



Re-gendering the Border: Chronicles of Women's Resistance and Unexpected Alliances from the Mediterranean Border

Enrica Rigo

University of Roma TRE
enrica.rigo@uniroma3.it

Abstract

During the summer of 2015, 69 Nigerian migrant women intercepted at sea were transferred from Sicily to the detention centre of Rome-Ponte Galeria in view of being deported from Rome-Fiumicino airport. A media campaign denounced the fact that the women were potential victims of trafficking, but only a few were admitted for protection status by Italian authorities while, on 17 September, twenty were forcefully repatriated to Lagos.

By drawing on this case, the article will critically discuss the recent gendering of the Italian southern border as well as practices of reclaiming political subjectivity which deconstruct the discursive and normative criteria that hierarchize people's claims to transnational mobility.

Keywords

Asylum; borders; gender; migration; feminist theory; migrant struggle

Resignifying asylum claims in the context of the European border crisis

This paper aims to rethink the theme of asylum as a terrain of political struggle by starting from the claims of the women who cross the Mediterranean Sea to reach Europe. The multiple crises that have invested the European border area – from the upheaval in North African countries to the institutional crisis of the European Union and to the current “refugee crisis” – have shown the substantial failure of European migration policies. In Italy, almost all migration movements today are filtered through the procedure for the recognition of international protection¹, due to the fact that all other means of legally entering the country are *de facto* closed. This has resulted in the asylum request becoming the only opportunity for migrants to negotiate access to residential status and other rights².

My proposed perspective on asylum goes somewhat against the grain of Italian and European critical migration scholarship that has mainly framed migration and borders within the category of citizenship and its transformation. These debates have addressed the limits of citizenship in order to highlight the disenfranchisement of migrants’ rights due to European border policies (Rigo, 2007, 2011), they have interpreted migrants’ struggles against borders as acts of citizenship (Isin, 2008), or they have considered citizenship itself as a contested terrain of political subjectivity (Mezzadra, 2007, Balibar, 2001, 2015). Not surprisingly, less attention has been paid to the issue of asylum as a focus of radical political struggles. While liberal thinkers approach the question of asylum through the lens of ethical normative principles (Gibney, 2004)³, the insistence of radical scholars in disputing the ambiguous distinction between economic and forced migration has left the issue long overlooked. Besides a few exceptions⁴, the claim for international protection is considered either a highly technical legal matter or a slippery path that ends with the confirmation of a hierarchy of mobility claims.

The idea of “border imperialism” has been proposed within the North American immigrants’ rights movement as an analytical tool that aims to unify

¹ In accordance to the definitions included in the Qualification Directive of the European Parliament and of the Council (Directive 2011/95/EU), I use international protection to indicate the statuses of refugee and subsidiary protection. I use “protection status” to include all the different statuses that in Italy are the outcome of the asylum application: the refugee status, the subsidiary protection status and the humanitarian status (the latter is regulated at national level). The administrative procedure for the recognition of international protection is the same in all cases and all claims are processed by the Territorial Commissions for the recognition of asylum.

² In some circumstances, the Italian administrative bodies have used the recognition of the different protection statuses as an ambiguous form of amnesty for specific categories of vulnerable workers, which has especially been the case with the “humanitarian status” regulated at national level (Dines and Rigo, 2016).

³ Benhabib critically observes that the abstract validity of principles derived from discourse ethics is not affected by contradictory restrictive policies (2004).

⁴ Feminist legal scholars, especially in the US, have contributed to the debate on asylum and refugee law. For an Anglophone theoretical approach from within an European context, see Tuitt (1996). For an approach from the perspective of a sociology of rights, see Morris 2010.

struggles against the apartheid system produced by global capitalism and the asymmetrical relations of power on which this is based (Walia, 2013)⁵. Translating this perspective into the European context should be accompanied with caveats, in particular the impossibility of rearticulating migrants' claims in Europe as struggles against colonial settlers. Nonetheless, to the extent that border imperialism deconstructs the centrality of citizenship as the grounds for political subjectivity, it also provides useful elements for understanding asylum as a terrain of political struggles.

