of Belgium (*Rode Kruis Vlaanderen, Croix-Rouge de Belgique*). Two centres are located in Wallonia (the Red Cross centre in Rocourt and the Fedasil centre in Rixensart), two in the Brussels-Capital Region (the Red Cross centre in Jette and the Red Cross centre in Uccle) and two in Flanders (the Fedasil centre in Broechem and the Red Cross centre in Houthalen-Helchteren). They were selected for four reasons: a) *diversity among the residents* (unaccompanied minors, single men and women, families); b) *geographic locations* (remote villages, medium-sized towns, capital cities); c) *organisation in charge of the reception* (state-run reception centre – Fedasil – or reception centre run by a humanitarian organisation – the Red Cross); d) *contacts previously established with them during the fieldwork carried out for the first***

13 On this, see section 3 of this report, "Setting the legal and bureaucratic scene".

14 Wherever possible, we also used the consent form provided in the VULNER project. We also always asked the protection seekers to choose a name of their choice to be used in the report.

15 With the agreement of the guardians or in the case of an accompanied minor being interviewed, with the agreement of the parent attending.

16 On this, see also the VULNER ethics strategies available here: <https://www.vulner.eu/106307/Ethics>

17 Indeed, we focused more on their respective "life challenges" and other difficulties, as people hardly identify themselves as being "vulnerable". We also remained cautious about labelling people as vulnerable or reducing them to and categorizing them solely on the basis of these vulnerabilities. On this issue, see: Freedman J., "The uses and abuses of 'vulnerability' in EU asylum and refugee protection: protecting women or reducing autonomy?", *International Journal on Collective Identity Research*, 2019/1, pp. 1-15. On this topic, check also the VULNER ethics strategy online here: <https://www.vulner.eu/106307/Ethics>

18 The government agency in charge of organizing the reception conditions for asylum seekers in Belgium. Together with the Red-Cross, they run most of the reception centers in Belgium.

*VULNER report* (those centres had already welcomed the researchers). The Houthalen-Hechliteren centre was added to maintain a balance between the French- and Dutch-speaking centres we visited. Interviews with asylum seekers in those centres were not planned in advance but resulted from random encounters with them during the fieldwork<sup>19</sup>. Nevertheless, variables such as age, gender and the reception centre where the asylum seeker was residing were discussed and considered in the early stages to design a sample that ensured maximum diversity among the interviewees.

Interviews with lawyers and associations were conducted in French or English, while interviews and discussions with asylum seekers were conducted mainly in French, English, Spanish and Italian<sup>20</sup>. In order to be able to connect with and interview particularly isolated adult female protections seekers who spoke none of these languages, we recruited the help of an interpreter from Djibouti<sup>21</sup>.

**Concretely, five lawyers were interviewed (three Dutch-speaking, two French-speaking), and seven associations active in the field of asylum and migration also participated in the study:** The *Rainbow-House*, *Brussels Refugees – Plateforme citoyenne* (hereinafter, *Brussels Refugees*)<sup>22</sup>, *Coordination et Initiatives pour Réfugiés et Étrangers* (hereinafter, *CIRÉ*), *Ulysse*, *NANSEN*, *Vluchtelingenwerk Vlaanderen* (hereinafter, *Vluchtelingenwerk*), *Constats*, as well as an organisation that provides support to victims of Female Genital Mutilations (hereinafter, *FGM*)<sup>23</sup>. These associations were chosen for their roles in dealing with specific vulnerabilities, such gender-related vulnerabilities (*RainbowHouse*), psychological ones (*Ulysse*), vulnerabilities connected to torture and other forms of ill-treatments (*Constats*) as well as for the administrative and legal support they provide (*CIRÉ*, *Vluchtelingenwerk*, *NANSEN*, *Brussels Refugees*). Besides, they are positioned as important support actors in the asylum process.

In addition to this, **two interviews were conducted with guardians**, the reference persons in charge of supervising unaccompanied minors. Finally, **numerous observations were made in the PSA day centre<sup>24</sup> and a few informal discussions with foreign migrants who benefit from the services offered by this centre**. The same protection guarantees were applied to them.

### 2.3. Fieldwork challenges

These interviews and informal encounters came with their own challenges, some of which are listed and described below: 1) *Suspicion*: It was not uncommon for asylum seekers to be suspicious of the researchers, based on past experiences, particularly of the use they might make of interviewees' declarations. Some people we met refused to be interviewed or to talk at length about certain topics. 2) *Positionality problem*: Researchers are aware that they are in a very different and privileged position compared to the people seeking protection they are interviewing. This perception of the privileged position sometimes

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19 We also "announced" our arrival at the centre with posters made in advance that explained our presence at the centre (who we are, what we do...) in English, French, Italian and Spanish.

20 Those are the languages the researchers can speak. Besides, some people we met came from Spanish-speaking countries (El Salvador) or had passed through Italy and stayed there long enough to be fluent in Italian and willing to speak in that language.

21 He was an intern in Jette's Red Cross center. At the time of the interviews, he had been working in the center for a couple of weeks and knew the place and its functioning. He also knew the women we wished to interview.

22 Brussels Refugees – The citizens' platform (*plateforme citoyenne*) was born in September 2015. Since then, it has been providing, within its means, unconditional reception services, responses to requests for information and training and assistance from exiles, migrants, asylum seekers, new arrivals, and undocumented migrants.

23 The researchers were not given the permission to explicitly mention this association in this report.

24 The PSA day centre is a day care and meal distribution centre coordinated by the Belgian Red Cross. It guarantees, among other things, access to meals, hot drinks, and showers.

has led to asylum seekers requesting that we not meet in person (mainly, requests for help with certain Dublin cases or to find accommodation), as well as expressing concerns we could not properly understand<sup>25</sup>. We tried to be reflexive in that regard throughout the study in order to assure them that we exerted no influence on the asylum process as researchers.<sup>26</sup> 3) *Reaching women seeking asylum*: As shown in this report, women were a particularly difficult group to reach in this study. Various factors contribute to that, the most common being that generally they are not very present in the public spaces of the centres (refectory, meeting area), which are mostly occupied by men. For that reason, they spend a considerable amount of time in their rooms, or other “private” spaces, which makes it rather difficult to connect with them. 4) *Language issue*: Some people remain inaccessible because the researchers do not speak their language or because those people only speak little-known dialects. For confidentiality reasons, the researchers did not work with an interpreter, except once, in a particular case<sup>27</sup>. These people – who might feel vulnerable because they are socially isolated – remained out of reach. Furthermore, the only interpreter available for the interviews conducted with the three ladies we interviewed was a man, which may also have impacted what the women chose to say. 5) *Reaching certain “vulnerable groups”*: We acknowledge that certain groups with very specific vulnerabilities could not be included in the framework of this study. For various reasons, sometimes linked to the absence of such people in the centre or for reasons of privacy and sensitivity, accompanied minors (children in families) could not be interviewed. We were able to reach only one person from the LGBTQIA+ community. 6) *Time constraints*: The publication of this report is bound to specific deadlines. In view of these requirements, certain choices had to be made (e.g., in terms of time spent in the reception centres). The research fieldwork took place in 2021, when Covid-19 contact restrictions continued to pose constraints.

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25 On several occasions, we provided contact information for certain associations (including Brussels Refugees) and referred to other services. We also sometimes simply chose to spend time with the people we met and to listen to their hopes and distress.

26 Mainly, however, not only by always applying the “do not harm” principle but also by discussing some situations with other colleagues or posing questions to the independent ethics advisor (Pr. Anthony Good).

27 As mentioned above, the use of an interpreter from Djibouti was necessary for three interviews conducted with adult women.

Summary table of all the interviews conducted

Actors or associations interviewed	Number of people interviewed	Function /Job	Language
Lawyers	5	5 lawyers specialised in migration law;	2 French-speaking; 3 Dutch-speaking
<i>Associations</i>			
CIRÉ	2	Directors; project leaders, advocacy workers, psychologist.	French-speaking (collective online interview)
Brussels Refugees	4		French speaking (group discussion)
RainbowHouse	1		French-speaking
Organisation supporting victims of FGM	1		French-speaking (online interview)
NANSEN	2		French-speaking, collective interview
Constats	1		French-speaking
Ulysse	2		French-speaking, collective interview
Vluchtelingenwerk	2		Dutch-speaking, collective interview
<b>TOTAL</b>	<b>20 people (5 lawyers, 15 members of associations)</b>		

Reception centres	Number of people met	Gender	Nationality
Jette	5	5 Women (among which 1 unaccompanied minor)	Somalia; Albania; Guinea.
Rixensart	8	1 man, 7 women (among which 2 unaccompanied minor, 1 minor)	El Salvador; Somalia; Morocco; Algeria; Syria; Guinea; Senegal.
Uccle	4	Men only (unaccompanied minors)	Afghanistan; Algeria; Iraq; Niger.
Broechem	8	6 men, 2 women	Bosnia; Palestine; Syria; Macedonia; Kyrgyzstan; Russia.
Houthalen-Helchteren	5	4 men, 1 woman	Afghanistan; South-Sudan;
Rocourt	9	1 woman, 8 men	Guinea, Ghana, Afghanistan, El Salvador; Ivory Coast; Cameroon, Togo.
<b>TOTAL</b>	<b>39 people met</b>	<b>16 women, 23 men</b>	<b>People from 18 different nationalities</b>

Other people on the move, seeking protection/help	Number of people met	Gender	Nationality
PSA day center	7	1 woman, 6 men	Tunisia, Senegal, Algeria, Angola.

### III. SETTING THE LEGAL AND BUREAUCRATIC SCENE

Our first VULNER report examined the definition of vulnerability in Belgian asylum and reception law in relation to how it was being used in practice. It offered a systematic analysis of all references to vulnerability and associated terms in the Belgian legislation, case law, and in the policy documents of the institutions responsible for implementing the asylum procedure, as well as in their institutional practice as they described and viewed them. It, therefore, included an analysis of the case law from the Council for Alien Law Litigation (the main asylum administrative Court in Belgium) as well as interviews with public servants representing the three main institutional actors: the Immigration Office, which is in charge of registering asylum applications, the Commissioner General for Refugees and Stateless Persons, which is in charge of deciding on asylum applications' merit (and receivability), and Fedasil, which is in charge of organizing and running the reception system for asylum seekers.<sup>28</sup>

In a nutshell, the first report showed how vulnerability, far from being a purely theoretical and abstract notion, also had a place in Belgian asylum law, particularly around the notion of special needs and/or special procedural needs. These needs are considered in different ways at different stages of the procedure, briefly reviewed in the following sections.

Vulnerability is first assessed when an **asylum application is submitted** to the Aliens Office based on a questionnaire. In keeping with Article 48/9(1) of the Aliens Act<sup>29</sup>, asylum seekers are required to fill out a questionnaire, justifying their procedural need in detail. Vulnerability can also be identified by means of a medical examination (Article 48/9(2), Aliens Act). A health professional appointed by the Immigration Office can therefore make recommendations on the special procedural needs of an applicant. Secondly, vulnerability is also assessed when designating a reception centre. The general principle of considering specific needs and vulnerabilities is mentioned in Article 36 of the Law of 12 January 2007<sup>30</sup>, which establishes a non-exhaustive list of so-called vulnerable persons<sup>31</sup>. Article 11, paragraph 3.2 of the law stipulates the obligation to designate a reception area best suited to the applicants' needs, paying "particular attention to the situation of vulnerable persons referred to in Article 36". The Law of 12 January 2007 also provides that the individual situation of the reception beneficiary is examined to determine whether the reception meets their specific needs<sup>32</sup>. From that perspective, the reception agency or partner must enter into agreements with specialised associations. Certain categories of people identified as vulnerable are given special and particular treatment in the context of reception. This is the case for minors and unaccompanied minors in the Law of 12 January 2007 and the programme Law of 24 December 2002<sup>33</sup>. Thirdly, vulnerability is also given due attention during CGRS's examination of the asylum application. If

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28 Fedasil works together with a few implementing partners, such as the Red Cross, which oversee some reception centres for asylum seekers.

29 The "Aliens Act" is the shortened name referring to Law of 15 December 1980 on entry, stay, settlement and removal of foreign nationals, *Belgian Official Journal*, 31 December 1980, and subsequent amendments that regulate the asylum procedure and the powers of the asylum bodies.

30 See Article 36, Law of 12 January 2007 on the reception of asylum seekers and certain other categories of foreigners, *Belgian Official Journal*, 7 May 2007.

31 This list also appears in Article 1.12 of the Aliens Act.

32 The modalities of this assessment are set out in the Royal Decree of 25 April 2007, which mentions in Articles 2, 4, 5 and 8, how this individual situation must be assessed.

33 Article 41 of the Law of 12 January 2007 mentions that specific reception structures have been set up for the reception of UMs, including Observation and Orientation Centers for Unaccompanied Children (hereinafter, OOC). Article 42 of the Law of 12 January 2007 also foresees that the staff responsible for UMs in reception facilities must receive appropriate training. UMs also benefit from their own framework of assessment. Indeed, special provisions are included in the Programme Law of 24 December 2002 (I) (see Article 57/1, paragraph 3).

there is no explicit reference to vulnerability in the granting of the refugee status under Belgian asylum law, CGRS protection officers<sup>34</sup> must consider individual status and the applicant's personal situation, including factors such as their background, sex, or age, to decide whether they could have faced persecution in their countries of origin (Article 48/6(5)(c) Aliens Act).

In addition, the 11 July 2003 Royal Decree in Belgian law regulate the determination of vulnerability by protection officers<sup>35</sup>. Indeed, this Decree establishes procedural guarantees that the CGRS should commit to during hearings. Article 3, paragraph 2 of the same Decree provides for creating a knowledge and learning centre within the CGRS to train protection officers in the application of the 1951 Geneva Convention. Protection officers must adhere to specific methods of interviewing minors and unaccompanied minors and pay special attention to the provisions of Article 14 of the 11 July 2003 Royal Decree. Other special procedural guarantees can also be granted to gender-related cases. For example, in its guide "Women, girls and asylum in Belgium", the CGRS stresses that female asylum seekers can ask to be interviewed by a woman<sup>36</sup>. Fourthly, **at the level of appeal**, the previous report showed no explicit references in the law explaining how asylum judges from the Council for Alien Law Litigation (hereinafter, the CALL) should assess and consider vulnerability on appeal. Therefore, the researchers reviewed its case law to examine on what basis the claimant's vulnerability is considered and addressed before the CALL<sup>37</sup>. Although the CALL case law is variable and does not allow drawing general conclusions, the report nevertheless underlined the roles that vulnerability plays on two levels: On the one hand, to justify discrepancies in an asylum narrative and, on the other hand, to support well-founded fears and ensure that an immediate return to the country of origin is prevented.

The fieldwork carried out during the first year of the research involved the following actors: the *Bureau Mineurs et Traite des Êtres Humains* (hereinafter, MINTEH unit) of the Immigration Office, the Dispatching Unit (Fedasil), one of the Fedasil offices dealing with voluntary returns, the authorities in charge of examining and deciding on asylum applications (CALL, CGRS), reception centre staff (Directors, Deputy Directors, nurses) and a Local Reception Initiative (individual housing, hereinafter, LRI). This fieldwork objective was to understand whether and how the main asylum actors used the notion of vulnerability in their daily practices as well as its impact. Three main conclusions were reached in this regard.

Firstly, the research revealed that the definition and identification of vulnerabilities by institutional practitioners in the field differed from the definition given in the European Directives and Belgian asylum law. Indeed, whereas a categorical approach is stipulated in the latter, a *case-by-case* approach is more common on the field. The vulnerable groups listed in the European and Belgian law mostly appeared as a warning bell to give special attention to a certain profile. Consequently, the authorities deciding on asylum applications have a wide margin of appreciation that, depending on the case, can have an inclusive *and* exclusive effect<sup>38</sup>.

34 Public servants deciding on asylum applications.

35 See Royal Decree of 11 July 2003 establishing the procedure before the General Commissioner for Refugees and Stateless Persons as well as its functioning, *Belgian Official Journal*, 27 January 2004.

36 Office of the Commissioner General for Refugees and Stateless Persons, "Women, girls and asylum in Belgium, Information for women and girls who apply for asylum", June 2011, page 11, available at: <https://www.cgra.be/fr/publications> (last access 14.07.2022).

37 The small number of cases analysed due the brevity of the "Legal and Policy Framework" section in the first VULNER report, precluded any causal analysis. However, it gave an insight into significance of the vulnerability of asylum seekers in their appeal against a decision.

38 To know more about the exclusive effect on the notion, see also Kate Brown's work on the governance of vulnerability, which creates, among other things, "power dynamics" and new forms of social divisions: Brown K., "The governance of vulnerability", *International Journal of Sociology and Social Policy*, 2017, pp. 667-682.

Secondly, the interviews conducted in the first fieldwork, especially those with the social workers in the reception centres, already hinted that the content of the vulnerability is far more complex than the list of vulnerable groups mentioned in the European Union<sup>39</sup> and national law<sup>40</sup>. As all asylum seekers can be considered vulnerable to some extent (vulnerability *per se*), intersectionality is the rule and not the exception when it comes to vulnerability. Vulnerability should not be assessed in a *presence/absence logic* but, rather, by evaluating the layers and degrees of vulnerability through the prism of intersectionality. Therefore, the categories and groups identified in the law are not comprehensive. They do not acknowledge vulnerability among certain *subjects* (isolated men, young adults – those who have just turned 18 – persons with severe psychological and psychiatric disorders, etc.), nor certain *factors* that fundamentally impact the degree of vulnerability (education, socio-economic background, migratory journey, asylum procedure and life in the reception centres).

Thirdly, our fieldwork revealed that many of the practitioners interviewed were unclear about the concrete effects of qualifying a person as vulnerable. Furthermore, it seemed as if the consideration and “management” of vulnerabilities is sometimes more in line with Belgium’s capacity to deal with it than with the vulnerabilities asylum seekers actually suffer from, to the point that vulnerability has been defined by a social worker as “an empty shell”<sup>41</sup>.

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39 Article 21, Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013, which lay down standards for the reception of applicants for international protection (recast).

40 Article 36, Law of 12 January 2007 on the reception of asylum seekers and certain other categories of foreigners, *Belgian Official Journal*, 7 May 2007.

41 J. Knittel, Deputy Director of Jette Red Cross reception centre, Jette, 18.09.2020.

## IV. VULNERABILITIES AND PERSONAL CIRCUMSTANCES

In the first VULNER report, we emphasised the difficulty *institutional actors* face in providing a detailed account of their practices in the asylum process, specifically in terms of how they identify, assess, and respond to vulnerabilities of asylum seekers. Nevertheless, as these discussions with institutional actors aimed to highlight their understanding of the main vulnerabilities faced by asylum seekers<sup>42</sup>, the previous report underlined several constants that emerged owing to a vague notion of vulnerability, to clarify its outlines and its scope. One of the constants was that of considering vulnerability as being dynamic, i.e., apparent at different moments of the migratory journey, and above all, context-dependent. Consequently, vulnerabilities *produced and favoured* within the asylum process also had to be identified<sup>43</sup> and perceived in terms of their negative potential, as a potential risk even they do not yet exist as such. A potential risk that asylum seekers are not equipped to deal with could adversely affect them eventually<sup>44</sup>. These different elements were found, in a scattered manner, in the discourse of the asylum seekers we met. This section aims to highlight the situations of vulnerability connected to the personal experiences of asylum seekers, which vary in time and space. They are based on three moments in time that emerged from the interviews and discussions conducted and the stories told to us: situations of vulnerability connected to the country of origin, the migratory journey, and the situation in the country of arrival. Identifying these situations of vulnerability makes it possible to highlight and have a more detailed understanding of their *dynamic* (how they change, evolve, form a *continuum*) and *relational* nature (to what extent they depend on a relationship, a context). It is also possible to show that they often result from a *combination of intersecting factors*, with the overall effect of making people (even more) vulnerable. These points are addressed in the following sections.

### 4.1. Vulnerable from the beginning: Situations of vulnerabilities connected to the country of origin

When discussing their background and the reasons for their departure, the interviewees described different situations of vulnerability arising from multiple factors, ranging from *relational* (mainly family conflicts) to *structural* (society and system-related) and more *personal* ones.

Firstly, for the relational aspect, intra-family conflicts are often mentioned as the reason for leaving the country of origin. Several people we interviewed have said their insecure family situation had impacted their well-being and resulted in vulnerabilities, thus precipitating their departure. Marei, a young girl from Guinea, 14-years-old at the time of the interview, left because her father did not love her and beat her. She first went into hiding with the help of her aunt to escape him and eventually fled the country to ensure he could not find her. Similarly, F. is Guinean and says she left her country because she was mistreated by a co-wife of her father, who had married two women. The co-wife forced her to do hard labour. Francesco is a 17-year-old Algerian boy who recalls his departure by talking about the death of his

42 As mentioned earlier on, the first Belgian VULNER Report report was based on a fieldwork conducted with asylum bodies, such as the Council for Alien Law Litigation, the Office of the General Commissioner for Refugees and Stateless persons, the Immigration Office but also social workers from various reception centers.

43 On this, see, among others: Pétin J., "Vulnérabilité et droit européen de l'asile: quelques précisions nécessaires", *Réseau Universitaire Européen*, March 2018; available at: <http://www.gdr-elsj.eu/2015/04/18/asile/vulnerabilite-et-droit-europeen-de-la-sile-quelques-precisions-necessaires> (last access 20.09.2022); Martin C., "Penser la vulnérabilité. Les apports de Robert Castel", *Les Cahiers de la Justice*, Vol.4, No.4, 2019, pp. 667-677.

44 On this, see the first Belgian VULNER report: Saroléa S., Raimondo F., Crine Z., *Exploring Vulnerability's Challenges and Pitfalls in Belgian Asylum System*, op.cit., pp. 66-68. See also on the relationship between ignorance and intersubjective vulnerability: Gilson E., "Intersubjective vulnerability, ignorance, and sexual violence" in Gross M., and McGoeys L. (Eds.), *Handbook of Ignorance Studies*, Oxford, Routledge, 2015, pp. 228-238.



mother. After his father remarried, there was no room for him in the family home, and he was forced to leave: *"At that time I had no choice, except to sleep outside"*<sup>45</sup>. Mamy, a young man from Guinea, said he was abandoned at the Conakry beef market by his grandfather, who did not love him. In the market, he was told: *"I can kill you here, your grandfather wouldn't care"*<sup>46</sup>. He says he has always been alone.

Some interviewees also report family conflicts arising after their departure, but connected with earlier problems. For example, Amara, a 16-year-old minor, left Syria initially because of the war. She soon withdrew from her family, who forced her to *"see boys"*<sup>47</sup> and to work. Without her family knowing, she now lives in Belgium *incognito*, after passing through several centres. Ainura left her country Kyrgyzstan, with her husband because of religious persecution. These different religious beliefs – about which she and her family disagreed – gradually created tensions within her family and between her and her husband's relatives.

Some asylum seekers also highlight vulnerabilities arising from a complicated family situation: For instance, Jahn, an Afghan man, recalls leaving Afghanistan after his brother left when he became a target for the Taliban as he was working in the film industry in Afghanistan. After his brother's departure, he, too, began to receive threats at the shop where he works and decided to flee. All in all, these precarious family situations reinforce the feeling of loneliness and abandonment among the interviewees, who can hardly create family or community links. All in all, the mental health of these people is affected, and they find themselves particularly isolated. Mamy testifies to this feeling of having always been *"Alone"*<sup>48</sup> in facing his life challenges.

Secondly, characteristics specific to the person in the country of origin also sometimes create situations of vulnerability. Several interviewees expressed how their position in the country exposed them to risks from which they could not protect themselves. By way of example, Deng Vanang, a 49-year-old man from South Sudan whose tribe the government opposes, was a delegate member of the opposition and also wrote for various newspapers on political issues. He felt acutely threatened and decided to leave his country for good. H. is an Algerian woman who left her country with her husband and children. She followed her husband, a policeman who had problems with the mafia and fled for their common security. Étoile is a young man from Cameroon who says that he was *"politically active"* back home, but he has been vague about his duties. He said:

*"At home they say you have the right to demonstrate, but go and demonstrate, you'll see! In our country it's on 'paper', in 'theory', not in practice"*<sup>49</sup>.

Vulnerability can also emerge from one's ethnicity or belonging to a minority social group, as confirmed by Ahmad, a young unaccompanied minor from Afghanistan, who was forced to leave because some people in his village did not like the Azora (his ethnic group) and did not consider him Afghan.

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45 Francesco, 27.09.2021.

