Better Policies and Laws to Address Migrants' Vulnerabilities

10 Key Messages from the VULNER Project

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This discussion paper presents the 10 key policy messages from the VULNER Project (Vulnerabilities Under the Global Protection Regime), which is funded by the European Union's Horizon 2020 Research and Innovation Programme under grant No. 870845.

Each of the 10 chapters includes empirical examples from the countries of research and concrete recommendations for policy and action to better address the needs and rights of migrants seeking protection. The key messages and corresponding recommendations are meant to guide anyone involved with policy and practice related migrants seeking protection. This includes civil society, civil servants, legal professionals, social workers, NGOs, international organisations, and governments.

Please visit the VULNER Project's website for the project reports, policy briefings and more information: **www.vulner.eu**

Edited by Kate Dearden & Peter Weissenburger

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Contents

10 Key Messages from the VULNER Project:

Introduction

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In recent years, policymakers across Europe and international organisations have increasingly stressed the importance of protecting "vulnerable migrants". This trend is not limited to the European Union. The UN Global Compact for Safe, Orderly and Regular Migration recommends that states "review relevant policies and practices to ensure they do not create or unintentionally increase vulnerabilities of migrants" (United Nations, 2018a). Meanwhile, the UN Global Compact on Refugees calls on states to address the specific needs of vulnerable refugees, paying particular attention to age, gender, and disabilities (United Nations, 2018b).

"Vulnerability" is a powerful term that can sway public opinion on divisive topics, such as migration. After all, who would oppose protecting vulnerable people, such as (migrant) children? Yet civil society actors have pointed out a lack of consistency in the way institutions define and address the vulnerabilities in the context of migration.

Filling the Gaps Between Policies, Laws, and Practices

In Europe, legal obligations towards migrants deemed as vulnerable have been a reality for over 10 years. For example, the 2013 Asylum Procedures Directive

What is the VULNER Project?

VULNER is a Horizon 2020 funded international research project that brought together leading experts on asylum and migration laws and policies. The researchers are associated with institutions in the EU (Catholic University of Louvain, Martin Luther University of Halle-Wittenberg, and Ca' Foscari University Venice), Norway (Institute for Social Research), Lebanon (Centre for Lebanese Studies), and Canada (University of Ottawa, York University, and McGill University).

In the first stage of the project, VULNER researchers analysed relevant legal and policy documents in the countries of study (Belgium, Germany, Italy, Norway, Uganda, Lebanon, and Canada), and how they seek to tackle the vulnerabilities of migrants seeking protection. They also conducted 216 interviews with state actors, aid workers, and other relevant stakeholders, such as NGOs, in those countries.

In the second stage, the VULNER teams met with asylum seekers, refugees and and other migrants seeking protection in the countries of research. They conducted extensive ethnographic fieldwork among these individuals, including 657 interviews as well as field observation and other informal exchanges.

The field studies were selected to reflect the variety of legal and bureaucratic uses of "vulnerability" in a way that acknowledges how the concept has travelled and evolved across aid, asylum, and migration policy spheres. Vulnerability categories and vulnerability assessment processes have long been used and implemented as part of humanitarian programmes to help refugees in first countries of asylum, including when selecting those who are eligible for resettlement. They have more recently permeated the legal and policy discourse on asylum and migration in Europe and at UN level, as illustrated below.

and the 2013 Reception Conditions Directive oblige EU Member States to address the special reception and procedural needs of vulnerable asylum seekers (European Parliament & Council of the European Union, 2013a & b). Meanwhile, European Courts such as the European Court of Human Rights regularly assess the vulnerabilities of migrants – for example, when evaluating whether a forced removal would violate their fundamental rights.

Yet, there is still a lack of harmonised practice across the EU. This has prompted the EU Agency for Asylum to start developing operational tools that guide EU member state practices for carrying out vulnerability assessments.

It is also expected that vulnerability assessments in the context of migration will be expanded across the EU. In its 2020 EU New Pact on Migration and Asylum (2020), the EU Commission has proposed various new measures, the implementation of which will require assessment of the "vulnerabilities" of individuals seeking international protection. These measures notably include:

• a Union-wide resettlement framework, which would establish a unified procedure for collective engagement by the EU member states with UNHCR facilitated refugee resettlement programmes. Such a framework would benefit "vulnerable refugees" in countries of first asylum. The European Parliament and the Council reached an agreement in December 2022, but at the time of writing the regulation hasn't been adopted.

• a systematic border screening procedure, which would include a "vulnerability assessment". Discussions are ongoing, and the topic of border procedures has become particularly contentious.

To prevent further inconsistencies, the VULNER project sought to understand how "vulnerability assessments" are already implemented in legal and bureaucratic practice, as well as to evaluate these practices with reference to the lived experiences of migrants seeking protection.

In this policy handbook, the VULNER Project researchers identify 10 key messages from their legal analyses and fieldwork. How do we move towards
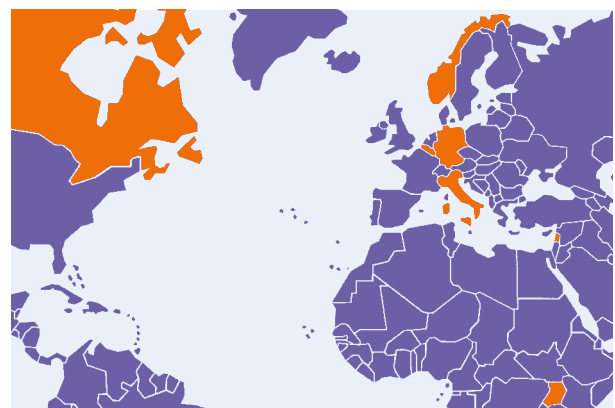
more consistent practices in addressing the vulnerabilities specifically of migrants seeking protection? How do we guarantee that these practices reflect their experiences? How do we prevent them from facing even greater levels of vulnerability?

To answer these questions, the researchers analysed state regulations that aim to address the vulnerabilities of migrants seeking protection, including asylum seekers, refugees, unaccompanied minors, victims of human trafficking, and some migrant workers. They interviewed a variety of migrants in these positions about their experiences of vulnerability. They also spoke to judges, asylum officers, social workers and humanitarian workers to understand how they assess and use the concept of vulnerability in their work, and how they cater for the needs of individuals they identify as being in particularly vulnerable positions.

Analysed together, the results show the gaps between the perspectives and realities of the different actors. The implication of this is that current policies, laws and practices are not consistent. Moreover, the findings highlight how aspects of the institutional systems with which migrants seeking protection engage contribute to their vulnerabilities – for example through the asylum process, reception centres, the care of unaccompanied minors, and in aid programmes for refugees in first countries of asylum.

This handbook presents 10 key findings along with our recommendations for policies that address the vulnerabilities of migrants seeking protection and that also strengthen their rights. It is organised around the most relevant themes that have emerged from our research.

While waiting, asylum seekers need to be connected to their application process through strengthened information channels

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What do we mean?

As they wait for a decision on their case, asylum seekers are often relegated to the role of passive bystanders. They oscillate between periods of indefinite waiting where stress is latent, and periods of intense pressure when key moments of the process are imminent. These "temporal rhythms" are important; they shape the interactions of asylum seekers with social workers, lawyers and other actors within the asylum process. This fluctuation between too much time on the one hand (long periods of waiting, lack of control over the process) and too little time on the other (preparing for the interview, comprehending the information they receive, making use of services, etc.) is beyond the control of the asylum seeker. It is overwhelming and it undermines their agency. This in turn creates a feeling of "stuckness", which at times can lead to frustration, anxiety or even anger. As a result, the capacity of the asylum seeker to adapt to the demands of the process is severely limited.

Waiting time places an enormous emotional burden on asylum seekers. Time was mentioned so frequently by interviewees when referring to the asylum process that it became a central issue in the VULNER interviews. "Life in the [migrant reception] centre is waiting and I feel tired of waiting", explained one Afghan man named Jahn. "What's difficult for me is waiting to get a response, to make a plan for my future… waiting makes me sick." The experience of having to wait for an answer so decisive for one's future is a source of severe anxiety and stress.

These time-related issues prevent asylum seekers from planning both the present and the future. Waiting reinforces the feeling of being deprived of agency, having no control over what will happen next. Long waiting times also affect mood and behaviour, making the asylum seekers impatient and more prone to anxiety and anger.

Interviewees emphasised the notion of time when sharing their experiences of the asylum process. Asylum seekers in Belgium and in the European Union in general are simultaneously subjected to varying timescales – for instance:

"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."

Eduardo from El Salvador, September 2021

- when first applying for asylum
- when determining if the Dublin Regulation will apply to their case
- when waiting for the member state to decide on their asylum application

In cases where applicants were claiming asylum in Belgium, many participants mentioned the long waiting periods between their various interviews. This is the most challenging "waiting time" to deal with for asylum seekers, especially because during the wait, they are often forced to live as a group in a designated centre, where their basic needs (such as privacy and security) are not met.

"So when you wait like that, when you are wandering, you are insecure for yourself or your children, not knowing what tomorrow will bring, whether you will have to go back to your country, whether you will be able to settle down, whether you will be able to work – well, that necessarily creates other problems which were perhaps not or less present when you first arrived."

Jessica Blommaert from "CIRÉ", a Belgian NGO for the rights of exiled persons

In this peculiar *time and space*, they find themselves in a temporal limbo. Some of them emphasised that time is "expensive", that they are losing it and that Belgian authorities are "wasting their time". However, simply "speeding things up" is not a universally applicable solution. Despite the fact that the length of the process places a huge emotional burden on the asylum seeker, VULNER research also found that, in certain areas, the applicants need more time. Time to relieve stress and regain composure after a long and hazardous journey; time to adjust to their new surroundings after arrival; time to adequately prepare for the asylum process and to understand what is at stake.

"[...] To me, it's just 'a stamp', you know. Why do I have to wait two years in this camp [for that]?"

Moussa from the Gaza Strip, June 2021

In addition, lawyers and those processing applications require time to assess vulnerabilities. Social workers in the reception centres should be able to allocate an appropriate amount of time to every resident. Some interviewees pointed out that social workers often "do not have time" for them due to high turnover in the reception centres. Some residents were deeply worried that they may not be able to seek help from social workers in their most difficult moments.

