

Chapter 3

Positionalities in Research and the Question of Migrants' Vulnerability



Sabrina Marchetti, Cathrine Brun , Zoé Crine, Christine Flamand,
and Francesca Raimondo

List of Abbreviations

CFF	Cash for Food
COVID-19	CoronaVirus Disease of 2019
FPRL	Female Palestinian Refugee residing in Lebanon
FPRS	Female Palestinian Refugee from Syria
FSR	Female Syria Refugee
GS	General Security
IRB	Institutional Review Board
LAF	Lebanese Army Forces
LCRP	Lebanon Crisis Response Plan
MCAP	Multipurpose Cash Assistance Programme
MoU	Memorandum of Understanding
MPRL	Male Palestinian Refugee residing in Lebanon
MPRS	Male Palestinian Refugee from Syria
MSR	Male Syrian Refugee
NGO	Non Governmental Organisation
PLO	Palestine Liberation Organisation
PRL	Palestinian Refugee residing in Lebanon

S. Marchetti
Ca' Foscari University, Venice, Italy
e-mail: sabrina.marchetti@unive.it

C. Brun (✉)
Centre for Lebanese Studies, Beirut, Lebanon
Centre for Lebanese Studies, Cambridge, UK
e-mail: cbrun@lebanesestudies.com

Z. Crine · C. Flamand · F. Raimondo
Catholic University of Louvain (UCLouvain), Louvain-la-Neuve, Belgium
e-mail: zoe.crine@uclouvain.be; christine.flamand@uclouvain.be;
francesca.raimondo@uclouvain.be

PRS	Palestinian Refugee from Syria
RSD	Refugee Status Determination
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
VARON	Vulnerability Assessment of Refugees of Other Nationalities in Lebanon
VASyR	Vulnerability Assessment for Syrian Refugees in Lebanon
VULNER	Vulnerabilities Under the Global Protection Regime
WFP	World Food Programme

3.1 Introduction

Working together in different country teams on the project Vulnerability under the Global Protection Regime (VULNER), the question of ‘positionality’ kept coming back at several levels, in our methodological discussions, in the comparative analysis of results, in searching for common terminologies and definitions. It very soon became clear that the topic that had brought us together and on which our research project was entirely based—vulnerability—had a very volatile, ever changing meaning,¹ depending on who was using it, where and when. It was difficult for us to be certain about what we exactly meant with this word, how it applied to our research and to the reality of our national case studies. Even within the same context, definitions may have changed over the time due to changes in the legal-, policy- or common language used to talk about migration issues. Entering the fieldwork, the slippery character of the notion of vulnerability was reinforced by the fact that the different subjects with whom we discussed (lawyers, policy makers, researchers, social workers, asylum seekers and migrants in general) had different views and understandings about it.

In this chapter we aim to reflect on the importance of these conflicting views on vulnerability, taking it as an example of the ways in which the same categories that we use to talk about inequalities are differently shaped by the various contexts in which they are produced, shared and circulated (Anthias et al., 2012; Yuval-Davis, 2015). Based on the interviews collected by the VULNER research teams—seven teams working in seven different countries²—we discuss the tension between views on vulnerability held by migrants, legal experts and social workers. Such tension has been for us a very prolific source of inspiration, inviting us to take a self-reflexive

¹Many other levels of complexity and tensions in meanings and definitions have arisen during this project. Simply speaking of ‘asylum seekers’ or ‘protection seekers’ had different meanings in the countries in which we conducted our research, due to different legal framework, use of language and terminologies.

²Belgium, Canada, Germany, Italy, Lebanon, Norway and Uganda.

stand on the way the use of academic working-definitions, such as vulnerability, can carry out sometimes unexpected consequences and therefore affect our understanding of reality.

In the following pages we are going to emphasise the interaction between our positionality (as researchers) and the positionality of the people we spoke with. This discussion is a way for us to reflect on the challenges of comparative and ethnographic methodologies through the lenses of feminist and other critical debates on knowledge production. We go back here to what Adrienne Rich (1985) first called the "politics of location" talking about the need that every person becomes aware, in the moment s/he writes or speaks, of the social, economic and political position from which s/he is doing so. For authors such as Sandra Harding (1986), the 'stand-point' of the subject will affect his/her understanding of reality, the ways s/he going to talk about it, the impact that this will have, etc. We also know that not all 'positions' have the same weight in the process of knowledge production: some of them will have more impact, visibility or legitimization than others. All knowledge is therefore 'situated' (Haraway, 1990). To understand the positionality of the different subjects participating in knowledge production, as it happens during a research project, is an important methodological consideration which calls into question issues of power, identity, emotions which affect ethnographic work, interview making, etc. (Nencel, 2005; Hoffmann, 2007; Ramazanoglu & Holland, 2002).

The VULNER project carried out research in seven countries and combined a legal and a socio-ethnographic analysis. As the aim of the project is to have a deeper understanding of the experiences of vulnerabilities of migrants applying for asylum in several countries, this twofold approach confronts the study of existing legal norms and practices that seek to assess and address vulnerabilities among asylum seeking protection, with migrants' own experiences.

From the legal perspective, the study consists in analysing the relevant domestic legislation, the case-law, policy documents, and administrative guidelines in light of the regional and international legal standards. The VULNER researchers documented the various administrative practices related to the identification of the vulnerability and its consideration throughout the asylum process. This allowed us to identify loopholes in the implementation of the vulnerability assessment.

From the ethnographic perspective, the research gave the opportunity to asylum seekers to share their experiences of the asylum process in their own words. It also included the insights of associations and lawyers specialised in the asylum and migration fields. Interviews were also conducted with the persons implementing the legal framework such as the judges, the protection officers (street-level bureaucrats) or other civil servants. This has shed greater light on how and to what extent the current asylum procedure can accommodate the experiences of vulnerability. Therefore, the interdisciplinary approach facilitates a thorough understanding of the concept of vulnerabilities with regard to the *role* of vulnerability in the legal framework, its *practices* by decision-makers and the *experiences* of protection seekers. These three grounds—legal framework, practices and experiences—are strictly interlinked and in constant interaction. Hence, their relations should be examined as a continuous flow given that the legal and policy framework influences the implementation practices and affects the protection seekers' experiences but, at the same

time, is also influenced by them. The desk legal research, combined with the two fieldwork projects (with decision-makers and protection seekers respectively), aims at gaining knowledge on the gaps between the legal framework and the realities experienced on the ground. The added value of this combined and complementary approach is to better grasp the reality of the asylum process and the vulnerability assessment in the different countries. The reality of the asylum process takes into account the position of the asylum seeker who is not always informed about the challenges and the pitfalls of the procedure, the agenda and the expectations in terms of collaborative efforts to prove the facts for instance or the reality of the street level bureaucrats, who apply the notion of vulnerability in the way they understand it legally and subjectively. It also considers the reality and the position of the social workers who try their best to accompany and inform the asylum seekers. It also allowed for more nuanced results, drawing on the experiences of those directly involved in the vulnerability identification policies and affected by its practices.

In addition to this combined approach, the research teams include members from different disciplines with different backgrounds, which also allows this dual approach (socio-legal) to be extended. Indeed, the notion of vulnerability—and the complex issues it covers—cannot be understood solely and exclusively through a legal approach. Other perspectives brought by sociologists, philosophers, anthropologists and political scientists have significantly enriched the research by ensuring a thorough understanding of vulnerability. They allow for a multifaceted and comprehensive approach of vulnerability and its implementation. It is therefore this double analysis (socio-legal) combined with multi-disciplinary teams that ensure a deeper understanding of the complex notion of vulnerability.