46 Mamy, 07.07.2021.

47 Amara, 10.08.2021.

48 Mamy, 07.07.2021.

49 Étoile, 25.06.2021.

Thirdly, more structural (socio-economic or political) problems in the country of origin are often also mentioned as a source of vulnerability. On the one hand, there are economic problems. This is particularly the case for Palestinians. Allah, a young Palestinian adult, recounts the harshness of life in Palestine, where resources are scarce, pointing out that in Gaza *"there is electricity, but only for 4 hours [per day]"*<sup>50</sup>. In the same vein, Moussa underlines the inadequate aid conditions given by The United Nations Relief and Works Agency for Palestine Refugees in the Near East (hereinafter, UNRWA) that cannot guarantee a decent life in Palestine. He expressed his surprise when the asylum authorities did not consider the gravity of the situation enough: *"We don't come from Paris or Rome ... We come from Gaza!"*<sup>51</sup>.

The difficult economic situation, linked to a latent war that reinforces the vulnerability of Palestinian nationals, shows how different sorts of vulnerabilities *overlap* in time. Allah testifies to his experience of the war in Gaza, saying he is reminded of that when he sees planes flying over the sky in Belgium. He says: *"when there are planes coming, nothing good is coming"*. He is critical of UNRWA's action and of the fact that Palestinians can be effectively protected by the agency. He said: *"I remember bombs in the middle of the school...Where is the protection from UNRWA, then?"*. Francesco, a young Algerian minor, also mentions the unstable economic conditions in Algeria as his reason for leaving: *"There is no future for me there"*<sup>52</sup>. He is nevertheless aware that this situation of economic vulnerability will not allow him to enter the asylum procedure in Belgium:

*"In Algeria, there is no war [...] Why would I ask for asylum? I have no reason to ask [...]. I am asking for 'normal' papers [which do not result from the asylum procedure]"*<sup>53</sup>.

Jaama, an Albanian woman, is also aware that the framework of an asylum procedure does not account for vulnerability arising from economic reasons, about which she is critical:

*"Of course, in Europe we cannot welcome everyone's despair, we agree, but the reality is completely contrary to this idea! Drought, war, poverty... all people now have a reason to leave their country... And I can assure you, nobody leaves their country for pleasure. Even if they say, 'for a better life', yes, okay, but it's always because their dignity is not respected... because if you don't have food, or if you don't have a house, well... that's also human rights, I mean! Human rights is not only 'I am a politician, I am in conflict with the government'. It's also about food, 'details' like that, I mean... it's about life"*<sup>54</sup>.

On the other hand, security problems are also mentioned when States cannot guarantee the security of all their citizens in the face of violent armed groups. Eduardo is originally from El Salvador and was forced to flee, fearing for the security of his family. He first decided to go to the police in his home country but soon realised there was no option but to flee:

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50 Allah, 09.07.2021.

51 Moussa, 09.07.2021.

52 Francesco, 27.09.2021.

53 *Ibid.*

54 Jaama, 20.07.2021.

*"I know that they [the police] didn't say it, but it was, like, implicit, in fact they were saying 'we cannot help you'. Because to me, it's not normal that someone who's supposed to protect you, and that you're supposed to trust, says 'now you need to leave'... I mean, I think it's not normal. Then when I left, the policeman was wearing a mask [...] There are different departments within the police, and the ones who wear a mask are those who don't want to be recognised by the...gang members. So, he came and he told me [...] 'I heard what you were saying and my suggestion is for you to leave'. And I was, like, 'Okay. Thank you...'"<sup>55</sup>.*

These events often constitute a first "base" of vulnerability to which other vulnerabilities are added in situations where migrants are exposed to different risks. This is particularly the case for vulnerabilities arising from the migratory journey, described in greater detail in the following section.

## **4.2. "From then on, I've started to regret"<sup>56</sup>: Vulnerabilities on the road**

Most people we interviewed had undertaken difficult migratory journeys as they were forced to leave the country as quickly as possible and go underground. Many of the testimonies we collected delineate the fears and traumas resulting from such journeys that typically plunge people into situations of vulnerability, in addition to the conditions they have just fled. People are, therefore, vulnerable to ill-treatment and abuse (mainly when passing through countries such as Libya or in the Balkans). They are equally exposed to risks, such as when crossing the sea, encountering the coastguard, or confronting violence at the borders, but also to traumas. Repeated exposures to violence on the migratory journey often cannot be avoided. They are often linked to the need to cross many countries to reach a safe destination: the people we met would cite an impressive list of countries they have been through, having undergone a migratory journey that usually took several years.

The testimonies of the people interviewed highlight these different elements. Ibrahim, a young Nigerien minor, passed through Libya, Italy and France before arriving in Belgium. In Libya, he was forced to work in building construction and house cleaning, where:

*"If someone had told me that in Libya they were going to point a gun at me, I wouldn't have believed it [...] Over there, guns are like pens, they are full of them, everywhere [...] and if you are a foreigner, they don't consider you, you can die so easily... From then on, I've started to regret"<sup>57</sup>.*

DMG Nation also talks about the psychological and physical abuse suffered in Libya. Originally from South Sudan, he spent seven months in a "slave" prison in Libya, where he was accosted by men asking if he was looking for work:

*"They're selling us. They came like 'hey guys, you need a job'? Of course. Then, they put us in a car that was like container, they closed it, so we couldn't see. There was no oxygen"<sup>58</sup>.*

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<sup>55</sup> Eduardo, 22.09.2021.

<sup>56</sup> Ibrahim, 28.09.2021.

<sup>57</sup> *Ibid.*

<sup>58</sup> DMG Nation, 09.11.2021.

He explains how these behaviours also led him to behave in a “primitive” way in conditions where food was scarce: *“You don’t go to the toilet there because someone could steal your bread”*<sup>59</sup>. He is also clear about the impact of this kind of abuse on those who choose to go on the road:

*“After that, your brain is already damaged. Lots of people lost their hopes”*<sup>60</sup>.

Bob, a young Palestinian man, also testifies about the mistreatment he suffered and the strategies he adopted to cope with the *unbearable*. He talks about his interactions with the smugglers and the chief, who made him feel insecure *“because you can only hear his voice or see his messages. The big boss, you cannot see his face”*<sup>61</sup>. According to him, adopting a strategic behaviour is critical to survival in difficult situations:

*“We look like refugees. [...] So, I mean, if you’re not smart, you’re fucked, because they [the smugglers] will only take the money...that’s what happens where you’re a refugee, you’ll face lots of shit actually, lots of mafia, lots of dangerous people...”*<sup>62</sup>.

Rahma, a Somali woman, spoke about her journey being difficult in a similar sense. She particularly stressed her impression of not being able to trust the people in charge of getting her across, and the hardest part of it was *“hearing stories of smugglers who didn’t do their job, of rapes, of thefts...”*<sup>63</sup>. She believes only luck can explain why she is still alive today.

Others we met insisted on the physical danger of crossing borders. Solange, a woman from the Ivory Coast, also spoke of her sea journey on the “Zodiac”, a small makeshift boat, as a significant event. She said crossing the sea was scary for her: *“The Moroccan police were after us because it was not legal”*<sup>64</sup>. She talked about the crossing occurring *“always at night”*<sup>65</sup> and mentioned *“high radars”*<sup>66</sup> installed to detect people, which meant they had to be careful when moving around. She also mentioned the harsh conditions to reach the sea in the first place:

*“To reach the sea, you do part of it on foot, part of it by car...from 7pm to 4am, we’ve been walking [...], and once you are in front of reality, you have to face it”*<sup>67</sup>.

Kononkai Sow is a Guinean man also marked by sea crossings. He expresses his astonishment when he realised the conditions in which he was going to travel: *“I thought we were going up one by one, but in fact, it is brutality!”*<sup>68</sup>.

If some people testify to the violence of sea crossing, others also bear witness to the violence on the EU’s land borders. This is particularly the case for those who came through the “Balkan route”. Mustapha Hassan, a Kurd from Iraq, was 15 years old at the time of the interview. Before arriving in Belgium, he had passed through Turkey, Bulgaria, Romania, Austria, Germany, the Netherlands. The police blocked

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59 *Ibid.*

60 *Ibid.*

61 Bob, 09.07.2021.

62 *Ibid.*

63 Rahma, 27.07.2021.

64 Solange, 07.07.2021.

65 *Ibid.*

66 *Ibid.*

67 *Ibid.*

68 Kononkai Sow, 30.06.2021.

him at the Bulgarian border, and he was beaten and electrocuted by the border guards, who wanted to send him back to where he came from. Ahmad, a 16-year-old Afghan boy, was repeatedly pushed back to the Bosnian border and taken by the police, who placed him in a camp. The conditions there were deplorable. He had to eat grass once because he was short of food and could not go out and buy it for fear of being arrested, and once he caught an itchy disease. Mustafa Sherzad is an 18-year-old boy who left Afghanistan when he was 15 years old. He travelled for three years and lived two years in Bosnia. He attempted to cross the border between Bosnia and Croatia 21 times and was taken back to Bosnia by the police several times. He stopped buying phones for a while because police would always break and confiscate them and waited until he was in Italy to buy a proper phone.

The violence “on the road” sometimes continues in the first country of arrival. For the interviewees, vulnerability comes precisely from the lack of a State presence to protect them and the absence of help in the face of risks they cannot avoid in hostile environments. Several people who had migrated first to neighbouring countries before arriving in Europe spoke of this reality. They feel that they have been left alone in camps where “*you are treated so badly that you don’t feel like a human being anymore*”<sup>69</sup>. Rahma is very clear about her experience in the camps in Kenya, the first country she migrated to before coming to Europe. She explains the violent incidents in the camp, where her shop was looted several times. Rahma was physically attacked twice, and her husband was hit on the head with the back of a Kalashnikov gun. As a result, she felt her prospects in Kenya were limited:

*“When you apply for asylum, you have to stay in the refugee camp, you can’t go anywhere else [...], and there are more or less serious camps, but there are camps where it is the law of the jungle”*<sup>70</sup>.

Mohammad was living in a highly precarious situation in Greece, where he received barely any social assistance and was sharing a house with 18 people. Badriya characterises her arrival in Greece as a “*catastrophe*”<sup>71</sup>, and said she wanted to leave as soon as possible from a “*very dangerous place*”, where “*the police see the abuse but do nothing*”<sup>72</sup>. She also did not receive food, there were no associations she could have approached for help: “*If you live there, you have no help*”<sup>73</sup>. Mamy, a young Guinean boy, talked about people who “*ran away from the camps in Italy*”<sup>74</sup> so that their fingerprints would not be taken because they did not want to stay there. Ibrahim, a young Nigerien, underlines the harsh reality of his reception in Italy and the field work he had to endure:

*“I couldn’t stay in Italy. Besides, the work is hard over there, it’s always ‘campagna’, ‘pomodori’, I didn’t want to stay”*<sup>75</sup>.

These precarious situations sometimes result in intense and long-lasting stressful situations that, if left unattended, can develop into a form of trauma. Protection seekers undergoing their asylum process are also greatly impacted by these traumas from the recent past. Ahmad is clear when he mentions that his trip to Greece still prevents him from sleeping:

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69 Rahma, 27.07.2021.

70 *Ibid.*

71 Badriya, 23.07.2021.

72 *Ibid.*

73 *Ibid.*

74 Mamy, 07.07.2021.

75 Ibrahim, 28.09.2021.

*"Sometimes I see it. I see it in my dream so I don't want to sleep. I see I'm in Greece and I think 'How am I going to make it to Belgium? How am I going to go?' That's difficult"<sup>76</sup>.*

Ibrahim, the young Nigerien, describing how he is faring now after what he had been through, says:

*"When you see something serious now, you can't cry anymore. I have already cried. But now I can't"<sup>77</sup>.*

In the same sense, Francesco, a young Algerian minor, explains that after the crossing, he is no longer afraid of anything: *"Me, afraid? Never. I have already seen the sea. What would I be afraid of? The sea in the middle is all black"<sup>78</sup>.*

Situations of vulnerability in the country of origin (which some people have managed to flee) are, therefore, coupled with situations of vulnerability encountered along the way, particularly at border crossings. These situations of vulnerability, therefore, accumulate and significantly impact the mental health of protection seekers throughout their journey and the fulfilment of their asylum procedure in the country of arrival.

### **4.3. "If I had known I would never have come"<sup>79</sup>: Vulnerabilities in the country of arrival**

These interviews showed that situations of vulnerability sometimes tend also to be perpetuated in the country of arrival. To put it another way, even in the country of destination, protection seekers continue to experience situations that make them more vulnerable, even if they take other forms. This creates multiple vulnerabilities, with new ones adding to existing ones. Moreover, these vulnerabilities in the country of arrival, mainly revolving around the place of reception and the asylum procedure, take different forms.

Firstly, they must overcome their sense of disappointment upon arrival at the reception centres. Several social workers told us that it was not uncommon to see people crying when they were first shown their room. Several people we met also affirmed their shocked surprise to see their new living quarters and the reality of a centre unable to meet their basic needs, despite the minimum standards guaranteed in Belgium's reception law. Secondly, there is no one to explain the rules and the phases of the procedure, which puts people who do not have the right tools to properly understand the asylum procedure and the issues involved in a vulnerable position. Eduardo, a Salvadorian man who came to Belgium with his son and wife underlines the difficulties the procedure itself causes, for instance, in terms of language<sup>80</sup>:

*"And I think that's something also, here ... Sometimes the social assistants, they don't communicate too much with you. It's like 'oh, you got this paper last week!' Really? And it's in Dutch, I mean...I can barely read French, how do you suppose I'll read Dutch? And I have to go, and take a photo, and take it to my computer, and upload it to google translate and see what it says. Because to me it's better if I can read it in English. And then I have to translate it to Spanish for my wife, for her to understand what*

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<sup>76</sup> Ahmad, 28.09.2021.

<sup>77</sup> Ibrahim, 28.09.2021.

<sup>78</sup> Francesco, 27.09.2021.

<sup>79</sup> Ibrahim, 28.09.2021.

<sup>80</sup> Article 51/4 of the Aliens Act stipulates that asylum protection be examined either in English or French (Belgian national languages). The Immigration Office decides, depending on the country of origin, in which language the procedure will be conducted.

*it says. So... we asked in 'Petit-Château'<sup>81</sup> if we could have the dossier in French...They said 'no, every Salvadorian dossier is in Dutch'...For some reason, I don't know [...] I told them 'but I don't speak Dutch, I speak French!' and they said 'yes, but no... everything is in Dutch for you'. Some in French, some in Dutch [...]'<sup>82</sup>.*

Ibrahim also describes his sense of unease with never being able to be well prepared for the procedure: *"You can't be 100% comfortable because you feel like you never really know how it's going to go"<sup>83</sup>.*

Badriya has already done six interviews between *Petit-Château*, the CGRS, and the CALL. Meandering along the trails within the asylum procedure, she does not receive much help to prepare her arguments, which means she must rely on herself do her own *"follow-up"*<sup>84</sup>.

This sense of lack of control among the protection-seeking interviewees sometimes gives way to intense frustration. They feel lost, humiliated, and ultimately disempowered and, therefore, vulnerable. Moussa, a young Palestinian man, is clear about how the asylum process has changed his outlook:

*"When you came here you have big dreams, then it's different... The 'negative' destroyed everything [...] We come with dreams and they destroy the dreams, you know. They changed the plan of my life... that's what I saw with my eyes. But that's my life!"<sup>85</sup>.*

Kononkai Sow is particularly bitter about the procedure in France, his first host country, where he felt humiliated and constantly "guilty of something"<sup>86</sup>. Describing the protection officer's utter disregard for him as he was talking to him, he said *"You know, I am educated, I went to school!"<sup>87</sup>*. He recounts the part of the procedure that made him feel diminished, especially during the interview. The words he used to describe the situation were also striking in that they are connected to a criminal trial or a form of criminalisation (he felt like a guilty prisoner):

*"[...] I was judged four times, and four times I ended up 'undocumented' [...] Can you imagine? judged, re-judged, judged, you talk, you talk again, four times! They didn't give justice, now how can I trust them? I have no appetite, no longer, since France"<sup>88</sup>.*

Eduardo also highlights the hostility he encountered during his interview, against which he could hardly defend himself:

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81 *Petit-Château* in Brussels is the arrival centre for applicants for international protection in Belgium directly managed by Fedasil. See the website: <https://www.fedasil.be/fr/petit-chateau> (last access 07.07.2022).

82 Eduardo, 22.09.2021.

83 Ibrahim, 28.09.2021.

84 Badriya, 23.07.2021.

85 Moussa, 09.07.2021.

86 Kononkai Sow, 30.06.2021.

87 *Ibid.*

88 *Ibid.*

*"I think the most difficult part here, the hardest part for us is the process itself [...] I mean, because they make you feel guilty like... It's something you caused so it's something you fixed. We don't have to help you. We're not forced to help. And I know, sometimes it's true. I mean, sometime we accept and we say 'yes, they don't have to help us', but... we're not here like trying to depend on them. We're here just to be able to stay here ... like, legally. Not illegal, or 'on black' like they say. Because that's not a life either [...] We have said this many times, we don't ask for money, we don't want money. We just want to work and be able to make our lives. That's I think, as I said, the hardest part"<sup>89</sup>.*

It also echoes the impressions a lawyer the researchers met, who testifies to being cognizant of the hostile atmosphere at the hearings she attends as a lawyer where similar cases are being examined:

*"[...] in the way it's designed [the room for the hearings at the CALL], it feels like a criminal is being tried. It looks like a criminal court, that the person is a danger and they should be put in a specific place. So it's true that [...] having to be judged, feeling judged in such a way, it doesn't inspire confidence in justice. And, obviously, for people it's easier to accept the decisions that are taken when they trust the authorities. When people are distrustful [...], when their request is refused, they don't have the impression they were given a real chance..."<sup>90</sup>.*

All in all, Ibrahim continues to express his astonishment at the harshness of the procedure: *"I knew that life in Europe was hard, but not 'hard' like this ... If I had known this, I would not have come"<sup>91</sup>.*

While it is clear that sources of vulnerabilities were present at all stages of the asylum process for the people we met, they take on different forms and imply different consequences depending on those people's social position and status. The following sections highlight how a combination of different factors can create situations of particular or exacerbated vulnerabilities. Also, they show how factors such as gender, age, health, but also "gender biases" (especially about isolated men seeking asylum), must be considered in an intersectional perspective, to understand how vulnerabilities articulate and accumulate.

#### **4.4. Gendered vulnerabilities in asylum**

The following sections look at multiple factors that place gender nonconforming people in vulnerable situations. Traditionally, migrant women and migrants from the LGBTQIA+ community (sometimes also men) are key examples of how gender roles – especially when contested – can render such people vulnerable.

The following section shows that migrant women<sup>92</sup> are disadvantaged in relation to not only non-migrant women (on the basis of their administrative status) but also migrant men, on the basis of their gender and the consequences attached to such forms of gender discrimination. The following sections highlight some of the gendered vulnerabilities that multiply and intersect with each other throughout the asylum process.

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89 Eduardo, 22.09.2021.

90 Interview n° 14, 15.11.2021.

91 Ibrahim, 28.09.2021.

92 The researchers are aware that gender issues do not pertain just to migrant women. However, we chose to focus on this aspect because women suffer from specific types of subordination and our research generated a lot of data on their experiences (unlike others, such as those of LGBTQIA+ people). Later in this report, a specific section is also dedicated to men and "narratives" of vulnerabilities among them (see section 4.7).



## 4.4.1. “Living the way she wanted”: Gendered vulnerabilities in the country of origin

Several testimonies from women asylum seekers already highlight a particular form of “oppressive socialisation” based on certain “norms”, essentially socially constructed prescriptions to which women must adhere if they want to be socially validated. These gendered roles and expectations manifest themselves very early on in the type of difficulties experienced in the country of origin. The testimonies of the women we met are relevant to this subject. Badriya explained that she fled from the Al-Shabaab (terrorist group) who “take women who do not work [...] unless you have protection from your husband”<sup>93</sup>. She says there are two options: “either you have a husband, and they leave you alone, or if you are alone, you stop working”<sup>94</sup>. Before she left, she was prevented from “living the way she wanted”. Marei explained how leaving her country was complicated by the fact that she could not find “male” support to help her to flee. She says she asked her aunt for help to organise her escape, but she could not help her “because in Guinea it is the boys who decide, not the girls”<sup>95</sup>. Rahma is also clear about the starting situation and the “responsibility” she has had from a young age in a role she did not choose. After losing her parents during a civil war in Somalia, she was left alone with her 12 siblings. Gradually, they all moved north to escape the Al-Shabaab, and Rahma was left alone in the village with only one sister. She says she “ended up getting married”<sup>96</sup> due to the situation. She lived in the country with her husband and their ten children: he traded while she looked after them.

These testimonies are enlightening in that they point to the mechanisms of subordination specific to women (e.g., in an ultra-patriarchal society) present in the country of origin, which are juxtaposed with other difficulties encountered (of security or economic nature, for example). Interestingly, in these testimonies, women’s status is generally dependent on a man (who authorises their departure, allows certain activities to be carried out, or simply legitimises their existence).

The problem of remaining in the “shadow” of men, whether their husbands or smugglers, does not cease upon leaving the country of origin but continues during the journey to Europe and is sustained to a certain extent in the country of arrival. Jessica Blommaert, from CIRÉ, is clear when she explains that past trauma, violent individual experiences with men and these particular forms of socialisation can have an ongoing impact on the asylum procedure, which protection officers responsible for examining the application must consider:

*“These are things that are quite challenging, whether for the CGRS or the CALL [...] and it’s true that it’s typically the kind of women, who have suffered gender violence and who come accompanied by their family, for example [...]. Depending on the country the woman comes from, she will often repeat what the husband says, in fact. So be sure that there will be a separate interview, that is one thing, it’s the minimum, but you also have to understand the socio-cultural context in which this person has evolved in order to be able to say ‘maybe we should pay attention to domestic violence or violence that won’t be brought to the forefront because she won’t talk about it next to her husband or with her children’. And so there is a need to be proactive, particularly with certain profiles [...]”<sup>97</sup>.*

93 Badriya, 23.07.2021.

94 *Ibid.*

95 Marei, 23.07.2021.

96 Rahma, 27.07.2021.

97 Jessica Blommaert, CIRÉ Asbl, Microsoft Teams Platform, 10.06.2021.

#### 4.4.2. *"I didn't even know I was in Belgium"*<sup>98</sup>: Gendered insecurities and uncertainties on the road

The migratory journey gives rise to highly gendered insecurities (the aspects and consequences applying mainly to people of a particular gender – in this case, women), the details of which emerged from the interviews we conducted.

As explained to us, women are almost inevitable targets of one form of insecurity faced in the migratory journey, namely, sexual violence, which exacerbates other forms and situations of vulnerabilities. The extent to which this topic remains taboo is striking: women we interviewed barely talked about the violence they experienced during their migration journey and give minimal details about this stage of their journey. Although the women we met remained reserved on this subject, some testified to experiencing a "latent" fear of rape. Rahma emphasised that she had forgotten what it was like to *"sleep in peace"*<sup>99</sup> when she explained that she systematically slept with two pairs of trousers on in Kenya for fear of being raped. Badriya spoke of the reality of the camps in Greece where young men came to steal their belongings and abuse them, camps in which *"you get raped if you sleep alone"*<sup>100</sup>.

The insecurity of the journey is also linked to the lack of autonomy in the choice of the destination country and the means of getting there. The women we met seemed to have much less of a "grip" on the migration route, while most men we interviewed knew why they were coming to Belgium, recounting their strategies to ensure a successful outcome. Most seem to have arrived here by chance, and their migratory road had been organised in advance *for them* (not *by them*), with the help of a so-called guarantor. Women who are considered ignorant and gullible are sometimes misused when others take the reins and shape a migration path for them. Several women we interviewed testified to their experience of this form of abuse.

Badriya arrived in Belgium. When asked why, she said she *"did not really have a choice"*<sup>101</sup> as people were going to Belgium, and she had been told *"it would be better for her out there"*<sup>102</sup>. She arrived at night, accompanied by a smuggler she did not know. When she arrived, he took her to the Brussels North station and told her to wait for him there. She sat down to wait, but the smuggler never came back for her. In the same way, Rahma explains that a smuggler was recommended to her by friends to escape from Kenya, a man she did not know. When she arrived in Turkey, the smuggler raised the fare to cross to Europe. Her husband mobilised to find the necessary funds. The smuggler took her to Belgium, making her believe that she had arrived at the destination country she wanted, namely, England. She says she had been misled by the smuggler: *"He told me here is England, apply for asylum"*<sup>103</sup>. Rahma was not aware that she had arrived at the wrong place. Marei explained she had to leave Guinea by plane, accompanied by a man. She was afraid to follow him because she had just met him at the airport. When she arrived in Belgium, the man took all her belongings and said he would come back, but he never did. She said:

*"He lied to me. He took my papers, supposedly to scan them [at the airport] for me, but in fact he ran off with them"*<sup>104</sup>.