If the answer is never as simple as *less time* or *more time*, what is the solution here? VULNER research in Belgium found that the decisive factor here is *quality of time*. Waiting time was experienced as less burdensome when it could be used productively and in a meaningful way by the asylum seeker, such as education, work or vocational training. Waiting really becomes a problem when it results in a feeling of "stuckness".

This feeling is exacerbated by a lack of possibilities in a rigid asylum system; by poor information management; by lack of control over the progression of the application. For the asylum seeker, this "stuckness" is essentially a feeling of disempowerment.

What are the implications?

Time matters. Waiting, along with the feeling of dispossession generated by the asylum process, places people in vulnerable situations. Situations from which they cannot defend themselves. Time within the asylum process is not a "secondary" issue, on the contrary: time fundamentally affects the capacity to meet the demands of the asylum process. Quality of time and information are similarly decisive here.

Policy recommendations

1. Develop an online platform: EU member states should provide an accessible web portal for the asylum process, ensuring that it is compliant with EU data security standards. This website would include a visual timeline of the process and a common file, as a means of communication between the authorities and the asylum seeker. This would also allow a complete understanding and assessment of the special needs of vulnerable asylum seekers: from the inception of the process to the final hearing.

2. Connect the asylum seeker to their application process: Authorities should allow consultation and the addition of online documents on the platform. This will allow the asylum seeker to follow the evolution of their file and to give input.

3. Strengthen information channels and diversify sources: People working in migrant reception centres and/or within the asylum process should provide access to information both through online platforms and in-person contact. In reception centres, staff should be available and trained to respond to demands for information. Regular information sessions and drop-in services could also be instituted in the centres.

4. Ensure sufficient staffing: States should provide enough staff to process asylum claims, so to avoid long waiting periods.

Mandatory housing in large-scale accommodation centres violates the rights of asylum seekers and does a disservice to asylum management as a whole

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What do we mean?

The decision to house asylum seekers in large-scale accommodation centres can only be explained by a desire to exert control over asylum seekers. There is no convincing practical reason to house thousands of people together, irrespective of the status of their application and their individual needs.

Applications for international protection are made with the aim of seeking safe refuge. Providing adequate housing for asylum seekers – especially those with vulnerabilities – should therefore be a core component of receiving asylum seekers and processing their applications. Yet large-scale accommodation centres, many of which exist in Germany, are not places of safety. They are oppressive environments that provide very little space, afford neither privacy nor protection, and prevent any sense of inclusion.

In Germany, all asylum seekers are allocated to a "temporary" reception centre upon their arrival. This approach, which may initially appear reasonable – provided that the individual seeking asylum has not yet filed their application – is, in almost all cases, drawn out over a disproportionately long period. Asylum seekers can be obliged to live in these centres for periods lasting up to 24 months. Most of these accommodation centres are built far away from urban areas, are difficult to reach via public transport, and often house thousands of people in unimaginably small dormitory rooms.

When VULNER conducted interviews with asylum seekers across Germany in 2022 and 2023, it became clear that these large-scale accommodation centres do not serve to reduce vulnerabilities. Rather, these centres isolate their residents from society, hinder inclusion and even foster violent behaviour.

There is some justification for housing people in temporary reception centres until their asylum hearing; this can make it easier to find individuals, provide them with information and better assess their vulnerabilities. Beyond this however, there is no practical reason for housing asylum seekers in such facilities. The fact that the German State requires asylum seekers, even those who have access to other options, to live in mass housing even after registration, serves neither the asylum seeker, nor the process of social inclusion.

What did VULNER find?

In Germany, the reception and processing of asylum seekers is managed by states (Länder) and municipalities (Kommunen), both of which address the needs of asylum seekers, including shelter, in different ways. One commonality is that no German States have legally binding mechanisms for identifying circumstances which make asylum seekers more vulnerable. When it comes to housing, there are no nationally applicable minimum standards. While the contracts with the operators of these centres – often businesses or non-profit organisations – do contain minimum standards, these are often not met due to a complete lack of control or monitoring.

The research conducted in Germany for the VULNER project found that the isolation and insecurity that comes with living in large-scale accommodation centres has negative impacts on all aspects of the lives of asylum seekers. Living in centres with many other people suffering from trauma leads to tension and conflict, creates new vulnerabilities and exacerbates existing ones. Regularly experiencing violence is, as VULNER research found, a routine aspect of life for asylum seekers in German accommodation centres. No clear and legally binding procedures exist on how to deal with or prevent violence in these centres. This creates new vulnerabilities for asylum seekers. Furthermore, there is also a lack of designated safe housing, for example, women's shelters, for specific vulnerable groups who would benefit from this.

"It's actually always the same: there are only shared rooms and shared kitchens, shared bathrooms and so on. Absolutely no privacy. And strict house rules. Everything is about taking control over people."

Adi, from Syria, was accommodated in Thuringia, Eastern Germany

"They seem to like it when you show violence. Then you have a better chance of getting your own flat. [...] If you beat someone at the accommodation, they say, he's not normal, he has to get out of here and get his own flat. But if you are calm, they say, you don't have a problem here."

**Konfe, from Burkina Faso,
lives in Saxony-Anhalt, Eastern Germany
with temporary leave to remain (Duldung)**

Large-scale accommodation centres can increase challenges for asylum seekers owing to their geographic location at the peripheries of urban centres and towns. Public transport connections are often insufficient to enable residents to reach the relevant authorities and access support providers. If an asylum seeker has access to a lawyer, the poor public transport situation makes it difficult to meet with them.

Large-scale accommodation centres are virtually always over-crowded to a near unimaginable degree, or are allowed to house such a large number of people as to make residents feel uncomfortable and unsafe. VULNER's interviewees often did not understand how living space is allocated, nor how room occupancy is decided. This lack of transparency leads to mistrust in and suspicion of the system, service providers and fellow asylum seekers. Some descriptions of living conditions given in interviews resembled those of prisons – with the exception that prison inmates have much more space at their disposal. What is more, residents are obliged to pay rent for this accommodation. While this rent is paid on behalf of unemployed inhabitants by the state, those with a regular income are paying out of pocket – often at above average rates for the area.

In some accommodation centres, inflexible rules for residents are a grave hindrance to integration into the labour market. To give an example: if the community kitchen closes before a person returns from their work day, this means that they have no means to prepare themselves an evening meal. In conclusion, large-scale accommodation has adverse effects on all aspects of the lives of asylum seekers.

What are the implications?

Although policy and legal frameworks increasingly reference the vulnerability of asylum seekers, this has not led to binding, transparent regulations that actively work to mitigate the challenges they face. In Germany, insisting that asylum seekers live in large-scale accommodation centres, which entail isolation, a lack of privacy and exposure to violence, thus significantly exacerbates and, in some cases, even causes vulnerability.

Living in these peripheral, restricted places, asylum seekers are actively prevented from accessing legal information, receiving counselling and obtaining the legal support they need to integrate. These places, instead of providing safety, perpetuate the uncertainty and insecurity that is often already an integral part of the asylum seeker's journey. In this situation, it is impossible for an asylum seeker to assert their rights, or to develop the necessary trust to reveal hidden vulnerabilities, such as those relating to trauma, sexual orientation, or violence.

In Germany, accommodation is just one factor in the lives of asylum seekers. It is interlinked with asylum procedures, permission to work, receiving social benefits and education, all of which involve different authorities and administrative procedures, and lack transparent and straightforward processes.

Policy recommendations

1. Limit time spent at reception centres: Large-scale accommodation centres should only be used for the asylum registration process to ensure efficient asylum applications and an initial vulnerability screening.

2. Reinstate freedom of movement as quickly as possible: After their first asylum hearing, asylum seekers should no longer be subjected to residential restrictions.

3. Provide safe accommodation: Small-scale municipal accommodation centres are necessary for specific cases: to avoid homelessness or to provide protection for certain vulnerabilities (e.g., shelters for women and unaccompanied minors).

4. Implement minimum standards of living: Mandatory, transparent and dignified minimum standards, including limits to room occupancy and plans to protect residents from violence, must be implemented in every accommodation centre for asylum seekers and be accompanied by an independent complaint and monitoring mechanism.

5. Move reception centres away from the periphery and nearer to city centres: Accommodation should be located in socially mixed areas with access to public transport to guarantee short journeys to relevant authorities, counselling centres and social activities.

6. Involve third-sector organisations: Collaboration between non-governmental organisations, volunteers and state organisations should be required to facilitate social inclusion and support for people living in the centres. A good example is the project NeST ("Neustart im Team").[1]

7. Monitor operators: Local and municipal authorities should monitor whether accommodation centres meet minimum standards of living.

8. Establish interdisciplinary asylum and migration agencies: Local governments need to build a sophisticated case management process through consolidating different authorities under the umbrella of one local agency. This agency would administer housing along with social benefits, integration and labour market. An example is the "Burgenlandkreis" County in Saxony-Anhalt, which has established such an agency.[2]

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[1] More about the NeST Project: www.neustartimteam.de

[2] More about the Burgenlandkreis migration agency: www.burgenlandkreis.de/de/migrationsagentur-landkreis/ organisationseinheit/52/migrationsagentur.html

key message

3

Difficult and precarious conditions for reception centre workers can have serious impacts on the vulnerability faced by migrants seeking protection

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What do we mean?

The people who work in reception and accommodation centres play a central role for refugees, asylum seekers, and other migrants seeking protection. For one reason, they are often the ones who identify and address the vulnerabilities migrants face. Besides facilitating the basic day-to-day operations of the centres, they help assess and address the needs of those living in them. In Italy, for example, there are social workers and language mediators, who interact with residents regularly; they help them understand the asylum procedure, access adequate health and psychological support, and use referral mechanisms to connect with anti-trafficking organisations when needed. However, when these centres are understaffed, offer low pay, long hours and no training, this creates serious difficulties for the workers, which, in turn, can exacerbate situations of vulnerability faced by the migrants with whom they interact.

During the VULNER project research, migrants interviewed repeatedly mentioned the role played by people working at reception centres as a central element of their definition and experience of vulnerability. It was clear that these people, whether social workers, language mediators, or other staff who interact with residents, are gatekeepers and providers of services and support. In addition to helping with asylum applications and referrals to specialist services, such as psychological care or assistance in dealing with situations of trafficking, reception centre workers are also a significant source of information and translation. Their role can thus be greatly influential in terms of how migrants seeking protection are able to navigate their new surroundings. A trusted and reliable reception centre worker can be a decisive factor for the success of those who rely on their help moving forward.