This chapter will reflect on the notion of vulnerability and on the different views on vulnerability depending on the positionality of each actor in this research, in four steps. In the first, we will address the different challenges related to the lack of definition of vulnerabilities, those faced in its daily implementation in practice, and how the legal framework itself is sometimes producing and shaping vulnerabilities. The categorical approach will be discussed by taking the perspective of the judges, legal experts and street-level bureaucrats who are taking decisions on the best way to navigate this complex realm, in contrast with migrants who do not have any stake at this level.

The second section takes us to the point of view of practitioners, lawyers and all people managing the way the asylum procedure is working ‘in practice’. Their standpoint sheds light on the quite ample space of maneuver, having the power to use different ‘labels’, implement different decisions and assessments. This section thus speaks again about the complex nexus between people’s positionality and their understanding of vulnerability.

The third section addresses migrants’ perspective on the asylum system, the reception and accommodation procedure, and their criticisms on the notion of vulnerability which is currently used by institutional actors mainly. Starting from their position as those who are indeed labelled as ‘vulnerable’ by this system, we find a series of denunciations based on their direct personal experiences with the other actors (judges, practitioners, bureaucrats, etc.) which confirm the importance of situating knowledge production in an embodied perspective.

Finally, in the last section, we are taking the researchers perspective, looking at the complex positionality of those who, as ourselves, are carrying out research in this delicate ethical field. Looking in particular at the relationship between researchers and research participants, and the dilemma that this relationship may pose. Here we are therefore discussing, from the researchers' point of view, what it means to resist the danger of reproducing standardised understandings of refugees as victims based on the particular conditions of self-representations.

3.2 Talking About Vulnerability 'Legally'. Lack of Definition and Categorical Approach of Vulnerability

This section will analyse how vulnerability is addressed in the law and how it positions the assessment of the asylum authorities. The need to talk about vulnerability legally is induced from the definition of vulnerability in the law. It is the referral material of the street level bureaucrats. They reflect from the law, which cites categories of vulnerable profiles. They have discretionary leeway in applying vulnerability to the asylum claims and in labelling. At the other hand, the asylum seekers have no control whatsoever on the way vulnerability will be interpreted in their case. There is a significant difference in the perspective and position of these actors. Those different realities need to be emphasized. We will reflect how despite the legal prescriptions in the law, a more holistic approach is needed in order to correspond to the reality lived by the asylum seekers but also by the associations accompanying them.

In recent years vulnerability has gained a legal momentum, being addressed at domestic and international level to identify certain individuals, or groups, experiencing a situation of fragility or precariousness and therefore presenting certain specific needs.³ The same trend has also been noticed in the area of migration and asylum. Notwithstanding this increasing use of the concept of vulnerability, its definition is not homogeneous and the difficulty in delineating the contours of this concept is transversal across disciplines. In essence, the meaning of vulnerability is imprecise and contested and this concept is vague, complex and at times ambiguous (Peroni & Timmer, 2013, p. 1058).

Not all the legal systems that are part of the VULNER research project refer to it while dealing with migrants and asylum seekers. Moreover, even when the concept of vulnerability is used, there can be different approaches to it. Exemplary in this respect is the European context. The EU legislator repeatedly refers to vulnerable persons in the various instruments that constitute the Common European Asylum

³ In the doctrine use of vulnerability in a positive sense.

System (CEAS). However, nor the Reception⁴ or the Procedure Directive⁵ give a clear and comprehensive definition of vulnerability. Instead, those directives establish some lists of “categories of persons” or “factors” that are relevant for vulnerability assessments. The Reception procedure provides for obligations to identify vulnerable persons in order to give adequate shelter to protection seekers, as well as to provide them with legal and social support during the reception and asylum process. This list has grown over time and is commonly considered non-exhaustive. Likewise, In the Procedure Directive, it is the notion of “applicant in need of special procedural guarantees” or “people with special needs” that is being put forward. If procedural needs are detected, “adequate support” will be provided to meet those needs.⁶ The EU law considers that there is a “causal link” between vulnerability and special needs: if there are some special needs, the person will be considered vulnerable. If the pre-established categories can serve as a “warning bell” to detect vulnerabilities, the idea is rather to think *beyond* these ones, in terms of layers or degrees of vulnerability which can evolve in space and over time. However, vulnerability, by its very nature, cannot be identified and interpreted from a presence/absence perspective as to whether or not a person falls into a certain category, and this is especially true for asylum seekers.

A different approach than the categorical one has nevertheless been taken by the European Court of Human Rights. The Strasbourg judges, in the famous case of *M.S.S. v. Belgium and Greece*⁷, recognised asylum seekers as vulnerable *per se*. More specifically, the ECtHR affirmed clearly that the applicant’s vulnerability was “inherent in his situation as an asylum-seeker”, the Court clarified that the vulnerability of the asylum seekers does not involve only the personal experience of the claimant, but that it could be considered a collective feature of asylum seekers: “Therefore, every asylum seeker could potentially be considered vulnerable, irrespective of his or her personal story or experience”. The Court therefore already confirmed that vulnerability is closely linked to the context in which a person evolves.

Despite this approach of the Strasbourg Court, a categorical approach tends to be preferred when speaking of the vulnerable people in the context of migration and asylum. Indeed, when the issue of vulnerability is addressed, it is principally through the lens of a group of people sharing some common objectifiable characteristics.

In addition to its vague and sometimes unsuitable nature, the categorical approach implies a “labelling process” which raises further questions. First of all, it limits the scope of vulnerability by reducing it to some categories of persons whose needs are

⁴Directive 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 (recast), *OJ L* 180, 29.6.2013, p. 96–116, art.21.

⁵Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), *OJ L* 180, 29.6.2013, p. 60–95, art. 2 k).

⁶However, the Directive doesn’t specify what adequate support entails.

⁷ECtHR, 21 November 2011, *MSS v. Belgium and Greece*.

identified and established *a priori*. Even if the list of categories is not exhaustive, the concept of vulnerability should be “broadened”. Other factors such as socio-economic background and education (illiteracy) as well as other contextual factors linked to the migratory road should also be considered in the vulnerability assessment, as in the impact they may have on the probatory skills of individuals for instance. Secondly, with regard to vulnerabilities, especially in the context of migration and refugee protection, intersectionality seems to be the rule and not the exception. Every migrant and protection seeker is likely to be vulnerable to some extent due to the migration experience itself. Indeed, the vulnerabilities tend to overlap and intertwine. The notion of intersectionality is a useful lens in order to understand and assess vulnerability. Moreover, if one thinks in terms of category, a majority of asylum seekers may fall within more than one of those categories established by law. However, the law doesn’t suggest this intersectional approach, that would allow a shift in the way the decision makers or the street-level bureaucrats are positioned and permit them to be closer to the reality lived by the asylum seekers and their needs. As a consequence, this type of reasoning (labelling) makes it hardly impossible to adequately assess their vulnerabilities and to address them accordingly.

As explained later in this chapter, there is a necessity to go beyond a bureaucratic and standardized approach of vulnerability, which limits the understanding of asylum seekers’ vulnerabilities to a very “technical” aspect. Acknowledging the intersection of different experiences and difficulties and their continuum could give consistency to the identification of vulnerable groups, starting from their own experience and going beyond the somewhat narrow legal perspective.

