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Examining Asylum Seekers' "Other Vulnerabilities": Intersectionality in Context

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Abstract

This article explores how "other vulnerabilities" can be examined through an intersectional perspective. "Other vulnerabilities" are the ones either established in the current policy and legal framework at the international and national level or, in addition, those that have been identified throughout the VULNER research path, besides age, gender and human trafficking. These "other vulnerabilities" have been classified along three dimensions: *personal*, *situational* and *administrative* vulnerabilities. Against this backdrop, the present work claims how the notion of intersectionality should be used as a heuristic tool through which examine and better understand vulnerabilities. Since that intersecting vulnerabilities are the rule and not the exception, intersectionality is crucial in order to ensure a more comprehensive and tailored identification and

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assessment of vulnerability. Through an intersectional approach, vulnerability is not read and interpret along a presence/absence perspective, but as a condition composed of multiple layers that are susceptible to change in time and space.

Keywords

intersectionality – vulnerability – *personal*, *situational* and *administrative* vulnerabilities – asylum seekers

1 Introduction

Vulnerability is a vague concept. It can generally be defined as the condition of moral and/or material fragility to which a person is exposed. However, although its precise meaning is difficult to be confined within well-defined boundaries,[1] its use is increasing across the disciplines. Assuming that vulnerability is constant and universal and, thus, inherent to the human condition, Fineman believes that it can be the starting point towards a more substantive vision of equality.[2]

This polymorphous concept[3] has gradually found its way into multiple fields of law[4] and also, for the purposes of the present work, into asylum and migration law. The Preamble to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families adopted in 1990 already mentions the situation of vulnerability in which migrant workers and their families find themselves due to their absence from the State of origin and the difficulties arising in the State of employment.[5] However, the *language*

1 Peroni, L. and Timmer, A., 2013. Vulnerable groups: The promise of an emerging concept in European Human Rights Convention law. *International Journal of Constitutional Law*, Volume 11, Issue 4, pp. 1058.

2 Fineman, M.A., 2008. The Vulnerable Subject: Anchoring Equality in the Human Condition. *Yale Journal of Law & Feminism* 20(1), pp. 1–23. On this point see the *Editorial* to this Special Issue.

3 Roux-Demare, F.-X., 2019. La notion de vulnérabilité, approche juridique d'un concept polymorphe. *Les Cahiers de la Justice*, 4, pp. 619–630.

4 Carlier, J.-Y., 2017. Des droits de l'homme vulnerable à la vulnérabilité des droits de l'homme, la fragilité des équilibres. *Revue interdisciplinaire d'études juridiques*, 2, pp. 177 ff.

5 UN General Assembly, *International Convention on the Protection of the Rights of All Migrants Workers and Members of their Families*, 18 December 1990, A/RES/45/158.

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of vulnerability in the field of migration and refugee protection had its momentum towards the end of the 20th century.[6]

The European Court of Human Rights (hereinafter, ECtHR) also referred to *vulnerability* in its jurisprudence. Although the Convention does not explicitly mention vulnerability, this concept has gained centrality in the Court's rulings.[7] In the landmark case *M.S.S. v. Belgium and Greece* the ECtHR applied the concept of vulnerability in the context of international protection, stating that every asylum seeker could potentially be considered vulnerable *per se*.[8] The Court clarifies that vulnerability is not just about personal experience, but it could be considered a collective feature of asylum seekers:

> [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.[9]

However, instead of relying on standard "vulnerability checks" based on some common characteristics such as gender or age, a more individualised approach that engages with people's real life challenges should be adopted. Every person's experience of vulnerability is different, and the migratory reality itself often contributes to varying *degrees of vulnerability*. Moreover, a combination of factors might further impact the vulnerability as a continuum. In this context, Moritz Baumgärtel defines *migratory vulnerability* as "a cluster of objective,

6 Atak, I., Nakache, D., Guild, E. and Crépeau, F., 2018. Migrants in vulnerable situations and the Global Compact for Safe, Orderly and Regular Migration. *Queen Mary University of London, School of Law, Legal Studies Research Paper* 273, pp. 1–27.

7 On this point, *ex multis*: Ruet, C., 2015. La vulnérabilité dans la jurisprudence de la Cour européenne des droits de l'homme. *Revue trimestrielle des droits de l'homme* 102, pp. 317–340; Peroni, L. and Timmer, A., *op. cit.*; Al Tamimi Y., 2016. The Protection of Vulnerable Groups and Individuals by the European Court of Human Rights. *European Journal of Human Rights* 5, pp. 561–583; Diciotti, E., 2018. La vulnerabilità nelle sentenze della Corte europea dei diritti dell'uomo. *Ars interpretandi* 2, pp. 13–34; Baumgärtel, M., 2020. Facing the challenges of migratory vulnerability in the European Court of Human Rights. *Netherlands Quarterly of Human Rights* 38(1), pp. 12–29.

8 See Dembour, M.-B. (2020). An anthropological approach to M.S.S. v Belgium and Greece, in: *Research methods for international human rights law: beyond the traditional paradigm*. D. Gonzalez-Salzberg & L. Hodson (Eds.), pp. 227–249, Routledge, London, United Kingdom.

9 *M.S.S. v. Belgium and Greece* App no 30696/09 (ECtHR, 21 January 2011), para. 251. However, the same Court lacked coherence afterwards in ascribing vulnerability to asylum seekers. See *O.M. v. Hungary* App no 9912/15 (ECtHR, 5 July 2016) where the Court considered the asylum seekers as vulnerable because of their sexual orientation, or *Khlaifia and Others v. Italy* App no 16483/12 (ECtHR, 15 December 2016), where the Court considered the asylum seeker not vulnerable.

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socially induced, and temporary characteristics that affect persons to varying extents and forms".[10] On this basis, he concludes that *migratory vulnerability* should not be defined as a *group membership* or as an *individual characteristic*. Instead, it should be determined on *case-by-case basis* in relation to identifiable social processes.[11] In the course of this paper, we will find out how this approach to vulnerability blends perfectly with an intersectional reading of it. Vulnerability assessments that are performed based on predefined groups or criteria present some advantages in identifying immediate practical needs resulting from personal characteristics but could fail in acknowledging complex ways in which life challenges intersect. Asylum seekers could experience a situation of vulnerability that is *qualitatively* different from the one experienced by other asylum seekers, due to the intersection of different factors of vulnerability.

