Is there a female advantage in first and second-instance decisions on asylum application in Europe?

Short abstract

This study investigates the gender dynamics in asylum decision-making within the EU27, EFTA countries, and the UK from 2008 to 2023. Despite constituting over half of the global refugee population, women remain underrepresented among asylum seekers in Europe. By reproducing Eurostat microdata and controlling for a comprehensive set of indicators assessing political conditions and gender discrimination, including LGBT+ discrimination, in applicants' countries of origin, this research addresses three key questions. First, it examines whether there is a female advantage in receiving overall positive decisions, identifying the specific countries of origin where this advantage is observed and determining whether it applies to both first and second-instance decisions. Second, it investigates whether women benefit from a higher likelihood of being granted more favorable types of protection, such as increased recognition of Refugee Status. Finally, the study analyzes the variations in these gendered outcomes across different destination countries.

Extended abstract

Introduction

As of 2022, women accounted for more than half of the estimated 34.6 million refugees worldwide. Numerous reports from international and civil society organizations highlight the disproportionate impact of displacement on women (UNHCR, 2023; EUAA, 2023). However, only 29% of asylum applications in EU+ countries in 2022 were submitted by women (EUAA, 2023), indicating that women face greater obstacles than men in reaching Europe and seeking asylum (Freedman, 2008). Factors such as the high cost of long-distance travel, reliance on smugglers, elevated risks of physical and sexual violence, and higher mortality rates at borders contribute to women's minority status among asylum seekers in the Global North (Christou & Kofman, 2022; Pickering & Cochrane, 2012; Freedman, 2016). The gender composition of asylum seekers influences the nature of protection provided by host countries and the services required. Women represent a significant proportion of vulnerable adults, with implications for gendered mobility and migration trajectories. Despite recent qualitative studies examining how gender shapes the experiences of women refugees in the Global North (Demarchi & Lenehan, 2019; Kofman, 2019), there has been limited focus on gender differences in asylum recognition within the European context (Plümper & Neumayer, 2021). Scholars have noted that international laws and conventions have traditionally been based on a male model of asylum seeker, often neglecting gender-specific grounds for persecution, although evidence—albeit dated—suggests that gender-specific persecution, such as sexual violence or culturally based gender norms, constitutes only a minority of asylum claims (Bhabha, 2004).

The impact of an applicant's gender on asylum decisions remains ambiguous, with mixed evidence. Some studies suggest that women are underrepresented among successful asylum seekers, and that being female may increase the likelihood of rejection (Randall, 2002; Keith & Holmes, 2009). Conversely, other research finds no significant gender effect (Rodda, 2015). Early 2000's research indicated that despite their underrepresentation, female asylum seekers might have a relative advantage over males in being granted asylum (Bhabha, 2004). Recent findings suggest that in Europe, women tend to have slightly higher success rates than men in both initial applications and subsequent appeals (EUAA, 2023). Plümper and Neumayer (2021) demonstrate significant variations in asylum recognition rates by gender among asylum seekers from different countries of origin, based on data from Germany between 2012 and 2018.

Despite some reflections on the lack of a gendered approach in asylum procedures—such as the absence of a common definition of gender-based persecution across the EU (UN Women, 2017)—there has been little extended analysis of how gender correlates with asylum rejection rates. Gendered analysis is often absent from reports and commentaries. This paper seeks to address this gap by analyzing asylum first and second-instance decisions in the EU27, EFTA countries and the UK from 2008 to 2023.

The paper addresses the following research questions:

- RQ1. Is there a female advantage in overall positive decisions in EU27, EFTA countries and the UK? For which countries of origin is observed? Does this hold for both first and second-instance decisions?

- RQ2. Is there a positive advantage in terms of better type of protection granted—e.g., higher recognition of Refugee Status for women?
- RQ3. Are there differences between countries of destination?

Is Asylum Recognition a gendered mechanism?

