Chapter 5
Gendering Asylum

By the end of 2019, 79.5 million people of concern (refugees and internally displaced) around the world had been forced from their home countries. It represents over three times the number of people of concern compared to the figure at the beginning of the twenty-first century. The major development since the peak in asylum applications in 2015 in Europe has been the large-scale emigration of Venezuelans, who as of 2019 are now among the top three nationalities in Europe, especially in Spain, and the outflow from Afghanistan since the takeover by the Taliban in August 2021. On the other hand, Covid-19 has led to a significant reduction in applicants in 2020, especially among Colombians and Venezuelans arriving by air (EASO, 2021).

Women comprise the majority of those escaping generalized conflict, but only a minority of those who manage to seek asylum in the Global North due to the fact that moving long distances requires considerable resources and frequently necessitates the use of smugglers (Damir-Geilsdorf & Sabra, 2018). In many of the countries with large numbers of populations of concern, such as Colombia, DR Congo, South Sudan and Syria, women form the majority or almost half of the displaced population (UNHCR Statistical Yearbook, 2016, table 13). For example, Syria, which had become the largest refugee producing country, had an estimated 6.5 million Syrian citizens internally displaced and more than 4.8 million in neighbouring countries by the end of 2016. Women form the majority of the internally displaced in Syria itself and about half in neighbouring countries such as Jordan, Lebanon and Turkey (Freedman et al., 2017; Williams et al., 2020).

It was only in the 1980s that concerns about women in forced migration came to the fore among academics and international organisations (Indra, 1999). A gender approach, she noted, was still in its infancy in the 1990s, and would require more attention being paid to situationally specific and in-depth knowledge of women and men forced migrants, including the class, ethnic, national and transnational systems of which they are part (ibid: 21). Yet, as with other forms of migration, international statistics on the gender breakdown of refugee populations was for a long time not available, leading to the erroneous idea that the majority of assisted refugees in the Global South were women and children (Zlotnik, 2003). Though more statistics have

become available since 1998, these are often not collected systematically for each stage of the asylum process and the different outcomes (Belloni et al., 2018; Kofman, 2019).

In this chapter we firstly outline the growing attention paid to gendered aspects of forced migrations in the 1990s in the Global South (Hyndman, 2010; Fiddian-Qasmiyeh, 2014) and the ways in which such gendered movements have been represented. Whilst it was men who reached the Global North, far fewer women were able to submit claims for asylum and thereby obtain refugee status. According to the 1951 Refugee Convention a refugee is defined "as a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it". Feminist scholars drew attention to the fact that the Convention failed to incorporate gender-related persecution and suggested ways in which such considerations could be incorporated within the limits of the Convention (Crawley, 1999; Macklin, 1999).

Although following the disintegration of Yugoslavia in the first half of the 1990s, Europe had known large-scale displacement from East to West with a peak of 700,000 asylum seekers in 1992, the 2015 influx brought in twice the number of persons as in the earlier period. The high level reflected both recent conflicts in Syria as well as protracted conflicts in Afghanistan, Eritrea and Somalia. Furthermore, in the past few years a large-scale exodus of over four million persons from Venezuela have also sought refuge, largely in the Americas as well as Spain.

In the second section we highlight how the large-scale flows of 2015, labelled as a migration or refugee crisis by politicians and the media, were characterised as one of the most significant post-war developments. This time, the large-scale displacement into Europe, as opposed to refugees located in the Global South, intensified some of the ongoing critical discussions around gender and refugee issues. These included the need for more disaggregated data, not just by gender but also in relation to other social divisions, and greater knowledge about the gendered experiences of border crossings and journeys (Holloway et al., 2019; Pruitt et al., 2018). One of the contentious issues has been the depiction of refugee women as victims and vulnerable (Belloni et al., 2018; Kofman, 2019; Parrs, 2018), the critique of the concept of vulnerability in humanitarian policies (Sozer, 2020; Turner, 2019b) and its implications for women, men and unaccompanied minors. Another emerging topic in academic and policy circles has been the treatment of sexuality-based asylum claims (Arbel et al., 2014) and the reception experiences of LGBTQI individuals (Henley, 2020).

5.1 Emergence of Gendered Perspectives on Forced Migration

The study of gender and refugees was slow to take off and remained fragmented for some time until the 1990s (Hyndman, 2010; Indra, 1999). Until gendered disaggregated data became available, there was an assumption that displaced persons

were overwhelmingly female but the figures released in 1998 demonstrated that women only amounted to just less than half of assisted refugees in Africa (Zlotnik, 2003). Even now disaggregated data by sex are available for only 46% of the total UNHCR population of concern.

It has been argued that gendered imagery fundamentally shifted the representation of the refugee from a heroic European male to a depoliticised Third world mother and child or the womananddhild (Enloe, 1989) depicted as victims of generalised violence and poverty. This made it easier to attract funding for humanitarian assistance in the South through which the state played out its paternalistic role of saviour and protector (Johnson, 2011). Although UNHCR (1991) had adopted its policy on refugee women in 1990s, this tended to focus on women in their reproductive and domestic roles as defined in the World Conference on Women in Nairobi in 1985 rather than gender equality. Instead, it has been argued that traditional gendered images of the vulnerable and dependent female in need of protection have dominated refugee policies (Baines, 2004). Hyndman and Giles (2017) also argue that those who stay in the Global South are viewed positively as genuine, immobile, depoliticised, and feminised, while those on the move, in particular if aiming to reach the Global North, are perceived in negative terms as potential liabilities and/or security threats, which, as we shall see, is particularly associated with young refugee men.

