



Protect

The Right to International Protection

A comparative study of vulnerability
as a globally mobile policy concept



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A comparative study of vulnerability as a globally mobile policy concept

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Introduction

'Vulnerability' is increasingly propagated and contested within recent policy frameworks dealing with migration and international protection. In this article we examine how vulnerability as a mobile policy concept becomes embedded in specific sites as it meets institutions, policy frameworks, actors' strategies and belief systems, and physical–infrastructural characteristics on the ground. To what extent and in which ways is the question of 'Who gets to be recognized as vulnerable?' shaped by the shifting assemblages through which the concept travels, and is transformed in different contexts?

Based on data from comparative ethnographic studies in six migration arrival hubs¹, we examine first how vulnerability functions as a governance tool in the reception process. Based on a comparative analysis of how vulnerability is understood and operationalized in and across the sites, we subsequently identify two dimensions that are crucial to shaping vulnerability as governance; the constitution of actor-assemblages identifying and attending to vulnerability in the context of (neo-)liberal marketization, and the 'nativist' rhetoric that currently circulates in migration policy and public debate.

Recent policy frameworks such as the Global Compact on Refugees (GCR) and the Global Compact for Safe, Orderly and Regular Migration (GCM) are devised to serve both the needs of refugees, and to observe the demands of states and global markets (Sicakkan 2021). At the face of it, the concept of 'vulnerability' which proliferates in the Compacts, seems to be oriented to the first – that is to serve the needs of refugees and migrants. However, in this article we argue that somewhat counterintuitively, vulnerability is intrinsically linked to the demands of states and markets at the field level of governance and serves to redraw the very effects of power that attention to vulnerability ostensibly seeks to vanquish. We also argue that nativist discourses that see migrants as threat to national community have introduced an important twist in how vulnerability as mobile policy concept is assembled in particular contexts.

Our analysis adds to and further advances the expanding body of scholarship highlighting the challenges and pitfalls of the increased reliance on the concept of vulnerability in migration and asylum governance. While advocates of the concept see it as a way to address diversity

¹ Case studies were carried out by the following teams in each site: Canada: Idil Atak, Sara Asalya and Jona Zyfi, South Africa: Kudakwashe Vanyoro, Jo Vearey and Nicholas Maple, Greece: Theofanis Exadaktylos, Evgenia Iliadou and Carmen Caruso, Italy: Giovanna Cavatorta, France: Christine M. Jacobsen and Pascaline Chappart, Spain: Marry-Anne Karlsen, Álvaro Rosa García, Lorena Calvo Mariscal, and Maria de los Angeles Bellido Lora. In the analysis in this paper we have drawn on their contributions to the PROTECT-project published in Jacobsen et al 2022 a and 2022 b, Atak et al 2023, Cavatorta 2021, Exadaktylos et al 2023, Jacobsen 2023, Karlsen 2023, Vanyoro 2023.

among protection seekers and contextualize decisions, research suggests that the concept instead tends to reinforce stereotypes and can be stigmatizing and paternalizing (Turner 2019; Sözer 2021). It can also facilitate social control, neo-liberal responsabilization (Sahraoui 2020, Brown 2017), and result in exclusionary practices (Rozakou 2021; Camminga 2021). Vulnerability discourses have been particularly criticized for the association between (female) gender and vulnerability (Turner 2019), for linking deservingness of protection with innocence and the lack of individual agency (Ticktin 2016), and for negating state responsibilities to provide universal, rather than targeted, care (Fassin 2016). While some of this critique has made its way into global policy frameworks and brought about efforts to redefine the concept (see e.g., Klassen 2022), the vulnerability framework seems remarkably resistant. Two of the main reasons for this resistance, we argue, is found in the adaptability of the vulnerability concept to logics of marketization and nativization.

Analytical perspective, policy mobility theory

Vulnerability figures in studies of migration in (at least) three main ways, as an analytical concept, as subjects' positioned understanding, and as a governmental category (Cavatorta 2021: 29). These do not exist as distinct iterations, but constitute a 'muddled borderland', as Cavatorta puts it. In this article, we are mainly concerned with vulnerability as a contested category of policy and practice in migration governance. We understand governance as discursive practices which involve interaction between multi-scalar policy frameworks and multiple actors. The identification and assessment of vulnerability has become an essential mechanism for both state and humanitarian actors to govern migration and access to international protection and humanitarian assistance.

How 'vulnerability' figures in migration governance and the effects of such governance must be ethnographically explored in specific socio-historical contexts, however. In order to do so, we are inspired by and extend the policy mobility perspective developed within geography and anthropology as an alternative to the more traditional policy transfer literature in political science. The policy mobility perspective stresses how policies are not transferred in fully formed and complete packages, but 'move in bits and pieces - as selective discourses, inchoate ideas, and synthesized models - and they therefore 'arrive' not as replicas but as policies already-in-transformation' (Peck and Theodore, 2010: 170). Rather than understanding a policy as coherent phenomenon, understanding policy mobility through the concept of assemblages draws attention to the arrangement and interaction between components (e.g., laws, actors, organizations, technologies of governance, accountability processes, etc.) and the power relations that make some arrangements possible, and others not (Savage 2020). The understanding of vulnerability is transformed as it meets institutions, policy frameworks, actors' strategies and belief systems, and physical–infrastructural characteristics in given context.