This question is highly debated, with mixed findings depending on the context and analytical framework. European refugee laws do not explicitly take gender into account. However, critics argue that asylum laws, despite being ostensibly neutral, have historically underestimated the persecution faced by women (Freedman, 2008; Christou & Kofman, 2022). The Refugee Convention was drafted at a time when there was "complete blindness to women, gender, and issues of sexual inequality" (Edwards, 2010: 22). While women equally belong to social groups that can form the basis of oppression claims, men are more often expected to face political repression due to their higher involvement in public political opposition to oppressive regimes (Crawley, 2000). Asylum law typically favors male-dominated 'public' political activities over women's activities, which primarily occur in the 'private' sphere (Rodda, 2015; Plümper & Neumayer, 2021; Crawley, 2000; Coffé & Dilli, 2015). Many forms of persecution, particularly those affecting women or historically confined to the 'domestic' sphere, are less clearly covered by international legal conventions (Rodda, 2015). Women are more exposed to private forms of violence, such as forced marriage, female genital mutilation, and violence related to their behavior, such as refusing to adhere to specific dress codes. These threats can be difficult to prove or may not be recognized as valid grounds for asylum. Victims of spousal abuse or rape by authority figures often struggle to present their cases, even when they can expect no protection from the police or state authorities in their country of origin (Freedman, 2008). Within this framework, being a woman may disadvantage applicants, potentially leading to fewer instances of full asylum protection (Rodda, 2015).

However, research do suggest that other gendered mechanisms related to asylum seekers' stereotyping may influence asylum recognition rates. Hyndman and Giles (2017) argue that those who migrate to the Global North are often viewed negatively as potential liabilities or security threats, with young refugee men particularly associated with this perception. The gendered imagery has shifted the representation of refugees from heroic European men to depoliticized mothers and children from the Global South, depicted as victims of generalized violence and poverty (Christou & Kofman, 2022; Kofman, 2019). The concept of vulnerability also plays a crucial role in understanding gender-based differences in mobility experiences in Europe. While categories of vulnerability can apply to both men and women—such as people with disabilities, the elderly, and those with serious illnesses—women are more likely to be classified as vulnerable due to factors such as pregnancy and single parenthood (Christou & Kofman, 2022).

This imagery may bias decision rates in favor of women. Gendered stereotypes in asylum advocacy generate a perception of female applicants as more vulnerable and dependent, and less adventurous, making them appear more credible or more likely to receive the benefit of the doubt. While many scholars have critiqued the focus on women's vulnerability and cultural stereotyping as pure victims without agency—often pushing them to perform vulnerability to receive resources (Christou & Kofman, 2022; Bhabha, 2004; Zetter, 1991)—this bias

might still explain a gender gap in favor of women, especially if they migrate with children and are underrepresented among asylum seekers from their country of origin. The small proportion of women seeking asylum (minority status) may work in their favor. Ecker et al. (2020) studied approximately 41,000 asylum cases in Austria and found that female applicants have a higher chance of success when controlling for regions of origin. They also found that the gender gap is wider when the decision-maker is male and has a large caseload. Additionally, certain demographic characteristics more commonly found among women may affect asylum application success. Research has shown that being married or having children can increase the likelihood of being granted asylum. Holzer et al. (2000) analyzed approximately 180,000 asylum decisions in Switzerland and found that being married positively impacted recognition chances, with a more significant effect on men than women. Similarly, Mascini and Van Bochove (2009) found that in the Netherlands, men had a lower success rate due to two demographic factors: they were less likely to be married or accompanied by children, and less likely to follow their spouse for family reunification.

Data and Methods

We use Eurostat data on first and second-instance decisions by country, analyzing the application, age, sex, citizenship of the applicant and year and quarter of the decision [migr_asydcfsta] to recreate a database at the micro level. The frequency of each combination of decision, age class, gender, year, and citizenship indicates individuals sharing these same characteristics. By weighting each combination for the number of occurrences[1], we could re-create the database of all first-instance decisions on asylum seeker applications from non-EU or EFTA citizens in Italy for 2008-2022.

