

## Različiti aspekti viktimizacije: savremeni ratovi, terorizam i migracije

TEMIDA

2017, vol. 20, br. 2, str. 149-166

ISSN: 1450-6637

DOI: <https://doi.org/10.2298/TEM1702149P>

Originalni naučni rad

Priljeno: 28.7.2017.

Odobreno za štampu: 2.11.2017.

## Gendered Vulnerability and Return Migration

ERLEND PAASCHE

MAY-LEN SKILBREI\*

*This article discusses gendered conceptions of vulnerability at play in destination states' formulation and implementation of return policies. Based on qualitative interviews in Norway with asylum reception centre personnel, social workers who work with irregular migrants, and asylum seekers whose asylum applications have been rejected, this article argues that some forms of vulnerability are more easily recognized by authorities, frontline personnel and migrants themselves. Conceptual blind spots have consequences for access to assistance and protection, and may exacerbate vulnerabilities. While return and reintegration programmes offer particular benefits for returnees considered 'vulnerable', research by the authors has found an unwillingness to apply this label beyond female victims of human trafficking for the purpose of prostitution. The reasons for this, this article argues, are both institutional and cultural.*

**Keywords:** migration management, vulnerability, gender, human trafficking, victimhood

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Dr Erlend Paasche is postdoctoral scholar at the Department of Criminology and Sociology of Law, University of Oslo, Norway. E-mail: [erlend.paasche@jus.uio.no](mailto:erlend.paasche@jus.uio.no)

Dr May-Len Skilbrei is a professor at the Department of Criminology and Sociology of Law, University of Oslo, Norway. E-mail: [m.l.skilbrei@jus.uio.no](mailto:m.l.skilbrei@jus.uio.no)

## **Introduction**

During the last decade, the Norwegian government has strengthened its focus on returning rejected asylum seekers and irregular migrants to their country of origin. Return policies have become central tools for regulating migration. They include enforced return, or deportations, and what is often referred to as Assisted Voluntary Return programmes (AVRs). AVRs programmes, or just 'assisted return', offer incentives to return, primarily in the form of organized transportation free of charge and either material support, a cash grant, or a combination thereof, to be provided upon return to the country of origin.

Norway's increased focus on return is typical of EU/EEA member states. A recent milestone event that established return policy as a cornerstone of migration control was the EU Return Directive (2008/115/UE), codifying provisions at the EU level that are built on a carrot-and-stick approach of forced and assisted return. In 2016, 226,150 non-EU citizens who had been issued with an order to leave the territories of an EU member state were returned to their country of origin. Among the 19 member states where statistics are comparable, 56 percent left through assisted return, while 43 percent were enforced returns and one percent was not categorized (Eurostat, 2017). The threat of deportation is widely considered to be one of the factors that urge migrants to 'choose' to sign up for AVRs, meaning that the accuracy of the bureaucratic labelling of assisted return as 'voluntary' can be disputed (Webber, 2011).

Return policies are becoming increasingly sophisticated in Norway as in most of Europe. The Norwegian immigration authorities have designed a variety of assisted return programmes for different national groups of rejected asylum seekers and irregular migrants, as well as the occasional asylum seeker who withdraws his or her application. Country-specific programmes have in recent years been designed for Afghans, Iraqis, Burundians and Ethiopians. Operating all of these programmes, as well as the 'Financial Support for Return' (FSR) programme available to all other national groups, is the International Organization for Migration (IOM), promoted in 2016 to 'the UN Migration Agency'.

While the FSR programme offers transportation free of charge and a modicum of economic assistance, Norway also has a comparatively more generous programme. Entitled 'Information, Return and Reintegration for Vulnerable Migrants in Norway', it is often referred to as the 'Vulnerable Groups Project'

(VG). In addition to offering more support, the VG programme also provides follow-up counselling in the country of origin through the local IOM office. The support is meant to facilitate reintegration, and VG returnees are monitored for the duration of one year. Similar programmes for migrants deemed vulnerable operate in other European countries (Quinn, 2009). More details about the FSR and VG programmes are presented below. But it is important to note that few migrants have actually returned through the VG programme.

One form of vulnerability that is especially relevant in the context of assisted return is the vulnerability of victims of trafficking. Nigerians are generally highly represented in national statistics on human trafficking in Norway. At the time this article was written, Nigerians constituted by far the largest national group of ‘possible victims of human trafficking’ in 2016 (KOM, 2017). While the category of Nigerian asylum seekers includes both victims and non-victims, overall only six percent of applicants were granted asylum in 2016 (UDI, 2017b) and success rates have been low since 2010 (Paasche, Plambech, Skilbrei, 2016: 61). Nigerians routinely rank at the top of statistics on deportations and expulsions from Norway, partly due to the combination of high rates of rejections and low uptake in assisted return that is typical for this group (Paasche, Plambech, Skilbrei, 2016).