Policy mobility theory can help us understand how the multiple understandings of vulnerability that circulate in global and EU policies are transferred, borrowed, and adapted, across different contexts and jurisdictions. This approach can reveal how the concept of vulnerability is constructed and used in different policy contexts, and how it can be mobilized to advance particular policy agendas or to justify certain policy measures. The policy mobility lens further allows us to grasp the murky, multidirectional and multiscalar dynamics of

vulnerability as a globally mobile policy concept which is propagated by institutions such as the United Nations High Commissioner for Refugees (UNHCR), International Organization for Migration (IOM) and the European Union (EU) and enacted through place-specific assemblages/constellations of actors. Scales in the policy mobility perspective are understood as relationally constituted set of institutions, rules, frames, governmental techniques and physical infrastructures that help the embedding of some policy concepts (in particular ways) but not of others. Different actors are thus not seen as simply acting on behalf of different scales, but as negotiating scalar relations and making or disrupting the connections that allow policy ideas to travel (Varró and Bunders 2020).

Various ways of ‘speaking back’ to migration governance as such also feed back into international discourses on vulnerability, producing more complex paths of circulation than the ‘policy transfer’ perspective suggests. A challenge with the policy transfer perspective is that it tends to suggest the importation of fully formed, off-the-shelf policies (McCann 2011). Local agents do not only ‘implement’ vulnerability policies and practices as replicas of global policies, however, they also resist, resignify and challenge the global norms. As Cheng (2011: 479) insists ‘those who are the subjects of these [...] interventions may reframe their own experiences in [...] terms that deviate from and even contradict the understanding of those who speak on their behalf.’ Ideas of vulnerability may also be resignified by political actors as they intersect with globally mobile ideas about international protection in nativist and globalist discourses.

Cases and method

The article is based on case studies carried out by different teams in six different field sites within the EU-financed project PROTECT The Right to International Protection: A Pendulum between Globalization and Nativization (Jacobsen, Karlsen and Vearey 2022a and 2022b). The field sites are all migration entry points, but their location in relation to territorial borders and migration routes vary, as do the socio-political contexts. Four field sites are located in Europe on the so-called Mediterranean migration route: Catania, Lesvos/Thessaloniki, the province of Cádiz and Marseille. While the three first are places of disembarkation, transit and reception for migrants crossing the Mediterranean, Marseille, although a port city, primarily experiences secondary arrivals over land from Italy and Spain. Catania and Lesvos are included in the ‘hotspot’ program established by the EU in 2015, while Cádiz has opted out and Marseille remains outside. Between 2011 and 2019 the Catania region hosted the largest hotspot in Europe (the Mineo Centre), while the reputed Moria camp at Lesvos closed down after a fire in September 2020. A fifth field site, Musina, is one of the busiest Southern African migration corridor towns, near the Limpopo River border with Zimbabwe. Toronto, the sixth field site in which fieldwork was carried out, is Canada’s largest city, and the main destination city for the majority of asylum seekers and refugees in Canada.

The selected field sites represent a broad variety with respect to historical and current migratory movements, as well as in the institutional frameworks for governing migration, physical–infrastructural characteristics, and constellation of actors on the ground. While this makes each field site unique, the sites are also interlinked at multiple scalar levels (from activist networks working on providing assistance with transportation and basic needs across borders, to associations of welcoming cities and global pacts), and shaped by transnational global

political-economic conjunctures. In all the field sites, migration is a politicized topic, and there are debates at local and national levels about how migrants and asylum seekers should be received, who should be the responsible actors, how much resources should be allocated, and about the relationship between controlling borders and caring for people on the move. In all contexts, ‘vulnerability’ has come to be part of the discursive frame through which these questions are currently understood and managed.

In order to make the six field studies comparable, we used a uniform research design. In all field sites, researchers combined several qualitative methodologies associated with ethnographic fieldwork. This included participant observation and semi-structured interviews with actors involved in the governance of migration (e.g. actors at different government levels, international organizations, various civil society organizations (CSOs) and migrants). A challenge with comparison in anthropology is that social life does not exist independently of the observer. For instance, using the term ‘vulnerability’ in the interview guides may obscure other ways of speaking about related challenges of migration governance in the local context. Data from participant observation helps to contextualize the interviews and make sure that we also pick up on vernaculars from the different field-sites. Also, we do not aim at a ‘holistic’ comparison of the different field sites. Rather, we use similarities and contrasts to highlight both the ways in which vulnerability as a globally mobile policy concept morphs when it becomes embedded in specific sites, and some underlying dynamics that are crucial to the shapes that vulnerability takes as a government tool across the field sites.

Not surprisingly, the COVID-19 pandemic had a profound impact on the research in numerous ways. Methodologically, travel bans, requirements of social distancing, the temporary closure of many institutional structures related to the reception of asylum seekers, and the pause in many CSO activities made it more challenging to conduct the planned on-site ethnographic fieldworks. To adapt to the conditions, we redesigned the methodology to include online fieldwork, such as website and document analysis, and preliminary remote interviews during periods of lockdown. The pandemic also contributed to changing understandings and operationalizations of vulnerability, a question we will address later in this article.