Border imperialism places emphasis on the fact that global capitalism produces massive human displacement that is exacerbated by the fortification of borders. As Harsha Walia (2013, 7) argues, today "border controls are most severely deployed by those Western regimes that create mass displacements, and are most severely deployed *against* those whose very recourse to migration results from the ravages of capital and military occupation". This also applies to the current "refugee crises" in Europe, the causes of which cannot be reduced to one single factor. In contrast, the main function of refugee law has always been to reduce the complexity of the histories of the individuals who seek asylum in order to render these functional to the political image of receiving countries (Tuitt, 1996). In other words, a clear guilty party needs to exist in order to qualify the existence of a "genuine" victim in need of protection, be this fundamentalism, a "rogue" state or a perpetrator of inhuman treatment. Measures recently implemented in Europe such as the hotspot approach (Garelli and Tazzioli, 2016), which prioritizes admittance of asylum seekers on the basis of their nationality, are also examples of this reduction of complexity. While the hegemonic public discourse condemns the massive use of asylum as a means to enter Europe, with the argument that bogus applications jeopardize "genuine" claims, this same practice could also be seen to undo border imperialism, insofar as it contrasts the hierarchy of racialized citizenships embodied by border regimes. In addition, border imperialism is useful for addressing the historically contingent role that refugee law plays in constructing the refugee as an "ambassador" of Western values. Literature on asylum has frequently underlined the limits of the Geneva Convention and the Cold War model of the refugee that it contained. Yet, if we consider the ways in which western countries have used refugee law in recent years, it becomes clear that the original discursive construction of "otherness" has changed markedly (Fassin, 2013). Nonetheless, since the adoption of the Geneva Convention, the figure of the "genuine refugee" – as the "ambassador" of the Western World who fights against, or takes flight from the threat to Western values – has always remained male.

Migrant women are doubly affected by the violence of border imperialism, as migrants and as women. The case study presented in this paper reflects on the gendering process that is currently investing European borders through the lens of

⁵ On the connection between borders and capitalism, see also Mezzadra and Nielson (2013).

decisions on asylum claims. The paper is based on research that commenced during the summer of 2015, when the Legal Clinic on Migration and Asylum, which I coordinate at the University of Roma Tre, was involved in the defense of sixty-nine Nigerian women detained in a deportation centre near Rome. The Clinic provided direct legal representation for twelve of the sixty-nine women in the pre-removal detention procedures, and continues to coordinate the defense of forty-four women in their asylum cases. As a result, I was able to access all the relevant court case documents. Besides my direct participation, the present article is based on interviews and informal conversations with activists, lawyers and NGO representatives, as well as observation of numerous court hearings and over twenty-five meetings between the women and their lawyers in the detention centre of Ponte Galeria. However, I decided not to conduct research interviews with the women themselves because my contact with them was always either as a legal representative or as an activist.

By using the expression “re-gendering the border” I refer to a process that does not simply correspond with the increasing number of female asylum seekers arriving in Europe, even if this has substantially changed the Southern European borderscape (van Liempt, 2007; Ribas-Mateos, 2016). My analysis shows also how gender roles and hierarchies are mirrored in the decisions of administrative and judicial bodies. Due to the performativity of legal discourse, their contribution in constructing the border according to gender hierarchies is fundamental. At the same time, the case study suggests that gendered and sexualized experiences of the border are also central to the resignification of asylum claims as a terrain for political struggles and subjectivity.

Beginning from the end

On 10 December 2015, the Italian frontier police of Crotona – a town in Southern Italy and the location of one of Italy’s largest reception centres for asylum seekers – contacted the lawyer of a Nigerian woman who had been rescued at sea a few days earlier. The woman – who I will address with the pseudonym Perseverance – had shown the police a document issued by an Italian Court, which her lawyer had managed to deliver to her while she was in Nigeria. The document was a court order issued in September 2015, which suspended the negative decision on her application for international protection and it declared Perseverance’s right to temporarily remain on Italian territory. Despite the fact that Perseverance had evaded all the formal controls in crossing the border, the police had to acknowledge the court order and allow her to walk free.

In order to understand what happened to Perseverance, we need to flashback to the previous summer. When she first arrived in Italy at the end of July 2015, Perseverance was part of a group of 69 women intercepted at sea that was then transferred from Sicily to the detention centre of Rome-Ponte Galeria in order to be deported from Rome-Fiumicino airport. The unusually large number of women transferred to the centre, their young age and the circumstances of their

arrival via sea attracted the attention of the media and the case was picked up by several national mainstream newspapers⁶. Although NGO representatives and media reports indicated that the women were probably victims of trafficking, twenty of them were deported on 17 September 2015 on a special flight to Lagos.