While being a victim of trafficking may warrant asylum or a residence permit on humanitarian grounds, it does not necessarily do so. In a legal memo on asylum practices for Nigerian applicants (UDI, 2017a), the Norwegian immigration authorities state this clearly: ‘Having been trafficked does not in itself constitute grounds for protection. An individual assessment must be made of the risks an applicant faces upon return.’<sup>1</sup>

Norwegian authorities are nonetheless under obligation to protect such victims, as stipulated by the UN Trafficking Protocol and by the Council of Europe Convention on Action against Trafficking in Human Beings. Norway is legally obliged to ensure that rejected asylum seekers who are victims of trafficking are returned under circumstances that do not exacerbate their vulnerabilities, and that return takes place in a way that does not infringe upon their rights, safety and dignity.<sup>2</sup>

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<sup>1</sup> The authors’ translation.

<sup>2</sup> See: Article 16 of the Council of Europe Convention on Action Against Trafficking in Human Beings.

Ensuring the safety and dignity of returned victims of trafficking is a challenge. Researchers have found that this particular group of returnees is vulnerable to marginalisation, exploitation and re-trafficking. The vulnerability of returned victims of trafficking has been associated with the stigma attached to sex work abroad, as well as empty-handed return to local communities in Nigeria, potential trauma inflicted during the migration process, and alienation upon return following an extended stay in Europe (Adepoju, 2005; Plambech, 2014; Paasche, Plambech, Skilbrei, 2016). There is, in other words, a strong case for providing additional support to and follow-up with this particular group.

The low programme uptake of victims of trafficking in the Vulnerable Groups programme has been identified by the Norwegian government as a problem (Ministry of Justice and Public Security, 2016: 15). Elsewhere in Europe too, programmes designed to assist victims of trafficking in returning to and integrating into their country of origin are scarcely used or seem to be functioning badly (Danish government, 2010; Paasche, Plambech, Skilbrei, 2016). At the time this article was written, the IOM had an agreement with Norwegian immigration authorities for a small annual quota of VG returns. Yet that small quota has often gone unfulfilled, even as hundreds of individuals return with assistance from the IOM every year. This raises what appears to be a paradox: Limited support is available, but not yet provided, to a group that needs it.

To address this paradox of underuse of the VG programme in the Norwegian context, it is necessary to look at how the programme is institutionalized and used. Is the group in question unaware of the support, or of how to apply for it? Do service providers not provide it upon request? This article presents empirical research to shed light on these questions, and to examine how 'vulnerability' is conceptualized in practice. We argue that public sector officials and contractors who work with rejected asylum seekers and irregular migrants construct 'vulnerability' in particular ways, and that this translates into practical outcomes. Studying their conceptualizations is one way of investigating how vulnerabilities are hierarchised. Some appear to be worthy of attention and support, while others do not.

If an asylum application is rejected, it follows that the authorities processing the application have not found the applicant eligible for protection. In other words, any eventual 'vulnerability' of the applicant is not deemed sufficient to qualify him or her as a refugee according to customary law, peremptory norms and international legal instruments such as the 1951 UN Conven-

tion Relating to the Status of Refugees and its 1967 Protocol. If an applicant is not given protection, he or she is considered able to return without being liable to be subject to persecution, torture, or cruel, inhuman or degrading treatment or punishment. This, however, does not altogether prevent the person from being 'vulnerable'.

Vulnerability, at a less extreme end of the scale and as applied in the VG programme, is understood to imply something that can be overcome. The underlying assumption is that those considered vulnerable can improve their challenging situations through the assistance given by the Norwegian government. It normatively follows that such problems *should* be overcome. Schott (2013) offers a theoretically relevant critique of what she terms the 'resilience discourse'. She defines this as a framework of understanding in which vulnerable subjects must be assisted to overcome a lack of agency, empowerment and resilience. "Vulnerability must be overcome in order to become a resilient subject" (Schott, 2013: 212). In this way, those in need of protection are cast as needing to overcome their problems.

Schott's critique draws from neoliberal individualisation and Foucault-inspired responsabilisation theory. Individuals can be held responsible for bad things that happen to them if they do not actively take steps to reduce their vulnerability. While 'the victim' has someone else to blame, 'the vulnerable' becomes responsible for overcoming his or her hardships (Schott, 2013: 214). This depoliticises the harms that people are subjected to, individualising causes and solutions and hiding the origins of precariousness in structural inequalities and social norms that cannot be overcome by individual action alone (Brunila, Rossi, 2017). In this way, vulnerable groups such as minors without parents, victims of particular crimes and harms, the physically disabled, the elderly and individuals with health problems are construed as going through a phase of vulnerability. Their problems are considered to be temporary: Rather than requiring structural solutions, these problems can be adapted to with a requisite provision of assistance and agency on the part of vulnerable groups.