It is also worth noting that the current identification process as it is conceived depends merely from the authorities’ vision and representation of vulnerability. However, this process generates different reactions among the asylum seekers we met: some of them do not perceive themselves as vulnerable and are therefore not always aware of what is at stake in the notion and of the importance of identifying their particular needs. On the contrary, and in certain cases (such as resettlement programs in Uganda, for example), vulnerability takes on a strategic dimension of which the persons are aware, in that it allows them—via pre-established criteria—to have access (or not) to the resettlement program. As will be discussed, this results sometimes in a competition among people to be considered as the “most vulnerable” and thus eligible for resettlement, for example.

In conclusion, the legal perception of vulnerability assumes that vulnerability is a fixed status interpreted from the perspective of presence-absence. Yet, this approach is lacking consistency mostly because this notion is “disembodied” in the law in relation to the experiences of asylum seekers. On the other hand, the law and its categorical approach is the only formal referral to the notion of vulnerability for the street level bureaucrats and therefore, the position of the asylum instances is a labelling one, interpreted from their own sometimes subjective view. The asylum seeker is in a subordinate position, trying to respond to the expectations but having, also, as only referral, this legal notion of vulnerability. This categorical approach should be broadened, allowing to take into consideration the different vulnerabilising factors the asylum seekers actually encounter, starting from their own experience.

3.3 Speaking of Vulnerability *in Practice*: Vulnerability Through Decision Makers' Points of View and Modalities of Asylum Systems

Within EU member States, the law perceives vulnerability as categories of (pre-identified) individuals with special reception and procedural needs. The role of those responsible for identifying these vulnerabilities is therefore crucial, as they enjoy a significant margin of manoeuvre in the identification and assessment of these needs, and as this assessment is not without consequences and challenges. In states that have a body of law that legally includes vulnerability, as in those that do not, vulnerability, as the Norwegian VULNER report puts it, “is gaining traction in practices” (Lidén et al., 2022, p. 5). And positionality here plays again a key role to understand how different actors, positioned differently in the asylum system, deal with the notion of vulnerability. It is important to know that their positionality not only has an impact on their work, but also on the way they understand vulnerability, their interpretation, the way they use it in practice, but also their belief about how the notion should be used with regards to asylum seekers. The room for manoeuvre and eventually, the type of power this gives asylum bodies and officials, also influences the way in which asylum seekers are “labelled” as vulnerable (or not) during their process, sometimes in a very incomplete and unilateral way. What do the practices of agents in charge of giving substance to vulnerability suggest and mean, then? The following section is an attempt to answer this question.

Different practices can be identified in the asylum systems of the different EU states which participated in the study. This allows conclusions to be drawn about how vulnerability is understood by those who are supposed, by law, to assess it. More cross-cutting findings can also be made across EU borders and various trends can be mentioned in the different national (non-EU) systems under study. They gather around three common approaches. Firstly, a selective and pragmatic approach to vulnerabilities that is adopted by national decision-makers in charge of identifying vulnerabilities. Indeed, by taking as a starting point the “categories of vulnerable people” as defined by European law, they often establish selection criteria specific to their practice, which stems from the room for manoeuvre they have on the ground. In the VULNER report from Italy, for example, some interviewees distinguished vulnerabilities between “visible” and “objective” vulnerabilities and “less visible” or “subjective” ones, which are, according to them, usually less taken into consideration in asylum procedures (Marchetti & Palumbo, 2021). In Germany, the Federal Office for Migration and Refugees only recognizes certain types of vulnerabilities (such as those connected to gender-based violence, to age—for unaccompanied minors—or to victims of human trafficking). As stated in the German VULNER report, it does not use an “open-ended term” but has a “selective assessment” approach to recognize vulnerable people (Kluth et al., 2021, p. 22). In Belgium, while decision makers attempt to go beyond the categorical approach enshrined in law, their interpretation remains very practical and is often limited to identifying “very pragmatic” vulnerabilities that require immediate intervention

and planned responses. The following extract from a decision-maker in charge of examining the asylum application shows very well how vulnerabilities sometimes become “technicalities” of the procedure or parameters to be adjusted:

Someone in a wheelchair, or a woman who is pregnant, these are things that should be noted for the interview, so that they can be considered [...] If someone is in a wheelchair, they should be given a room that is easy to access, and so on. (Saroléa et al., 2021, p. 127).

This very “pragmatic” aspect of dealing with vulnerabilities is also found in Italy where very specific arrangements are put in place to create “a setting that can potentially facilitate an applicant’s expression” (Marchetti & Palumbo, 2021, p. 90). This is the case, for example, of the breaks that are systematically granted when the applicant unexpectedly declares to be a minor. In Germany, this can also be seen in the implementation of “need-based measures” which consist, for example, of adjusting accommodation modalities and conditions to pre-identified vulnerabilities of certain groups (e.g. women migrants) (Kluth et al., 2021, p. 28).

Secondly, a stereotypical sensitivity emerges from the assessments of the decision-makers in charge of evaluating vulnerabilities. In Italy, the vulnerabilities identified are indeed sources of stereotypes. As mentioned in the Italian VULNER report, women are very much associated with potential victims of human trafficking but other “atypical stories of migration” in which they do not self-identify as victims, are mostly overlooked (Carnassale & Marchetti, 2022, p. 87).

This echoes a point in the report from Belgium, regarding stereotypical representations of women asylum seekers: In some cases, an educated woman will tend to be recognised as “less vulnerable” because she does not fit the stereotype of what is expected of *a woman*, and especially of *a woman seeking asylum*. The Belgian report is very clear on that point when it states that, according to Belgian decision makers, “the typical profile of a vulnerable woman is one that is illiterate, poor and dependent on” (Saroléa et al., 2021, p. 49). In Germany, this stereotypical sensitivity towards women is also reflected in the scope for decision makers to include “more extensive care for expectant mothers and women who have recently given birth”, for example (Kluth et al., 2021, p. 12).

At the same time, this sensitivity is also reflected in the failure to consider certain people as vulnerable, by applying some gender bias to certain groups. Isolated men are the first victims. The imaginary of the male condition represents the male asylum seeker as strong, and in any case, as someone falling outside the scope of the dominant representations of vulnerability. As a decision maker in charge of identifying vulnerabilities in the Belgian asylum system said in the VULNER report from Belgium that it is just “common practice” to consider an isolated woman more vulnerable than an isolated man (Saroléa et al., 2021, p. 93). In the same sense, Italy underlines the same gender bias in the fact that practices and guidelines surrounding trafficking in human beings fail to consider the fact that sexual exploitation may involve boys and young men (Carnassale & Marchetti, 2022, p. 96). These gender biases obviously go beyond the states subject to EU legislation, as the Norwegian report also points to a special focus on certain groups, notably “gender-related issues” and victims of human trafficking for the purpose of prostitution (which are traditionally considered as being a “female issue”) (Lidén et al., 2021, p. 92).

The above two elements highlight the very subjective dimension of vulnerability that is reflected in the practices of decision makers. This subjective dimension is reinforced when the “emotions” of the decision makers also play a role in the interpretation of vulnerabilities. In Belgium, some asylum judges testified to this reality by indicating how their feelings (sometimes stereotypical) could influence their perception of vulnerability. In the Belgian VULNER Report, an asylum judge stated clearly that the “the person’s posture during the hearing” (their feeling or way of behaving) can be decisive as it gives another indication of the state of vulnerability of the protection seeker (Saroléa et al., 2021, p. 204). The role of emotions is cross-cutting and is also found in a completely different context, in Uganda, where the report stresses “that emotions play a key role in aid workers practices and decisions in their assessments of vulnerable refugees” (Nakueira, 2021, p. 5), as civil servant practices were not only driven by guidelines, but also by emotions.