People who work in reception centres have the potential to exercise a hugely positive influence. However, the VULNER project found that they face challenging conditions that ultimately risk creating or compounding the vulnerability of the individuals with whom they work. In Italy, for example, all social workers and migrants interviewed were concerned about the understaffing, low pay and overwork at reception centres. This was especially the case at "extraordinary reception centres" (CAS).

> *"It seems absurd to me that [...] we don't talk about the fact that it is impossible to work with vulnerable people, to ensure quality care, to ensure high-level professionalism, [when you have] to think about how to make ends meet, [...] about whether your contract will be renewed or not."*
>
> **A social worker participating in the stakeholder workshop in Venice, 8.11.2022**

Italian CAS centres usually house 40 – 50 residents, but in some cases can host up to 300. They are very often situated in isolated or rural areas, separated from the rest of society and were designed to be used in emergency situations and for short periods. Yet, CAS currently constitute the majority of migrant reception centres in Italy. In 2021, 7 in 10 migrants seeking protection who were registered in the reception system lived in CAS centres (Openpolis & ActionAid, 2022) due to cuts in public funding to the reception system and the disengagement of public authorities as service providers. In particular, significant cuts to resources dedicated to integration measures for migrants seeking protection in Italy were made following the so-called "Security Decree" or "Salvini Decree" in 2018.

Having very limited resources negatively impacts the working conditions in reception centres more generally, because it often increases the ratio of workers to residents and ultimately minimises the work that reception centre workers can do. As a result, the character of social work in reception centres changes drastically: from that of supporting and facilitating social and labour market inclusion to that of discipline and guardianship. Residents of the centres report that the regulations, enforced by reception centre workers, often deny them agency and privacy, impose forms of excessive discipline or infantilisation, and impede their independence and social interaction with society at large.

We found that reception centre workers often do not have quality supervision and job support, which is essential to all forms of social work. This situation can result in staff feeling helpless, stressed, and burnt out, which is reinforced by a high staff turnover rate and the fact that the low pay of these jobs is not attractive to trained individuals. The high staff turnover means that inter-institutional channels and cooperation with service providers must often be re-established every time staff are replaced, further complicating matters. These strenuous conditions were repeatedly identified during the research as a factor that amplified vulnerability not only for the staff, but also for reception centre residents.

Reception centre workers are on the frontlines of supporting people who have experienced trauma and are subject to intersecting factors that put them in positions of vulnerability. Yet, they often do not have the time or training to effectively identify or address the risks and challenges faced by those for whom they have a duty of care, which can require in-depth knowledge of individuals and situations over time. In this context, "hidden" or more complex intersectional vulnerabilities, including multiple forms of discrimination, are often not identified and/or addressed concretely. Through the VULNER research, we found this was true for vulnerabilities related to experiences with trafficking, exploitation in the informal labour market, mental health challenges, and violence related to gender and/or sexual orientation.

The lack of training for those working at reception centres is another, interrelated factor that can create or exacerbate situations of vulnerability for migrants. A lack of training was reported on topics including gender-based violence, LGBTQIA+ issues, intercultural communication, trauma, youth, anti-racism, discrimination, smuggling and trafficking, and exploitative labour.

The lack of care for reception centre workers was found to be particularly problematic in the context of profit-driven third-sector organisations that are operating in the asylum, refugee and migrant reception sector. Many of which, along with the workers they hire, lack the necessary skills and experience to provide adequate support for the vulnerabilities faced by those in their care. Since the funding cuts in 2018, these organisations have dominated the service supply in Italy, with the majority failing to offer any form of social and labour integration support for reception centre residents. Our findings indicate that some of them even operate below legal standards, failing to provide basic services such as language mediation. In the Italian context, we found that some asylum seekers and refugees find themselves in situations of serious exploitation as they try to secure dignified living conditions by making money through jobs in the informal sector. As a result, some CAS reception centres have openly become places to recruit cheap labourers, especially for poorly paid and unregulated sectors, such as agriculture.

What are the implications?

In the context of underfunded, understaffed and arduous work conditions, reception centre workers are unable to build and sustain a setting in which residents feel safe to talk about experiences such as violence, abuse related to gender and sexuality, trafficking and forced labour or health conditions. To effectively identify and address such situations of vulnerability, it is essential to ensure support is given to migrants in situations of vulnerability. Without stable and adequate work conditions and regular training and support, reception centre workers are left with extremely challenging and stressful jobs, which can even lead to trauma for all involved. This context inhibits their ability to provide effective support to those for whom they have a duty of care.

Policy recommendations

1. Improve working conditions: Institutions responsible for the funding and the management of reception centres should guarantee fair working conditions, including better pay, longer-term contracts and a more manageable rate of workers per resident.

2. Invest in training: Institutions responsible for the funding and the management of reception centres should guarantee regular and varied training for reception centre workers, including on how to assess vulnerabilities faced by migrants seeking protection, including hidden vulnerabilities, through an intersectional lens, and on how to decrease everyday forms of racism and discrimination.

3. Share best practices: Institutions responsible for the funding and the management of reception centres should ensure that workers can regularly participate in group meetings with other workers and supervisors to exchange and learn from shared difficulties and about best practices for supporting residents and preventing burn-out.

4. Ensure quality and standards of care: Authorities should instate regular evaluations of the living and working conditions at reception centres. These assessments should include feedback from workers and residents. The results should be made publicly available.

Instead of being left to fend for themselves, unaccompanied minors turning 18 need support during their transition to adulthood

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What do we mean?

Children enjoy fundamental rights, as guaranteed by international and regional conventions, as well as national legislation. The United Nations Convention on the Rights of the Child (UNCRC) for example, protects the "best interests of the child". In Norway, where the UNCRC is fully incorporated into law, this means that the Immigration Act acknowledges child-specific forms of persecution and ensures a sensitive assessment of the asylum claims of minors. However, these processual guarantees, in the EU and many other places, end abruptly with adulthood. Thus, the legal situation of unaccompanied minors (UAM) often significantly worsens when they turn 18. In the space of a day, they are no longer perceived as vulnerable, yet still carry with them experiences of harm, insecurity, a lack of resources, or exploitation. How well these young people cope in such situations is determined by factors such as their aspirations, skills, health, and social networks.

Discourse around children's rights strongly contrasts with legal discourse around young adults. For young men especially, the legal discourse tends to assess that at 18, they are suddenly no longer vulnerable. In legal terms, individuals turning 18 transition from the category of "vulnerable" into that of young adults – young adults who are expected to support themselves.

The implication is that unaccompanied minors turning 18 may – in some cases overnight – lose access to accommodation, education and health services. However, they often lack the required resources, skills or legal status to support themselves. Some countries provide "aftercare services" for individuals who recently turned 18, but only for those granted residency.

How these 17 or 18-year-olds cope with this sudden insecurity, depends on three aspects:
• residency status
• available resources (economic and welfare)
• support (social or legal)

The most vulnerable groups of young people are:
• those who turn 18 while their asylum decision is still pending
• those who have a temporary permit specifically linked to their status as a minor
• those whose application for a residence permit has been rejected, and who face a forced return decision that will be enforced as soon as they reach 18

For example, Hamid, an interviewee in VULNER's Norwegian case study, had been granted a non-renewable temporary permit which expired on his 18th birthday. He was expected to return to Afghanistan within a short time limit just some weeks after. Transition to adulthood for him meant deportation. He no longer had the right to finish his secondary school exams, or access healthcare, despite the fact that he could not be returned to Afghanistan due to the current political situation. This resulted in him experiencing significant stress and developing sleeping problems. The lesson VULNER learned from Norway is that limiting processual guarantees to unaccompanied minors until the moment they turn 18 creates new forms of uncertainty, anxieties and most often, no viable solutions.

VULNER found that besides legal status, basic economic needs become a major worry for these individuals. In Italy, when an asylum seeker is identified as an unaccompanied minor, they are hosted in dedicated reception facilities. However, at the age of 18, this support

"I would love to study, but I have no rights, I do not have an ID card. I was completely discouraged. My life is completely without hope. I feel so much stress, and I am depressed, I have experienced so many bad things in life. But I had bad luck; I was born in a war zone. That was not my choice. I just want to go to school like every young person my age does. Why is this damaging for society? We are all human beings."

Hamid, in Norway, originally from Afghanistan

tailored specifically for underage persons is taken away. At that point, the desire for a satisfactory job, income and housing is key for most of these individuals. Their dream is often to have a job and a room in an apartment of their own, where they can live with friends or compatriots as roommates. Yet without support networks, their prospects are often bleak.

The economic and legal issues mentioned above intersect when minors reach adulthood. At this moment, these young people need an individual evaluation of their specific vulnerabilities and needs. State institutions should assess:

- how legal and economic vulnerability intersect in the case of the young person
- which consequences of former trauma are expected to manifest at a later point
- how other health problems may continue to affect the young person

Currently, the outcome of the age assessment is crucial for unaccompanied minors. Results of the age test often differ from how tested individuals see themselves. When individuals are deemed to be 18 years old or older, they may lose their rights as minors long before they perceive themselves to be mature. The VULNER country studies found that the age assessment procedures have significant limitations. In Norway, professional experts themselves admit that medical age assessment has significant inherent uncertainty. Italy, for instance, recognises the need to have age-assessments performed by a multidisciplinary team using the least invasive methods. Yet the country has failed to standardise such procedures. Teams are still not multidisciplinary in many places.

The countries included in the VULNER study currently lack a clear strategy to support individuals who are without a residence permit when they turn 18. Some young individuals may face deportation. For others, return will not be enforced. They may stay in the country indefinitely without the option of ever changing their legal status. This is the case in Norway, where a final rejection is definite. In other countries, such as in Italy, a minor may have the option to convert a residence permit for unaccompanied minors into a residence permit for study, work or protection on humanitarian grounds, but this process will create new insecurity, as we explain below. Having unclear legal status, in any case, has a significant negative impact on young people's agency, and on their access to health services and welfare support.

What are the implications?