Legislation in the VULNER project countries (Belgium, Italy, Germany, Norway, Canada, Uganda or Lebanon), when it addresses the issue of vulnerability, it does so as a group of persons sharing some common characteristics, thus the so-called *categorical approach* is preferred. However, this approach is inherently *partial*, as it does not consider the various experiences of vulnerability at the different stages of the migration process. The findings from the first VULNER national reports, which focused on national legislation and policy, generally warn against developing abstract vulnerability assessments, which fail to account for the actual condition of protection seekers. In addition to these findings, the fieldwork conducted with asylum seekers reveals that their profiles go beyond the categories of vulnerability as they consist of intersectional vulnerabilities created by the interplay of different *personal*, *situational* and *administrative* factors. By way of example, while conducting fieldwork 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 authorities for undergoing a cancer screening. The letter, it turned out, was also written in Dutch, which neither of them spoke. The example illustrates the fact that vulnerabilities tend to overlap. In the case of these two individuals, it is ineffective to address just one vulnerability – health. Their other vulnerabilities – age, educational background, language – all overlap and intertwine, giving rise to a new and different type of vulnerability.

This contribution aims at exploring the notion of intersectionality as a valuable framework to understand and assess vulnerability. The lens of

10 Baumgärtel, M., *op. cit.*, p. 13.

11 Baumgärtel, M., *op. cit.*, p. 13.

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intersectionality helps us better grasp how a combination of different factors may create and increase the vulnerability of the asylum seekers' experience in the migratory path (country of origin, transit and country of arrival). Those elements could be *personal* (such as ethnic origin or certain forms of disabilities), *situational* (e.g. due to the experiences related to persecution in the country of origin or during the migratory journey) and *administrative* (linked, for example, to the procedures to get a status in the host country).

The lens of intersectionality are necessary to have a more precise assessment of the personal condition and subsequent needs of asylum seekers. It would help to better understand vulnerability as a continuous process with multiple layers, rather than a fixed status interpreted from the perspective of presence/absence. Furthermore, it would allow the authorities in charge of the status determination to tailor the asylum process, their decisions as well as the reception conditions to the adjusted needs of vulnerable protection seekers.

After introducing the methodology of the contribution (Section 2) and briefly examining the concept of intersectionality (Section 3) as well as the three dimensions of vulnerabilities (Section 4), we will explore intersecting vulnerability grounds through examples from the fieldwork of the VULNER project (Sections 5 and 6). We will then conclude by putting forward future perspectives.

2 Methodology

In this work the data that have been collected from the surveys related to the "other vulnerabilities" Working Package (hereinafter, WP(S)) in the VULNER Project will be used.[12] With "other vulnerabilities" we refer to the ones, besides age, gender and being a victim of human trafficking – which are explored in other Project's Working Packages –, that are either established in the current policy and legal framework at the international and national level and, in addition, the ones that have been identified throughout the research path.[13]

The VULNER research employed a twofold analysis. The first phase consisted in analysing the legal and administrative policy with regard to vulnerability

12 The VULNER project is organised through geographical and thematic Working Package (WP(S)). The seven geographical WPS are devoted to each country in the study (Belgium, Canada, Germany, Italy, Lebanon, Norway and Uganda). Three out of four thematic WPS focus on factors of vulnerability that are recurrent in the global protection regime: age, gender and being a victim of human trafficking. The fourth thematic WP is dedicated to all the "other vulnerabilities" besides the above-mentioned ones.

13 Horizon 2020 VULNER Project, https://www.vulner.eu/3169/about.

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assessment tools and processes developed by state authorities and, when relevant in the domestic context, international aid agencies. The desk legal research was complemented by interviews with asylum bodies, decision makers and street-level bureaucrats. The second phase confronted this study with the asylum seekers' own experiences.[14] It highlighted the reality of the asylum process in their own words. It also included the insights of associations, social workers and lawyers specialised in the asylum and migration fields. The Belgian team, in charge of the "other vulnerabilities" WP, elaborated two surveys submitted to the other teams in charge of the geographical WPs to collect information related to the assessment of the "other vulnerabilities" in those two phases. Therefore, this contribution employs the data deriving from the two surveys as well as all the relevant findings from the VULNER national reports.[15]

The COVID-19 pandemic influenced the research in particular regarding the possibility to interview asylum authorities as well as asylum seekers and staff in reception centres. This is a transversal issue of the whole VULNER study as the Project had its inception in February 2020 and, thus, has taken place during the pandemic. It required the national teams to adjust how they reached participants of the research. The interviews and discussions were generally conducted at the participants' workplace or at their residence (the reception centres). As a consequence, some interviews with associations and lawyers had to be conducted online.

The findings presented in this paper should be read, bearing in mind that the COVID-19 pandemic also had an impact on the daily life of the participants, including for instance access to local health services, living conditions and working opportunities. This has in turn amplified conditions of isolation and distress. As an example, the Ugandan report states that the vulnerability level of refugees had shot up due to COVID-19.[16] Likewise, the Italian report highlights the impact of "forced cohabitation" on asylum seekers during the lockdown and the distress it caused due to the tough relationships they had with the roommates in the so-called Extraordinary Reception Centres.[17] The

14 Leboeuf L., (2021). Humanitarianism and Juridification at Play: 'Vulnerability' as an Emerging Legal and Bureaucratic Concept in the Field of Asylum and Migration, *VULNER Research Report 1*, pp. 1–49.

15 For the purposes of this work, the authors employed the data and findings from the questionnaires and the VULNER national reports of the following countries: Belgium, Italy, Lebanon, Norway and Uganda. Some examples from the national reports of Canada and Germany were also used.

16 Nakueira, S. (2022). Lived Vulnerabilities under Constraints: An Empirical Account of how Refugees Experience Uganda's Protection System, *VULNER Research Report 2*, p. 16.

17 The *Centri di Accoglienza Straordinaria* (CAS) are Extraordinary Reception Centres coordinated by prefectures (the local branches of the Ministry of Interior) and managed by

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Norwegian report insists on the extended time for application and administrative procedures and the isolation of asylum seekers as well as the insufficient information they received on the asylum process.[18] Among others, one of the consequences of the pandemic in Belgium was that applications for international protection had to be submitted online, which considerably restricted access to the procedure.[19]

3 Identify and Assess Vulnerabilities through an Intersectional Approach

Against this backdrop, the concept of intersectionality needs to be used as a heuristic tool through which examine and better understand the "other vulnerabilities" that were found during the VULNER project. As already mentioned, vulnerability in the context of migration and asylum cannot be read and interpreted in a presence/absence perspective, but as a condition composed of multiple layers that may vary over time and space. Besides gender, age and human trafficking, one can immediately realise that it is difficult to systematise these "other vulnerabilities" since they are likely to overlap and cumulate. Therefore, an intersectional approach appears *crucial* to comprehensively assess and address vulnerabilities as well as better understand the condition and needs of asylum seekers.

