

# **Registration of irregularised migrants in the EU in times of “crisis”**

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## Abstract in Danish

Registrering og identifikation af internationale migranter er én af de største opgaver for grænseagenturer rundt om i verden. Disse procedurer udgør kernen i det sæt af processer, der konstituerer verdens grænser. Registreringssystemernes udformning, vedligeholdelse og funktion er multifaktorielle sociale processer, der udfordrer og medskaber hvad moderne statsgrænser består af i nyere tid. International migration og specielt ureglementeret eller ulovlig migration udfordrer omvendt den traditionelle grænsefunktion som en brandvæg, der enten tillader eller blokerer et menneskes mobilitet. Således er spørgsmålet om grænser ofte associeret med sikkerhedsdiskurser, orden, den modtagende stats nationale identitet og humanitarisme. Diskursen omkring migration og grænser er gennemsyret med tilstedeværelsen af klassifikationer og kategorier, som i vid udstrækning og tilsyneladende uproblematisk, synes at cirkulere uden hensyn til deres ontologiske og epistemologiske status - en status som ofte er mere kompliceret end som så.

Kritiske forskere fra grænse- og migrationsfeltet, overvågningsstudier og Science and Technology Studies (STS) har udfordret selvfølgeligheden af disse klassifikationer og kategorier, såvel som usynligheden af det grænserelaterede arbejde, der skaber, vedligeholder og cirkulerer dem. Denne afhandling sigter mod at bidrage til dette arbejde og samtidig deltage i den nylige debat om ureglementeret migration og EU's grænseregime og om den såkaldte "migrationskrise", der fandt sted foråret 2015. Dette gøres ved kritisk at undersøge de sociale processer, der skaber registrerings- og identifikationsprocedurer af uregulerede eller uregulerede' immigranter ved EU's ydergrænser, med et etnografisk fokus på de græske øer, der ligger ved de maritime grænser mellem Grækenland og Tyrkiet. Ydermere gøres det ved at lave en genealogi af Dublinsystemet, bestående af Dublin- og

EURODAC forordningen, hvor sidstnævnte er hovedinformations-kommunikations- og teknologiredskabet (ICT) brugt i EU til at administrere asylansøgninger og governance af asylansøgere og ureglementerede'immigranter.

Ved at foretage etnografisk feltarbejde med de aktører, der arbejder med registrering og identifikation af ureglementerede eller ureglementerede'immigranter gives muligheden for en dybere forståelse for disse praksisser, deres teknologiske og diskursive virkemidler samt deres egen konceptualisering og positionering i EU's grænseregime. Ydermere giver feltarbejdet forskeren mulighed for direkte adgang, så vidt mulig, til de processer, hvori klassifikationer og kategorier opstår samt reificering af håndterbar data, der er nødvendig for governance af migrant populationer. Interviewmetoden gør det endvidere muligt at genadressere og yderligere udforske kontroverser og "anomalier" opstået under feltarbejdet. Endelig udgør en kritisk gennemgang af politikker på området fundamentet for en genealogi af registreringssystemer, som kan bidrage til at konceptualisere de nuværende praksisser. Jeg argumenterer for at disse praksisser ikke kun handler om at opdage en skjult sandhed, men om at forme den; ikke kun om at afsløre migrantens identitet, men også, og måske mere væsentligt, om at konstruere og forklare den.

Grænse- og migrationsrelateret politikker har et tvetydigt forhold til aktørernes praksis på området. De dikterer og beslutter dem, men de forskellige niveauer afspejler to forskellige virkeligheder. Papirer med nedskrevne politikker og staters strategier betyder intet uden faktisk implementering i felten. Komplexiteten af begge niveauer, såvel som forholdet imellem dem, EU's organisatoriske struktur samt de forskellige politikker og praksisser udviklet af hver enkelt medlemsstat, umuliggør en universel beretning om "EU's grænser". I stedet kan geografisk lokaliserede samt politiske og kontekstualiserede beretninger indfange øjebliksbilleder af det komplekse fænomen, der udgør "grænsearbejde". Dette har været formålet med nærværende afhandling.

## Abstract in English

Identification and registration of international migrants is one of the main concerns and duties of border agencies around the world. They are at the core of the set of the processes that constitute contemporary borders. The shaping, maintenance and function of registration systems is a multi-factorial social process that challenges and at the same time co-shapes what modern nation borders are regarded to be in the modern era. International migration and more specifically irregularised migration, in turn, challenges the traditional function of a border as a firewall that either allows or blocks a person's mobility. Thus, it is often associated with discourses of security, order, national identity of the receiving state, and humanitarianism. The discourse around migration and borders is saturated with the presence of a number of categories that are widely and unproblematically circulated without consideration of their ontological and epistemological status which is often more complicated than it is presented. Critical scholars from the fields of border and migration studies, surveillance studies and Science and Technology Studies (STS) have challenged the naturalization of those categories, as well as the invisibility of much of the border related work that produces, maintains and circulates them.

This dissertation aims to contribute to the aforementioned body of work, and at the same time participate in the recent debate around irregularised migration and the border regime of the EU, as well as around the so-called "migration crisis" originating in the spring of 2015. It does so, by critically examining the social processes that constitute what is the identification and registration of irregularised migrants in the external borders EU, with an ethnographical focus on the Greek islands situated in the maritime borders between Greece and Turkey. Furthermore, by constructing a genealogy of the Dublin system, consisting of the Dublin Regulation and the EURODAC Regulation,

the latter being the main Information Communication Technology (ICT) tool used in the EU for the administration of asylum applications and the governance of asylum seekers and other irregularised migrants.

Conducting ethnographic fieldwork with the actors that work on identification and registration of irregularised migrants is a chance for a deeper understanding of their practices, their technological and discursive tools, their own conceptualization of their work and position in the border regime of the EU. In addition, it allows the researcher a direct (to the possible extent) access in the process of construction of categorization schemes and their reification in manageable data that are crucial for the governance of the migrant populations. Furthermore, the research method of interviews allows for the re-addressing and further examination of controversies and “anomalies” that come up during fieldwork. Finally, critical reading of policy papers is the base for the construction of a genealogy of registration systems that in turn helps in the conceptualizing of contemporary practices. These practices, I argue are not exclusively about discovering a well hidden truth, but also about shaping it; not only about revealing a migrant’s identity, but also and perhaps more importantly about constructing and attributing it.

Border and migration related policies have an ambiguous relationship with the practices of actors in the field. They dictate and determine them but the level difference renders them two distinct realities. Policy papers and state strategies mean nothing outside their actual implementation by field workers. The complexity of both levels, as well as that of the relationship between them, the organizational structure of the EU, and the different practices and policies developed in domestic level in each Member state render universal accounts of the “EU’s borders” an impossible task. Instead, geographically localized, and politically and contextually situated accounts can capture instances of the complex phenomena that is border work. And that is a purpose in which the present thesis ascribes itself.



## Chapter 1. Introduction

This thesis explores the registration of migrants. More specifically, the registration of migrants whose mobility has been *irregularized*<sup>1</sup>, and who entered Europe through the sea border between Greece and Turkey in the period between 2015 and 2017 and may or may not have applied for asylum. I will begin this introductory chapter by unpacking the notion of registration of irregularized migrants, before presenting my research purpose, briefly discussing the time conjunction of my fieldwork and stating my research questions.

Registration is structurally bonded with categorization and classification of populations to the extent that it is difficult to imagine one without the other. The uncategorized, the unregistered populations, the aliens, the unknown in certain imaginaries could be and are associated with challenge in a positive, productive sense as a chance to extend the limits of a pre-existing notion. However, in the context of migration, they carry strong connotations of danger, threat and abuse. Migrants challenge the “local” populations’ existing feeling of belonging, and they do so merely by their presence. In addition, administration and governance of irregular migrant populations are rendered under a different

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<sup>1</sup> The use of terms such as illegal migrant, irregular migrant and so on, have for a long time been criticised by critical scholars and activist communities, mainly on two accounts. First, as criminalising the very existence of migrants that cross borders in an “irregular” manner, as the act of crossing immediately includes them in a condition of illegality,

Secondly, as “naturalising” the not at all natural, but instead very complex and entirely social phenomena that [constitute] borders, migration and the related policies, without which no irregular or regular would exist, not even migrants for that matter, just people on the move. Without engaging, or presenting in depth this very important discussion, this thesis will refer to people who have crossed EU’s borders while evading border controls, as “irregularised”, as this term captures the constructed nature of their condition, without stepping into legal fields and connotations. (INSERT REF)

paradigm compared to populations enjoying full citizenship and their respective rights.

The practices that a person, institution or state performs when “receiving” an outsider reveal a great deal about their ethics and moral codes. They also tell us a great deal about their practices to date as interactions with outsiders shed light on the underlying identity of the receiver. The infrastructure and classification techniques employed are in a constant process of shaping the identity of both parties. Whether the result is inclusion, exclusion or anything in the wide and diverse spectrum between the two, one must look at what counts as critical, as evidence, as truth, as worthy of utilization in the processes of registration and classification. Perhaps more significantly, one must consider what is left out, rendered mundane, and considered irrelevant.

The heuristic value of these considerations is only intensified by the overall condition of crisis. Crises, and breakdowns, fabricated or “real”, externally caused or resulting from structural flaws and shortcomings, reveal the invisible thread that holds infrastructure, techno-political systems and other constructions together. The condition of crisis permeated my research, rendering the examination of bordering practices a significant point of entry to analyzing European governance.

The “migrant crisis” emerged as a factor of great impact and complexity in this already complex reality. It reshaped power balances, moral codes and obligations and practices, as well as altering understandings of migrants and asylum seekers as “figures”. It highlighted not only the limits of the European border and migration machine (Dijstelbloem, Meijer, & Besters, 2011) but also revealed fundamental issues underlying its design that were either silenced or overlooked. What remains to be investigated is whether or not the impact of the the “migrant crisis” brought the drastic changes that one might expect, enabled by all the debate surrounding the need for a radical recalibration of a “failed system” (Hess & Kasparek, 2015; Korteweg & Mortera-Martinez, 2015; Trauner, 2016). Conceptualizations of the “migrant crisis” and its triggers should also be explored, including factors that enabled such changes, or prevented them.

Registration of incoming populations happens within the wider context of “bordering practices”, a concept that border scholars have utilized to understand

the fluid, ever-changing, de-territorialized and often arbitrary “thing” that borders are in contemporary societies (Barker, 2016; Kaiser, 2012; Lebuhn, 2013). Thus, the present thesis is inscribed in, and draws analytical force from the field of Critical Border Studies. Additionally, registration of migrants is increasingly dependent on the development and use of interconnected Information Communication Technology (ICT) systems (G. Feldman, 2011). The thesis also draws from Science and Technology Studies (STS), as this field of research helps to illuminate the role of ICTs in shaping their subject matter.

### **1.1. A short epistemological admission**

Borders are a complex, highly historical, social phenomena and become only more complex through the transformations enabled by the use of ICT tools and methods. The sites where bordering practices take place, as well as the actors involved, are rapidly growing (G. Feldman, 2011), as is the complexity of the relations between them. Both are also highly historical and subject to change alongside other factors that shape bordering practices, such as power balances among states, and shifts in policy making. Thus, it seems futile to utter conclusions that claim universality about borders, let alone theoretical bodies. We can only hope to imprint “glimpses” of bordering practices as they happen. This thesis is strongly committed to and bound by this methodological and theoretical admittance. It seeks to present practices, events and discourses as they happened in specific moments and contexts. While I will refer to grander narratives and schemes of large-scale policymaking, overall this is a highly localized and situated (Haraway, 1988) research project, which aims to produce knowledge outside the frame of objective scientific orthodoxy (Galis & Hansson, 2012).

### **1.2. Aim and research questions**

The aim of this thesis is to critically investigate the registration techniques of irregularized migrants upon their entrance into the EU during the period 2015-2017. As a first step towards this aim, I will present a history of the main registration ICT tool for irregularized migrants in the EU, which is the database of EURODAC. Secondly, I will delve deeper into the practices that

constituted said registration at the EU's external borders between Greece and Turkey. I investigate how these practices came into being related to the political responses that the EU mobilized in the face of the "migrant crisis". I will also discuss the implementation of these responses by the Greek state in specific infrastructural settings that pre-existed or were created to accommodate increased influxes of migrants to Greece. For that purpose, I will study the specific "conceptualizations of crisis" evident in the responses of the EU.

With that under consideration, the thesis will explore the following research questions:

- How did the European registration apparatus of EURODAC evolve in the years before the "migrant crisis"?

- How was the "migrant crisis" conceptualized in the European public eye and political debate concerning registration of irregular migrants?

- How did Europe respond in the face of the "migrant crisis" and how were the registration processes performed in this context? How were these responses implemented by the Greek state, and under what rationale?

- How did the aforementioned conceptualizations and implementations find their way to the human agents of migration and border-related practices?

The PhD project prompted by this thesis was conceived and initially designed before the "migrant crisis" became the dominant discursive factor that it has been for the last four years. Initially, the focus was centered on EURODAC and the use and circulation of its data. However, as events unfolded with great tension and speed, and after the first research trip, the focus was widened to include as many instances of the registration process as possible. The initial goal was to examine the function of a specific database. However, this was dwarfed by the multiplicity of coinciding events as the "migrant crisis" focused attention on the bordering practices. A proliferation of academic and non-academic projects resulted, accompanied by the acceleration and intensification of other research projects in the area, all struggling to captivate the changing reality.

### **1.3. Structure of the thesis**

The original focus on EURODAC has been revised in the final form of the thesis. The system is featured in the first empirical chapter, i.e. chapter 3, with

the history of EURODAC presented as a backdrop for appreciating the wide-ranging shaping of the registration process that ensued. From this point, the focus widens. Chapter 4 examines the “migrant crisis” and engages in a critical discussion of its elements, how it was present in the public and political debate, as well as its roots in past EU policy-making decisions. Informed by a body of theory that critically examines the emergence of crisis in the political life of our times, it seeks to de-naturalize the “migrant crisis” and place it in a specific framing. By doing so, it sets the substrate for examining the major response tactics and policies devised by the EU in the face of the “migrant crisis”. Chapter 5 proceeds to examine the “Hotspot approach” as one of said responses, as well as the subsequent emergence of the “Hotspot” as an infrastructural unit. Chapter 6 takes the examination of the “Hotspot” one step further, presenting the field work conducted in the Hotspots of the Greek islands of Chios and Lesbos. Focusing on the processes that comprise registration in the context of the Hotspot, the chapter provides an ethnographic account of the complex process and the actors involved. Chapter 7, picks up the thread of EU reactions, examining the “EU-Turkey Statement” published in March 2016. There, I engage with the conceptual shifts that the “statement” prompted, as well as the elements of continuity it presents with pre-existing trends in European border and migration policies and practices. The focus is again on the practices of the Greek state, with a short presentation of a specific instance of bordering practices centered on issues of temporality and registration. Chapter 8 sums up the conclusions of my thesis.