## **Background and programme details**

The FSR programme was established in 2009. Available to all those who cannot sign up for a country-specific programme, it is Norway's most-used assisted return programme. Participation in the programme entails practical assistance, including transportation and flights, and a cash grant, given upon return to the country of origin, that is meant to facilitate reintegration into the country of origin (or, in a few instances, a third country). The program has a limited scope. After providing the one-off cash grant, the IOM does not stay in contact with the recipient.

The amount of cash in the FSR programme was revised in 2015,<sup>3</sup> from being a standard amount for every applicant to become differentiated by the timing of the application. Every rejected asylum seeker is given a deadline for leaving the country, which is also the deadline for signing up for assisted return. Compliance is financially rewarded and non-compliance is penalized. The stated rationale for this policy is to speed up the return process (UDI, 2016). If the applicant applies before the deadline, he or she will receive 20,000 NOK (2,600 USD) upon arrival and 10,000 per child (1,300 USD). If the applicant applies after the deadline, he or she will receive 7,000 NOK (900 USD) and 2,000 NOK (250 USD) per child. Today's system entails that someone applying before the deadline can apply for a maximum of 130,000 NOK (17,000 USD), while someone applying after can only receive maximum 20,000 NOK (2,600 USD).

The VG programme mentioned above offers a more comprehensive reintegration effort, both in practical and financial terms. This programme was established in 2012, and replaced what used to be two separate return and rehabilitation programmes, one for unaccompanied minors and one for victims of human trafficking. As FSR returnees, VG returnees receive practical assistance with the organization of their return journey. Significantly, VG returnees receive comparatively more generous assistance than FSR returnees. A total of 42,000 NOK (5,500 USD) is provided in reintegration support, with 8,000 NOK (1,000 USD) given as a cash grant and 34,000 NOK (4,500 USD) for housing, medicine, health services, education, or starting a business. The latter is "in-kind", or non-cash, consisting of material and practical support at a specified value. It is only offered for documented and verified expenses. In-

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<sup>3</sup> Simplified from FSR 1, 2 and 3 to FSR A (before the deadline) and B (after the deadline).

kind support must normally be received within the 12 months in which IOM is contracted to do monitoring and follow-up.

VG support must be applied for by the prospective returnee, and eligibility is determined by the IOM in collaboration with the Norwegian Directorate of Immigration (UDI). Nonetheless, social workers and other professionals can directly recommend individual migrants for particular consideration, or indirectly present their case in such a way that vulnerability is emphasised, and allows migrants to do so, too. Vulnerability is in practice hence co-constructed by case workers, social workers and migrants themselves.

## **Methods**

This article is empirically based on a research project that the authors conducted with funding from the Norwegian immigration authorities in 2015 and 2016. The primary objective of the research was to assess the effects and efficiency of the FSR and VG programmes for Nigerian citizens without residence permits, and to identify room for improvements. This article primarily draws on data from that project, specifically 32 interviews with individuals who, in a professional capacity, inform rejected asylum seekers and irregular migrants from Nigeria about their legal obligation to return, as well as the options of assisted and forced return available to them. The category of professionals included public sector employees working at reception centres, police officers, IOM staff members, and social workers at various NGOs that offered services to Nigerian migrants. The interviews lasted between 30 minutes and 2.5 hours, depending on the interviewees' amount of first-hand experience. Interviews were focused on themes relevant to this article: how professionals communicated the legal obligation to return to a group of migrants whose professed intent was to stay, how they established rapport, how they understood the requirements of the job, and, notably, how they reflected on the eligibility criteria for the VG programme.

A supplementary source of data was 15 interviews with Nigerian migrants in Norway. Of the five men and ten women interviewed by the authors, four awaited an asylum decision at the time of interview, while the rest were rejected asylum seekers who contemplated or had applied for assisted return. One male return migrant, interviewed in Nigeria, is also cited. All were adults,

and several of the women had accompanying children. The interviewees were recruited through networks established from previous research, NGOs and activist organizations, and through five asylum reception centres in different parts of Norway. The 15 interviews were conducted in English without the use of an interpreter, lasted between 30 minutes and 1.5 hours, and took place at the interviewees' residence or in the offices of a civil society organization offering assistance to migrants or in the reception centre. Comprehensive notes were taken during the interview.