Being a "travelling concept",[20] intersectionality has already been employed in the context of migration and refugee protection. As an example, referring to the grounds of persecution established in the 1951 Geneva Convention relating

NGOs which provide basic services to protection seekers. The *Sistema di Accoglienza e Integrazione* (SAI) are reception centres managed by NGOs and local authorities that offer additional services to refugees and asylum seekers. The SAI have specialised teams for handling complex vulnerability cases (e.g. people suffering from both physical and mental health problems), but as emerged from the ethnographic work of the Italian team, the places available in such facilities are not adapted to the real needs. See Carnassale D., Marchetti S., (2022). Vulnerabilities and the Italian Protection System: An ethnographic exploration of the perspectives of protection seekers, *VULNER Research Report 2.*

18 Liden H., Paasche E., Damsa D. (2022). Protection Seekers' Lived Experience of Vulnerability in Times of Stricter Migration Policy. The Case of Norway, *VULNER Research Report 2*.

19 Saroléa S., Raimondo F., Crine Z. (2021). Exploring Vulnerability's Challenges and Pitfalls in Belgian Asylum System. Research Report on the Legal and Policy Framework and Implementing Practices in Belgium, *VULNER Research Report 1.*

20 Marini, G., 2021. Intersezionalità: genealogia di un metodo giuridico. *Rivista critica del diritto privato* 4, pp. 473–502.

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to the Status of Refugees,[21] Nora Markard recognises that the ground of "membership to a particular social group" category has a certain degree of flexibility and thus could be defined as widely or narrowly as necessary making it apt to accommodate intersectional scenarios, to the point that she speaks of intersectionality *avant la lettre*.[22] Beyond the grounds of the Geneva Convention, intersectionality could be used as an "observation point" to investigate and examine vulnerability[23] – understood as a concept and a phenomenon – but also as an approach or a way of framing the interactions of the different factors of vulnerabilities.

Examining the concept of asylum seekers' vulnerability according to an intersectional approach can be particularly useful because it allows us to consider the differences and complexities within a group – the group of asylum seekers – and between groups – those who are traditionally considered most vulnerable among asylum seekers – that are often constructed and perceived externally as homogeneous.

Intersectionality also makes it possible to capture the positive aspects of the two main approaches. On the one hand, the categorical approach that identifies certain groups of asylum seekers as more vulnerable (e.g. unaccompanied minors, pregnant women) and, on the other hand, the approach that deems asylum seekers as a group that is itself vulnerable. Interesting, in this regard, is the European context.[24] The European Union legislator has made frequent references to vulnerable asylum seekers in the various instruments that make up the Common European Asylum System. These references are always followed by a list, considered illustrative and not exhaustive, of groups deemed vulnerable: unaccompanied minors, pregnant women, victims of torture, etc. The ECtHR, however, has taken a different approach. In the famous case, previously mentioned, *M.S.S. v. Belgium and Greece* in 2011, it stated that asylum seekers, precisely because of their experience in the country of origin, in the long and tortuous journey to the country of destination, could be considered vulnerable *per se*.[25] Even though this conclusion has been progressively

21 UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137.

22 Markard, N., 2016. Persecution for reasons of Membership of a Particular Social Group: Intersectionality *avant la lettre*? *Sociologia del Diritto* 2, pp. 45–63.

23 Bello, B.G. (2020). *Intersezionalità. Teorie e pratiche tra diritto e società*, Franco Angeli, Milano, Italy.

24 Jakulevičienė L., (2023). Vulnerable Persons in EU Asylum Legislation: central feature or necessity on the outskirts?, in *Research Handbook on EU Migration and Asylum Law*. Tsourdi E., De Bruycker P. (Eds.) Elgar, Cheltenham, United Kingdom, pp. 226–230.

25 *M.S.S. v. Belgium and Greece* App no 30696/09 (ECtHR, 21 January 2011).

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nuanced, it is worth noting that the ECtHR established that asylum seekers, *as such*, are regarded as an underprivileged and vulnerable group in need of special protection.[26]

Intersectionality goes beyond the inherent limitations of these two approaches. Indeed, with regard to the *categorical approach*, examining the condition of asylum seekers through the lens of intersectionality helps to overcome a compartmentalised and category-based interpretation and application of vulnerability, and gives the opportunity to identify the specific and qualitatively different condition experienced by a given person.[27] Likewise, with reference to the approach that deems asylum seekers as vulnerable *per se*, intersectionality also allows one to focus on individual situations and analyse them as a whole, differentiating them and, therefore, tailoring responses to the individual, based on a *case-by-case approach*.

Furthermore, as mentioned above, an intersectional approach complements the *migratory vulnerability* and inevitably requires examining the situations and experiences of asylum seekers on a case-by-case basis. An individualised approach gives the opportunity to avoid vulnerability being interpreted in a logic of presence/absence, deriving from belonging (or not) to a category or group considered vulnerable. Therefore, vulnerability could be interpreted as different layers that can potentially intersect, but which are susceptible to change over time and space.

The intersectional approach also makes it possible to circumscribe the hyper-visibility of certain categories considered most vulnerable and, conversely, to overcome the hyper-invisibility of other groups that are not considered vulnerable.[28] Exemplary, in this sense, among asylum seekers, are the different experiences of single women and men. In the research fields carried out within the VULNER project, it was found that single adult men do not tend

26 It should be recalled the partly concurring and partly dissenting opinion of the Hungarian Judge Sajó, who heavily criticised the outcome of the majority and, more specifically, the use of vulnerability in the judgement. He underlined that vulnerability should be used in the specific meaning that the Court has given in its case law that refers to history of prejudice resulting in social exclusion, that has affected specific groups over time, such as Roma, mentally disabled people and people living with HIV. Therefore, taking into account that asylum seekers should not be considered a homogeneous group and they have not been historically subjected to prejudice, they should not be subsumed among the vulnerable group *per se*. Besides Judge Sajó's opinion, even though *M.S.S.* is generally considered a positive landmark case, it also comes with some inherent limits. On this point, see Baumgärtel, M., *op. cit.*

27 Crenshaw, K., 1991. Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color. *Stanford Law Review* 43(6), pp. 1241–1299.