The vulnerability turn – a many headed Hydra

Vulnerability has become a key concept in global and regional pacts, international and domestic legislations, and policy interventions in the field of migration and international protection. The proliferation of vulnerability in the frameworks of UNHCR and IOM (Flegar 2018), the Global Compacts for refugees and on migration (Atak, Nakache, Guild and Crépeau 2018) and the Common European Asylum System (CEAS) (Leboeuf 2021: 2022) is such that we may speak of a more general ‘vulnerability zeitgeist’ (Brown, Ecclestone, and Emmel 2017) or ‘vulnerability turn’ in migration and refugee government. Towards what precisely the ‘vulnerability turn’ is oriented, remains at best murky and unclear. The polysemy of the concept makes the task of analysing how global and EU norms are understood and operationalized more complicated than a straightforward question about policy transfer and local implementation. The circulating norms and ideas are themselves Hydra-headed, with traces of various legal traditions, analytical conceptualizations, political positions, and diverse actors’ positioned understandings. Vulnerability is malleable and fussy across scalar levels, and creates challenges related not only to implementation, but numerous multi-scalar paradoxes and tensions.

Scholars have made key analytical distinctions between conceptions of vulnerability that see it as a product either of inherent characteristics (e.g., gender, age, disability or chronic medical conditions), situational factors (e.g., victims of violence), or structural characteristics and dynamics (Gilodi, Albert and Nienaber 2022). In policy documents and practice, however, these conceptions are often implicit and arbitrary. The various sets of guidelines issued by the UNHCR illustrate the prevalent approach to vulnerability in asylum and refugee law, policy and practice, where special treatment is recommended for specific groups of refugees distinguished by gender, age or disability, and other vulnerability criteria. However, there is a mix of not always clearly distinguishable reasons why someone is categorized as vulnerable and who is included in the lists varies to some extent between different policy documents (Flegar 2017; Flegar and Iedema 2019). Also, UNHCR and IOM's policy documents seem to adopt several different approaches to vulnerability, mixing the identification of vulnerable individuals with group-based vulnerabilities, categorical and situational approaches, and moving between vulnerability as either cause or effect and between a general and a contextual understanding (Flegar 2017).

Neither of the two Global Compacts provide a consistent definition of, or approach to, vulnerability. On the one hand, both Compacts invite States to pay particular attention to specific categories presumed to be in need of special treatment, thus applying a categorical or group-based approach. As categories with potential vulnerabilities, both Compacts mention for example women, children, including unaccompanied minors, persons belonging to minorities, victims of violence, including sexual and gender-based violence, victims of trafficking in persons, older persons, and persons with disabilities. Again, the reasons for why these groups are categorized as vulnerable (intrinsic or situational) are not always clear. On the other hand, the Compacts recognize that migrants face multiple and intersecting forms of vulnerability, and emphasize a gender-, age-, and disability-responsive/sensitive approach, which could open for a more dynamic approach to vulnerability as relational and processual (Jacobsen et al 2022b). This polysemy is evident both within and between the Compacts.

Another example is the question of legal status, and the question of whether vulnerability considerations should be extended to all exiled persons or only to persons seeking or having obtained international protection. After the 'long summer of migration' in 2015 there has been a renewed attention in policy terms towards the broader notion of 'migrants in a vulnerable situation' (La Spina 2021). Whereas the GCR stresses the specific needs of particular asylum seekers and refugees, the GCM includes as one of its key objectives addressing and reducing the vulnerabilities that migrants face, at the different stages of their journey and regardless of their migration status. In this context, the lack of legal status is itself recognized as conducive to vulnerability among exiled people, and signatory countries are encouraged to facilitate access for migrants in an irregular status to an individual assessment that may lead to regular status especially in cases where children, youth and families are involved, as an option to reduce vulnerabilities.

The notion of vulnerability has also gained traction in the EU context through the Common European Asylum System (CEAS) and the new Pact on Migration and Asylum. In Europe policy discussions regarding the extent to which the concept of vulnerability should shape protection measures, have mostly focused on State's obligations within the asylum system, related to the distinction between asylum seekers and refugees on the one hand and

irregular/economic migrants on the other hand, where only the first are subject to vulnerability considerations. Both the definition and the application of the concept of vulnerability in EU law and policy has similarly been shown to be polysemic. For example, the categories perceived as vulnerable, vary between different CEAS directives and the reasons for why someone is categorized as vulnerable are not always clearly distinguishable (Hruschka and Leboeuf 2019).

The terminology used by the EU directives has also evolved through different phases of legislative harmonisation, with new terms such as ‘in need of special procedure guarantees’ or ‘with special reception needs’ emerging. Similarly, whereas the GCM uses the term vulnerability, the GCR have to a larger extent adopted the language of ‘specific needs’. However, there does not seem to be any significant or systematic difference in the use of the concepts of vulnerability and specific or special needs in and across CEAS directives (ECRE 2017) or the two Global Compacts. Moreover, despite the multiplicity of meanings circulating in law and policy documents, concepts of vulnerability have mainly taken root in ways that downplay structural characteristics.

Governing through vulnerability

So how does vulnerability as a policy concept circulate and morph across the six field sites we studied? As suggested by Thomas (2008, cf. also Bal 2002 Leboeuf 2021) vulnerability can be characterized as a ‘travelling concept’ that travels across scientific disciplines in which it receives different meanings and functions and across policy fields in which it faces diverse practical challenges. An important backdrop for policy debates about vulnerability in several national contexts is one of wider social change and disciplinary developments in welfare. In particular, neoliberal political and economic transformation have led to state services becoming more restrictive, and vulnerability increasingly becoming a frame through which disadvantage is understood and responded to across a wide range of social policy areas (Brown 2017). A further way in which vulnerability has travelled into migration and asylum policy specifically is from UN discourses on aid and development (Leboeuf 2021). Leboeuf (2021: 10) argues that this has contributed to a ‘humanitarianization’, in the form of an increasing reliance on humanitarian concepts at UN level in attempts to steer state action towards migrants and refugees. International organizations such as UNHCR and IOM have been key actors in propagating vulnerability as a global policy concept in migration governance through mechanisms such as funding opportunities, training, and production and dissemination of knowledge (Flegar 2017; Flegar and Iedema, 2019).

