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# **‘Perceiving Europe’: an Exploration of Asylum Seekers’ “Strategies”**

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## **Abstract**

This paper focuses on the impact of the interaction of EU and national asylum policies on asylum seekers’ agency. While remaining key actors, states give up aspects of their sovereignty to the EU level. Therefore, the EU can be regarded as a balance between solidarist and pluralist elements, where member states’ behaviour is bound by EU level agreements on human rights. This has been reflected in a constant tension between the adherence to human rights principles and political concerns over control and ‘securitisation’, and the articulation of asylum as a problem or “threat”. The tension between pluralist and solidarist elements and the interaction between national policies and the EU architecture have, in some cases, produced unintended results. Taking the UK as a case study, this paper will explore how asylum seekers’ perceptions of UK and European asylum policies have an impact among other factors on the way they ‘strategize’ their moves. In particular, considering the asylum seeker as an agent, this paper aims at exploring how s/he interacts with the structure created by the EU and UK asylum policies in order to overcome obstacles that are posed by the system. This represents a contribution to the literature, as the decision-making aspect has been somehow neglected in forced migration studies. Through qualitative semi-structured interviews with Zimbabwean refugees and Alevi Kurdish refugees from Turkey, as well as with organizations and lawyers, this study demonstrates that perceptions have in some cases formed an important influence on individuals’ agency in coping with the asylum process.

## **1. Introduction: the question of agency in refugee studies**

From a sociological perspective, the debate revolving around the question of *agency* is particularly relevant in migration studies. As Findlay and Li point out, ‘a useful starting point for qualitative research on migration issues is the recognition of human beings as pro-active, socially embedded intentional agents who influence and are influenced by the social worlds in which they are located’ (1997: 34). Moreover, migrants’ agency has influenced on the one hand the development of a social scientific theory on migration

whilst, on the other hand, shaping the policy responses to people's movement (Faist 2000: 23-24).

This has been particularly true for migration studies and not so much for refugee studies. The former have been particularly influenced by the debate on the concepts of 'structure' and 'agency', with scholars focusing either on one of these concepts or pushing towards a more encompassing theory of migration that is able to take into account the relation between the two concepts (among others: De Jong and Gardner 1981; Giddens 1984; Morawska 2001).

However, if many theories of migration rest on the assumption that migrants have a significant degree of freedom over their decision to move, this is not deemed to be the case for refugees who are therefore considered beyond the scope of migration theory (Bakewell 2010). As Hein (1993) has observed, 'research on refugees accumulated with minimal conceptual elaboration: immigrants constituted an economic form of migration, refugees a political form' (43-44). The main distinction here concerns the voluntariness of migration: in policy terms, there are substantial differences between migrants who cross international borders. The rights gained by migrants with refugee status under international law are stronger than those who have crossed the boundary 'voluntarily'. Moreover, whereas illegal migrants who have been trafficked can be entitled to protection, those who chose to enter through illegal routes are easily criminalised. It is therefore clear how the argument that a degree of voluntariness exists in refugees' movements is seen to undermine the very legitimacy of their claim. Moreover, much of social scientific research has been conducted in more or less formal connection – often through funding – with institutional settings (EU, UN, UNHCR, etc.) that have undeniably had an effect in shaping the questions formulated by scholars (cf. Malkki 1995).

As a consequence, agency has somehow been neglected in the study of refugees/asylum-seekers' movements. As De Jong and Fawcett argue, 'forced migration is

of course a topic of considerable interest and significance, but not with respect to individual decision-making' (1981: 45). Furthermore, 'we may try to explore the political, economic or social factors which forced them [refugees] to move, but we do not need to explain them in terms of their exercising agency' (Bakewell 2010: 1690). Some little attention has been paid to asylum-seekers' agency in terms of decision-making process (see Zetter *et al.* 2003; Hassan 2000; Jordan and Düvell 2003; Havinga and Böcker 1997; and Robinson and Segrott 2002).