## Chapter 2. Theoretical aspirations on borders, technologies and migration

In this section, I present the theoretical concepts, approaches and bodies of knowledge that will assist me in answering the research questions identified above. Examining the practices and discourse that constitute the registration of migrants and asylum seekers in the context of a state and supra-state bureaucratic entity requires an interdisciplinary theoretical toolset. The theoretical basis for this study is located at the intersection of two broad fields, namely Science and Technology Studies (STS), and Border Studies. Branches of performativity theory are also be utilized.

Through this interdisciplinary perspective, the study will analyze how borders, technologies, human agents and the overlying theme of crisis, all interact and interplay, shaping policy making and state practices. Particularly, concepts and approaches within selected areas of STS support the analysis of the empirical material by interlinking the process of categorization of incoming individuals for the purpose of the biopolitical administration of the migrant populations. Similarly, border studies provide this study with a theoretical and conceptual toolset for observing how the border phenomenon is present in our times. Performativity theory is applied to strengthen this analysis by emphasizing the open-ended, performative character of bordering practices.

The remainder of this chapter is divided into six parts. The first five present the main theoretical tools and approaches used throughout the remainder of the thesis. More specifically, the following section presents a body of work from critical border studies. This is used to understand and discuss the notion and phenomena of the border, part of which involves the registration of irregularized migrants. Section 2.2. presents a discussion of performativity theory and its interplay with border studies, which is used in the analysis of the empirical material in chapters 7 and 8. In section 2.3. I briefly discuss and present some theoretical work concerning power, and modes of modern governance, which are useful for exploring the practices of policy making discussed in chapters 4, 5 and 6, as well as the actions of some of my informants in chapter 7. Inspired by the work of Susan Leigh Star, section 2.4. discusses a

theorization of the invisible work behind classification systems and techniques. Section 2.5. draws from studies of infrastructure and is featured in my analysis of the Hotspots. Finally, section 2.6. provides an overview of critical literature surrounding the notion of “crisis”, instances of its utterance, and application in contemporary societies and policy making.

## 2.1. Border studies – capturing the notion of the “border”

Drawing from the Westphalia era, which is considered the point of departure for demarcating the nation-state in geographical terms (Zaiotti, 2011), borders are primary institutions of nation states. They are traditionally considered to comprise an empirical-physical phenomena, well-defined, visible on a map as a line demarcating the end of territorial power of states and guarded by the state’s armed forces (Paasi, 2009). The idea of the border as a geopolitical frontier relates to the existence of the sovereign nation state in the post-Westphalian era, together with the idea of a nation of people sharing a national identity, a common history, language, religion, etc. (Cuttitta, 2006). In this paradigm, borders, sometimes coinciding with natural frontiers, are exhaustive. No earthly surface of the planet escapes their determinative function; no piece of land is left outside some states’ sovereignty. Dominant as they may be, borders, as clear demarcations between sovereign states, are not a-historical or inevitable. Different forms of separation have existed in the past, such as the *marches*, functioning more as buffer zones than clear demarcation lines, enabling a much less “monopolistic” exercise of power (Balibar, 2009).

While in an abstract sense, borders are supposed to place each individual under a certain scrutiny in order to categorize them and act upon them accordingly, this “universality” is not universal at all. Border guards and scholars alike know relatively well that not everyone is scrutinized in the same manner by any border apparatus. Balibar argues for the *polysemic nature* of the border. He shows that crossing the Croatia-Montenegro border can be a very different experience for a person with an Albanian passport, compared to someone with a German passport (Balibar, 2009). On a similar note, Broeders (2011) discusses how anyone traveling to the EU who needs a visa is “by definition already suspect” and thus subjected to a different set of practices by border officials

compared to e.g. a migrant from the USA. The list of examples is endless, clearly revealing that different individuals receive different treatment.

Other than the “subjective” experience of each individual crossing a border, the deeply historical notions borders must also be considered. They are one among many ways in which political/sovereign/national formations have demarcated their territories/place of influence/vital space. They are also prone to change in terms of being “redrawn”, (usually enabled by violent clashes) after reconfigurations of said demarcations. Although both these processes are of great importance, others are perhaps more crucial in which borders are open-ended. The spatial divide between “inside” and “outside” that borders produce, and the subsequent mediation, facilitation or blocking of the mobility of populations, cannot be discussed outside the socio-political relations existing within the territory of different states, and also involves relations between them (De Genova, 2016).

As Balibar puts it, every political border is “never the mere boundary between two states, but is always *overdetermined* and, in that sense, sanctioned, reduplicated and relativized by other geopolitical divisions” (Balibar, 2002, p. 79). Thus, there is no linear pattern in the transformation of borders. They are “being both multiplied and reduced in their localization and their function, they are being thinned out and doubled” (Balibar, 1998). In other words, both the intensity of e.g. control at border venues and in procedures, as well as their symbolic value are subject to radical and unpredicted changes enabled by factors that by far precede their locality.

### *2.1.1 The border is everywhere, but in some places more than others...*

In addition to being over determined by the wider socio-political context, borders are being subjected to change triggered by the use and implementation of new available technologies. Dijstelbloem, et al (Dijstelbloem et al., 2011) point out three major transformations of the border, enabled in part by such new technologies, and more specifically digital technologies.

First of all, border checks, an integral element of borders, are increasingly diffused in spatial contexts remote from the traditional borderline. This de-territorialization of borders is dual in its direction. On the one hand, we are



seeing the externalization of border controls, with the outsourcing of border related procedures to other states or private actors, as in the case of the carrier sanctions (Mau, Gülzau, Laube, & Zaun, 2015) and the EU-Turkey Statement, which will be discussed in further detail in the present thesis. On the other hand, this de-territorialization can be seen as moving towards the territory of the implementing states. This is evident, for example, through migration raids (Coleman, 2009), and the extended detention in border camps during periods of administrative limbo (Cuttitta, 2015) as well as its diffusion in banal sites of everyday life (Johnson et al., 2011).

Secondly, the range of actors involved in border control and other border-related activities has expanded considerably. Examples of these include: private companies developing software solutions for ICT systems, medical experts serving as border “deputies” (Dijstelbloem et al., 2011) busy assessing the ages of young migrants, NGOs involved in the administration of humanitarian operations or management of migrant camps, and volunteer vigilante border guards.

Thirdly, border-related activities are focusing increasingly on targeting the body. The use of biometric technologies for border and migration control, such as eye and fingerprint scanners and DNA tests, inscribes the border to the body, rendering it machine readable (Van der Ploeg & Sprenkels, 2011). This allows new forms of governance to emerge (Ajana, 2013). These technologies challenge traditional notions of privacy and body integrity (Van der Ploeg, 2003), while their use in the context of migration control has been seen to allow new forms of exclusion (Heinemann & Lemke, 2014).

### ***2.1.2. From borders to border practices***

The increasing use of interconnected databases is present in each of the abovementioned three ways that describe how borders are subject to change. The overall effect has been captioned by scholars as the “border is everywhere” (Balibar, 2002), portable and virtual (Lyon, 2002). However, this catchphrase must itself be viewed from a somewhat critical perspective, as despite the diffusion of border-related procedures, certain spaces still retain their special, concentrated character, as “sites for the expression of state power” (Pickering &

Weber, 2006). Thus, theorizing borders is a complex task that requires a researcher to make choices. It is unlikely that an overall theory can encapsulate the different and unique nature of every border on the globe. Equally, the complexity of borders and their constitutive practices in each individual case are beyond the grasp of one unified theory. “Borders manifest themselves in innumerable ways in daily lives and state-related practices and in institutions such as language, culture, myths, heritage, politics, legislation and economy.” (Paasi, 2011).

An essentialist view of borders as a concept with stable content that only changes in terms of spatial shifting of a borderline, thus fails to encapsulate the plurality with which borders present themselves in contemporary societies. Building on that, border scholars have shifted from viewing borders as things that exist in space and disrupt or facilitate mobility, to viewing them as “processes, practices, discourses, symbols, institutions or networks through which power works” (Johnson et al., 2011). Moreover, these processes themselves are considered to be in a constant process of becoming, in ways “that are neither linear nor unidirectional, but that are in many ways event-driven.” (Kaiser, 2012).

In the context of terminology, this shift has been materialized with the partial substitution of “border” with the more inclusive “bordering practices”. That accommodates the plurality of actors and processes at play in shaping the border, be they state or non-state actors, migrants or other forms of actors, as well as their distribution in geographical terms. De Genova calls for a focus on *bordering*, as a verb, an activity that “involves productive activity, a kind of *labour*” (De Genova, 2016, p. 47). My interpretation of this focus on bordering is around two points, of methodological and theoretical texture, respectively. The former motivated my decision to conduct field research at the border venues of the Greek islands, to get a live and as less mediated glimpse of said bordering practices and is discussed in the next chapter. The latter was prompted by the subsequent decision to use performativity theory to analyze the material I gathered during those research trips.

## 2.2. Performativity and performative agency

Viewing borders as the outcome of bordering practices allows for a more dynamic exploration of the categories in evidence. To a large extent, the principle function of the border is to categorize individuals as legitimate travelers, and irregular crossers, thus accelerating and facilitating the mobilities of the latter and incommoding or even blocking the mobilities of the latter, thus producing the relevant scale of inclusion and exclusion. This means that in addition to demarcating geographical territory, borders materialize in technologies of control and are registered on human bodies. Borders also perform capitalist and statist constructs for conserving privileges (Galis et al 2016). The notion of performativity allows me to delve deeper into the ontologies that these constructs enact as they pertain to migrant subjects.

The branch of performativity that I engage with draws from the Austinian tradition and the further work and its development by Butler. Austin (Austin, 1962) noted that certain utterances of words that do not fall under the category of nonsense “do not ‘describe’ or ‘report’ anything at all, are not ‘true or false’” while their uttering is “a part of doing an action, which again would not *normally* be described as saying something.” Austin provides the classical examples of promise and betting “I bet you sixpence it will rain tomorrow”, “I promise I will be there” as examples of utterance that *do* (perform), rather than describing, producing or transforming a situation with their informational content. These speech acts are called performatives, in contrast to constatives, which describe reality. Performatives can be illocutionary or perlocutionary, the former bring about certain realities at the moment of utterance, as with a judge proclaiming a person guilty of a crime, while the latter need certain kinds of conditions in order to produce an effect. Both can fail, as a fallen king may order troops to war with no result, as he does not occupy the recognized position of authority, but when perlocutionary performative utterances fail, like a promise proved false, it is “because a certain discursive wager on what reality might be fails to materialize”(Butler 2010, p8).

Butler extended the limits of the Austinian model of the speaking subject, liberating it from the ontological necessity of a relatively clear utterance of enunciation ascribed to a specific subject. Her research included ,other, not strictly verbal acts, such as “hesitation, coughs, or a less than enthusiastic

adjective”, which hold performative agency related to the position of power of the speaking subject. Butler famously discussed performativity of gender, doubting its status as a stable identity or locus of agency that is the source of actions, as “rather, it is an identity tenuously constituted in time – an identity instituted through a *stylized repetition of acts*” (Butler, 1988a). The agency of this stylized repetition of acts has since been expanded to include wider sets of repetitive practices through which the production of social categories, identities and signifiers is possible. In that sense, performativity “seeks to counter a certain kind of positivisms according to which we might begin with already delimited understandings of what gender, the state and the economy are” (Butler, 2010). Instead, performativity examines the set of processes that produce ontological effects, categories and identities that are then “naturalized”, such as the notions of migrants”, “refugees” and “borders”, and focuses on the mechanisms of this production.

Performativity has been invested with a liberating aura in the context of queer studies as the de-naturalization of gender identities and the emphasis on their performative and thus constructed character opens up the space for decision and agency on what kind of performances an individual will prefer and thus what identities they will adopt. While such *performances* are indeed available, and their understanding requires the utilization of performativity theory as a conceptualizing tool, *performativity* is not equated with performance, meaning that there is an unspecified quantitative relation between the two, which is characterized by a ritualistic repetition of *performance* in order for the latter to become *performative*. Performativity cannot be reduced to performance, as performativity is “the reiterative and citational practice by which discourse produces the effects that it names”, as this thesis explores in the context of border practices. And while instances of human practices such as drag are often discussed in terms of performativity, Butler’s argument on gender is not that gender is performance, but a *normative* function of performativity (reiterated and citational) (Weber 1998, p81).

The detachment of the idea of performativity from a speaking subject, of a certain someone that takes on the task of verbally enunciating a reality, has an impact on the notion of performative power and agency. Focusing specifically on

the economic sphere, Butler mentions as examples of performative power exercises : “(a) the mundane and repeated acts of delimitation that seek to maintain a separation among economic, social and political spheres, (b) modes of prediction and anticipation that constitute part of economic activity itself, and (c) organizations of human and non-human networks, including technology, that enter into specific economic activities such as price-setting” (Butler, 2010, p. 150) . Thus, performative agency can be found on bodies of theoretical knowledge, as is the case with economics, in Callon’s work(Callon & others, 2007), and does not presuppose the existence of a specific subject who will complete the performative process, even though this can also be the case. Performative agency thus can emerge from the “reiteration of a set of social relations”(Butler, 2010, p. 152), practices and processes that produce ontological effects, categories and identities that are then “naturalized”.

*Performances* are not freely available to the subject to choose for themselves, but are “reiterated under and through constraint, under and through the force of prohibition and taboo, with the threat of ostracism and even death controlling and compelling the shape of the production” (Butler 1993, p95). In that way, performative acts are, in most cases, statements that exercise power. They are “forms of authoritative speech”, articulated within networks of authorization and punishment. This authoritative speech is uttered by individuals, like a border official or a judge who by naming a person guilty or innocent, installs the situation he names, through citation of the law. The binding power of the words of the judge is not derived by his position as a figure of authority within a constellation of power, nor his will, but instead through the *citation* of the law, which allows for his performative act to “be binding and conferring power”. The process of subjectification that corresponds with this view, is characterized by a certain paradox, as “the discursive condition of social recognition *precedes and conditions* the formation of the subject: recognition is not conferred on a subject, but forms that subject” (Butler 1993, p226). The means by which the subjectification is achieved, both legitimating and exclusionary, are in principle rendered invisible, and naturalized as the political analysis and debate around them take the very structures that enable the subjectification as their foundation. In that way, once again, (juridical) power

“‘produces’ what it claims merely to represent” (Butler, 2006a, p. 5). This element of Butler’s thought, deeply inspired by Foucault, is pivotal to the examination of changing bordering practices explored in this thesis, and more specifically with regard to the construction of subject positions such as those of the refugee.