In all the field sites, the circulation of the Global Compacts among actors was limited. Bits and pieces of different discourses on vulnerability that are also present in the Compacts were re-iterated in the way actors understood and operationalized vulnerability across the sites. However, these did not seem to have travelled primarily with the Compacts. This is not surprising as the Compacts themselves are recent products of the circulation of vulnerability as a policy concept and contains multiple, partly overlapping and partly contradictory ideas of vulnerability (Atak et al. 2018; Jacobsen et al 2022b). In the European field sites, the CEAS and its national transpositions were the main reference points, notably because they formed the legal backbone of vulnerability considerations. Particularly the Reception Conditions Directive contributed to the introduction of a category-based approach to vulnerability into national

legislations and policies. EU also impacts the circulation of vulnerability through funding opportunities, training, and production and dissemination of knowledge.

The circulation of vulnerability was further influenced by the uneven presence and investment of different inter- or transnational actors in the field sites. In Marseille and Toronto, where arrivals are mostly secondary and over land or by plane, there were a predominance of long-established as well as more recent local and national civil society and government actors invested in the reception of asylum seekers and the provision of legal advice and basic needs. Places that were defined as ‘hotspots’ or identified with a ‘crisis’ related to border movements tended to be more heavily invested in by large international organizations, including notably the UNHCR, IOM and the European Asylum Support Office (EASO), and transnational CSOs, such as the Red Cross. In these field sites, the intensified investments of transnational actors could be felt in various ways also in the aftermath of such presence. In Musina, UNHCR closed in 2019 the office it had initially opened in 2007. Still, its presence continued through their locally based implementing partners. These CSO had little to say on how they could spend the funding from UNHCR. Similarly in Catania, a number of projects were carried out by international CSOs that incorporated more explicitly a kind of humanitarian rationale, as well as logics of early referral of vulnerability, during the period of the so-called disembarkation emergency from 2014 onward (Cavatorta 2021). While the presence of international CSOs had decreased in the area when fieldwork for PROTECT was carried out starting in 2020, this previous humanitarian presence continued to impact on discourses and practices relating to the protection regime. This is noticeable in the shift from a concern with refugees, asylum seekers, and irregular immigrants’ collective vulnerability towards a concern with identifying, assessing, and responding to the special needs of ‘vulnerable’ applicants for international protection. As Sözer (2020) argues, this discursive shift seems to be occurring in order to curb the financial and operational burdens of humanitarian engagement and emerges alongside neo-liberal vulnerability intervention programs initiated by the UNHCR in the global south.

A core point of the policy mobility literature is that policies are not simply transferred, but rather translated or transformed in their journeys across space and time (see e.g., Peck and Theodore 2012). Similarly, our research shows how ‘vulnerability’ as a globally mobile policy concept morphs when it becomes embedded in specific sites as it encounters institutions, policy frameworks, actors’ strategies and physical–infrastructural characteristics in given sites. For example, the categories listed in the EU directives are non-exhaustive, and most EU countries simply transposed this list. However, there are variations. Greece, which constitute part of EU’s southern maritime border, included ‘persons with a post-traumatic disorder, in particularly survivors and relatives of victims of shipwrecks’ as a ‘vulnerable group’ in the list that was introduced in national legislation in 2016. This law has later been amended, leading to the exclusion of persons with post-traumatic stress disorder (PTSD) from the list, while continuing to include relatives of victims of shipwrecks (parents and siblings) (Exadaktylos, Iliadou, E. & Caruso 2022).

There are also nuances between countries to what extent they refer to the categories listed as ‘vulnerable persons’ or ‘persons in vulnerable situations’. Whereas the Reception Conditions Directive states that ‘Member States shall take into account the specific situation of vulnerable persons’, the Spanish Asylum Act refers to ‘applicants or beneficiaries of international protection in a situation of vulnerability’ (Karlsen 2023). As noted by Hruschka and Leboeuf

(2019), the reasons for why someone is categorized as vulnerable in CEAS directives are not always clearly distinguishable. In particular, the inclusion of categories seems to oscillate between an inherent or situational understanding of vulnerability. However, the phrasing in the Spanish Act goes further than the Reception Conditions Directive in indicating a situational understanding. The circulation of the term ‘in a situation of vulnerability’ in academic and policy circles was in many ways a response to the criticism of the (gender) essentialism of naming certain categories (such as women) as inherently vulnerable. However, as argued by Sözer (2021), the use of the same categories only with different grounds still has biological essentialism underneath. Moreover, she suggests that an effect of a shift from inherent to situational vulnerability seems to be to fragment and narrow the scope of the vulnerability label. Now it is no longer any women who are vulnerable, but pregnant women, single-parent women and gender-based violence-victim women.