A methodological challenge that arose during interviews with the migrants was related to how interviewees who were awaiting an asylum decision or were irregular migrants appeared hesitant to talk about return. They hoped to be able to stay in Norway, and in interviews they were eager to demonstrate that they were unable to return. This is in line with the legal-bureaucratic demands for protection in Norway and the strategic reasons for maintaining an asylum narrative. Interviewees who had signed up for assisted return, either through the FSR or VG programmes, were more eager to talk of their future lives after return than to dwell on the circumstances that led up to the decision to return. For ethical reasons, the authors were careful to respect certain interviewees' unwillingness to talk about return, and shifted the topic of conversation accordingly. While such data hardly qualifies as 'rich', it is valuable insofar as it offers insight into the challenges that professionals likewise face in their communication with Nigerian nationals.

### **Vulnerabilities at work I: Professionals define an evasive concept**

As noted above, the Norwegian government has a stated goal of increasing the number of returnees with special needs who return through the VG programme. The empirical data underpinning this article suggests several potential reasons for the underuse of the programme.

To designate someone as 'vulnerable', a definition of vulnerability is necessary. Yet the need for clear criteria must be balanced against the need for flexibly accommodating individual needs on a case-by-case basis. This complex trade-off has spatiotemporal dimensions. Spatially, a caseworker in IOM Oslo needs to assess a prospective returnee's projected vulnerability in a



far-away country of origin based on his or her case as it is bureaucratically produced in the country of destination. Temporally, the VG programme is designed to meet the needs of return migrants, yet in practice IOM makes the decision to offer support prior to their return. In light of such complexities, it comes as no surprise that defining vulnerability is not a straightforward matter in Norwegian return policy.

Prospective returnees are singled out as vulnerable through different pathways, and there are no clear-cut definitions of what constitutes eligible vulnerabilities. The Norwegian Directorate of Immigration (UDI) lists some forms of vulnerability on its website. These include being an unaccompanied minor; being a young adult above 18 who arrived to Norway as an unaccompanied minor; being a possible victim of trafficking; being a victim of violence, force or exploitation; having special health needs; and being single and above the age of 60.<sup>4</sup> This list offers a roadmap for the IOM in considering a prospective returnee's eligibility as vulnerable. In interviews, however, IOM staff members described the evaluation of vulnerability as a holistic one, as prospective returnees often struggle with a combination of challenges. It is the sum of these challenges that leads IOM staff to inform prospective returnees about the VG programme. Still, at the time of the interview with IOM staff members in 2015 the programme had almost exclusively been used by victims of trafficking for the purpose of prostitution. About one quarter of the identified victims of trafficking to Norway are victims of labour exploitation, but a general critique is that these victims are not offered assistance to the same degree as victims of sex trafficking (Skilbrei, 2012; KOM, 2017).

As noted above, prospective returnees can be identified as vulnerable by the professionals who are in contact with the individual, but the migrant must also formally request to be considered as vulnerable. Most often, social workers inform the IOM or the immigration authorities of a prospective returnee's vulnerability. This is especially the case for social workers working for public and private organizations that do outreach among women involved in prostitution. These organizations are for most victims the path to different forms of assistance and support, which means that other victims of trafficking lack access not only to support while in Norway, but also to support upon return, as will be elaborated upon below (Paasche, Plambech, Skilbrei, 2016).

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<sup>4</sup> <http://www.udi.no/retur/sok-om-assistert-retur/assistert-retur-/?c=nga#link-931> page accessed 9.10.2017.

Asylum reception centre staff and social workers alike tended not to offer very detailed information about return programmes to migrants. Given the typical unwillingness on the part of asylum seekers to openly consider return as an option, the main priority of professionals working with them is to encourage the first step of contacting the IOM to ask for more detailed information. This was described in interviews with reception centre staff and social workers as a major challenge in itself. In 2015, a total of 38 designated “return counsellors” were assigned to reception centres across the country. Their purpose was primarily to ensure that asylum seekers whose application was either rejected or still in process had a realistic understanding of their prospects in Norway, were informed about assisted return, and ‘motivated to see their possibilities in their home countries’ (UDI, 2016: 27). In interviews, these specialized counsellors described the problems they faced in communicating the return option at reception centres. ‘I haven’t met one person who is even willing to talk about [return]’, was how one interviewee phrased the discussions. Another counsellor made a similar observation. ‘It takes a lot to even get them to meet with IOM’.