Finally, the practices of decision makers also show exclusive approaches to vulnerability. The “categories” of vulnerability say a lot about those who qualify as vulnerable, but also about those *who issued and created them*. They also reflect a particular sensitivity on the part of certain states to certain criteria which they have determined in advance to decide who is vulnerable and above all, who is *not*. Once again, this has a direct bearing on questions of positionality, and above all on the very unequal balance of power that emerges, not only in the assessment of asylum applications, but also in the recognition (or not) of the vulnerability of a human being *through* this application. This element is transversal to the approach to the vulnerabilities of decision-makers and appears in the examples of the various states that participated in the VULNER study. They demonstrate a form of vulnerability “competition” which tends to fit people into the categories to which they must conform. This is the case in the Italian context, for example, as stated in the Italian VULNER report:

In everyday practice of support or assessment, the question seems to be ‘who is more vulnerable’, and what category of vulnerability the person fits in. (Marchetti & Palumbo, 2021, p. 82).

In Belgium, the report further shows that this competition is mainly due to the classification of categories which says a lot about the (political) priorities of the State that actually designed them. As stated in the report from Belgium, vulnerability actually appears more as “category calibrated according to what the State can do [...] than as a group [of people] that is identifiable by itself, whose needs are fixed and shared.” (Saroléa et al., 2021, p. 258). In this perspective, a major problem is then raised by the Italian report regarding a more intersectional vision of the conditions that create vulnerability and the capacity of an asylum system to take them into account in its functioning. As the report mentions “the timeline of the subjectivation processes and alternative modes of self-identification may not fit with institutional measures and procedural times” (Marchetti & Palumbo, 2021, p. 91).

Interestingly, these problems of selective and oriented practices are also found in national systems where no clear obligation to identify vulnerabilities is directly formulated, for example, in Norway. While no concrete procedure for identifying especially vulnerable protection seekers currently exist in the Norwegian asylum system,

specific groups and persons are given special attention in practice, with reference to the state obligations derived from specific international conventions. According to the Norwegian VULNER report, this also creates a "hierarchy of vulnerabilities" that determines who is vulnerable and, more importantly, who is not (Lidén et al., 2021, p. 133).

While vulnerability is fully incorporated into the legal framework of some states and implies certain consequences for decision-makers, the various reports from the states participating in the study highlight that it is also a product of this legal framework and practices. In other words, this chapter shows that this framework also allows for the emergence of vulnerabilities, or situations in which migrants are exposed to risks they cannot tackle. The above paragraphs showed how the practices of the officials in charge of assessing vulnerabilities can carry with them certain challenges and that their positionality will impact their work, representations, acceptance and (dis)beliefs. But it should be also noted that, beyond procedural practices and unequally socially-positioned actors, other examples of these vulnerability lies in the spatio-temporal realities of the asylum system and, in particular, in places of waiting and passage (such as informal settings or reception centers in the EU). Those places contribute, on their own scale, to forms of increased vulnerability for people living there, with *similar challenges* for States that are yet very *different* (as in the States that participated in the VULNER project, some have a legally organized reception system and some do not). They then highlight another understanding of vulnerabilities that is not limited to categories of people or positionalities of asylum officials, but rather to *modalities* of asylum systems, which can maintain people in situations of vulnerability on two levels: on the one hand, because these places generate certain emotional impact, and in particular, sense of insecurity.

The German VULNER report highlights this issue, by mentioning that some Länder in Germany have enacted "measure to protect asylum seekers from violence in reception centres" (Kluth et al., 2021, p. 29). This problem of security in reception centres echoes the findings of the Belgian report, which highlights the fact that the primary need for security in reception centres is hardly met by their infrastructure (Saroléa et al., 2022, n°2, p. 49). This security aspect also has a particular gendered weight (the feeling of security is experienced differently in the space when one is a woman or a man seeking asylum). In Italy, the question of safety within the centre is also posed in terms of gender identity, and particularly sexual orientation. The question of "personal safety" is therefore at stake when asylum seekers report "the risk of homophobic incidents within reception contexts, among both the protection seekers and reception staff" (Carnassale & Marchetti, 2022, p. 46). In Lebanon, while some asylum seekers felt more comfortable staying with 'like-minded' people in the refugee camps, others preferred to settle elsewhere, "particularly due to dangerous infrastructure and crime" (Brun & Maalouf, 2022, p. 35).

On the other hand, vulnerabilities can also be generated because these places impose a form of "living apart" that prevents access to a range of resources, services opportunities outside the reception centre. The issue of access to service is very relevant in the Belgium and Italian context, where the location for the centre really

matters in terms of access to certain forms of assistance and opportunities (Carnassale & Marchetti, 2022, p. 55; Saroléa et al., 2021, p. 165). The forms of “segregation” that isolated centers imply is also found outside the geographic scope of the EU, in the Norwegian case, where asylum seekers experience distress due to limited social networking, access to information or to job market (Lidén et al., 2022, p. 66). In another context, the Uganda report mentions also that the system to monitor the refugee population in camps reduces refugees’ mobility and prevents them “from seeking economic opportunities outside the settlement” (Nakueira, 2022, p. 5).

The preceding paragraphs show that vulnerability acquires particular dimensions (pragmatic, stereotypical, exclusive) which testify to the “selection” issues behind the practices of decision makers. Beyond that, the preceding sections remind us how vulnerabilities can be shaped through implemented practices and structures, or modalities of asylum systems. This allows us to conceive other approaches and other experiences of vulnerability which can be echoed in the following sections.

3.4 A Critique of the Use of Vulnerability from Migrants’ Perspectives

As it was said in the beginning of this chapter, the VULNER project was purposely designed to highlight tensions between different definitions and understandings of vulnerability which are departing from the standpoints of lawyers, policy-makers, practitioners and finally migrants themselves. The assumption on the difference—when not the conflict—between these perspectives had also informed the structure of the empirical research, divided into a first phase addressing more the institutional and legal actors, and a second phase directed to migrants and grassroots actors. In this division, migrants’ perspectives have been given great centrality, and therefore we made our best efforts to reach current or recent asylum seekers, despite all the obstacles that our research teams had to overcome in order to access a pretty difficult target such as migrants hosted in reception centers or refugee camps, traveling long distances to reach these remote places and overcoming the bureaucratic hassle to get permission to enter and talk with people—even the more difficult during Covid times. Yet, to get hold of migrants, to run our list of questions to them and collect their narratives has proved to be an enormously precious contribution to the outcome of our research. The expectation that their perspectives would have shaken the institutional view, and sometimes confirmed the critical voices inside of it, has been satisfied. We can say indeed, that having two different phases of research, and being able to collect the views on vulnerability of those who are indeed defined ‘vulnerable’ by the asylum system, has allowed us to close the circle, so to say.

In this section, we will focus therefore on how migrants’ views are criticizing the most current use of the notion of vulnerability by the side of those institutions with whom they had direct contact, being these the Committee they met during the asylum interview, the management and other guests they met in the reception centers or, in a more abstract manner, the system of rules and legal requirements that they

had to learn and take into account during their experience as asylum seekers. On the basis of this direct personal experience, the migrant people we interviewed are proposing a series of critical perspectives which we are trying here to summarize, along three main lines.

At the first level, in migrants' views, we see a need to overcome a standardized, bureaucratic and categorical approach to vulnerability. This is something which has been said also by some critical judges and practitioners, and is important for us to see how migrants confirm this necessity to go beyond such a bureaucratic and standardized approach. Actually, they seem to favor what we can call a situational and intersectional approach to vulnerability, and in which vulnerability is seen as a continuum, as something which has degrees and not as something which you either have or you don't and it is determined by the context you are in, rather than by some intrinsic characteristics of you as a person (see Introduction to this volume).