A very recent trend in empirical scholarly studies – in particular ethnographic work – sees a renewed interest towards asylum-seekers/refugees' experiences in their journey towards safety and a better life. However, whilst some projects on this topic are running at the moment, very little has been published by now. Nonetheless, it is possible to argue that a new awareness of the need of paying attention to refugees' agency in terms of their experiences and decisions is rising among scholars. Some of them focus their most recent studies on the increased political involvement of asylum-seekers/refugees in advocacy as a result of their attempts to claim asylum individually. In this sense, the agentic dimension of seeking asylum provokes changes in asylum-seekers' subjectivities: they become more able to express their experience using the human rights language and developing, at the same time, the consciousness of a rights bearing citizen, in sharp contrast with those asylum-seekers that are instead enrolled in the UNHCR resettlement schemes *prima facie* (Hepner 2011; Harmon-Gross 2009). Other scholars, instead, focus on asylum-seekers' journey and try to discuss the 'idea of agency in refugees' migration trajectories showing migrants in an earlier and later stage of migration and commenting on their perceptions of space and time in their respective situations' (Treiber and Tesfaye 2008).

While it is important to acknowledge that asylum-seekers' range of available options is somehow restricted, these scholars point out the importance of migration trajectories as constructed strategically along the journey. As Agier (2002) argues, individual agency is

subject to migrants' own *bricolage*: migrants often take 'strategic' decisions that mirror informal collective knowledge as well as individual experiences (Treiber and Tesfaye 2008; cf. Kibreab 2004).

However, an account of asylum-seekers/refugees' agency taking into consideration both their perceptions, imaginations, choices of action and the different kind of constraints they face cannot be given without addressing different levels of analysis. That is, an account of the interaction between: i) the more global environment in which migration movements occur and are understood by political actors; ii) the European and national asylum policies (including welfare provisions, etc.) in place and the way they impact on asylum applications; iii) the way in which the policies, as implemented at the national level, are perceived by asylum-seekers (and eventually their community) and affect the way they organise their action.

In what follows this paper will first address policy developments both at the European Union and the UK national levels; then, it will present some of the results of a pilot study conducted in June-August 2011 in London, in order to provide some examples on how the asylum policy framework/architecture influenced asylum-seekers' agency.

## **2. The legal developments of the asylum system**

### **2.1 The European Union asylum framework**

The socio-legal development of the concept of the refugee has been historically contingent, and its formalisation shaped by international relations (Gibney 2004, 2006). As Haddad (2008) highlights, 'changes in the international context over time affected normative understanding of the refugee issue, which in turn modified state interests and helped determine what type of international response the issue would receive' (116). In

particular, the emergence of the refugee regime is to be traced back to the aftermath of the II World War period<sup>1</sup>.

As a matter of fact, the development of a European Asylum framework has been indeed influenced by changes over time in the normative understanding of the ‘refugee issue’. For many years, in fact, EU member states have cooperated in a ‘burden sharing’ arrangement. This was first set with the Dublin Convention (1990), and later with the Dublin II Regulation (2003), which ostensibly replaces the Dublin Convention. It represents the cornerstone of the Dublin System, which consists of the Dublin Regulation and the EURODAC Regulation, which establishes a Europe-wide fingerprinting database for unauthorised entrants to the EU. According to the Dublin Regulation, member states have to assess which member state is responsible for examining an asylum application lodged in their territory on the basis of objective and hierarchical criteria. The system is designed to prevent ‘asylum shopping’ and, at the same time, to ensure that each asylum applicant’s case is processed by only one member state (Council Regulation (EC) No 343/2003 of 18 February 2003). Where another member state is responsible under the criteria in the Regulation, that state is approached to take charge of the asylum seeker and consequently to examine his/her application. If the member state thus approached accepts its responsibility, the first member state must transfer the asylum-seeker to the second (ibid.). In the case where a member state has already examined or begun to examine an