28 Bello, B.G. (2020). *op. cit.*, pp. 18 ff.

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to be regarded as vulnerable. A stereotypical and stigmatising view tends to consider women as vulnerable subjects by default and, consequently, to expect certain actions and reactions from them (e.g. to express their emotions during the hearing). Conversely, single adult men are not considered as vulnerable subjects and, therefore, on the one hand, certain reactions are not expected of them and, on the other hand, they are the recipients of "less favourable" treatments, such as being assigned to emergency reception centres with more uncomfortable conditions. The director of a Campo centre in Belgium stressed that his centre is *suitable* for single man, considered *a priori* less fragile and able to withstand harsher living conditions. Indeed, this type of reception centre was set up in an emergency at the beginning of 2020 to provide additional reception services and it is characterised by poorer comfort conditions (sanitary facilities outside the main building, dormitories for 20 people, etc.).[29]

In light of these scenarios, the identification of vulnerabilities according to an intersectional approach would make it possible to focus on the individual as a potential crossing, at a certain time and in a certain place, of a given number of vulnerabilities, which could change, increase or decrease, regardless of belonging to a group that is generally considered more vulnerable. In other words, the intersectional approach can be a useful element in deconstructing stereotypes and common places, but above all the homogeneity within a group generally considered vulnerable.

Furthermore, in anti-discrimination law, intersectionality does not intend to overcome the categories,[30] but rather critically interpret them by giving a different meaning and highlighting their particular value when they intersect. The same could be said with regard to the role of categories in the process of identifying the vulnerabilities of asylum seekers, where groups deemed to be more vulnerable can become a sort of "alarm bell" to pay more attention to protection seekers that belong to these categories. In this regard, an intersectional approach makes it possible to go beyond a homogeneous and monolithic conception of groups, highlighting the differences between them. In this sense, examining vulnerabilities through the intersectional lens allows for a step forward, by making the examination of individual cases more complex and comprehensive, highlighting possible "intersections" potentially invisible at first glance.

29 Saroléa S., Raimondo F., Crine Z. (2021). *op.cit.,* p. 94.

30 Crenshaw, K., 1989. Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics. *University of Chicago Legal Forum* 1, 139–167.

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4 An Overarching Structure to Identify (Other) Vulnerabilities: *Personal, Situational* and *Administrative* Vulnerabilities

The research for the thematic WP on "other vulnerabilities" developed an overarching structure to identify vulnerabilities and three dimensions were suggested: *personal*, *situational* and *administrative*.

Inner characteristics such as age, race, nationality, gender, sexual orientation, disability, mental health, belonging to a minority or being illiterate were framed as *personal vulnerability*. These features lead protection seekers to experience fragility or to manifest specific needs already in the country of origin and, in many cases, could also represent factors of persecution that force the individuals to leave their country. In addition, these factors could also lead protection seekers to experience vulnerability and to have specific needs both during the migratory journey and in the country of destination, especially while living in reception centres, camps or other informal settings where they await the result of their application. For instance, in some countries such as the Democratic Republic of Congo (DRC), the fact of being albino or part of a specific minority (Pygmy) is in itself a factor of vulnerability. As asylum seekers in Uganda, they face many additional hardships. As illustrated in the report from Uganda, a woman testified that when she was in the process of giving birth, the midwife was scared to handle the baby who also had albinism and refused the assist the woman who, as a result, lost the baby.[31]

The *situational vulnerability* comprises all the factors of vulnerability related to a situation or to a present or past experience connected to the migratory context. In this regard, time and space play a relevant role since vulnerability is not static, but is likely to fluctuate based on the situation and context. In Italy, the participants stressed the factors that led them to leave their countries and the way these factors – for instance, poverty, homelessness, severe exploitation, imprisonment, health-related problems, torture, violence and abuse in the country of origin or on the migratory road – marked their existences with significant consequences on their situations of vulnerability.[32] Many testimonies refer to the violence and torture suffered on their journey to Libya, as well as prolonged conditions of imprisonment and abuse, such as sexual and labour exploitation to pay for their freedom and to continue their journey. Other testimonies speak about crossing seas or borders more generally. Those often violent circumstances add to the asylum seekers' previous experiences of

31 Nakueira, S. (2022). *op. cit.*, p. 33.

32 Carnassale D., Marchetti S., (2022). *op. cit.*, p. 27.

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vulnerability and intersect with other driving-factors of vulnerability, such as the living conditions in the reception centres.

Finally, the *administrative vulnerability* category encompasses all the factors of vulnerability connected to the legal and administrative conditions that asylum seekers experience while awaiting a decision on their application. In addition, other forms of *administrative* vulnerabilities can appear which are caused by the uncertainty of the legal status such as being undocumented, stateless, in detention, etc. A striking example from the VULNER field is the one of Amani, a Syrian refugee in Lebanon, with her seven children and husband.[33] Amani was not registered with the UNHCR for two years (2020–2021), thus she no longer had a file.[34] Consequently, the UNHCR was not offering her support, thus worsening her family's economic situation.

5 Structural Intersecting Factors of Vulnerability: Contextual Examples

The Sections 5 and 6 will explore "other vulnerabilities" in the asylum procedure found both in the daily practice of decision makers and experienced by asylum seekers themselves. More specifically, relying on examples from the countries chosen for the present study, Section 5 will focus on some examples of *personal* and *situational* vulnerabilities (such as the reception conditions in the host country, the issue of health in reception centres as well as the issue of housing and lack of integration), while Section 6 will explore some examples of *administrative* vulnerabilities. These are all grounds that are likely to produce or exacerbate the vulnerability of protection seekers. The objective of these sections is therefore twofold. On the one hand, to provide examples of "other" vulnerability factors besides gender, age and human trafficking. On the other hand, in light of the previous sections, we will highlight how such examples of "other vulnerabilities" potentially overlap and intersect with other

33 Brun, C., Maalouf, M. (2022). Vulnerability amidst Compounded Crises in Lebanon: The experience of Syrian and Palestinian Refugees, *Vulner Research Report 2*, p. 31.

34 It is important to clarify the UNHCR registration process in Lebanon. In 2011, when the influx of Syrian refugees to Lebanon started, the UNHCR first registered most Syrians through a *prima facie* registration process that included a short interview along with other formalities; they were then given access to the aid provided by the UNHCR according to their specific needs. At the end of 2014, Lebanon asked the UNHCR to halt the registration of new refugees from Syria. The UNHCR considers most Syrians in Lebanon as refugees but has in practice come to differentiate between registered, unregistered and "recorded" refugees.

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existing *personal*, *situational* and *administrative* vulnerabilities, with the ultimate aim of demonstrating that an intersectional approach becomes necessary and crucial for a complex and comprehensive vulnerability identification and assessment process. The European context will be examined separately from the Lebanese and Ugandan ones as both realities are very different.