At 7 am on the day of deportation, some of the detained women phoned their lawyers, alarmed that they had been separated from their fellow detainees without any further information. Following this telephone call, rumours about the deportation spread quickly among different groups of activists. Members of a local anarchist No Border group gathered in front of the detention centre and were joined later by activists from a media campaign and other individual supporters. In the meantime, some of the lawyers who were assisting the women in their asylum cases went to court to ask the judges to issue last-minute orders suspending the deportations.⁷ At 3.30pm, as the plane was taking off for Lagos (2 hours later than scheduled due to the protests), some of the judges were still in the process of deliberating. As a result, on that day, eight women, including Perseverance, were repatriated despite a court order that suspended the negative decision on their asylum requests and authorized them to stay in the country.

Indeed, Perseverance could be considered an unexpected ambassador of the rule of law. Her obstinacy – in crossing the Mediterranean Sea for a second time in an open craft – had succeeded where legal remedies had failed: it enforced the order of a judicial authority aimed at limiting the State’s arbitrary power over its frontiers; a judicial order that had been ignored by the police during the initial repatriation. Yet, Perseverance’s story is also a tale of resistance to the European and global border regime; in other words, to one of the fundamental institutions of the territorial order of contemporary liberal democracies (Balibar, 2010).⁸ It is a story shared by thousands of women who, by crossing borders, rebel against the conditions imposed upon them by patriarchy, violence, wars, the sex industry, smugglers and by borders themselves. At times, they take advantage of the migratory routes offered to them by the very same people they are trying to flee from; using their bodies in ways that reject their depiction as docile victims, willing accomplices or defiant opponents of their tormentors.

⁶ See, for instance, Zandodini, 2015, Costantini, 2015.

⁷ According to the appeal procedure against the negative decision on an asylum application, the person concerned can ask the judge for a provisional order to suspend repatriation. However, the law in force at the time of the described events did not provide for a fixed term for issuing a suspension decision. This explains why, faced with the women’s imminent deportation, the lawyers informally approached the Court’s clerks to call the judges to accelerate the decision procedure. According to Directive 2013/32/EU, the applicant has a right to remain in the territory while the outcome of the appeal against a negative decision is pending. At the time of events, the Directive had not been implemented into Italian legislation, even though the transposition deadline had expired.

⁸ In his discussion of borders as institutions, Étienne Balibar uses the effective formula of borders as “a non-democratic condition of democracy” in order to underline the dialectical interplay between “*closeness and aperture*” (Balibar, 2010, 315).

The gendering of the Border

Perseverance's story is paradigmatic of the gendering process that has occurred on Italy's southern border over recent years. According to the data of the International Organization of Migration, the number of Nigerian female asylum seekers arriving on the Italian coast increased by 400% in 2015.⁹ In the words of Federico Soda, director of the IOM Coordination Office for the Mediterranean in Rome, «there are well-founded concerns that many of them may be victims of trafficking»¹⁰. Although the dominant rhetoric depicts Nigerian women as potential victims of trafficking, during the last two years there has been a growing number of deportations and a widespread use of punitive measures against them¹¹.

The rise in the number of female asylum seekers in Italy¹² sheds light on an issue that continues to be largely overlooked in debates among Italian feminist scholars and activists. One of the reasons for this lack of attention is probably due to the overemphasis of debates on the sexual exploitation of migrants and anti-trafficking legislation. Since the late 1990s, Italy has had advanced legislation that, at least on paper, grants victims of sexual exploitation a permit to stay¹³ that is intended to protect them from their perpetrators and provides for their rehabilitation through social integration programmes. This legislation was also at the centre of feminist debates¹⁴, which have tended to leave aside gender violence as a grounds for international protection (Rigo, 2016). A second reason for the absence of debate on gender and asylum is the possibility of accessing a range of different forms of protection, which makes the issue less relevant in practical terms. Besides the legal statuses of refugee and subsidiary protection, which are defined at international and European level, Italian legislation includes a permit to stay issued for humanitarian

⁹ On 14 August 2015 the IOM issued the following press release: “This year we have noticed an increase in the number of women arriving from Nigeria – 2,360 in 2015 compared to 545 at the end of July 2014. This is worrying, as we know from interviewing many of these women that they are often potential victims of trafficking in need of protection. Some have confirmed to us that they were actually sent to Europe to work in the sex industry” <https://www.iom.int/news/mediterranean-migrant-arrivals-approach-250000>.