### 2.2.1. The performative border

In analogy to the performative construction of gender, scholars have theorized performative constitutions of the state, where state sovereignty is discursively produced and stabilized, arguing that national states are paradoxical entities, “which do not possess prediscursive, stable identities”(Campbell, 1992, p. 22), but are instead in a constant process of becoming constantly shaped and never finished as entities. In the context of bordering, a similar concept of performativity leads in two directions. Borders perform and construct categories and identities, but they are also performed themselves. Bordering, despite being a largely (and increasingly) technologically mediated set of practices, legislated by complex and intertwined legal frameworks, is still largely performed by human agents who, are essentially “people who are informed in their practices by notions of what constitutes border,..., and so their efforts might or might not turn out in the way intended.”(Green, 2010, p. 262). What Salter refers to as the formal performance of the border, namely the “description and defense of particular territorial borders”, and its practical performance, including “the actual politics of enforcing the admission/expulsion and filtering process” (Johnson et al., 2011, p. 66) often do not coincide. Or as Wonders puts it, “state policies have little meaning until they are ‘performed’ by border agents” (Wonders, 2006, p. 66). This distinction has important methodological consequences and is discussed further in chapter 3. Without adopting a naïve position that would imply that state/border agents are free to perform the border in any way they find fit, we need to include in our analysis the way that prejudice, worldview and work ethics find their way into what *bordering* is and how it is performed.

Other than being performed, borders, seen as bordering practices, have performative agency over their subjects. Although categories and dichotomies

are presented as regular/irregular, or migrant/refugee as “natural categories” existing in the wild, it is the bordering practices and their *performative* nature that shape and circulate the said categories. It is through the construction of these categories, and the attribution of the subsequent identities, that “nation states legalize forms of belonging” (Mountz, 2003). This aspect of bordering practices is related to the concept of subjectification, which must be unpacked through the utilization of other theoretical bodies, discussed in the following section of this chapter.

### 2.3. Subjectification, biopower and state of exception

Foucault examines the processes that render human beings as *subjects*. He achieves this by analyzing the functions of modern and early modern state institutions, among others clinics, military hospitals and prisons. The notion of subject has two meanings in Foucault’s work: “subject to someone else by control and dependence; and tied to his own identity by a conscience or self-knowledge” (Foucault, 1982, p. 781). Neither of the two exist outside their production by systems of power relations that are ontologically prior to the subject (Foucault, 2001). Thus, the question of the subject cannot be addressed without addressing the issue of power.

The Foucauldian term of “biopower” is of particular importance for this thesis. Foucault coined the term to describe the new form of power that came about during early modernity and conceptualizes the management of the population by the state. Biopower is distinguished from previous forms of power in the feudal era, namely the power of the sovereign, in a number of ways. The power of the sovereign “was essentially a right of seizure: of things, time, bodies, and ultimately life itself; it culminated in the privilege to seize hold of life in order to suppress it”, and “the sovereign exercised his right of life only by exercising his right to kill, or by refraining from killing; he evidenced his power over life only through the death he was capable of requiring”. Bio-power and the *subjectification* that it enabled, entered the realm of life in every domain through its institutions, not so much as a threat to life, but more as an administrator of it, or regulator of how life can be lived.

All phenomena peculiar to life now had to enter the realm of political techniques and administration, the order of knowledge and power. This included e.g. the improvement of agricultural techniques, which helped with dealing with threats such as starvation and plague (at least for the Western states) as well as extended and systematic observation and measurement of every aspect of human life. “Western man was gradually learning what it meant to be a living species in a living world, to have a body, conditions of existence, probabilities of life, an individual and collective welfare, forces that could be modified, and a space in which they could be distributed in an optimal manner”.

This power over life takes two basic forms, which, without being antithetical, constitute its development. The first, namely an “*anatomo-politics of the human body*” (REF) aims at the optimization of the productive capacities of the human body, looking at it as a machine that can be fine-tuned to perform at its maximum for the longest period possible. The second form is focused on the species’ body, supervising aspects of the biological process of human existence such as “births, mortality, the level of health, life expectancy and longevity, with all the conditions that can cause these to vary”, namely biopower.

The organization of political life associated with bio-power is *bio-politics*, the politics of the social body. In bio-politics, power is exercised at the level of life, and the right to kill, or let live, has been gradually replaced with the practice of making live, and letting die. In the context of this thesis, Foucault’s work allows me to theorize the role of registration of populations for the purposes of state administration. In order for populations to be governable nowadays, they must be known, categorized, and digitized. In addition, Foucault sets another ontological precondition for power. Power cannot only be a negative force that suppresses. Such a practice would generate a resistance so tense that even if it did not have the capacity of subversion, it would at least cause turbulence to the extent of social malfunction. Instead, power needs to have a productive, or positive, function that offers solutions, enhances the possibilities of its subjects, and facilitates its realizations. Only then is the subjectification of a population possible. Building on Foucault’s work, scholars have stressed the importance of state acts, such as censuses, for modern practices of governance (Bowker & Star,



1999; Hacking, 2015; Pelizza, 2019; Rose, 2001). Foucault's examination of biopower, and his examination of the importance of confession in the process of subjectification, helps illuminate the performativity of similar processes present in bordering practices, such as the asylum interview. It is undoubtedly a crucial tool in examining the governance of populations of citizens. However, when it comes to bordering, additional theoretical resources are required, since bordering reveals itself as functioning in a context that occasionally escapes the limits of biopower.

Agamben argues that at the heart of every democratic state, and in the function of biopolitics, a "state of exception" exists under the rule of law. Under this provision, when an emergency is announced, the state is empowered to act outside the constraints of law, adopting extreme, extra-judicial measures. Agamben bases his argument on Schmitt's view of the exception as "a case of extreme peril, a danger to the existence of the state, or the like" (Schmitt, 2006) that does not allow for the continuation of the rule of law. According to Agamben, again drawing from Schmitt, the existence of the possibility for a state of exception is a constitutional aspect of State authority. It is an element of sovereign power surviving in the era of bio-politics as a "zone of indistinction, between inside and outside, where there is no difference between law and force, wherein individuals are subject to the law but not subjects in the law" (Agamben, 1998).

While the state of exception is used mainly in reference to social phenomena like the emergence of the Third Reich and the death camps, or Guantanamo Bay, scholars have argued that it can be traced in mundane everyday practices of governance of minorities (Agamben, 1998). Specifically, border and migration policies are seen as being under a permanent state of exception (S. Taylor, 2005)(Bigo, 2006). Overall, Agamben argues that the increasing appearance of the state of exception tends to render it the "dominant paradigm in contemporary politics" (Agamben, 2005). Butler (Butler, 2006b) argues that even though Foucault held an analytic distinction between sovereign power and governmentality, he kept the possibility of coexistence of the two open, without, however, providing a point of view that could predict how this

coexistence would emerge under emergency conditions. The ground where this coexistence attains its highest degree of visibility is the suspension of the rule of law (p. 55), or its rendering of a utility (p. 57), mobilized for the constraining of specific populations. However, in the suspension of law, precisely because governmentality is the paradigm, there is no concentration of power in one single unity that reinstates its sovereignty like the figure of the sovereign. The anachronism does not run so deep. Instead, within the paradigm of governmentality, "*petty sovereigns*" (p. 56) emerge "reigning in the midst of bureaucratic army institutions mobilized by aims and tactics of power that they do not inaugurate or fully control" (p. 56). They are part of the apparatus of governmentality.

The exception, as a space for sovereignty within the biopolitical paradigm has great heuristic value, as it emerges in cases where normal governance is rendered ineffective and thus highlights both its shortcoming but also its structural elements that have remained silenced and unseen. It is crucial to keep in mind that when we discuss the *exception* to the rule, we do not necessary transfer ourselves to a place that has no relation to the rule. Instead, it is by this exclusion that the excluded is maintained within the realm of the rule. Butler sees the suspension of the law as a performative act, "which brings a contemporary configuration of sovereignty into being or, more precisely, reanimates a spectral sovereignty within the field of governmentality" (p. 61). It is a situation produced by the state through its withdrawal. This withdrawal is not complete and by no means implies a giving away of authority. Instead, it is more of a transition from "the operation of power from a set of laws (juridical) to a set of rules (governmental), and the rules reinstate sovereign power" (p.62).

These rules, which differ from ordinary legislation on the grounds of their legitimation, are often arbitrary, and are based on an augmented discretion of their enforcers, namely the officials who are called to implement them, the "*petty sovereigns*". In this context, the law is instrumental, not bound by the "virtue" of governmentality but instead by a means to an end. "*Petty sovereigns*" are not true sovereigns, as they do not fully control the aims of their operations, but are also a means to an end, a part of the apparatus. "They are acted on, but they also

act, and their actions are not subject to review by any higher judicial authority” (p62). Butler’s *petty sovereigns* can be traced in Salter’s connection between the state of exception present in bordering practices and the augmented “discretion of the border examination” (Salter, 2008). Administrative decisions that are left to the discretion of actors performing bordering practices are often carried out at the threshold of the law (J. McC. Heyman, 2001). The increase of this discretion is related to the exception as “emergency politics occasion the creation of new administrative powers and the redistribution of existing powers of governance from procedural processes to discretionary decision, from the more proceduralized domains of courts to the more discretionary domains of administrative agency” (Honig, 2005, p. 210). As I shall argue and show in chapter 8, the “migrant crisis” augmented an already pre-existing state of exception in the border and migration policies of the EU, and the Greek state acted accordingly.

#### **2.4. Theorizing biopolitical classification techniques**

As mentioned in the introduction to this chapter, the registration process of irregularized migrants is a complex process involving the use of many different biopolitical classification techniques. Registration of individuals is inseparable from a certain categorization of said individuals. The categories used and produced by the registration apparatus are often discussed and presented again as “naturalized” pre-existing entities under which subjects fall in a harmonized and natural manner. The use of “naturalizing” here pursues the thinking of Bowker and Star, which they describe as “stripping away the contingencies of an object’s creation and its situated nature” (Bowker & Star, 1999, p. 299), which means silencing and rendering invisible the material, moral and ideological work at play, and all the conflict around its creation.

Furthermore, as Bowker and Star (1999) point out, “categories come from action...Assigning things, people, or their actions to categories is a ubiquitous part of work in the modern, bureaucratic state. In this sense, categories arise from work and from other kinds of organized activity, including the conflicts over meaning that occur when multiple groups fight over the nature of a classification system and its categories” (Bowker & Star, 1999, p. 295).

Throughout 2015-2018, considerable public discourse centered on the “identity” of the incoming populations. Very little of this discourse attempted to view the categorization implied on the population in such a theoretical light. In the empirical chapters, I discuss the work of border officials, precisely as an organized activity of production of performative categories, by actors working under the state of exception discussed earlier. The aforementioned work happens in specific institutional settings, which are often socially embedded as infrastructure. This notion also requires critical examination.

## 2.5. Hot infrastructure

The registration and categorization of migrants, presented in chapter 7, took place in a specific context, that of the “Hotspot”, the infrastructural and administrative concept discussed in chapter 6. The “Hotspot” emerged as a fix for the breakdown of the Greek state’s infrastructure for reception and registration of migrants, embodying ideals of European solidarity and effectiveness. The contemporary presence of infrastructure carries a connotation of progress conceptually associated with the Enlightenment idea of a world in movement and open to change, and in a constant state of linear progress (Mattelart, 1996; 2000).

Critical scholars argue that a definitive definition of infrastructure remains unattained and “elusive” (Harvey, Jensen, & Morita, 2016). Infrastructures can be thought of as a “system of substrates” (Star, 1999) underlying the more visible constructions of the world, such as pipes and cables. In that case, however, as Larkin (Larkin, 2013) points out, one is faced with identifying what is seen as “infra” and what is “structure”, namely what will be considered as a substrate and what will be considered part of the “upper” world. Citing Edwards (1998), Larkin reminds us that not only is there infrastructure behind every infrastructure, but also, that many infrastructures are at play when we try to discover what comprises a system. Thus, before infrastructure can actually be discussed at all, a “categorical act” (Larkin, 2013, p. 329) is required to define what we see as infrastructure, “a moment of tearing into those heterogeneous networks to define which aspect of which network is to be

discussed and which parts will be ignored” (page number). In the case of this thesis, the Hotspot can be seen both as part of the wider reception infrastructure, but also as an infrastructural system itself. Both these views are adopted in chapters 7 and 8, respectively.

Infrastructures have been conceptualized by Star and Ruhleder (Star & Ruhleder, 1996) as being invisible by definition and becoming visible only upon breakdown. Larkin doubted whether invisibility is a definitive element for a system to be infrastructural, and instead argued that invisibility is at one extreme of the spectrum of visibility to which infrastructures are exposed. He based this argument on numerous studies of infrastructures where visibility was not only high, but also embedded in the design of infrastructure, with the desire and aim of evoking admiration. Thus, while the operational processes of an infrastructure may remain invisible or opaque, the infrastructure itself may be highly visible. I will return to this discussion when examining the Hotspot, in chapters 6, 7 and 8.

Infrastructures carry connotations of embedded, seamless function that often facilitate flows. They are seen as “matter that enable(s) the movement of other matter” (Larkin, 2013). In standard narratives of infrastructure, this assumption of flow holds unless the infrastructure is obstructed by a breakdown. Scholars have challenged this linear narrative, attempting an inversion that avoids “assuming flow as the basic infrastructural fact, with the consequence that breaks in the flow appear deviant, and thus in need of special explanation, the question can be reversed. Infrastructural studies might begin with gaps, interstices, and zones of opacity as infrastructural facts, which raise questions concerning the kinds of ordering these apparent “flow-stoppers” participate in and how they do so” (Harvey et al., 2016). This train of thought suggests that infrastructures are not solely concerned with enabling movement, flow and progress, but that they also “embody the uncertainties that are intrinsic to the bureaucratic form itself” (Reeves, 2016). This view of infrastructure as enabling “indeterminacy” instead of administrative closure also applies in the examination of the Hotspot, as I show in chapter 7.

## 2.6. Crisis

A range of the research that provided the empirical material for this thesis was conducted under the influence of the notion of “crisis”, and more specifically the “migrant crisis”, as it was developed in the EU, through the years 2015 to 2017. Thus, it is necessary to theorize the concept of “crisis”, in the final section of this theoretical chapter. Crisis is an elusive notion, multi-layered and ambiguous, used by a number of actors in many different contexts, acquiring different meanings, and frequently used in public debates. Each utterance of crisis is of course characterized by discipline-specific boundaries and particularities; however, it is always associated with a pressure for judgment and decision. The word itself originates from the Greek word “κρίσις”, primarily translated as judgment/to judge but also to choose and decide after measuring up a situation and acting upon it.