One reason for interviewees’ unwillingness to talk about return and to meet with IOM was cited repeatedly by these counsellors: Asylum seekers fear that by considering return, they undermine their asylum case and start a process that they cannot get out of. While they may be informed by reception centre staff, UDI and IOM that contacting the IOM and requesting information on the return programmes has no legal bearing on their case and will not be registered, they do not know whether they can trust this information. As the immigration authorities also seek to communicate their ‘toughness’ on those who resist the legal obligation to return, this plausibly also erodes perceived trustworthiness.

In the final rejection letter to a rejected asylum seeker, a deadline is specified for when the applicant must leave Norway and an application for assisted return must be registered. Professionals interviewed describe this as a window of opportunity for discussing return. If the rejected asylum seeker overstays the deadline, they risk being forcibly returned by the police. That not only means the loss of the support available in the return programmes, but also that they are subject to a re-entry ban to the Schengen area for a period of 1 year to 5 years. They are also prohibited from legally returning to a Schengen country without paying for the costs of their deportation, a sum

typically far beyond the means of these migrants. In this situation, migrants are described by the professionals interviewed as more likely to contact the IOM and request information about return.<sup>5</sup>

Yet again, migrants may see reasons for not trusting the official information they receive from a government-funded agency. The fact that migrants elicit informal information through migrant networks rather than through official channels was considered a potential problem by interviewees, because this information may be inaccurate. One way for the IOM to present its information to the target group is for staff members to visit reception centres and provide information about return, first in a group setting and then individually upon request.

The professionals interviewed suggested that awareness about the VG programme is limited among the target group. This corroborates the finding that few prospective returnees in Norway are properly informed about the VG programme (Øien, Bendixsen, 2012). It also became clear during data-gathering that, given the communication problems described above and the fact that IOM's annual quota of potential VG-recipients is limited, very few of these professionals communicated clearly the possibility of VG support. On the one hand it is considered of secondary importance to simply starting the process of approaching the IOM, while on the other hand unrealistic expectations of VG support could easily backfire. A third reason, however, has to do with the ambiguity of the concept of 'vulnerability' itself and the challenge of defining an evasive concept. Our interview data suggests that professionals interpret the VG programme in a narrower sense than what is suggested by the list of categories defined by the UDI and used by the IOM.

Social workers stated that the issue of vulnerability rarely came up spontaneously during talks with rejected asylum seekers and irregular migrants. The social workers rarely raised it as a topic of conversation, aware that talking about assisted return in detail could associate them with a government agenda and undermine the individual rapport they sought to establish with prospective returnees. The latter rarely talked of return, or of themselves as having special needs or being especially vulnerable vis-à-vis other migrants in their situation. They preferred to leave it to the IOM and the immigration authorities to adjudicate such matters. IOM staff state that they, in cases in which they suspect that an individual is vulnerable, make sure to have an

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<sup>5</sup> See also: Brekke, 2008.

extra meeting to ascertain whether that is indeed the case. IOM staff stated a particular awareness in this regard with Nigerian prospective returnees because Nigerians are overrepresented in national statistics of trafficking.

This reflects at the micro level a tendency similar to the macro level: Just like destination states rely on IOM to enact projects of exclusion and excision and do 'migration management' on their behalf while using the language of human rights and civil society, (Ashutosh, Mountz, 2011: 21), the social workers likewise shy away from directly engaging with the practicalities of return, leaving it to IOM staff members to couch it in terms of volition and helpful assistance.

Leaving communication on the practicalities of return to the IOM is highly consequential. It makes much of the return decision-making dependent on the willingness and ability of IOM Oslo to give accurate information. As a contracted agency, IOM Oslo is under pressure from the government to produce high numbers of return. Information that suggests post-return challenges, e.g. in accessing the reintegration assistance, runs counter to that objective.

Moreover, leaving communication on return to the IOM runs the risk that a migrant's existing understanding of the pros and cons of the VG programme remains unchallenged by a third party. It may seem surprising that the IOM staff members interviewed by the authors noted that not all migrants who are informed about the possibility of VG return necessarily want to ask for it. Yet this may well have to do with the migrant's perception of the costs and benefits involved. While on paper VG return is much more generous than FSR return, it also comes with a string of conditions that may be understood differently from a migrant's perspective than from that of the immigration authorities. The authors' interview data suggests that many Nigerians in the target group are sceptical to whether they will receive the promised in-kind reintegration support, at a value that exceeds the cash grant. A one-off cash grant is perceived to be dependable and simple, compared to the prospect of receiving in-kind assistance pending verification and documentation of costs, over the course of an entire year, in a country that ranks among the most corrupt in the world.<sup>6</sup>

IOM's 'follow-up' is described in positive terms on their website. VG returnees are given 'post-arrival information and counselling' and part of the reintegration assistance is 'follow up and advice on investing the reintegration

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<sup>6</sup> <https://www.transparency.org/country/NGA>, page accessed 06. 10. 2017.

support'.<sup>7</sup> From a migrant's perspective, however, 'follow up' may not have similarly positive connotations. As a representative of an organisation that works with rejected asylum seekers and irregular migrants noted: 'What we see, and this is not only the case for Nigerians, also for other groups, is that people do not want the follow-up after arrival from IOM. It is easier to choose the cash benefit'.