From the stories that migrants told us, we also understand that the standardized use of vulnerability – as it is done in the EU, by national institutions and international institutions – fails in particular to understand some types of vulnerabilities. First, they often fail what we call 'invisible or hidden vulnerabilities': religion, sexual orientation, or other categories which are very specific to the context, therefore not typically taken in consideration. Along these lines, in the VULNER Report from Uganda we read:

My field assistant and I met with a group of over 100 male refugees who had undergone sexual violence at the hands of male and female perpetrators in their home countries. (...) In their narratives, interlocutors emphasized their need of dedicated medical interventions. Some were left incapable of fulfilling their conjugal rights due to the psychological trauma. (...) Others confessed to not telling their spouses that they were victims of sexual violence, out of fear of losing their respect. Some mentioned that they were rejected by their family members and places of worship, who associate them to queer people because of their traditional belief that men cannot be raped. (...) All complained that aid agencies failed to respond to their needs that relate, for example, to the access of adequate healthcare and surgery to repair the consequences of SGBV (such as anal bleedings, erectile dysfunction, and so forth). They attributed the social stigma of being labelled as gay men by other refugees to the dominant belief that men could not be victims of sexual violence. (Nakueira, 2022, p. 22)

Another example of an 'invisible' vulnerability comes from the discussion in the Italian report about the ways these risks to be forgotten and do not find adequate solutions:

Some situations of vulnerability are more visible and related to a very young or advanced age: a very serious health disability, illness, a pregnancy condition or the presence of newborns. These situations have provided for a series of channels aimed at dealing with these conditions. However, those situations that are less obvious or not visible at all (e.g. issues related to torture, sexual violence, trafficking, etc.) risk being directed to contexts where protection seekers will not necessarily find support. (Carnassale & Marchetti, 2022, p. 21)

In a similar vein, researchers from Lebanon explain how the setting is particularly affected by an 'emergent' vulnerability, which is specific of the particular history of Palestinians' presence in the country:

For Palestinians residing in Lebanon, while most may have legal residency, they are still deprived of full membership in the place where they have lived for generations. The particular vulnerability that comes from being deprived of legal residency and its mental toll of not being represented is prominent among the research participants' reflections. (Brun & Maalouf, 2022, p. 23)

Only an experienced researcher or aid workers, with profound insider knowledge, would be able identify and eventually respond to these vulnerabilities which are strongly determined but the specific situation of each national setting, therefore often invisibilised by internationally standardized approaches.

In a very similar way, current assessment fails to understand what we have called 'context-dependent vulnerabilities'. These are vulnerabilities which are not intrinsic to the person, but which belong the kind of reality in which this person finds herself, since "Those who are vulnerable in one political, cultural and social context may not be so in another or may be vulnerable in different ways" (Lidén et al., 2022, p. 48). Let us think of all the people in trafficking, and exploitation, people who are involved for some reasons in criminal circles; people exposed to bribing; and people that are at risk of becoming illegal, like people with doubts about their ID in Norway, or people losing residence permits in Lebanon. In Norway's report we find this compelling example of the impact of the specific Norwegian legislation on the personal trajectory of a young boy:

In the case of Hamid, when conducting the registration interview, the police (PU) doubted his age (15), expecting him to be 18+. So they sent him to a reception centre for adults. No longer seen as a minor, he underwent a lengthier application procedure. In the asylum interview 10 months later, the interviewer accepted may be a minor. He had an age assessment some months later, and when the result said he may be under 18, he was moved to a reception centre for unaccompanied minors. He turned 17 before receiving the decision on his application, which now accepted the age he first told the police. (Lidén et al., 2022, p. 28)

The Norwegian researchers conclude that the delayed timing of the asylum interview and age assessment negatively affected his case, hampering options for care and support.

In migrants' eyes standardized approaches also failed to understand what we have called 'relational vulnerabilities'. For example, in the Italian report we have the case of mothers who have sick children or children with disabilities, and this will be a vulnerability created by the condition of their child that somehow reflects or impacts on the mother. Other forms of hidden vulnerabilities can be subject which otherwise we consider as stronger than others but become more vulnerable in specific situations: as in the example people highly educated people in Uganda because they don't know strategies of everyday survival which are given for granted by aid agencies based on their stereotypical expectations on refugees' social background:

Uganda is increasingly receiving 'elite' refugees (e.g. highly educated or formerly high-ranking political officials), who don't have the practical knowledge required to sustain themselves through the agricultural model envisioned by the UNHCR Self Reliance Strategy, and who are not accustomed to living in rural settings. (Nakueira, 2022, p. 10).

Likewise, the Belgian team makes the example of men which cannot cope with very masculinized expectations on asylum seekers:

Isolated men are under pressure to succeed and cannot fail. (...) M. said in the same sense: "I had to leave first because I was the oldest male child in the family. And I'll fight [here, to get his papers] because I am the oldest. (Saroléa et al., 2022, p. 42)

The second level at which the current way in which we use vulnerabilities does not work concerns the procedures themselves, in migrants' views. The current procedures are seen by migrants as making them further vulnerable. The key moment is the one of the interviews. The interview is told by many as a shocking moment, as a moment which is more similar to a criminal interrogation than any other kind of meeting. They find themselves for the first time being suspected to be a potential liar. The Belgian team reports the following, as an example:

The same man also claimed that during the interview, the CGRS protection officer had an "African" assistant whose role was to "read the look" and understand whether he was lying or not. He felt not respected and shared with us his frustration at not being believed, saying: "You haven't known 1/3 of my life and you say 'he's lying!' [...] I don't even want to do it anymore since I'm in Europe. It stresses me out too much". (Saroléa et al., 2022, pp. 50–51)

Many of them recounted it as a very dehumanising moment, in which they felt a lack of empathy, which is a fundamental ingredient to vulnerability. Moral philosophers would say there is no vulnerability without empathy. The interview is told as a moment of intrusive questions, and way too personal questions. A moment in which they had the feeling that there was the right answer to give they were not able to give this right answer. This right answer was the only one which would have put them in the right box, the one able to show that they fit the right profile. Moreover, evaluating committees do not seem to avoid delving into deeply unpleasant episodes or cases of violence occurring during the journey and in transit countries, although these are formally not considered 'relevant' for the purposes of obtaining international protection. Another testimony of this, in a migrant's narrative, from the Italian Report:

He felt uncomfortable facing the Territorial Commission and the translator, who had a deeply detached, hasty and disinterested attitude, while the latter praised the very professional attitude activated by both parties involved. Many protection seekers who participated through an interview have gone through particularly long or excessively fast procedures depending also on the period of arrival. (Carnassale & Marchetti, 2022, p. 33)

The Belgian team poignantly reports the opinion of migrants' lawyers, on this issue:

Lawyers met during the fieldwork were also particularly critical of the way the interview was conducted and how the questions are posed, as if it were often a criminal interrogation, where the same questions are asked again and again if the expected answer is not received. (...) Lawyers have emphasized that the interviews are somewhat standardized, with a certain pattern, and in a certain sense "dehumanized". In fact, one lawyer highlighted how during some hearings the protection officer did not even look the person in the eye, but had his gaze fixed on the computer. (Saroléa et al., 2022, p. 51)