Another area of critique and activism involved the 1951 Refugee Convention which, though supposedly neutral, was formulated around male norms and did not acknowledge gendered experiences of persecution (Crawley & Lester, 2004). It privileged the persecution of the actor in the public sphere in contrast to experiences in the private sphere of the family and home which might include familial and domestic violence, rape, and female genital mutilation. UNHCR recognized that 'historically, the refugee definition has been interpreted through a framework of male experiences, which has meant that many claims of women and of homosexuals have gone unrecognised' (UNHCR, 2002: n. 1), but suggested such recognition should be done through gender sensitive guidelines. The list of grounds of discrimination in the Convention were race, religion, nationality, political opinion, or membership in a particular social group, but did not include sex or gender. While gender sensitive guidelines had been passed in Canada (1993), United States (1995) and Australia (1996) (Macklin, 1999), progress was much slower in Europe (Ali et al., 2012). Although the guidelines have no status at the level of international law, they do spell out what it means to take into account gender-related persecution and issues of evidence and credibility assessment in refugee determination (Arbel et al., 2014). Importantly they enable women to make claims on the basis of persecution by private actors and in private spaces and have paved the way for sexuality-related claims. UNHCR argued that persecution based on gender, gender identity, and sexual orientation all stem from a common source, that of non-conformity to rigidly defined gender roles and gender norms (UNHCR, 2002, 2012). In its Guidelines, the UNHCR stated that "female applicants may be subjected to the same forms of harm as male applicants but they may also face forms of persecution specific to their sex,

such as sexual violence, dowry-related violence, female genital mutilation, domestic violence and trafficking".

Yet the way in which gendered and sexual persecution should be recognised in the Convention also gave rise to debate between divergent ways of responding to its absence. The first is to classify women and LGBTQI claims within the remit of membership of particular social groups, the preferred option favoured by the UNHCR and the European Union for claims on the basis of gender and sexual persecution (Arbel et al., 2014), and which has prevailed in virtually all European countries (Ali et al., 2012); the second is to recognize these forms of persecution through the nexus of political opinion, nationality or religious identity (Crawley, 1999, 2021).

Within the EU in the first decade of the century, an average of about a third of female asylum seekers masked substantial differences from just over 10% to just under 50% in Poland. Another difference was whether disaggregated data were published (Ali et al., 2012). In addition the extent to which women asylum seekers were granted the more secure refugee status as opposed to subsidiary protection also differed markedly. For example, in Sweden the higher percentage given subsidiary protection statuses, a lower level than the Convention refugee status, reflected the fact that membership of a particular social group, to which gender-related persecution was aligned, was granted a lower level of protection. Only Romania included gender as a ground of persecution, while other countries interpreted gender-related persecution as falling in the category of a particular social group (Ali et al., 2012). How each form of persecution was interpreted and recognised for purposes of asylum determination also varied between countries. Following the gender guidelines, issues of sexuality began to draw attention.

> **Box: Sexuality and Grounds for Persecution**
> The subsequent decade saw quite a lot of activity around the recognition of sexuality as grounds of persecution with the UNHCR (2008) publishing its guidelines on claims relating to sexual orientation and gender identity in 2008 and the European Union recognizing sexual orientation as a cause of persecution in Article 10 of the EU Asylum Qualification Directive (2011) (Lewis & Naples, 2014). As with gender, this form of persecution was slotted into the category of particular social groups even though there might be other relevant grounds, such as cases where activism around LGBT issues might be seen as being in opposition to prevailing political or religious views and practices (Fiddian-Qasmiyeh, 2014). However unlike gender-related persecution, a comparative report on fleeing homophobia (Jansen & Spijkerboer, 2011) found there was virtually no data collected and a substantial disparity on how claims were dealt with.

Despite advances on gender-sensitive guidelines in some countries in the 1990s, there were still few comprehensive studies of women asylum seekers and refugees (Bloch et al., 2000). Indeed it was surprising that a large-scale intra-European forced migration phenomenon received so little attention from a gendered perspective. As previously noted, the disintegration of Yugoslavia and ethnic cleansing in Bosnia and Herzegovina (BiH) in the first half of the 1990s led to massive outflows to countries such as Australia and the United States as well as to other European states. Germany, which received the largest number, only gave a temporary status (tolerated or humanitarian). Thus at the end of the conflict in December 1995, the vast majority in Germany were repatriated to BiH. Of the 320,000 from BiH in Germany in 1992–5, only 22,000 remained in 2005. Unlike the minority of women applying for asylum in Europe, estimated to be about 29% in the mid 1990s (Crawley & Lester, 2004), Bosnian emigration according to statistics for BiH emigrants in OECD countries comprised 51.4% women. There were generally more women than men among refugees in the 15–29 years group, and especially for those 20–24 years old. It seems surprising that this large-scale displacement has generated few publications (Franz, 2003; Kačapor-Džihić & Oruč, 2012; Muftić & Bouffard, 2008), thus maintaining a binary portrayal of a female refugee majority in the South and a minority of female asylum claimants who have manged to cross borders into Europe (Johnson, 2011) to prevail.

In terms of conflict-inducing displacement, the role of sexual violence in generating displacement gained credence through the systematic use of rape in Bosnia in the 1990s and later Rwanda. Article 7(1g) of the Rome Statute of the International Criminal Court, in force since 2002, includes 'Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity' as crimes against humanity when they are committed in a widespread or systematic way. Subsequently it has been argued that the practice of gender-based violence against boys and men in war and post-conflict situations has also to be recognised rather than treated simply as degrading treatment (Carpenter, 2006).

During the 1990s and the increase in refugee numbers in Europe, states proliferated legal statuses and associated rights to work and generated a stratified system of social protection (Kofman, 2002; Morris, 2002). However by the first decade of this century, the number of asylum seekers had been much reduced, in part due to increasingly restrictive bordering measures. Soon this would change as a series of new and protracted conflicts in the Middle East, North Africa and Africa combined to produce the unprecedented numbers seeking asylum and refugee status in Europe (see Table 5.1). The percentage of women hovered around a third.

In the next section we turn our attention to issues concerning the gendered aspects of the 2015 influx and an increasing percentage of female applicants (38.1% of first applicants out of a total of 612,700 in 2019 and 36.1% out of 416,600 in 2020 for EU-27 countries).