An extended presentation of the many different ways that crisis appears in history and throughout different cultures, by far exceeds the scope and aim of this thesis<sup>2</sup>. It is worth noting however, that most, if not all, utterances of crisis carry connotations from one or more of two origins of the word, namely the theological, and the medical. The former, coming from crisis in the Old and New Testament, is closely associated with the juridical meaning of crisis as judgment associated with connotations of justice, and has strong reference to a promise of salvation, through overcoming the critical situation. The latter, first appearing in Galen’s work, where crisis refers both to the observable symptoms of illness, and the judgment about the course of it (Koselleck, 2006, p. 5). These two stems of origin are critical for making sense of the seemingly paradoxical modes of existence of the term nowadays, and I will return to them later in this paragraph (Koselleck, 2006, p. 371). Both these two contrasting accounts of crisis share a demand for action that will bring some sort of progress, if not resolution, nevertheless action that is transcendental, action after which things will not be the same.

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<sup>2</sup> But see (Koselleck, 2006) for an influential attempt to map the term’s genealogy, which is also the reference for this paragraph.

On the one hand, each occurrence of crisis is perceived as historically unique (Koselleck, 2006, p. 370). On the other hand, the temporality of crisis has been challenged due to its constant reoccurrence in “almost all forms of narrative today”, to the extent that it is ultimately “mobilized as the defining category of our contemporary situation”(Roitman, n.d.) and “a part of normality in any segment of social life”.

### 2.6.1. Exploring the ontological status and performative agency of “crisis”

In public administration literature, defining crisis is a task that, despite its challenges, seems to follow reason and objective criteria. A crisis is “a unique negative event for which there is no suitable prearranged response” (Leonard, 2009). *Crisis emergencies* are distinct from *routine emergencies*, as the latter are not based on criteria of difficulty or complexity, but of predictability. Routine emergencies are in principle more predictable, and thus agencies can utilize previous experience and be prepared with standard procedures that are available for implementation. On the other hand, crisis emergencies are characterized by novelty, namely an event of a nature that has not been encountered before, or a familiar event happening at an unprecedented scale. In the face of this novelty, “response leaders must recognize that the situation is not routine and that improvisation is required” (Leonard, 2009, p. 279). This kind of approach is arguably essentialist, as it presupposes an ontological difference between critical and non-critical situations that actors must *detect* in accordance with their training. In other words, a crisis exists as such “out there”, rooted in the conditions of a situation. The trained eye of the expert may or may not detect it, and subsequently proclaim it, and each of the two outcomes corresponds to a successful or unsuccessful assessment.

Challenging such essentialist views, Roitman designates an anti-crisis, a disbelief in an essence of crisis as empirically observable phenomena that constitute crisis in comparison to another set of similarly observable phenomena that counterpart as non-crisis. For Roitman, proclamations of crisis do not allow space for allocation of truth values in the existence or absence of a crisis. There is little (if any) heuristic value in discussing whether or not a situation is “indeed” a crisis. Instead, Roitman focuses on the narrative constructions that accompany

and enable crises, and points them out as *moments of truth*, when the hidden real is laid bare. Crises bring forward a truth that is not secured but rather performed within the discourse that is enabled by the context that they (crises) shape.

Similarly, for Redfield, who draws his argument from a long-time engagement in various projects with *Medicins Sans Frontiers (MSF)*, the issue “is not crisis per se but the very codification of crisis into a state, a condition of action, and the subsequent limiting of emergency to within these borders” (Redfield, 2005, p. 347). These accounts of crises appear to contrast with the view that Leonard, as one example of an essentialist, offers in his manual for responders. However, this contrast is not as strong as it may seem. When response leaders “recognize” a crisis, their actions can be seen to constitute a performative moment. By posing a situation as crisis, they bring into reality what they have set out to describe. In this process, there is an important, and often silenced, selection of what is left out and what is seen as important, meaningful and constitutive of crisis. In this context, Roitman’s advice to put less faith in crisis, does not entail doubting the existence of a critical situation, but entails focusing on what is at stake after the crisis has been proclaimed, as well as what has been deemed critical.

The seemingly banal question that Roitman reposes “crisis compared to what?” must be reiterated in the context of each specific utterance of “crisis”. This question is not so much a methodological exhortation, but more a theoretical presupposition on the performative nature of crisis. The latter is rendered more visible when one considers that the term “crisis” only acquires meaning in reference and juxtaposition to a state of affairs that is considered normal, or at least non-critical. This task is addressed in chapter 5 of this thesis, where I engage with the “migrant crisis” specifically and explore the ways in which it can be related to the pre-existing status quo of the migration and border regime of the EU, as well as its codifications in the public and political debate.

### **2.6.2. Crisis, legitimization and exception**

Moving on from this brief engagement with ontological concerns, it is equally important to present theorizations of what effects the term “crisis” and its proclamations bring to life. Crisis directly affects the concept of historical



time, and renders itself as an “immediate present” (A. Mbembe & Roitman, 1995). Viewed as an intimate condition, its causes and origins are obscured. Often these are rooted in prolonged conflicts, political choices and structural injustice. The “crisis” is presented as a surprise, which could not have been predicted and demands immediate responses (Calhoun, 2010). It necessitates a reconstruction of pre-existing moral codes, and calls for action conducted outside previous frameworks (Strasser, 2016).

“Crisis” re-shapes ethical codes and behaviors and intensifies control (Strasser, 2014). As such, it becomes an instrument of rule (Agamben, 2013), since once it has been established, actions and measures that were previously beyond legitimization, acquire a new status. Consequently, under the effect of crisis, failure to engage in the actions and measures is seen as moral inefficiency. In many ways, the condition of crisis follows trajectories that are parallel with that of the state of exception (Butler & Athanasiou, 2013) in that it creates an extra-political domain of state action.

It must be noted however, that especially security and migration policies rarely function exclusively under the crisis effect. Instead, the mindset that drives them is a mixture of routine procedures and approaches, infected by the potency of crisis (Jeandesboz & Pallister-Wilkins, 2016). Despite the fact that utterances of crisis maintain a rhetorical connection to a need for change that touches upon existential issues, and calls for radical transformation of foundational principles, ultimately it often reaffirms the status quo.

### **2.6.3. Persistence of crisis**

Crisis has been seen as a moment in history with decisive character – a rupture in the status quo that both demands and enables radical interventions after which things are never the same (Koselleck, 2006). Crises legitimate new schemes of distributing power, bringing new actors into the foreground on many levels (Strasser, 2016). However, in many cases, “crisis” loses both its temporal, and its extraordinary character. Large bodies of the world populations meet basic needs through mechanisms and schemes designed as crisis response mechanisms. Overall, an increasing set of social administration and government measures are carried out under the context of crisis (Redfield, 2005). For such

populations, subjected to structural poverty and marginalization, “the word crisis is endemic rather than episodic” (Vigh, 2008, p. 1), rather than a specific and isolated moment or period. This gives rise to global scale organizations, such as *Medicins Sans Frontiers* (MSF), the scope of which, in theory, is supposed to be short-term and crisis responsive, that remain in their operation fields for long periods of time, and operate solely under crisis situations (Redfield, 2013).

This reality calls for an analytical and theoretical shift. Instead of understanding crisis as something that happens momentarily and is particular in nature, we must “move toward an understanding of critical states as pervasive contexts rather than singular events”, where crisis is more a condition than a moment of decisive change (Vigh, 2008). In accordance with Roitman’s disbelief in an essence of crisis, crisis can be seen as a gradual result of slower processes of negative change (Vigh, 2008, p. 8). Such an understanding of crisis is not aligned with the idea of crisis reflecting rupture, even if the discourse surrounding it often enables ruptures in many policy domains, as revealed and discussed in the empirical chapters of this thesis. Furthermore, this persistence of crisis concerns not only populations that are highly marginalized. It has also become an integral element of policymaking concerning subjects who may or may not enjoy full citizenship status. Instead of considering crisis as an exceptional state, scholars have argued that it is periods of stability that should be seen as historical anomalies, not only because they exist for shorter time spans, but also because they concern specific and relatively small parts of the world’s population (Narotzky & Besnier, 2014; Redfield, 2013; Roitman, 2014; Vigh, 2008). In our times, crisis is “a motto of modern politics, and for a long time it has been part of normality in any segment of social life” (Agamben, 2013). A persisting crisis sounds like an oxymoron when viewed in relation to e.g. the operational directives of first responders. However, in critical anthropology, persisting crises have long been theorized to be the norm.

## Chapter 3. Methodological choices and access

### 3.1. Introduction

This chapter presents and discusses the methods used during my research. It describes the methodological choices that I made early during the design of my project, but also outlines certain tactics and approaches that had to be fine-tuned and decided along the way and sometimes in the field, as the research was ongoing. My research project is based on two main bodies of work. The first from a chronological perspective involves desk research on the legislation and policy papers regulating the function of EURODAC, from the beginning of the deliberation around the need for such a system in the early 90s until the completion of its first recast in 2013. This is combined with an examination of relevant news articles, secondary literature and reports from relevant organizations. The second main body of work consists of two research trips to Greece, one in March 2016, and one in the summer of 2017. During those trips, I conducted interviews and non-participant observation with border guards, police officers, and persons working with NGOs in the Hotspots on the islands of Lesbos and Chios, as well as administrative personnel at the Hotspots. The second research trip also included interviews with Greek Police officers and UNHCR employees in Athens, as a follow up examination of data generated at the Hotspots.

Before proceeding to discuss the methods in themselves, I will first discuss epistemological issues relevant to the time conjecture of my research, which in turn relate to issues of planning, access and ethics.

### 3.2. Crisis and research

In the previous chapter, I hinted at the importance of the notion of “crisis” in the present text and the chapters that will follow. “Crisis” and more specifically the “migrant crisis” shaped the realities of thousands of people, and its impact calls for a critical analytical examination, which is present throughout this thesis, and is the focus of Chapter 5. In this section, I will briefly discuss the ways in which the condition of “crisis” affected my research venues and informants as such. “Crisis” has been a buzzword that has concentrated the

research interests of social scientists working in many disciplines over the past decade (Brekke, Dalakoglou, Filippidis, & Vradis, 2014; Koselleck, 2006; Narotzky & Besnier, 2014). Strasser, inspired by Andersson's *Illegality.Inc* and Comaroffs' *Ethnicity.Inc* talks of *Crisis.Inc* with regard to "how incalculable futures and uncertainties have become an attractive commodity for social scientists, as well as for lawyers, managers, state institutions and inter/national NGOs." (Strasser, 2016). Indeed, the islands of Lesbos and Chios, but also mainland Greece have received an abundance of researchers studying, documenting and analyzing the "migrant crisis".

In my experience, this increased academic interest focusing on countries that were already at the center of international attention in terms of the "economic crisis". It appeared to affect individual informants and the relevant agencies in a non-linear manner that was also subject to change as time passed. Agencies such as the Ministry of Migration, seemed to be overwhelmed by the amount of applications for research involving access to actors and venues, and responded with a mixture of reserve and willingness. Progressively, the earlier would prevail over the latter, as the number of research requests subsequently increased. For example, as I describe later, during my first visit in 2016, my access to the Moria and VIAL Hotspots was flexible and left to the discretion of the commanding officers appointed by the Ministry in the first instance, and to the local Police Chief in the second instance. One year later, during my second trip, the situation had changed. A specific protocol had been introduced allowing a 90-minute slot for each researcher, which though not as rigid as it may sound, was indicative of a certain strictness. This was for a good part due to administration changes that the Greek state underwent during the period. The levels of these changes ranged from founding an independent Ministry of Migration, to various organizational schemes for the Hotspots. It is worth noting that the aforementioned Ministry of Migration, founded by the SYRIZA-ANEL administration in November 2016, had at the time of writing (July 2019), recently been abolished and the relevant services are now under the Ministry of Public Order and Citizen Protection.

Other agencies, such as the Greek Police, would repeatedly respond negatively to access requests by reference to issues of security, a notion used in a

transcendental manner that left no margin for renegotiation. The transcendental aspect of these responses is that security reasons are mentioned as a factor that blocks every search for alternatives, including limited access, but would instead be presented as a value in itself, which ends all discussion. However, as shown later in this chapter, it was possible in practice to work through this negation with a little luck, in some circumstances, highlighting that the methodological “superiority” of physical presence over communication by email or telephone.

When it came to the actors as individuals, the situation was slightly different. Throughout my interviews, I had the intense impression that many border guards felt their work at the time exceeded all previous boundaries and any kind of routine. Instead, they appeared to view themselves as being at the heart of a series of events of global importance and attention. Most seemed eager to share their perception of what was happening, what they were doing, and how they saw themselves in the bigger picture of events. Motivations and attitudes would differ, as would their perception of me as a researcher employed by a European IT university. Their view of my identity often shaped specific expectations, which were expressed with quotes such as “when you go back to Brussels (sic), tell them what we go through here”.

As mentioned in the previous chapter, for some time now, bordering practices have been carried out by a wide range of actors who exceed the narrow frame of border guards. Under the impact of the “migrant crisis”, the plethora of actors involved was extended even further. From the Greek Army, involved in infrastructural and administrative support of the Hotspots, to local and international initiatives organized around first reception of incoming migrants, and large-scale NGOs and international organizations such as the IOM and the UNHCR. These actors, acting under highly differentiated and often conflicting agendas, would recruit personnel from various social backgrounds. As could only be expected, these individuals had different worldviews, ideologies and presuppositions concerning the incoming populations. Again, as expected, these different worlds that these actors would inhabit, shaped their accounts of what was actually happening, and how. My research was conducted in the territory of a crisis-ridden Greek state, which at the time, was at the center of international attention with regard to its character as a main entrance point for thousands of

migrants reaching the EU. Terms such as “messy” and “complicated” barely do this situation justice.

Research projects, especially PhDs, seem prone to changing between the phases of initial conception and their completion. Throughout the process, even the topic of the research itself can be evasive to the very researchers who have designed and are conducting the research (Law 2005, p5). While such an outcome may seem reasonable and perhaps even expected with regard to re-configuring the research focus due to unanticipated events, Law makes a different argument. It is not a matter of adapting to a stable and unitary reality that is subject to change, while retaining its concreteness, but instead it is about the admission that the real is neither definite nor singular (Law 2005, p11). Instead, it is shape shifting, slippery and fuzzy (p5). This is not an epistemological argument, as Law makes clear, as it is not about the ways that we can have knowledgeable access to a given (singular) reality. Instead, it is an ontological argument, concerning *what there is*, not what we can know about it.