When migrants' say that the procedures do not work, this does not only mean the interview moment, but the reception system in general. Many complain about life in

the reception centers, about the isolation, and not being in touch with anyone. They say they miss having strong human relationships, they say they are not able to build meaningful relationships. Powerful examples of this are provided by the Belgian Report, as when quoting the following interview with asylum seeking women in a reception center:

Aïsha is very clear in her words which underline the “superficiality” of the relationships that arise in the centre. She says that she doesn’t trust anyone or talk to anyone here, except “for small jobs, and ‘hello, how are you’?”. The “hello, how are you?” (...) seemed mostly to be a meaningless “code”, implemented in a mechanical way by residents who are used it ask it anyway. (...) Fatima also points out that making friends in the centre is “a bit of a problem” by saying “people talk”. In the same vein, Life highlights the difficulty of staying in a mentally heavy environment where people are constantly talking about the issues that concern them, including their interviews and their beliefs about what is right to do (or not) about them. Life is clear when she says that she stopped talking to people at the centre to get away from those conversations about the procedure that were “too scary”. (...) Jamila immediately points out the presence of several other families from Afghanistan in the centre. But she remains cautious: “We cannot trust anyone. They are family but maybe ... I mean, here we cannot trust anybody so easily. I mean, I’m talking with them but ... maybe they are not trustable”. (Saroléa et al., 2022, pp. 58–59)

The sense of isolation is therefore profound among the asylum seekers encountered and, in their experience, reinforces vulnerability meant as the feeling of being helpless and disempowered in a hostile environment, in which they don’t feel supported. This feeling increases in large centers with many guests. They recount fear, the feeling of a lack of safety, lack of privacy. These centres are places in which they are exposed to racism, to harassment, especially in the case of transgender and non-binary people. On this, the Italian Report tells the exemplary story of Osas:

Osas, a genderqueer refugee living in Veneto who prefers to be called by his masculine name, recounted the vicissitudes experienced living with compatriots who are not always willing to acknowledge their elective gender identity. (...) He hoped the transfer would have resulted in a significant improvement of his living conditions, but he found himself being identified as a boy by his roommates, with whom he has conflicting relations, while as a girl by the staff of the centre in question. (Carnassale & Marchetti, 2022, p. 40)

Migrants repeatedly say they feel they cannot trust anybody. They cannot even trust people from other nationalities. They cannot trust especially the aid workers, the social workers working there, as in this example from Norway:

We interviewed a 16-year-old Afghan boy who was granted a resident permit but with an ID limit. (...). He could not sleep at night, had several anxiety attacks and felt exhausted, all of which was caused by his worries about the future. The staff explained repeatedly that his resident permit was permanent; he only had to obtain a passport. (...) Still, he did not trust that he would not be deported. He did not trust the system and words of the staff. From his stay in reception centers, he learned about those deported after turning 18 and also those who had left the centers for France and Germany to avoid deportation. Their anxiety and all the deportations had evoked strong emotions in him over time, and he could not get rid of his doubts. (Lidén et al., 2022, p. 58)

In a similar vein, interviewees in Uganda complain that they don’t have enough information on how the system works, and that they don’t trust anyone who’s in the position to give information, for example due to corruption of aid workers to be on

'the list'. This put us in a loop from which I think is very difficult to get out from and where corruption is perceived to be the norm:

My field assistant, a refugee as well, explained that RWCs usually identify people who are able to pay them 'something' to be on the list of vulnerable people. (...) This confirms what one aid worker noted about this particular settlement: 'This is a business camp'. (Nakueira, 2022, p. 51)

Finally, the third level at which we would say vulnerability as it is used today is not working in their minds. The big problem for them is the arbitrary character, in their views, of final decisions. This is what migrants do not understand: the motivation, why this is happening to them. They don't understand the rationale of what is happening, they don't understand the logic of what is happening. They don't understand why some people are selected and some are not selected. What they do understand is that they are put into a competition, an unfair competition with other asylum seekers: lazy vs deserving, Afghan vs others, disabled and ill get priority, etc. All these kinds of conditions are putting them in a very harsh competition not only in order to get the refugees status, but already before to get the accommodation, to get into the reception system. A striking example comes from the Italian research team:

Newly-arrived Afghan refugees – perhaps arriving between July and October 2021 after a traumatic, long journey that lasted for months – were denied entry into an extraordinary reception center because the beds were "reserved" for Afghans arriving by plane at that same time. (Carnassale & Marchetti, 2022, p. 47)

Migrants see that the rules are different for different people. Rules change from time to time, from country to country. This doesn't make any sense to them. They see EU rules as damaging for them, damaging their personal situation instead of helping them.

From Norway's report, the frustration after years of trial after trial, is very evident in the following quote with a migrant:

What I really hope is that I get rid of the feeling of being empty. I've never known where to be in a month or year. (...) My whole life, I felt like I've been treated like a 'case'. I've lost my childhood, I've lost my sister, my mother, and myself. How can I get out of this in good shape? (Lidén et al., 2022, p. 55)

To conclude this section, the criticisms we find most significant, in this regard, are directed at the following: first, a standardized and bureaucratized conception of vulnerability, that is, seen as something that can be 'assigned' to certain people or groups rather than others/and others on the basis of a kind of 'check-list' of the essential characteristics of the condition of vulnerability. Second, the rigidity of the experiences and conditions that correspond to such vulnerability is criticized, since this rigidity can hide and render invisible all other forms of vulnerability that do not fit this model, particularly because they are 'new,' emerging, or very specific and minority. Equally problematic seems to be a view of vulnerability formulated in an abstract and universal way, whereas it needs to be cast in the specific historical, political, socio-economic context not only of the country of arrival and reception, but also of the country of origin and transit of the migrant persons under consideration. There is also criticism of a conception of vulnerability as something that

‘belongs’ to a person, that is part of his or her identity or intrinsic individual condition, while on the contrary it pertains to the conditions of the context, to the contingent personal situation, as well as to intimate and family relationships with other people, all of which can change more or less rapidly and unpredictably, toward improvement or deterioration that is. And finally, the use of vulnerability as a slogan is viewed with disapproval, as a catch-phrase for policies ‘with a human face,’ but behind which in fact intimidating practices, events related to competition, corruption, exploitation, and more generally a set of procedures and treatments that provoke fears and fears, with the outcome sometimes of worsening the conditions of those who would instead need support and care.

It is certainly difficult to walk the ridge that separates not only the point of view, but more generally the needs, interests, and objectives of those involved in migration policies and particularly asylum and international protection from different positionings. Nonetheless, I believe that these insights, offered from the perspective of migrant people, can be a useful reminder for those engaged in this field, in the face of the spread of operational and emergency logics, in the rare but valuable opportunities for critique and self-reflection.

3.5 Ethics and Vulnerabilities

So far in this Chapter we have addressed the concept of ‘vulnerability’ as it is reflected in legal frameworks, how it is used to label and decide who is deemed in need of protection and asylum, and how this labelling process is experienced by migrants themselves. We now turn to the ethical dilemmas we engaged with as researchers when researching vulnerabilities and defining research-subjects as vulnerable.

Asylum seekers and refugees are commonly defined as vulnerable populations in institutional ethics carried out by universities and research institutions. With more emphasis on research with vulnerable populations, there has also been increased reflexivity around the impacts of labelling research subjects as vulnerable. In the context of refugees, such labelling may even impact on their future status (Clark-Kazak, 2021). However, despite more emphasis on the dilemmas involved in conducting research with vulnerable populations, it has not resulted in straightforward practices in this field (Von Benzon & van Blerk, 2017). This is perhaps because there are no straightforward answers where one size fits all in research with forced migrants who represent a wide array of populations, contexts and situations. The multiple dilemmas that emerge from research with refugees and asylum seekers require constant scrutiny, reflection and compromises in order to stay ethically sound and to work against the notion that refugees must be defined as victims in order to be defined as morally deserving subjects of assistance and residency (Maillet et al., 2017; Ticktin, 2011). The differential positionalities that researchers and research participants bring into the research encounter is thus important for understanding how to tackle ethical dilemmas that may emerge.