Table 5.1 Asylum seekers in the European Union (by sex and year of application)

Year	Female applicants	Male applicants	Percentage of women
2008	72.745	183.331	28
2009	93.950	203.075	32
2010	97.170	187.650	34
2011	106.355	235.315	31
2012	126.240	247.205	34
2013	150.760	307.710	33
2014	195.885	466.100	30
2015	384.995	1.006.160	28

Source: EUROSTAT online database

5.2   Displacement to Europe

Ever since the 1990s and the end of the Cold War, European states and then the European Union had been tightening rights to access not just into the territory and residence through its bordering processes, both externally and though everyday practices within states. Bordering is not only about who moves but also who controls the movement and under what conditions (de Genova, 2017; Yuval-Davis et al., 2019). In doing so, it filters and stratifies according to categories of nationality, education, age and gender, and who is perceived as likely to belong to and integrate into a modern society (see Chap. 6). Both within the EU and in individual states, an arsenal of policies contributed to an intensification of classifications, categories of eligibility and special spaces designated for asylum seekers. These included policies designating which country was responsible for asylum claims, for example, as in the Dublin Regulation, originally implemented in 1997 and changed several times since then with the aim of reducing 'asylum shopping'. Some countries were designated as safe and from which claims for asylum claims were set aside; others were recognised as places of conflict and thereby valid sites for claims. This gave rise to very different rates of recognition of claims from the Syrians with at the end of 2016 the highest rate of recognition of 98% (refugee, subsidiary protection, humanitarian) and Eritreans with 93% whilst others, particularly from sub-Saharan Africa, such as Nigerians, and Pakistan had had very high rates of rejection of over 80% (Eurostat Asylum Statistics). Special spaces or hotspots (D'Angelo, 2019) effectively serving as spaces of detention, were also created in several sites in Sicily as from the end of 2015 and then on the Greek Islands to filter the 'genuine' asylum seeker, often reduced to nationality, from the economic migrant (Crawley & Skleparis, 2018). However as D'Angelo (2019) cautions, for Italy these were simply factories manufacturing illegality since applicants were rarely repatriated but left to remain undocumented and without rights. In part the nationality classification is inflected by humanitarian principles influenced increasingly by categories derived from the concept of vulnerability (Peroni & Timmer, 2013). Those to whom the label of 'vulnerable' is affixed are given priority in border crossings and access to resources. As we shall show, women disproportionately fall into these categories (pregnant,

single parents) in contrast to men who are more likely to be seen as threatening or able to look after themselves (Kofman, 2019).

Whereas the early flows of asylum seekers in Europe were predominantly men, the share of women rose as from the end of 2015 and until the EU-Turkey deal in March 2016 which closed off this particular route. The visible dominance of men generated negative, though sometimes contradictory, comments on men who had fled to Europe (Herz, 2019; Scheibelhofer, 2017, 2019). Analysis of social media portrayed them as threatening to society and women in general or as cowards unwilling to fight, having left women and children behind to fend for themselves (Helms, 2015; Pruitt et al., 2018; Rettberg & Gajjala, 2016). So men emerged as potential terrorists and security threats, which would be reinforced by subsequent events in the Paris bombings of November 2015, the incident on the Thalys train from Brussels to Paris and the bombings in Brussels in March 2016, for which it was suggested that some of the perpetrators had returned among refugees. This and security fears also had repercussions on resettlement programmes resulting in the Canadian government excluding single, except gay, men from its Syrian resettlement programme (Kingsley, 2015). Others questioned taking in such male-dominated populations, especially among unaccompanied minors who would soon transition to adulthood, and pose a threat to Europe's gender equal societies (Hudson, 2016; Pruitt et al., 2018). A majority of tweets on #refugeesNOTwelcome invoked gender-based arguments or imagery against immigration or refugee settlement and explicitly linked the arrival of refugees to gender-based violence or the subjugation of women (Ingulfsen, 2016; Kreis, 2017).

For the Mediterranean sea crossings as a whole in 2015, 58% of the 1,015,078 were men, 17% women and 25% children though masking quite divergent patterns. However, by November 2015, a shift to an increasing number of women, including single and pregnant women, and children was being reported for the Greek route (UNHCR et al., 2016), a 10% increase since May 2015. The percentage of women among asylum applicants in Germany had increased from 21% in 2015 to 32% in 2016 (Damir-Geilsdorf & Sabra, 2018). It is likely that one of the reasons this happened was family separation at different stages of the process and the difficulties in re-joining family members (Costello et al., 2017; Damir-Geilsdorf & Sabra, 2018). The slow process of family reunification in countries of origin with very long waiting times to obtain papers meant that some left without waiting for official permission (Squire et al., 2017). Getting out of Greece to join family members could also take time, especially once Germany and Sweden put a brake on family reunification from the end of 2015 and 2016 for those with subsidiary protection (see Chap. 4). Yet in Italy, with much lower numbers in 2015, and which had very different source countries primarily from Africa, the percentage of female migrants remained low (Table 5.2).

The percentage of women also varied considerably between nationalities. In Greece, at the end of 2015 the nationalities with highest shares of women were Syrians (43%), Afghanis (29%) and Iraqis (12%). In Italy, it was Nigerians who had the highest rate of women (25%) followed by Eritreans (22%) and Somalis (21%).

Refugee women are a sizeable and growing group. According to data from Eurostat, about half a million women obtained international protection in Europe

Table 5.2 Percentage of men, women and children among arrivals in 2015 and 2016

	2015		2016 (Jan–Sept)	
	Greece	Italy	Greece	Italy
Men	55	75	41	61
Women	17	14	21	12
Children	28	11	38	27[a]

Source: UNHCR

[a]In Italy unlike in Greece, there were large numbers of unaccompanied minors so that the 27% children was made up of 14% accompanied and 13% unaccompanied children

since 2015, of whom 300,000 are in Germany. The presence of refugee women is also expected to rise further through family reunification (see Chap. 4), as the majority of spouses concerned are women. The greatest gender differences were observed for asylum applicants who were 14–17 or 18–34 years old, where 67.9% and 69.0%, respectively, of first-time applicants were male, with this share dropping back to 58.0% for the age group 35–64 years (Eurostat, May 2020). Unaccompanied minors remain overwhelmingly male but there is very little gender disaggregated data of children as if they were gender neutral (Kofman, 2019).