*“As we seek to know the world not everything can be brought to presence. However much we want to be comprehensive, to know something fully, to document or represent it, we will fail. This is not a matter of technical inadequacy. (There are always, of course, technical inadequacies). Rather it is because bringing to presence is necessarily incomplete because if things are made present (for instance representations) then at the same time things are also being made absent. Necessarily. The two go together. It cannot be otherwise. Presence implies absence.”* (Law 2005, p7)

To me, this is in line with and perhaps supplements the localized and situated nature of my research project. No matter how hard I tried, I could only encapsulate a glimpse of the processes that were at play both in the field, but also in the wider political and media debate. With this somewhat liberating admission in mind, I decided to approach the issue of registration of irregular migrants using three basic levels, or conceptual frameworks, that were in conceptual interplay and constantly shaped each other, as well as the methods necessary. One was a historical review of the EURODAC system, based on a review of the relevant policy papers and some of the secondary literature relating to it. The second was an investigation of the debate concerning the identification and registration of incoming migrants in the period 2015-2017 in

the media and mainstream politics, under the effect of the “migration crisis”. The third conceptual framework involved the actual practices of border guards and other actors that consisted “identification and registration” in the field. Each of these levels called for the utilization of various methods that are discussed in further detail in section 3.x of this chapter. Through this three dimensional approach, I encapsulate the correspondent aspects of the issue of registration that are present in my research questions, namely policy making, representation in the public debate under the “crisis effect” and practices in the field.

### 3.3. Choosing research locations

Choosing research locations seems to contradict the diffusion of bordering in many spaces other than along the actual borderline, which is a reoccurring theme in contemporary border studies (Balibar, 2002; Galli, 2010; Vaughan-Williams, 2010). Despite the undoubted validity of the above conclusion, the importance of the materiality and locale of the site of the traditional borderline appears to merge and remerge in a non-linear fashion throughout the years. As Salter (Salter, 2008) points out, the discussion on the displacement of bordering practices, namely the fact that the “border is everywhere” (Lyon 2002), should not obscure the fact that some specificities about “the border” should be retained. And that something, is the “*kind of decision that occurs at the border*”(Salter, 2008, p. 372).

With regard to the decisions that are part of the registration process, the islands of the Aegean Sea, and the corresponding border venues are an example of this. As the point of entry for hundreds of thousands of migrants throughout 2015-2016 (IOM, 2016b), a site of death for thousands of them, one of the busiest parts of the “Balkan route” (Hernandez, 2016), they became the center of international attention. To a large extent, they were among the symbolic spaces where the EU “responded” in a variety of ways in the face of migration flows.

The registration process conducted on the Greek islands became an issue of controversy and criticism, early in the “crisis” (REF). Greek government officials have come to admit that fingerprinting of all incoming migrants was for a certain period impossible (REF). The criticism and tension of the discussion would peak in periods following jihadist attacks on European soil, as the

migrating population has been to some extent associated with such acts by a part of the media and the far-right political scene of Europe (REF). Thus, the islands of the Aegean Sea, the borders of Europe with the Eastern world, concentrated by far the majority of the dynamics and controversies related to bordering practices deployed by the EU. As I am a Greek citizen, my wide-ranging cultural, political and linguistic familiarity removed any dilemmas in choosing between Greek and Italian borders, which is what led me to visit Chios and Lesvos. Athens was the secondary research field since, as the capital of the Greek state, it hosts the headquarters of the Greek Police, and also the head offices of many organizations. In that manner, issues that had come up during my visits to the islands could be further examined here. While this part of the research lacked the immediacy of the research trips to the islands, it offered a view of the way that the “migration machine” functioned at a more central level.

### 3.4. Negotiating access

Greece has been through a brow-raising five national elections since 2007, a definite sign of social unrest. It is somewhat of a tradition for each governing party or parties to transform the structure of the government by annulling existing ministries, adding new ones, merging others into sub ministries etc. This is usually conducted at the beginning of each incumbency, however it is not an uncommon occurrence mid-way through the term in office. Traditionally, migration issues have been under the jurisdiction of the Ministry of Public Order, and the Ministry of Interior. The first administration by the Coalition of the parties of the Radical Left (SYRIZA) and Independent Greeks (ANEL), took the seemingly innovative step of appointing a Vice Minister responsible for issues of Migration Policy, and subsequently establishing an exclusive Ministry of Migration Policy.

It must be noted for better understanding the Greek political reality at the time that SYRIZA, being a traditionally small, left-wing party, has cultivated a humanitarian pro-rights profile regarding migrants and asylum seekers, participating actively in solidarity with migrants at demonstrations and other actions, subsequently with high-profile members of the government providing legal assistance to migrants etc. Thus, the persons that comprised the political



personnel of the Ministry of Migration Policy would carry the experience of involvement in migrant struggles from within. Nevertheless, the background of the other party participating in the coalition government, ANEL, was clearly more conservative. Members of ANEL have expressed far-right and even anti-Semitic views (iefimerida.gr, 2015). What kept the coalition together was the fact that both parties had been opposing to the first two memorandums that presented at parliament by previous governments.

The leader of ANEL, Panos Kammenos, was appointed Minister of Defense. Kammenos has been an elected MP for many years with the liberal-conservative party of New Democracy. Kammenos often resorts to aggressive public speaking e.g. causing tensions in diplomatic relations with neighboring Turkey, and generally maintains a militant, nationalist profile (Στέφου, 2019). On the other hand, the position of Vice Minister (later Minister) of Migration Policy was given to a respected gynecologist with no previous professional political experience, Giannis Mouzalas. Mouzalas is a member of *Medicins Sans Frontier*, has taken part in missions in Asia and Africa, and maintains an “activist” profile that was considered suitable for the position.

The above information is all relevant in the context that, while under heavy criticism (REF from press missing) regarding the reception, registration and accommodation of migrants from the EU, in February 2016, the Greek government announced (REF) that the Armed Forces would contribute to the construction, maintenance and administration and function of the reception centers, which had recently been re-launched as Hotspots. Thus, the relevance of the Ministry of Defense to migration was upgraded.

At this juncture, applying for admittance to Hotspots to conduct research entailed asking to examine a specific point in the political life, which placed the country in an international spotlight. It also entailed doing so via two separate administrative entities, with arguably different political cultures predominating at each one. Initially, I sent emails to all relevant ministers, and their collaborators. This method did not take me far. I received a few letters in return stating that the office I had contacted was not responsible for access. These replies were sent more than a week after I first made contact. The first substantial response arrived in the third week of my enquiries, from the press

office of the Ministry of Protection of the Citizen (ex-Ministry of Public Order), to which the then sub-Ministry of Migration Policy belonged. It was a flat rejection, stating that “after the response of the competent service of the Greek Police, we are not able to fulfil your request for access to the registration venues of category 2 foreign nationals, first due to security reasons regarding the registration procedures, and secondly, due to the large workload of the personnel conducting the registration”.

Rather than accepting the rejection, I persevered with my plan and traveled to Greece in the hope of attempting to negotiate access in person. The newly appointed personnel of the sub Ministry, also significantly younger than expected, were very helpful and willing to “help and support research”. However, as they informed me, due to the upcoming EU-Turkey agreement, the Hotspots were in “code orange”, and all access to researchers and journalists was suspended. It was never clear what “code orange” was. Also, I never met this term in any official document or statement. After a few days of visiting the office of the sub Ministry, and finally being recognized as a young scholar from a European university (again a certain “prestige” was involved), and stating that I would visit the islands of Lesbos and Chios anyway for interviews with other actors, I was given the phone number of the person in charge of the political personnel at the Moria camp in Lesbos. This, the main camp on the island, was of the busiest at the time in Greece. By political personnel, I do not mean the police. It was never clear whether the “code orange” was suspended or what happened to it. After phone contact with the person managing the Hotspot, I was granted (limited) access, for three days, during which I had the opportunity to come into contact with several officers, working both for the Greek Police, and FRONTEX.

Another, even more controversial case of access being denied, though ultimately this proved not to be the case, occurred in the same research trip, but this time on the island of Chios. Before leaving Lesbos to proceed to Chios, I contacted the respective person in charge of the political personnel of the VIAL Hotspot. However, this person, whom I never met in person, informed me that she was not the person responsible for issues of access. She suggested I should contact the local police station. This divergence between two venues set up for

the same purpose is indicative of the managerial state into which migration issue had fallen at that time.

On arriving at Chios, I hastened to the police station to meet the officers I had contacted earlier by phone. There, the younger officer who was in charge of the registration process in the Hotspot examined my letter of support from the head of the PhD school (because “you know, so many people show up asking for access, you can never know, no offence”). He then proceeded to give some basic information, before leading me to the Head of the Station, Giorgos Kevopoulos. He asked whether I was interested in taking photos of the process. I declined, not only because I actually did not intend to, but also because I recognized the mistrust that such a statement would most likely trigger. He also asked if I had authorization from the Headquarters in Athens. I was unsure whether by “Headquarters”, he meant the Ministry of Citizen Protection (which had actually already rejected my application by email). Not wanting to shoot myself in the foot, I mentioned my communication with the sub Ministry of Migration Policy, and the fact that I had already visited Moria Hotspot in Lesbos, hoping to mobilize some sort of positive inertia. He replied positively, but insisted on me sending an email, this time to the press office of the police, which of course, was under the political command of the Ministry of Protection of the Citizen. The date was Saturday 12 March. The next day was a big Carnival celebration, and the Monday after that was a national holiday, known as Clean Monday. I am not sure what role this played in the delay, but I received a reply four days later. Once again it was a rejection, for the same reasons of workload and security. However, our “agreement” with the local police chief was to call every morning, and they would decide on a daily basis, whether I could visit the Hotspot. So, by the time I received the rejection, which was obviously the day I stopped calling, I had already conducted four full days of participant observations and interviews at the Hotspot, which also happened to be some of the most fruitful days of my research.

### **3.5. Identifying and choosing actors and informants**

As popular awareness of the “migrant crisis” was spread throughout Europe, through media representation and political debate, more and more

organizations initiated or augmented their presence in Greece and engaged with different aspects of the “crisis”. Some of these organizations were heavily based on voluntary participation. However, some were in a position to hire individuals for certain positions. Long-term unemployed people, young social scientists in need of work, people who had been involved in migrant support voluntarily over the years, were now among those who were payroll personnel manning this new form of “solidarity” with terms reminiscent of business and corporations rather than activism.

The above is not meant to downplay the efforts of countless activists who spent not only the summer of 2015, but also the subsequent months, were arrested and harassed by local police, invested time and personal money on the Greek coastline, nor the people in Central and Northern Europe who backed up this effort financially, and otherwise materially. The role that NGOs will play in the future as state-next-to-the-State, private administrative entities is yet to be deployed and examined.

In the Greek islands of Lesbos and Chios, where I conducted my fieldwork in March 2016, a large number of NGOs were active. Some of them were active literally on the coastline, alongside non-enrolled volunteers setting bonfires, signaling incoming vessels to show them the right direction, helping people off the boats, providing care items and support, helping them get dry and past the shock of a night-trip between countries in a more often than not, badly conditioned, heavily overcrowded rubber boat. Others, usually bigger, international NGOs, were present inside the reception centers/Hotspots. As mentioned previously, some people, already busy with human rights and migrant support, were incorporated among the human resources of NGOs. Aware of this fact, I mobilized my personal network in order to get in touch with persons who had been present long enough and close enough to provide an image of how registration at the Hotspots affected the mobility of the migrants, how the situation and practices had changed during the “crisis” and the code of conduct of border officials.

More specifically, I conducted open-end interviews with the following individuals:

Anthi Karageli Director of the Moria Hotspot (March 2016)

Theofilos Tsigalakis, Directors of the VIAL Hotspot (August 2017)  
Francisco Ramos (Paco) Operational Coordinator of FRONTEX mission (March 2016)  
Xrysh Xatzh, of the Greek Ombudsman office (August 2017)  
Spiros Rizakos, chief of NGO "Aitima" (December 2017)  
Danai Kampani, IOM, Moria, Lesvos (August 2017)  
Eleni Petraki, Greek Asylum Service (GAS), Athens (May 2018)  
Giorgos Zontiros, head of Department of Informatics of GAS, Athens (May 2018)  
Anonymous Greek Police officer, Department of Informatics of the Greek Police (June 2018)  
Anonymous Greek Police officer, Department of Forensic Investigations (June 2018)  
Anonymous Dutch Royal Police officer, head of the Dutch Task Force, Chios (March 2016)  
Anonymous Dutch Royal Police officer, document expert, member of the Dutch Task Force, Chios (March 2016)  
Anonymous Greek Police officer, screener (August 2017)  
Anonymous Greek police officer, Desktop operator in registration container, Chios (March 2016)  
Anonymous Greek Police officer, Desktop operator in registration container, Chios (March 2016)

In addition, I had a number of informal or less formal discussions with persons present in the islands, from various organizations. These discussions did not find their way into this text as structured material, however they were crucial for the overall understanding of the situation and the planning of the research. All of those informants wished to remain anonymous, as they were not official spokespersons for the organizations they worked for, and thus were hesitant to talk about their work eponymously. At this point, having a network of personal acquaintances among circles of activists proved a critically useful tool, as it provided a level of trust and also a code of communication that would not easily have been achieved (if at all) in the absence of those acquaintances. The interviews were open-ended, as at this point, I was also gathering more general

information on the EU asylum system, and informed people's testimonies were very valuable..

I did not contact these interviewees due to claims of representation or objectivity. It was their lengthy experience in the field that rendered them valuable informants. The information I obtained was not taken at face value, but it would initially provide a basis and (subjective) picture of the situation. Equally importantly, it could guide my questions when I subsequently interviewed state and police officials.

Once at the Hotspots, and for the duration of my stay there, I was practically free to observe the registration site and contact the people working there. I had made the decision in advance not to engage in research related to interaction with the migrants themselves. Migrants' voices and their experience throughout their journey and interaction with state bureaucracy and societies of the receiving states are among the most powerful testimonies. However, I intentionally opted not to record them for two specific reasons.

Firstly, I aimed to focus on the institutional/state side of the registration. My research examines registration as a biopolitical act on behalf of the state and its institutions, towards a population. Expanding the study towards the population itself and the way people experience the registration would broaden the scope and thus the workload to the degree of rendering it impossible. Secondly, even if I decided to include testimonies of the individuals registered, this hardly seemed the appropriate time or place for that. These people had just crossed the sea borders between Greece and Turkey, were stranded in a place where they did not wish to be, and their minds were understandably fixed on ways to continue their journey. Any effort to discuss the issue of registration was likely to be overshadowed by descriptions of their agony and aims, and the obstacles they faced, which became clear from every conversation that I initiated, at an informal level, when I was waiting to enter a certain area, or during breaks, for example.

### **3.6. Methods**

This section describes in further detail the research methods used during my research.

### 3.6.1. Desk research and analysis of material

Texts are constitutive elements of organizations and institutions. They are essential to the way that the latter exist, are objectified in time, and how they enable, restrict and regulate people's activities (Smith, 2001). While the authorities of each Member State carry out the registration of irregularized migrants respectively, it is legislated by the wider set of administrative and governing bodies that constitutes the EU. Thus, my first move with regard to methods was to explore the policy papers, communications and reports published by institutions such as the European Commission, the European Council, the European Parliament, but also the Fundamental Right Agency (FRA), the EU's Agency for the Operational Management of Large-Scale IT Systems (EU-Lisa), the EURODAC Supervision Group and others.