5.1 *Personal and Situational Vulnerabilities: Examples from the European Context*

The research found that reception conditions could be understood as an example of *situational* vulnerability. Indeed, it appears that reception conditions, as they are organized in different countries, affect the migration and asylum experience so strongly that they themselves become factors of vulnerability. In essence, they add to what the asylum seeker has already experienced in the country of origin and along the migratory road.

At the European Union level, the Reception Conditions Directive provides that Member States should consider the special needs of vulnerable persons and adjust the reception conditions accordingly.[35]

Different experiences of vulnerability emerge from the interviews with asylum seekers and social workers with regard to reception centres. Among the elements identified by the national teams as a source of vulnerability there are the living and material conditions, their (often) isolated location and the lack of space. The living conditions in reception centres in Belgium are often described as one of the biggest challenges the asylum seekers interviewed experienced.[36] The gradual degradation of material conditions and limited opportunities for protection seekers while waiting (from months to years) in reception centres are found to produce additional vulnerabilities. The interviewed asylum seekers testified that the centres had difficulties meeting their basic needs beyond shelter and food. Security within the centre is also a particularly problematic issue for residents and the use of alcohol and drugs (especially at night when the number of staff decreases)[37] exacerbate this

35 Directive 2013/33/EU of the European Parliament and Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), 29 June 2013, OJ L. 180/96–105/32; 29.6.2013, art. 21.

36 Saroléa, S., Raimondo, F., Crine, Z. (2022). Through the Eyes of the "Vulnerable": Exploring Vulnerabilities in the Belgian Asylum System. *VULNER Research Report 2*, 48 ff.

37 According to social assistants in Belgian reception centres, these places have a considerable security problem at night, where illegal alcohol and drugs trading and prohibited behaviours take place. Lindsay Billet, a social worker at the Red Cross centre of Ans said: "Well, what I can tell you is what my colleagues tell me, that some people drink, some people go to sleep at 10 p.m. and others at 5 a.m., so sleep times are not respected and that leads to frustration, plus alcohol and drugs. […] Yes, some people take drugs and therefore

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feeling of insecurity. In Norway, the insufficient economic support when living in a reception centre was emphasised as well as the many transfers between centres.[38] In Italy, the often crowded reception centres bring back bad memories of transit countries. Notably, asylum seekers underlined that these centres somehow reminded them of life in Libyan detention centres (albeit with the necessary differences).[39] These reactivated traumatic experiences made them feel unsafe. Moreover, testimonies of women with children insisted on the feeling of being stuck in crowded *Centri di Accoglienza Straordinaria* (hereinafter, CAS), even for years. They are waiting for a vacancy in a *Sistema di Accoglienza e Integrazione* centre (hereinafter, SAI) for families, which represents the most urgent need for these women.[40]

The location and the internal structure of reception centres are an additional challenge. In Italy, some participants referred to the isolated location of a centre for minors which was situated in the mountains, far from the urban centre, thus creating a feeling of fear and insecurity.[41] Others defined big camps in the middle of nowhere as "*invisible prisons*" becoming places in which people frequently feel worse than before. In Norway, the social and geographical isolation of reception centres adds to social barriers with locals and to reduced agency overall.[42] In Belgium, reception centres feel like a space of forced cohabitation, where individuals continue to evolve separately and in distinct spheres.[43] A general sense of mistrust reinforces this feeling of isolation and the lack of opportunity within the reception centres, where often no one trusts anyone.

The gendered space in centres is also found to be a factor of vulnerability. The Belgian report indicates that the way time is spent in reception centres is highly gendered.[44] While men often work outside of the centre, women generally spend their time inside. Structural factors such as the presence (or absence)

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are no longer in control of their behaviour and let their frustration come out, and that leads to fights … even with regard to authority". Saroléa, S., Raimondo, F., Crine, Z. (2021). *op. cit.*, p. 170.

38 Liden H., Paasche E., Damsa D. (2022). *op. cit.*, p. 42.

39 Carnassale D., Marchetti S., (2022). *op. cit.*, p. 28.

40 In Italy, CAS provides basic services to protection seekers while SAI centres have specialised teams for handling complex vulnerability cases (e.g. people suffering from both physical and mental health problems), but as emerged from the ethnographic work of the Italian team, the places available in such facilities are underestimated compared to the real needs. Carnassale, D., Marchetti S., *op. cit.* (2022). pp. 35 ff.

41 *Ibidem*.

42 Liden H., Paasche E., Damsa D. (2022). *op.cit.*, p. 42.

43 Saroléa S., Raimondo F., Crine Z. (2022). *op. cit.*, p. 48.

44 Saroléa S., Raimondo F., Crine Z. (2022). *op. cit.*, pp. 36–37.

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of essential services in the reception centre – for example, a day care centre for children – is one such example.[45] To date, very few centres in Belgium offer this service, and there is no official "policy" on the subject. As a result, women are all too frequently prevented from studying or working. Besides this lack of essential services, the gendered division of space in reception centres creates many forms of iniquities. In centres with a mixed population (women and men), public spaces remain highly masculine (e.g. cafés, meeting points, refectory) so that women are forced to evolve in the privacy of their room, confined in these tiny spaces. In this case, the gender-related challenges intersect with the structural deficiencies of the reception centres, creating a new and different situation of vulnerability for women.

Health-related issues in reception centres constitute an additional factor concurring to produce and amplify vulnerability. The Norwegian team stresses that life in reception centres is increasing mental health problems and anti-social behaviours amongst asylum seekers.[46] These are addressed as a "practical" problem at the reception level, but they are not regarded as having an impact on the asylum procedure. Mental health issues among asylum seekers are very frequent. In Belgium, one of the most relevant issues with regard to health is the particularly long waiting times for medical appointments with the nursing staff.[47] Sometimes, the time spent waiting for a medical appointment only exacerbates that feeling of endless waiting that asylum seekers experience during the procedure and their stay in reception centres. Some residents have mentioned that they also sense a "lack of trust" from the medical staff, who do not believe them when they say they feel sick. Some people with health issues were quite critical about how the system works, indicating the difficulties to take a chronic treatment. Eduardo, a man from El Salvador interviewed in Belgium, who has diabetes and other health problems, explained that the centre was not providing him with enough syringes. The refrigerator in his room was also taken away, which obliged him to go downstairs five times a day for his medication. Eduardo's case is a clear example of intersecting vulnerabilities, as the vulnerability created by the difficult conditions in the reception centre is compounded by existing health problems.[48]

45 More than a temporary service for women, childcare facilities offer a real springboard to autonomy in the sense that they allow access to training, employment and, more simply, a certain form of personal fulfilment.