There is little to suggest in the field sites that twisting the terminology by using terms such as ‘in a situation of vulnerability’ in the legislation has practical significance for field level governance. Despite the somewhat different wordings and categories explicitly mentioned in the different national legislations, there was in practice a tendency in all the European sites studied to focus on the more ‘visible’, ‘evident’ or ‘obvious’ vulnerabilities such as pregnancy and physical disability during assessment procedures. As noted by Freedman (2018), the type of vulnerability assessment implemented in the first reception of asylum seekers in Europe relies on an assumption that vulnerability is a characteristic which is (easily) identifiable and objectifiable in an individual. In France, for example, a questionnaire is used to determine whether or not an asylum seeker should be classed as ‘vulnerable’. This questionnaire relies on a ‘listing’ of different categories of potential vulnerability, including various forms of physical handicap, or being pregnant. Asylum seekers may also request a medical visit to demonstrate that they are vulnerable (Jacobsen 2023).

Assessing vulnerabilities that are less apparent (e.g., mental health conditions, experiences of torture or of sexual or gender-based violence) and more complex notions of vulnerability as a contingent, contextual and multi-layered construction requires time and settings in which it is possible to foster trust (Freedman 2018). This point was also stressed by actors in the different field sites. However, in these cases the emphasis on visible or apparent vulnerabilities, was not only a result of lack of facilities and time pressure in the reception phase, but of how different countries introduced policies that aimed to create hierarchies between vulnerabilities or narrow the definition of who were included in the listed categories. These new hierarchical classification and filtering mechanisms were generally not provided by changing the existing legal classifications but by government operational manuals, instructions, and guidelines. For example, Greece has introduced other classifications of vulnerability than the categories provided in the national asylum legislation through guidelines (Exadaktylos et al. 2022). In 2016 when KEELPNO, the Hellenic Centre for Disease Control and Prevention was responsible for vulnerability assessments, the policy was to distinguish between ‘evident’ and ‘non-evident’ vulnerabilities. Between 2017 and early 2018, KEELPNO was replaced by the National Organisation of Public Health (EODY), which introduced instead three levels of medical vulnerability to define the support that the person should receive. These were: 1. High vulnerability, when the occurrence of vulnerability is obvious, and the continuation of the evaluation and the adoption of a care plan are recommended. Further referral is needed for

immediate support. 2. Medium vulnerability, which could develop if no precautionary measures are introduced and 3. No vulnerability. These vulnerability classifications have important ramifications as in the aftermath of EU-Turkey Agreement of March 2016, only those who were formally identified as vulnerable were allowed to move from the islands on to the Greek mainland to have their asylum claim heard. Changing vulnerability criteria has as such been linked to pressure from EU to limit those defined as 'vulnerable' (Human Rights Watch 2017). However, the changes made did not have that effect. In 2016, 57% were found vulnerable out of all who received a decision, 78% in 2017, 82% in 2018 and 91% in 2019 (AIDA 2020).

In France, the case of accommodation allocation in Marseille demonstrates that filtering does not only happen through hierarchization between and exclusion of some categories, but due to the categories that are already included being redefined so that their scope is further narrowed down (Jacobsen 2023). One example is the narrowing down of the vulnerability criteria allowing asylum seekers to access the so-called 'Service plus', a service which comprises among other things accommodation and social support. The narrowing down was carried out as an effort to manage the increased pace of arrivals during and after the 'long summer of migration', which intersected with a local 'housing crisis' related to poor governance of social housing and neo-liberal urban politics (Jacobsen 2022). Delimited to families with children under 10 years old in 2016, a further restriction in 2018 stipulated prioritization of families with children under 3 years old. For pregnant women access was progressively restricted from six months to eight months with a medical certificate. Persons with 'a serious health problem' and 'women victims of human trafficking and conjugal violence' were also included in the new criteria. Many asylum seekers, including many families with children, were prevented from accessing dedicated accommodation (Jacobsen, 2022). In a case brought before the court by civil society actors in 2018 (La Provence 24.11.2022), the State was convicted by the administrative appeal court of Marseille in November 2022, for illegally restricting reception criteria in the Provence region.

Unlike in the European context, vulnerability is not formally defined in Canadian or South African immigration-related legislation, policy or regulations. In Canada, though, government operational manuals, instructions, and guidelines have similarly made a distinction between vulnerable persons with visible markers (e.g., pregnant women or the elderly) and those with 'less obvious symptoms of a vulnerability', such as victims of gender-based violence (Atak, Asalya and Zyfi 2022). Although this definition duly emphasizes that not all vulnerabilities are visible, it also implies an internal hierarchy which locates vulnerability within specific categories, such as gender or age (Kaga, Nakache et al. 2021). In Musina in South Africa, the notion of vulnerability was informed more by the important role UNHCR plays as a funding agency than by state policy (Vanyoro, Vearey and Maple 2023). However, in South Africa, as in most of the other field sites, the notion was informed by the government's reading of who is an asylum seeker. Hence, there was a tendency across the field sites to only recognize certain categories of asylum seekers as vulnerable. Spain represented an exception in this regard, recognizing the vulnerability also of other migrants.