Chronologically, the desk research comprised the first stage of my research, when both my research questions and the general planning of the research were still being shaped. Thus, when reviewing the policy papers of administering bodies such as the European Commission, the European Council and the European Parliament, but also of more specialized agencies such as the EU-Lisa, my initial interest was quite broad and somewhat unspecified. I intended to maintain a general overview of the rationale of function of EURODAC, the data that it stores, and the way they are shared among authorities etc. Before long I realized that EURODAC as a system was not a stable, fixed entity that has carried out the same function over the years. Not only was it prone to administrative and legal changes, but its design with connection to the Dublin Regulation, rendered it a constant point of controversy among EU Member states. In addition, its legislative framework would shift in response to events involving migration and the reception and registration of migrants.

This realization changed both the focus of my research, but also my methods, as I subsequently decided to examine the policy papers in combination with news articles related to these events, as well as reports and communications from other organizations that were active with issues regarding migration at the time. In this way, I can say that I conducted (at least methodologically) a small-scale genealogy of the EURDOAC system. Though this cannot be claimed to be exhaustive, it does contribute to a better historical

understanding of the registration of irregularized migrants in the EU, and the controversies that have developed around it. While genealogy has been argued to not be a method per se to the point of it being described even as an anti-method (Shiner, 1982), it is generally associated with the examination of the relationships between power, knowledge and the human subject.

In Foucault's work, it marks a shift from the primacy of the human subject as an a-historical entity to the examination of its formation through the process of subjectification, without taking it for granted outside the discourse that enables its emergence. However, it is a viable tactic to "apply" genealogy as method, maintaining certain analogies, and adopting some admissions on history, truth and power (Ofarrell, 2005). More specifically and importantly in my opinion, that truth is a historical category that does not exist outside its historical context, just as knowledge is tightly associated and construed by political, social and historical factors (Ofarrell, 2005). More specifically, and regarding the truth, Foucault discusses the notion of the "regime of truth", namely the "type of discourse which it accepts and makes function as true" (Foucault, 1980, p. 131), and the means by which this truth is sanctioned. This truth is based not only on scientific discourse, but also on the institutions that produce it, and is widely circulated by the political and economic apparatus. Genealogy as method deconstructs the reign of the "regime of truth", and offers an "intrinsic critique of the present" (Crowley, 2009).

In my case, the "application" of genealogy with regards to EURODAC, other than being a stand-alone method of desk research, was a valuable add-on that expanded my capabilities of conducting the non-participant observation part of my research, as well as preparing my questions for the interviews. Bearing in mind Walby's note that without the application of some sort of ethnography, the analysis of text leaves us "with a monolithic notion of discourse determining the bounds of agency" (Walby, 2002, p. 164), I proceeded to plan my fieldwork on the Greek islands.

### **3.6.2. Field research**

For the second part of my research, namely the field trips to Greece, I chose to utilize the ethnographic method of nonparticipant observation,



alongside semi-structured and open-ended interviews. Both are very common qualitative research methods and are discussed in the following sections.

Kvale (Kvale, 1996) graphically presents two contrasting metaphors of the researcher/interviewer. On the one hand, he talks of the *miner researcher*, as an individual who, equipped with intellectual mining tools seeks the valuable ore of knowledge, which lies inactive and hidden in the depth of the subject/informant's interior. The miner then purifies the mixed product of their labor, through transcription, and thus is left with pure, objective, shiny knowledge/truth. On the other hand, the *traveler researcher* "wanders through the landscape and enters into conversation with the people encountered" (Kvale, 1996, p. 4). More of a story seeker, than a truth-digger, the traveler researcher gathers stories and narratives, only to re-construct them later, upon returning to the point of departure. The meanings of the original stories are largely affected by the researcher's interpretation, and "are validated through their impact upon the listeners" (p4). This clearly constructivist approach is a largely accurate approach of how I positioned myself, especially during field work in the Hotspots and the islands in general. As discussed later, on arriving on the islands of Lesbos and Chios, the only fixed meeting I was due to attend was with the administrator of the Moria camp. All other meetings were to be scheduled as research proceeded.

However, I found myself interchanging between the two archetypes that Kvale describes, in the different stages of my research. After completing the fieldwork trip to the islands, certain aspects required clarification by actors that were active in Athens, at different agencies of the Greek Police. In these cases, while the open-ended, semi-structured character of the interviews was maintained, both my expectations but also my focus had shifted. This time, I was much more specific in my questions, but new challenges arose. First of all, identifying which agency and, moreover, which specific individual within the agency could provide answers, was a challenge, as overlap of responsibilities between different officials was a problem. However, to a larger extent, researching in Athens left much less space for improvisation, and the "snowball effect" had lost its beneficial potency. Being referred to other individuals and agencies did not mean being escorted or directed to a different container, but

instead initiating a new chain of emails back and forth, which very often resulted in dead ends.

In addition, police officers in Athens lacked the sense of being involved in a historical event, which was common among their colleagues working in the islands. They were less subject to improvisation themselves, and overall were much more formal and chary in providing information. At this stage, my appeals for meetings were very often countered with being asked to send my questions via email. Frequently, the replies I received lacked content, to the extent of receiving emails that would plainly contain links to relevant regulations and directives, and rejecting a person-to-person contact, which basically annulled all research potential.

While that was mainly the case with Police agencies, other agencies, such as the UNHCR, were more open to live meetings. Here however, I was met with other issues, which I had also faced during the research trips to the islands. Individuals working in key positions for organization, would consent to talk to me, however they lacked the formal positions of being the official spokesperson of their organization. While this does little harm to the substance of the knowledge they provided me with, it would be enough motivation for them to ask to be anonymized in the final text, a request that I, of course, accepted without second thoughts.

Before the interviews, all informants were informed of my position as an employed researcher. Some seemed to find some sort of comfort and reassurance in the fact that my thesis would not be published for at least a couple of years after the interview, as this suggested that by then they would not be employed in the same position, and thus could not be held accountable for the information they had provided.

#### ***3.6.2.1. Non-participant observation***

The institutional nature of the Hotspot, and the attitude of the Greek Police and the Greek government, towards long-term research render a full ethnography of the registration process impossible. However, as other researchers have chosen to do in the specific period (Antonakaki, Kasperek, & Maniatis, 2016; Hess & Kasperek, 2017; Painter, Papoutsi, Papada, & Vradis,

2016a; V. S. Tsianos & Kuster, 2016), I used ethnographic methods such as non-participant observation to the extent that this was possible considering the access limitations.

Non-participant observation offers a researcher the chance to approach and examine a set of practices outside their framing and portrayal by e.g. media or other researcher's accounts. By placing themselves in a position to observe and interact with living individuals, actors at work in their environment, a researcher can form an assessment of the agency of the actors at play, as this agency is deployed and exercised through their actions. This sheds light on the influence of such individual actors, "constrained as it is by structural factors" (Bayard de Volo & Schatz, 2004, p. 268).

During my time at the Hotspots, there appeared to be a certain correlation between the choice of research method and the hierarchical ranking of the individual I approached. In this case, higher-ranked officials served as informants through interviews, as their role was in any case more administrative and less hands on. Additionally, they were usually situated in offices that provided the necessary space, and in some cases, their work tasks included serving as a representative of the agency that employed them in relation to the press and researchers. When it came to police officers who were actually carrying out the registration process, the situation was slightly different. Even among this set of informants, choices had to be made and methods had to be fine-tuned. Most border guards were too busy to be able to engage in a person-to-person interview that would require their full focus and withdraw them from their duties. Thus, non-participant observation was a necessary addition to the methodological mix, as at times it was the only possible way to obtain information regarding the different stages of the registration process.

Limited access to a certain group of actors is one of the main reasons why non-participant observation is a prevalent method, and my case was no different. Non-participant observation is a very useful tool for both bypassing and supplementing the subjectivity that mediates any kind of input an informant will give as an answer to an interview question. It can give access to reified patterns that emerge from their actions (Williams, 2008, p. 561).

However, non-participant observation is more often than not (or perhaps always), accompanied by the issue of researcher reactivity, namely the extent to which the presence of the researcher, even as a non-participant observer affects and changes the setting and the actions taken within it. As Walby (Walby, 2002, p. 164) puts it, “Institutional ethnographers are aware that their own subjectivity has effectivity in research situations, and are therefore constantly reflexively monitoring at all times their own position as subject in relation to the presence of the interviewee.” With regard to the validity of the data to which I was exposed throughout my observation periods, I felt that the border guards, especially those working for the Greek Police, did little to hold back any kind of information. Actually, I was surprised by how open they were in allowing me to be aware of a few practices that they would perform that seemed to be far from what a “handbook for border guards” would dictate. There is little doubt that my status as a white, young, male scholar, who was also Greek had a very positive impact on how they perceived me and their subsequent openness.

This identity was also bolstered by my position as a researcher employed by a university of Northern Europe, particularly an IT University. While I was never insincere about my education and the subject of research, both my background in Mathematics and the utterance of “IT University” seemed to carry a mystifying/technical aura, which I had no interest in abolishing. However, at no point did I feel like I was wondering on the paths of covert observation. Even though I answered all questions posed to me in an honest manner, I did not go into detail, and I did not clarify that I consider myself a social scientist unless directly asked. Thus, all officers working in the container where I spend most of my time, to the extent that they cared, seemed to believe that I was conducting research for the EU (as vague as that), in order to maximize and simplify the functionality of the system they were working with. This was more than clear in the way one of them said goodbye to me in our final session: “Now, that you are going to Brussels (sic) I hope you can tell them what you saw and what we go through, and make things better for us”.

In order to further “merge” into the registration process, I always made sure to arrive in the Hotspot of Chios (where I was allowed to actually observe the process), about half an hour before the time I knew the shifts changed. As the

registration container/desk/line was open 24 hours a day, the day was divided in three 8-hour shifts, from 14.00 to 22.00, 22.00 to 06.00 and 06.00 to 14.00. I believed, that introducing by myself to the final shift, and being already present when the next shift slowly gathered and took over the equipment, I would naturalize my presence in their eyes, as it would also be their colleagues who would talk to them about me and introduce me. Also, by spending the full 8-hour shift there, I was aiming for a sense of community to be developed. Inevitably, this community would necessarily include our common ground of ethnical background, and the Othering of all the individuals around us that did not share that.

While these micro-practices of social engineering were the best I could manage with regard to the validity of my observational data, researcher reactivity does not end there, but entails ethical aspects as well. All the data I collected from the border guards were anonymized in practice, and they were from the beginning aware of my presence and informed of my research (as I described earlier). Be that as it may, I was clearly still involved in a sensitive and highly charged process. While the border guards did not seem to care too much about my presence, I could not stop thinking that my presence there might lead them to more strict practices in order to avoid being exposed as neglectful. In one very telling case, an immigrant from Iraq in his mid-40s was found, during the cross-check of his data with the SIS system, to have crossed the Greek borders a few months earlier, and was also registered in Belgium a few weeks later. The Belgian authorities had issued an order of voluntary departure from the country, which in practice meant that he had to be out of Belgium in a month or so. He then had returned to Iraq, for a new attempt, this time accompanied by his wife and three kids, who were now clearly anxious, waiting for the border officials to deal with his case. However, the border guards seem unsure, not knowing exactly how to handle the situation and asking for advice by phone from the Alien Agency of the Greek Police in Athens. It was clear to me that they were inclined to be flexible towards his case, mostly due to the fact that he was accompanying his family, which included two young children.

I decided to leave the container for half an hour, so that my status as an observer would not contribute to the officers acting by the book and being strict

on the family. Later, when I asked what had happened to them, they told me that they had let them proceed, and that even if they had detained them, they would be away for a few days, and the only difference would be that they would have to put up with a few days in detention. The truth is that I am in no position to know if my withdrawal had any impact on how the Greek border guards dealt with this person and his family. However, it illustrates where I draw the line of observation. Even if a situation could be informative, if there is a chance a person's situation could be worsened by my agency as an observer, I think there should be no second thoughts before withdrawing myself from the scene.

For the majority of my nonparticipant observation, I did not make use of a recorder, as it seemed to put people off and assume a more "buttoned up" mode. In some cases, I was specifically asked not to use one. Thus, most of this part of the research was based on field notes instead of transcriptions. However, I did put some effort into writing down exact quotes while still in the Hotspot.

#### **3.6.2.2. Interviews**

Interviewing is a very common and potent research method that provides the researcher with direct access to processes that are either controversial or straightforward. Interviewers can both formulate and pose questions, but are also alert and note reactions, come back to questions for further clarification in the light of subsequent answers and so on (Undheim, 2003). In that way, interviews can explore the interviewee's personal and private understanding of the research subject. However, as a research method, interviews are not a singular method but instead "a family of research approaches that have one thing in common – conversation between people in which one person has the role of researcher" (Arksey & Knight, 1999, p. 2). In addition, it is widely accepted that qualitative interview research is less a procedure strictly guided by exact rules, and more of a craft, which calls for decisions to be made on the spot, even during the development of the interview (Kvale, 1996).

My approach to obtaining data in the field, (in the Hotspots) was simply to explore and talk to as many informants as possible. Such methods are generally considered to leave little space for generalization of conclusions, (Arksev and Knight, p4), which is anyway in alliance with the situated nature of my project, as

discussed in the previous chapter. However, they do tend to enable a very significant “snowball effect”, namely the nomination and recommendation by interviewees of other actors whose testimonies are often useful, an effect that I encountered many times. The snowball effect does not necessarily move the researcher between like-minded or similarly institutionally positioned actors but can divert the direction of the research. However, by applying a little intuition, and with the ever present risk of lost time, a diversity of actors approached allows for the gathering of data that in turn leads to the interception of “meaningful relations” (Kvale, 1996, p. 10), among the actors, their actions, and their accounts.

The overall conditions of the Hotspot to a large extent dictated my approach to choosing informants. The border guards’ and other actor’s workload, as well as the significant time and access constraints, created a situation where a day in the field basically meant being constantly aware of “openings” where I could approach individuals, state my identity and purposes, and hope for the best. In many cases, willingness to engage was declared, but actual discussion was practically impossible, as tasks were pressuring, people were constantly coming up with requests whose significance by far exceeded my research in everyone’s eyes (mine included), and fatigue after long shifts was kicking in.

In my study, I used interviews in two distinct ways. In some cases, mostly in the part of the research that was conducted in Athens, and in fewer cases on the islands, interviews were the sole means of access to information and people’s testimonies. In these cases, interviewing functioned as a form of triangulation of previous accounts, as shown in chapter 8. At the Hotspots however, where conditions were more chaotic, it was challenging to keep even semi-structured interviews running, as they were more often than not embodied in constant remarks, discussions, and point-and-tell communication. That was not the case in the interviews of the higher-ranked administrative personnel who had the capacity to accept me in their personal offices.