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<sup>1</sup> With the establishment of the UNHCR in 1951 refugees started to be considered more like a humanitarian or social problem rather than a military one. The cornerstone of the institutionalisation of this regime is to be found in the 1951 Geneva Convention; of course, its definition of the ‘refugee’ is very much the result of the Cold War, where the ‘refugee problem’ was embedded in the West-East antagonism. This is reflected in both the conceptualisation of the refugee and the Eurocentric focus of the application of this concept (Hathaway 1991). First of all, the focus on ‘prosecution’ allowed nations to grant dissidents protection from communist regimes, while acting to stigmatise these regimes as human rights violators. Secondly, the emphasis on the violation of civic-political rather than socio-economic rights meant that the Convention would mainly be applied by western European states to eastern ones and not viceversa (Haddad 2008; Hathaway 1991: 8). Thus, the ‘refugee’ was constructed as a specifically European concept. Attempts by African and Latin American countries to formulate new definitions through the Organisation for African Unity (OAU) ‘Convention Governing the Specific Aspects of the Refugee Problems in Africa’ (1969) and the Cartagena Declaration (1984), support this claim (cf. Chimni 1998). As a matter of fact, the rigidity introduced by the focus on precursor factors of flight makes it more difficult to address effectively individuals’ need for protection in a continuously changing social reality.

asylum application, it may be requested to take back the asylum-seeker who is in another member state without permission (ibid.). The member state responsible must then complete the examination of the application (ibid.).

Many criticisms have been made of this system. The European Council of Refugees and Exiles (ECRE) and the UNHCR, for instance, have stated several times that the system does not ensure fair, efficient and effective protection, and impedes the legal rights and personal welfare of asylum seekers, including the right to a fair examination of their asylum claim and, if recognised, to effective protection, as well as the even distribution of asylum claims among member states. As pointed out by O'Sullivan (2009), 'this agreement does not set out any harmonised standards in relation to the definition of a refugee or to refugee decision-making procedures, and it is generally considered to have been of limited success' (242).

It is possible to argue, therefore, that in its first years the EU asylum system developed with small influence of humanitarian norms, partial transfer of sovereignty and limited cooperation among member states (Lavenex 2001). However, since the European Council held in Tampere in 1999, this approach has changed and the focus has shifted to the externalisation of refugee policy and the creation of a 'Common European Asylum System' (CEAS) through the harmonisation of asylum law (Boswell 2003). In particular, efforts converged towards both control and prevention of migration. As to the first, controls of the external border of the EU have increased. As to the second, it aims at reducing the pressure of numbers arriving to Europe by addressing the causes of forced migration and providing protection in the areas of refugee origin; in this sense member states guarantee refugee rights beyond the border of the EU provoking a decoupling of protection from sovereignty (Haddad 2008: 186). This has raised several concerns from other international actors such as the UNCHR, as regional protection could undermine the

right to seek asylum by limiting the opportunities to exit the country of origin and keeping asylum-seekers in a situation of insecurity.

As a result of the European asylum system architecture, while protection has been externalised fostering a more humanitarian approach outside the EU borders, ‘security’ remains an issue managed at the international level through control procedures. As a consequence of the focus on the externalisation of EU asylum policies, the dimension internal to member states (such as welfare provision for asylum-seekers, support services and resettlement programs) has been neglected.

Another institution that influences member states’ asylum policies is the Council of Europe. In particular, it fostered the elaboration of the European Convention on Human Rights (ECHR), which came into force in 1953. While not providing directly for asylum-seekers, it made important contributions. Firstly, it established the European Court on Human Rights, to which individuals can take their cases if they feel their rights have been violated under the Convention. Secondly, the sentences of the Court are binding on the states concerned and their execution is monitored by the Committee of Ministers of the Council. The Convention, therefore, gives the individual an active role in the international arena. This has been used on different occasions also by asylum-seekers and refugees, in particular in relation to Article 3 (which prohibits the return of a person to a country in which it is believed there is a real risk of torture or inhuman and degrading treatment or punishment), Article 5 (relating to detention), and Article 8 (which sets the right to respect for family life).