¹⁰ IOM press release, 5 August 2015 <https://www.iom.int/news/iom-call-international-investigation-mediterranean-shipwreck-deaths>.

¹¹ In January 2017, Italy has received a warning from the Council of Europe for deporting potential victims of trafficking. See the report by the Council of Europe Group of Experts on Action against Trafficking in Human Beings, GRETA(2016)29, 30 January 2017, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806edf35>

¹² According to the data of the Ministry of the Interior, the number of female asylum seekers doubled between 2014 and 2015,

http://www.interno.gov.it/sites/default/files/modulistica/riepilogo_dati_2014_2015.pdf. This tendency was confirmed by the IOM press release, 13 January 2017;

<https://www.iom.int/news/mediterranean-migrant-arrivals-reach-1159-deaths-sea-27>

¹³ Article 18 of the Immigration Act, Legislative Decree n. 286 of 1998.

¹⁴ See Virgilio 2000, Bimbi 2001.

reasons¹⁵, which can be applied with a degree of discretion to a range of different situations. Therefore, while international bodies undisputedly recognize that, under certain circumstances, the recruitment of women for the purpose of forced prostitution or sexual exploitation can be the basis for refugee claims¹⁶, there is a tendency to shift the debate from the general legislative framework of international protection to anti-trafficking measures or to the residual status of humanitarian protection (Degani and Pividori, 2016, Nicodemi, 2015).

This shift leads to a series of consequences in practical and legal terms.¹⁷ However, my aim here is not to focus on legal technicalities. Rather, I wish to discuss how legal arguments address the claims of the victims of gender-related violence by foreclosing their political nature and constructing, instead, divergent discourses about victims of gender violence and political persecution. The case of the 69 Nigerian women who arrived in Sicily in the summer of 2015 is a good example of this double gendering and de-politicization process. The vast majority of stories recounted by the women to the asylum commission possessed elements that could identify them as potential victims of trafficking according to official Country of Origin Information reports¹⁸. Almost all the women came from Edo State, were orphans (having lost one or both of their parents), came from poor backgrounds, were unschooled and had decided to leave their home village after episodes of domestic violence, attempts at forced marriage or for fear of ritual revenge due to acts of disobedience. Although they all found themselves in a similar situation, less than ten received a first instance positive decision, and in most cases these were granted on a humanitarian basis and not as recognition of international protection.¹⁹ An analysis of the administrative decisions that assigned the women with humanitarian protection status clearly reveals how positive judgments about their claims rested on the women's agreement to meet an anti-trafficking organization and to enter a rehabilitation programme²⁰. In other words, the decisions were not based on the evaluation of women's objective needs to be protected from violence but on their subjective consent to recognize their own condition as victims and their willingness to be rehabilitated.

¹⁵ Article 18 of the Immigration Act, Legislative Decree n. 286 of 1998.

¹⁶ UNHCR, *Guidelines on International Protection: The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked*, HCR/GIP/06/07, 7 April 2006.

¹⁷ Humanitarian protection lasts for a shorter period than other international protection statuses. Moreover, it does not grant access to an equivalent set of rights nor to free circulation in the Schengen area.

¹⁸ See, EASO, Country of Origin Information Report. Nigeria Sex Trafficking of Women, October 2015, <https://coi.easo.europa.eu/administration/easo/PLib/BZ0415678ENN.pdf>

¹⁹ The Territorial Asylum Commission of Rome recognized subsidiary only to one of the 69 women: this was to a woman who had found herself involved in a terrorist attack in Abuja in 2014.

²⁰ See, for example, Territorial Commission of Rome, decision taken 11 September 2015 on S.A.; Territorial Commission of Rome, decision taken 11 September 2015 on O.C.