However despite the growing availability of data on gender breakdown together with age, disaggregation does not reveal the heterogeneity of asylum seekers characteristics, with whom refugees have travelled and their aspirations. Disability (Rohwerder, 2018) and age too are highly relevant in the way asylum seekers and refugees experience their journeys and settlement. Yet we have little information or data on disability, despite the UNHCR having recognised refugees with disabilities as a group to whom it had obligations (Fiske & Giotis, 2021). It can be seen as reflecting a focus in forced migration on heternonormative productive bodies (Pisani & Grech, 2015).

Disaggregating data would allow us to gain a better understanding of the politics of gendered mobilities and unequal access to mobility (Uteng & Cresswell, 2008). For this we need to turn to smaller surveys and qualitative research based on ethnographies, interviews and films. A number of surveys were conducted during the peak of the Mediterranean crossings. For example, in the first wave of the survey (March–July 2016) for the project *EVI-MED: Constructing an evidence base of contemporary Mediterranean migrations* (Blitz et al., 2017), women in Greece were far more likely than men to be divorced or widowed (9 women compared to 2 men), while 9 were single so that a third were, therefore, without a husband. The majority had children with them in Greece, few (2) had left children behind in the country of origin with 9 of them having children elsewhere. Few women (5) had travelled alone compared to men (26). UNHCR (2016a, b) also conducted interviews at the beginning of 2016 with Syrians and Afghans on the islands (Lesvos, Chios, Samos and Leros). Of the 524 Syrians interviewed, 23% were women of whom 2% were pregnant and 2% lactating. 80% had travelled with close family, 10% with extended family, 7% with friends and colleagues and only 11% were alone. 18% of respondents were part of a single male-headed household and 19% a female-headed household. 7% had left behind a spouse, 40% a parent and 13% children.

In Italy, as previously noted, there were far fewer women. The EVI-MED survey comprising 202 individuals (March–June 2016) indicated that of the 23 women surveyed, 14 were single and three widowed. 12 did not have any children and, of the 11 who did, only 3 were living with them in Sicily. Although fewer women had travelled alone (60%) compared to men (76%), this is considerably higher than for women in Greece.

We therefore need to delve more deeply to capture the experiences of women, men and children (UNICEF, 2020) as they cross international borders under inhospitable conditions and understand the relationship between the harm, distress and violence many are subjected to as well as the agency they deploy (Grotti et al., 2018; Holloway et al., 2019; Oxfam, 2016). It is particularly important we do so in order not to insert their stories into prevailing stereotypes of asylum seekers and migrants. As we have previously noted, sex work is frequently coupled with sex trafficking (Chap. 3), especially for certain nationalities, such as Nigerian women in Italy, who are rendered as pure victims without any agency. Most had traversed Libya, a highly dangerous and violent country where many individuals had experienced serious harm of sequestration, forced labour, kidnapping and sexual violence from a variety of sources. It is not easy to distinguish sex trafficking from using transactional sex to undertake a journey (Crawley et al., 2016; Hodal, 2020). Nigerian women in particular are closely associated with sex work (Plambech, 2017; Rigo, 2017).

Taking away agency has also been problematic in the increasing application of vulnerability criteria in relation to particular categories of asylum seekers and refugees, often pushing them to perform vulnerability in order to be prioritised for allocation of resources. For example, November 2015, UNHCR financed NGOs in Greece to offer housing, either in hotels or apartments, to eligible asylum seekers, such as those enrolled in the EU Relocation Scheme, Dublin family-reunification candidates, and, since 2016, "vulnerable" applicants. Others may self-vulnerabilise in order to gain access to resettlement schemes to wealthier countries (Parrs, 2018). The name of the UK Syrian Vulnerable Persons Scheme reflects this in its stated preference for families, thus excluding single men (Turner, 2017).

5.3   Vulnerability

The concept of vulnerability has emerged in the past two decades in political, social and legal theory (Fineman, 2008; Turner, 2006), in ethics and public health (Luna, 2019) and in humanitarian policies (Heidbrink, 2021; Sozer, 2020; Turner, 2019a, b). Martha Albertson Fineman starts from a critique of the liberal notion of the autonomous individual which she argued should be replaced by the vulnerable subject 'describing a universal, inevitable and enduring aspect of the human condition that must be at the heart of our concept of social and state responsibility' (2008: 8). For her the condition of vulnerability should be understood as stemming from our embodiment which carries the possibility of harm, injury and misfortune in the past, present and future, and which may render us more dependent over the life course.

Thus vulnerability represents connectivity between individuals and applies to every-one, and not simply to designated groups, as in the approach to vulnerability adopted in the European Human Court of Human Rights case law (Al Tamini, 2015; Peroni & Timmer, 2013) and in UNHCR humanitarian interventions (Sozer, 2020; UNHCR, 2014).

A number of critiques have been levelled at the application of vulnerability and its classification of vulnerable individuals and groups. Initially asylum seekers as a group (ECRE, 2017) were considered to be vulnerable and in need of special protection as in the case of M.S.S. v Belgium and Greece (ECtHR [GC] 21 January 2011, no. 30696/09 (M.S.S. v. Belgium and Greece) in which the systematic deficiencies of the Greek asylum system, such as a lack of reception centres, inability to access the labour market, lengthy procedures in having asylum requests examined and the traumas asylum seekers had been through during the process of migration could be said to contribute to 'the institutional production of vulnerability of asylum seekers in Greece' (Peroni & Timmer, 2013: 1069). Yet, as the number of asylum seekers increased, so too has the label of vulnerability been restricted to particular groups (ECRE, 2017) designated by the European Union in its Qualification Direc-tive (2011) and the UNHCR (2013).