In the example of Hamid in Norway, linking the temporary permit to his status as a minor created issues long before his 18th birthday. This is a common occurrence, which is why more than four hundred minors – who had already been granted a temporary permit or who expected that outcome – simply disappeared from Norwegian reception centres between 2016 to 2018. Most fled to other European countries, countries in which they hoped to obtain a more favourable assessment of their case, or where it was easier to avoid deportation (NOAS, 2017; Valenta/Garvik, 2019). Being "off the grid" like this exposes young people to harm and exploitation. It is common for such events to happen long before the young person turns 18.

What's more, many temporary permits will expire at 18 even though their holders are eligible for international protection. In Italy, the process of granting a temporary permit for minors does not include a legal hearing. Only when applying for international protection, do asylum seekers have access to a hearing with a legal guardian present.

In the case of Victoria, a Nigerian woman who arrived in Italy as an unaccompanied minor, she did not immediately reveal that she had been a victim of trafficking. It took three years before she trusted her social worker enough to disclose this information. Victoria would have been afforded more rights and greater security when turning 18, had she applied for international protection, but she was never given a proper asylum interview because she applied for the residence permit for minors. This approach creates the problem that legitimate asylum pleas of unaccompanied minors may never be heard.

Although a residence permit for minors can be converted into humanitarian protection or a residence permit for study or work, this process can be difficult and cause new insecurities. Having to convert their permit when turning 18 decreases individuals' chances of maintaining their job, which, in turn, has a strong negative impact on inclusion.

This situation of being in limbo, as experienced by Hamid, Victoria and many others, gives few options for resilience. Hamid felt trapped in a situation where it was neither safe for him to return to Afghanistan, nor possible to continue his education or work in Norway. The personal growth of the young person in a new country is thus impeded, their journey to overcome trauma obstructed, their aspirations for the future severely undermined.

Policy recommendations

1. Identify and specify rights: Legislative bodies of EU and member states should include specific rights concerning support for unaccompanied minors when turning 18.

2. Clarify obligations: The EU should encourage member states and Norway to institute a re-assessment of young asylum seekers' situational vulnerability when turning 18.

3. Make support accessible: Member states should develop a clear strategy to legally and economically support those without a residence permit when they reach adulthood.

4. Make sure minors know their rights: States should offer free access to legal advice before re-evaluating the status of unaccompanied minors turning 18.

5. Educate: Reception centres should offer language classes and education to minors who are likely to experience a prolonged stay in the receiving country. State law should incorporate the right for unaccompanied minors turning 18 to finish school.

6. Ensure good treatment: State law should incorporate rights to healthcare for those living "in limbo" for a longer period of time. We recommend including a right to access competent health specialists who can adequately address the consequences of trauma and torture.

7. Assess age fairly: The EU should request from asylum institutions a scientifically rigorous and holistic approach to age assessment – instead of depending on unreliable biometric measures.

Different actors in the protection system need to coordinate to address the vulnerabilities of trafficked and exploited people

Letizia Palumbo
Università Ca' Foscari Venezia

What do we mean?

Recently, in many European countries, networking and cooperation between relevant authorities and actors working to address human trafficking has increased. However, national measures for the identification and assistance of victims of exploitation and trafficking remain inadequate.

In the last few years, especially since the so-called "refugee crisis" in Europe around 2015 – 2016, the number of asylum seekers who have become victims of exploitation and trafficking has increased considerably. Italy has been emblematic in this regard, with increasing cases of migrant victims of trafficking for sexual exploitation and labour exploitation, especially in sectors such as agriculture (GRETA, 2018).[1] Yet, only a few European countries have adopted specific mechanisms to facilitate the identification of victims of exploitation

(and in particular, of trafficking) among asylum seekers. Such mechanisms are essential to make referrals to appropriate services to support them according to their vulnerabilities. Even in the countries that have implemented such mechanisms, understanding and addressing the complexity of victims' vulnerabilities and related needs is still limited.

What did VULNER find?

Our data collected through interviews with migrants and key stakeholders for the VULNER Project reveal inadequate identification systems for victims of trafficking and other forms of severe labour exploitation, such as forced labour. National actors involved in the identification process, including police officers, administrative decision makers, judges and prosecutors, often do not cooperate efficiently among themselves. Furthermore, many lack understanding of situations of vulnerability. We found that these stakeholders are often unaware of the complex dynamics of exploitation and trafficking, and that their evaluation of requests for protection is often affected by gendered stereotypes that depict the "model victim" as a passive subject, who is often a woman and considered to be without agency.

"We let each woman choose between the application for the Article 18 residence [anti-trafficking based permit] or for asylum. This is very hard, because both asylum and anti-trafficking legislation in Italy are very confusing, even for us social workers, let alone for a woman who is not familiar with any of it."

Social worker, Rome, Italy

The identification of migrants with irregular legal status as victims of trafficking is particularly challenging. When intercepted by authorities – e.g. during labour site inspections or anti-trafficking operations carried out by law enforcement – they are often subjected to immigration control, and are detained and repatriated without being informed of their rights as potential victims. Therefore, migrants with irregular status tend to be reluctant to report abuse and to engage with authorities for fear of being deported.

VULNER research underlines the fact that only a few countries, such as Italy, have implemented referral or coordination mechanisms between anti-trafficking and asylum systems, so that the identification of victims is possible among applicants for international protection.

Problems result also with regard to providing assistance to victims. Indeed, when a person is identified as a victim of trafficking or other forms of exploitation, this person might not receive adequate assistance and support. Our data highlight that specific national funds for victims of trafficking and exploitation are insufficient. Furthermore, victims do not have adequate access to remedy, including compensation. This in turn exacerbates their situations of vulnerability.

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[1] For current statistics for Italy, please see: Dipartimento per le Libertà Civili e l'Immigrazione, www.libertaciviliimmigrazione.dlci.interno.gov.it/it/documentazione/statistica/i-numeri-dellasilo

Lastly it is worth underlining that some countries, such as Italy, still lack a specific clause for non-punishment of victims of trafficking in relevant national legislation. This lack of legal protection increases their situations of vulnerability considerably. The principle of non-punishment stipulates that victims should not be persecuted for their involvement in unlawful activities they have engaged in as a consequence of being trafficked. In other countries of research included in the VULNER Project, such as Belgium and Norway, specific legal provisions on the non-punishment principle have been adopted. However, they often do not apply to all types of unlawful activities that victims may commit when in situations under threat.

What are the implications?

In many European countries, there is no efficient and coordinated system that involves all relevant government and non-government actors working to identify and support victims. This has significant impacts on the recognition of the situations of vulnerability of victims of exploitation and trafficking, their access to assistance and their chances of being granted protection. Furthermore, assistance and support measures are insufficiently tailored to victims' vulnerabilities and needs. In particular, national measures are often unable to address gender-related issues and the needs of people with different gender identities.

"The length of procedures and their uncertainty is another factor that further exacerbates victims' vulnerability."

Director of a specialised reception centre, Belgium

Outside of the asylum procedure, receiving assistance, support and a residence permit as a victim of trafficking or of other severe exploitation almost always requires cooperation with relevant authorities involved in the criminal proceedings. These types of residence permits are also mostly temporary, and those who receive them have few possibilities to gain long-term legal status. This prevents people who have been exploited and trafficked from pursuing social and labour market inclusion.

An interesting exception in this regard is the Belgian system, which provides victims of trafficking with the possibility of receiving a long-term residence permit.

In a quite innovative way, the Italian legislation (Article 18 of Decreto Legislativo 286/1998) provides victims of trafficking and exploitation with assistance and residence permits regardless of their cooperation with authorities. In this system, anti-trafficking NGOs and associations are assigned a central role in the identification and support of victims. However, despite being considered an innovative and good practice, the Italian system is not adequately implemented. Therefore, victims are still required to cooperate with authorities most of the time.

Most of the examined countries in VULNER lack safe reporting and effective complaint mechanisms for exploited migrants to report exploitation and access justice. There is a risk that exploited and trafficked persons put themselves in danger when they testify. For instance, they may be criminalized, e.g. for illegal entry or for working in sex work – even if these have been as a consequence of being trafficked.

Policy recommendations

1. Establish coordinated systems for the identification and assistance of victims: States should establish systems to ensure that victims of trafficking and exploitation are effectively identified and provided with appropriate assistance, involving all relevant actors, including trade unions and civil society organisations.

2. Implement coordination procedures: Relevant anti-trafficking and asylum authorities should implement effective mechanisms for the identification of migrants seeking protection who are victims of exploitation, provide them with appropriate assistance and ensure they can claim international protection and/or similar forms of protection provided for by national legislation.

3. Separate the provision of assistance and residence permits to victims of exploitation and trafficking from criminal investigations: States should ensure that victims of trafficking and other forms of severe exploitation have access to assistance, support and a residence permit, regardless of their cooperation in criminal investigations, prosecution or trial.

4. Prevent punishment of victims: All relevant authorities should ensure that victims of exploitation and trafficking are not punished for their involvement in unlawful activities, including criminal activities as a direct consequence of their situation as victims of trafficking or other forms of severe exploitation. Legislators should implement clauses of non-punishment in relevant national legal instruments.

5. Provide better information: States should guarantee qualified legal counselling to victims as well as free legal assistance. This would enhance victims' awareness of their rights and access to justice and their access to remedies and compensation.

6. Support victims' labour and social inclusion: All relevant national actors should work together to provide victims of exploitation and trafficking with long-term prospects for social and labour inclusion. They should promote individualised programmes that consider victims' actual desires and needs.

7. Integrate a gender perspective: States should ensure that trafficking and exploitation related measures and policies, including policies on asylum and reception, take into account gender-based vulnerabilities to exploitation. This includes intersectional discrimination and the burden of family-care responsibilities. Furthermore, they should pay attention to different gender-specific needs in assistance and support.

In addition to asylum seekers and refugees, temporary migrants and undocumented migrants should not be overlooked

Delphine Nakache, University of Ottawa
Anna Purkey, University of Waterloo

What do we mean?

A key theme that emerged from our VULNER fieldwork with migrants and practitioners in Canada was the unique vulnerability of migrants with temporary or no status. This includes, among others, migrant workers with short-term visas, international students and undocumented migrants, who lack the legal status deemed necessary by the Canadian Government to remain in Canada. Many of these people experience vulnerability through their lack of access to basic services, such as legal aid and healthcare, as well as through their interaction with the "migration system", which is comprised of the norms, laws and policies of Canada.