The general literature on the return and reintegration of Nigerian victims of human trafficking makes clear that there is often a fear of reprisals against the victim or against his or her family, although this is not necessarily worse than the everyday violence they experience from others (Plambech, 2014). Given the risks of being tracked down by networks of traffickers involved in organized crime, it seems plausible that at least some would prefer the anonymity of FSR return over the supposed relative benefits of VG return. IOM staff members emphasised that they inform returnees about their options, but leave it to the migrant to decide what is best. In the words of one interviewee: 'We do not want to pressure someone into that programme, they have the option of choosing a normal track with the cash benefit, if that is what they want'. It can hence not be assumed a priori that prospective returnees necessarily prefer VG support over FSR support, even when informed about its availability.

## **Vulnerabilities at work II: A gendered hierarchisation**

Yet another fundamental challenge faced in increasing the number of returnees who return through the VG programme are the conceptual blind spots and hierarchisation of vulnerabilities in professional practice. Most professionals emphasised their sensitivity to the vulnerability of female victims of trafficking for prostitution. When probed for what they saw as alternative forms of vulnerability, interviewees needed more time to reflect. Some expressed the possibility that they were less inclined to consider men as vulnerable. Others noted that they had unconsciously associated the VG programme only with victims of sex trafficking, who are overwhelmingly female. Reception centre staff and social workers alike reflected on how they associated vulnerability with women, and that they believed this was likewise the case for the Nigerian migrants they worked with. As one of the reception centre staff observed: 'It is not very masculine to be called "vulnerable"'. This atti-

<sup>7</sup> <http://www.iom.no/en/varp/vg>, page accessed 06. 10. 2017.

tude was also reflected in an interview with a male prospective returnee, who reported that he had explicitly asked to be considered for VG support, which he had heard about from other Nigerians, but then been told by an IOM staff member that the programme was only for women and children.

That women are considered especially vulnerable is not exclusive to this system, or to Norway. As per gender stereotypes, male migrants are widely assumed to be more self-providing and independent than female (Mahler, Pessar, 2006). In light of the widespread discrimination women experience in many contexts, it is also very understandable (Morchain et al., 2015). Yet it is certainly problematic that men are in effect discriminated against because of gendered notions about independence and risk (Hollander, 2001; Butler, 2016), regardless of migrants' own evaluations. As has been well established by scholarly literature on trafficking, systemic identification of victims and self-identification as victims are both highly gendered, and this is inextricably intertwined with how trafficking is defined and institutionalized as a policy domain (Brunovskis, Surtees, 2008; Kapur, 2010; Wylie, 2016).

## **Conclusion**

This article identifies some of the underlying reasons for low programme uptake in the Vulnerable Groups programme. Firstly, there is the challenge of credibly communicating the details of VG return to migrants whose professed intent is to stay. Secondly, rejected asylum seekers and irregular migrants can be inclined to distrust official information about return. Thirdly, they may specifically prefer the flexibility, simplicity and anonymity of receiving a one-off cash grant upon return through the FSR programme. Finally, the vulnerability of victims of human trafficking appears more easily recognized by authorities, frontline personnel and migrants themselves than other vulnerabilities. This institutionalised hierarchy of vulnerabilities is fundamentally gendered.

The label of 'vulnerable' and the practice of the VG programme merit critical reading. The authors have already located the programme within a resilience discourse in which those in need of protection are cast as in need of overcoming what they lack of agency, empowerment and resilience. Asylum seekers whose claim for protection is rejected are cast as being in need of reintegration assistance.

Moreover, the VG support is highly selective. The vastly higher number of rejected asylum seekers and irregular migrants who return through the FSR programme by implication become negatively defined as 'not vulnerable', consistent with a restrictive turn in contemporary European asylum policy and keen attention to detail in the institutional labelling of refugees and migrants (Zetter, 2007). The framing of the VG programme can thus be seen to subtly serve the interests of a northern state in migration control.