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98 Jamila, 08.11.2021.

99 Rahma, 27.07.2021.

100 Badriya, 23.07.2021.

101 Badriya, 23.07.2021.

102 *Ibid.*

103 Rahma, 27.07.2021.

104 Marei, 23.07.2021.

About her arrival in Belgium, Jamila says: *“I didn’t even know I was in Belgium”*<sup>105</sup>. An Afghan family she met in Brussels told her where she was, whereas *“the person who took us didn’t say anything”*<sup>106</sup>.

This lack of autonomy, combined with a lack of information, makes women doubly vulnerable as they are poorly informed or simply misinformed and, therefore, have little (or no) insight into the reality of their migratory journey. Nevertheless, their agency – which cannot be disputed as they have managed to reach their destination alive and finally find the information through other means – develops despite those constraints and is combined with a particular determination just “to escape”. Jamila was clear on that point:

*“I thought I just wanted to escape. Just escape from that country. I mean, I couldn’t think where I want to go, where I want to be. It was...just escape from that country”*<sup>107</sup>.

#### 4.4.3. Gendered vulnerabilities in the country of arrival

The gendered roles and traditional mechanisms that induce women’s subordination do not disappear upon arrival in the destination country. Our interviews show that such forms of inequities are further perpetuated in the country of destination, where women are at a particular disadvantage owing to personal and structural factors that sometimes intersect with each other to exacerbate their vulnerability.

On a personal level, the “weight of gender” is particularly felt in the educational background of the women we met. Most women – with a few notable exceptions – were poorly educated, some even illiterate. Many were simply deprived of their right to quality education. Aïsha, for instance, had never been to school and her mother could not read. To learn to read and write, she had to “manage”<sup>108</sup> because in Somalia, as she put it, *“you don’t learn much”*<sup>109</sup>. The comments of the women we interviewed reveal that this deprivation sometimes gives rise to disproportionate desires in their career dreams. Thus, when talking about their future, several women mentioned University studies, careers as lawyers or doctors, in all cases, they aspired to *prestigious positions*<sup>110</sup>.

Many are forced to confront the demands of the educational system in Belgium and the reality of the job market. About having to give up her plan to work in her desired field in Belgium, Solange says: *“There is what you want and then what you find, in fact!”*<sup>111</sup>. Rahma is also lucid about her plans in Belgium and the limited choices available to her. She can barely read and write, but she would like to open a business with the help of her husband, a seller in a refugee camp in Kenya. She talks about this project as her utopia: *“But trade here is different: the most suitable for me is cleaning”*<sup>112</sup>. The reference to cleaning, a care profession, is striking in that it shows how Rahma is doubly subject to different systems of subordination: firstly, because she is uneducated, secondly, because she is a woman (and thirdly, because she is an asylum seeker?), the scope of her professional possibilities is immediately reduced. As a result, she is left to opt for the “care” professions associated with a precarious status and considered “typically” female.

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105 Jamila, 08.11.2021.

106 *Ibid.*

107 *Ibid.*

108 Aïsha, 23.07.2021.

109 *Ibid.*

110 On this, also see section 5.7 of this report, *“They make me dream and then they make me sick’: impact of the asylum procedure on present and future plans”*.

111 Solange, 07.07.2021.

112 Rahma, 27.07.2021.

Rahma is also very modest in her desires. When asked what her plans are, she says, “to do as the others do”<sup>113</sup>. Jamila completed her master’s degree in Afghanistan and is very grateful to be educated and to be able to speak English, which she can leverage to navigate her asylum path. She said “without English here, I’d be blind”<sup>114</sup>. Yet she does not talk about an “ideal job” but simply says “anything [will do]. Work is work”<sup>115</sup>. These realities echo women’s modesty as a code<sup>116</sup> that aims to restrict women’s projects, and discourse in their social interactions (which should remain modest and humble). Jaama highlights this as a cultural prescription “not to speak”. The precariousness of their administrative status also reinforces the prescription:

*“[...] Women here, they don’t dare to claim their rights. There’s something in their heads that they pass on, I don’t know, to each other, they say ‘don’t say too much because if you talk too much you won’t get your papers’ [...] but wait, it’s nothing to do with your papers! But there is this image that remains, ‘you must not speak because Belgium will not give you papers!’”<sup>117</sup>.*

Beyond education, other more structural factors, depending on the system in place, can constrain the choice, limit possibilities, and have “gendered” consequences for women seeking asylum. The presence (or absence) of essential services in the reception centre – such as a day care centre for children – is one such example. More than a temporary service for women, childcare facilities offer a real springboard to autonomy in the sense that they allow access to training, employment and, more simply, to a certain form of personal fulfilment. To date, very few centres in Belgium offer this essential service, and there is no official “policy” on this subject. As a result, women are all too frequently prevented from studying or working. Some manage as best they can to combine childcare with training/work, and that happens to be the case with a woman from Senegal, currently enrolled in a master’s degree programme at the University. After she enrolled, the social assistance office found her a crèche within the University. This was a real chance for her, “otherwise, I couldn’t study, it would have been impossible”<sup>118</sup>, she said. However, she explains that the reality is not always easy and remains precarious, requiring the oversight of a special organisation:

*“Now I wait for my son to go to sleep, to study at night. Or sometimes [...] I drop him off at the nursery, and I spend the whole day in the library and study. Until 4 or 5 o’clock because the nursery closes [after]. And if I go home I’m quiet anyway. But I wait for him to fall asleep, or I try to give him to a friend, someone who is there, for two hours. Just for me to have a bit of time to finish. But my exams, my presentations, some of them I passed with him! And finally, I passed the exams, strangely enough [...] It was difficult, though! Because he was there playing in the room and I was there on the bed taking my exam, online. But...that’s how it is! It’s a question of organisation I would say. It’s a bit difficult though. Sometimes you experience things that you would never have imagined you would”<sup>119</sup>.*

Besides this lack of essential services, 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 seek-

113 *Ibid.*

114 Jamila, 08.11.2021.

115 *Ibid.*

116 On this, see among others: Witterborn S., “Privacy in collapsed contexts of displacement”, *Feminist Media Studies*, 22,1, 2020, pp. 1-15.

117 Jaama, 20.07.2021.

118 Hanae Anna, 21.09.2021.

119 *Ibid.*

ers 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”<sup>120</sup> 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. Solange expresses this in her daily actions to move around the centre:

*“You have to cover up, you’re not going to go with your ‘loincloth’ into the men’s corridor, no! That’s life in the centre”<sup>121</sup>.*

The presence of men in non-mixed spaces can also provoke inappropriate behaviours. Ainura is clear about her desire to change centres for these reasons. She separated from her husband because of domestic violence. Since she has been alone in the centre, she has been regularly harassed and has combat-  
ted problems that were not present when her husband was with her.

The testimonies above, therefore, highlight the multitude of subordination systems to which migrant women are subjected and the need to consider multiple factors in assessing their vulnerability. Women are kept in vulnerable situations as these factors articulate over time and space (country of origin, travel, and arrival), particularly at the intersection of personal and structural factors. Their agency should not be denied – as they finally manage to arrive in Belgium and elsewhere by their determination to succeed. But it must be understood in the context of an immediate reaction – of resistance (and a form of resilience) – to a system that maintains moral codes connected to gender expectations along the way and in different forms.

#### **4.5. Being “small” in Belgium: Vulnerabilities and future aspirations of minors**

Age is a highly relevant factor in determining how migration is experienced and, as a result, the degree of vulnerability of the asylum seekers.

During our fieldwork, we visited the reception centre of Uccle for male unaccompanied minors. Previously, we had met other minors, both accompanied and unaccompanied, during our visits to all the other reception centres. In so doing, we interviewed two guardians as well.

Minors are generally considered vulnerable *a priori* because of their age since they do not yet have the tools to deal with life. Regarding minors who have gone through a migration process and are undergoing an asylum procedure, additional vulnerabilities must be accounted for. Speaking with them during the fieldwork shed light on their migratory experience as they travelled from their country of origin to Belgium and the related hopes and difficulties. All of them will be briefly examined in a chronological order. The reasons that led them to leave their countries often include family issues, difficult situations in their countries of origin and, most importantly, aspirations to build a better future. Two of the unaccompanied minors we interviewed had to leave their country of origin after the family setting had changed. Both left after their mother died and their father remarried, for there was no longer any room for them. In other cases, the situation in the country of origin triggered their journey to Europe. This is especially the case for people from war zones or from very poor background. Mustapha Hassan, a 15-year-old Kurdish boy,

120 Solange, 07.07.2021.

121 *Ibid.*

who had crossed many countries, was apprehended by the police and faced multiple difficulties. But he affirmed that, despite what he had experienced, he was more afraid to live in his country than undertake the perilous journey to Europe. More specifically, as already seen above, Ahmad, an Afghan boy from the Azora ethnic group, mentioned that the people in this group have very specific physical traits – such as almond-shaped eyes – that are not considered “typically Afghan” features. This has led to some problems in his village. Overall, the incentive to build a better future for themselves and their families led the minors to travel to Belgium.

On this point, there is a striking difference between minors and adults we encountered during the fieldwork. Adults generally harbour the *humble* dream of a peaceful place where they can build a *normal* life. In the words of Ibragim, a young Russian man: “*I would like to have a normal life, I would like to have a house, a job, a car and a girlfriend*”<sup>122</sup>. Another example is a Somali woman who when questioned about her future plans affirmed that she was going to do “*what everyone else does*”<sup>123</sup>. On the contrary, minors we met during the fieldwork always shared their high aspirations for the future. Even though they are often less educated, encounter difficulties to master French or Dutch and are aware of their precarious situations, they indulge in dreaming big about their studies and future jobs. Most of them plan to attend University and become business owners, lawyers, or doctors.

For most minors we encountered, the journey to Europe has generated considerable fear and vulnerability. Most travelled on foot or by car or bus across multiple countries by paying intermediaries. As many have reported, that did not mitigate the risk of being detained to work, as in Libya or stopped by the police at the borders in the Balkans. Francesco, a 17-year-old Algerian boy affirmed, “*I am never afraid because I have already seen the sea... the sea is black, but now I am not afraid*”<sup>124</sup>. This sentiment was echoed by Ibrahim, from Niger, who affirmed that when he arrived in Libya he started to regret to have embarked on the journey to Europe, as the most difficult thing was to cross the sea. He stressed that after travelling such a long way, he does not want to travel anymore. The journey is a source of fear and stress also when it is shorter and supposedly safer. Marei, a girl of 14-year-old from Guinea, who travelled to Europe by plane, told us that she was afraid during the journey. Indeed, she stressed how she had placed her trust in an adult man with whom she was to embark on the journey, who then abandoned her, leaving her alone without her documents and belongings. Obviously, the effects and traumas of the journey accompany these people for a long time. Ahmad often had nightmares about the journey, and when that happens, he cannot sleep. Given the length of the travel, some people who left their countries when they were underage arrived in Europe after they turned eighteen.

Speaking about life in Belgium, many minors we met during the fieldwork shared causes of discomfort and suffering. For those who were put through the “age test”<sup>125</sup> and were found not to be underage, it was hard not to be believed. A young Somali girl, Life, told us, “*outside I’m 17, in the hospital I’m 22 [...] it’s so bad not to be believed*”<sup>126</sup>. She also added that she was going to school only because one assistant had insisted that she go. The asylum procedure is a major source of stress because of the long waiting

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122 Ibragim, 09.07.2021.

123 Rahma, 27.07.2021.

124 Francesco, 27.09.2021.

125 Age test in Belgium consists of taking an X-ray of a person’s teeth, wrist, and the collarbone. These scans establish the stage of development of a person’s bones and teeth. Yet a margin of error exists, and some NGOs and other associations are critical of the reliability of this test. On this, see for example: Coordination et Initiatives pour Réfugiés et Étrangers [CIRÉ], 18 ans, *l’âge de l’autonomie ? L’accueil des mineurs étrangers non accompagnés (MENA) demandeurs d’asile en Belgique francophone* [Analyse], November 2017, page 5.

126 Life, 21.09.2021.

time without the certainty of a successful outcome, nor the possibility of reuniting with the family. To the question of what was most difficult to cope with, Ahmad, responded *“the most difficult thing is that you cannot see your family”*<sup>127</sup>. Although Belgium is perceived as a safe country, life continues to be difficult here. On this point, the young minor from Niger said: *“it’s true that life is hard, but not like in Europe”*<sup>128</sup>.

Life in the reception centre is not easy for minors. Sharing space with many people and for long periods becomes more challenging when a dominant community occupies the centre. Those residents who do not belong to this community feel excluded in general. Ibrahim, from Niger, stressed that he spent days without speaking to anyone because the other residents did not even speak French. He said: *“Sometimes I stay in my room all day, I don’t talk to anyone, I just come down to eat... But I’m used to it, I don’t talk much. One day it will end...”*<sup>129</sup>. Moreover, many reported that the rooms are not particularly comfortable as they are infested with cockroaches and offer old facilities and limited Wi-Fi. Ahmad stressed that the centre is a difficult place to study since it takes almost four months to buy a book and there is no library.

Interestingly, almost all the minors we met in the centre complained about the small amount of money they received per month, as some stressed: barely enough to buy the bare necessities of everyday life (e.g. soap) and not enough to buy other necessary supplies, for example, books or clothes for sporting activities. Clothing appears to be a central issue for minors in particular; it is difficult when they lack the possibility of buying fashionable clothing, which is often key to be accepted by friends and peers among adolescents. Many minors we interviewed shared their feeling of isolation. They do not always share their feelings with their assistants, tutors or even peers. The same also goes for accompanied minors. A 14-year-old girl from El Salvador, Rihanna, told us that she preferred not sharing her feelings with her mother, especially if she was not feeling all right, because her mother *“will get stressed”*<sup>130</sup>. Concerning accompanied minors, the fieldwork confirmed what the reception centre staff had already mentioned before, namely that the children serve as *“translators”* of the parents thanks to their good command of the language acquired at school.

Some minors we met mentioned their discomfort in revealing where they live to others outside the centre. Ibrahim, the 17-year-old boy from Niger, affirmed: *“They think we are worthless people...Life in a centre is like a worthless life, they will say ‘you don’t work’, ‘you have nothing to do with your life’”*<sup>131</sup>. As a result, when someone at school asked him where he lives, he simply replies that he lives in Brussels, without sharing further details. However, it should be stressed that minors are often aware that being underage puts them in a more *“privileged”* position. Some mentioned that *“being small”* would enhance their status in the country and increase the number of opportunities available to them, for example in terms of schooling.

Our first VULNER Research Report did not distinguish between the situation of minors and the elderly. Therefore, although the objective was the same for this report, this section focuses on minors. Indeed, the fieldwork has confirmed our findings during the first phase of the research, namely that elderly people are not very present in the asylum procedure, or at best as *“non-active”* subjects of the procedure, linked through their children or relatives. During the fieldwork, not speaking a common language prevented contact with the few seniors we were able to meet. We found they generally received kind acts of aid and

127 Ahmad, 28.09.2021.

128 Ibrahim, 28.09.2021.

129 *Ibid.*

130 Rihanna, 12.08.2021.

131 Ibrahim, 28.09.2021.

respect from their relatives or other members of the same ethnic or national community. The fieldwork also confirmed that “old” is a contingent and contextual category, which moves up in time earlier than in the so-called Western world. For example, Deng Vanang, a 49-year-old man from South-Sudan considered himself an old person, as did his younger fellow residents, who were generally more respectful towards him for that reason. However, since he came to Belgium by himself, he was willing to work and send money to his children back home, notwithstanding his health issues, problems common among “seniors” in the centre, which makes them more dependent on their family and/or on the reception system.

#### 4.6. Health-based vulnerabilities: Endless waiting and “Doctor Paracetamol”

The legal and political discourse on vulnerability often includes references to health and physical and psychological wellbeing<sup>132</sup>. During the fieldwork with asylum seekers, lawyers and associations, health came into play in various and different aspects.

First, while some asylum seekers expressed their satisfaction with the healthcare system in the reception centres, 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”*<sup>133</sup>. 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 (Life). In addition, other residents interviewed mentioned that most of the time, illnesses with varying symptoms are all treated with paracetamol (Mohammad, Mustafa Sherzad). Anna, a young Somali girl reiterated this point during the interview. In her words: *“when you have a headache, if you’re sick, they’ll just send you to school and give you a paracetamol”*<sup>134</sup>. Furthermore, as already seen during the first year of research, mild sedatives are usually recommended to help them sleep and deal with stress and depression (Bob). A Somalian girl affirmed that she started taking some medicine, but then she decided to discontinue to avoid getting addicted to them.

Some people we met had health issues, and they were quite critical about how the system works. Still, they were prepared to adapt to the current situation. They reported their stories during the interview. Eduardo, a man from El Salvador, who has diabetes and health problems, shared with us that the centre was not providing him with enough syringes for inoculating insulin. Tired of the situation, he decided to buy some syringes and, only after the pharmacist demanded an explanation as to why a person in a reception centre was buying his own syringes, he started receiving syringes regularly. A Somalian woman, Badriya, who injured her leg due to an explosion in her home country and travelled to Turkey with a visa issued for medical reasons, mentioned that she had not yet been admitted for surgery as her operation was deemed too expensive. In addition, she underlined the difficulties of living in a reception centre without an elevator with her handicap. An Albanian woman, Jaama, mentioned that in some cases, asylum seekers are afraid to report inefficiencies in health care because they fear their requests will not be adequately considered or any complaint might affect the asylum procedure.

132 On this topic, see *ex multis*: D’Halluin E., “La santé mentale des demandeurs d’asile”, *Hommes & migrations*, Vol. 1282, 2009, available at: <http://journals.openedition.org/hommesmigrations/447> (last access 06.09.2022); Nguyen A., “L’agonie administratives des exilés. Une clinique de l’asile”, *L’Autre*, Vol. 15, 2014, pp.197-206; Kronick R., “Mental Health of Refugees and Asylum seekers: Assessment and Intervention”, *Canadian journal of psychiatry*, 63(5), 2018, pp. 290-296.

133 Mohammad, 12.07.2021.

134 Anna, 21.09.2021.



Secondly, 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. Besides the "objective" vulnerability (such as the fact that a person is a minor or that a woman is pregnant), documenting and proving vulnerabilities are perceived to be very hard. As stressed by a lawyer, Hanne van Walle: *"we can see these vulnerabilities, but we can't attest to them. It's crucial in cases to get evidentiary documents"*<sup>135</sup>, otherwise they will not be taken into account by the authorities. Another lawyer distinguished between medical certificates issued by a doctor who is slightly familiar with the Istanbul Protocol<sup>136</sup> and merely indicates whether there are any scars, and those that are very detailed and issued by associations with expertise in the field. In other words, there is a "golden rule": the more detailed the medical certificate, the higher the chances that the authorities will accept it. However, a lawyer has stressed that doctors, psychiatrists, and psychologists seem reluctant to reveal more "content" in their certificates.

Regarding medical issues and medical certificates, it is worth mentioning that CGRS can establish a medical examination *ex officio*, which never happens in practice. On this point, Hanne van Walle said:

*"When we filed medical certificates, to avoid the CGRS contesting the content of the medical certificates, we suggest that they conduct their own due diligence[...]. But so far it has [never been done]. Because it's not even constituted, at the moment within the CGRS, there isn't even an expert, there isn't a team constituted for it. But the law provides for it, so we are trying to press it with the CGRS so that they realise that this is a possibility they have"*<sup>137</sup>.

During our fieldwork, we met with *Constats*, one of the main Belgian associations, whose mission is to aid the victims of torture in the country of origin, carrying out a medical and psychological assessment, and producing a medical report following the Istanbul Protocol. The association receives many requests and is sometimes forced to close waiting lists to examine the requests already received. Each consultation takes between six and ten hours. Due to the large number of requests, the lack of means and personnel, and the long duration and sensitivity of the work to be done, the target audience is limited. Indeed, their focus is entirely on those who have been victims of torture in their country of origin and have suffered physical, not just psychological, consequences. The doctor of *Constats* stressed that the torture had taken place in the country of origin and not on the way to Europe, as only the former is currently considered relevant to the application by the asylum authorities. In her words:

*"My job is to confirm that what the person says is or is not compatible with what I see during the physical examination [...] the aim is for it to be used as evidence in the asylum procedure"*<sup>138</sup>.

In reference to the place where the violence occurred, one of the lawyers interviewed was particularly critical, pointing out that the distinction between the country of origin, in transit countries, on high seas or in the country of arrival, risks being somewhat arbitrary in the assessment of where the violence occurred. She asserts that victims of violence will certainly be more fragile during the journey for two

<sup>135</sup> Hanne van Walle, Lawyer, Brussels, 15.11.2021.

<sup>136</sup> UN Office of the High Commissioner for Human Rights (hereinafter OHCHR), *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* ("Istanbul Protocol"), 2004, HR/P/PT/8/Rev.1.

<sup>137</sup> Hanne van Walle, Lawyer, Brussels, 15.11.2021.

<sup>138</sup> Isabelle Moureaux, *Constats* Asbl, Brussels, 01.07.2021.

reasons. On the one hand, they will find it more difficult to defend themselves and seek protection than in their country of origin. On the other hand, if the asylum seeker cannot access immediate follow-up (both medical and psychological), there is the risk of being a victim of further and different kinds of persecutions.

#### **4.7. “You need to be strong in your head, here”<sup>139</sup>: Gender bias and gendered vulnerabilities of isolated men seeking asylum**

In the collective imagination, vulnerability is more readily associated with migrant women, in the sense that they are seen as typically embodying vulnerability and as “inherently” more fragile<sup>140</sup>. Conversely, single men are rarely considered vulnerable in the first place, mainly because they are perceived as “naturally” strong. However, single men also suffer the consequences of their gender, to varying degrees, because they are not perceived as vulnerable *per se*.

Firstly, they always seem to have restricted access to certain services: 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 comfortable reception conditions (in containers, for example). The CAMPO<sup>141</sup> centre – an emergency accommodation 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”<sup>142</sup>.

Secondly, if this image of the “strong man” is reflected in how access to care is organised, it also seems to affect the male asylum seekers themselves who have internalised them: even while they face many difficulties, (isolated) men are under pressure to succeed and not fail. Their success in their host country is linked to their financial autonomy. It was clear from the interview conducted that they aim to be self-sufficient as much as and as quickly as possible. For single men, this is mostly because they have family members back home. Some interviewees were very clear on that point:

*“I had to support them. Women are not responsible for that, my family is not [either]. I have to do it. I am the one responsible”<sup>143</sup>.*

Mustafa Sherzad affirmed that:

*“I had to leave first because I was the oldest male child in the family. And I’ll fight [here, to get his papers] because I am the oldest”<sup>144</sup>.*

Bob from Palestine also underlined:

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139 Ibragim, 09.07.2021.

140 Our first VULNER report also contradicted this idea by showing how women can also be perceived as having a real agency. On this *a priori* of fragility, see: Freedman J., “The uses and abuses of ‘vulnerability’ in EU asylum and refugee protection: protecting women or reducing autonomy?”, *op.cit.*

141 This CAMPO centre was set up in an emergency at the beginning of 2020 to provide additional reception services. This centre has been built to offer temporary supplementary reception places, which are temporary (to tackle the “crisis”).

142 Étoile, 25.06.2021.