Spain, as Greece, constitute part of EU's southern maritime border, and has similarly experienced high number of migrants arriving in fragile boats. However, unlike Greece where all migrants arriving by sea are channelled into the asylum system, they are predominantly labelled as labour migrants in Spain. There has therefore been little attention to, or facilitation

of, asylum applications at the southern maritime border. However, Spain established in 2005 a humanitarian reception program operating that is aimed at migrants who are ‘in a situation of vulnerability due to physical deterioration and lack of social, family and economic support’ (Karlsen 2023). The migration journey as such (e.g., irregular travel across the sea) is considered a situational condition of vulnerability, and the program links basic social protection to needs rather than legal status. The program, which consists of accommodation, language learning, education, and legal guidance, generally last three months, but can be extended up to six months if the person is deemed to be particularly vulnerable. However, as Spain has not increased sufficiently the capacity and resources to meet the increase in sea arrivals and asylum applications since 2015, both the humanitarian reception program and the reception and integration program for international protection seekers has suffered overcrowding. In response, Spanish governments have tried to limit the criteria for entry into, or extension of, the two programs by defining certain migrants as more or less vulnerable.

Vulnerability as a commodity in a marketized reception framework

Despite the different translations of the policy notion of vulnerability as outlined so far, we observed broad similarities in the ways in which vulnerability was deployed across the six field sites. That is, how vulnerability primarily served to filter and narrow access to services on the ground. Policy mobility scholars have suggested that the existence of such broad similarities in the policies being adopted in various locales necessitates an analytical focus on the wider political-economy contexts that position particular assemblages within a power-laden policy landscape (Geddie 2015; Theodore and Peck 2012).

As noted, a broad range of actors were involved in the reception of migrants in all the six cases, although the place-specific assemblage of actors varied geographically and over time. The field sites exemplified in this way recent policy trends in which failure of receiving states to adequately keep up with the accelerated pace of migrant arrivals has led to greater emphasis on incorporating multiple actors into a more ‘dynamic’ migration governance approach. Both the Global Compacts envisage multi-actor and multi-level collaboration to improve migration and refugee governance and to reduce vulnerabilities in migration. Whereas the GCR refers to this as a ‘multi-stakeholder and partnership approach’, the GCM describes it as a ‘whole-of-society approach’. This approach is articulated in the GCM as ‘broad multistakeholder partnerships to address migration in all its dimensions by including migrants, diasporas, local communities, civil society, academia, the private sector, parliamentarians, trade unions, National Human Rights institutions, the media, and other relevant stakeholders in migration governance’ (GCM, para. 15).

However, how power relations are configured in these constellations and impact interactions between actors, needs to be unpacked. Within the field of migration governance, collaboration most often takes place within asymmetric relations between asylum seekers on one side, and CSO actors, and governance actors such as cities, regions and states, or between states that exist in an asymmetrical relationship to each other within current geopolitical configurations. A policy mobility approach allows us to investigate the effects of these power differentials, as well as how they are challenged on the ground through the establishment of divergent problem definitions, and through contentious actions (such as demonstrations, petitions, court cases). An interesting question is thus to what extent collaboration simply

reproduces and extends state government effects, or whether it carves out spaces for exploring divergent problem definitions (of ‘vulnerability’) in a way that serves to problematize institutionalized inequalities between various actors.

An important structural dimension in all the cases was the tendency towards outsourcing or ‘marketizing’ the reception of migrants and as such to a juridification and contractualization of the role of CSOs. Although the range of actors involved in the reception in the different sites meant that there were numerous linkages and connections that carried different conceptions of vulnerability into a specific territory, the marketization of reception services fundamentally structured the opportunities for and functioning of collaboration on the ground, and as such the way vulnerability was deployed. We suggest that this to some extent accounts for the consistency across the field sites in terms of the effects and functions of vulnerability as a mechanism of governance.

The emergence of ‘reception markets’ (López-Sala and Godenau 2019) draws attention to how vulnerability as a global policy concept in migration governance importantly travels and transforms within a neoliberal framework. Neoliberalism should not be understood here so much as a set of specific policies, but as a market-driven regulatory restructuring framework (Brenner, Peck and Theodore 2010). Neoliberalism as such is not a simple homogenizing process but emerges in variegated forms. Although neoliberalism is mainly seen as a political-economic configuration, it also appeals to certain moral premises for legitimizing political action. Significantly here is the appraisal of competition (Sözer 2020). Reflecting on the relationship between political economy and morality under neoliberalism, Sözer (2020) further argues that the deployment of vulnerability hints at the emergence of a new humanitarian morality responding to and reproducing neoliberal political-economic configurations. According to her, ‘neoliberal humanitarianism’ makes it morally permissible and reasonable to assist only to a fraction of the same community by using vulnerability criteria.

Across the field sites, CSO actors were increasingly drawn into migration governance as sub-contractors. The competitive structure created by funding systems, provided by either the receiving states, EU, or international organizations such as UNHCR and IOM, meant that CSOs had to compete for funds in an environment inhabited by increasingly numerous organisations. In European countries, this increase in CSO involved in migration governance was noticeable after the ‘long summer of migration’ in 2015, whereas the border town of Musina in South Africa became a base for both international organizations and several CSOs from 2007 and onwards in response to an economic crisis in Zimbabwe. However, decrease in migration in later years, have also led to decrease in public funding available for CSOs. In such a competitive and marketized setting, vulnerability becomes a commodity for CSO to sustain their own organisational existence (Dadusc and Mudu 2020; Bird and Schmid, 2021). Different CSO in the various contexts pursued somewhat different tactics. Whereas some would specialize on particular ‘vulnerable’ groups, such as minors or women victims of violence or trafficking, others would expand their focus to a range of ‘vulnerable categories’ that compassed both migrants and non-migrants to have more ‘legs’ to stand on in an unpredictable funding field. Nonetheless, ours, and other studies, shows how funding and sub-contracting relations with public authorities notably influenced CSO’s agendas (such as categories of migrants receiving attention and assistance), their internal structure (e.g., more professionalisation and bureaucratisation), and their willingness to oppose state policies (Karlsen 2023, Vanyoro et al

2023, Usherwood et al. 2022, López-Sala and Godenau 2019). Although CSO's in the field sites would question categorical and legal distinctions that framed access to assistance, they had little room to manoeuvre in terms of who they could include in their services.