In the VULNER project, we approached research ethics in two overlapping ways. One is the more standardised institutional system for ensuring research ethics. The other is considerations of a more relational ethical approach that takes into consideration the politics of location and positionalities in knowledge production and hence understands the more situated elements of research ethics.

Institutional research ethics are standards and principles that largely came from the medical sciences in the nineteenth century, such as Nuremberg principles after the second World War (Kassir et al., 2021). Later ethical reviews moved from disciplinary focus to a more generalised interdisciplinary approach. In research with refugees and migrants, the increased emphasis on research ethics over the past 10–20 years have resulted in a number of research articles and guiding principles related specifically to the lived reality of migrants and often helpful in discussing both institutional ethics and relational ethics. The International Association for the Study of Forced Migration (IASFM) and Christina Clark-Kazak (2017) have been in the forefront of this discussion. These discussions were also the basis on which the VULNER project developed our ethical guidelines (VULNER, n.d.).

VULNER's guidelines take generalised formal ethical standards as their starting point by focusing on informed consent, confidentiality, “do no harm” and data protection. There are standardised procedures on how to provide information and gain informed consent. There is also a reflection in the guidelines on the need to protect research participants during the data collection process and to make sure any sign of distress or threat to their wellbeing—including the recollection of past traumatic experiences—result in halting the interview. However, beyond halting the interview, there is little guidance on what to do if there is any risk to the well-being of the research participant, but to build trust and conduct the interview in safe settings. Finally, the VULNER guidelines also reflect on how to manage expectations and the respect and understanding of different cultural backgrounds and positionalities. Significantly, and to which we return below, our guidelines take for granted the notion of “vulnerability” and that we assume from the outset that the protection seekers we will conduct research with *are* vulnerable. At the same time, the professionals we interview “such as experts, practitioners and other relevant stakeholders but not migrants” are non-vulnerable research participants (VULNER, n.d., p. 1).

In addition to the VULNER and IASFM-guidelines, the project also used the European Commission's Guidance Note on Research on Refugees, Asylum Seekers & Migrants (European Commission, 2020) where particularly vulnerable groups are defined as participants in refugee camps (closed, waiting or detention camps) and unaccompanied minors. Again, the research encounter itself is not largely problematised. For each country case, we also conformed to national guidelines which differed in level of detail and procedure. In the case of Lebanon, we were not allowed to interview children, for example. In other national settings, access to some spaces were not authorised.

In the project, we used the different guidelines available to us actively as they were a genuine attempt to maintain the interests and safety of research participants and researchers. The principles in themselves may be interpreted as rather formulaic as they were covering many different cases and populations. Yet, all researchers

were dedicated to ensure that our research practices were ethically sound, that research participants' interests and experiences were at the centre of our research conduct. Hence, in our reporting we emphasised that we had ensured informed consent, anonymity, transparency, and that we followed do no harm principles. From the Norwegian team, which is representative for many of the reports:

The informants gave their consent before and during the interviews. Each interview began by providing further information about the research and a reminder about the participant's freedom to refuse to answer any questions. To minimize any risk to protection seekers, their participation was treated anonymously, and all were assigned pseudonyms or alphanumeric codes. (Lidén et al., 2022, p. 20)

The ethical guidelines we shared in the project were a helpful basis for us, and defined the ground-rules for researching in an ethically sound manner. Nonetheless, the research encounters which revealed the differential positionalities of researchers and research participants entailed dynamics between the research participants and the researchers exposing dilemmas that were not covered by formal ethical guidelines. Hence, we observed that ethical reflections should also go beyond these formal guidelines and take place as an ongoing conversation.

One particular way that the project approached the ethical dilemmas in the project was through an ethics advisor, Professor Anthony Good. The ethics advisor enabled the possibility of facilitating discussions on ethical dilemmas that emerged during data collection particularly related to positionalities and relational dimensions of ethics. Moving from an approach of formalised ethics procedures, we thus reflect on the more relational approach to research ethics that were present in our research. A relational approach takes into consideration what arises in the research encounter, the power relations and multiple positionalities that are at play and the emotional side of interviewing. Reflections on relations in the encounter are helpful for understanding how we as researchers can approach difficult situations and for understanding better the knowledge that is produced. For example, in the Italian team they decided to work with both female and male researchers to be attentive to the gender dynamics that play out in the field:

The involvement of both a male and a female researcher made it possible to reach out to protection seekers with different profiles, taking into account the gendered dynamics that pervade the relationships established in the field. This also made it possible to address particularly sensitive topics (e.g., gender-based violence, sexual exploitation (sic.), sexual orientation, etc.), toward which it may provoke a potential embarrassment or closure because of the interviewer's gender identity. (Carnassale & Marchetti, 2022, p. 18)

Relational ethical reflections came out most strongly in discussing positionalities and some of the challenges and limitations of the research process. In the case of Uganda, the issue of being an insider or outsider was important as the researcher became more familiar over time with the different groups of research participants. Also in Uganda, the discussion of power dynamics involved in the research encounter also came out strongly as it was believed that the researcher came from a research institution in Germany on an EU Project which created specific expectations.

The Belgian team addressed ethical dilemmas when discussing fieldwork related to suspicion and positionalities:

(1) *Suspicion*: It was not uncommon for asylum seekers to be suspicious of the researchers, based on past experiences, particularly of the use they might make of interviewees' declarations. Some people we met refused to be interviewed or to talk at length about certain topics. (2) *Positionality problem*: Researchers are aware that they are in a very different and privileged position compared to the people seeking protection they are interviewing. This perception of the privileged position sometimes has led to asylum seekers requesting that we not meet in person (...), as well as expressing concerns we could not properly understand. We tried to be reflexive in that regard throughout the study in order to assure them that we exerted no influence on the asylum process as researchers. (Saroléa et al., 2022, p. 18).

In other contexts, concerns about avoiding data-mining and questions around how the research would benefit research participants were raised. In Lebanon, for example, the issue of research fatigue came up due to the many researchers Syrian refugees had met without benefitting from the research. However, the same research participants were grateful for the opportunity to tell their stories:

Many refugees are used to being interviewed, and the team witnessed certain research fatigue among refugees, particularly Syrian refugees. However, most research participants warmly welcomed the interviewers (...) and even thanked the interviewers after the interviews for the ability to share their stories and situation, which made them feel relieved. Hence, the team felt it was necessary to be careful about the interview approach and ensure that interviewees understood what the research was about and that we were not representing an aid organisation to avoid raising expectations about assistance resulting from the interview (Brun & Maalouf, 2022, p. 18).

Maillet et al. (2017) suggest that we should not be paralysed in encountering challenges associated with conducting research with vulnerable people but rather engage in a continuous conversation on the consequences, challenges and ways forward for our research. At the centre of these reflections is the positionality of research subjects in the context of legal precarity, criminalisation and politicisation of forced migration and power asymmetries (Clark-Kazak, 2021). In most formalised ethical guidelines, refugees—without a settled status—are almost always considered vulnerable which can have profound consequences for their lives. However, by bringing in an approach to research ethics that centres the situated knowledge: the ambiguities of research subjects' understanding of vulnerability comes to the core.