143 Jahn, 17.11.2021.

144 Mustafa Sherzad, 17.11.2021.

*"I am born refugee, I know that the suffering is not finished...I am trying to pass my past and help my family. You have a lot of problems, [but] you have to face them"<sup>145</sup>.*

The necessity to be "strong" and "responsible" is reinforced in the reception centre's highly masculine environment. Indeed, as mentioned earlier in this report, the centre's public spaces are almost exclusively occupied by men and not shared in an egalitarian manner between male and female asylum seekers. In this sense, these places reflect the traditional public/private dichotomy, in a gendered sense, often also understood as masculine/feminine<sup>146</sup>. To that extent, these spaces reproduce the patriarchal norms that condition the interactions among men in these spaces. They interact the "hard way" in an environment that sometimes reinforces violence and allows resorting to it. Mohammed is clear on this subject when he talks about the power relations and violence between residents:

*"They would all come to you as wolves... Everybody is 'challenging' everyone here. And I can't guarantee [that anybody could keep calm] after one hour"<sup>147</sup>.*

In the same sense, Kononkai Sow underlines the need for a man to remain "strong" in a reception centre to overcome these violent situations. It is also about not showing that one is vulnerable (or in this case, impacted by some form of silent violence). He mentioned that although his phone had been stolen multiple times since he arrived in the centre, he was unwilling to report this issue:

*"You have to be strong in your head to live here. Otherwise you could poison yourself without anyone noticing [...] And these are not problems you can talk about with your social assistant"<sup>148</sup>.*

Ibragim, a 24-year-old Russian man also spoke about his difficulties sharing his problems:

*"Here you have to stay 'a man'. You cannot have problem, you are a man"<sup>149</sup>.*

The researchers were sometimes struck that it was not easy to talk to a male interviewee without other men interfering in the discussion, coming in to listen (or control) what was being said, or interrupting the discussion. These impressions of "monitoring" can sometimes create real concerns: Mohammad took us aside at the end of an interview to make sure that we would not repeat what had been said during the interview to other members of the centre. He did not want "any problems here"<sup>150</sup>.

#### 4.7.1. Agency as a "natural" masculine ability?

These harsher conditions give rise to a representation of agency, which would be naturally more present in men, who would know how to find the necessary resources to cope in more challenging conditions. This impression, reproducing the imaginary of the valiant man, is also based on elements observed during the study (the propensity of single men to find work more easily and quickly, for example). Very few, if any, of the men interviewed in the study said they could not work. Deng Vanang said that worked

145 Bob, 09.07.2021.

146 On this topic, see: Thornton M., "The public/private dichotomy: gendered and discriminatory", *Journal of Law and Society*, Vol. 18, No. 4, 1991, pp. 448-463; but also in the field of migration Moore C., "Women and domestic violence: the public/private dichotomy in international law", *The International Journal of Human Rights*, Vol. 7, 2003, pp. 93-128.

147 Mohammad, 12.07.2021.

148 Kononkai Sow, 30.06.2021.

149 Ibragim, 09.07.2021.

150 Mohammad, 12.07.2021.

in the meat and food industry for about two years to get by. Kononkai Sow says he worked in logistics to “buy the things needed here”<sup>151</sup>. Mamy says he wants to “be solely dependent on himself”<sup>152</sup> and he always finds work to do. He works in a factory that packs parcels outside the centre. He said: “here, to eat well, you have to finance yourself”<sup>153</sup>.

While access to the labour market is relatively easy, the people we met were aware of the lower quality of the jobs to which they have access. Their jobs varied little (logistics sector, port of Antwerp, parcel delivery, food industry), and all remain precarious with late hours, night shifts, weekly contracts or working days that start early. Deng Vanang is clear on this point: “I always find jobs. Jobs that Belgians cannot accept. These are jobs that Belgians, Italians, Europeans don’t do”<sup>154</sup>. The ability to find work is often accentuated by a command of English, which the vast majority of the men we met had learned at different times on their path (through schooling in the country, through their work or during their migration journey, as Moussa and Ahmad said). That is also a valuable asset in that this form of interaction and social bonding strengthens their agency, which cannot, therefore, be deemed “natural” but reinforced by environments that favour certain skills.

The gender bias that applies to single men considered non-vulnerable results from complex social constructions that explain why the vulnerabilities of (single) men are being disregarded. It is also reinforced by a predominant discourse of “strong and responsible” men, which envisages certain type of behaviours in very male-dominated spaces that can further strengthen this bias<sup>155</sup>, with concrete consequences for how single men are perceived during the asylum procedure and the procedural guarantees that would (or not) be granted to them.

The previous sections address different types of personal vulnerabilities that asylum seekers experience. By highlighting the vulnerabilities that arise in the country of arrival (in addition to those already existing), this study invites reflection on the impact of the asylum procedure, and the asylum system *as such*, on the maintenance or creation of new vulnerabilities. This aspect is discussed in the following sections.

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151 Kononkai Sow, 30.06.2021.

152 Mamy, 07.07.2021.

153 *Ibid.*

154 Deng Vanang, 08.11.2021.

155 On this gender-bias applying to men in the migration context, see: Arsenijević J. *et al.*, “I feel like I am less than other people’: Health-related vulnerabilities of male migrants travelling alone on their journey to Europe”, *Social Science & Medicine*, Vol. 209, 2018, pp. 86-94 and Allsopp J., “Aggressor, Victim, Soldier, Dad: Intersecting Masculinities in the European ‘Refugee Crisis’” in Freedman J., Kivilcim Z., Ozgur Baklacioglu N. (Eds.), *A Gendered Approach to the Syrian Refugee Crisis*, London, Routledge, pp. 155-175.

## V. VULNERABILITIES AND THE PROTECTION PROCEDURE

Our interviewees mentioned various situations of vulnerability stemming from elements related to the asylum procedure. These elements vary and affect aspects associated with the *time* of the procedure, the *spaces* where it takes place (in the hearing room of the CGRS but also in the reception centre) and mechanisms of isolation, emotional charge and lack of control, or information that the procedure generates in the long run. These various elements are taken up and discussed in the following paragraphs.

### **5.1. Time as the *protagonist* of the asylum procedure**

Time in the asylum procedure is particularly relevant in discussions on the vulnerability of asylum seekers. Indeed, during our fieldwork, time *of* and *in* the procedure was mentioned so frequently by the interviewees as to become a pivotal issue in the interviews collected. All the different types of “time” mentioned appear to play an important role for the people we interviewed during the fieldwork.

Firstly, it concerns the time to apply for asylum. Indeed, some interviewees (among others, Ainura, Eduardo, and Mamy) mentioned that it is crucial to arrive very early in the morning at the *Petit Château*, the arrival centre for applicants for international protection in Belgium managed by Fedasil. Even if it is a minor detail, it shows the relevance of time (and time constraints) from the very beginning of the asylum procedure: If the asylum seekers don’t get in line early in the morning, they risk their application not being registered that day and having to reapply the next day<sup>156</sup>. Indeed, the long queues at *Petit Château* are the tip of the iceberg of the “crisis” in the asylum system<sup>157</sup>.

Secondly, a particularly significant “time” is the one that is necessary at the beginning of the procedure “to break the Dublin”. According to the Dublin Regulation, the asylum claim must be assessed by the authorities in the country of first entry. Therefore, often, asylum seekers in Belgium who did not arrive by plane but travelled through other countries must, according to the Dublin Regulation, return to those countries for their asylum claim to be (re)assessed. However, if a certain number of months pass without the person returning, the “Dublin is broken” – as they say in jargon – and the application can also be assessed by authorities where the person is. Many people whom we encountered during the fieldwork were in this situation (e.g. Max, Étoile, Allah, Mohammad, Mustafa Sherzad), and they mentioned how stressful this limbo time had been, given the risk of being forced to leave the reception centre (Solange) before their application could be assessed in Belgium.

Thirdly, the time during the procedure is most difficult for asylum seekers. An Afghan man, Jahn says: “*Life in the centre is waiting and I feel tired of waiting [...] What’s difficult for me is waiting to get a response, to make a plan for my future...waiting makes me sick*”<sup>158</sup>. Some of them were underlining how time is “expensive” and that they are losing it (Jahn) and that Belgian authorities are “wasting their time” (Mustafa Sherzad). Many interviewees mentioned the long waits between the “small interview” and the “big interview”

<sup>156</sup> The Aliens Act, Art. 50 § 1<sup>er</sup>, establishes that the foreigner who wishes to obtain the refugee status or the subsidiary protection status must submit an application for international protection at the time of entry into the country or within eight working days.

<sup>157</sup> *Petit Château* has undergone many waves of functioning crisis, leading to a workers’ strike in the fall of 2021. On this, see: Belga, “Asile et migration: grève au Petit Château à Bruxelles », *LeSoir*, 18 October 2021, available at: <https://www.lesoir.be/401137/article/2021-10-18/asile-et-migration-greve-au-petit-chateau-bruxelles> (last access 20.09.2022).

<sup>158</sup> Jahn, 17.11.2021.

(this is how asylum seekers usually distinguished between the first meeting at the Immigration Office, which serves to register the asylum application, and the interview at the CGRS). Undoubtedly, this is the most challenging time to deal with for asylum seekers, especially while living in the centre with so many people of different languages and cultures.

A woman from El Salvador who had arrived in Belgium with her family emphasised that Latinos represented a minority in the centre due to the presence of so “many” cultures. Bob, a Palestinian boy, emphasised: *“I did not want to live with all these cultures, I came to live in Belgium, not in Afghanistan or Africa [...] if I have to wait six months with all these cultures, it is OK, but it is too long to wait in the centre”*<sup>159</sup>. The long time spent in the centre sometimes also generates different beliefs, for instance, as a sign of an imminent positive or favourable decision from the asylum bodies. In that sense, Deng Vanang reiterated what “is said in the centre”: the more time he spends in the centre, the higher his chances of being recognised.

However, in the vast majority of cases, having to wait for an answer so decisive for one’s future is a source of anxiety and stress, preventing asylum seekers from planning the present and the future. In the words of Eduardo from El Salvador, who arrived in Belgium with his family:

*“It’s hard because you imagine the worst in that waiting time because it’s a long time but sometimes, I think ‘okay, they have a lot of work’, because they do have a lot of people who are coming, and I know there are some other nationalities that do need more attention...because of the type of situations they ran away from. But sometimes that [the time waiting] can...play hard on your mind”*<sup>160</sup>.

Then he continues explaining how this long waiting time affected his mood and manner, making him less patient than in the past and get angry more frequently. He said:

*“I don’t have a word to express it. Because it’s very hard to explain it. I know it has affected me because sometimes I scream, I scream a lot. And I wasn’t like that before. I get angry very easily, I get frustrated”*<sup>161</sup>.

He also emphasised how the kind of stress experienced during the procedure differs from the stress experienced at work. Indeed, whereas at work, once you leave, you can distract yourself and relax, the same does not happen to those involved in the asylum procedure because they continue to stay in the the same place and environment. This sentiment was echoed by Bob, a Palestinian man, who affirmed:

*“You don’t know where you are going. This was difficult with the procedure. You do not have a normal life, I feel I deserve it’ [...] I felt nervous for ‘just a stamp”*<sup>162</sup>.

The awareness of the difficulties (and situations of vulnerability) created by the wait times in the centres are also echoed by associations. Jessica Blommaert from CIRÉ said that the current length of the asylum procedure ended up making all the people who are subject to this procedure vulnerable, whatever their background and initial experience may be:

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159 Bob, 09.07.2021.

160 Eduardo, 22.09.2021.

161 *Ibid.*

162 Bob, 09.07.2021.

*“And you know, people who may have been better armed or perhaps would not have been followed up as much as others when they arrived in Belgium, still end up at some point in this situation...So when you wait like that, when you are wandering, you are insecure for yourself or your children, not knowing what tomorrow will bring, if you will have to go back to your country, if you will be able to settle down, if you will be able to work, well, that necessarily creates other problems which were perhaps not or less present when you first arrived”<sup>163</sup>.*

Lack of time may also have an impact on the course of the procedure. Two examples substantiate this idea. The first one does not concern the time of the asylum seekers, but more specifically, the time at the disposal of those working in the reception centres. Although some residents emphasised the positive role of their assistants, the support they receive from them and the bonds that are created (e.g., Antonia, Mohammad, DMG Nation), some pointed out that their assistants often “do not have time” for them<sup>164</sup>. This factor was brought up when discussing contact points and trusted persons to confide in during difficult moments in the asylum procedure.

Some residents stressed they were not able to turn to assistants in the most difficult moments because they did not have time or due to the high turnover in the reception centres, where social workers change jobs frequently. In the words of one Somali girl: *“I don’t speak with my educator, she’s always busy and she only tells me that I have appointments. She says ‘eat, sleep, go to school’. She doesn’t have time for me”<sup>165</sup>*. This confirms what was reported in the first VULNER report, namely that reception centres’ staff are faced with excessive amounts of work. A second example related to the lack of time that can impact on the asylum seeker is the lack of appropriate time to really “settle down” in the country. Indeed, while long waits bring anguish and frustration, the effects of not having the time to land, to take a breath, to prepare for the procedure after a long and tortuous journey can be deleterious. In the words of a lawyer:

*“I went several times to the Moria refugee camp in Lesbos for legal aid. There, some asylum applications were processed in 3 days [...] They don’t have time to dry off from the Mediterranean crossing ahead of an interview and they’re still not quite able to answer the questions they’re asked, they are in a state of shock from the trip and they’re being questioned too quickly, it’s not going to work because it takes a while for people to catch their breath”<sup>166</sup>.*

This was echoed by another lawyer:

*“Politicians demand very short procedures, which I think in itself is problematic, because it doesn’t give you time, it doesn’t give people time to breathe, to get proper treatment to identify vulnerabilities. So I think vulnerable people will be damaged by extremely fast procedures. But on the other hand, the extremely long procedures that we see sometimes, they can really damage people, we can see clients over the years go more and more down and start suffering more and more”<sup>167</sup>.*

According to Étoile, it would have been challenging for him to handle the stress of the interview just after his arrival when he was under pressure and living in a not ideal environment (a CAMPO centre).

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<sup>163</sup> Jessica Blommaert, CIRÉ Asbl, Microsoft Teams Platform, 10.06.2021.

<sup>164</sup> Anna, 21.09.2021.

<sup>165</sup> *Ibid.*

<sup>166</sup> Interview n° 2, Lawyer, Microsoft Teams Platform, 12.05.2021.

<sup>167</sup> Interview n° 11, Lawyer, Microsoft Teams Platform, 05.10.2021.

## 5.2. Privacy, security, independence: Primary needs and vulnerabilities in reception centres

For the people we interviewed, the living conditions in the asylum procedure was often one of the biggest challenges they experienced. Although the law stipulates that a stay in a reception centre should only be for a specific period, the reality is quite different. The length of time the residents we met had spent in the reception centre ranged from a couple of months to several years. They testified to their exacerbated fragility as the centres had difficulties meeting their basic needs beyond shelter and food. A long list of unmet needs came up during the interviews.

Firstly, a need for privacy that is not present. When asked what could be improved in the centre, most asylum seekers asserted the rooms should be improved or the number of people living there should be reduced. Several asylum seekers also reported the difficult experience of living in a community in small spaces for an indefinite period of time, with no possibility of being alone. Francesco affirmed his desire to simply “*shut the door*”<sup>168</sup>. He described how residents and staff at the centre would enter rooms unannounced:

*“They come in without knocking in the room. They come in like that, it’s like ‘the criminal police’.. but sometimes I just want to undress, to change my clothes...”*<sup>169</sup>.

Ahmad, a young minor from Afghanistan, also stresses his desire to be in a house because in a house, “*you can lock the door*”<sup>170</sup>. Jaama, an Albanian woman, testifies to the same lack of privacy in the centre’s facilities:

*“Six in a room, I didn’t expect that! I didn’t expect to have any privacy. Even to take the shower in the morning, I have to get up early... In fact, the shower I have to take too early in the morning or too late at night. So you see, I’ll sleep with wet hair at night... [...] And it’s not like you’re with your family! With six people, you can stay if you are in a family, but we are not a family, here! I was disappointed, yes [...]”*<sup>171</sup>.

Privacy also requires large enough spaces to be able to create an “intimate” or “homely” place. In this sense, many residents complained the spaces were “too small”, there were no curtains on the windows, no space to store their belongings, and never feeling completely at home. During a discussion in his room, Mamy showed us his suitcase under his bed, still carrying all his belongings, for lack of anything better. Jaama also described a woman who had left her belongings outside because there was no room, “*and then they were stolen*”<sup>172</sup>. Eduardo described this atmosphere where everything seems too “small” in greater detail:

*“I mean, we used to have a big house. So, it’s like, I used to have space, I used to have my room, my son used to have his own place, with his toys, my wife used to have her own place [...] I mean, everything was organised. But here, your room is your wardrobes, your room is your kitchen, your room is your dinner table...and you eat on your bed. So, I think now that being together in this small place, it’s very hard. Because even though you try to go outside... it’s like you don’t have enough space. I don’t know...”*<sup>173</sup>.

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168 Francesco, 27.09.2021.

169 *Ibid.*

170 Ahmad, 28.09.2021.

171 Jaama, 20.07.2021.

172 *Ibid.*

173 Eduardo, 22.09.2021.



The lack of hygiene also reinforces this impression of unfamiliarity with the centre. Francesco is clear on this point, saying, *“the cockroaches are the walls of the centre”*<sup>174</sup> to underline the recurrent insect problems. Many of the residents we met also spoke of their difficulties with coping with places that are often dirty. Solange said:

*“Hygiene here... it’s difficult. Not everyone has the sensitivity to clean. Sometimes it’s not a pretty sight”*<sup>175</sup>.

Secondly, the need for security is not always acknowledged in some centres. While most asylum seekers generally feel safe in Belgium (where they are no longer immediate targets of persecution or violence), the centre can be an insecure environment. Money Transfer, a man from Togo, clearly wants the centre to be equipped with cameras *“because there is no surveillance, no security if you are raped in the corridor”*<sup>176</sup>. Ibragim, a Russian man, is also clear about the realities of the centre when he explains that there is not much security within the centre to counter violence between residents:

*“They [the staff] will arrive once the fight is done...but it’s too late, when they [residents in the centre] are 10 against one...”*<sup>177</sup>.

Bob also stresses:

*“I have seen lots of things happening in this camp, fights...I cannot talk about these things, but strange things happen here”*<sup>178</sup>.

This feeling of insecurity is sometimes also reinforced by the majority community within the centre, which can adopt dominant behaviours and ostracise certain people. Ibrahim, for example, told us of his isolation because he was the only black (and French-speaking) person in the centre.

Thirdly, the interviews with asylum seekers highlight their lack of independence within the centre. This need is articulated by many residents around everyday actions, such as the choice of food, when residents cannot decide what they eat or how they feed their children, for example. The functioning of the centre itself also reinforces this feeling of dependence and constraints. For many residents, the rules are not just absurd or arbitrary; they undermine their room for manoeuvre and in the end exacerbate their feeling of disempowerment.

These impressions of arbitrariness and powerlessness are echoed in Eduardo’s words when he talks about his personal experience concerning a refrigerator he used to have in his room for medical reasons.

*“I mean, I use insulin. They told me [...] because we had the fridge, in our room [...]’no, we’ll take the fridge away’. And I said ‘ok, so what do I do with the insulin?’ because I use insulin 5 times a day. And they said ‘you can put it downstairs’. And I said ‘ok so at 1am, if I need insulin, someone will come with me and help me?’ ‘No...’ ‘Ok then, what do I do?’ and they said ‘talk to your assistant’. Okay, so I sent an email to my assistant. This was in August. On the 12th of August. And I still haven’t received a reply as to what to do with it... In the meantime, the doctor said ‘yes, you can have your fridge upstairs in your room’, and I said ‘ok, guess what... I’ve already taken my fridge outside and here in the centre, they cut the cable...”*<sup>179</sup>.

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174 Francesco, 27.09.2021.

175 Solange, 07.07.2021.

176 Money Transfer, 07.07.2021.

177 Ibragim, 09.07.2021.

178 Bob, 09.07.2021.

179 Eduardo, 22.09.2021.

Life also expresses this sense of not understanding the rules regarding the leave of absence, for she is entitled to be away from the centre for several days. She said:

*"Sometimes they will [the centre staff] say yes, sometimes no... But I want to change my mind, I want to feel free"<sup>180</sup>.*

Money Transfer points out that the centre is in fact *"a voluntary prison"*<sup>181</sup>. Jaama also underlines this: *"I have voluntarily locked myself up here"*<sup>182</sup>. Money Transfer insisted:

*"No one is behind you [watching you], but you still feel like you are stuck, here..."<sup>183</sup>.*

### 5.3. Vulnerabilities *in and during* the asylum seeker hearings

The asylum procedure is perceived as being highly technical and complicated. Nevertheless, all asylum seekers we encountered were acutely aware of the different stages of the asylum procedure, even if their knowledge was fragmentary. As seen above, even if information comes from different sources (internet, recommendations from family and immediate community, advice from other asylum seekers, lawyers, assistants, associations, etc.), it is still not always complete and/or accurate.

Undoubtedly, most of the asylum seekers we met during the fieldwork perceive the centrality and importance of the interview at the CGRS, the authority that assesses asylum applications. Many have stressed that the interview is tough (Anna, Jahn), while others have mentioned that asylum seekers talk among themselves and share some "advice" on what is "good" or "bad" to say during the interview. In addition, certain strategies adopted by asylum seekers can be "put to the test" by the authorities precisely at the time of the interview. For example, Mohammad told us that he was sometimes confronted with people seeking information about certain countries in view of their impending hearings. Indeed, since precise questions on the country of origin can be asked by the protection officers, the applicants who believe that their chances of acquiring the status would increase if they named a more suitable country of origin, look for information on that country to be able to respond accurately to the protection officers' questions. Some interviewees emphasised the need to prepare well for this interview. For example, Étoile, a young Cameroonian boy, explained that he needed to prepare for the interview calmly so as not to forget any details, recalling that some other asylum seekers had forgotten key information about their own stories. He concluded by saying that he feared that the authorities would focus on certain elements to deny refugee status, referred to in the jargon as "the negative". An Afghan woman mentioned her habit of taking notes on all the pieces of information she had received that she deemed helpful in the interview.

Other interviewees reported on their experiences during the interview and shared their frustration. For example, they felt that the authorities did not believe their stories because *"they are always the same"*<sup>184</sup> and, as Kononkai Sow, a man from Guinea, said, the authorities would like to *"hear something new"*<sup>185</sup>. The same man also claimed that during the interview, the CGRS protection officer had an "African" assistant whose role was to "read the look" and understand whether the interviewee was lying or not. He felt not

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<sup>180</sup> Life, 21.09.2021.

<sup>181</sup> Money Transfer, 07.07.2021.

<sup>182</sup> Jaama, 20.07.2021.

<sup>183</sup> Money Transfer, 07.07.2021.

<sup>184</sup> Kononkai Sow, 30.06.2021.

<sup>185</sup> *Ibid.*

respected and shared with us his frustration at not being believed, saying: “you haven’t known one-third of my life and you say ‘he’s lying!’ [...] I don’t even want to do it anymore since I’m in Europe. It stresses me out too much”. Eduardo, a 38-year-old man from El Salvador, emphasised that during the interview based on an asylum application he had submitted for his son, he had a distinct impression that the decision had already been made. In his words:

*“So, we feel like...we feel like during the interview she decided to...to give us a negative answer just because...we were there asking for a new process. It feels that way”<sup>186</sup>.*

The fact of being in a situation of vulnerability can significantly influence the interview and, in particular, the way questions are answered by the applicants. In the word of a lawyer:

*“The factors of vulnerability for me, totally influence the way of answering in a personal interview [...] And for me the coherence and the plausibility of the answer, even mistakes when you say yes even when you thought no, these are factors that can enormously depend on the vulnerability in the very broad universal sense”<sup>187</sup>.*

For that reason, the same lawyer emphasised the desirability in certain specific cases of authorising the participation of a psychologist, a lawyer, or a person of trust during the hearing. At the same time, the length of the interview itself can, in a way, “vulnerabilise” asylum seekers as the time of the year (e.g., during the Ramadan) or time of the day (during lunchtime) when the interview is scheduled, or the means by which it is conducted (in person or via video conference, for instance). As one lawyer claims:

*“What I thought in addition to the procedural vulnerability in the elements, is that the interviews are sometimes done at 9 o’clock in the morning at the CGRS, with people who sometimes live in the German-speaking part of the country and so they have to get up at 5 o’clock in the morning, they arrive there, and you would not believe how they look. There’s a break, but they’re tired, it’s a lot of stress [...] And then, another element that we don’t think about much is Ramadan. Well, with some clients, we tell them that they can pay back the day after [...], they have the right not to do Ramadan that day but to do it on an extra day. [...] And another element too, [...] the hearings are done during table time. They don’t care. They start at 10:30, so we finish at 15:00, and so everyone is obviously starving, they’re fed up, ... because these are vulnerabilities that are more circumstantial to the procedural momentum. I find that this counts, it makes people more fragile, whereas the ideal situation, for example, is that they already feel better in their skin and in their head when they go in for the interview”<sup>188</sup>.*

Lawyers we met during the fieldwork were also particularly critical of how the interview was conducted, especially what questions were posed and how, often as if in a criminal interrogation, where the same questions are asked again and again, especially if the expected answer is not received. In the person being interviewed, this creates an urgency of having to change their answer because the question was asked again, leading to a considerable communication short-circuit. In addition, lawyers have emphasised that the interviews are somewhat standardised and not adapted to the needs of vulnerable people, thus resorting to an unreflective pattern, and in that sense, “dehumanising” them. In fact, one lawyer

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186 Kononkai Sow, 30.06.2021.