While some legal and policy measures have been adopted to address the vulnerabilities faced by these groups, there has been a failure to fully address the reality that the migration system itself is responsible for creating or exacerbating many of these vulnerabilities.

The Canadian Government is currently developing an initiative to regularise the status of undocumented workers in the country. An inclusive regularisation programme that is easy to apply for would benefit the estimated half a million migrants who are currently living without legal status in Canada (Immigration, Refugees and Citizenship Canada, 2022; Mojtehedza-deh & Keung, 2022). However, people will continue to become undocumented, and thus face heightened vulnerability, if the key factors of vulnerability are not properly addressed.

What did VULNER find?

Canada's immigration policy has historically embraced permanent settlement. However in the last two decades it has exhibited an increasing propensity for temporary migration. The rapid growth of Canada's migrant workforce is a key indicator of this trend. Since the mid-2000's, Canada has admitted more temporary migrants on work visas than economic permanent residents (i.e., immigrants), and an increasing proportion of new permanent residents are people who have already been working in the country with temporary permits. Many different temporary migration programmes have been implemented in the last two decades, each with their own eligibility criteria, restrictions, and entitlements. This has created a labyrinth of programmes, multi-step processes and complex migration trajectories. In this environment, temporary status and having "no status" (i.e. being undocumented) are interrelated. For example, it is not uncommon for individuals in Canada to have legal migration status, then to lose status, a different status, and to lose it again.

Meanwhile, there is increased recognition of the vulnerabilities associated with temporary migration status in Canadian government policy. One result of this has been the creation of various pathways to temporary or permanent protection for temporary migrants. The most recent initiative is the open work permit for vulnerable workers (OWP-V) policy, implemented in 2019 to authorise immigration officers to issue open work permits to migrants with em-ployer-specific work permits who are experiencing abuse in their workplace. There is also the temporary resident permit (TRP), granted to temporary migrants recognised as victims of human trafficking or family violence. In addition, temporary migrants with uncertain legal status, who have been in Canada for a long time and who are ineligible to apply for perma-nent residence through other channels, may obtain permanent residence (with pathway to citizenship) after a successful Humanitarian and Compassionate (H&C) application.

Through interviews with migrants, civil servants, lawyers and NGO representatives, VULNER found that being identified as a "vulnerable" migrant can be a substantive factor in the out-come of such applications. Regarding H&C claims, for example, civil servants noted that they can adopt a comprehensive approach to the claims by considering a wide range of factors, including the various vulnerabilities of the claimant, which may positively impact the decision (i.e., granting of a protection status). Or again, in situations of human trafficking and fam-ily violence, a claimant's additional vulnerability (for instance if they are a minor) may also result in them being granted a lengthier temporary resident permit (TRP) than they would otherwise receive. However, we also found that immigration officers have a wide margin of discretion in assessing these applications, and particularly in prioritizing one "vulnerability factor" over another. In a context where, as our research has shown, immigration officers have very different understandings of who is a "vulnerable" migrant, this can create space for potentially subjective and unpredictable decisions. A related concern is that opportunities for recourse after a negative decision are extremely limited.

It is also worth noting that there are numerous barriers that migrants face when making their applications. For example, in the case of temporary migrant workers applying for an open work permit for vulnerable workers (OWP-V), accessing legal assistance, translation services or providing sufficient evidence of abuse in support of their application has proved to be particularly difficult.[1] The lack of settlement and free legal services for all temporary migrants, and the absence of measures allowing for the appointment of "designated representatives" in situations where temporary migrants are unable to understand the nature of the proceedings can also be detrimental to migrants already in vulnerable situations. We also found that migrant vulnerabilities may be exacerbated through their interactions with various key stakeholders involved in navigating migration options and protection claims, such as unscrupulous lawyers and immigration consultants. Finally, long delays in immigration proceedings were reported as factors contributing to the vulnerability of migrants in many ways, for example by leaving them in an indefinite state of uncertainty or by negatively impacting their mental and physical health.

What are the implications?

Despite some efforts at the policy level to address the particular vulnerabilities of people who are undocumented and/or who have temporary migration status in Canada, there has been a failure to recognise the structural realities of the current migration system that creates and/or exacerbates many of the vulnerabilities faced by migrants in the first place. Below we highlight some examples.

First example: Kate (a pseudonym) came to Canada to work as a home care worker (on an employer-specific work permit). Her employer repeatedly asked her for personal favours, such as dating men and completing online medication exams for her employer's daughter. Kate eventually filed for and received an open work permit for vulnerable workers (OWP-V). She explained to us that she sees herself as "vulnerable", not only because of the abuse she endured at her workplace, but also because of the hurdles she is going through to escape these working conditions. She said:

"Many employers [...] abuse their employee financially, mentally and physically. So, I kind of like, just obey her all the time, all throughout working for her because she's doing my papers. [...] because I'm in a closed work permit, I feel stuck with her, even if I want to leave [I can't] [...] She said that many times. So it is just draining mentally and emotionally. It's even better [sic] if she just hurt me physically, you know, wounds physically will just heal, but mentally and emotionally, she's doing that, so it affected my sleep. I got scared, so even my family physician knows about it and recommended some medication to help me with my anxiety and depression and sleeping problems."

Kate recommended that no work permit should tie migrants to specific employers.

[1] Several practitioners criticised in interviews the fact that decisions made by immigration officers focus on physical threats and the fact that immigration officers are unable to consider that abuse can manifest in intersecting ways and does not always appear in physical forms.

Second example: One former migrant worker in Alberta, previously on an open work permit, who is currently without legal status in Canada shared her experience of the financial burden resulting from pregnancy and birthing a child with Down's syndrome without access to healthcare:

> *"It's just me and my partner. So when I first knew that I was pregnant and then I do the prenatal check-up [...], they asked me to do a deposit of $5,000. It was first around $15,000 but my family doctor had helped me [a bit so] the amount could be lessened. So, all the check-ups have been paid by me personally, and then all the laboratories' tests since then [...] The bill now reaches around $56,000."*

Third example: Undocumented migrants interviewed during the VULNER research highlighted in interviews the lack of access to all basic services and the constant fear of arrest and deportation as key factors of vulnerability:

> *Interviewee: "Everything is heavy. Working is something. Going around without papers is something. Having a bank account is something. Health care is something. Then this, getting an education, that's something. It's all important, but we're just getting the minimum for now."*

> *Interviewer: "How are you doing with banking, driver's licenses? How is it going for you?"*

> *Interviewee: "That, forget that [...] I may have even forgotten [how] to drive."*

> *Interviewer: "The Montreal police, have you ever dealt with them?"*

> *Interviewee: "No, never. I'm so scared, so when I get on the bus and I see two people fighting, even though it's not my destination [...] I get off. I'm scared."*

> *Interviewer: "You are afraid?"*

> *Interviewee: "Yes [...] Since I got the deportation kit, I live with fear. Before, no."*

Policy recommendations

Short-term recommendations

1. Address backlogs and long processing times: Hire more immigration officers and ensure that claims for protection/legal status from migrants in vulnerable situations are subject to priority processing.

2. Increase the duration of visas and abolish visas that are tied to a single employer: Increase the duration of all work permits to a minimum of 3 years,[2] and abolish employer-specific work permits. Replace them with broad sector/regional work permits allowing the worker to change jobs without the need to obtain their employer's permission.

3. Give clear information to migrants through the process of submitting a claim for protection/legal status: In all rejection letters to applicants, explain the reason(s) for the refusal and any possible recourse they may have in plain language.

4. Ensure oversight mechanisms: Develop effective and just oversight and appeal mechanisms in the visa and protection systems to ensure the consistent application of existing guidelines by decision makers.

5. Implement a vulnerability framework: Develop tools for key stakeholders aimed at implementing an individualised, trauma-informed approach to meet the needs of migrants with specific vulnerabilities (instead of assuming that a standardised approach works for all, especially in cases involving mental health or re-traumatisation).

6. Increase funding for NGOs: Direct more government funding to nongovernmental service provider organisations that offer assistance to migrant workers/undocumented migrants.

7. Regularise those with no or precarious legal status: Introduce an inclusive and easy-to-apply for regularisation program for migrants who are currently without legal status.

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[2] The minimum length of 3 years for all work permit-holders was a recommendation formulated by our community partners during the VULNER workshop on March 15, 2023. Three years was seen as permitting any worker to have a "stable" work experience in Canada, even if that means having to find one or several other jobs.

Long-term recommendations

8. Improve the level of support given to applicants throughout the migration application processes: In Canada, this could mean expanding the mandate of "designated representative" beyond the asylum proceedings to ensure proper representation of vulnerable migrants in all immigration proceedings.

9. Increase temporary migration of family members: Allow migrant workers of all skill levels to bring their family members and ensure that all spouses of migrant workers can work in Canada on an open-work permit.

10. Invest in legal aid: Expand legal aid so that temporary migrants (including those who may have lost legal status) are not left to navigate complex claims for protection without representation.

Resettlement and legal migration pathways must be expanded and improved

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What do we mean?

Refugees in first countries of asylum which are also developing countries, often have limited access to resources and receive very little targeted humanitarian support. Most have extremely difficult day-to-day lives, which aggravates their existing vulnerabilities and limits their prospects for the future. As a result, many of them see resettlement in Europe, North America or elsewhere as their only hope for a better life. As it stands, only a minority of refugees are given this opportunity, but many strive for the chance. Some even avoid humanitarian assistance or other programmes that might help them in their first countries of asylum because they believe they will seem less vulnerable and therefore not be considered for resettlement.

As "durable solutions", integration and resettlement can produce inherently competing incentives for refugees. This is especially the case when it comes to situations of long-term displacement in less economically developed countries such as Uganda.

The United Nations High Commissioner for Refugees (UNHCR) has identified three durable solutions for refugees:

- voluntary repatriation to their home countries
- integration in their host countries
- resettlement in a third country

Voluntary repatriation is often preferred, but it is unattainable for most refugees because they come from countries suffering on-going violent conflicts or instability. This leaves only two options: long-term integration – or resettlement in another country.