## **2.2 UK domestic asylum law**

The UK has certainly been influenced by the evolution in the European asylum system and international developments. In particular, as argued by O’Sullivan, ‘the UK has been struggling to adopt asylum law and policies which respect the rule of law, while also

conforming to its national interests' (2009: 228). The close legal and political relation with the EU, however, is not without contradiction. In fact, if on the one hand participation in the EU asylum system has resulted in a more advanced UK refugee law, on the other hand some of the restrictive principles introduced by the UK – such as the 'safe third country of origin' – originated by from the EU fora (cf. Costello 2005, Kneebone 2008).

Primary asylum legislation was introduced in the UK only in 1993, with the 'Asylum and Immigration Appeals Act', which incorporated the 1951 Geneva Convention into British domestic law. Prior to this, the UK adopted *ad hoc* policies aimed at protecting and accepting in the British territories some specific groups –i.e. Chileans, Vietnamese, Tamil from Sri Lanka, refugees from the Former Yugoslavia, or other groups with specific connections to the UK (Stevens 2004). These programmes relied on local initiatives involving the voluntary sector (Duke 1996; Joly 1996; Sales 2002). The 'Asylum and Immigration Appeals Act' represents, therefore, the cornerstone of the UK asylum system. It must be noted, however, that this act was introduced into UK law in a period when a shift towards a restrictive interpretation of the Geneva Convention occurred at the European level (as an example, see the Dublin Convention). Following the 'Asylum and Immigration Appeals Act', a proliferation of asylum legislation started in the following years. In particular, at least five laws – plus subsidiary legislation – passed between 1996 and 2006<sup>2</sup>. These set out a restrictive interpretation of the exclusion provision in Article 1F(c) and the exception to the *non-refoulement* principle in Article 33.

As to the ECHR, it has been incorporated into UK domestic law through the 'Human Rights Act' (HRA) in 1998, which came into force in 2000. The HRA does not specifically set out protection for asylum seekers or refugees. However, as mentioned above, some of the ECHR provisions have been used by asylum seekers in litigation under

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<sup>2</sup> The laws implemented were the following: Asylum and Immigration Act (1996); Immigration and Asylum Act (1999); Nationality, Immigration and Asylum Act (2002); Asylum and Immigration (Treatment of Claimant, etc.) Act (2004); Immigration, Asylum and Nationality Act (2006).

the HRA (cf. Morris 2010). While requiring legislation to be certified as complying with the ECHR, the power of the HRA is limited. In fact, it only allows a court to make a ‘declaration of incompatibility’ in relation to legislation which impugns the HRA; it does not allow a court to invalidate or set aside the legislation (for the role of the judiciary see Morris 2001).

The asylum system, as delineated in these years, comprises of two decision-making systems: a fairly comprehensive process with appeal rights for most asylum seekers, and a more ‘accelerated’ one for those applicants deemed to have unfounded claims as they come from ‘safe countries of origin’ or ‘safe third countries’ (O’Sullivan 2009). Asylum applications are assessed by case workers under a single procedure in which they are instructed to consider an applicant’s eligibility under three categories: asylum, humanitarian protection<sup>3</sup> or complementary protection<sup>4</sup>. In doing so, case workers are guided by the relevant legislation, Immigration Rules, Asylum Policy Instructions (APIs) and Asylum Policy Guidance. They are also provided by other relevant information by a ‘Country-Specific Asylum Policy Team’ and the Country of Origin Information Service. If the applicant is successful with his/her asylum claim, the HO will grant a refugee status and give a five-years temporary residence permit (limited leave to remain). At the end of this period, the refugee can apply for ‘indefinite leave to remain’. If the claimant is found to be entitled to complementary protection, s/he is granted either a leave to remain for a five-years period (under Humanitarian Protection), or three years (Discretionary Leave). This refugee can apply for indefinite leave to remain after meeting specific criteria. The asylum seeker that is refused the refugee status or complementary protection can appeal against

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<sup>3</sup> Humanitarian Protection (or Exceptional Leave to Remain, ELR) entails the right to remain temporarily on the British territory to those individuals who cannot be returned to their own country of origin because there is a real risk that they will be exposed to torture or inhuman and degrading treatment or punishment. Their removal would be therefore unlawful under the HRA as it would be incompatible with their rights under the ECHR (see UK Home Office, ‘Asylum Process Guidance’).