However, we know little about the recipients of prioritisation and what the impact of being designated vulnerable has had on their lives. A partial exception was the pre-registration exercise in summer 2016 in Greece which provided a picture of the composition of the vulnerable population (see Table 5.3). The majority of adults were women due to the large numbers of those who were pregnant, had recently given birth or were single parents with children. Among the vulnerable categories listed, there seemed to be a tendency to privilege protection based on past harm, such as disability, torture, and exploitation, or those who care for or are dependent on

Table 5.3 Vulnerabilities by type and gender in Greece. Pre-registration June–July 2016

Category of vulnerability	Male	% of total male adults	Female	% of total female adults	Total no.
Single parents with minor children	104	15.3	627	38.4	731
Pregnant women/recently given birth	0	–	522	32.0	522
Incurable or serious diseases	174	26.6	174	10.7	348
Disability	209	30.8	104	6.4	213
Elderly	104	15.3	139	8.5	243
Post-traumatic disorder	39	5.7	39	2.4	78
Torture	39	5.7	10	0.6	49
Rape or serious exploitation	10	1.5	17	1.0	27
Total adults	679		1632		3481
Total adults and unaccompa-nied minors	1688		1841		3481

Source: Hellenic Republic, Ministry of Interior and UNHCR pre-registration data analysis 9 June-−30 July 2016

others, such as single parents with young children, or those who require additional support, for example, pregnant women, the elderly, the disabled and unaccompanied children. What also distinguishes most of these categories are that they are the most visible and easily identifiable, though those with mental health problems may not want to disclose this. This check list expedites the process of classification, as a hard-pressed doctor working with disembarking asylum seekers in Italy, stated (Heidbrink, 2021).

> **Box: Vulnerable Groups**
>
> However, an odd absence from this list are single women travelling on their own who have been identified in a number of reports (Women's Refugee Commission, 2016a, b) and their own stories of dangerous and threatening situations and gender- based violence from a variety of actors (Rigo, 2017). Transactional or survival sex was demanded to cross a border or advance on their journey, especially amongst those travelling from sub-Saharan Africa through Libya. Yet, the reliance on a labelling or listing approach to facilitate the governance of asylum and refugee management neglects those whose vulnerability derives primarily from their insecure situations.

Apart from the critique of this classification having become a listing exercise that fails to take into account a more contextual and situated concept of actual and potential harm, others have highlighted the absence of men from this conceptualisation (Turner, 2019a). Indeed the remit of organisations is often limited to assessment of risks faced by individuals though they have noted risks for boys and men arising from forced conscription and traumatic journeys (UNHCR et al., 2016). More comprehensive critiques have surfaced recently in relation to its close association with neo-liberal humanitarianism and rationing of resources with problematic consequences in its redistribution between refugees (Sozer, 2020). For Heidbrink (2021), it is a means that states and humanitarian actors deploy to govern contemporary mobility and restrict access to much reduced services in increasingly privatised welfare regimes. Turner's shift in position is quite instructive. Having argued for the inclusion of men as vulnerable subjects, which consequently would 'disrupt prevailing humanitarian understandings of refugeehood as a feminized subject position' (Turner, 2019a), he subsequently (Turner, 2019b: 17) forcefully argued that we do not need more studies of refugees' "vulnerabilities" or categories such as men and LGBT (Myrttinen et al., 2017) to be incorporated. Instead we need studies of refugees' lives that are grounded in their own concepts and understandings and do not force them into performing powerlessness in order to acquire vulnerability. And as others have also commented, vulnerability has reduced their subjectivity to this aspect and stripped them having any agentic qualities. Yet at the same time, others see the addition of categories such as LGBTI into EU Directives as a good solution to pushing governments to recognise claims made on this basis (FRA, 2017).

With women in particular, the focus on vulnerability has emphasised sexual and gender-based violence in their journeys crossing the Mediterranean and Europe and in reception facilities, especially in Germany and Sweden which received the largest number of asylum seekers (Bonewit & Shreeves, 2016; Honeyball, 2016; Women's Refugee Commission, 2016a, b). A number of scholars have critiqued the reduction of their situation to one of the official definitions of vulnerability (Belloni et al., 2018; Fiddian-Qasmiyeh, 2014; Freedman, 2015; Freedman et al., 2017) and the failure to take account of the complexity of their situations. Some have argued that the excessive emphasis of women's victimisation (Pittaway & Bartolomei, 2018), has rendered it difficult to develop appropriate measures for supporting them in transit and in the country of destination in relation to sexual and gender-based violence (Grotti et al., 2018; Ozcurumez et al., 2020).

So, too, have unaccompanied children been represented as quintessentially vulnerable (Heidbrink, 2021; Pruitt et al., 2018) without taking into account their aims and aspirations, especially for those escaping countries of protracted conflict without any sense of future or opportunities (Belloni, 2020). Their categorisation as vulnerable persons fixes them temporally into a particular status in their life course without taking into account their continuing vulnerability, especially as they confront the insecurity of their transition into adulthood (Heidbrink, 2021).

Whilst sexual orientation and gender identity are included in the Qualifications Directive 2011 (FRA, 2017) laying down which grounds are eligible for international protection, they are not enumerated in the Reception Directive 2013 as grounds of vulnerability though it has been argued that the grounds can be extended. Above all, many asylum seekers complain about the expectations that are expected of them to demonstrate that they are LGBTI, that is the credibility assessment. Across Europe, four in ten asylum seekers with such claims experience a 'culture of disbelief' that they had suffered or were at risk of persecution (Danisi et al., 2020; Henley, 2020). Sexuality and gender identity intersected with other reasons (country of origin, cultural background, demeanour, educational background, religion) in leading to their claims being rejected. In terms of reception facilities, there have over time been attempts to provide LGBTI asylum seekers, who are often harassed, with more secure accommodation, as has been the case in Germany (AIDA/ECRE, 2020).