This though, did not mean that specific articulations of vulnerability governance were not challenged in the field sites. In their studies in Cádiz and Marseilles, both Karlsen (2023) and Jacobsen (2023) show how CSO's drew on more structural understandings of vulnerability to criticize and oppose government policies. CSO actors highlighted for example how inadequacies in the reception system such as failure to provide legal assistance and basic needs as well as practices of border surveillance vulnerabilized people. However, CSO actors also drew on essentialized notion of vulnerability related to (female) gender and age to ensure specific groups incorporation into the support network, and in this way reified stereotypical understanding of vulnerability as well categorical distinctions between those deserving or not of social or legal protection. Hence, in the context of 'neoliberal humanitarianism' (Sözer 2021) their pragmatic/tactical turn to vulnerability risks further narrowing entitlements in favor of targeted interventions and detracts attention from the state's inability to provide for all due to the insufficient assignment of resources.

Reversing protection: 'the natives' as vulnerable

Whereas the political-economy context importantly shaped the deployment of vulnerability across the different field sites, the concept of vulnerability was also circulated, mobilized, and translated by differently positioned actors in light of their political-ideological dispositions. Struggles around the questions of who should be allowed to disembark from ships in arrival ports display some of the core political-ideological conflicts around who gets to be recognized as vulnerable. In our study such struggles drew attention to how nativist discourses produced an important twist in how vulnerability was understood and operationalized in the governance of migration. A landmark case in Italy is the so-called Diciotti standoff when the Salvini-government blocked the docking of a rescue both 'until it was certain' that the people 'went elsewhere'. In the back-and-forth that followed between state institutions, NGOs, religious institutions, and migrants, some NGOs and institutional representatives pointed to 'vulnerable subjects' on board and demanded for them to be immediately placed in safety (Cavatorta 2021). Humanitarian actors enlisted a hierarchy of vulnerability to negotiate the release of migrants based on criteria of health, (dis)ability, age, and gender (Heidbrink 2021). However, political actors also mobilized a different understanding of vulnerability, reversing the question of 'Who is the vulnerable?' The Salvini-government considered that its priority was to 'defend the borders and the Italians'. Any consideration of the fragility of migrants was pitted against that of the nation and its citizens, as the vulnerability of the 'autochthonous' population was seen as needing protection from the vulnerable people who arrive by sea (Cavatorta 2021).

The approach of the Salvini government exemplifies what Sicakkan (2021) refers to as 'nativist' discourses, which define collective identity as the sum of native-historical populations and are concerned with what they see as the negative impact of diversity, immigration and minorities on their local communities. Nativist discourses were dramatized during the COVID-19 pandemic in the Italian context, when so-called quarantine ships were established to protect 'natives' from migrants, viewed as possible carriers of the virus (Cavatorta 2021). Seeking to protect vulnerable natives from migrants such nativist discourses inform what we may call a

'biopolitical securitization' (Cole 2016), where vulnerability is posed as a problem to solve through various forms of securitization, which to varying extent impacts on how vulnerability as a mobile policy is assembled in particular socio-cultural contexts. In a nativist framework, using arguments relating to the vulnerability of migrants, while sometimes seen as a 'last straw', risks becoming less effective, as it is pitted against the vulnerability of the natives.

The appropriation by political actors of nativist discourse differed in the different field sites in this study. Notably, in 2019, the province of Cádiz accepted to disembark the passengers of one of the boats that had been refused in Italy. Accusing Salvini of a 'lack of humanity' (Carreño 2019) Spain's defence minister positioned the Spanish approach as opposite to the Italian nativism, claiming a position closer to the position that Sicakkan (2021) identifies as 'globalist'. In globalist discourses, humanity appears as an indivisible whole and international protection as an international, universal responsibility and duty.

While national governments use such highly mediatized situations of disembarkment to flag their nativist and globalist politics, they are also occasions for contestation and confrontation of the local community and municipal governments. As such, they are part of re-negotiating scalar relations in ways that impact how vulnerability policies are assembled in particular contexts. For example, in Toronto, some local CSOs and government actors formed new partnerships, including cross-municipality and cross-border collaboration with their counterparts in other Canadian cities and the US, to address pressing issues, such as housing for asylum seekers and the protection of unaccompanied minors. Cities in particular are on the front lines in addressing migration and refugee challenges through public policies and the provision of social welfare to inhabitants. As Atak et al. (2022: 2) note, the GCM gives a special place to local authorities among other orders of government, inviting states to 'involve local authorities and relevant stakeholders in the identification, referral and assistance of migrants in a situation of vulnerability' (GCM para 23k) This reflects the increasingly central role municipalities have taken in managing the daily realities of migrants.