<sup>4</sup> Complementary Protection refers to the protection given by states to individuals who fall outside the legal definition of refugee in the Refugee Convention (see Asylum Policy Instructions on Discretionary Leave).

the decision. As scholars (Cohen 2002; Gilbert and Khoser 2006) have pointed out, most of the rejections are overturned in appeal. As to the claimants that are deemed to come from a 'safe country of origin' or a 'third safe country', they are processed via an accelerated procedure at the Oakington or Harmondsworth Immigration Removal Detention Centres and are only entitled to an 'out of the country' appeal (Stevens 2004; O'Sullivan 2009).

As argued by Zetter, this restrictive turn reflected the 'fractioning of the refugee label', the proliferation of a complex legal group of temporary protection statuses hiding the political agenda of 'restricting access to refugee status' (2007: 189; cf. Squire 2009:7). In the literature, several scholars have focused on the welfare provisions granted by the different protection statuses. Sales (2002: 456) argues that, in fact, the legislation introduced tied asylum increasingly to the issue of welfare provisions, as a consequence of the increased flows of asylum seekers and delays in processing cases which had increased the cost of supporting asylum claimants. As a matter of fact, different statuses entail access to welfare provisions in different degrees. In particular, scholars argue that the UK has always seen refugee flows as temporary (Sales 2002; Cohen 2002) and as a burden on economic finite resources (Freeman 1986). This was reflected in the government's and media attitude towards the criminalisation of the asylum-seeker, and the diffusion of the stereotype of the 'bogus asylum seeker' (Bloch and Schuster 2002); for instance, the blurring between economic migrants and refugees, and differences in media portrayals of refugees fleeing from countries in which the UK was militarily involved as victims, spread the belief that some asylum-seekers were more 'deserving' than others (Bralo 2000).

Since the 1990s, a restrictive turn was taken also in granting welfare provisions to asylum-seekers, refugees and individuals under humanitarian protection (Sales 2002). These restrictions were applied particularly to asylum-seekers and individuals under humanitarian protection, as distinct from refugees. In particular, the 1993 Act removed the right of

asylum seekers to permanent local authority accommodation, while the 1996 act removed their right to housing benefits and other cash benefits. Instead, a voucher system was introduced accompanied by a small weekly cash payment. The vouchers are exchangeable only in some supermarkets and do not allow asylum-seekers to purchase certain goods (alcohol, cigarettes, chewing gum, etc.). Moreover, if the purchase value is inferior to the voucher, the difference is kept by the supermarket and no change is given. This system introduces an element of 'moral surveillance, and singles out asylum-seekers, frequently exposing them to racist abuse from other customers' (Sales 2002: 464). Furthermore, especially after the introduction of the dispersal scheme in 1999, housing relies on a national system (NASS) working with Boroughs and voluntary agencies in cluster areas. This has often proven to be an unworkable system, as asylum-seekers tend to return to the places where their communities are concentrated. Refugees, on the other hand, are entitled to the same social rights as citizens, even though, in practice, access to services is not always easy. Several authors (Bloch 1999; Lukes 2001) emphasise that refugees face multiple barriers to employment and, therefore, rely on community networks; as a consequence, unemployment is dramatically high for refugees that lack these structures. Moreover, due to the criteria adopted in housing procedures, single individuals or couples without children are likely to face homelessness. Individuals under temporary protection are granted a weaker protection, even though they are in theory guaranteed many of the same social rights as Convention status. This status carries no right to family reunion, increasing thus stress and anxiety during the stay in the UK and making it difficult to settle.

The criticalities discussed above led the Citizen Organising Foundation in 2006 to launch in the House of Commons an 'Independent Asylum Commission' (IAC) with the task of gathering evidence (from 2006 to 2008) on how the UK asylum system works and provide recommendations for improvements. In particular, the IAC raised concerns about six main areas: administrative detention; support; treatment of children; treatment of

women; treatment of torture survivors; and treatment of LGBT asylum-seekers. IAC has therefore engaged in a dialogue with the UKBA and the legislative in order to improve the asylum system.