While integration may seem like the most practical and realistic option for the majority of refugees, the path to integration is nevertheless incredibly difficult in most countries of first asylum. For example, to gain citizenship in Uganda – which brings with it the opportunity to own land and to participate in local politics – 20 years of residence in the country are required before an application can be made. Even then, the naturalisation of refugees in Uganda is a politically contentious issue; applications have been rejected in the past, irrespective of the fact that residency requirements have been met by the applicant.

The fact that registered refugees in Uganda receive short-term and limited humanitarian assistance means that they often live with meagre resources in impoverished conditions. The humanitarian assistance strategy aims to lead to a long-term development approach, in which refugees become self-reliant in accordance with the aims of the UNHCR's Comprehensive Refugee Response Framework (CRRF). However, many refugees are not able to become self-sufficient or to build sustainable futures because the policies and programmes that are supposed to help them rely on standardised and perceived forms of vulnerability which do not adequately address refugees' actual needs and, in many cases, have little to do with the challenges that refugees face.

Resettlement is therefore considered by many of them to be the only real "durable solution" for their futures. To pass the first eligibility screening by UNHCR for resettlement, individuals must fit into one or more of these categories (UNHCR, 2011):

- Legal and/or physical protection needs
- Survivor of violence and/or torture
- Medical needs
- Woman or girl at risk
- Family reunification
- Child or adolescent at risk
- Lack of foreseeable alternative durable solutions

Many of the refugees who participated in the VULNER research met several of these criteria and spend years strategising how to have their cases reviewed and prioritised by UNHCR. Many try to fit into as many of the categories as they can, thus creating a hierarchisation or competition for the status of "the most vulnerable" in order to increase their chances for resettlement. During an interview, a microfinance officer in Uganda revealed that refugees are afraid of taking microfinance loans that would enable them to open small businesses and

thus to become self-reliant. They feared that taking these loans would affect their chances for resettlement as this would make them appear "less vulnerable". The founder of Wakati Foundation,[1] a refugee-led organisation that facilitates programmes and training in one of the refugee settlements in Uganda, reported that he knew people who were teachers, engineers or held other professional degrees, who had lied in their applications for asylum, saying they had no education. They had been advised by other refugees that they had to appear vulnerable, or without resources and options, in order to increase their chances of resettlement.

In reality, the resettlement process is very opaque and disjointed, and refugees are not aware that third countries ultimately decide who is chosen based on their own, specific criteria. According to a high profile UNHCR officer interviewed by VULNER, receiving countries usually choose to resettle people who can contribute to their economies and not people who have serious illnesses or who may be costly to support. According to UNHCR, less than 1% of people who they deem eligible are resettled (UNCHR, 2023).

VULNER interviews found that many refugees hold the misconception that resettlement in another country is their right, and they presume that they are not chosen for resettlement because the system is corrupt. The fact that each country has its own processing timeline and there is no systematic feedback on the progress of a given case further exacerbates anxiety and frustration. Many refugees underwent resettlement interviews simply never to receive a response, perpetuating their anxiety and fuelling allegations of corruption.

"They [aid agency] know we are discriminated [against] but they do not send our cases to UNHCR. They make us sign documents, they counsel us but they do not send our cases. They just say, 'come tomorrow, come tomorrow'. [When] is the end of 'come tomorrow?'"

LGBTQIA+ male refugee,
interviewed in Nakivale Refugee Settlement, Uganda

The VULNER research conducted in Uganda found that the resettlement process created deep anxiety and frustration. Many refugees claimed that they had been wrongly overlooked; they were severely disheartened because resettlement seemed to be their only option to escape lives characterised by poverty and uncertainty in Uganda.

What are the implications?

Integration and resettlement are in conflict with each other as durable solutions for refugees in less economically developed countries. Resettlement programmes are designed to allow the most vulnerable refugees to move to developed countries that can offer better

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[1] Please see https://wakatifdn.org

protection – but this well-meaning strategy has unintended harmful consequences. In Uganda, it has led to "vulnerability competitions" and false hopes amongst refugees who perceive resettlement to be the only "durable solution" for their futures. Consequently, people who hope to be resettled become vulnerable to exploitation and extortion by those posing as intermediaries, who claim to have the ability to broker deals with humanitarian protection officers and facilitate resettlement decisions.

In less economically developed refugee-hosting countries like Uganda, where much of the population face diverse situations of vulnerability, the use of universal categories of vulnerability by humanitarian organisations and governments has limited results. They do not succeed in addressing refugees' concrete, long-term needs, nor their desires to rebuild their lives, and instead prompt them to rely on often unrealistic solutions, such as resettlement.

Policy recommendations

1. Increase resettlement numbers: To relieve pressure on less economically developed refugee-hosting countries and to provide more durable opportunities for refugees, the United Nations High Commissioner for Refugees must encourage more countries to participate in resettlement programmes. Countries must also implement or expand complementary migration programmes, such as work visas and international education schemes, which are accessible to refugees and offer options for permanent settlement.

2. Expand transparency: Humanitarian organisations facilitating resettlement programmes should increase transparency and build awareness of the decision-making process and the realities of the selection criteria.

3. Improve process: The United Nations High Commissioner for Refugees should encourage receiving countries to adhere to the standardised resettlement criteria and streamline decision-making processes to reduce anxiety and frustration among refugees that come as a result of prolonged waiting times.

4. Monitor and regulate: In addition to already established whistleblowing hotlines, national governments must investigate and sanction intermediaries that exploit and defraud refugees hoping to be accepted into resettlement programmes. Where their own staff are implicated in resettlement fraud, UNHCR and other humanitarian organisations must investigate allegations swiftly and protect whistle blowers.

5. Prioritise awareness-building: UNHCR and other humanitarian organisations should reassure refugees that acquiring additional skills and participating in integration programmes will not negatively affect resettlement opportunities and could even be useful for complementary pathway programmes that target migrant workers.

key message

8

Long-term planning and funding are needed to address the vulnerabilities faced by people living in situations of protracted displacement

Cathrine Brun, Maria Maalouf
Centre for Lebanese Studies

What do we mean?

People living in protracted displacement in major refugee-hosting states outside Europe, North America and Australasia are predominantly supported with short-term humanitarian assistance by the international community. In Lebanon, for example, this is facilitated through the Lebanon Crisis Response Plan (LCRP). However, this model does not adequately address the broader protection needs and vulnerabilities faced by refugees in the long-term. The response tends to create a dependency on continuous humanitarian support, while overlooking the conditions that cause prolonged displacement.

International refugee policy frameworks, such as the Global Compact on Refugees (Nations General Assembly, 2018b), emphasise the need to move from a humanitarian-based to a development-based model of assistance and protection for situations of long-term displacement.

> *"I think that one important thing is that in this country we've been providing humanitarian assistance and development aid not only within the framework of the Syrian crisis, but before as well, without actually and effectively, from a macro perspective, changing the system."*
>
> **NGO staff member, Lebanon**

This is critical for ensuring refugees' human rights and dignity, which includes enabling them to plan for their futures. However, in many refugee-hosting countries, there is an unwillingness to allow refugees to integrate because of broader socio-political attitudes towards them. At the same time, change to the status quo is hindered by the fact that both models of assistance are increasingly depoliticised, leaving no room to change the socio-political structures that create and maintain situations of vulnerability for refugees.

What did VULNER find?

Since 2011 and the onset of the civil war in Syria, there is believed to be 1.5 million Syrian refugees in Lebanon (United Nations Lebanon, 2022). This is in addition to smaller numbers of refugees from Iraq and Sudan and an estimated 257,000 Palestinian refugees – including Palestinian refugees from Syria (29,116) and Palestinian refugees from Lebanon (180,000). The legal status and level of inclusion of these groups is differentiated. While most Palestinian refugees residing in Lebanon have legal residency and a work permit to access a limited number of occupations, most Syrian refugees and Palestinian refugees from Syria do not have legal residency in Lebanon. Furthermore, all displaced populations – regardless of their residency status and the length of time they have spent living in Lebanon – officially reside in the country on a temporary basis and many rely on humanitarian assistance for their survival.

> *"There is no-one to represent the refugees [...] No one is by my side."*
>
> **Ola, female Syrian refugee**

To date, Lebanese state authorities have been unwilling to facilitate a longer term stay for most refugees and there is an increasingly hostile environment towards refugees in the

> *"The notion of vulnerability that is used the most is monetary poverty as measured by monthly expenditures per capita. [...] the ones with the lowest monthly expenditures are considered to be the most vulnerable and are targeted with the combined package of multipurpose cash for food and basic needs."*
>
> **NGO staff member, Lebanon**

> *"We use a categorical understanding of vulnerability, such as women and children."*
>
> **NGO staff member, Lebanon**

country. At the same time, the humanitarian community has been unable to address the inadequacies of the short-term humanitarian model. Donors, including the European Union, hold strong negotiation powers to impose minimum requirements on the Lebanese Government to recognise refugees' legal residency, and to facilitate their access to education, health and other services. We analysed policy processes, donor meeting outcomes and reports and instruments: a barrier to placing more pressure on countries with limited resources and large populations of people living in protracted displacement, like Lebanon, is that governments in Europe have an interest in refugees staying where they are, rather than moving towards Europe. Through a humanitarian framing of the situation, which defines refugees as a category of people in need, rather than as rights-holders, these donor countries indirectly endorse the status quo and the Lebanese Government's approach.

In these circumstances, "vulnerability" has become a key term used by international organisations and governments to neutrally frame the refugee situation, to assess eligibility for resettlement, and to define needs for the purpose of distributing resources. However, powerful stakeholders do not seem to take the context of refugees' experiences sufficiently into consideration and tend to employ approaches to vulnerability that focus on individual and immediate needs: Lebanese policymakers generally view vulnerability as synonymous with day-to-day socio-economic precarity. Along the same lines, UN agencies facilitate humanitarian programmes based on a definition of vulnerability rooted in standardised and individualised categories, such as age, gender and disability. The VULNER Project's research in Lebanon demonstrates how such approaches create and sustain vulnerability for refugees when political and structural inequalities remain unaddressed.

Interviews carried out for the VULNER project in Lebanon show that structural and political factors are decisive in refugees' understanding and experiences of their vulnerability. Refugees interviewed highlighted their lack of access to asylum and protection provisions, coupled with the security-based approach in their host country (which restricts their ability to live, work and to move), as defining features of their experience of vulnerability. Refugees reported feeling a "permanent state of temporariness", being deprived of institutions that officially represent them and the profound challenges in accessing the job market and education. They connected their challenges to the intersecting economic and political crises in Lebanon and to the lack of political and social acceptance of refugees within society.