In theory, a research interview is characterized by a lack of inequality between the involved parties, as the researcher is supposed to be in control of the situation (Kvale, 1996). However, in many cases, I felt that the institutional

role of police officers annulled this presupposition, as their conception of me as a researcher would easily shift from that of a neutral scientist who was potentially beneficial for their agency to a potential threat of their personal or institutional image. In one case, I was even asked, not without a significant amount of suspicion on behalf of a FRONTEX officer that I had approached, why I was shaking and so nervous.

### *3.6.2.3. Analysis of fieldwork material*

During my fieldwork, I tried to remain in a constant state of alertness, not only in order to absorb, understand and note the data coming from my informants' actions and their responses to my questions, but also to refer to information that I had been exposed to during my desk research, which, in principle, I should be able to compare to the "reality" of the field. This proved to be even harder than anticipated, even more as my informants themselves, active actors of the process that I was studying, and sometimes proclaimed experts in their fields, seemed to be less than positive about what constituted the status quo concerning e.g. the function of EURODAC at the time in question. The field proved to be a tricky place, as new things constantly cropped up, not only in the form of new information on issues relevant to my research questions, but also as new questions themselves. Especially my first research trip to the Hotspots, reshaped my research questions, rendered things that I had previously considered central to my research as irrelevant, and completely changed the scope of my project.

"It is always hard to say where data gathering stops and data analysis begins" (M. S. Feldman, 2000, p. 731), as it is impossible to "shut down" the effect of the theory that is already active in the context of a research project, and to try and function purely as a collector of data when in the field. Instead, a good deal of the input coming from non-participant observation and interviews seemed to be instantly processed and analyzed, almost effortlessly and automatically. Of course, the process continued after the trip ended, when the field notes and interview transcriptions would be available. It would be then that the empirical material and the theoretical framework would be joined together, and further developed. The choice of theoretical tools proved to be in a constant dialogue



with the incoming empirical material, as some references and bodies of knowledge would be scrapped as irrelevant, and others, initially not included, would have to be explored. For example, after my first contact with screeners in the 2016 visit, the concept of performativity was a necessary addition to the theoretical framework in order to analyze the screening process. This theoretical enrichment would then, in turn, find its way into guiding the next rounds of research, and the observation would now look for information that would fit the theory and exploit its analytical capacities and possibilities. As Berner notes, in the fieldwork, researchers cannot only test assumptions but can also provide further empirical foundations for the theoretical models that they are using (Berner, 2007).

It was not only theoretical influences that were discarded as the fieldwork proceeded but also material gathered from the desk research. As the focus of my research shifted from the biometric aspect of the registration and EURODAC, to registration as a whole, and as an issue in the media and political debate, documents that I have read and notes that were produced from them, could no longer be included in the thesis text.

While transcribing the material from the interviews, I attempted to cross-check the testimonies of my informants with material from the press and policy papers. At the same time, I was looking for ways to connect this material to theory and to organize the data that could be used in relation to the emerging form of my thesis. This organization emerged quite naturally, as the central concepts of each theoretical body, such as “crisis”, “exception” and so on seemed to fit in the relevant body of data.

A short note is needed at this point. During the field visits, even though the time spent at the Hotspots was limited and set, the time spent on the islands, even outside the time allocated specifically for interviews and meetings, was often dense with content. Some of my informants belonged to my social environment, thus the discussions would often drift away from the limits of my research project to the general condition of migration on the islands, or the mainland. Information circulation was dense, as were people’s accounts, concerns, experiences and conclusions on what was happening and how. The interpretations from informants are included in the researcher’s account of

events (M. S. Feldman, 2000, p. 615). In some cases, these discussions, which are practically impossible to transcribe, were inspiration and guidance for subsequent rounds of desk research.

## Chapter 4. A history of EURODAC

### 4.1. Introduction

This chapter will present and discuss the main Information Communication Technology (ICT) tool that EU border and asylum authorities have used in the registration of irregular migrants and asylum seekers: the EURODAC. While other systems and databases are at play, such as the Schengen Information System II (SIS II), and the Visa Information System, they will only be addressed partially, in cases where instances of their development are relevant to this thesis. The reason for this is that even though as databases they are definitely a part of the EU's "border machine", their scope extends beyond the area of "irregular migration". SIS II was developed as part of a set of measures that would compensate for the abolition of border controls within the Schengen area. VIS was also introduced in relation to security concerns (but also EU's return policy), mostly in the aftermath of the intensification of such concerns in the aftermath of the 9/11 attacks (Brouwer, 2008). In addition, registration in the systems happens at more sites than the registration centers where my fieldwork was conducted, and any attempt to encapsulate their operation would by far exceed the scope of my work.

EURODAC will be selectively discussed as part of the Asylum system and more specifically the Dublin system, and as a biometric database with a scope and purpose that is prone to reconfigurations in accordance with political developments in the EU and globally. The corresponding bodies of literature employed thus are at the intersection of STS, Border and Migration Studies, and Surveillance Studies. A complete history of EURODAC includes hundreds of policy papers, press releases, legal assessments and evaluation reports. For the purpose of this chapter, I will selectively refer to such documents in the cases where they are helpful in developing an argument or capturing specific instances in the history of EURODAC.

In the overall context of the thesis, this chapter is at the policymaking dimension, discussing identification and registration of migrants, mainly through the critical reading of relevant policy makers. Its purpose is to examine

the debate around identification and registration, building up for the different accounts that will be presented in chapters 6 and 8.

## 4.2. The Dublin Regulation

EURODAC was initially conceived as a tool for the implementation of the Dublin Regulation. Thus, in order to get a better understanding of its trajectory, some context to support the latter is necessary. The long story of harmonizing the European asylum policy has been relatively successful in producing a framework for externalization of asylum-related procedures, deterrence of irregular migration, and returns of irregular migrants, through acts like the Return Directive (Council Directive 2008/115/EC). However, it has been less successful in actually unifying an asylum policy across Member states (Martin, setting the context). To a large extent, asylum-related practices have been left to domestic legislations, leaving asylum seekers as “objects of state acts” (Guild, 2006).

A cornerstone of the European Asylum system has been the Dublin system, regulated by the three Dublin Regulations. In this chapter, the Dublin system will be presented as a historical entity, with little focus on the changes that the different Regulations brought forward, as the argument is that it is based on characteristics that have remained stable in all three Regulations.

The first Dublin Regulation (European Community, 1990) was signed in 1990 and came into force in 1997. As a step towards a common European asylum system, it fulfilled a need that was fundamentally related to the abolition of border controls under the Schengen Agreement. Its role, alongside other legislative acts that shaped asylum procedures, definition of refugee status, and reception conditions was to set criteria determining which Member State would be responsible for the examination of the asylum application of to-be-recognized refugees. The Dublin system applies to all Member States, including the UK, Ireland and Denmark, but also to the non-EU States included in Schengen, namely Norway, Iceland Switzerland and Lichtenstein.

In addition, Dublin aims at combating “secondary movements” of irregular migrants and asylum seekers, and the subsequent practice of “asylum shopping”. The latter practice entails migrants filing multiple applications in

different countries, maybe under different identities, and refugees in orbit, which involves the continuous transfer of asylum seekers with no country accepting responsibility.

The criteria for allocation of responsibility were hierarchically structured in the order of appearance in the text of the Regulation. They included the protection of unaccompanied minors, reunification with family members in a particular country, possession of a visa or residence permit for a particular country, illegal entry to or stay in a particular country, and the country of first application. The Regulation contained no provision for mutual recognition of decisions on recognition of status. The most dominant criterion, and perhaps the most controversial, has been the so-called “first country of asylum” principle which states that the first country through which an asylum seeker enters the EU is responsible for examining the asylum application.

The fundamental presumption of the Dublin system is that the European asylum systems function in a uniform way across Member states. The “principle of mutual confidence” among Member States specifies that they will respect fundamental principles such as that of non-refoulement. As the European Commissioner for Home Affairs, Cecilia Malmström has said “It should not matter which country you flee to” (Malmström, 2012). This underlying “misconception” has produced results that have further undermined such harmonization, as well as the Dublin Regulation itself. It has created an unequal distribution of the “burden” of reception of asylum seekers and the administration of their asylum applications for the “frontline states”, namely Greece and Italy. In its recently announced “European Agenda on Migration”, the European Commission acknowledged that the “Dublin system” is not working as it should. In 2014, five Member States dealt with 72% of all asylum applications EU-wide. (Council of Europe, 2015). This critique is based on the conceptualization of asylum and solidarity as a “burden” and even as a punishment for Member States (Guild, 2006), which is the dominant conceptualization of asylum throughout the European asylum system. This basis securitizes the asylum discourse and depicts asylum seekers in a negative way (G. Noll, 2003). It subsequently allows only for state-centered solidarity that

focuses on the interests of the state instead of those of the asylum seeker (Mitsilegas, 2014).

Under this paradigm, European states have engaged in what den Heijer et al (den Heijer, Rijpma, & Spijkerboer, 2016) have referred to as the “race to the bottom”. This is the practice of Member States deliberately undermining the quality and functionality of their asylum systems in order to avoid being popular destinations among asylum seekers. This practice has been particularly fruitful for Greece, for example. In 2011, the European Court of Human Rights (ECtHR) issued a decision on the case *M.S.S v Belgium and Greece*, concerning the case of an Afghan asylum seeker who fled his country in 2008, entered the EU through Greece and went on to Belgium where he applied for asylum. In accordance with the Dublin Regulation, the Belgian authorities transferred him to Greece where he “faced detention in insalubrious conditions before living on the streets without any material support” (EDAL, n.d.). ECtHR decided that Belgium and Greece had violated M.S.S.’s human rights, on account of the deteriorated state of the asylum system of Greece. Following the ruling, a number of Member states announced that they would cease returning people to Greece (Brothers, 2011).

In addition to the “race to the bottom”, over the years, both states have at times avoided registration of incoming migrants. An extreme example comes from Italy in 2011, when Italy was issuing Schengen visas to all Tunisian migrants who had arrived before a set date (Hess & Kasperek, 2017, p. 56). This caused a diplomatic episode with neighboring France. On the other hand, states that are neither “frontline” states, nor part of the popular migrant routes, have created a sense of historic entitlement to have no share of the “burden” (den Heijer et al., 2016). This view emerged dynamically in the discussions on new distribution keys during the “migrant crisis”.

Apart from being unfair among Member States, the Dublin system has been widely considered to be inefficient in its implementation (Garcés-Mascareñas, 2015; Marx, 2001) (Council of Europe, 2015). In practice, it has failed to deter “secondary movements” of migrants, as many wish to avoid encountering the asylum system of the countries at their point of arrival. Instead, they go “deeper underground”, trying to irregularly continue to their desired

destinations, giving rise to a category of people trying to evade the system, known as the “Dubliners”. In that way, the Dublin system would work against its own declared goal of battling irregular “secondary movement”. It augments inequalities among asylum seekers, as luck and resources would be critical to determine who would make it to their destination and who would not.

The transfer system within the Dublin system has also been less than successful in its implementation. For example, in 2013, there were 76,358 requests for transfers of migrants or taking charge of their asylum claim. Of these cases, 56,466 were accepted by the receiving Member State. Of the accepted, 15,938 actually materialized (Fratzke, 2015). The reasons the transfers take so long are due partly to the complicated nature of the bureaucratic procedures embedded in the Dublin system.

Dublin procedures have been notoriously slow and have repeatedly trapped thousands of asylum seekers in limbo. They are blocked from access to integration support and the labor market (Council of Europe, 2015). In this way, Dublin has legitimized long-term detention of individuals who have not violated the laws of European States.

As shown, therefore, the Dublin system creates dynamics between Member States. However, more importantly, it has had a huge impact on the lives of thousands of migrants. The Dublin system prevents asylum seekers from choosing where they want to apply for asylum. With the exception of family reunification, it does so without addressing the factors on which this choice may be made (Collyer, 2004). The assumption under the notion of “asylum shopping”, is that asylum seekers are knowledgeable of the asylum system of different European countries, and their economical capacities and opportunities and make their choices accordingly. Referring to asylum seekers’ choices with regards to their mobility as “asylum shopping”, implies that a migrant subject who instrumentally tries to navigate through the asylum system is abusing it, specifically based on a rational, strictly economically motivated thought path (Mouzourakis, 2014). This fundamental presupposition at a high political level, could only find its way to the lower level of administration as a “culture of disbelief” (Anderson, Hollaus, & Williamson, 2014; Jubany, 2011) among asylum case handlers, enabling “arbitrary, inconsistent decision-making, insensitivity

and bias” in the examination of asylum claims. There is no doubt that such motives do to some extent shape the decisions of migrants and asylum seekers. However, the whole concept reduces the complexity of such decisions, based on the overemphasis of economic “pull” factors linked to public policies (James & Mayblin, n.d.). Other factors, such as social networks and colonial ties, are overlooked (Neumayer, 2004).

The Dublin system adopts an asymmetrical condition for asylum seekers since a rejected asylum claim by a Member State is recognized as final by the rest of the Member States. On the other hand, a positive decision has limited territorial application to the Member State that approved it (Guild et al., 2014)

The EU’s Schengen project of abolishing internal border controls retained an exception for asylum seekers, not only in excluding them from free movement, but also excluding asylum as a whole from an integrated approach, by leaving it to each Member State’s practices under the aforementioned assumption of a harmonized asylum system. At the same time, Member States on a domestic level were busy raising legal borders that would, to the greatest extent possible, keep the “burden: of asylum seekers away from their territory and administrative apparatus (Bouteillet-Paquet, 2003).

Even with the 3 reformations and the 3 subsequent regulations that have been at play, overall, the Dublin system has been a highly problematic, repressive system that has jeopardized migrant’s rights (Garcés-Mascareñas, 2015). In the next chapters, I will argue it has played a significant role in the establishment of the “normalized crisis” that the asylum and border control regime of the EU has experienced throughout recent decades. It is hard to account for the persistence of Dublin in the face of its long history of insufficiency, and such a project is beyond the scope of this thesis. However, a few notes are worth mentioning that, while they do not provide the aforementioned account, offer an interesting perspective. Firstly, despite its proclamations for protecting migrants and ensuring their protection and access to asylum, the Dublin system had little to do, and actually functions in the opposite direction. Its proclamations of trust and solidarity among Member States are equally void of meaning, and it only makes sense to see it as an imprint of the power balance among Member States. The Member States that are “faulted” by the Dublin system simply do not have



the leverage to change things to their benefit (Garcés-Mascareñas, 2015), and thus resort to practices like the “race to the bottom”, or avoiding their obligations altogether. This viewing, combined with the conceptualizing of asylum seekers as a “burden” and/or a potential threat, enables an understanding of Dublin also as a disciplining measure (Guild, Costello, Garlick, Moreno Lax, & Carrera, 2015) that punishes Member States who allow irregular crossings with the obligation of handling asylum applications and the management of the subsequent populations. The above supports the claim that the Dublin system’s “primary purpose is not to be functional” as a fair distribution mechanism, but instead, in addition to the discipline function mentioned earlier, aims to enable deportability as a permanent condition, reassuring the Member States’ “citizenry that their ‘national prerogatives’ to determine entry and granting of protection have not been compromised, even in the face of a Common European Asylum System”. This more functional purpose is supported at the expense of asylum seekers through very “real” practices such as long-term detention. That would explain, for example, why the Regulations maintain a very potent and drastic character regarding issues such as restriction of movement, while they do not present the same determination when it comes to standardization of asylum procedures and criteria (Crepeau, 2015).