187 Interview n° 2, Lawyer, Microsoft Teams Platform, 12.05.2021.

188 *ibid.*

highlighted that the protection officer refrained from looking the person in the eye during some hearings and had his gaze fixed on the computer. This, in his opinion, would put a certain amount of distance between them, especially considering that many asylum seekers would need to recount their often traumatic experiences.

However, they also saw this as one of the side-effects of how the system is constructed, pointing out that the CGRS protection officers themselves are under a lot of pressure, given the little time at their disposal to assess each case. However, they try their best to put the focus of the hearing on the “listening” of the asylum seeker. On the same topic, a lawyer affirmed:

*“I absolutely think that the procedure makes people vulnerable. Especially the interview at the CGRS is, in my opinion, not at all suitable for vulnerable people. The positioning, for example, is sometimes very simple, but the fact that there’s someone behind a desk with a glass window, well, that’s for the Covid-19. But the way the questions are asked, the fact that people are sometimes put under a lot of pressure, the same questions are asked three or four times. For example, I had a client who was convinced that he was being ridiculed by the protection officer. Afterwards he would replay his hearing, [...] So in relation to the hearing, for many reasons, the way the questions are asked is: question-answer-question-answer. It’s the protection officer who controls the interview. There is no openness, for example, in relation to other ways, such as drawing [...]”<sup>189</sup>.*

The lawyers have generally stressed that the education level greatly impacts the asylum seekers’ interview performance. For example, during interviews an attempt is often made to ascertain the accuracy of key facts, for instance, whether the person really comes from a certain country or area of the country. That implies that people with a certain background and, above all, education will be more able to answer a certain type of question, such as the ones on the culture or geography of the country of origin. The applicant’s inability to “filter out” unimportant information during the interview may indicate a low education level to the authorities. Another issue is that the interview remains highly ethnocentric and protection officers are not adequately trained to consider that how asylum seekers answer questions or react may be strongly influenced by their respective cultural background. This ethnocentric approach also applies to certain instruments used to “measure” some types of intelligence. Taking the example of an IQ test, Hanne van Walle points out how difficult it is to apply such largely Eurocentric tests to people from non-European cultural backgrounds.

#### **5.4. Lost (in lack of) information: Vulnerability and information gaps**

The interviews with the asylum seekers we met reveal that they lack significant pieces of information on several levels in the asylum procedure, creating a sense of disempowerment and potentially producing situations of vulnerability that do not allow the persons concerned to navigate the procedure in an informed manner.

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189 Interview n° 14, 15.11.2021.

Firstly, this can be discerned at the level of the stages of the asylum procedure. In the interviews conducted, asylum seekers seem to have a very fragmented approach to the reality of the procedure: even if they know the stage they currently are in, they are not always sure of the stages that will follow, and sometimes they are not able to clearly identify those that preceded. The interviewees sometimes confuse the interviews they have had and experience difficulties explaining which authorities summoned them. In the interviews, they often speak of “big” and “small” interviews.

Faced with the complexity of the procedure, some asylum seekers report that they do not know exactly where to turn for quality information. Eduardo from El Salvador is clear about this:

*“Sometimes it feels like...it feels like you really don’t have anyone to come and ask what to do. I mean, there is a lot of information on the internet, and I read it, I mean, I read the whole Fedasil webpages from A to Z, but I mean, it’s not really the same...”<sup>190</sup>.*

Étoile also explains that he has to organise himself in order to be appropriately informed about the rest of the asylum procedure and to ensure a close follow-up of his mail, for example. Postal mail is a crucial element in the reception centre because it is how the asylum authorities communicate with the asylum seekers. Generally, the social workers are there to keep the asylum seeker informed of any mail they may receive regarding their application. However, this communication is not always optimal, and information is not always clearly communicated to asylum seekers. As Étoile points out in his comments below:

*“With the assistants, you always have to ‘fight’, be attentive, ask friends in the centre to check if you have received mail...”<sup>191</sup>.*

Mamy is also clear on this point when he asserts: *“I don’t talk to the assistants. I talk to those [asylum seekers] who have been there for a long time”<sup>192</sup>.*

The above quotes emphasise that while protection seekers may have difficulty accessing information, they do not remain passive. In fact, they demonstrate a certain agency that allows them to seek the same information in *other* ways, but especially *elsewhere* (e.g., on the internet)<sup>193</sup>. As the discussions progressed, two privileged channels of information source emerged: on the one hand, the community or the asylum seekers’ “acquaintances”. For protection seekers, the community remains a critical source of information right from the start and throughout the procedure: Most people who submitted their asylum application in *Petit-Château* told us they received their information about the procedures that needed to be followed from friends. Jaama is very clear on that subject:

*“It’s not just ‘me’, everybody knows, because those who take the path of asylum seeker, they have friends [...] They know the procedure, because they are not the last or the first to apply for asylum [...] They have acquaintances, friends, buddies [...] I don’t know, but they know where to go. And even if they don’t have anyone, they will find all the information on the internet”<sup>194</sup>.*

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190 Eduardo, 22.09.2021.

191 Étoile, 25.06.2021.

192 Mamy, 07.07.2021.

193 In our interviews, the internet also sometimes appears as a relevant source of information for asylum seekers to get some answers to their questions.

194 Jaama, 20.07.2021.

While this method allows information to be obtained quickly and efficiently, it does not always guarantee that good quality. Some associations stress that the “word of mouth” methods do not always guarantee good or accurate information. On the other hand, the associative network is emerging as a credible source of information. This is particularly the case with *Brussels Refugees*, the citizen’s platform that plays an important role in helping to overcome this information gap:

*“We often receive people who are already in proceedings and who need support, even if they are already in Fedasil centres. So this happens, for example, because they can’t get in touch with their lawyer, this kind of things [...] we try to provide clear information on the asylum procedure in Belgium [...] So we just try to give the official information [...] We just try to provide as much information as possible so that the person can make an informed choice”<sup>195</sup>.*

Far from being limited to people in the asylum procedure, several associations also fulfil this role for people outside the asylum process. In the observations carried out at the PSA centre, many associations served as “information agents”, thus meeting a significant need among people outside the asylum system. *Vluchtelingenwerk* asserts they are there to meet this need:

*“I think the main thing they want from us is information, firstly either through our start point team at the arrival centre, or the legal help desk or the trainings”<sup>196</sup>.*

Access to quality information can nevertheless be complicated owing to certain practices. That is particularly the case with the Flemish Red Cross, which sometimes does not help with facilitating access to certain types of information – for reasons of neutrality. That is problematic for some lawyers and associations we interviewed. A member of an organisation that provides support to victims of FGM is clear on this subject:

*“We can see [...] a big difference between Roode-Kruis [the Flemish Red Cross] and the Red Cross, which is that Roode-Kruis, in terms of reception, have had a very different application of the neutrality of the Red Cross than the French-speaking Red Cross. So we have a lot of Red Cross social workers who will do their best for people [...] at Roode Kruis, they would say that we should not intervene in questions with the lawyer, that this lady is in charge of her own course and she has to manage with the lawyer, and there, there will be some vulnerabilities... because you have women who don’t know how to send or receive an email. But under the pretext that it is also up to the lady to go her own way, the Red Cross does not intervene [...]”<sup>197</sup>.*

A lawyer at the Dutch-speaking bar stresses the same point:

*“The [Flemish] Red Cross centres in Belgium, they value their neutrality. I think it’s a basic principle of the organisation, which means that they don’t intervene at all [...] For example, they don’t send an e-mail to make an appointment, or they require the clients to call us themselves, or send e-mails themselves [...] And, in theory, it sounds great, but in practice it doesn’t work if people can’t read and write*

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195 Interview n° 9, Brussels Refugees - Plateforme Citoyenne, Brussels, 08.10.2021.

196 Joost Depotter, Vluchtelingenwerk Vlaanderen, Brussels, 19.10.2021.

197 Interview n° 8, Microsoft Teams Platform, 24.09.2021.

*and don't speak the language [...] Because your neutrality is actually a stand against [our] clients. You put them at a disadvantage. The standard also of Red Cross centres, like 'I'm sorry, we are neutral, we don't interfere in this area' ... I think yes, it is neutrality, but you are going too far. Because I'm not sure about the client's ability to communicate their need for help [...] so that's a problem"<sup>198</sup>.*

Secondly, this can be discerned from the content of the asylum procedure itself and, specifically, what arguments the applicant can bring to the interview to support his/her asylum story. It is not uncommon for asylum seekers we met to address their feelings of being unprepared for the CGRS interview. Badriya, in the same vein, complained about her lawyer who, according to her, does not tell her how to prepare *"her arguments"*<sup>199</sup>. Money transfer, from Togo, underlines that he had to turn to "referees" as the assistants' knowledge was *"too generic and general"*<sup>200</sup> to be able to properly inform him. Deng Vanang, a 49-year-old man from South Sudan, made it clear that he was not assisted by anyone to prepare ahead of the interview. Eduardo is also clear about this:

*"So, if this time, if we get a negative decision, I don't know what the lawyer will say... the thing is we can't change, we can't change our story. Now we can say it in a different way but... I can say it... It's difficult because we really don't get any 'guidance', from my lawyer or my social worker. It's not like they're talking and saying 'no, you can't say that', or 'say it this way, and that way'. It's like... it's like I'm alone – against the police station. And the lawyer and the assistant, [they are there] just to get the paper. That's how we feel"<sup>201</sup>.*

The associations we interviewed are aware of the impact of this lack of information and the new situations of vulnerability it can generate. In the words of Manuelle Fettweis from the association *Casa Legal*:

*"Yes, the procedure is complex but I think people lack clear information [...] I think there is a lack of information internally among the asylum authorities, which is enormous, and which I think is deliberate in not giving people all the clues, not explaining how, well, how a hearing is going to take place, which is the aim of a hearing at the CGRS for me. And [...] if there weren't the lawyers and everyone else around, in fact, people would get confused, would be lost [...] it's impossible to understand by oneself that an interview at the CGRS is argumentative, in fact"<sup>202</sup>.*

Jessica Blommaert from *CIRÉ* is also very clear on the impact of not being appropriately informed and the lack of a follow-up in the asylum procedure, insisting on the importance of creating an environment that promotes exchange of information, to prevent the exacerbation of asylum seekers' vulnerabilities:

*"We know that welcoming someone in a framework of trust, of respect, in a framework where we say: 'Ok, you can talk about it, you can explain what really pushed you to leave, to flee your country and what you experienced', well, we know that automatically, the person will know and understand what they are going through and will also be able to bring everything they should bring to the moment of the interview with the CGRS, which is the crucial moment, whether you like it or not. I mean, if you're*

198 Interview n° 11, Lawyer, Microsoft Teams Platform, 05.10.2021.

199 Badriya, 23.07.2021.

200 Money Transfer, 07.07.2021.

201 Eduardo, 22.09.2021.

202 Manuelle Fettweis, Casa Legal Asbl, Brussels, 17.02.2021.

*not prepared, if you haven't understood exactly what you have to say, if you're not well informed, if you haven't received the right socio-legal support, well, it's all over! [...] We really have to give people every opportunity to say everything they have experienced and to be able to bring it into the system as it is currently organised, so they understand what we expect from them [...]"<sup>203</sup>.*

With this in mind, besides lawyers, several associations have gradually started assisting asylum seekers with preparing for the asylum interview<sup>204</sup>, such as *Casa Legal*, *RainbowHouse*, *Brussels Refugees*, among others.

### **5.5. "You're bumping into a system you can't control"<sup>205</sup>: "Rigidity" of the asylum system**

Asylum seekers, summing up their impressions of the asylum system, and its implementation, based on the challenges they had experienced, characterised it as rigid, explaining that the processes are inflexible, allowing little room for adaptation and sometimes seeming to be imposed in an arbitrary manner.

Three types of reactions could be observed among asylum seekers to these conditions: firstly, the resolve to continue to apply for asylum by all available means. The Salvadoran family we met was clear on this point despite the negatives they had received and the multiple asylum applications they had filed, some on behalf of their children: *"No matter what the decision is, we will stay here"*<sup>206</sup>. If these multiple applications were often perceived as an "abuse of the system" by the asylum authorities discussed in the first VULNER report, for the applicants we met, they mostly represent "another attempt" to "fit into" an inflexible system. Eduardo is clear that the request for his son to stay in the asylum procedure was filed as a last resort:

*"The lawyer [...] said go and ask for...a process for him, only [for his son]. But we already received a negative decision for him. And at the interview, the person who conducted the interview says 'why are you opening a new request for him?' and I said 'because we have problems, because we cannot go back to our country'. And [...] the lady [the protection officer] said, 'no, you'll get a negative anyway' and indeed, after the interview we received a negative decision. So, we feel like... during the interview she decided to give us a negative answer just because...we were there asking for a new process. It feels that way. Because I wasn't even allowed to finish my story and she said 'no, you'll get a negative answer from this'. And my lawyer was not there [...]"<sup>207</sup>.*

Amara, a Syrian minor, is also determined to apply for multiple asylums, although her social worker advised her *"not to apply for asylum twice"*<sup>208</sup>, and intends to start a new procedure because she knows *"it is possible"*<sup>209</sup>.

The interviews suggest that applicants are in some ways "forced" by the rigidity of the system to continue to apply for asylum in the hope of improving their chances when they face exclusion. This reality was brought up by many lawyers we met, such as Pierre Robert, who clearly underlined that *"violence of a procedure"* constrains access to protection in a disproportionate way:

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203 Jessica Blommaert, CIRÉ Asbl, Microsoft Teams Platform, 10.06.2021.

204 For instance, by helping them to identify the relevant element in their story, which may justify the granting of international protection.

205 Solange, 07.07.2021.

206 Salvadorian family, 25.06.2021.

207 Eduardo, 22.09.2021.

208 Amara, 10.08.2021.

209 *Ibid.*



*“Not only we are confronted with the violence of the procedure, but we also realise that to say ‘no’ to all these people, at some point you have to ‘twist the concepts’, and not only the concepts of vulnerability”<sup>210</sup>.*

Secondly, faced with this apparent inflexibility of the system, some applicants question the possibility of adapting to the procedure. During our fieldwork, it was not uncommon for people from Afghanistan to ask us whether their situation “*could change*” in light of the recent Taliban takeover in the country<sup>211</sup> or for people from Palestine to ask those same questions after Belgium acknowledged that the UNRWA assistance had ceased to be effective due to the Covid-19 crisis and its financial consequences<sup>212</sup>.

Finally, in many cases, the system’s rigidity generates a sense of resignation and abstention. This is the case for the people “on the move” we met at the PSA day centre in Brussels (daycare and meal distribution centre coordinated by the Belgian Red Cross). Several had refrained from applying for asylum because their country of origin was not considered a warzone. Francesco, from the centre, asserts he is asking for “*normal papers*”<sup>213</sup> (i.e., not through the asylum procedure).

Kononkai Sow was also very bitter about the reality of the procedure and expresses a form of resignation, after having gone through several interviews. He says that the CGRS officers “*don’t believe their stories anymore*” and “*they want to hear something new*”<sup>214</sup>.

During our observations at the PSA day centre, one of the people we spoke to also seemed very bitter about an asylum system from which he has been excluded several times. This person looked at the situation critically, saying, “*all these undocumented people, what can they do?*”, before adding that “*too many*” migrants were here insisting that “*now with the Ukrainians coming, it will be worse, there will be too many of us*”<sup>215</sup>.

Deng Vanang is also realistic about the possibilities for asylum seekers to be recognised after years of waiting:

*“At least we had a ‘taste’ of Europe. But what we wanted was our case to be processed”<sup>216</sup>.*

The asylum seekers and the people “on the move” are, therefore, sensitive to the rigidity of the system they face (in that sense, Solange is quite explicit when she uses the word “*bumping into a system*”<sup>217</sup>, as if she was “*hitting*” against something forcefully). The position of questioning and abstention flows directly from a more *symbolic vulnerability*, which goes beyond material insecurity: in awareness of the lack of “*administrative legitimacy*”<sup>218</sup> on the territory.

210 Pierre Robert, Lawyer, Microsoft Teams Platform, 01.06.2021.

211 Part of the fieldwork was conducted during the Taliban takeover in Afghanistan last August 2021. At the same period, Belgium asylum bodies decided to temporarily suspend decisions on Afghan applicants. The review of applications restarted in March 2022. See the CGRS website: <https://www.cgra.be/fr/search/site/afghanistan> (last access 07.07.2022).

212 On this in Belgium, see: Crine Z., “Covid-19, crise économique et réfugiés palestiniens: le Conseil du Contentieux des étrangers apprécie l’assistance de l’UNRWA à Gaza dans un contexte de pandémie mondiale”, *Cahiers de l’EDEM*, March 2021; Muhambiya I.B., “Reconnaissance du statut de réfugié des apatrides palestiniens: l’impact des informations sur la situation prévalant dans la région d’origine des requérants”, *Cahiers de l’EDEM*, March 2022.

213 Francesco, 27.09.2021.

214 Kononkai Sow, 30.06.2021.

215 Notes from observation in the PSA centre, Brussels, 01.03.2022.

216 Deng Vanang, 08.11.2021.

217 Solange, 07.07.2021.

218 On this, see: Guyon A., “L’agonie administrative des exilés. Une clinique de l’asile”, *L’Autre*, Vol. 15, 2014/2 pp. 197-206.

Ibrahim's comments raised the subject of hitting the dead end:

*"Because here everything is about your documents. If you don't have a document, you can't go to the hospital, you can't go to work, you can't do anything with your life, in fact"<sup>219</sup>.*

Protection seekers try to cope with the rigidity of the legal system by seeking to "fit in" at all costs, which demonstrates a certain degree of agency but, more importantly, testifies to a desire to be recognised as subjects of *legitimate rights*, whose situations need to be examined more benevolently via more flexible mechanisms. These attempts nevertheless create the kind of vulnerabilities and insecurities that bring to light the highly "exclusionary" dimensions of vulnerability, and more generally, of the terms of protection in Belgium today.

### **5.6. "Everyone is in their own little cave"<sup>220</sup>: Isolated vulnerable individuals in collective spaces**

Adults left to wait in the reception centre cannot rid themselves of their feeling of *loneliness*. Those we interviewed spoke of their daily lives and routines, often also referring to living in a community. Yet, they were – paradoxically – very much isolated<sup>221</sup>: They did not talk to anyone in the centre, not even other residents nor the centre's staff, even when the centre set up listening sessions (e.g., the "individual accompaniment" sessions at the Red Cross centres)<sup>222</sup>. To them, the centre feels like a space of forced cohabitation, where individuals continue to evolve separately and in separated spheres. Solange describes her life at the reception centre, saying, *"the atmosphere is fine, but everyone has their own life"*<sup>223</sup>. According to Mamy, *"everyone stays in their own little cave"*<sup>224</sup>, which reflects the lack of a real community and the formation of groups of isolated people who share common places. Kononkai Sow also concedes, *"Here, I stay with my stress alone"*<sup>225</sup>, pointing out that there is no one with whom he can share his mental burden. Moussa, in his interview, points out that the hardest part is not having anyone to talk to at the centre.

A general sense of mistrust reinforces this sense of isolation and the lack of opportunity within the reception centres, where often *no one trusts anyone*. Having the same background or the same community is not always enough to create the bonds that reassure people who have been repeatedly betrayed in their journey (by family, by the national authorities, by people on the streets, etc.) The experiences of Eduardo and Jamila are no different in that respect. When asked if they have anyone to turn to, to confide in, Jamila instinctively points to several other families from Afghanistan in the centre, then adding that she remains cautious:

*"We cannot trust anyone. They are family but maybe...I mean, here we cannot trust anybody so easily. I mean, I'm talking with them but...maybe they are not trustable"<sup>226</sup>.*

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219 Ibrahim, 28.09.2021.

220 Mamy, 07.07.2021.

221 However, the reception centres try to organise some activities or entertainment to bring people out of their isolation. In addition to these activities, the people present in the centre are also asked – on a voluntary basis – to engage in community work (maintenance of buildings, cleaning, etc.). These jobs are poorly paid.

222 Also called "individual accompaniment", which is a service set up to guarantee an individual follow-up for each resident. Each resident is assigned a "resource person" or a support person whom they can ask all these questions and they can share their needs and issues with them, through interviews scheduled at regular intervals.

223 Solange, 07.07.2021.

224 Mamy, 07.07.2021.

225 Kononkai Sow, 30.06.2021.

226 Jamila, 08.11.2021.

Eduardo describes his trusting relationship with his wife in simple words (“she usually handles my issue and I handle her issue too”<sup>227</sup>) but testifies to the need to be on guard within the centre when he talks about the other Salvadoran families in the reception centre but:

*“Sometimes with other people like them [speaking about the other Salvadorans present in the room], we do share but we don’t share everything...I don’t know if you understand...Because my wife and I have been very close and together for the last 10 years, we’ve been together but when we see other people, we try to close, and I think it’s because of what we went through. Because there is a point when you lost trust on other people [...] And sometimes they say, ‘oh yes, we’re together here’, but we cannot be really good friends with them. So that’s also hard because I used to have a lot of friends [...] and that kind of helped me to release the stress and the pressure. But here, you cannot”<sup>228</sup>.*

Aïsha underlines the “superficiality” of the relationships at the centre. She says that she doesn’t trust anyone or talk to anyone here, except “for small jobs, and ‘hello, how are you?’”<sup>229</sup>. The “hello, how are you?” is symptomatic of a reality that the researchers observed at the centre. During our visits, our limited interactions with certain people we came across by chance at the centre always began with the pleasantries, “hello, how are you?”, which the residents would greet almost automatically when they saw us, without necessarily expecting an answer, and sometimes while already elsewhere in their heads.

Feelings of isolation are also created by a sense of limited possibilities and conversations within the centre revolving around the procedure, its uncertainties and daily trivialities. According to Jaama, “gossips” refer to the residents of the centre “who talk because they have nothing else to do”<sup>230</sup>. F. also points out that making friends in the centre is “a bit of a problem” as “people talk”<sup>231</sup>. In the same vein, Life highlights the difficulty of staying in a mentally heavy environment, where people constantly talk about the issues that concern them, including their interviews and their beliefs about what is right (or not right) to do. Life stopped talking to people at the centre to get away from those conversations about the procedure that were “too scary”<sup>232</sup>.

The sense of isolation is, therefore, profound among the asylum seekers we encountered, and, in their experience, that reinforces the feeling of helplessness and disempowerment in a hostile environment, where they lack support or feel unsupported.

### **5.7. “They make me dream and then they make me sick”<sup>233</sup>: Impact of the asylum procedure on present and future plans**

As mentioned above, the time *of* and *during* the procedure significantly impacts the level of vulnerability. Likewise, the organisation and management of personal time during the asylum procedure is of paramount importance and can reveal much about the applicants’ experience in Belgium. Directly or indirectly, the procedure affects all activities, be they work, training or even pleasure.

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227 Eduardo, 22.09.2021.

228 *Ibid.*

229 Aïsha, 23.07.2021.

230 Jaama, 20.07.2021.

231 F., 12.08.2021.

232 Life, 21.09.2021.

233 Moussa, 09.07.2021.

Our impression from the outset has been that, in general, women in the reception centre seem less busy than men. How time is spent is highly gendered: While men often work outside of the reception centre, women generally spend their time inside. The reasons are manifold, and some have already been pointed out in this report in the section titled “Gendered vulnerabilities in the country of arrival”. 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. For example, Ainura, a woman from Kyrgyzstan, who arrived in Belgium with her husband but then separated from him after few months in the country, could work only over the weekend when her former husband would take care of their daughter. Other women also did not have a good command of the language to be able to find work. Badriya, a Somali woman who used to sell tea in her country of origin mentioned that even though she had registered with the employment agency, she did not speak enough French to be able to look for a job. According to her, language is the “*first barrier to overcome*”<sup>234</sup>. Other women lacked the tools, both in terms of education and in practice, for they were not able to write a curriculum vitae or register with the employment agencies.