46 Liden H., Paasche E., Damsa. D. (2022). *op. cit.*, p. 43.

47 Saroléa S., Raimondo F., Crine Z. (2022). *op. cit.*, pp. 40-42.

48 *Ibidem*, p. 40.

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An additional difficulty is to find the adequate accommodation and care for the most problematic cases. In Italy[49] and Belgium,[50] some specific centres have specialised teams that handle complex vulnerability cases, depending on the seriousness of health issues (e.g. people suffering from both physical and mental health issues). The problem is that the numbers of places available are not commensurate with actual needs. In both countries, health-related issues are even more complex for irregular, newly arrived or returned migrants who have not a shelter. In their case, the main way to solve health-related problems remains access to medical care through emergency routes in the hospital.[51] The Italian report stresses that due to inadequacies of the reception system, some migrants with specific conditions (chronic disease, drug addiction, depression, etc.) are more exposed to exploitation and this has direct consequences on their vulnerability.[52] In Norway, even if access to healthcare is available, asylum seekers often have to negotiate with the health service to obtain access to specialists and arrange for longer-term health treatment.[53] Health-related issues are sometimes mentioned in specific guidelines as to the assistance and treatment of mental disorders of asylum seekers (Italy[54]).

In Europe, another example of *situational* vulnerability is the lack of perspective on integration in the host country. Indeed, lack of integration perspectives through housing and work is an additional factor of precarity in the daily life of asylum seekers that potentially intersects with other vulnerabilities. In Italy, the need for employment and adequate housing is often coupled with the need to secure the protection seekers' administrative situation.[55] In turn, these issues are intertwined with language learning and the related social and labour inclusion. In this regard, the educational background of asylum seekers is relevant, as some asylum seekers are illiterate or are not able to learn the language of the host country. Interestingly, even though this is more obvious in case of illiteracy and low level of education, a high level of education can also put asylum seekers in a situation of vulnerability when they realise the gap between

49 Carnassale D., Marchetti S. (2022). *op. cit.*

50 Saroléa S., Raimondo F., Crine Z. (2022). *op. cit.*

51 Carnassale D., Marchetti S., *op. cit.* (2022). p. 49.

52 *Ibidem*, pp. 38–40.

53 Liden, H., Paasche E., Damsa, D., *op. cit.* (2022). pp. 45-46.

54 Legislative Decree n°18/2014, art. 27, par 1 bis. It also establishes specific training courses for healthcare staff and Ministero della Salute, Linee guida per la programmazione degli interventi di assistenza e riabilitazione nonché per il attamento dei disturbi psichici dei titolari dello status di rifugiato e dello status di protezione sussidiaria che hanno subito torture, stupri o altre forme gravi di violenza psicologica, fisica o sessuale, 22 marzo 2017, https://www.salute.gov.it/imgs/C_17_pubblicazioni_2599_allegato.pdf.

55 Carnassale, D., Marchetti, S., *op. cit.* (2022). p. 52.

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their expectations for the future and their real possibilities in the country. This further hinders their perspectives of integration. Furthermore, the temporary nature of labour contracts also precludes integration. Participants in Italy[56] and Belgium[57] underlined the fact that they only receive temporary job offers, often gendered (e.g. domestic work or care activities for women) and only in certain sectors which are not very specialised and where those with a high level of training cannot use their skills.

In conclusion, the health-related issues, reception conditions, as well as housing and lack of integration represent *personal* and *situational* vulnerability factors that are likely to intersect with already existing vulnerabilities. These conditions overlap, creating new types of vulnerability. Thus, an intersectional approach is crucial in order to comprehensively assess and adequately address them.

5.2 *Personal and Situational Vulnerabilities: Examples from Lebanon and Uganda*

Lebanon is not a party to the 1951 Convention relating to the Status of Refugees[58] and its 1967 Protocol.[59] Its legal and policy frameworks deny refugees access to asylum on the territory, making it a transit country for asylum seekers where integration is not allowed. In addition, being registered as a refugee with the UNHCR does not protect against arrest or deportation. The lack of a formal domestic legislation creates by itself a situation of *administrative vulnerability* for people seeking asylum.

Economic precarity is something that characterises the condition of refugees in Lebanon. The Lebanese report mentions that 75% of Syrian refugees live under the poverty line.[60] It also stresses that often socio-economic situations have a great impact on asylum seekers daily life and cause a lot of distress since refugees cannot provide for their family's needs and medical treatments.

Further, life for protection seekers is very harsh as no material conditions of reception are ensured. In Lebanon, asylum seekers who are registered with the UNHCR can enjoy some benefits (such as access to healthcare), but these are

56 *Ibidem.*

57 Saroléa S., Raimondo, F., Crine Z. (2022). *op. cit.*, pp. 35–37.

58 UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137.

59 UN General Assembly, Protocol Relating to the Status of Refugees, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267.

60 El Daif C., Shuayb M., Maalouf M., (2021). The Vulnerability of Refugees amid Lebanese Law and the Humanitarian Policies. *VULNER Research Report 1.* p. 26.

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very limited and do not suffice to ensure economic survival.[61] In some cases, if asylum seekers are not registered or if they are unregistered, they will have no benefits at all, which impacts on their survival. Working opportunities are scarce or sometimes non-existent. This is the case, in particular, of Palestinian refugees as Lebanese laws do not allow them to work in any professions.

In these conditions, ensuring daily access to food, water and shelter is very difficult for refugee families. This is even worse when women, with or without children, are concerned. Furthermore, the educational background of refugees in Lebanon is very poor. The school dropout rate among Syrian and Palestinian refugees is very high due to the lack of safe spaces for learning, training and recreation, as well as difficulties related to the cost of transportation.[62]

This structural lack of rights, combined with the fact that asylum seekers reside in precarious conditions and without legal residency, are by themselves factors of vulnerability that intersect with the previous experiences of exile and other *personal* vulnerabilities.