5.4   Conclusion

In this chapter, we have traced the growing attention paid to gender and sexuality aspects of asylum and refugee flows, claims making and protection. No longer is it a matter of the analysis of the displaced being located some distance away in the Global South. It is important to adopt an historical perspective since as, we highlighted, the rapid growth of refugee claims had an earlier presence in the 1990s following the break-up and ethnic cleansing in the former Yugoslavia. Then, as now, the common response on the part of European states has been to

stratify those making claims into diverse categories bearing different rights to remain and access legal and socio-economic rights in the Global North.

Today 20 plus years on, we see a humanitarian system in crisis where states and the European Union under neo-liberal governance and hostile environments towards migrants and refugees have left humanitarian and profit-making sectors to manage securitization of borders, including the filtering into categories. One of the means of processing asylum seekers into groups, between those to be settled with rights, those left in limbo and those to be deported, is the application of vulnerability in conjunction with nationality, often reflecting racialised notions of the other. As we have also explored, vulnerability has generated considerable critique, initially around which categories were included and excluded followed by a more radical questioning of the application of vulnerability altogether and the ways it has served to restrict access to protection and services. As Judith Butler (2016: 15) commented: 'Once groups are marked as 'vulnerable' within human rights discourse or legal regimes, those groups become reified as definitionally 'vulnerable', fixed in a political position of powerlessness and lack of agency. All the power belongs to the state and international institutions that are now supposed to offer them protection and advocacy'.

References

AIDA/ECRE. (2020). *Special reception needs of vulnerable groups*. Germany

Al Tamini, Y. (2015). *The protection of vulnerable groups and individuals by the European Court of Human Rights*. MSc Tilburg Law School.

Ali, H. C., Querton, C., & Soulard, E. (2012). *Gender related asylum claims in Europe. A comparative analysis of law, policies and practice focusing on women in nine EU Member States France, Belgium, Hungary, Italy, Malta, Romania, Spain, Sweden and the United Kingdom*. Directorate General for Internal Policies, Policy Department C: Citizens' Rights and Constitutional Affairs, Gender Equality.

Arbel, E., Dauvergne, C., & Millbank, J. (Eds.). (2014). *Gender in refugee law: From the margins to the Centre*. Routledge.

Baines, E. (2004). *Vulnerable bodies: Gender, the UN and the global refugee crisis*. Ashgate.

Belloni, M. (2020). Family project or individual choice? Exploring agency in young Eritreans' migration. *Journal of Ethnic and Migration Studies, 46*(2), 336–353.

Belloni, M., Pastore, F., & Timmerman, C. (2018). Women in Mediterranean asylum flows: Current scenario and ways forward. In C. Timmerman, M. L. Fonseca, L. v. Praag, & S. Pereira (Eds.), *Gender and migration: A gender-sensitive approach to migration dynamics* (pp. 195–216). University of Leuven Press.

Blitz, B., D'Angelo, A., Kofman, E., & Montagna, N. (2017). *Mapping refugee reception in the Mediterranean. First Report of the EVI-MED Project*. Middlesex University. www.mdx.ac.uk/evimed

Bloch, A., Galvin, T., & Harrell-Bond, B. (2000). Refugee women in Europe: Some aspects of the legal and policy dimensions. *International Migration, 38*(2), 169–188.

Bonewit, A., & Shreeves, R. (2016). *Reception of female refugees and asylum seekers in the EU: Case study Germany*. Directorate General for Internal Policies, Policy Department C: Citizens' Rights and Constitutional Affairs Women's Rights & Gender Equality.

Butler, J. (2016). Rethinking vulnerability and resistance. In J. Butler, Z. Gamberri, & L. Sabsay (Eds.), *Vulnerability in resistance* (pp. 12–27). Duke University Press.

Carpenter, C. (2006). Recognizing gender-based violence against civilian men and boys in conflict situations. *Security Dialogue, 37*(1), 83–103.

Costello, C., Gorenendijk, K., & Storgaard, L. (2017). *Realising the right to family reunification of refugees in Europe*. Refugee Studies Centre, University of Oxford.

Crawley, H. (1999). Women and refugee status: Beyond the public/private dichotomy in UK asylum policy. In D. Indra (Ed.), *Engendering forced migration* (Theory and practice) (pp. 308–333). Berghahn Books.

Crawley, H. (2021). Gender, 'refugee women' and the politics of protection. In C. Mora & N. Piper (Eds.), *The Palgrave handbook of gender and migration* (pp. 359–372). Palgrave Macmillan.

Crawley, H., & Lester, T. (2004). Comparative analysis of gender-related persecution in national asylum legislation and practice in Europe. *UNHCR Regional*.

Crawley, H., & Skleparis, D. (2018). Refugees, migrants, neither, both: Categorical fetishism and the politics of bounding in Europe's 'migration crisis'. *Journal of Ethnic and Racial Studies, 44*(1), 48–64.

Crawley, H., Düvell, F., Jones, K., McMahon, S., & Sigona, N. (2016). *Destination Europe? Understanding the dynamics and drivers of Mediterranean migration in 2015*. MEDMIG Final Report www.medmig.info/research-brief-destination-europe.pdf

D'Angelo, A. (2019). Italy: The 'illegality factory'? Theory and practice of refugees' reception in Sicily. *Journal of Ethnic and Migration Studies, 45*, 2213–2226.

Damir-Geilsdorf, S., & Sabra, M. (2018). *Disrupted families. The gender impact of family reunification policies on Syrian refugees in Germany*. UN Women Discussion Paper 23.

Danisi, C., Dustin, M., Ferreira, N., & Held, N. (2020). *Queering asylum in Europe: Legal and social experiences of seeking international protection on grounds of sexual orientation and gender identity*. Springer.

De Genova, N. (2017). Introduction. The borders of "Europe" and the European question. In N. De Genova (Ed.), *The borders of "Europe": Autonomy of migration, tactics of bordering* (pp. 1–35). Duke University Press.

Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection. http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0096:0116:EN:PDF

EASO. (2021). *Asylum Trends*. https://easo.europa.eu/latest-asylum-trends

ECRE. (2017). *The concept of vulnerability in European asylum procedures*. Asylum Information Database European Council on Refugees and Exiles. http://www.asylumineurope.org/sites/default/files/shadowreports/aida_vulnerability_in_asylum_procedures.pdf

Enloe, C. (1989). *Beaches. Bananas and bases*. Pandora Press.

Eurostat. (2020). *Asylum Statistics*. https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics

Fiddian-Qasmiyeh, E. (2014). Gender and forced migration. In E. Fiddian-Qasmiyeh, G. Loescher, K. Long, & N. Sigona (Eds.), *The Oxford handbook of refugee and forced migration studies* (pp. 395–408). Oxford University Press.

Fineman, M. (2008). The vulnerable subject: Anchoring equality in the human condition. *Yale Journal of Law & Feminism, 20*(1), 1–23.

Fiske, L., & Giotis, C. (2021). Refugees, gender and disability: Examining interactions through refugee journeys. In C. Mora & N. Piper (Eds.), *The Palgrave handbook of gender and migration* (pp. 441–454). London/New York.

Franz, B. (2003). Transplanted or uprooted? Integration efforts of Bosnian refugees based upon gender, class and ethnic differences in New York City and Vienna. *The European Journal of Women's Studies, 10*(2), 135–157.

Freedman, J. (2015). *Gendering the international asylum and refugee debate* (2nd ed.). Palgrave Macmillan.

Freedman, J., Z. Kivlicim and K. Baklauciglu, K. (eds) (2017). A gendered approach to the Syrian refugee crisis.

Fundamental Rights Agency (FRA). (2017). *Current migration situation in the EU: Lesbian, gay, bisexual, transgender and intersex asylum seekers*. FRA.

Grotti, V., Malakasis, C., Quagliariello, C., & Sahraoui, N. (2018). Shifting vulnerabilities: Gender and reproductive care on the migrant trail to Europe. *Comparative Migration Studies, 6*, 23. https://doi.org/10.1186/s40878-018-0089-z

Heidbrink, L. (2021). Anatomy of a crisis: Governing youth mobility through vulnerability. *Journal of Ethnic and Migration Studies, 47*(5), 988–1005.

Helms, E. (2015, December 22). Men at the borders. Gender, victimhood, and war in Europe's refugee crisis. *Focaal Blog*.

Henley, J. (2020, July 9). LGBT asylum seekers' claims routinely rejected in Europe and UK. *The Guardian*. https://www.theguardian.com/uk-news/2020/jul/09/lgbt-asylum-seekers-routinely-see-claims-rejected-in-europe-and-uk

Herz, M. (2019). "Becoming" a possible threat: Masculinity, culture and questioning among unaccompanied young men in Sweden. *Identities, 26*(4), 431–449.

Hodal, K. (2020, February). 'A step away from hell': The young male refugees selling sex to survive. *The Guardian*. https://www.theguardian.com/global-development/2020/feb/21/a-step-away-from-hell-the-young-male-refugees-selling-sex-to-survive-berlin-tiergarten

Holloway, K., Stavropoulou, M., & Daigle, M. (2019). *Gender in displacement. The state of play*. Humanitarian Policy Group.

Honeyball, M. (2016). *Report on the situation of women refugees and asylum seekers in the EU (2015/2325 (INI))*. European Parliament.

Hudson, V. (2016, January 5). Europe's man problems: Migrants skew heavily male-and that's dangerous. *Politico*.

Hyndman, J. (2010). Introduction: The feminist politics of refugee migration. *Gender, Place and Culture, 17*(4), 453–459.

Hyndman, J., & Giles, W. (2017). *Refugees in extended exile. Living on the edge*. Routledge.

Indra, D. (1999). Not a "room of one's own": Engendering forced migration knowledge and practice. In D. Indra (Ed.), *Engendering forced migration: Theory and practice* (pp. 1–22). Berghahn Books.

Ingulfsen, I. (2016, January 5). Europe's main problems: Migrants skew heavily male -and that's dangerous. *Politico*.

Jansen, S., & Spijkerboer, T. (2011). *Fleeing homophobia: Asylum claims related to sexual orientation and gender identity in Europe*. COC Nederland, Vrije Universitei.

Johnson, H. L. (2011). Click to donate: Visual images, constructing victims and imagining the female refugee. *Third World Quarterly, 32*(6), 1015–1037.

Kačapor-Džihić, Z., & Oruč, N. (2012). *Social impact of emigration and rural-urban migration in central and Eastern Europe*. Final Country Report Bosnia and Herzegovina.

Kingsley, P. (2015, November 24). Canada's exclusion of single male refugees may exacerbate Syrian conflict. *The Guardian*.

Kofman, E. (2002). Contemporary European migrations, civic stratification and citizenship. *Political Geography, 21*(8), 1035–1054.

Kofman, E. (2019). Gendered mobilities and vulnerabilities: Refugee journeys to and in Europe. *Journal of Ethnic and Migration Studies, 45*(12), 2185–2199.

Kreis, R. (2017). #refugeesnotwelcome: Anti-refugee discourse on Twitter. *Discourse & Communication, 11*(5), 498–514.

Lewis, R., & Naples, N. (2014). Introduction: Queer migration, asylum, and displacement. *Sexualities, 17*(8), 911–918.

Luna, F. (2019). Identifying and evaluating layers of vulnerability – A way forward. *Developing World Bioethics, 19*, 86–95.

Macklin, A. (1999). Comparative analysis of the Canadian, US and Australian directives on gender persecution and refugee status. In D. Indra (Ed.), *Engendering forced migration: Theory and practice* (pp. 272–307). Berghahn Books.

Morris, L. (2002). *Managing migration*. Psychology Press.

Muftić, L., & Bouffard, K. (2008). Bosnian women and intimate partner violence differences in experiences and attitudes for refugee and nonrefugee women. *Feminist Criminology, 3*(3), 173–190.