In recent times, migration scholars have highlighted the city as an actor that can potentially challenge states' exclusionary migration policies (Agier 2018; Geisser 2020). In several of the field sites, city administrations and citizens were actively opposing the exclusionary politics of state authorities, and had in various ways declared themselves, sometimes against mounting nativism and exclusionary nation-statist policies, to be sanctuary or welcoming cities and open harbours, drawing on globalist and cosmopolitan understandings of identity and community. For example, in 2015, the cities of Cádiz and Jerez declared themselves 'cities of refuge', and during field work Cádiz was active in the Spanish national 'Cities of refuge'-network to pressure the government towards a more inclusive approach. Since February 2021, Marseille has been a member of the National association of welcoming cities and territories (Association Nationale des Villes et Territoires Accueillants, ANVITA), a network that works for unconditional reception policies towards 'exiled persons' and local hospitality. Marseille also participated in the 'From the Sea to the City' initiative and signed the 'alliance of safe harbours' declaration. The newly elected city authorities, representing a left-wing coalition, referred to the initiatives taken by the mayor of Palermo as an inspiration for their own engagement in the open harbour movement. Municipal governments are thus negotiating scalar relations in making other (translocal and transnational) connections that allow policy ideas about protection and vulnerability to travel.

Thouez (2020) argues that cities' collective voices may contribute to reframing policy challenges regarding migrants in vulnerable situations in particular when it comes to access to basic needs. In our material we find examples of how cities are negotiating the inclusion of 'migrants in vulnerable situations', regardless of their legal status. In Marseille, city authorities were pushing to include migrants who did 'not yet' benefit from protection in the newly institutionalized collaborations (CTAIR) between the state and local collectivities (commune, department, region) around the reception and integration of asylum seekers. This would mean recognising the needs also of 'migrants in a vulnerable situation', or of 'all exiled people' to such essentials as housing, legal assistance, access to health care, language education, and work. However, as Geisser (2020) concludes with respect to the new discourse of partnership between states and local authorities in Marseille, it has not fundamentally challenged the hyper centralized and securitarian French reception politics, which continue to marginalize the municipalities (and CSOs one could add), to the role of humanitarian executives, without decisional power (Chappart and Jacobsen 2022). Similarly, in both Toronto and Cádiz, a lack of political commitment and resources, has resulted in sanctuary city policies being chronically underfunded (Atak et al 2022: 15, Karlsen 2023).

Concluding discussion: Can vulnerability be saved as a concept for international protection?

In this article we have examined how vulnerability as a mobile policy concept becomes embedded in specific sites as it meets institutions, policy frameworks, actors' strategies and physical–infrastructural characteristics on the ground. As we have shown, actors on the ground do not translate an already definite notion of vulnerability, as the notion is already ambiguous in global policy. Moreover, 'Who gets to be recognized as vulnerable?' is shaped by the shifting assemblages through which the concept travels and is transformed in different contexts. The six case studies highlight challenges related to how vulnerability has been conceptualized and operationalized in the different field sites. They all conclude that there is a need to rethink vulnerability as a frame for the governance of asylum and international protection regimes (Atak et al 2023, Cavatorta 2021, Exadaktylos et al 2023, Jacobsen 2023, Karlsen 2023, Vanyoro 2023).

Legal scholars have called for better and more concise legal definitions of vulnerability in migration and asylum governance (Purkey 2022). However, as noted by Leboeuf (2022), it remains doubtful that the challenges related to 'vulnerability' can be tackled through legislative modifications. Our research corroborates previous findings that attempts at 'fixing' the vulnerability label by creating new taxonomies and categories of vulnerability, or by twisting the terminology by using terms such as 'specific needs' or 'in a situation of vulnerability' do not necessarily lead to improvements in practice (cf. ECRE 2017, Sözer 2021). In fact, such attempts have contributed to fragment and narrow the scope of the vulnerability label even more.

In our opinion, rethinking vulnerability as a frame for the governance of asylum and international protection regimes cannot take the form of trying to 'fix' the problem by working towards a different definition or different concept. It seems to 'miss the point' by taking at face value that the best possible protection of the vulnerable is the goal of current so-called protection regimes. Although the language of vulnerability gestures to caring and sympathetic

approaches to ‘vulnerable’ people on the move, the need for a ‘vulnerability approach’ within the current protection framework is tied to states denying or limiting migrants’ access to legal and social protection in the first place.

Some authors have attempted to redefine the concept of vulnerability in ways that acknowledge the role of states in producing vulnerability among migrants by replacing the concept with ‘precariousness’, which more clearly acknowledges the structural dimension of vulnerability (Atak et al. 2018), or with ‘vulnerabilization’, to refer to state practices of creating vulnerability (out of sight), then labelling the targeted groups as vulnerable and finally utilising this vulnerability (defined as pathogenic or unwanted) to rationalize their governing (Lind 2020). While conceptual redefinitions may sharpen the analytical understanding of how vulnerability is produced, a policy mobility understanding of vulnerability as a tool of government tempers the idea that a more coherent or inclusive definition of vulnerability would strengthen rights and protection for people in a situation of migration. The problem of vulnerability as a policy concept is not necessarily its vagueness. Vulnerability works as a power-laden way of framing social issues and to signal an ethical duty for action to be taken (Brown 2017). The malleability of the concept means that ‘vulnerability’ can be mobilized by various actors to both justify and contest exclusionary practices towards certain migrants. Importantly, as we have argued in this article, the malleability of the vulnerability concept makes it easy to adapt to logics of (neo-)liberal marketization, and the ‘nativist’ rhetoric that currently circulates in migration policy and public debate.

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