In the Belgium-case, for example, the concept of vulnerability was not used in the interviews but was rather used as an analytical tool to shed light on the asylum seekers' experiences. In the Lebanon-case, we actively asked about what vulnerability may mean to the refugees interviewed. This was important for two reasons, first because vulnerability does not easily translate into English and second it is used in different ways for resettlement and by humanitarian actors, civil society and the state. Due to the financial crisis, we heard most of the time that everyone in Lebanon is vulnerable and learnt that in many ways the concept has lost its meaningfulness for people that agencies think of as vulnerable.

In Uganda, there was a tendency by refugees interviewed to use the formal vulnerability categories in describing their situation as these categories were often used to qualify for assistance or for resettlement.

What these examples show is that studying vulnerability is always dependent on the positionalities of the research subjects and researchers. Power relations played out in the research encounter may create specific expectations on part of the research participants and colour their responses in specific ways. If the situatedness of the knowledge produced is not taken into consideration, there is a danger of reproducing standardised understandings of refugees as victims based on the particular conditions of self-representations that our research situations pose.

From this follows the question of how we understand vulnerability and how the language of vulnerability is affecting the knowledge we produce. To what extent are we rendering people vulnerable by using the language of vulnerability? In our research we were occupied with understanding the ways in which the use of vulnerability categories are experienced. The research has enabled a more nuanced understanding of meanings of vulnerability and how vulnerability is produced in the asylum and humanitarian system, which again, can enable a deeper discussion of the ethical dimension of vulnerability in the academic field.

3.6 Conclusion

‘Vulnerability’ has become a prominent concept in domestic and international dealings with protection seekers/migrants and is used to identify who are in need of protection, who can stay and not. As we have shown in this chapter, the meaning of ‘vulnerability’ as a concept is contentious and ambiguous. We have addressed ways in which the concept is approached and experienced by policy- and law makers, legal practitioners, social workers, researchers (ourselves) and most importantly, the migrants/protection seekers themselves. We found that there were different views about the concept and that it was used differently in different contexts. Nevertheless, there were a general feeling of unease about using the concept: this unease was related to the ways that different legal frameworks we analysed did not provide a clear definition; the labelling processes of defining who is vulnerable was understood to reduce vulnerability to some few characteristics; and, the concept of vulnerability was understood to be “disembodied” in the law in relation to the asylum seeker/migrant as discussed above.

We pointed, in particular, to the role of different positionalities in understanding and defining vulnerability. For example, we showed the crucial role of those actors who are responsible for identifying who are vulnerable and how much space there is for interpretation in their assessments. We also considered the experience of the concept (and category) of vulnerability from the position of the migrant/asylum seekers themselves by pointing to the failures of applying vulnerability at three levels: the problems with the standardised and categorical approach; the procedures themselves tending to render migrants/asylum seekers more vulnerable; and the

arbitrary character of the decisions of who is labelled as vulnerable. We finally considered the position of the researchers and the ethics of knowledge production on vulnerability, particularly the need to expand from only considering formal ethical guidelines to understand the different relational dynamics in the research encounter between migrants and asylum seekers and researchers.

By addressing the concept of vulnerability interdisciplinary and from the politics of different locations, we have emphasised the need for a more situational and intersectional approach to vulnerability. In this approach, vulnerability may be seen as a continuum which may change over time and space rather than being a pre-defined category. The VULNER project has contributed in different ways to this situated and intersectional understanding: by considering different national contexts in the global south and north, but also by bringing together the legal frameworks, practice and experience.

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Sabrina Marchetti is Associate Professor in Sociology at Ca' Foscari University of Venice. She is mainly specialised on issues of gender, racism, labour and migration, with a specific focus on the question of refugee rights and migrant care work. In the past, she has worked at the European University Institute as a Marie Skłodowska-Curie Fellow and Jean Monnet Fellow. She has been post-doctoral fellow at the Gender Excellence Programme of Linköping University in Sweden. She holds a Phd from the Graduate Gender Programme of Utrecht University. Her previous books in English are “Black Girls. Migrant Domestic Workers and Colonial Legacies” (Brill, 2014) and “Employers, Agencies and Immigration: Paying for Care” (Ashgate 2015, with Anna Triandafyllidou), “Global domestic workers: intersectional inequalities and struggles for rights”

(Bristol UP 2021, with Giulia Garofalo Geymonat and Daniela Cherubini). For her full list of publications visit: <https://www.unive.it/data/people/12774777>

Cathrine Brun is the Deputy Director for Research at the Centre for Lebanese Studies (CLS) at the Lebanese American University. Professor Brun is a human geographer and her research-interests concern forced migration and conflict, housing and home; practice, ethics, theory and knowledge production in humanitarianism. Her approach to research is qualitative and ethnographic with action research as a central way of co-producing knowledge. Cathrine has worked with forced displacement, disasters and urban development in Lebanon, Jordan, Sri Lanka, India, Georgia, Malawi, Uganda, United Kingdom and Norway. Prior to joining the CLS, she was a Professor in Geography at the Norwegian University of Science and Technology (till 2015) and the Director of the Centre for Development and Emergency Practice (CENDEP) at Oxford Brookes University (UK). Some recent and relevant publications: Carving out space for equitable collaborative research in protracted displacement (with Maha Shuayb, *Journal of Refugee Studies*, 2021); Understanding protracted displacement through the dwelling: the temporal injustice of the not quite, not yet solutions to refugee crises (in *Urban Recovery. Intersecting Displacement with Recovery*, edited by Howayda Al Harity, 2022); Vital conjunctures in compound crises: Conceptualising young people's education trajectories in protracted displacement in Jordan and Lebanon (with Zoe Jordan, *Journal of Social Sciences*, 2021); Living with shifting borders: peripheralisation and the production of invisibility (*Geopolitics*, 2019); Real Time Research: Decolonising practices or just another spectacle of researcher-practitioner collaboration (with Ragnhild Lund, *Development in Practice*, 2010); A geographers' imperative? Research and action in the aftermath of disaster (*The Geographical Journal*, 2009).

Zoé Crine is a doctoral researcher at UCLouvain, member of Research Team on Laws and Migration. She holds a first master's degree in political science (EU policies) from the University of Liège, Belgium, and a second master's degree in international law (human rights law) from the University of Maastricht, the Netherlands. She is working on the Horizon2020 VULNER project which aims at investigating how the law assess, address, shape and produce vulnerabilities of protection seekers. In addition, she is writing a thesis on women seeking asylum in Belgian reception centres and their autonomy.

Christine Flamand is a researcher and lecturer at the Law Faculty of UCLouvain. She is a member of the Research Team on Laws and Migration since 2017 and joined the Horizon2020 VULNER project in January 2023. She holds a Master's Degree in Law from the UCLouvain (1993). She specialises in refugee and migration law. She previously worked as a UNHCR consultant in international protection of refugees in DRC, Turkey and Belgium. She has also worked with several NGOs in Belgium, including CBAR, ADDE and INTACT, where she has developed an additional expertise on issues related to gender and children's rights.

Francesca Raimondo is a scientific collaborator in the Horizon2020 VULNER project and a member of the Research Team on Law and Migration at UCLouvain. Francesca holds a Law Degree from the *Alma Mater Studiorum*—University of Bologna, Italy (2014) and a PhD in Legal Studies (2019) from the same institution, with a thesis in Comparative Public Law. From February 2020 till April 2022, she has been a Post-Doc Research Fellow within the VULNER project. Francesca is also a member ADiM (Italian Academy of Law and Migration)

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