Chapter 3

In Quest of Sanctuary:
The Gendered Challenges Within the Complex Landscape of Asylum-Seeking

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ABSTRACT

This chapter explores the complex landscape of asylum-seeking, focusing on the 1951 Refugee Convention and the rights it grants to those seeking refuge, emphasizing principles like non-discrimination and non-refoulement. The chapter highlights the tension between international legal guarantees and state discretion in granting asylum, underscoring the gap between aspirational goals and practical outcomes. It also delves into scholarly literature on migration, border control, and the "deviant migrant" narrative, offering insights into the complexities of asylum practices. It addresses criminological and gendered dimensions, with a specific focus on violence against asylum-seeking women, revealing unique challenges. Overall, the analysis covers historical perspectives, contemporary challenges, and evolving global migration dynamics, providing a comprehensive understanding of the intricate journey asylum seekers undergo for safety and justice.

INTRODUCTION

Contemporary societies are marked by discernible trends toward protectionism and exclusion, vividly exemplified in media portrayals casting asylum seekers as menacing and prone to violence. This narrative often extends, unjustly, to encompass diverse groups such as Muslim terrorists and undocumented Mexicans posing as refugees (Zedner, 2020).

In the current discourse on migration, global and national dialogues prominently feature keywords like "protection" and "security", responding to perceived foreign threats. This conversation, however, is entangled with traditional dichotomies between criminals and law-abiding citizens, reinforcing a stark division between the foreign and the national (Aas, 2019; 2013).

The surge in xenophobic sentiments, characterized by intolerance and suspicion toward those seeking protection and asylum, has given rise to pervasive depictions of asylum seekers and refugees as "false", "opportunists", "bogus", "outsiders", "folk devils", and "crimmigrant others" (Melossi, 2015; Cohen, 2011).

Against the backdrop of the European refugee crisis, criminology's examination of displacement has bifurcated into two primary branches: Crimmigration and Border Criminologies.

Crimmigration scrutinizes social control over specific migrant categories, aiming to preserve European Union cohesion from perceived threats posed by undocumented and criminally involved displacement (Guia & Pedroso, 2015; Aas & Bosworth, 2013; Guia, 2015). This has resulted in heightened migration control efforts to secure EU borders, fostering a divisive narrative of "us versus them" fueled by xenophobia and mistrust (Zedner, 2020; Aas, 2019; Vilmer et al., 2018; Bauman, 2016).

On the other hand, Border Criminologies delves into the transformative effects of migration on penal power, examining its implications for punishment, law, justice, and citizenship (Aas, 2019; Barker, 2018; Fassin, 2018; Bosworth, 2011). The disoriented, unwelcome, and apprehensive displacement of groups of people has prompted numerous inquiries into the detrimental impacts of armed conflict, social and economic inequalities, and violence, often serving as catalysts for international forced migration rooted in human rights concerns (Aliverti, 2020).

This insightful exploration into the transformative dynamics of migration within the realm of Border Criminologies lays a critical foundation for understanding the broader implications of displacement. Pursuing sanctuary as an asylum seeker involves navigating a complex landscape that is often fraught with challenges, and these challenges are not gender-neutral. Gender plays a significant role in shaping the experiences of individuals seeking asylum, influencing their vulnerabilities, access to resources, and the nature of the obstacles they face.

In recent years, the intersection of criminology, victimology, and feminist studies has significantly contributed to a nuanced understanding of the multifaceted challenges faced by women seeking asylum. This interdisciplinary approach offers a more comprehensive and contemporary perspective, delving into the intricate social, political, and personal contexts that shape the experiences of these women throughout their displacement journey and in their country of asylum. Scholars in this burgeoning field have proved beyond conventional analyses, shedding light on the vulnerabilities these women face, encompassing physical, psychological, sexual,

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