In Uganda, a legal framework for asylum is provided in the Refugee Act (2006)[63] and in the Refugee Regulations (2010).[64] Although the legislation do not specifically define vulnerability or categorise certain groups as "vulnerable", they detail how specific groups should be treated. Uganda provides for freedom of movement and the right to work, which fosters refugee integration and self-reliance. However, these and the above-mentioned rights are inaccessible in practice. As stressed by the Ugandan report, participants shared that they had no future in Uganda and felt "stuck" in the settlement. The lack of prospects for a better life for themselves or their children was a real cause of distress even for those who had refugee status.[65]

In the refugee settlements of Uganda, reception conditions are harsh. They were even non-existent for those who came during the COVID-19 pandemic as the settlements had been closed for health reasons. Asylum seekers could not be registered and, due to the reduction of aid workers, most of them relied on the help of other refugees in the community or limited cash advances from aid agencies which were allocated for "new arrivals" only. However, the asylum seekers were referred from one aid office to another and this was perceived as a bureaucratic runaround. Inadequate healthcare was another major source of

61 *Ibidem*, pp. 30–32

62 Brun C., Maalouf M. (2022). *op. cit.*, pp. 29–30.

63 Uganda: The Refugee Act 2006 [Uganda], Act 21, 24 May 2006.

64 Nakueira S. (2021). Protecting Vulnerable Refugees: An empirical examination of the implementation practices of aid workers and state actors in Uganda. *VULNER Research Report 1*, p. 14.

65 Nakueira S., (2022). *op. cit.*, pp. 4-5.

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distress. Many refugees complained about the poor healthcare infrastructure, the lack of medicine and the fact that the medical personnel were sometimes unable to manage certain medical conditions.[66]

Furthermore, social stigma was a cause of distress for people with *personal* vulnerability such as albinism.[67] They complained that people believed them to be demons or to have superpowers and some even said that they had been offered money in exchange for their albino children.

Finally, the lack of socio-economic means is also very problematic. Poverty and hunger are widespread among refugees in Uganda. Long distance to the food distribution point was a real challenge for extremely vulnerable individuals. This problem was further exacerbated during the COVID-19 lockdown given that, due to travel restriction, asylum seekers could not move to take food. After the pandemic, funding cuts caused an increased chronic hunger. This led to the introduction of the cash for food assistance which corresponded to 5 euros per month, which was clearly insufficient. It was subsequently reduced to 3 euros for those considered less vulnerable which worsened their experience of vulnerability.[68]

Although the vulnerability factors in Lebanon and Uganda belong to the same categories as those mentioned above with reference to the European context, they are more important from both a *qualitative* and *quantitative* point of view. Again, an intersectional approach is necessary to better understand the vulnerability conditions in these contexts and adequately assess and address them.

6 The Impact of Time, Transparency and Chance in the *Administrative* Vulnerabilities

In the present work, we use *administrative vulnerability* to refer to all the factors of vulnerability connected to the legal and administrative conditions experienced by asylum seekers while awaiting the decision on their application.

In the European context, the long waiting times during the procedure and its lack of predictability lead the asylum seekers to have a constant feeling of uncertainty related to the legal status and the impression of being stuck *in limbo*. Moreover, the lack of information on the asylum procedure and the limited support are also sources of distress.

66 *Idem*, pp. 28–29.
67 Nakueira, S. (2022). *op. cit.*, p. 33.
68 *Idem*, p. 47.

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In the context of Uganda and Lebanon, where resettlement plays a key role, it is the opacity of this procedure that represent an *administrative* vulnerability that need to be combined with the feeling of precarity created by the lack of perspective if not resettled.

6.1 *Examples of Administrative Vulnerability in the European Context*

The long waiting time in the asylum procedure combined with lack of predictability (e.g. deadlines about the time of the audition, final outcome of the asylum process) but also the impression that *chance* plays a role in the identification of vulnerability as well as in the final decision are themselves source of vulnerability.

In the Belgian context, it seems that vulnerability enters decision-making mostly as a *matter of chance*.[69] Indeed, the absence of a "vulnerability policy" results in a lack of coherence (transversal, consistent with its objective, tailored to specific needs) in assessing and addressing vulnerabilities up to the point that it seems to become a matter of chance. Furthermore, there seems to be a direct link between the chance of being listened to and "prepared" for the interview with asylum authorities and that of being granted international protection or a complementary form of protection.[70] This implies that those arriving to the hearing totally unprepared are more likely to be rejected.

The long asylum procedures, combined with the lack of perspective and information on the asylum process, are additional elements accentuating a sense of stuckness and disempowerment. The waiting time can be viewed as a kind of existential immobility for asylum seekers, since they feel suspended and unable to plan their future. The "temporal architecture" of the system that makes protection seekers "wait before the State" is in itself a source of vulnerability and causes a deep sense of uncertainty related to both the present and the future.[71] Indeed, the length of the procedure itself is an element of distress and adds to the already existing vulnerability, making the asylum seekers feel in a protracted state of failure, of being stuck in a limbo and being a disappointment to themselves and their family. Furthermore, the lack of adequate communication channels between the asylum bodies do not necessarily

69 Saroléa, S., Raimondo, F., Crine, Z. (2022). *op. cit.*, pp. 80–86.

70 The opacity of the logic behind the assessment procedures is increased by the fact that the reasons why people who arrived in the same period are prioritised in their interviews with asylum authorities are not clear. Likewise, it is unclear why people with very similar experiences are subjected to completely different decisions.

71 Jacobsen, C.M., Karlsen M.-A., Khosravi S. (2021). *Waiting and the Temporalities of Irregular Migration*, Routledge, London, United Kingdom.

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ensure the transfer of information and necessary documentation with regard to the vulnerabilities of asylum seekers.

Finally, an element of uncertainty and insecurity that adds to vulnerability is the temporal limit of the residence permit. For example, in Norway, since new and stricter regulations have emerged in 2015,[72] immigration authorities have the opportunity to limit, re-examine or withdraw permits, which is likely to put asylum seekers in a vulnerable condition. Restrictions in the criteria for permanent residence and citizenship as well as on family reunification have a major impact on the integration of refugees. In Italy and Belgium, the same feeling of insecurity applies to those who have been granted a residence permit for health-related treatment. This residence permit does not guarantee a regularisation in a long-term perspective due to its temporary nature as it is subjected to an assessment on a regular basis. As a result, many continue to live on the margins of society, with few options to regularize their status.

Administrative vulnerabilities as well need to be read in conjunction with other vulnerabilities both *personal* and *situational*. In addition, the combination of the different sources of *administrative* grounds of vulnerabilities puts asylum seekers in a situation of important distress and enhances a feeling of disempowerment. More specifically, timeframes and predictability of the different steps of the asylum procedure are of paramount importance in order to avoid exacerbating the asylum seekers' vulnerable condition. However, it is not enough to speed up the procedure *sic et simpliciter*. While it is necessary to have a procedure that is as quick and efficient as possible, those who arrive in a new country to apply for asylum, after an often long and dangerous migratory journey, need time to stop, to "catch their breath", to regain the strength they need to face the asylum procedure, which is itself a source of stress, anxiety and, as the examples in this section show, vulnerability. Therefore, it would be necessary to pay more attention to the "rhythm" of the procedure and its predictability with regard to the timing of the various steps, in order to prevent the waiting time from becoming, as is currently the case, an immobile time.