Consent plays an ambiguous role in legal discourse. While it is a fundamental element of the liberal conception of the *citizen*²¹, it is the absence of consent that characterizes the condition of the *victim*. In the legal definition of trafficking, for example, a person's consent to exploitation is irrelevant when physical or psychological coercion has been used, when the person has been subject to an abuse of power or has been in a position of vulnerability²². Thus, with the exception of children, the acceptance of subjugation in all other cases, in so far as it is consensual, excludes *a contrario* the recognition of a person as a victim deserving protection. Yet, there seems to be an unspoken consequence in this legal construction: victims, by definition, are not entitled to consent, at least not to that rights-based convention which is the voluntary agreement of citizenship. The desire of victims to be recognized as subjects who bear the right to international protection is distorted and reconfigured as something else, i.e. their willingness to be rehabilitated, their readiness to be conferred the title of ambassadors of good citizenship.

Perseverance's claims for asylum were based on the violence she had received from her husband, who had accused her of causing the death of his son. The first instance decision on her asylum request considered the circumstances of her voluntary departure to Italy as an element to exclude a situation of forced recruitment and for the rejection of her claim. The reasoning of the decision did not discuss the issue of domestic violence as grounds for protection; it merely stated the lack of credibility of her story. During her journey, Perseverance was assaulted and sexually abused. The Commission's decision underlined that she was the victim of "only one episode of physical and sexual violence, that caused her a miscarriage"; and continued by asserting that this episode "had occurred by chance and was due to the precarious situation in Libya and the absence of a stable Government". The Commission stressed the absence of "other forms of coercion and violence", thus concluding that Perseverance freely chose to depart for Italy²³. During her asylum interview, which took place in the detention centre, Perseverance did not turn her will to escape from violence into consent for a rehabilitation programme. On these bases, her claim was dismissed.

Detaining to protect

A member of an anti-trafficking organization working in the Ponte-Galeria detention centre near Rome, and interviewed in January 2016, explained why,

²¹ According to John Locke's liberal conception, "Voluntary agreement gives [...] political power to governors for the benefit of their subjects, to secure them in the possession and use of their properties" (2015 [1689], 173).

²² See Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 12 December 2000; and Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

²³ Territorial Commission of Rome, decision taken 25 August 2015 on I.F.

based on her experience, Nigerian female asylum seekers do not conform to the typical figure of the victim: “they’re rowdy, they want to party!”²⁴ According to the interviewee, this makes it difficult to find places for Nigerian women in reception centres for victims of trafficking or gender violence. Such common stereotypes were confirmed by a letter sent by a religious organization to the lawyer of four of the 69 women who arrived in July 2015, after they had been released from detention. The four women, who were the only ones to have received their asylum decision prior to the repatriation in September 2015, had been granted protection on humanitarian grounds and had been taken to a Christian shelter in northern Italy. A few days later the centre’s administration wrote to their lawyer stating that «From the stories collected [...] there is no clear evidence that these four girls, currently housed by our association, are victims of human trafficking. From our experience we are convinced that they might all be exposed to great danger but, on the basis of our willingness to continue to help them, they must each choose to enter a specific social rehabilitation programme consisting of rules and of goals to reach. [...] The shelter that we provide should not be thought of as a dormitory where the girls can do what they like and consider the structures of the association merely as a place of residence».²⁵

Once again, the dividing line between women merely at risk of being trafficked and genuine victims who deserve protection rests on the person’s willingness to enter a rehabilitation programme. Even when not explicitly stated, the women’s guilt appears to lie in their intent to autonomously chart a course to safety. Such a privilege does not extend to victims who, by definition, are in need of being rescued (Mai, 2011). Indeed, when the aforementioned letter accused the women of not accepting the rules in place at the shelter, this was actually a reference to their disregard for the restrictions on personal liberty and the limitations on phone and internet usage.

Obviously, among solidarity organizations, including religious communities, views vary highly. According to a member of the Community of Sant’Egidio catholic organization who volunteers in the Ponte Galeria detention centre, rehabilitation programmes for trafficked women are unsuitable for Nigerians just after they arrive in Italy and ask for asylum. Although they are often recruited for the purpose of sexual or labour exploitation, these women tend to embark on the journeys on their own accord and possess only loose ties with the recruiters. In the words of the volunteer, “rehabilitation programmes where a complete stranger confiscates your mobile phone, removes your SIM card and says you can’t go out inevitably end up failing”²⁶.

²⁴ Respondent F.D.M, from BeFree anti-trafficking organization, interviewed in Rome 10 January 2016.

²⁵ Document provided by J.D.G, migration lawyer, Rome.