The exceptions were educated woman who had practiced a profession in their country of origin. Most notably, Hanae Anna, a woman from Senegal, who received education in her country of origin, was admitted to the *Université Libre de Bruxelles* to continue her studies there. As already mentioned in the paragraph focusing on gender, she was transferred to a reception centre closer to Brussels because of her studies. There she could benefit from study rooms and from a Wi-Fi connection in her room to attend the courses online because of Covid-19. Although she was aware of the improvements in her condition that allowed her to study, she highlighted the need for a great deal of organisation and adaptation to combine studying with childcare, especially for those living in a reception centre. Another example is that of an Albanian woman, who was still working and taking Dutch language courses online. She also stated that most women in her reception centre did not work, apart from a few who were working illegally in the catering industry, in the cleaning service, or in childcare.

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 (Allah, Jaama), complaining mainly about a palpable sense of boredom, especially for those without work or training possibilities. Ainura, the woman from Kirgizstan, pointed out that the days in the centre were repetitive, and thus monotonous, and having her child to care for kept her busy during the days. Life, a Somali girl, said on this point: “*you wake up, you eat, you sleep... something like that*”<sup>235</sup>. For those who spend most of their day in the reception centre, the days are punctuated by mealtimes, exceptionally they go to the nearest city or to visit a friend or family (Mohammad). Anna, a young Somali girl described her daily routine as “*nothing special*”<sup>236</sup>, explaining that she spends most day in the centre, or she goes to Brussels or visits her uncle. A family from El Salvador mentioned that while activities are organised for young people – such as volunteering camps outside the reception centre – no activities are planned for adults. Besides, the reception centre has reduced the events held on its premises or cancelled them due to Covid-19 restrictions.

As a way to keep themselves busy and earn money, some residents enrol in language courses or sign up for community work. Rahma, a Somali woman, who had lived in Kenya for many years as a refugee, preferred to be involved in community work to keep herself busy and strengthen her mental health. Max, a young Afghan boy, told us that he worked in the centre mainly because he had no family or friends outside the centre who could help him to get a job. Many others say they get bored in the centre be-

234 Badriya, 23.07.2021.

235 Life, 21.09.2021.

236 Anna, 21.09.2021.

cause there is not much to do. A young Somali woman stopped attending a French course, saying it was too repetitive, declaring, in the end, nothing had changed. Some people we interviewed shared which activities they would like to carry out in the reception centre. A Bosnian woman said she would improve how collective activities with the other residents at the centre were organised. Life, a young Somali girl, mentioned she would like to learn to create dress designs but did not have the necessary equipment and someone from whom to learn.

Secondly, many feel they are not masters of their own lives and choices. In the words of a young Somali woman, Aisha: *“My hands are tied here”*<sup>237</sup>. This feeling is closely linked to the asylum procedure and its uncertain outcome. The other Somali girl, Life, stressed *“they broke all your dreams, but they don’t know you. Before going the interview, I was thinking of my future but now I stopped. Because it’s useless”*<sup>238</sup>.

Furthermore, this procedure affects the daily choices of each resident, even their involvement in extra activities. For instance, some interviewees emphasised that they could not commit to learning the language because they did not know how long they would stay in the country. Alessandro, a Ghanaian boy who had lived in Italy for three years before arriving in Belgium, told us that he did not want to start studying French after *“what had happened in Italy”*<sup>239</sup>. Indeed, the Director of his reception centre in Italy, had convinced him to learn Italian because then he would receive status but, as it turned out, that was not the case. Affirming that, Mohammad, a 22-year-old Syrian boy, also mentioned that after receiving the “negative”, he stopped attending the integration course. Deng Vanang, on the other hand, a 49-year-old South Sudanese man, stated that he did not initially start learning Dutch because he had to work to send money to his family, but since the procedure was taking longer than expected, he was thinking of enrolling in a Dutch language course.

Thirdly, asylum seekers can work during the asylum procedure, thanks to the “orange card” (*attestation d’immatriculation*<sup>240</sup>). However, some residents (Moussa) explained that the situation is not conducive to employment, and what is more, his “orange card” is not valid since he appealed the rejection of his asylum application<sup>241</sup>. This leads to frustration and distress for asylum seekers, especially those who previously had employment opportunities. In fact, on the one hand, the procedure does not result in the desired outcome and, on the other hand, there is no possibility to keep busy and earn money as before. For example, an Algerian woman with four daughters stated: *“I’m stuck now, I feel like a prisoner because I can’t do anything”*<sup>242</sup>. Moussa, a Palestinian boy, had a similar experience. Upon his arrival in Belgium, after leaving a closed centre, he was assigned to a social house, where he built his daily life. He had learnt the language, found a job, and volunteered during the pandemic. However, the rejection of his asylum application resulted in the loss of all he had built up to that point, so he began living on the streets and ended up in a reception centre. He explained that since he had appealed to the Council of State, he could no longer work and was resigned to spending his days in the centre waiting for the decision. In his words: *“they make me dream and then they make me sick”*<sup>243</sup>.

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237 Aisha, 23.07.2021.

238 Life, 21.09.2021.

239 Alessandro, 30.06.2021.

240 The “orange card” is a temporary residence permit that certifies that the person is “in asylum procedure” and mentions the right to work, so that a separate working permit is no longer needed. The asylum seekers can obtain the orange card at their municipality of residence as soon as they receive a proof of the registration of the asylum application at the Immigration Office.

241 Asylum seekers have the right to work until a decision is taken by the CGRS, or in case of an appeal, until a negative decision has been notified by the CALL. However, they are not allowed to work during the appeal procedure before the CALL if the decision at the CGRS was taken within a certain period of time (four months). For further details, see Article 18, 3° and article 19, 3° Royal Decree on Foreign Workers, *Belgian Official Journal*, 2 September 2018.

242 H., 22.09.2021.

243 Moussa, 09.07.2021.

Furthermore, their status as asylum seekers does not always allow free access to all the options on the labour market. As a result, some people have to accept low-skilled jobs despite their training and qualifications. Eduardo, a 38-year-old man from El Salvador, who works in Belgium as a cleaner, had accumulated extensive work experience in a multinational electronics company in his country of origin. Unfortunately, he could not get a job at the same company in Belgium as he did not have a good command of French. In addition, because of his status as an asylum seeker, he could not easily move to an English-speaking European country. With some resignation, he shared his disappointment:

*“I mean, I’ve been trying to look for a job that meets my...skills. I cannot say [a job that meets] ‘my expectations’ because my expectations at this moment are not too high. But I can say my skills. And it’s hard because I don’t have my diplomas... that demonstrate that I’ve been taking lots of courses [...] I cannot prove I know all that. I tried like to do equivalence? But they say it’s not possible because you don’t have the original diploma. So, it’s been very hard, as I said, to find a job that can put me to a challenge, because if I don’t feel challenged, I get bored very easily”<sup>244</sup>.*

Solange, a woman from Ivory Coast, also highlighted the difficulties of having her educational background in her home country recognised in order to look for a job, stating, “you’re bumping into a system you can’t control”<sup>245</sup>.

Asylum seekers also report the feeling of being alone and having to rely only on themselves when it comes to opportunities and future plans. Eduardo from El Salvador said: “If, like, the answer is negative, okay, it’s negative, but what do I do then? Because I don’t know someone who can give me an option or advice”<sup>246</sup>. Mamy, a young boy from Guinea, has frequently mentioned that he was alone and the only person he could depend on was himself and that he had to “work and fight it out by himself”<sup>247</sup>.

## **5.8. Vulnerabilities of the country of origin, vulnerability from the asylum process: Lawyers and the associative sector to address multiple vulnerabilities**

The difficulties mentioned in the preceding sections resonate with the voluntary sectors, the lawyers and the guardians we interviewed, who position themselves, for various reasons, as essential actors in the management of these vulnerabilities: they undertake to monitor and manage vulnerabilities reinforced or created by the very functioning of the asylum system. The following sections highlight the role of these actors in addressing the vulnerabilities of asylum seekers.

### 5.8.1. Associations as key actors in addressing vulnerabilities

The interviews we conducted underline the voluntary sector’s key role in addressing the asylum seekers’ vulnerabilities throughout the procedure. Practices on the ground revealed a real network between the centre, the lawyer, and the voluntary sector, which combined ensure that more specific vulnerabilities are identified and managed and special needs are met. Some associations also specialise in specific vulnerabilities, such as sexual orientation, psychological fragilities relating to the asylum procedure, or the problem of gender-based violence.

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244 Eduardo, 22.09.2021.

245 Solange, 07.07.2021.

246 Eduardo, 22.09.2021.

247 Mamy, 07.07.2021.

The associations, therefore, play a key role as real actors in addressing vulnerabilities, recognised by the lawyers as privileged interlocutors on these issues. One lawyer interviewed is clear on this subject:

*"When we talk about FGM, for example, there are NGOs such as GAMS, with whom we have very good contacts and we can, directly and with the person's agreement, contact them and refer the person to this type of service [...] There are also works with people who are psychologically vulnerable, we will always try to create links and refer people to the right services in order to identify these vulnerabilities"*<sup>248</sup>.

In the same sense, Pierre Robert underlines:

*"There are several associations that I work with regularly, which tell me that they are working with this person on a particular aspect because their social assistant referred them there"*<sup>249</sup>.

In dealing with vulnerability, these associations promise a high degree of specialisation (e.g., women's sexual violence, LGBTQIA+ issues, mental health among asylum seekers, etc.), which creates an *individualised approach to care*, more in tune with the reality of the specific needs of a group facing multiple vulnerabilities.

RainbowHouse reiterates the necessity of providing a "tailored" follow-up:

*"We realised that in this LGBTQIA+ community, this acronym that includes many different realities, some people are forgotten [...]. Among these people are the asylum seekers. There are few structures that are adapted to these people [...], that consider intersectionality as well, or the fact that these people have multiple identities [...] and that they can potentially be victims and targets of different types of discriminations at the same time"*<sup>250</sup>.

In the same sense, a member of an organisation that provides support to victims of FGM underlines:

*"The main topic of [our organisation] is really female genital mutilations and forced marriages, but in recent years, we have expanded it to gender-based violence, because we are on a continuum of violence, and most of the [migrant] women have experienced forced marriage, sexual violence, domestic violence, trafficking when they arrived as migrants, and many of them have been arrested in Italy, in Spain [...]. In the end, it is very rare that a woman is 'just' excised, and it is important for us to work on this continuum"*.

Here, vulnerabilities are perceived as a *continuum* of factors that progressively and continuously fragilise people, who require an adapted response in line with the realities of the asylum procedure.

The voluntary sector also pays particular attention to monitoring the vulnerable profile. Therefore, several associations we interviewed tend to call on multidisciplinary teams to guarantee an optimal approach to a specific profile in the case. *Casa Legal* is an example of an association that aims to decompartmentalise practices by including social workers and specialised lawyers in the same institution to ensure that

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248 Hanne van Walle, Lawyer, Brussels, 15.11.2021.

249 Pierre Robert, Lawyer, Microsoft Teams Platform, 01.06.2021.

250 RainbowHouse, Brussels, 08.10.21.

legal and social issues that are linked can be dealt with simultaneously and in the same place by a multidisciplinary team. This practice has been beneficial in handling cases that can be studied in a cross-disciplinary manner and enhanced the asylum seeker's understanding of the procedure. *Casa Legal* is clear on this point<sup>251</sup>:

*"I think that the fact of knowing that there will be several lawyers on the same file, the fact that there is potentially social support that can be done directly, I think that all this is something that reassures. There are really a lot of people, well, who tell us that they are lost, in fact [...] that there are a million services they have to turn to. We don't answer all the questions, but the fact that people can file everything here, that they can file everything, is quite reassuring, I think"*<sup>252</sup>.

In the same perspective, *Brussels Refugees* also emphasises the added value of "decompartmentalizing" services (providing legal help as well as social and medical assistance) to ensure that asylum seekers have a better understanding of the procedure and its stakes or challenges:

*"This is also the objective of Brussels Refugees: to have the different services present in the same place to avoid losing the person in the follow-up. With many services in one place, it is easier to go straight to them and find what you need"*<sup>253</sup>.

This multidisciplinary approach is also found in how some associations approach asylum cases and analyse them. The *NANSEN* association is clear about their desire to also "decompartmentalise approaches" in the way they deal with vulnerabilities and the need for international protection:

*"We have a mandate to develop an interdisciplinary approach to asylum [...] We feel that the purely legal approach must be informed by an approach that comes from other disciplines. We work with doctors, we work with psychologists, to understand...We try to cross disciplines"*<sup>254</sup>.

More specifically, *Vluchtelingenwerk* adopts a particular approach in monitoring the profiles it oversees via "case management", which offers individual and continuous support and allows a more "dynamic way of 'monitoring' people, how they evolve and whether or not they are developing vulnerabilities"<sup>255</sup>. In the words of Thomas Willekens:

*"In our proposed procedure, we have the case management aspect [...] there is a case manager, who is assigned to an individual and then the case manager follows up on the file of this individual screening for vulnerabilities the whole time, which is part of the of the holistic sense of this procedure. And then this case manager does not have to be a lawyer or does not have to be specifically trained in Alien Law, it really has to be someone who can connect with it on an individual level and can build a relationship of trust [...] And then this case manager is in touch with the authorities, is in touch with the lawyer with some sort of bridging figure between all the relevant actors of the individuals procedure"*<sup>256</sup>.

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251 *Casa Legal* is also quite a unique project in Belgium. In addition to the usual legal services offered by lawyers, *Casa Legal* provides – where appropriate – additional support by social workers and, in the long term, by psychologists. For more, see the website: <https://casalegal.be/> (last access 14.07.2022).

252 Manuelle Fettweis, *Casa Legal* Asbl, Brussels, 17.02.2021.

253 Interview n° 9, *Brussels Refugees - Plateforme Citoyenne*, Brussels, 08.10.2021.

254 Julie Lejeune, *NANSEN*, Brussels, 19.07.2021.

255 Joost Depotter, *Vluchtelingenwerk Vlaanderen*, Brussels, 19.10.2021.

256 Thomas Willekens, *Vluchtelingenwerk Vlaanderen*, Brussels, 19.10.2021.



This individualised support requires time and competent staff, however, two variables in short supply in a context where the association's project funding remains precarious and where the demands are great. The actors interviewed point to the lack of resources (in terms of time, staff, and money) as factors that prevent optimal follow-ups of vulnerable persons in their work. *Ulysse* association is very clear on this point:

*"We can't [take on everyone] because we would end up being overwhelmed and personally overloaded, and we would do a bad job. So, at some point, it's sad but we have to do it with the means we have [...] We then stop taking new requests, for a while"<sup>257</sup>.*

In the same vein, the *RainbowHouse* emphasises:

*"We don't say 'no' to people, but it's true that it takes time to get an appointment. And the delay is not the same for a person who experiences their request as an emergency – and that is normal – and we tell them, 'There are many requests, so you can wait two weeks and I will give you an appointment'. For us, two weeks is nothing, but for them it is a lot"<sup>258</sup>.*

*Casa Legal* stresses more broadly that this problem is common in the voluntary sector:

*"Unfortunately, we must refuse many cases. This can be explained by two things: the lack of time and possibilities and then, of course, the cases that do not correspond [...] to the subjects we deal with. In these cases, we always try to refer to other law firms [...] so we refer to them, but without being sure that the door will be opened on the other side, because it is the same everywhere: there are too many requests and not enough possibilities"<sup>259</sup>.*

The problem of *unstable funding* also undermines the work of the voluntary sector in dealing with vulnerabilities in a specialised way, forcing it to rely ever more on volunteers, which raises some questions regarding commitment and follow-up programmes. As *RainbowHouse* points out:

*"What is the future of the voluntary sector, which has to rely more and more on 'motivation', the commitment of people who are not paid for it? There is also an ethical question: You cannot defend values and causes and then exploit people by delegating more and more work to them [without paying them] because they say 'there is not enough money'<sup>260</sup>.*

A member of an organisation that provides support to victims of FGM highlights how this lack of funding undermines the execution and success of their projects:

*"What challenges us is the recurring lack of funding. The fact that all the work we do, even though we think we have a very important mission in the field of reception, is not recognised structurally by the state and is done through 'project' type approaches which are not sustainable at all"<sup>261</sup>.*

257 Alain Vanoeteren, Alessio Catavere, *Ulysse*, Brussels, 10.02.2021.

258 *RainbowHouse*, Brussels, 08.10.21.

259 Manuelle Fettweis, *Casa Legal Asbl*, Brussels, 17.02.2021.

260 *RainbowHouse*, Brussels, 08.10.21.

261 Interview n° 8, Microsoft Teams Platform, 24.09.2021.

When caring for *all those who need help* sometimes becomes impossible, vulnerability takes on a very strategic role. Indeed, in a reception crisis, vulnerability sometimes becomes the cornerstone of a policy that guarantees access to certain essential resources (e.g., access to emergency accommodation for people without a place to sleep). *Brussels Refugees* argues that this reality can be very selective and, in the end, result in exclusionary practices:

*“What came out of the discussions with the other partners is that, in the end, we are faced with people who are all in a precarious situation and vulnerable and that, on the ground, at some point, we had to categorise these vulnerabilities and make choices between which vulnerability is more urgent than the other [...]. Faced with two people with vulnerabilities, we have to choose which one we will prioritise”<sup>262</sup>.*

Vulnerability can, therefore, directly impact the satisfaction of certain primary needs. Real questions then arise about the role that vulnerability plays in these situations, according to *Brussels Refugees*:

*“There are cases where we are really on the front line: emergency, accommodation, there we are going to have to make choices between... and there I think the notion creates a problem [...] Well, it's quite human actually, we are led to place people in categories as soon as we see them...”<sup>263</sup>.*

## 5.8.2. Lawyers: Mobilisation of vulnerability and reference point in the asylum procedure

Lawyers play a vital role in the asylum procedure. They represent an important point of reference for the asylum seeker in both the technical and legal aspects, but they also become able to “build a network” and mobilise all the other actors needing to gravitate around the asylum seeker: assistants in reception centres, associations working in the field, guardians in the case of minors, and, albeit to a lesser extent, authorities such as the Immigration Office or the CGRS. Indeed, not all lawyers working in this area have the same expertise and level of commitment due also to the difficulties of working in this branch of law. Indeed, in some cases, the asylum seekers we interviewed were highly critical of their lawyers, whereas the lawyers themselves provided insightful perspectives on both their role and on the scope and possibilities of leveraging the vulnerability of their clients in the asylum procedure.

First, it should be noted that all lawyers tend to agree that all asylum seekers are vulnerable – on some level. One of the lawyers interviewed expressed an interesting position affirming the role of vulnerability:

*“I think it is not the status that makes you vulnerable, but it is the exile as such. Exile and the absence of a residence permit and protection [...] the first remark about everyone being vulnerable, so no one is vulnerable [...] is not my reasoning, because I tell them everyone is vulnerable, and yes, everyone is vulnerable. [...] And that poses a problem for me, that is to say that... In fact, there's a deception, but it has to do with migration policy in general in Europe, which consists of saying that in order to avoid taking all the misery in the world, we'll just take in the most extreme cases. But I think that finally, and so we arrive at a reasoning like that where it is only the most vulnerable cases that will be taken into consideration, and so for me, this is a problem. [...] ‘everyone is vulnerable so no one is vulnerable’ as some actors might think, for me is a logical error because everyone is vulnerable, yes. And so that means that we are going to pay even more attention to everyone”<sup>264</sup>.*

<sup>262</sup> Interview n° 9, Brussels Refugees - Plateforme Citoyenne, Brussels, 08.10.2021.

<sup>263</sup> *Ibid.*

<sup>264</sup> Interview n° 2, Lawyer, Microsoft Teams Platform, 12.05.2021.

In a similar vein, Pierre Robert, one of the lawyers interviewed, claimed that it is necessary to return to the famous decision of the European Court of Human Rights (hereinafter, ECtHR), *M.S.S. v. Belgium*<sup>265</sup>, where the Strasbourg judges upheld that all the asylum seekers are vulnerable. Therefore, as proposed by a lawyer, the only solution to all the asylum seekers being cast as vulnerable is that *all* the procedures should be adapted to reflect that all asylum seekers are vulnerable. Thus, such a consideration should not be limited only to the *special procedural needs*.

One lawyer referred to the twofold way vulnerability can be considered during the asylum procedure. Firstly, during the procedure itself, as other interviewees of the VULNER project have often pointed out, the vulnerability of individuals must be taken into account for the special procedural needs (e.g., room at the ground floor if an asylum seekers has reduced mobility, postponement of the interview for the women who have just given birth, etc.), trying to understand the reasons for certain behaviours and trying to adapt the hearing process itself as much as possible. At the same time, vulnerability may be considered in the context of the application for international protection, i.e., whether the subject's vulnerability would put him or her at particular risk if he or she were to return to the country of origin.

However, as another lawyer stressed, while every asylum seeker is vulnerable, creating "*a hierarchy of suffering*" would be impossible if underpinning every appeal was the presumption that all asylum seekers are vulnerable. Then, vulnerability would lose value, and the authorities would no longer consider them, thus overlooking those "*more vulnerable than others*" and in dire need of protection.

Among the aspects undoubtedly "*characterizing*" situations of vulnerability are the physical and psychological medical factors. The physical ones are certainly the easiest to identify, in contrast to the psychological ones. Both, as seen in the previous paragraph on health and vulnerability, are among the vulnerability factors that can be proven via a medical certificate during the asylum procedure.

As mentioned above, lawyers take on a crucial role during the asylum procedure. They often assist the applicant with preparing for the interview, undoubtedly a central moment in the procedure and a source of significant stress. Certainly, the lawyer's assistance with preparing for the interview is very often aimed precisely at those applicants who are most vulnerable and need more guidance. Indeed, vulnerability is something that can "*come up*" in an "*atmosphere*" of confidence and trust, which a lawyer can help build. In describing the relationship with his clients, one lawyer stated:

*"I think that in the exchange between the lawyer and the client, there's an empathy that's higher and that makes us want to protect the person we have in front of us, and so when we see their vulnerability it gives us ways... to protect them"*<sup>266</sup>.

Secondly, the lawyer is instrumental in building the network with the other actors in the asylum procedure. However, the type and frequency vary in relation to the institution involved. Some lawyers have stated that in the most sensitive cases, they also make contact with the authorities, such as the Immigration Office (rare, but can happen, only exceptionally if the lawyer has met with the applicant before the first meeting with the Immigration Office) or also the CGRS in order to submit medical certificates or to warn them of the difficulties a person might have during the interview. A lawyer has affirmed this:

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265 ECtHR, Grand Chamber, *M.S.S. v Belgium and Greece*, 21 January 2011, No. 30696/09.

266 *Ibid.*

*"I have minors who scare themselves, we are careful about what they say during an interview, and so I write to the Immigration Office and to the CGRS, telling them the minor's situation, I give the medical certificate, the psychological certificate and I ask them to be careful in the way they question the person, I've already had the occasion, quite exceptionally, to call an agent to prepare the interview with him because it was going to be too delicate"<sup>267</sup>.*

The relationship with the staff of the reception centres, cooperation with whom is of fundamental importance for lawyers, is constituted in a more systematic manner. Some lawyers pointed out that for the most complicated cases, it is the centre's assistants who notify them. Similarly, if the lawyer realises some issues are coming up during the meeting, they check in with the centre's social workers to find out, for example, if the psychological monitoring has started. As stated by a lawyer:

*"If they are in a reception centre, our first point of contact will always be the social worker, after that we see that there are different interpretations of the level of commitment of the social worker. Sometimes we have very good collaborations with certain social workers and sometimes collaborations that are less good because certain centres interpret the roles of social workers more strictly".*

As already mentioned in a previous paragraph, a lawyer practising in Flanders stressed that the relationship with the reception centre led by the Red Cross of Flanders is not as smooth as with the other centres, owing to their interpretation of the notion of strict neutrality, which is a core value of this organisation. At the same time, some collaborations between lawyers and associations working in the field of asylum and migration have been found to be good. Indeed, lawyers redirect their clients to these associations, especially when dealing with specific issues, e.g., *Constats*, *RainbowHouse*.

Finally, some lawyers express unease about the general functioning of the asylum system and the general impact of their work. In the words of Pierre Robert, one of the lawyers interviewed:

*"Not many lawyers practice refugee law over a long period of time. There's, unfortunately, an absolutely gigantic turnover...that would be worth a study in itself. I think it comes from discouragement in the face of the injustice of the procedures and the impression of not being listened to, the fact that you can sometimes do a great job, in the end, it will lead to the same result as if you had done the bare minimum, because anyway, well that's it, it will be...it will be rejected"<sup>268</sup>.*

Another lawyer has also stressed the need for lawyers to be trained on a range of vulnerabilities the asylum seekers potentially face, and the underlying psychological issues in particular, in order to be able to better handle these types of situations.