### **3. A case study: Alevi Kurdish and Zimbabwean refugees in the UK**

Between June and August 2011 I conducted a pilot study aimed at exploring whether asylum-seekers' and refugees' perceptions of European and UK asylum policies had an impact on their *strategies* and the way they coped with the asylum system in the UK. Ten semi-structured interviews have been carried out with Alevi-Kurdish and Zimbabwean refugees in London and Sheffield who arrived to the country between 1985 and 2006, alongside with some other interviews with solicitors, associations representatives and community leaders. Far from generating generalisations, the aim of this study was to provide some elements that could serve as a starting point for developing further research.

The two groups of migrants here considered have very dissimilar characteristics and patterns of migration. In fact, whereas in most cases the Turkish Alevi-Kurds that fled to the UK were prosecuted as a group and had already some family members living in Europe (especially in Germany and, many of them, in London), Zimbabweans were the object of individual persecution and set out their flight taking into account the contingent situation and did not have any family ties in the UK. Moreover, whilst Turkish Alevi-Kurds arrived first have settled in London where several community centres and a large Turkish-Kurdish community were already based, my Zimbabweans respondents arrived after the introduction of the dispersal scheme in 1999, were dispersed in other smaller cities and did not have the experience of living in the multicultural metropolis.

Evidence from the fieldwork suggests that perceptions have in some cases formed an important influence on individuals' agency in coping with the asylum process. In particular, UK national legislation resulted to be in some cases relevant in shaping my respondents'

*strategies*. Moreover, despite the European Union's efforts at that time to create an harmonised asylum system, the focus on externalisation and security and the scarce attention to the national dimension (especially in terms of setting a out a clear layout of the contents of refugee and subsidiary protection, even in terms of access to services) created a 'gap' that magnified the impact of some restrictive policies introduced at the UK national level. Furthermore, only those refugees who had a very high level of education and experience in the human rights field back in their country of origin had made use of the rights provided for by the ECHR.

In general, as also assessed by Gilbert and Khoser (2006) in their study on different groups of asylum seekers, most of asylum-seekers knew little about UK immigration and asylum policy and practice. However, continuous changes in legislation in the 90's created a situation of confusion for asylum seekers/refugees, especially Alevi Kurds, who were not able to keep track. In this sense, time seems to be a very important issue when it comes to the formulation of perceptions. In particular, this situation empowered the role of meso-level actors – community centres, lawyers and interpreters in the community – that possessed key assets in terms of knowledge of the legislation and of both the Kurdish/Turkish and English language. These agents were therefore able to dictate the behaviour of asylum seekers. In this sense, one could argue that the system created the context (structure) in which my respondents were encouraged for example to lie in order to fortify their claims, as meso-level actors assumed that some stories were more likely to be believed.

Perceptions, through their interactive and relational aspect, together with the pattern of migration, appear to be particularly relevant in shaping the choice of the country of destination. In the case of Kurdish refugees from Turkey, their perceptions have been shaped by transnational engagements of the first waves of refugees that came to the UK at the end of the 1980s. In particular, success stories and narratives presented by refugees in

the UK to friends and family in Turkey foster the perception of the UK as a ‘dream country’, where people are safe but also have a chance to improve their lives. This trend seems to be reproduced: new refugees tend not to talk to their families back home about the hardships faced during the asylum process, as this is also emotionally difficult. They prefer, therefore, to show the brightest side of their story, and thus reproduce positive perceptions about the UK. In the case of my Zimbabwean respondents, their perceptions seem to be shaped by other factors, such as former colonial ties with the UK, history education at school, and the media. Apparently, some sources of information, such as NGO reports or British Consulate’s publications, have never been consulted by my respondents before they arrived to the UK.