6.2 *Resettlement as a Source of Administrative Vulnerability? Preliminary Findings on Lebanon and Uganda*

The VULNER findings in Lebanon and Uganda show that resettlement[73] could be considered itself a source of *administrative vulnerability* due to opacity in

72 Lidén H., Paasche E., Damsa D. (2022). *op. cit.*, pp. 53–58.

73 Resettlement is a durable solution for refugees implemented by the UNHCR and its partners. It involves the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them – as refugees – with

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the procedure and the lack of predictability. At the outset, it should be stressed that UNHCR refers to its Resettlement Handbook in order to identify refugees for resettlement and vulnerability is the common thread amongst the resettlement criteria.[74]

In Uganda, although the Refugee Act of Uganda 2006 recognises a certain number of rights to refugees, they often come to nought since they are inaccessible in practice. Many interviewees shared that they realised they had no future in Uganda and felt stuck in the settlement. The lack of prospects for a better life for themselves or their children was a real cause of distress even for those who had refugee status. In Uganda the ways the criteria for resettlement are mobilised are unclear. As abovementioned, vulnerability is the common thread running through all the categories of persons potentially eligible for resettlement, even more if there are multiple factors of vulnerabilities. In the context of resettlement, the extremely vulnerable individuals (hereinafter, EVI) asylum seekers are taken into particular consideration.

That is why, in the context of Uganda, vulnerability sometimes takes on a *strategic* dimension of which the persons are aware, since that allows them to have access (or not) to the resettlement programme. This sometimes results in a competition as to who will be considered the most vulnerable and be eligible for resettlement. This strategic use of vulnerability is also sometimes a source of corruption. As found in the Ugandan fieldwork, the police requested money from people in order to record their complaints especially if the matter being reported was likely to be valuable or, even, make one eligible for resettlement.[75] Other asylum seekers were not taken seriously when evoking traumatic experiences, as the authorities considered it to be a strategy for being resettled.

All in all, the resettlement procedure can represent a great source of distress for a wide array of reasons that range from its length to its lack of transparency and predictability. In addition, the scarcity of places leads to high levels of competition and to the risk of corruption. As a result, there is a distrust of the resettlement process in general. Many people assume that it was a right that was denied to them despite being vulnerable. It is often perceived by interviewees as an unfair system which sentenced them to endure a difficult life in Uganda.

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permanent residence status. The status ensures protection against *refoulement* and provides to the resettled refugees and their families or dependants access to rights similar to those enjoyed by nationals.

74 UN High Commissioner for Refugees (UNHCR), UNHCR Resettlement Handbook, 2011, July 2011.

75 Nakueira, S. (2022). *op. cit.*, p. 36.

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In Lebanon, resettlement programmes also constitute an important protection tool for the most vulnerable people. Registration with UNHCR is required for highly vulnerable refugees to be accepted for resettlement to third countries. The Lebanese fieldwork brought the case of a refugee family being unregistered by UNHCR without a specific reason. This caused great distress as those refugees were not eligible to financial aid nor for resettlement in the future. Without the perspective of resettlement, their prospects of a better future fade away.[76]

The lack of transparency and predictability together with the scarcity of places and the risk of corruption are amongst the reasons that make the resettlement procedure a source of *administrative* vulnerability. However, a complete picture of the situation experienced by those hoping to be resettled in third countries can only be understood if this *administrative* vulnerability is read in conjunction with other potential *personal* and *situational* vulnerabilities. This is even more true if one takes into account that the grounds for being resettled often correspond to the vulnerability criteria.

7 Conclusion

The present work aimed to illustrate how vulnerabilities are complex and often (*rectius* always) overlap and evolve over time and space. During the VULNER fieldwork, many other *personal*, *situational* and *administrative* vulnerabilities, besides age, gender and human trafficking, have been found. Among others it is worth mentioning the role of time in the asylum procedure – both with regard to the long waiting time but also to the "rhythm" of the procedure – the precarious reception conditions, the health-related issues (especially mental health problems often caused or worsened by the asylum procedure's uncertainty) etc.

However, the VULNER project also stressed, with reference to vulnerability, a lack of overall consistency within the asylum systems and of harmonisation in field practices which do not allow expected guarantees to be recognised in a uniform manner. The lack of coherence hinders the conception of a credible vulnerability policy which needs to be transversal throughout the asylum system, consistent with its objectives, and tailored to specific needs. Rather, there seems to be a patchwork of actors accounting for vulnerability at different times, deploying different "conceptions", which hardly constitutes a unified general practice.

76 Brun C., Maalouf M. (2022). *op. cit.*, pp. 51 ff.

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Against this backdrop, an intersectional approach is crucial in identifying, assessing and addressing vulnerability since intersecting vulnerabilities are the rule, not the exception. Indeed, the data collected highlight that the combination of different factors increases vulnerability, which thus becomes something that evolves and increases throughout the migration journey and continues in the country of arrival. However, adopting the intersectionality lens to vulnerability is only possible by ensuring a holistic and multidisciplinary approach to the asylum procedure which requires time, trainings and the expertise of different professionals.

Besides responding to a fact of reality, including an intersectional approach in the *language of vulnerability* can produce many other positive effects. Firstly, intersectionality allows differences within groups (e.g. the group of the asylum seekers or the group of the vulnerable asylum seekers), mistakenly regarded as homogeneous, to be taken into consideration and adequately "valued". Secondly, an intersectional approach helps to overcome a compartmentalised and category-based interpretation and application of vulnerability, as it inherently implies a *case-by-case* assessment. In this way, the lens of intersectionality allows vulnerability to be interpreted not in a presence/absence perspective, but as different layers that can potentially intersect. Finally, intersectionality, by requiring a *case-by-case* approach, would make it possible to overcome the hyper-visibility of certain categories considered vulnerable and, conversely, to potentially contrast the hyper-invisibility of other groups that, by virtue of a monolithic and stereotyped vision, are not considered vulnerable.

In other words, an intersectional approach aims at getting a more comprehensive and coherent understanding of the vulnerability since it allows to focus on the individual as a crossing of a number of vulnerabilities, which could potentially change, increase or decrease over time and space.

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