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<sup>267</sup> Interview n° 2, Lawyer, Microsoft Teams Platform, 12.05.2021.

<sup>268</sup> Pierre Robert, Lawyer, Microsoft Teams Platform, 01.06.2021.

### 5.8.3. Guardians: Legal representative of unaccompanied minors, “conductor of orchestra” in their asylum procedure

Besides lawyers, other actors assisting vulnerable people in the asylum procedure include guardians, who play a fundamental role in the life of unaccompanied minors. During our fieldwork, we had the opportunity to meet two such guardians, one an expert on street children (so-called *enfants de rue*). There are mainly two types of guardians: voluntary and independent. The former type has less than five guardianships per year and is subject to fewer requirements (e.g., taxation). Once the limit of the five guardianships is crossed, the guardian is deemed independent for all intent and purposes, with all the obligations that come with it.

Guardians officially assume their role upon being contacted by the guardianship service once the unaccompanied minors are identified. Given that anyone can potentially become a guardian (after a selection process) regardless of their educational, vocational, or professional background, the guardianship services provide guardians with basic training on both the legal and the more “social” aspects, the latter relating to housing, schooling, etc., and the *Caritas Helpdesk* (for French-speaking guardians) as well as the *Rode Kruis* (for Dutch-speaking guardians) expand the scope of that training through individual support<sup>269</sup>. Undoubtedly, guardianship is not an easy role to fulfil because of the deficient practical conditions and the high degree of emotional involvement resulting from it. Indeed, one of the main difficulties highlighted by guardians is that unaccompanied minors often have highly complex profiles.

Akin to lawyers, but perhaps to a greater extent, guardians play a coordinating role (in the words of Samuel Vincent, like the “conductor of an orchestra”<sup>270</sup>) for all institutions and actors involved in the life of an unaccompanied minor (the foreigners’ office, the reception centre, the lawyer, the school, the Public Centre for Social Welfare, host families etc.). Beyond their own obligations, guardians must also ensure that other parties, such as reception centres, fulfil their commitments (e.g., provide medical care if necessary). Moreover, as guardians know the minors and their stories in greater depth and detail, they often help the lawyers reconstruct the story and unravel the more obscure points to better define a viable legal strategy. To that end, while it is crucial for guardians to create a relationship of trust with the unaccompanied minors, given the lived experiences of the latter, that is not always easy. The guardians interviewed placed greater emphasis on listening and helping out, but also reiterated the importance of managing the situation with a firm hand where necessary and learning to let go rather than get too involved in stories and events. Speaking about the street children, Samuel Vincent stressed that he often try to spend as much time as possible with the minors to bond with them. However, that is not always possible. He said:

*“They reject the help offered to them, they don’t want anything. And, so, it’s complicated to help someone who doesn’t want to be helped, it’s even impossible and it’s the basis of all social work”<sup>271</sup>.*

In Belgium, guardians – like parents – have full parental responsibility, which considerably broadens the spectrum of their powers and responsibilities. As one of the guardians interviewed pointed out: “you can really make things happen”<sup>272</sup>. As an example, one guardian had refused to let the child undergo the age test in a particular case. In addition, a guardian may try to move a young person with a particularly

269 For further information, see: Caritas International, “Support for independent guardians”, available at: <https://www.caritasinternational.be/en/projects/asylum-migration-en/support-for-independent-guardians/> (last access 07.09.2022).

270 Samuel Vincent, Guardian, Brussels, 22.02.2021.

271 S *Ibid.*

272 Guardian, Louvain-la-Neuve, 22.02.2022.

vulnerable profile to a smaller centre if the minor has been assigned to a particularly large centre. On the other hand, as far as relations with the young person are concerned, guardians have the task of ensuring everything goes well for the minor, specifically with the asylum procedure, but in other realms, too. In this regard, one of the guardians we interviewed revealed she usually looked for a lawyer for the asylum procedure, prepared the minors for their interview, and took them to the doctors or the hospital if needed.

Some minors we interviewed revealed that their (or their friends') guardian did not adequately care for them, did not inquire about their status, or never visited them. Talking to the guardians we interviewed, the following difference became apparent. On the one hand, some guardians oversee relatively few minors. In such cases, the guardian will likely be more attentive to the youngsters and even buy them small gifts (e.g., smartphones, clothes). Conversely, guardians in charge of several UMs cannot guarantee the same level and quality of attention, especially when measured by the number of visits or their willingness to pay for even basic purchases. As one of the guardians said: *"I have twenty [minors] at any given time, I can't give a mobile phone to everyone. [...] So, we try to find second-hand phones"*<sup>273</sup>. Indeed, a particularly sensitive issue is the compensation awarded to the guardians, which cannot be considered a real wage. Therefore, those who provide their guardianship must necessarily have another source of income or another job, and in the latter case, reduce their availability accordingly. However, from another perspective, the more minors the guardians oversee the more experience they stand to gain and are, therefore, in a better position to ensure a more informed follow-up. In the words of a guardian:

*"When you don't have [lots of guardianships] you are not very well 'armed', you do have lots of time, but you don't have a lot of skills. As soon as you get more guardianship, you become more competent but you have less time [...] I know that personally I am less present than when I had four–five [minors], but I am more efficient"*<sup>274</sup>.

In light of the coordinating role they play as the point of contact between the various asylum actors and the minors, guardians have an essential role to play. In the process, they also gain the capacity to cultivate a relationship with the minors based on trust, by devoting time to each unaccompanied minor individually, and, thus, to detect the vulnerabilities among minors with sometimes difficult backgrounds. However, the time is often lacking in view of the significant challenges of the guardianship function: e.g., the number of people being overseen or cared for (a higher number of minors, while guaranteeing greater expertise, can also be a time-consuming activity) or the lack of salary or recognition, which often requires additional income.

#### 5.8.4. Psychological vulnerabilities: The way to support, the way to prove

Many asylum seekers we encountered during our fieldwork received regular help from a psychologist. At the same time, as pointed out by assistants in the reception centres as well as lawyers during our first fieldwork, some asylum seekers refused to undergo a psychological follow up because of the stigma around mental health issues (subscribing to the belief that the psychologist is the doctor for the "crazy people"<sup>275</sup>).

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273 Guardian, Louvain-la-Neuve, 22.02.2022.

274 *Ibid.*

275 This term was used several times in interviews and discussions with asylum seekers.

Nevertheless, the asylum seeker that chose to be followed by a psychologist emphasised its benefits. A Somali lady stressed how formidable her psychologist was and how this follow-up was helping her to regulate her emotions. Others, however, emphasised how, despite best intentions to seek help, they did not have the possibility due to the lack of openings at that time. Eduardo, a man from El Salvador said: *"We have requested before to go the psychologist but it's very hard to get that kind of help in the centre, for some reasons, I don't know why. I might because of the language, it might be because... I don't know"*<sup>276</sup>. Others, like Ibrahim, a boy from Niger, choose not to consult a psychologist because they prefer not to think about or be pushed to tell their story again and again, nor be asked too many questions.

Interestingly, the staff of *Ulysse*, a Belgian association overseeing psychological accompaniment for asylum seekers, stressed that apart from the traumatic experience of asylum seekers in their country of origin or on the road to Europe, most suffer owing to "mistreatments" in Belgium. In the words of Alessio Catavere, a psychologist at *Ulysse*:

*"I must say that I was very surprised at the beginning to see that despite the complexity of the things that these people may have experienced in their country or on the way to Europe, my patients mainly deal with questions concerning the present and, therefore, with the direct and indirect, often very indirect, abuse that these people suffer in Belgium [...] I have been able to observe until now that the living conditions in the reception centre, the uncertainty, the fact of not knowing when you will be called to the CGRS, of not knowing the questions that will be asked, the fact of being confronted with an authority that is going to try, driven by a spirit of verification [...] of suspicion [...] and that is extremely ill-treatment and for people who, in other respects, have been through dramatic events"*<sup>277</sup>.

Likewise, medical certificates attesting to wounds and blows, or Female Genital Mutilations certificates from a psychologist, are also vital to prove the vulnerability of asylum seekers. As pointed out by one of the lawyers interviewed, there is a "hierarchy" of evidence based on which attestations are assessed, noting a difference between a certificate made on a one-off basis, detailing the problems, and a certificate attesting to a series of psychological follow-ups over a certain period. In her words:

*"In psychological reports, I think that the more detailed they are, the better it is, and what is useful is when the in-depth psychological work is obvious, and the psychologist can describe certain reactions of the person, the personality, because it is really useful, for example, to say that the person still acts like a child, often has reflexes of people who have been mistreated, for example, protects their face in case of sudden noises. I think that this is taken into account more"*<sup>278</sup>.

Another lawyer mentioned a different type of "hierarchy", also followed by the CGRS, differentiating between psychologists and psychiatrists. According to same lawyer, the CGRS attaches greater importance to certificates issues by a psychiatrist. This hierarchy of evidence underlines the very demanding and strict practices of the CGRS in terms of the probative value attached to certificates and what can be considered "good" evidence, the veracity of which is sometimes interrogated (notably on the issue of discrediting "basic" psychological certificates). It is equally important to indicate within the certificate what

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276 Eduardo, 22.09.21.

277 Alessio Catavere, Ulysse, Brussels, 10.02.2021.

278 Interview n° 2, Lawyer, Microsoft Teams Platform, 12.05.2021.

the precise diagnosis is (e.g., post-traumatic stress disorder) and what therapy, if any, was prescribed. The asylum seekers themselves are also aware of that. In fact, Mohammad, a young Syrian man, pointed out that many people in the centre pretended to have mental problems, but only for the sake of the procedure. He said:

*"I am going to tell you something: nobody is this centre is crazy. Because if you're crazy, you cannot play cards with me. We're playing cards all the night. You're only 'crazy' during the day?"<sup>279</sup>.*

Medical certificates are vital for lawyers as they prove the vulnerability of the applicant and, thus, offer a legitimate basis for requesting flexibility in the credibility assessment. For instance, based on a medical certificate establishing the applicant suffers from memory issue, the authorities can be requested not to expect a linear chronology in the asylum seeker's account.

### 5.9. "Vulnerability contest"<sup>280</sup> in the asylum procedure: Strategy and agency

In practice, the asylum procedure is long and complex and, in most cases, will result in the failure to obtain a refugee status. Therefore, asylum seekers implement strategies to try out all possibilities to be able to stay in the country. The interest in dealing with them here is twofold. Firstly, some strategies are based on the use of certain vulnerability factors, that fit the purpose, or certain groups that tend to be considered vulnerable. On the other hand, these strategies reveal an "agency" of asylum seekers who are ready to try any avenue to receive protection.

However, strategies, especially those rooted in vulnerabilities, are symptomatic of a "misuse" of vulnerability for which individual asylum seekers cannot be blamed. In fact, it calls into question the European asylum system and the underlying reasons that led to the adoption of the notion of vulnerability. Indeed, as it has been frequently pointed out during the fieldwork, it almost seems as if vulnerability was introduced not to give more adequate protection to individuals in precarious situations, but so that only the most "extreme" cases will be taken into account and granted protection. With the justification that it is not possible to resolve all the "misery" in the world, protection is given only to the most 'extreme' cases. However, in the light of a system that has many shortcomings, this assumption generates a functional short-circuit that leads asylum seekers to deploy last-resort "strategies" and, among others, use their position of vulnerability. As stressed by a lawyer: *"in cases of abuse, in fact, we do talk about abuse, but it's rather people who don't really have many other possibilities"*<sup>281</sup>.

On this point, it is also worth reporting that some lawyers mentioned the fact that it is very common for people who are actually vulnerable not to point this out. This happens because in some cases they are not "aware" of it. For example, in case people suffer from post-traumatic stress disorder they would continue to say that "are doing well" and they do not know what is important to say in the procedure. In other cases, it is the cultural factor that comes into play, considering that especially in certain cultures, being vulnerable means being a weak person. Furthermore, the staff of a Belgian association which supports victims of FGM stressed that often women that come from countries where the forced marriage is very common, do not claim having been victims of it in their application.

<sup>279</sup> Mohammad, 12.07.2021.

<sup>280</sup> Howden D., Metin K., "The Vulnerability Contest", *Refugees Deeply*, 2018, available at: <https://www.newsdeeply.com/refugees/articles/2018/10/17/the-vulnerability-contest> (last access 20.09.2022).

<sup>281</sup> Interview n° 2, Lawyer, Microsoft Teams Platform, 12.05.2021.



We learned during our fieldwork that strategies have been put in place by asylum seekers, but many people interviewed pointed out that they are the result of how poorly the asylum system works. One of the lawyers interviewed was particularly critical of the functioning of the system, stressing that the procedure is extremely repressive.

Interestingly, *NANSEN* has pointed out that they always assume the asylum seeker is telling the truth. In addition, they try to establish a dialogue with the person by making it clear that it is important that reliable information is given to the asylum seekers, also to avoid the risk of ruining the association's credibility and ability to act, both with respect to the single case at stake and with respect to other cases that are considered in the future.

Undoubtedly, since it is complex to provide proof of vulnerability, many strategies focus precisely on trying to obtain a certificate that is considered useful for the purposes of the procedure, such as certificates from doctors, psychologists or psychiatrists. This has led to a flourishing of the use of medical certificates in individual applications, such that, as we have seen, only certificates of "good quality" are taken into account, resulting in the associations responsible for issuing such certificates (e.g., *Constats*) being overwhelmed.

Moreover, the fact of being able to prove a certain form of vulnerability through a medical certificate is considered paramount to all the other potential vulnerability. As explained in the example given by a Belgian association which supports victims of FGM:

*"It [vulnerability] can sometimes be instrumentalised precisely in relation to genital mutilation, the fact that there is a medical certificate, the lawyer will insist much more on FGM because she [the woman] has had a medical certificate that proves it, whereas the woman may say 'my great trauma is my forced marriage' [...]. But since we don't believe them about forced marriage, the lawyer said, well, we're going to focus on FGM"<sup>282</sup>.*

Speaking about the activities carried out by *RainbowHouse*, an association whose aim is to protect LGBTQIA+ asylum seekers, the topic of certificates of participation in their activities came up during our fieldwork. In this regard, the interviewee pointed out that, in the past, the association had been criticised for issuing a high number of certificates, which were then included in individual applications. The interviewee also pointed out that the association issues two types of certificates: the certificate of participation in activities and the certificate of being followed by the association. The former certificate is issued to people who were present at a certain activity, while the latter notes a systematic follow-up by the association, although it does not in any way constitute an attestation of a specific sexual orientation. On this point the interviewee said:

*"I'm well aware that there are people who probably use attestations for strategic purposes, but that's something you can quickly find out in an individual interview, you can also quickly find out in the contacts you have with people, [...] I can't say who is really gay, who seems to be doing what. But I can assure you that when I see people in discussion groups or in individual interviews [...], I think it's really very difficult to lie about these things on several occasions. [...] I have the impression that there are many interpretations in one direction but never in the other, never in a favourable way. It's that we start with the idea of the interrogation, if we draw a parallel with the judicial world, it's the same*

282 Interview n° 8, Microsoft Teams Platform, 24.09.2021.

*thing. [...] I have the impression that here this presumption of innocence, this presumption of good faith of people, doesn't exist, that we start from the principle that everyone is a fraudster and then we will find among the fraudsters who will tell the truth. But that's not how we should think. [...] They reproach us for giving certificates to everyone, for believing everyone, but that's our job. Just as their job apparently is to reject people"<sup>283</sup>.*

Among the strategies, pretending to be underage came into consideration under multiple grounds. Firstly, some applicants claim that they are underage because they are aware of the better rights, protection system and opportunities that minors have in Europe. Secondly, as far as families are concerned, after the application of the adults have been rejected, the parents sometimes submit another asylum application in the name of the child in the hope of preventing deportation. Thirdly, sometimes women take the risk of having a child with a stranger in order to better their chances of getting a status and the documents to stay legally in the country.

The asylum seekers are well aware that there are strategies that can be put in place. Yet Badriya explained that her first thought was to escape, expressly stressing that she did not have time to *"prepare anything"*<sup>284</sup>. Other asylum seekers reported strategies they have heard about. For example, a 23-year-old Russian boy, reported that there were some people who claimed to be underage or others who claimed to want to kill themselves when in his opinion that was actually not true, but only a way *"to get protection and the papers"*<sup>285</sup>. He also added that many requested the help of a psychologist because they knew that would work in their favour in the proceedings. The same was reported to us by Mohammad, a Syrian boy who affirmed many people who do not have psychological problems pretend they do for the sake of the asylum procedure. Furthermore, even though it cannot be considered as a strategy by itself, the fieldwork has shown that there is a tendency to highlight certain elements in the story or even to adapt certain stories in order to meet the authorities' expectation (*"what they want to hear"*<sup>286</sup>).

## 5.10. Vulnerabilities of "people on the move": the PSA day centre

Since 2015, Belgium has been confronted with a new humanitarian crisis: migrants, on their road, settle on the roadside, in squatter and other settlements, in extremely precarious conditions. The Red Cross, as well as other associations, have been working to meet the most urgent needs of this particular population. In the beginning of the Covid-19 health crisis, in March 2020, the PSA day centre opened to improve the conditions of reception for the beneficiaries and to respect the sanitary rules in force. The researchers had the opportunity to visit this centre to meet the beneficiaries<sup>287</sup>.

Vulnerability within the PSA centre takes on a particular meaning in that it allows *"the organisation of life in the centre"*. Indeed, vulnerability plays a key role in accessing certain services, such as food distribution. The queues for access to daily meals are organised between the *"vulnerable"* (single women and/or women with children and *"priority vulnerable men"*<sup>288</sup> as well as the elderly) and *the others*. The *"vulnerable"* are, therefore, guaranteed priority access in the queue and special attention for access to food. Other ser-

283 RainbowHouse, Brussels, 08.10.21.

284 Badriya, 23.07.2021.

285 Ibragim, 09.07.2021.

286 Kononkai Sow, 30.06.2021.

287 For more information on this subject, see the methodology section of this report.

288 As they are qualified internally by the Red-Cross.

vice areas collaborating with the PSA centre are organised around these criteria: the “*Samusocial*” – public emergency shelter – for example, allows women to stay in the shelter for a longer period of time (unlike other beneficiaries who have to leave early every day). A woman we met at the PSA centre mentioned this opportunity for women only.

The fact of belonging to a group considered vulnerable, thus, takes on a strategic importance here in that it organises life in the centre, but it also guarantees priority access to basic services. While vulnerability, therefore, has direct and concrete consequences, it is also highly selective: attention is only paid to certain factors of vulnerability (e.g., being an isolated elderly person) and, therefore, ignores them. In that sense, it reinforces the image of the lone man as inherently “able-bodied” and “brave”, and emphasises his “agency” (e.g., his ability to live in more precarious conditions, but also to find work), which requires less care.

These centres are precarious structures that operate on a “ration” model: food (distributed in individual bags, prepared in advance) access to showers<sup>289</sup>, finding a plug to charge your phone – everything is limited in terms of quantity and availability. This creates mixed feelings among the beneficiaries of the PSA centre, triggering competition, disillusionment, insecurity.

Firstly, 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*”<sup>290</sup>, about experiencing a real “blow” when they arrived in Belgium and realised how little care was available. Generally speaking, the beneficiaries are surprised at the lack of hospitality shown to them, understood here as the need (or even the obligation) to take care of the fragile.

Secondly, the feeling of competition arises from the limited resources available within the centres and the conditions of forced precariousness: Very quickly, the beneficiaries noticed that certain people could have easier access to certain resources because of their nationality or physical condition. One beneficiary told us, “*here if you are black, you have priority*”. Another person we met said, “*disabled people have priority*”. Finally, these chaotic living conditions do not promote security. Physically, the centre is marked by this feeling of insecurity with reminders of the rules are all over. In addition to posters reminding people of the rules of living together, security guards patrols during opening hours of the centre, supervise the lines at mealtimes, prevent excesses and exclude people, if necessary. It was also striking that we were being escorted when we were in charge of distributing food as part of our volunteer work. Several residents we met also spoke to us about their daily lives, which were punctuated by scenes of violence, fights, police intervention, and drug trafficking. One person we met said: “*You have to be ready to fight, to defend yourself*” to live in the centre, emphasising that “*everyone has a knife on them here*”<sup>291</sup>.

Access to certain spaces is also threatened by markings of constant insecurity. This is particularly the case for access to private spaces, outside the public areas of the centre. One of the few women present at the centre told us that she continued to put pampers on her daughter (despite the fact that she knew how to use the toilet) to prevent her from going to the toilet alone, “*with all these people...*”. For the female public,

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289 As part of the volunteer work carried out in the centre, the team was asked to distribute shower tickets to beneficiaries. First come, first served. It happened that some beneficiaries did not have access to the showers because all the tickets had already been distributed.

290 Notes from observation in the PSA centre, Brussels, 25.02.2022.

291 *Ibid.*

insecurity also comes from the fact that the PSA centre is an extremely masculine space (according to the internal reports of the Red Cross, more than 90 percent of the centre residents are men)<sup>292</sup>. The centre is structured in such a way that spaces are reserved for women ("*Malala*" space), where women can sit apart<sup>293</sup>.

In the end, within the PSA day centre, what emerges from the observations is a feeling of injustice, or rather of a "selective justice", wherein vulnerability is used as a criterion to choose who can be assisted or who *should* be assisted even though *all* need help. The feeling of precariousness extends over time, which places people in a situation of temporary vulnerability that is ultimately almost permanent.

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292 Access to those internal reports were given to the researchers by the staff of the PSA center.

293 However, this space has a major shortcoming in that it cannot accommodate children.

## VI. BELGIUM ASYLUM POLICIES AND PRACTICES: WHAT APPROACH TO VULNERABILITY?

Having reflected on the vulnerabilities of asylum seekers from a *micro* and *meso* perspective, the role of vulnerability in asylum policies can be analysed at a more general level by drawing conclusions. Two elements of analysis are worth mentioning at this stage: firstly, the conflicting visions of the fundamental actors in the asylum procedure around the notion of vulnerability; and, secondly, the tangibility of the notion of vulnerability in crisis and emergency situations, when the meaning and significance of this notion seem to attain a higher degree of consistency and consequence.

### **6.1. Role of vulnerability in the asylum system: Clash of views?**

Vulnerability has an important place in asylum policies, particularly in the Belgium asylum system: Vulnerability must be considered at different stages and moments throughout the asylum procedure<sup>294</sup>. While this is reflected in the specific practices of the bodies involved in the field, it is striking to note the conflicting views that emerge between the different actors involved, mainly between lawyers and decision-making institutions. The results of the first report underlined that the asylum institutions (mostly, the CGRS and the CALL) interpreted vulnerability mainly as a matter of form (i.e., procedural guarantees to be granted), whereas the interviews conducted with the lawyers underlined a particular role attributed to vulnerability even in matters of *substance*. When asked why lawyers continue to raise the notion of vulnerability in support of their case if it is difficult for the CGRS to see it as anything other than a matter of form, the lawyers are clear that vulnerability must also inform protection issues.

A lawyer from the French-speaking Bar Association interviewed on the issue is particularly clear on this point:

*"In fact, there are two ways of looking at vulnerability. It is in relation to the administrative process as such or to see vulnerability as a background element in relation to an application for international protection, i.e., one that would put him or her at greater risk in the event of return to the country of origin [...] there is Article 48, 6 [...] which says that the CGRS must take into account the individual situation of the applicant in order to make a decision, in that individual situation. There are all the factors of vulnerability, vulnerability is one of them. [...] In all my appeals, the first point is the vulnerability of the person"*<sup>295</sup>.

In the same vein, Luc Denys, a lawyer, stresses that vulnerability is above all "*a detail*"<sup>296</sup> for the CGRS, which does not take it into account properly, even if it could really have an impact on fundamental issues. Indeed, according to him, vulnerability – medically attested – can lead to a person not being sent back to their country of origin. The most important question for him is, therefore, to answer is whether this vulnerability is linked to the asylum narrative, to the reason why the asylum seeker fled in the first place. He uses the example of one of his cases of a psychologically very vulnerable child to illustrate how vulnerability can actually play a role substantively (and not just formally):

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294 On this, see section 3 "Setting the legal and bureaucratic scene" of this report.