Myrttinen, H, Khattab, L. and Maydaa, C. (2017). 'Trust no one, beware of everyone.' Vulnerabilities of LGBTI refugees in Lebanon. In J. Freedman et al. (eds) A gendered approach to the Syrian refugee crisis, pp. 61–76. : Routledge.

Oxfam. (2016). *Gender analysis. The situation of refugees and migrants in Greece*. Oxfam.

Ozcurumez, S., Akyuz, S., & Bradby, H. (2020). The conceptualization problem in research and responses to sexual and gender-based violence in forced migration. *Journal of Gender Studies*. https://doi.org/10.1080/09589236.2020.1730163

Parrs, A. (2018). The vulnerably refugee woman, from Damascus to Brussels. In C. Timmerman, M. L. Fonseca, L. v. Praag, & S. Pereira (Eds.), *Gender and migration: A gender-sensitive approach to migration dynamics* (pp. 217–242). University of Leuven Press.

Peroni, L., & Timmer, A. (2013). Vulnerable groups: The promise of an emerging concept in European Human Rights Convention law. *International Journal of Constitutional Law, 11*(4), 1056–1085.

Pisani, M., & Grech, S. (2015). Disability and forced migration: Critical intersectionalities. *Disability and the Global South, 2*(1), 421–441.

Pittaway, E., & Bartolomei, L. (2018). *From rhetoric to reality: Achieving gender equality for refugee women and girls*. Centre for International Governance Innovation.

Plambech, S. (2017). Sex, deportation and rescue: Economies of migration among Nigerian sex workers. *Feminist Economics, 23*(3), 134–159.

Pruitt, L., Berents, H., & Munro, G. (2018). Gender and age in the construction of male youth in the European migration 'crisis'. *Signs: Journal of Women in Culture and Society, 43*(3), 687–709.

Rettberg, J., & Gajjala, R. (2016). Terrorists or cowards: Negative portrayals of male Syrian refugees in social media. *Feminist Media Studies, 16*(1), 178–181.

Rigo, E. (2017). Re-gendering the border: Chronicles of women's resistance and unexpected alliances from the Mediterranean border. *ACME: An International Journal for Critical Geographies, 16*(1), 173–186.

Rohwerder, B. (2018). *Syrian refugee women, girls, and people with disabilities in Turkey*, K4D.

Scheibelhofer, P. (2017). "It won't work without ugly pictures": Images of othered masculinities and the legitimisation of restrictive refugee-politics in Austria. *NORMA, 12*(2), 96–111.

Scheibelhofer, P. (2019). Gender and intimate solidarity in refugee-sponsorships of unaccompanied young men. In M. Feischmidt, L. Pries, & C. Cantat (Eds.), *Refugee protection and civil society in Europe* (pp. 193–220). Palgrave Macmillan.

Sozer, H. (2020). Humanitarianism with a neo-liberal face: Vulnerability intervention as vulnerability redistribution. *Journal of Ethnic and Migration Studies, 46*(11), 2163–2180.

Squire, V., Dimitriadi, A., Perkowski, N., Pisani, M., Stevens, D., & Vaughan-Williams, N. (2017). *Crossing the Mediterranean Sea by boat: Mapping and documenting migratory journeys and experiences*. Final Project Report. www.warwick.ac.uk/crossingthemed

Turner, B. (2006). *Human rights and vulnerability*. Penn University Press.

Turner, L. (2017). Who will resettle single Syrian men? *Forced Migration Review, 54*, 29–31.

Turner, L. (2019a). Syrian refugee men as objects of humanitarian care. *International Feminist Journal of Politics, 21*(4), 595–616. https://doi.org/10.1080/14616742.2019.1641127

Turner, L. (2019b). The politics of labelling refugee men as "vulnerable". *Social Politics: International Studies in Gender, State and Society*, jxz033. https://doi.org/10.1093/sp/jxz033

UNHCR. (1991). *Guidelines on the protection of refugee women*. UN Doc. ES/SCP/67. Online: www.unhcr.org/3d4f915e4.html

UNHCR. (2002). *Guidelines on international protection: 'membership of a particular social group' within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*.

UNHCR. (2008). *UNHCR guidance note on refugee claims relating to sexual orientation and gender identity*

UNHCR. (2012). *Guidelines on International Protection No. 9: Claims to Refugee Status 1951 convention and/or its 1967 Protocol relating to the status of refugees*.

UNHCR. (2013). *Response to Vulnerability in Asylum – Project Report*. http://www.refworld.org/docid/56c444004.htm. Accessed December.

UNHCR. (2014). *Introducing the vulnerability assessment framework*.

UNHCR, UNFPA and Women's Refugee Commission. (2016). *Initial assessment report: Protection risks for women and girls in the European refugee and migration crisis*. Greece and the Former Yugoslav Republic of Macedonia.

UNHCR. (2016a). *Questionnaire findings for Afghans in Greece*. May.

UNHCR. (2016b). *Questionnaire findings for Syrians in Greece*, May.

UNICEF. (2020). *Latest statistics and graphics on refugee and migrant children Latest information on children arriving in Europe*. https://www.unicef.org/eca/emergencies/latest-statistics-and-graphics-refugee-and-migrant-children. Accessed 11 Aug.

Uteng, T., & Cresswell, T. (Eds.). (2008). *Gendered Mobilities*. Ashgate.

Williams, L., Coskun, E., & Kaska, S. (Eds.). (2020). *Women, migration and asylum in Turkey. Developing gender-sensitivity in migration research, policy and practice*. Palgrave Macmillan.

Women's Refugee Commission. (2016a). *No safety for refugee women on the European route*. Report from the Balkans. Women's Refugee Commission.

Women's Refugee Commission. (2016b). *Falling through the cracks: Refugee women and girls in Germany and Sweden*. Women's Refugee Commission.

Yuval-Davis, N., Wemyss, G., & Cassidy, K. (2019). *Bordering*. Polity.

Zlotnik, H. (2003). *The global dimensions of female migration*. March: Migration Information Source.