Northern states also need to comply with laws. As the label 'vulnerable' is used in practice, more or less interchangeably with 'victims of sex trafficking', the programme furthermore serves the interest of northern states in upholding their legal obligation to safeguard the rights of that particular, predominantly female, population. Victims of sex trafficking have in the past 15 years been firmly established as a vulnerable group in international legislation. Most European states are bound by international obligations to only return them when particular requirements are met. It does not follow that the tendency observed among professionals to conflate the category of 'vulnerable' with 'victims of sex trafficking' – at the expense of other vulnerabilities – is motivated by such concerns. Rather, it follows that the state is motivated to turn a blind eye to this practise.

Whether or not such a cynical reading is warranted, it is clear that the name of the VG programme does little to encourage male prospective returnees to request it. Masculinity is not associated with vulnerability and its associated connotations of passivity and helplessness, neither among Norwegian professionals nor among Nigerian migrants.

The institutional landscape in which VG support is embedded likewise does little to shift attention to alternative vulnerabilities. Subsuming the previous return programme for victims of trafficking under the existing VG programme and its theoretically more comprehensive category of the vulnerable, does not in itself open up for alternative interpretations of vulnerabilities. Many of the organisations that collaborate closely with the IOM, and recommend particular migrants for consideration for the VG programme, are specialized in working with women who work in prostitution and may have been subjected to trafficking. While social workers who work with victims of trafficking are trained in catering to their needs, those who work at reception centres are not similarly sensitized to the needs of other groups that could potentially qualify as 'vulnerable'. For the IOM and the immigration authorities to receive



recommendations of other 'vulnerable' migrants would entail broadening out their list of partnering organizations and communication platforms.

Researchers can and should examine how labels such as 'voluntary return' and 'vulnerable groups' serve political needs as much as those of migrants. However, it is quite possible to be critical of assisted return as an expression of northern state power and also to believe that there is strong case for offering return assistance to marginalized migrants considered undesirable and relegated to the margins of a destination state. A more nuanced understanding of vulnerability may be a step in the right direction.

## References

- Adepoju, A. (2005) Review of Data and research on Human Trafficking in sub-Sahara Africa. *International Migration*, 1/2, pp. 75-95.
- Ashutosh, I., Mountz, A. (2011) Migration management for the benefit of whom? Interrogating the work of the International Organization for Migration. *Citizenship Studies*, 1, pp. 21-38.
- Brekke, J. P. (2008) *Fra tilbakevending til retur. Evaluering av Flyktninghjelpens informasjonprosjekt INCOR*. Oslo: Institutt for samfunnsforskning.
- Brunila, K., Rossi, L.M. (2017) Identity politics, the ethos of vulnerability, and education. *Education Philosoph and Theory*, online first.
- Brunovskis, A., Surtees, R. (2008) Agency or illness – conceptualization of trafficking victims' choices and behaviours in the assistance system. *Gender, Technology and Development*, 1, pp. 53-76.
- Butler, J. (2016) Rethinking Vulnerability and Resistance. In: J. Butler, Z. Gambetti, L. Sabsay (eds.) *Vulnerability in Resistance*. Durham: Duke University Press, pp. 12-27.
- Danish Government (2010) *Evaluation of the national effort to combat human trafficking 2007-2010*. Copenhagen: Gender equality division.
- Hollander, J. A. (2001) Vulnerability and Dangerousness: The Construction of Gender through Conversation about Violence. *Gender & Society*, 1, pp. 83-109.
- Kapur, R. (2010) *Makeshift Migrants and Law. Gender, Belonging, and Postcolonial Anxieties*. New Delhi: Routledge.
- KOM (2017) *Rapport fra Koordineringsenheten for ofre for menneskehandel*. Police Directorate: Oslo.



Mahler, S. J., Pessar, P. R. (2006) Gender Matters: Ethnographers Bring Gender from the Periphery toward the Core of Migration Studies. *International Migration Review*, 1, pp. 27-63.

Ministry of Justice and Public Security (2016) *Governmental Action Plan against Human Trafficking*. Oslo: Ministry of Justice and Public Security.

Morchain, D., Prati, G., Kelsey, F., Ravon, L. (2015) What if gender became an essential, standard element of Vulnerability Assessments? *Gender & Development*, 3, pp. 481-496.

Paasche, E., Plambech, S., Skillbrei, M-L. (2016) *Assistertretur til Nigeria*. Oslo: University of Oslo.

Plambech, S. (2014) Between 'Victims' and 'Criminals': Rescue, Deportation, and Everyday Violence Among Nigerian Migrants. *Social Politics*, 3, pp. 382-402.

Quinn, E. (2009) *Programmes and Strategies in Ireland Fostering Assisted Return to and Reintegration in Third Countries*. Dublin: The Economic and Social Research Institute.

Schott, R.M. (2013) Resilience, normativity and vulnerability. *Resilience: International Policies, Practices and Discourses*, 3, pp. 210-218.