²⁶ Respondent M.A., member of Sant’Egidio community and volunteer in the Ponte Galeria detention centre, interviewed in Rome 28 December 2015.

The conceptual blurring between protection and the curtailment of liberty is not confined to misguided acts of solidarity. Rather, it reflects an insidious shift that frequently emerges in legal discourse. In Italy, the detention of migrants and asylum seekers is subject to the review of a judicial authority and must be justified in accordance to the provisions of European directives. A court twice validated Perseverance's period of detention in the Ponte Galeria centre, together with that of the women with whom she arrived in Italy. The first judicial authority to review the police's detention orders was the Justice of the Peace, which in the Italian system is competent for undocumented migrants. According to a lawyer's clerk, on 25 July 2015, sixty-seven hearings²⁷ were held in less than three hours by three judges and in all cases they decided to validate the detention.²⁸ Over the following days, each of the sixty-seven women in detention lodged an asylum application and after four weeks their detention cases were reheard by the Ordinary Tribunal, which in Italy is the competent judicial authority for all matters regarding asylum seekers. The hearings were held over two days, on 17 August and 19 August, and were presided over by two different judges. On the second date, the judge validated twelve requests by the police to prolong detention all on the same grounds: first, the reasoning affirmed that there were no elements to consider the asylum request manifestly unfounded; second, the decision stated "the opportunity to prolong the stay of the foreigner in the detention centre [...] to grant her own interest to be present in the asylum procedure"²⁹. In other words, the reasoning for the decisions indicated that, in so far as the asylum claim was credible, personal liberty had to be limited in order to protect the asylum seeker's own interests³⁰.

This decision is not an isolated case. On 16 October 2015, deciding on three analogous cases, the court went even further. The judge initially acknowledged that the asylum seekers came from a country – Nigeria – where they were at risk of inhuman and degrading treatment, and then proceeded to draw the conclusion that detention was necessary "to grant the individual's presence in front of the asylum commission and to make sure the women were not recruited by criminal networks for the purpose of prostitution and drug dealing"³¹. Once again

²⁷ Two of the 69 women were pregnant and had been taken to the hospital before the hearings.

²⁸ Analysis of the hearings' minutes indicated that in one case the detention was validated even though the woman concerned was pregnant. The reasoning of the decision stated that detention was justified by the necessity of further medical tests (Justice of the Peace of Rome, decision on case 41648/2015 of 25 July 2015).

²⁹ Tribunal of Rome, decisions on cases 11475/15, 11482/15, 11469/15, 11502/15, 11446/15, 11461/15, 11468/15, 11471/15, 11479/15, 11494/15, 11496/15, 11500/15 taken on 19 August 2015.

³⁰ In February 2017 the Court of Cassation annulled one of these decisions (Judgment 3298/2017). It is important to note that the Court of Cassation's decisions on such matters arrive months after the person concerned has been either repatriated or released and do not provide for compensation for unlawful detention.

³¹ Tribunal of Rome, decisions on cases 14208/15, 14211/15, 14212/15 taken on 16 October 2015. At the time of writing the Court of Cassation had annulled all these decisions (Judgments 21423/2016; 26177/2916; 3096/2017).

detention was justified as a means of protecting women; of protecting young, black, African girls from their ‘fate’ of becoming either prostitutes or drug dealers.

Unusual alliances undoing borders

On 16 September 2016, one year after her repatriation, the Tribunal of Rome finally recognized the status of subsidiary protection to Perseverance. The decision was grounded on the acknowledgment of widespread violence in Nigeria, in particular directed against women. Citing the reports of independent NGOs, violence against women was indicated in the decision as “endemic” and “pervasive”, including “domestic violence, rapes and other sexual assaults, perpetrated both by officials and private citizens”.³² In the meantime, at least another four of the repatriated women had returned to Italy between the end of 2015 and 2016; all of them “irregularly” crossing the desert and the Mediterranean Sea in the attempt to avoid border controls. Three of the women have been assigned the status of subsidiary protection, one is still in a reception centre waiting for the outcome of a second asylum application, while we have lost track of many others.