295 Interview n° 2, Lawyer, Microsoft Teams Platform, 12.05.2021.

296 Luc Denys, Lawyer, Brussels, 21.04.2021.

*“The psychiatrist made a really good report saying that the children had a lot of stress with what happened [...] because this reminded them what happened in North-Macedonia. So, I thought it was a very good element for the claim, but the Commissariat said: ‘Oh they can be treated by a doctor or a psychiatrist in North-Macedonia!’ [...] Yes, but the problem was not about being treated well, the problem was to go back to Macedonia!”<sup>297</sup>.*

In the same vein, Pierre Robert also highlights how vulnerability can intervene at the bottom of the procedure, notably as an element to be considered when assessing “the risks of return”. As mentioned earlier in this report, a lawyer shared these impressions, pointing out the need for lawyers to be strategic in their use of vulnerability in order for it to be taken seriously by the asylum authorities, which have a different approach:

*“And we also know what might have an effect on the migration authorities and what might work in an appeal and what not. If we start every appeal with a whole explanation about every asylum seeker is vulnerable and asylum judges not going to listen to them [...] It is not going to have an effect. Because if we would try to argue every time that everyone is vulnerable, they would never listen to us, and then, they will also not listen to you in cases where on top of the general vulnerability, there is a more serious issue. So, prioritizing maybe [...] We have to go along with the system that exists [...]”<sup>298</sup>.*

These differences in position lead to a conflicting view between taking vulnerability into account as a criterion to give *additional guarantee* in the asylum procedure or using vulnerability as a *minimum standard to be applied* to all asylum seekers. The lawyer Hanne van Walle is clear on this point:

*“I think the effect it should have is that all procedures are adapted to the principle that people are vulnerable. And it is not only in the specific case where people have requested procedural needs [...] The procedure should be implemented with the idea that people are always a priori vulnerable, and should not only be done for those whose specific vulnerabilities can be identified”<sup>299</sup>.*

Pierre Robert stresses in the same sense:

*“What bothers me very much about the discourse on vulnerabilities is that we are going to say ‘we need to make exceptions for certain people’, as if the general regime was working well. And so, I am afraid that by talking about additional guarantees, we are acting as if we were starting from a base that works, whereas in reality, it is this base that we need to reflect on, and it is there that we need to realise the gigantic dysfunctions of the asylum procedure”.*

The idea that vulnerability should intervene on substantive issues is also shared by some associations. In this sense, *Vluchtelingenwerk* points out the flaws of an asylum system that only addresses issues of vulnerability in an extremely technical way:

*“[The consideration of vulnerability in the asylum procedure] is very superficial and not actually changing anything significant when it comes to the procedure itself [...] The CGRS, they settle interviews and they then only change the protection officer if the person wishes to be interviewed by a female or by a male, or they give the person a little bit more time during the interview. But those are only very small, non-significant, extra procedural guarantees [...] but they do not give anything extra*

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<sup>297</sup> *Ibid.*

<sup>298</sup> Interview n° 11, Lawyer, Microsoft Teams Platform, 05.10.2021.

<sup>299</sup> Hanne van Walle, Lawyer, Brussels, 15.11.2021.

*that actually can help these vulnerable profiles going through their interview and going through it in a more positive way. Because I think the biggest issue there is that, trauma and past experiences of these traumas have a big impact on the way how the interview is given by the asylum seeker and these things are not really taken into account [...]"<sup>300</sup>.*

These two approaches – vulnerability as a procedural matter vs. vulnerability as substantial ground – therefore, seem to result in two visions that are difficult to reconcile, in a system that must also apprehend vulnerability in *one* coherent and uniform manner throughout the asylum procedure. Once again, the coherence of such a notion – which is fundamental – is put to the test in the understanding and practices of the actors who use it.

## 6.2. Vulnerability as an implementation tool in times of “crisis”

In addition, in terms of the tangibility of vulnerability, this report has emphasised that vulnerability hardly seems to have any direct and practical consequences, except for organising emergency situations. Vulnerability therefore appears to be more of a *crisis management tool* (to legitimise access to certain services, to organise reception, to decide who should be granted first, etc.) by frontline actors than a notion with clear consequences in terms of granting protection. Thus, vulnerability becomes a method for attempting to structure and organise reality.

Whatever its functions are, at the Belgian level, vulnerability always has *excluding effects* (it excludes from the recognition of protection, from priority access to certain services, etc.) and *constraining/guiding effects*: It tends to produce the image of the asylum seeker around a certain norm, a “vulnerable standard”, a “typical” figure whose particular needs could easily be taken into account (easily identifiable and objectifiable) and to which people with multiple and varied vulnerabilities are supposed to correspond. In this sense, the procedure also produces a certain “myth” around the “typical” vulnerable asylum seekers (that can be easily detected and recognised), to which asylum seekers strive to match<sup>301</sup>. Indeed, it is striking how, using various and varied strategies, people in need of protection tend to correspond to this “ideal type” in order to obtain recognition of their needs, in the short and long term.

These excluding and constraining effects do not evolve in closed and isolated spaces. They develop within the framework of a secure and restrictive migration policy, implemented at the European and Belgian level, into which they fit<sup>302</sup>. Also, as the first VULNER report already pointed out, taking vulnerabilities into account in migration policies in this sense sometimes seems to be indexed more on what the State proposes and can (and wants) to do rather than the vulnerabilities asylum seekers actually experience.

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300 Thomas Willekens, Vluchtelingenwerk Vlaanderen, Brussels, 19.10.2021.

301 Understood as an imaginary construction that founds and justifies more or less exclusionary social practices.

302 On this, see: Geddes A., *Immigration and European Integration: Beyond Fortress Europe*, Manchester, Manchester University Press, 2000, 232 p.; Ceyhan A., Tsoukala A., “The securitization of migration in western societies: Ambivalent discourses and policies”, *Alternatives: Global, Local, Political*, Vol. 27, Iss. 1, January 2002, pp. 21-39, but also in the Belgian context: Mescoli E., Roblain A., Griffioen P., “Les initiatives citoyennes de soutien aux migrants en Belgique. De l’humanitaire à la contestation politique”, *Anthropologie & développement*, Vol. 51, 2020, pp. 171-185, available at: <https://journals.openedition.org/anthropodev/1031> (last access 14.07.2022).

### 6.3. System of rigidity v. the “chance” system

This report has demonstrated that asylum seekers are adversely affected by the rigidity of the asylum policies in Belgium, and its rigid implementation gives rise to one of the most obvious vulnerabilities of asylum seekers, namely, lack of opportunities. Several asylum seekers expressed that “opportunities” must come from within the system because of how it works. Ibrahim was clear on what should be improved, saying generally, it is about “*giving opportunities*”. He added that this responsibility is not individual: “*and ‘opportunity’ does not come from the person, it comes from the centre, the CGRS, the Aliens Office...*”<sup>303</sup>. Moussa expressed his incomprehension with simple phrases that showed a form of incomprehension in the face of this rigidity: “[...] *To me, it’s just ‘a stamp’, you know. Why do I have to wait two years in this camp [for that]?*”<sup>304</sup>.

There are, however, more general lines of tension in dealing with vulnerability within a rigid framework. On the one hand, this rigidity seems to be in tension with an individual approach to a vulnerability that will necessarily require flexibility (e.g., in assessing the credibility of a story). If it allows the procedure to be “framed”, it also reduces vulnerability to certain moments or a very precise temporality (the one from the procedure), to specific forms that must be appropriately expressive and documented, which should also correspond the form and requirements of the procedure.

On the other hand, this rigidity (and the resulting lack of possibilities) sometimes paradoxically leaves the asylum seeker with the feeling that he or she is in a policy of *chance*: whether or not they are assigned a centre, how long they would have to wait before their file is processed, whether or not they will get a “good” certificate in time, depends first and foremost on the *chance factor*. Asylum seekers consider themselves “lucky” to have been placed in certain reception centres, even if special needs are *legally organised* when assigning a reception centre (and should, therefore, not result from chance or from the availability of free places in a saturated reception network). This creates the impression that vulnerability enters decision making mostly as a matter of chance, as the system lacks the means to remain consistent about taking vulnerabilities seriously.

Another aspect connected to “chance” should be highlighted in Belgian asylum policies, at the level of appeal before the CALL. As pointed out by some lawyers, there is a clear difference in the recognition rate of refugee status between French-speaking and Dutch-speaking judges. Considering that the rate of positive decisions has been found to be lower among Dutch-speaking judges<sup>305</sup>, this generally repressive trend poses a considerable risk of unequal treatment, for the result depends on whether a case is heard by a Dutch-speaking or French-speaking judge and chamber<sup>306</sup>, and the criterion for assigning cases from a certain country to Dutch-speaking or French-speaking judges is decided by the Aliens Office.

303 Ibrahim, 28.09.2021.

304 Moussa, 09.07.2021.

305 For further details, see the monthly bulletin of the CGRS with all the data on the asylum applications introduced and their outcome: <https://www.cgra.be/fr/chiffres> (last access 07.07.2022). See also on this topic, the report promoted by the Belgian association Intact: Grinberg M., Lejeune C., *Étude de jurisprudence sur les pratiques traditionnelles néfastes liées au genre. Le cas de la Guinée*, October 2012 - May 2013, available at: <https://www.intact-association.org/images/analyses/Etude%20de%20jurisprudence%20le%20cas%20de%20la%20guinee%202013.pdf> (last access 20.09.2022).

306 The criterion on the basis of which cases concerning a certain country are assigned to Dutch-speaking or French-speaking judges is decided by the Aliens Office. Lawyers have mentioned a trend that consists of conferring the jurisdiction on applications from certain countries to Dutch-speaking chambers.



This rigidity of the system also clearly leads to abusive practices: One reaction to a very rigid system is that many asylum seekers seek to fit into the system and be included at all costs<sup>307</sup>. Their strategies to do just that stem from a system that forces the use of particular methods (e.g., accentuating a specific category of vulnerability) in order to be recognised for one's need for protection.

#### **6.4. Lack of information in the Belgian asylum procedure: Global pitfalls, limited agency**

One of the main findings of the first VULNER report is the lack of consistent communication between the different actors involved in the asylum procedure, which makes identifying, assessing and addressing vulnerabilities fragmented and potentially ineffective. However, in the second phase of the research and after conducting a second fieldwork involving, above all, the asylum seekers themselves, it is possible to conclude that this "lack of effective communication" is not limited to the asylum "actors" (the authorities and the staff of the reception centres) but also extends to the asylum "subjects", i.e., the asylum seekers themselves, who reported on the incompleteness or inadequacy of the information received.

The lack of adequate or complete information on the asylum procedure is a widespread and characteristic feature, as we learned during our field research. As noted above, asylum seekers are not always clear about the complete picture of the asylum procedure. They were certainly very aware of the different steps and, in some cases, knew the trends. For example, some asylum seekers from Palestine mentioned that before Belgium had shown a certain degree of flexibility in granting asylum to them. People from El Salvador confirmed that. At the same time, some people we met on the fieldwork were aware of the scarce possibility of their being granted asylum. For example, North African asylum seekers were aware that they would not be able to obtain asylum "*because there is no war in my country*"<sup>308</sup>, and for that reason, they had not initiated the asylum procedure at all.

Notwithstanding a general awareness, for the most part, people are poorly informed about the procedure and cannot always discern the relevance and content of the information acquired. Our fieldwork also revealed their unease at not being actively guided in their asylum journey by the reception centre staff or lawyers. The asylum seekers have developed a kind of jargon to describe the different elements and/or steps in the procedure although the complete picture is lacking. Among the phrases that we have heard most frequently in the reception centre there are: "*I am Dublined*", "*the Dublin needs to be broken*", "*I have already had the 'small' interview, and I am waiting for the 'big' one*", "*he or she went to positive*" etc.

Information about the procedure is often fragmentary and incomplete. Faced with a system, where the reception centre staff are subject to rapid turnover, and lawyers do not always have the time to accompany the asylum seeker on all matters, beyond the legal aspects, asylum seekers rely on information received through friends, relatives, members of their community, etc., in the best-case scenario, for some rely on smugglers for information. In both cases, information received is neither completely accurate nor complete. Some asylum seekers we interviewed, especially those with an educational background, independently sought relevant information on the Internet, on the official websites, blogs, and social networks, but also via YouTube videos. Others, however, as reported by many associations we interviewed, turned to associations for up-to-date and reliable information. This is undoubtedly a sign of agency of asylum seekers who, as mentioned above, manage to obtain information despite the challenges.

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307 Some "strategies" are, therefore, also sometimes put forward. See section 5.9 "Vulnerability contest in the asylum procedure: Strategy and agency" of this report above.

308 Francesco, 27.09.2021.

However, in light of this picture, some conclusions can be drawn about how lack of information impacts vulnerability. Firstly, if on the one hand, the lack of communication between actors in the asylum procedure prevented the proper transmission of all information on the vulnerability of asylum seekers; on the other hand, the lack of complete, correct and situationally appropriate information makes asylum seekers more vulnerable. This is very clear from the words of Thomas Willekens from *Vluchtelingenwerk*:

*"I think of a concrete example [...] The fact that when the Aliens Office complete their part of procedure, so that the file for them is complete, this file is copied and then taken to the CGRS via courier service by van. So, it is not electronically shared, it's 'physically' shared, because they have no single stream of file treatment or communication channel. It's all separate, which results in loss of information and also certain vulnerabilities that are clearly indicated by Fedasil, for example, are not followed through at a later stage, because there is [...] no platform where all this information is shared. And that is, of course, a big disadvantage for [...] asylum seekers themselves"<sup>309</sup>.*

Secondly, those who manage to obtain the relevant information independently, especially on the internet, are also those who are educated and better equipped to navigate the system.

Consequently, thirdly, it seems clear that the ability to secure information by different means is a sign of agency and reduces the vulnerability of such protection seekers significantly, compared to those whose access to information is severely compromised (e.g., as they cannot read or write, never go online, lack education or the network of family or friends to obtain information about the country and the asylum system). The latter face additional vulnerabilities that the system hardly addresses.

## 6.5. The associative sector as a pillar in the implementation of a vulnerability policy

This report also highlights the fundamental role of associations, which some people we interviewed consider *"a real pillar"* in the asylum system. The Belgian voluntary sector ensures transversal support for the procedure, as highlighted in this report, and thereby mitigates the system's shortcomings. Associations are fundamental to directly addressing the vulnerability inherent in the asylum system and its pitfalls: They provide clear information on the asylum procedure, in certain cases, prepare protection seekers for the interview with the CGRS, and, in general, guarantee unconditional reception to those whom the state does not (or no longer) take into account. *Brussels Refugees* is clear on that point:

*"But I think that even before categorising, our platform will identify people as vulnerable because the State does not take care of the whole material aspect. And from the moment the State does not take responsibility, the public is vulnerable"<sup>310</sup>.*

By providing flexible, and often walk-in, services, by diversifying the channels of information for asylum seekers, by allowing greater proximity with an isolated public through familiar communication methods (e.g., WhatsApp), the voluntary sector tends to reduce the gap between the administrations and those who must navigate it. In that sense, these associations do not replace the authorities or position themselves in opposition to them, for would not serve asylum seekers who still have to deal with those institutions. *Casa Legal* is clear on this point:

<sup>309</sup> Thomas Willekens, *Vluchtelingenwerk Vlaanderen*, Brussels, 19.10.2021.

<sup>310</sup> Interview n° 9, *Brussels Refugees - Plateforme Citoyenne*, Brussels, 08.10.2021.

*“The dichotomy between institutions and associations [...], it’s counter-productive, it’s useless and in fact [...] it’s not at all beneficial for people because people are going to face the institutions. [...] and the associations, in general, in the request for protection, in everything related to asylum, are very militant people and therefore sometimes very critical of the institutions. It’s good because it gets things moving, but at the same time, we have to be careful not to convey this apprehension of institutions to people who in fact face them and depend on them completely. It sounds very dramatic, but in fact their lives depend on these institutions”<sup>311</sup>.*

The voluntary sector is, however, clear about its limited capacities in precarious sectors that still depend on external funding. There is also a tendency for the workload to be too high to meet the ever-increasing demand. It is symptomatic in this sense that none of the associations the researchers interviewed said they can carry out their work in optimal conditions, mainly due to a lack of structural resources. Although this sector is an essential player, it remains, like the public it serves, highly *vulnerable* to the fluctuations of the funding policies that support them (or not).

## **6.6. Lawyers: Between commitment and discouragement**

Like the associations, lawyers also play a vital role in successfully implementing the asylum procedure, especially for those in a particularly vulnerable position. Although the degree of commitment of individual lawyers greatly differs, the lawyers we met during our fieldwork who are specialised in the field of migration and refugee law expressed great passion and commitment.

There are two main reasons why lawyers play a crucial role in the asylum procedure, particularly concerning vulnerable asylum seekers: Firstly, because a close lawyer-client relationship is established through multiple meetings throughout the procedure, lawyers are often able to identify the vulnerabilities of asylum seekers, with the added value of being able to appropriately place them within a legal framework. Secondly, lawyers are in a *privileged* position to identify vulnerabilities and, therefore, better placed to advise asylum seekers on how to present such vulnerabilities during the procedure so that they become apparent not only from a legal but also from a practical point of view (e.g., during the hearing).

Moreover, lawyers are a key contact point in the network of all actors and subjects who are involved in the asylum procedure and, where appropriate, make direct contact with authorities, guardians, or reception centres so that vulnerable situations can be properly followed up. On this point, the lawyer Hanne van Walle says:

*“And I think that this is where the role of the lawyer comes in. We are one of the few countries where it is still possible for lawyers to attend the hearing. [...] I remain convinced that the presence of the lawyer is important and remains a great asset in our procedure because it also allows certain vulnerabilities that were not previously identified to be identified during the hearing. Lawyers are particularly attentive to this type of questioning during the hearing, and sometimes this allows us to ask that the hearing be stopped because we see that it is too difficult for the person to talk about certain things. We can still intervene, even if our role remains passive. [...] At the level of the CGRS, they always try to emphasise that the lawyer’s role is not important during the hearing. They also say this at the beginning of the hearing, they also tell people that the lawyer is just there to see that everything is going well, but will not intervene during the hearing and will make his comments at the end of the hearing. This is a*

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311 Manuelle Fettweis, Casa Legal Asbl, Brussels, 17.02.2021.

*sentence that is always said to people at the beginning of their hearing. But that doesn't mean that we can't intervene [...] We will always let the person speak, but when there are big problems such as people who are reliving certain situations, because they are obliged to talk about traumatic events that they have never spoken to anyone [...] and there I believe that the lawyer's role is very important"<sup>312</sup>.*

However, three general trends should be highlighted. First of all, given the large number of clients that each lawyer assists, lawyers cannot closely follow up on all the cases but must prioritise their attention based on the degree of challenge confronting the protection seekers. Moreover, lawyers do not necessarily have the skills and the training to identify all vulnerabilities, especially those that are not immediately visible. Finally, a general malaise in the category was highlighted. Lawyers have the impression of not being heard enough: Their efforts and services often do not produce the desired results because the application is bound to be rejected in all probability. In other words, they constantly witness the injustice of the procedure that leads, in the end, to a profound discouragement and a huge turnover.

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312 Hanne van Walle, Lawyer, Brussels, 15.11.2021.

## VII. CONCLUSION

This research report aimed to test on the ground how protection seekers experience vulnerability and ascertain how that is interpreted and, in a sense, “managed” by lawyers, NGOs and guardians, essentially all those who support the protection seeker during the procedure. At a *micro* level, field research has confirmed that all protection seekers can be considered vulnerable to a certain extent (vulnerability *per se*) either for personal reasons or due to vulnerabilities resulting from external certain situations and influences. In the present work, various sources of vulnerabilities are highlighted: the ones related to the migrants’ experiences in the country of origin (which may be linked to political or ethnic discrimination or even family problems), those that may derive from their long and tortuous journey to Europe, and finally those produced after their arrival in Belgium and during the asylum procedure. The micro-level section also showed the reasons why vulnerability must be conceived along intersectional lines, namely, to better grasp how a combination of different factors (most commonly, gender, age and health) can exacerbate vulnerabilities – past and present.

At the *meso* level, this research demonstrated that many vulnerabilities experienced by the protection seekers are produced within the system. More specifically, different steps connected to the procedure seem to place the protection seekers in situations of vulnerability at different points (most notably, the rule connected to the Dublin regulation, the waiting period to get a decision on one’s case, etc.). Quite paradoxically, even if the length of the procedure places a huge emotional burden on the protection seeker, this study also showed that the applicants – above all, those who are vulnerable – sometimes need time to settle down after their arrival and be appropriately prepared to face the asylum procedure. The feeling of “stuckness” (lack of possibilities within and emanating from a “rigid” asylum system), in addition to poor information management and dissemination and lack of control over the path of the process, create a feeling of disempowerment for protection seekers. This is striking in that protection seekers feel undermined by the process dedicated to supporting them in their asylum path: In many interviews, this feeling of being left “alone” to handle the procedure was mentioned as a key challenge.

If the time of the asylum process is mentioned as a factor affecting their vulnerability, the place where protection seekers spend this waiting period also comes up as a major source of vulnerability. “Forced passivity” and repetitive schedules in the reception centre, as well as unfulfilled primary needs, combine over time and exacerbate former vulnerabilities in a way the current asylum policy can hardly address. Associations, lawyers, and to a certain extent, guardians working in the field of migration and asylum try to manage these shortcomings with available means and resources. This study demonstrates the importance of supporting and strengthening the network and expanding the scope of positive exchanges between all the actors who “gravitate” around the protection seeker.

The *meso* dimension of this report also underlined the way protection seekers try to navigate a system they cannot always control. In that sense, it also emphasised situations where bureaucratic and legal approaches to vulnerability were used by protection seekers as a form of agency that should not be denied. In the light of an asylum system that is increasingly repressive, this study showed that “strategies” to obtain status in Belgium is tantamount to resorting to “any possible means”.

At the *macro* level, this report underlined different trends and tensions in how vulnerability is addressed. The assumption that the assessment and consideration of vulnerability is the result of coincidence or simply “chance” questions the capacity of the asylum system to take vulnerability into account consistently. At the same time, an asylum system that greatly discourages lawyers and places considerable burden on the voluntary sector fails to ensure that vulnerabilities are fairly and consistently addressed.

The transversal approach has shown that there is a latent dissensus between the different actors involved in the asylum procedure, particularly on the role vulnerability should play: Should it be considered on a “exceptional” basis or should it be applied as a minimum standard to all protection seekers?

Several issues can, therefore, be highlighted based on what has been outlined above: Issues of predictability, equality (before the law in general and the asylum process in particular) and (overall) consistency. In terms of predictability, the consideration of vulnerabilities does not seem to be guaranteed but varies according to the (crisis) context, the socio-legal support provided (more or less present and skilled) and the protection seekers’ understanding of the issues at stake in the procedure (not always well explained and understood). On the one hand, as the first field report showed, the significance attached to vulnerability varies from one institution to another, and the channels of communication between them are absent. On the other hand, as this report shows, protection seekers have the impression that their particular needs are (or are not) taken into consideration for reasons beyond their control.

This evident lack of predictability in the application of existing legal safeguards pertaining to vulnerability poses the problem of equal treatment and equality for protection seekers to the extent these guarantees envisaged by the law are not systematically or consistently applied. The current system continues to “privilege” those who are already better off: the most educated, the most informed, and more generally, those who already have basic resources to navigate the system. From that perspective, the system fails to identify and fully address the needs of the vulnerable for at least two reasons: the selective “bias” in the analysis of vulnerable profiles (e.g., women being considered more vulnerable than men) and the more technical, limited and therefore inadequate consideration of vulnerabilities. The system does not allow different profiles with different vulnerabilities to be screened and weighted equitably but, in fact, tends to favour certain vulnerabilities to the detriment of others and, thus, reinforces the “selective” nature of the system in place.

In the end, the lack of overall consistency within the asylum system and of harmony in field practices do not allow expected guarantees to be granted in a uniform manner. Despite the attempts of those responsible to identify and address vulnerability on the ground, this lack of coherence prevents the possibility of conceiving a credible *vulnerability policy*, a policy that would be transversal throughout the asylum system, substantially uniform, consistent with its objectives, and tailored to specific needs. Rather, there seems to be a patchwork of actors and actions accounting for vulnerability at different times, deploying different “conceptions”; which hardly constitute a unified general practice. As the report shows, the role played by the voluntary sector as a fundamental pillar of the asylum landscape in Belgium is crucial. Simultaneously, the report also demonstrates the precarious and changing conditions in which the consideration of vulnerabilities in asylum is evolving. In the long term, we must question the capacity of such a precarious and, in the end, *vulnerable* system to live up to the guarantees it is expected to offer.

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