Skillbrei, M-L. (2012) Moving Beyond Assumptions? The Framing of Anti-trafficking Efforts in Norway. In: R. Sollund (ed.) *Transnational Migration, Gender and Rights*. Emerald Insight Publishing, pp. 211-227.

Webber, F. (2011) How voluntary are voluntary returns? *Race & Class*, 4, pp. 98-107.

Wylie, G. (2016) *The International Politics of Human Trafficking*. Basingstoke: Palgrave Macmillan.

Zetter, R. (2007) More labels, fewer refugees: Remaking the refugee label in an era of globalization. *Journal of Refugee Studies*, 2, pp. 172-192.

Øien, C., Bendixen, S. (2012) *Det riktige valget? Motivasjon og beslutningsprosess når avviste asylsøkere velger frivillig retur*. Oslo: Fafo.

## Internet resources

Eurostat (2017) Statistics on Enforcement of Immigration Legislation. Available at: [http://ec.europa.eu/eurostat/statistics-explained/index.php/Statistics\\_on\\_enforcement\\_of\\_immigration\\_legislation#cite\\_note-2](http://ec.europa.eu/eurostat/statistics-explained/index.php/Statistics_on_enforcement_of_immigration_legislation#cite_note-2), page accessed 3.10. 2017.

IOM (undated) Voluntary Return and Reintegration Assistance to Vulnerable Migrants. Available at: <http://www.iom.no/en/varp/vg>, page accessed 6.10.2017.

UDI (undated) Assistertretur. Available at: <http://www.udi.no/retur/sok-om-assistert-retur/assistert-retur-/?c=nga#link-931>, page accessed 9.10.2017.

---

UDI (2017a) *Memo on practices and procedures*. Document PN 2011-002. Available at: <https://www.udiregelverk.no/no/rettskilder/udi-praksisnotater/pn-2011-002/>, page accessed 3.10. 2017.

UDI (2017b) *Asylum Decisions by Citizenship and Outcome 2016*. Available at: <https://www.udi.no/en/statistics-and-analysis/statistics/asylum-decisions-by-citizenship-and-outcome-2016/>, page accessed 3.10.2017.

UDI (2016) *UDI Årsrapport 2015*. Available at: [https://www.udi.no/globalassets/global/aarsrapporter\\_i/arsrapportvirksomhetsrapport-for-udi-2015.pdf](https://www.udi.no/globalassets/global/aarsrapporter_i/arsrapportvirksomhetsrapport-for-udi-2015.pdf), page accessed 06.10. 2017.

Transparency International (undated) *Nigeria*. Available at: <https://www.transparency.org/country/NGA>, page accessed 6.10. 2017.

ERLEND PAASCHE  
MAY-LEN SKILBREI\*

## Rodna ranjivost i vraćanje migranata

U radu se diskutuju rodni koncepti ranjivosti prisutni u narativu država destinacije i primeni politika vraćanja migranata u zemlje porekla. U radu su predstavljeni nalazi empirijskog istraživanja zasnovani na kvalitativnim intervjuima sa zaposlenima u centrima za prihvatanje azilantima, socijalnim radnicima koji rade sa iregularnim migrantima i sa tražiocima azila čiji su zahtevi za azil odbijeni u Norveškoj. U radu se ističe da nadležni, zaposleni koji dolaze u kontakt s migrantima, ali i sami migranti lakše prepoznaju neke oblike ranjivosti. Konceptualne praznine, pak, imaju posledice za pristup pomoći i zaštiti, i mogu da doprinesu da ove osobe budu još ranjivije. Dok programi povratka i reintegracije nude posebne pogodnosti za one migrante koji se vraćaju a koji se smatraju 'ranjivim', istraživanje je pokazalo nedostatak volje da se 'etiketa' ranjivosti primeni, osim u slučajevima žena žrtava trgovine ljudima u cilju bavljenja prostitucijom. Razlozi za to su, kako se ukazuje u radu, kako institucionalni, tako i kulturološki.

**Ključne reči:** upravljanje migracijama, ranjivost, rod, trgovina ljudima, viktimitet

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\* Dr Erlend Paasche je postdoktorski istraživač u Odeljenju za kriminologiju i sociologiju prava na Univerzitetu u Oslu, Norveška. E-mail: [erlend.paasche@jus.uio.no](mailto:erlend.paasche@jus.uio.no)

Dr May-Len Skilbrei je profesorka u Odeljenju za kriminologiju i sociologiju prava na Univerzitetu u Oslu, Norveška. E-mail: [m.l.skilbrei@jus.uio.no](mailto:m.l.skilbrei@jus.uio.no)