The case of Perseverance and her companions is paradigmatic of a number of processes that have impacted upon Europe’s Mediterranean border. Not least, it reflects the fact that statistics on sea arrivals never inform us of the number of times a person crosses the same border, and that data on asylum do not tell us how long a person is stuck in the border machine before her claim is recognized. Female migration to Italy is by no means a new phenomenon; nevertheless over recent years attention has largely been directed at labour migration or cultural conflicts and identity (Olivito, 2016). The growing number of female asylum seekers from Africa and especially Nigeria compels us to rethink the relationship between gender and borders. As already underlined, borders mirror the imperialistic genesis of the world order (Walia, 2013) and confirm its current postcolonial condition (Mezzadra and Neilson, 2013, Rigo, 2005). Borders do not function as linear boundaries that keep unwanted people outside. Rather, by assigning migrants to different legal, political and symbolic spaces (Rigo, 2007, 2011), they also hierarchize people’s movement according to gender-constructed roles. Female Nigerian asylum seekers flee multiple forms of violence, but when the law recognises them as victims or vulnerable subjects it assigns them fixed roles. At the same time, it also assigns fixed roles to their perpetrators (Plambech, 2014). As such, the law not only functions to reduce the refugee’s multiple identities (Tuitt, 1996); it also absolves borders from their responsibilities by selecting perpetrators and affixing them the role of recruiter, trafficker or smuggler. Above all, this absolves borders from their responsibility of binding the victims to the violence that defines them, by obstructing victims’ escape routes and, in many cases, causing their deaths.

³² Tribunal of Rome, decision 17073/17.

There is no doubt that the hegemonic narrative of the victim, deprived of subjectivity and in need of being saved (Mai, 2011), pervades both legal discourses and many acts of solidarity. However, it would be equally misleading to simply replace this rhetoric with an emphasis on autonomy and the freedom of choice (Andrijasevic, 2014). Performing the border is rather a complex assemblage of acts (Wonders, 2006) that deconstruct but may also confirm gender roles and hierarchies, both from an institutional point of view and from the perspective of those who cross the borders. Indeed, the women who cross the Mediterranean Sea searching for asylum force us to rethink asylum as a terrain of political struggle to the extent that their acts do not only contest the role assigned to them as gendered trafficked victims, but also challenge vulnerability as a condition that diminishes their agency and the centrality of citizenship as the bond of the political. In other words, their acts re-signify the political function of refugee law beyond the scope institutionally assigned to it.

In the case of Perseverance and her companions, out of the media spotlight, a network of support was mobilized, which included activists from religious organizations, feminist collectives, anarchist groups, as well as lawyers and ordinary people. Besides legal assistance, this network was able to provide forms of hospitality, which did not entail the limitation of personal liberty. This unusual alliance was united by just one common element: the choice of taking the side of the women regardless of whether they were victims or heroes, or whether they were un-gendering the borders or using their sexed bodies to search for escape routes. Put simply, such a choice is one that takes the side of those who cross borders.

Acknowledgements

I would like to acknowledge the anonymous referees for their stimulating comments, and Nick Dines for comments and language revision. I would like to also thank Perseverance and her fellow travellers from whom I learnt so much.

References

- Andrijasevic, Rutvica. 2014. The Figure of the Trafficked Victim: Gender, Rights and Representation. In Evans, Mary, Clare Hemmings, Marsha Henry, Hazel Johnstone, Sumi Madhok, Ania Plomien, Sadie Wearing (eds), *The Sage Handbook of Feminist Theory*, London, Sage, p 359-373.
- Balibar, Étienne. 2001. *Nous, citoyens d'Europe?* Paris, La Découverte.
- Balibar, Étienne. 2010. At the Borders of Citizenship: A democracy in Translation?, *European Journal of Social Theory* 13-3, 315-322.
- Balibar, Étienne. 2015. *Citizenship*. Cambridge, Polity Press.
- Benhabib, Seyla. 2004. *The Rights of Others. Aliens, Residents, Citizens*. Cambridge, Cambridge University Press.