> *"So that's my weak point now. No one is going to help me in this case, it's everyone for themselves. And in this camp, it's like we're in jail, we can't go anywhere or visit anyone."*
>
> **Yasmine, female Syrian refugee**

In short, the VULNER research found that the current model of humanitarian aid and the political status quo do not adequately address, and may even perpetuate, vulnerabilities for people living in protracted displacement. Shifting to longer-term development funding has the potential to reduce vulnerabilities, to improve well-being, and to increase the self-sufficiency of refugees. However, it requires multi-dimensional cooperation from all involved, including national and international policymakers, for the purposes of changing support structures and attitudes.

Refugees experience vulnerability because the funding and management structures meant to help them fail to do so. Yet, the experience of vulnerability is also profoundly shaped by the socio-political environment of host states and the international community. In the case of Lebanon, refugees continue to live for years stuck between the humanitarian model, which treats their situation as a short-term crisis, and a development model, which offers the potential for better livelihoods, but also fails to address deeper structural inequalities.

In the case of Lebanon, these structural factors stem from the lack of political willingness to consider refugees, living in their country for years, as part of Lebanese society. At the same time, the international community has failed to hold the Lebanese Government to account for the conditions, such as providing residency, education and protection, accompanying the funding received for hosting refugees.

Policy recommendations

1. Consider the root causes of vulnerability: Governments, international organisations, and funders need to recognise and address the political and sectarian factors that build and sustain the vulnerability of refugees and the need for new support-mechanisms.

2. Develop criteria: Vulnerability can be a helpful concept for protection purposes in protracted displacement. However, this depends on international organisations developing criteria based on an intersectional, multidimensional and situational understanding of vulnerability that can capture how vulnerability changes at individual, community and societal levels over time. Ideally this criterion should be aligned across agencies that work with refugees and should capture the interaction of legal and social dimensions that render subjects vulnerable.

3. Improve representation: Governments, international organisations, and funders should work with more refugee-led initiatives and representatives to better understand the issues refugees face and to better support them.

4. Prioritise monitoring and evaluation: Donors and UN agencies must insist on greater accountability and transparency regarding the impact and use of their funds to support refugees. Funding should effectively reduce chronic vulnerability, uphold fundamental rights and go beyond providing for mere subsistence needs.

5. Increase responsibility-sharing: The international community must accept and maintain responsibility for resettling more refugees, in order to ease the pressure on host countries in regions with mass displacement.
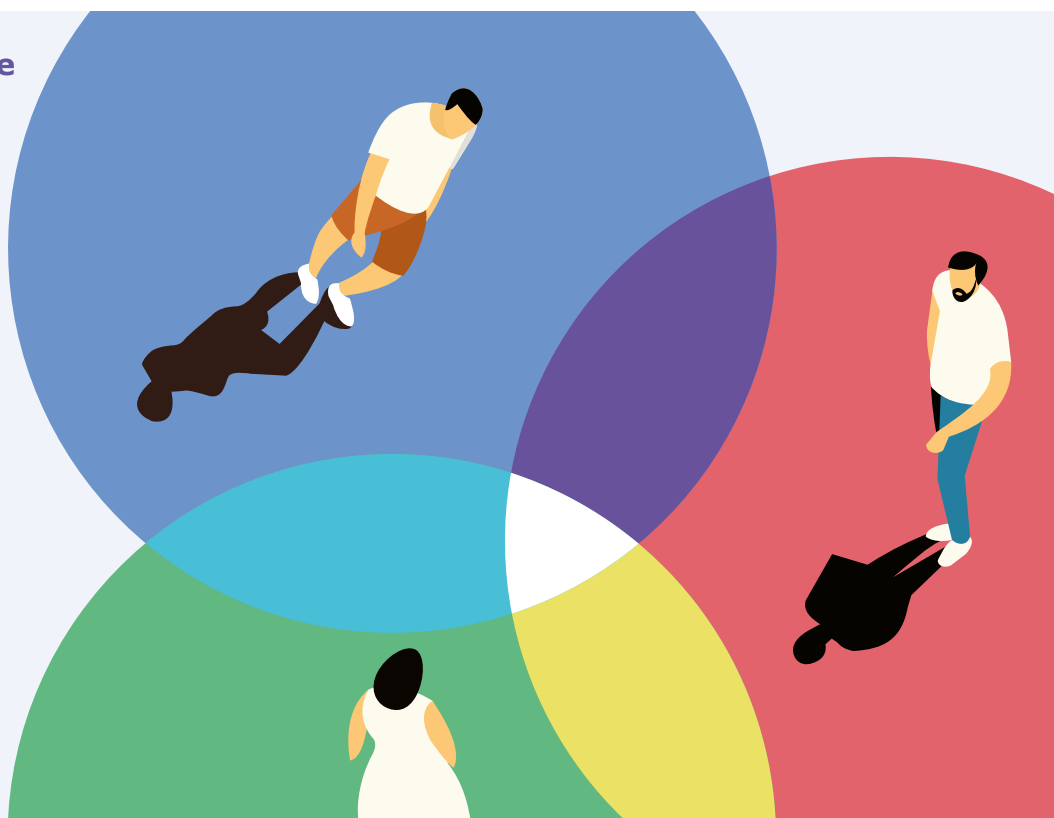
Vulnerabilities intersect! Addressing only one category of vulnerability at a time is ineffective

Francesca Raimondo
UCLouvain

What do we mean?

While conducting fieldwork with asylum seekers in Belgium, VULNER researchers spoke with an older couple from Eritrea who had severe health issues. Being illiterate, they were unable to read the communication sent to them by the government with regard to undergoing a cancer screening. What's more, the letter was written in Dutch, a language which neither of them spoke.

As told to VULNER researchers by a judge, a couple from the Gaza Strip came to Belgium seeking protection. They were in their 60s or 70s and had age-related health issues. Moreover, they were taking care of their disabled daughter who was in urgent need of medical and psychosocial care.

These examples illustrate the fact that vulnerabilities tend to overlap. In the case of the Eritrean couple, addressing health as a source of vulnerability in isolation is futile. The couple's

other vulnerabilities prevent the assessment from being successful: age, educational background, language – all of these overlap and intertwine. Likewise, in the case of the family from Gaza, multiple factors of vulnerability meet: age, disability, and access to adequate health treatment in the country of origin. This phenomenon is known as intersectionality.

"I think that people have layers of vulnerability, but that's how life is, you know, there is nothing set in stone and nothing is black and white."

A judge who decides on asylum claims, interviewed in Belgium

A social worker told VULNER researchers another example, of a 50-year-old man from Iraq seeking asylum in Belgium. Despite identifying as gay, the man had a wife and children in his country of origin. He was living in a reception centre in Belgium, where due to overcrowding, he and other Iraqi refugees were given tents to sleep in. The man was then assaulted by the other men he was sharing the tent with and was forced to sleep outside as a result of their prejudice towards his sexual orientation.

Different vulnerabilities intersect in this case as well. To assess displacement, gender and sexual orientation as completely separate and independent factors of vulnerability inhibits a holistic understanding of the man's story and the challenges he faces.

The concept of intersectionality was developed by legal scholar Kimberlé W. Crenshaw to describe the inability of legal systems to address overlapping discrimination (Crenshaw, 1989). Thus, intersectionality can be an effective analytical tool to explore overlapping vulnerabilities. Often, researchers, policymakers and legal professionals overlook the fact that different categories of vulnerability do not simply exist independently of one another, rather, they intersect and form an entirely new type of vulnerability.

An intersectional approach is needed when dealing with vulnerabilities of individuals seeking asylum. Instead of seeing multiple forms of vulnerability as an obstacle, the VULNER team tried to incorporate intersectionality into their research in a productive way.

What did VULNER find?

An intersectional approach can help identify and reveal additional vulnerabilities, but what does an intersectional approach to the asylum process look like? In which way should asylum bodies employ an intersectional approach?

Asylum seekers' experiences of vulnerability can have personal components, as well as situational and administrative ones. Personal vulnerabilities are those connected to personal characteristics or features (health-related vulnerabilities, educational or socio-economic background, belonging to a specific group). Situational vulnerabilities are created by social context, be it in the country of origin (such as poverty or natural disasters), on the journey (torture, sexual abuse) or the conditions of reception in the country of arrival. Administrative

vulnerabilities are all the aspects of vulnerability connected to a legal and administrative body. These can occur throughout the asylum process, but also as the result of a lack of formal legislation governing asylum seekers. These three levels often overlap in the experiences of asylum seekers, making intersectionality the rule and not the exception.

"While Syrian refugee women and girls share the burden of gender inequity, men and boys are subject to some forms of gender discrimination. Moreover, women and girls are not a homogeneous group. Their unique needs and circumstances must be understood with an intersectional lens."

UN Women 2019 Report:
"Addressing gender amongst Syrian refugees in Lebanon" (UN Women, 2019)

In a 2011 judgement, the European Court of Human Rights stated: "[T]he Court attaches considerable importance to the applicant's status as an asylum-seeker and, as such, a member of a particularly underprivileged and vulnerable population group in need of special protection" (M.S.S. v. Belgium and Greece, 2011). Thus, to a certain extent, displacement itself, qualifies as a level of vulnerability and every asylum seeker could be considered vulnerable per se. As a result, only one additional factor of vulnerability – for example gender, age, or health-based issues – has to occur in order to create a case of intersecting vulnerabilities.

These different aspects of vulnerability become increasingly interlinked over time. If unaddressed, they can result in procedural problems and injustices. VULNER's fieldwork in Uganda found that the country's asylum process tends to categorise people with intersecting vulnerabilities as "Extremely Vulnerable Individuals" (EVIs). EVIs are prioritised with regard to the distribution of resources, support services and resettlement in a third country by the humanitarian organisations and state agencies. Looking at these cases from an intersectional perspective, the prioritisation may have adverse effects, because it suggests to the asylum seeker that to have more types of vulnerability will result in a greater level of protection.