Furthermore, my respondents’ perceptions about the UK seemed also to be shaped by the first encounter with British authorities. In most of the cases the first interview with the HO provoked disappointment and a negative change in asylum seekers’ perceptions of the UK authorities and, in some cases, of British society. As a matter of fact, UK policies have been designed and sometimes implemented with the idea in mind that asylum seekers come to the UK to ‘rip off’ the system (Schuster and Bloch, 2002; Cohen, 2002). Making it harder for asylum seekers to go through the process is supposed to discourage them from entering the country. For those who had positive perceptions of the UK before coming, the first encounter with the HO provoked shock and a radical change in their perceptions. My respondents’ experience, for instance, sheds a light on the fact that sometimes it is the perceived difference in the attitude of the British authorities in comparison to the home country’s authorities that shapes asylum seeker/refugee’s attitudes.

Refugees’ behaviour was apparently also affected by the intolerance and discrimination they faced even after they were granted indefinite leave to remain in the country. In particular, policies that set up instruments like the ‘voucher system’ and increased the dependency on the welfare provisions (by not allowing asylum seekers to

work, for example) and the consequent negative portrayal of asylum seekers as ‘those who take’, had harmful repercussion on the well-being of refugees. The latter, repeatedly exposed and humiliated by the system, preferred to hide their refugee status whenever it was possible.

As a final remark, among the refugees I interviewed, those who had a strong network supporting them generally coped better than those who were scattered through the dispersal scheme and alone. Moreover, for those who had more documentation or were, in a sense, ‘public figures’ going through the system was perhaps less traumatic. This was particularly the case when strong documentation was accompanied by knowledge about human rights law or similar previous experiences.

#### **4. Conclusions**

The aim of this paper was to bring attention to two important issues: on the one hand, the need of a more accurate theorisation of agency in refugee studies; on the other hand, a better understanding of the impact of the asylum framework not only in terms of restricting or widening access to the host country and regulating migration flows, but also in terms of asylum-seekers’ agentic dimension.

As to the first issue, it is important to notice that the birth of ‘refugee studies’ as a discipline is particularly recent<sup>5</sup>. Consequently, it has ‘borrowed’ many of its theoretical ideas from other scholarly domains (cf. Malkki 1995, Hein 1993), such as development studies or, to a lesser extent, international relations. However, the tendency – in the work presented – has for a long time been towards adopting an implicit functionalist model of society – that constructs displacement as an anomaly in an otherwise stable, sedentary society (Stein 1981) – and the ‘essentialisation’ (Malkki 1995) of the refugee. This has

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<sup>5</sup> The cornerstone of the institutionalisation of ‘refugee studies’ occurred with the establishment of the Refugee Studies Programme at the University of Oxford in 1982 and, later, with the appearance of the *Journal of Refugee Studies* in 1988.

provoked real consequences in shaping the interventions in refugee crises, in particular by reinforcing the idea that state sovereignty is part of a natural order of things. This, in turn, renders reasonable the claim by the state on the need of controlling the movement of people 'out of place', as well as sealing borders against asylum applicants. In this sense, a renewed attention to the agentic dimension of refugee movements would empower asylum-seekers as actors and steer academic and applied research towards the promotion of policies more adequate to this highly complex and dynamic reality.

As to the second issue, the results of this study point out the importance of individual characteristics in perceiving asylum policies as implemented by British authorities and, consequently, in going through the process. In some cases, despite the original purposes of the policies, their actual implementation and the way they are perceived by their recipients, could provoke undesired results. In the case of the UK, for example, the perception of a lack of clarity regarding asylum rules and access to benefits disempowered asylum-seekers but, at the same time, gave more power to meso-level actors. In this respect, the modification to the Directive 2004/83/EC introduced by the European Parliament legislative resolution of 27 October 2011, represents indeed a step forward towards the realisation of the Stockholm Programme, where the European Council committed to the objective of establishing a common area of protection and solidarity, based on a common asylum procedure and a uniform status, for those granted international protection. The establishment of clear minimum standards in terms of protection and access to welfare, finally, is necessary to the establishment of a favourable national environment for asylum-seekers' protection and their empowerment in terms of their exercising agency. However, a better understanding of how policies are perceived by concerned actors, as well as the recognition of the fact that asylum-seekers are not a homogeneous category, could provide important elements for further successful developments in the asylum protection regime.

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