- Bimbi, Franca. 2001. Prostituzione, migrazioni e relazioni di genere, *Polis* 15-1, 13-24.
- Costantini, Valeria. 2015 “Ragazze nigeriane vittime di tratta a rischio rimpatrio dal Cie romano”, *Corriere della Sera* [Rome edition], 17 September.
- Degani, Paola, Claudia Pividori. 2016. *Attività criminali forzate e scenari della tratta di persone nel quadro degli attuali fenomeni migratori. Questioni di diritti umani e risposte di policy*. Padua, Padova University Press.
- Dines, Nick, Enrica Rigo. 2016. Postcolonial Citizenships and the “Refugeeization” of the Workforce: Migrant Agricultural Labour in the Italian Mezzogiorno. In Ponzanesi Sandra and Gianmaria Colpani (eds) *Postcolonial transitions in Europe: Contexts, Practices and Politics*, Lanham MD, Rowman & Littlefield, p 151-172.
- Garelli, Glenda, Martina Tazzioli. 2016. “The EU hotspot approach at Lampedusa”, *Open Democracy*, 26 February.
- Gibney, Matthew J. 2004. *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees*. Cambridge, Cambridge University Press.
- Fassin, Didier. 2013. The Precarious Truth of Asylum. In *Public Culture* 25-1, 39-63.
- Isin, Engin. 2008. Theorizing acts of citizenship. In Isin, Engin and Greg Nielsen (eds) *Acts of Citizenship*, London, Palgrave Macmillan, p 15-43.
- Locke, John. 2015 [1689]. *Second Treatise of Civil Government*, Peterborough Ontario, Broadview Press.
- Mai, Nicola. 2011. Tampering with the Sex of ‘Angels’: Migrant Male Minors and Young Adults Selling Sex in the EU, *Journal of Ethnic and Migration Studies* 37-8, 1237-1252.
- Mezzadra, Sandro. 2007. *Diritto di fuga*. Ombre Corte, Verona.
- Mezzadra, Sandro, Brett Neilson. 2013. *Border as Method, or, the Multiplication of Labor*, Durham, Duke University Press.
- Morris, Lydia. 2010. *Asylum, welfare, and the cosmopolitan ideal: A sociology of rights*, London, Routledge.
- Nicodemi, Francesca. 2015. La tutela delle vittime della tratta di persone in Italia oggi. Riflessioni sulla capacità di risposta del sistema italiano alle vittime del trafficking rispetto alle evoluzioni del fenomeno, *Diritto, immigrazione e cittadinanza* 2, 83-108.
- Olivito, Elisa. (ed.) 2016. *Gender and Migration in Italy A Multilayered Perspective*, Farnham, Ashgate.

- Plambech, Sine. 2014. Between “Victims” and “Criminals”: Rescue, Deportation, and Everyday Violence Among Nigerian Migrants, *Social Politics* 21-3, 382-402.
- Ribas-Mateos, Natalia (ed.) 2016. *Migration, Mobilities and the Arab Spring. Spaces of Refugee Flight in the Eastern Mediterranean*, Cheltenham MA, Edward Elgar.
- Rigo, Enrica. 2005. Citizenship at Europe’s Borders: Some Reflections on the Post-colonial Condition of Europe in the Context of EU Enlargement, *Citizenship Studies* 9-1, 3-22.
- Rigo, Enrica. 2007. *Europa di confine. Trasformazioni della cittadinanza nell’Unione allargata*, Rome, Meltemi.
- Rigo, Enrica. 2011. Citizens despite borders: Challenges to the Territorial Order of Europe. In Squire (ed.) *The Contested Politics of Mobility Borderzones and Irregularity*, London, Routledge, p 199-215.
- Rigo, Enrica. 2016. Donne attraverso il Mediterraneo. Una prospettiva di genere sulla protezione internazionale, *Politeia* 124, 82-94.
- Tuitt, Patricia. 1996. *False Images. Law’s Construction of the Refugee*, Pluto Press, London 1996.
- Van Liempt, Ilse. 2007. *Navigating Borders. Inside Perspectives on the Process of Human Smuggling inside the Netherlands*, Amsterdam, Amsterdam University Press.
- Virgilio, Maria. 2000. Le “nuove schiavitù” e le prostituzioni, *Diritto immigrazione e cittadinanza*, 3, 39-52.
- Walia, Harsha. 2013. *Undoing Border Imperialism*, Chico CA, AK Press.
- Wonders, Nancy. 2006. Global Flows, Semi-permeable Borders and New Channels of Inequality. In Pickering and Weber (eds.). *Borders, mobility and technologies of control*, Dordrecht, Springer, 2006.
- Zandodini, Giacomo. 2015. “Donne nigeriane, sventato il rischio del rimpatrio e la consegna nelle mani dei trafficanti”, *La Repubblica*, 8 August.