VULNER found through interviews in Belgium and Italy that both judges and asylum officers try to adopt an intersectional approach. These individuals stated in interviews that they consider the complete profile of a person, that is, their entire experience. Rather than filing the categories of vulnerability separately, they allow for overlapping vulnerabilities. This is important, because it is these actors who decide on an asylum application. However, this is not a requirement in any of the countries researched by VULNER. It is left entirely to the discretion of the individual judge or asylum officer, their good intentions, time and knowledge, whether they choose to integrate an intersectional perspective into their practice.

What are the implications?

The asylum process relies heavily on individual actors to make an accurate assessment of a person's vulnerabilities. It usually allows for assessments only at one specific point in time, making later re-evaluations very difficult. Finally, it sees vulnerability exclusively through

a legal lens and fails to draw from the expertise of other disciplines (medical, psychological, and social sciences). This system can result in vulnerabilities being wrongly or incorrectly assessed. This can be to the disadvantage of the asylum seeker, but also to the asylum system itself.

The interviews conducted by VULNER indicate that rumours circulate among asylum seekers about which vulnerabilities are "given more weight" by judges and asylum officers. This information is often false and very arbitrary. In addition, it prevents a fair assessment of vulnerabilities on both sides. In the most extreme cases, like Uganda, this can result in asylum seekers trying to fit into as many vulnerability categories as possible, in their efforts to compete for resettlement slots or humanitarian assistance. This "vulnerability competition" arises as a result of limited resources, and from the system's focus on assisting "the most vulnerable" refugee.

An intersectional approach to the asylum process would ensure a holistic and multidisciplinary assessment of vulnerabilities. This in turn would reduce the misuse of vulnerability categories due to misinformation on the part of the asylum seeker. It would make the assessment fairer for both sides of the process.

Policy recommendations

1. Ensure a holistic approach: Each asylum application should be examined by the responsible actors in a comprehensive sense. The complexity of deep-rooted and intersecting vulnerabilities must be considered in each case.

2. Support judges and asylum officers: Relieve individual decision-makers of the burden of having to implement and safeguard this holistic approach by themselves. This can be achieved through a multidisciplinary approach.

3. Establish a multidisciplinary approach: During the asylum procedure, ensure that throughout interviews, hearings, etc. legal expertise is supplemented by that from other sectors. Experts from social studies, psychology as well as cultural mediators should be involved as consultants. Multiple experts could be consulted on several stages of the process.

4. Improve training in asylum bodies: Introduce continuous education in decision-making institutions to raise awareness about intersecting vulnerabilities.

5. Develop adequate communication channels: Introduce communication channels among the different institutions of the asylum process in order to have a comprehensive file for each asylum seeker.

6. Do no harm: Reduce, to the greatest possible extent, sources of vulnerability in the country of arrival. In summary, an intersectional approach to the asylum process would help decrease systemic flaws that create even more vulnerabilities.

10

The adverse effects of the legal and bureaucratic uses of "vulnerability" must be acknowledged and managed to uphold the rights of migrants seeking protection

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What do we mean?

When operationalised by state actors, the concept of "vulnerability" guides decision-making and impacts the lives of migrants seeking protection. In Europe and Canada, vulnerability assessments are often used to address special reception and procedural needs in the form of providing temporary housing and other specialised services, as well as when organising asylum interviews. Authorities and civil servants also consider the "vulnerability" of applicants when making decisions to grant asylum and other forms of protection; or when identifying and supporting victims of human trafficking.

International and non-profit organisations also rely on vulnerability assessments to prioritise their allocation of resources and aid to migrants seeking protection in first countries of

asylum. Humanitarian programmes are often limited to certain people and groups who donors view as particularly vulnerable (such as children or victims of gender-based violence). In Lebanon and Uganda, for example, vulnerability assessments serve to identify and target aid recipients as well as beneficiaries of refugee resettlement programmes.

Using "vulnerability" in these ways can help tailor institutional responses to the protection needs of migrants seeking protection. Yet, research carried out for the VULNER Project found that there can also be negative side-effects of this approach, which must be acknowledged and addressed.

What did VULNER find?

Overall, the VULNER research across seven countries revealed that there are four main inherent issues when "vulnerability" is employed by decision makers to allocate access to services and protection to migrants seeking protection, including asylum seekers and refugees.

First, institutional actors tend to assess vulnerabilities based on personal characteristics such as age, gender, and health. However, our research shows that actual experiences of vulnerability are highly influenced by and vary greatly depending on the context in which those seeking protection find themselves. Their positions of vulnerability are based on a wide range of intersecting factors and circumstances that evolve constantly and go beyond individual traits. For example, experiences of vulnerabilities vary greatly depending on whether a person can rely on a social support network, or for how long they've been exposed to uncertain and precarious situations.

An approach that neglects the socially embedded nature of vulnerability becomes a "checklist" exercise. It can help identify the specific needs that require an immediate response, such as access to healthcare or specialised housing. However, such assessments shouldn't have definitive consequences, because they neglect to consider how vulnerability is shaped by broader structural factors and circumstances, such as the prolonged uncertainty that individuals face pending a decision on their asylum applications.

Second, as a legal and bureaucratic label, "vulnerability" sustains the expectation that the protection needs of migrants can simply be placed in neat categories that can be understood and evaluated by decision makers. Meanwhile, in situations which they have the opportunity to "argue" their case to convey their needs, migrants in the most vulnerable situations may lack the resources and/or social and educational capital to "translate" their experiences into language that will be understood by policymakers and service providers.

To limit the consequences of this, the processes and criteria for assessing vulnerability should be based on in-depth knowledge and understanding of lived experiences. Measures such as regular training that involves/is led by migrants and other actors who can testify to the experiences of those seeking protection should be adopted to build capacity among decision makers. Another important step would be to further develop and implement practical guidelines, which accompany decision makers' leeway when they perform vulnerability assessments. Early and continuous support, such as through access to social workers, should also be available to migrants seeking protection, as needs and vulnerabilities may develop or only be identified over a longer period of time.

Third, "vulnerability" is an affective concept with strong emotional connotations that creates subjectivity towards determining victimhood and deservingness. In the context of its use, the agency of migrants tends to be neglected, including their ability to develop coping strategies, such as navigating and utilising knowledge on how vulnerability is assessed and used by decision makers. As a result, there is a risk of overlooking essential components contributing to the experiences of those seeking protection, including how the system prompts certain behaviour. For example, when only those who meet the bureaucratic criteria of "being vulnerable" have access to dignified living standards and/or scarce resources, people seeking such support are compelled to use their knowledge and agency to "compete" to show how vulnerable (and deserving) they are. This situation fails to recognize the resilience and vulnerability inherent to all individuals, and it does not support the development of long-term coping mechanisms.

Finally, while the operationalisation of "vulnerability" in migration and asylum policies can help identify individuals who need specific treatment and access to specific services, it does not replace the need to respect, protect and safeguard other rights and standards. The rights of all individuals seeking protection, as established through international human rights law and refugee law provisions, must be upheld irrespective of any additional vulnerabilities. Therefore, discussions about "vulnerability" shouldn't divert the focus away from essential questions such as: When does a right to protection and/or access to certain services arise? What is the exact scope and content of such a right? If vulnerability is not properly distinguished from rights, then debates over who should benefit from being labelled "vulnerable" risk losing sight of the fundamental rights of those seeking protection.

What are the implications?

When used as a legal and bureaucratic label, "vulnerability" is exclusionary: it serves as a selection tool that allows institutional actors to identify those who may gain access to services and support. The side-effects inherent to this (as described above) should be adequately considered and mitigated to better respond to the needs and rights of migrants seeking protection.

The VULNER project found that "vulnerability" is generally assessed based on personal characteristics. Such an approach can help identify individual needs that require immediate action. However, there should still be consideration of the contextual, relational, and broader structural factors that contribute to shaping individual experiences of vulnerability. At the same time, there is a need to move beyond stereotypical understandings of the experiences of migrants seeking protection, which essentialise them as passive individuals and overlooks demonstrations of agency and the development of coping strategies to overcome obstacles in accessing protection. Lastly, legal and policy discussions on how best to identify and assess vulnerabilities shouldn't divert focus away from the more general concern for upholding the rights of all migrants.

Policy recommendations

1. Contextualise vulnerability in assessment criteria and processes: Governments, international organisations, and other service providers should assess vulnerabilities in situated and contextualised ways. Access to benefits and protection should not rely exclusively on personal characteristics, such as age, gender, or the health status.

2. Integrate knowledge from migrants and their communities: Institutional actors should design and use vulnerability assessment criteria and processes in a way that integrates and responds to the knowledge and experiences of individuals seeking protection.

3. Evaluate and respond: Governments, international organisations, and other service providers should consistently and regularly assess if the use of "vulnerability assessments" is adequately responding to the needs of (all) migrants seeking protection. There must be room to make adjustments that respond to changing contexts and individual situations. Training and guidelines must be used to support decisions.

4. Acknowledge and support the agency of migrants seeking protection: Policies and service providers should recognise and support the resilience and ability of individuals seeking protection to develop coping strategies, while not using this to exclude them from accessing services and resources.

5. Distinguish "vulnerability" from rights: Vulnerability assessments and criteria should guide the operationalisation of legal standards, not replace them.

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Towards Vulnerability Assessments that support the Customized Implementation of Asylum Law and Policies
This Policy Brief was prepared by Luc Leboeuf, Cathrine Brun, Marie-Claire Foblets, Susanne Höb, Winfried Kluth, Hilde Lidén, Sabrina Marchetti, Delphine Nakache, Sophie Nakueira and Sylvie Sarolea, based on inputs from all the VULNER project members.

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In this policy brief, a group of eminent experts and Population Europe review the challenges and gaps in its implementation, such as a lack of adequate assistance and protection for victims of trafficking and missing identification systems.
Written by Sabrina Marchetti and Letizia Palumbo, edited by Susanne Höb

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The VULNER Project – Vulnerabilities Under the Global Protection Regime
How Does the Law Assess, Address, Shape and Produce the Vulnerabilities of the Protection Seekers?

The VULNER consortium is coordinated by the Max Planck Institute for Social Anthropology, and it includes Population Europe, the Catholic University of Louvain (UCLouvain), the Martin Luther University of Halle-Wittenberg, the Ca' Foscari University of Venice, the Norwegian Institute for Social Research, the University of Ottawa, McGill University, York University, and the Centre for Lebanese Studies.

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