Tab. 1 First instance decisions 2008-2024 by country issuing the decision and gender of the applicant

Decision	Geneva Convention	Humanitarian protection	Rejection	Subsidiary protection	% women among applicants	% women among successful applicants	Number of decisions
Austria	37.9	0.8	48.2	13.1	29.66	39.04	359,710
Belgium	31.9	0.0	61.4	6.7	33.03	35.15	305,250
Bulgaria	24.7	0.0	30.3	45.0	26.16	33.23	49,035
Croatia	16.7	0.0	81.5	1.8	13.84	23.94	1,915
Cyprus	3.7	0.0	71.7	24.6	25.77	31.21	62,140
Czechia	4.4	0.0	81.0	14.6	26.39	42.14	11,520
Denmark	39.1	9.7	40.5	10.8	32.65	34.27	60,805
Estonia	2.5	0.0	4.6	93.0	28.64	28.8	6,895
Finland	24.4	3.9	58.8	12.9	24.74	32.42	61,270
France	17.3	0.0	75.5	7.2	35.59	41.33	1,369,255
Germany	29.6	5.5	46.9	18.0	36.05	37.71	2,743,230
Greece	34.3	0.0	60.3	5.3	24.78	38.62	385,520
Hungary	2.9	1.0	87.0	9.1	22.98	22.11	27,040
Iceland	4.2	0.3	63.2	32.3	35.77	37.93	4,725
Ireland	28.6	12.0	57.0	2.4	33.64	37.82	22,575
Italy	8.7	18.3	60.5	12.5	14.77	19.72	1,525,060
Latvia	19.1	0.0	55.8	25.1	27.06	41.79	1,515
Liechtenstein	9.4	3.1	81.3	6.3	28.12	33.33	160
Lithuania	21.6	0.0	75.5	2.9	29.78	41.86	6,145
Luxembourg	44.2	0.0	50.7	5.1	37.19	40.52	13,525
Malta	4.1	2.4	38.2	55.2	17.56	21.62	20,070
Netherlands	22.3	7.8	37.7	32.3	29.36	30.44	245,635

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[1] The frequency of each combination is rounded at the 5th unit.

Norway	40.8	3.8	47.3	8.1	28.09	31.57	116,665
Poland	5.8	4.9	60.5	28.8	42.99	44.36	55,385
Portugal	27.9	0.0	45.8	26.3	31.74	38.2	4,805
Romania	14.8	0.2	70.8	14.2	14.31	36.76	27,780
Slovakia	3.2	14.3	53.3	29.2	15.47	23.31	1,745
Slovenia	24.7	0.0	63.1	12.2	16.46	35.14	2,005
Spain	5.4	33.2	55.1	6.4	42.42	49.51	509,290
Sweden	17.2	2.3	51.1	29.4	34.9	38.26	510,745
Switzerland	32.3	28.3	32.2	7.2	32.5	40.31	224,345
UK	28.6	4.4	66.0	1.1	32.72	32.96	313,415
Total	22.2	8.1	55.9	13.9	30.99	35.5	9,049,175

The final dataset includes information on 8,774,485 first decisions and 3,141,090 second instance decisions. The decision can result in a *Rejection* or in a positive decision meaning the applicant is granted the Refugee Status (*Geneva Convention*), *Subsidiary protection* or *Humanitarian protection*.

The applicants' characteristics, as provided by Eurostat, are: *Gender* (male, female), *Age* (0-13, 14-17, 18-34, 35-64, 65+), and *Year of the decision* (2008-2022). Moreover, we integrate the data by also considering contextual variables at the country of origin level such as the *Percentage of decision on women at the country level by year,* the *Country of origin,* the *Gender Inequality Index* (GII) (continuous), the *LGBT+ Rights Index,* and the *Political regime* (*closed autocracies, electoral autocracies, electoral democracies, liberal democracies*). Country of origin data are retrieved from the Our World in Data repository.

Preliminary results

Preliminary results for Italy suggest a complex relationship between gender, contextual characteristics related to the country of origin, and the asylum decision process. Women are overall favored in term of a higher likelihood of being granted asylum. Moreover, if we restrict to successful applicants, women are more likely to being recognized as refugees (Geneva Convention status), while men are more likely to receive subsidiary or humanitarian protection. Interestingly, the observed advantage for women is contingent on the applicant's country of origin. In countries marked by war, autocracy, or severe discrimination towards women and non-traditional sexual and gender categories, the gender of the applicants does not significantly correlate with asylum decisions, as recognition rates are high for both men and women. Conversely, women from countries with moderate political and discrimination issues appear to benefit more in their asylum applications.

The analyses will be replicated for each country analyzing the application and by applicants' citizenship in order to evaluate differences across countries analyzing the application.

Essential References

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