### 4.3. EURODAC

For the purposes of the Dublin system, EURODAC was the first Automated Fingerprint Identification (AFIS) System to be discussed, designed and implemented at EU level. The EURODAC first became operational on 15 January 2003, and its function was legislated by Regulation (EC) No. 2725/2000 *concerning the establishment of ‘Eurodac’ for the comparison of fingerprints for the effective application of the Dublin Convention of 11 December 2000* (European Council, 2000). Most Western European countries had already installed AFIS systems and national databases not only for the purpose of registering people who were charged with breaking the law and/or convicted for it, but also to register asylum seekers and “illegal” immigrants.

#### 4.3.1. First debates

EURODAC was conceived as a necessity no more than a year after the Dublin Regulation was signed on June 1990. Apparently, it didn't take long for Member States to realize that the "first entry" principle of the Regulation would be hard to implement without a mechanism that would identify asylum seekers and their previous presence in the EU. In December of 1992, at a meeting of Immigration Ministers at the Hague, it was decided for a study to be conducted that would determine whether the development of a European system to store and compare fingerprint data of asylum seekers in order to assist in the operation of the Dublin Convention was feasible.

The study was undertaken by fingerprint experts from the Netherlands, Portugal and the UK. The study appears to have lasted almost a full year, as in November 1992, again at a meeting of Immigration Ministers, a confidential progress report was presented. It was not "the subject of consensus between the Member States" but it allowed the identification of some "main issues and options" (European Council, 1997).

With regards to "feasibility", the report noted (among other, such as that financial considerations may have an impact on the choice of option regarding the conversions of existing records of fingerprints) that the technology was "already in existence capable of meeting in principle the technical requirements for EURODAC" and "that there are no technical barriers to the storage and transmission of fingerprint images". It also observed the need for a choice to be made regarding the architecture of the system and the degree of centralization that would characterize it.

In addition, the report briefly touched on certain legal issues. No actual recommendation is uttered, rather a list of issues that need to be addressed, such as the kind of data that may be recorded in addition to the fingerprints. The most important is the question of whether or not the system can be legally based on article 15 of the Dublin Convention or if "there is a need for additional legal bases". The nature of the legal instrument that will lead to the establishment of the system as well as the need to develop data protection measures to accompany the system are also mentioned. The response of the Legal Service came soon after, in March 1993. It stated that Article 15 of the Dublin Convention was sufficient basis for the establishment of EURODAC. However, the Legal

Service was explicit about the specific purposes for which EURODAC was to be used, and specifically excludes the use of EURODAC and its data for “starting criminal investigations against asylum seekers” or “the functioning of other international instruments”. Both restrictions were later annulled.

The consultants who carried out the report included a survey among Member States regarding the current use of police and asylum fingerprint systems. Based on that survey, the minimum age for a person to be fingerprinted was decided. While most of the States surveyed did not respond, France stated 16 as their limit, Belgium and Italy 18, and Germany, Austria and Denmark used or favored 14 years, which was the adopted option, despite being the lowest common denominator, and thus a somewhat counterintuitive choice.

It took 5 years from the beginning of the discussion around EURODAC, until the regulation was adopted. This delay is partially attributed to the fact that not all Member States would support a system that would augment the Dublin system. The composition of the supporting and non-supporting groups naturally followed the distinctions that the Dublin system had already set. A South and North division, with states like Greece and Italy opposing, while Germany, the Netherlands and Austria pushed ahead (Aus, 2006).

#### **4.3.2.1997 expansion of scope**

In the second half of 1997 and beginning of 1998, over 2,500 Kurds fleeing from war-torn regions of Turkey and Iraq arrived in Italy. The subsequent situation caused commotion both in EU media and the discussion around asylum policy. Italy was accused by Member States such as Austria, Belgium and France, of one-sidedly opening the borders of the EU to incoming undocumented migrants (Boudreaux, 1998). Indeed, at the time, Italy’s policy was to register all incoming migrants, and then give them a 15-day margin to leave Italy by themselves. In December 1997, a Task Force was created to coordinate practical measures to restrict “illegal migration”. Reportedly, the meetings were characterized by exertion of “massive pressure on Greece and Italy” by the German government, and a highly differentiated viewing of the situation. While the Greek and Italian sides would see it as an asylum and refugee protection issue, the German, French and Dutch sides would portray it as

“a problem of ‘illegal migration’ and human trafficking connected with organized crime syndicates”. Shortly after, the Council of the EU via the Justice and Home Affairs (JHA) created a special Multi-Disciplinary Group (MGP) for the purpose of examining the issue of increased immigration from Iraq and neighboring regions. The work of the MGP resulted in the adoption of an Action Plan in the General Affairs Council on 26-27 January 1998. In the next meeting of JHA that took place in Brussels in May 1998, the Council “took note of progress achieved on the implementation of the Action Plan on the influx of migrants”, while “several ministers stressed the importance of extending the Eurodac system of taking fingerprints to illegal immigrants with a view of improving the operation of the Dublin Regulation”. At the same meeting, and during the same period, there was an open dialogue with Turkey very similar to the one conducted during 2016 that produced the EU-Turkey agreement of March 2016). Even though “several” ministers stressed this point, in the press release after the Council meeting, under the conclusion stating that the Council “will draw up a Protocol to the Eurodac Convention extending the Eurodac system to include the fingerprints of ‘illegal immigrants’ for adoption by the end of 1998,” a footnote reads that “the precise definition of what constitutes an illegal immigrant is still to be determined” (European Council, 1998a, p. 17).

As is evident from the press release of the next JHA meeting in September the same year, when the Council “concentrated on the definition of the category of ‘illegal immigrants’”, there was an argument between Member States regarding whether or not the definition should refer to “only persons who are apprehended in areas close to borders” or to include “all persons who had crossed the borders illegally and were caught in a Member State” (European Council, 1998b, p. 12). According to Aus, the latter, more wide definition raised practical problems as it would be “very hard to establish for national police forces dealing with so-called *sans-papiers* or illegally resident third-country nationals lacking any sort of documentation” (Aus, 2006, p. 9). However, and perhaps more importantly, as the same author notes, this extension of scope of EURODAC would signal “a departure from article 63 (1)(a) of the forthcoming EC Treaty, EURODAC’s envisioned legal basis”.

While, according to the press release regarding the Council's meeting, the president noted "that there was in principle general agreement on fingerprinting illegal immigrants and that the legal and technical implications of such fingerprinting had to be examined in order to allow for a decision to be taken at the forthcoming session in May" (European Council, 1999). However, it appears that consensus was not as simple as implied. Apparently, and still according to the same press release, delegations that considered the issue to be "of great importance for improving the operation of the Dublin Convention, maintained a general reservation on the EURODAC Convention, pending concrete progress on this issue"(European Council, 1999, p. 9). The said delegations are those of Germany, the Netherlands, France and Austria. The German delegation went on to enter the reservation, which can be read as a direct threat to veto EURODAC (Aus, 2006, p. 8), unless the specific demand was met.

#### 4.3.3 Further deliberation

On 15 January 1998, the Parliament rejected the idea of a "headquarter state", meaning "the Member State in which the Central Unit is situated" and made it clear that the operation of the system would be carried out by the Commission (European Parliament, 1998, p. 17).

In the same text, the Parliament, in turn also stressed that EURODAC "must be regarded as subject to very strict limits" and that its use "must on no account be extended to cover wide areas or purposes", and proposed certain human rights additional provisions as well as suggesting that the fingerprints of recognized refugees are deleted (p16).

For the set-up of the Central Unit, the Commission published a Restricted Call for Tender (DG JAI A2/2000/A2) which resulted in a contract with a tenderer in March 2001. The call required for the system to be able to handle 7,500 transactions per day, 500 transactions per hour with an availability of 99.9% (COMMISSION OF THE EUROPEAN COMMUNITIES, 2004). It should also have the capacity to store up to 800,000 sets of fingerprints per year. *In terms of accuracy, >99.9% certainty for all returned submissions was a requirement with a probability of <0.5% of missing a match where a match should happen.* In order for the activities of the personnel of the Central Unit to be monitored, a Monitoring

System, including a logging system, was also required. To prevent the system from going down in case of unavailability of the Central Unit, a Business Continuity System (BCS) was set up.

#### 4.3.4. Beginning of operation

On 11 December 2000, the final version of the EURODAC Regulation came into force. The system itself began operation on 15 January 2003. Roughly speaking, the period 2000-2013 can be generally described as the “normal functioning” period of EURODAC, as even though changes were discussed, a recast did not take place until 2013.

After the expansion of scope described in the previous paragraph, EURODAC entries consist of three categories: “applicants for international protection” (Category 1), persons “apprehended in connection with the irregular crossing of an external border” (Category 2) and “people found illegally staying” in the EU (Category 3). The data of the first category are to be recorded and then compared to the database when an application is being filled in order to determine whether the applicant has already filled another application in a different member state. The data of category 2 are stored for subsequent comparison with future asylum applications, while the category is not stored but only used for comparison.

In its first year of activities, from 15 January 2003 to 15 January 2004, the Central Unit received 271,573 transactions. As is evident, the database started off empty, thus most of these transactions were not comparisons, but constituted personal data being fed into the system. 246,902 asylum seekers’ data were recorded, 7,857 “illegal” border crossers and 16,814 of people found “illegally” present on Member States territory.

The number of 7,857 “illegal” crossers was considered by the Commission as very low compared to the 400,000 yearly capacity requested in the original tender for the system. However, at that point there was no other dataset against which to compare those numbers, as this entire category of data did not exist as such at an EU level before. Between 2007 and 2012, the size of the database more than doubled (from 1,086,246 to 2,296,670 entries). In a way, a new

statistical category was created. The launch of EURODAC affected EU-wide statistics with regards to migration in (at least) one more way. Until then, Eurostat, the EU's statistical service provided statistical data based on monthly data from the Ministries of Justice and of the Interior. These data included asylum applicants of all ages (while EURODAC did not include people under 14 years of age). These data also did not distinguish between first and repeat applications. Also, their form and content depended on how Member States accounted for dependents of asylum seekers in their data, and how they accounted for repeat applications. The evaluation of the entire Dublin system was also now possible with a new level of accuracy.

It is also plausible that there were different interpretations of article 8 of the Regulation, which requests the storage of fingerprints of persons "in connection with the irregular crossing by land, sea or air". This eventuality is strengthened by the fact that the European Council issued an information note that entered in the Council minutes a paragraph declaring that the connection with the irregular crossing "is not limited to the situation where an alien is apprehended at or close to the external border itself", but also covers cases where "there is no doubt that he/she crossed the external border irregularly" (Council of the EU, 2000, p. 2).

With EURODAC in function, Member States and the EU as a whole could now have a clearer view of the secondary "irregular" movement of migrants from country to country. The detection of this would now be translated into digital "hits" and stored for future reference. The results of the first year showed some expected results, such as "hits" between neighboring countries (Austria and Germany, Belgium and Netherlands, Norway and Sweden), but also not so anticipated connections such as Italy and Sweden.

During the second year of operation, slightly more data were sent to the Central Unit as 288,00 sets of fingerprints were transmitted (COMMISSION OF THE EUROPEAN COMMUNITIES, 2005a). This rise is attributed partially to the mid-2004 expansion of the EURODAC activities to ten new Member States (Aus, 2006). It is interesting to note that 86% of the fingerprints transmitted were sent by the five principal asylum destination countries, namely Germany, France, the UK, Sweden and Austria (Aus,2006) (UNHCR, 2005 p.5).

Aus (Aus, 2006, p. 12) estimates that EURODAC met the expectations on performance in regard to detecting “asylum shoppers”, as the relevant “hits” registered in the Central Unit by the end of 2004 were around 3100. While not its primary purpose, as expected, the launching of EURODAC was a source of information not only of qualitative data (where had a person been registered before?), but also of quantitative/statistical data. This kind of information was not available before on an intra-state level. For example, EURODAC’s data on asylum applications at that time were not comparable with those produced by Eurostat, which were based on monthly statistical data returns from the Ministries of Justice and of the Interior. The Eurostat definitions included all asylum applicants (of whatever age), with a distinction between first and repeat applications. In practice, Member States differed in terms of whether the dependents of asylum applicants are included in their asylum data. There were also differences in how repeat applications are accounted for in the statistics.

#### 4.3.5. Regulation recasts

The EURODAC Regulation has been subjected to two recasts, one in 2013, that entered into force on 20 July 2015, and one on May 2016.

The most important feature of the first recast was that it allowed for Law Enforcement Agencies to request access to and use the data stored in the database, and to compare them with fingerprints linked to criminal investigations “for the purpose of preventing, detecting and investigating terrorist and criminal offences”. The decision to open up EURODAC for forensic use and law enforcement is related to multiple policy areas, and its’ origins can be traced to 2004. More specifically, it dates back to the case known as the Madrid train bombings, when three days before the Spanish national elections in March 2004, several bombs exploded in trains and train stations in city’s commuter train system, leaving 192 people dead and 2,000 injured.

The attack, initially attributed to the Basque autonomist organization ETA, was portrayed by the ruling party at that time, as the European 9/11 (Canel, 2012). It was a point of reference for a series of discussions and actions on behalf of the EU, to counter terrorism and strengthen border security. Less than three weeks after the attack, the Council of the EU published the



“Declaration on combating terrorism”, a 19-page document that called for “enhanced interoperability between European databases and for exploring the creation of synergies between existing and future information systems (SIS II, VIS and EURODAC) in order to exploit their added value within their respective legal and technical frameworks in the prevention and fight against terrorism.” (Council of the EU, 2004, p. 8). Also, it called for “provisions to enable national law enforcements to have access to the EU systems”.

More or less the same was stated in the 2005 Hague Programme issued one year later that also called for “a coherent approach and harmonized solutions in the EU on biometric identifiers and data”, more specifically, stating that “The methods of exchange of information should make full use of new technology and must be adapted to each type of information, where appropriate, through reciprocal access to or interoperability of national databases, or direct (on-line) access, including for Europol, to existing central EU databases such as the SIS.” (European Council, 2005, p. 8)

Later the same year, in November, the Commission of the European Communities published its communication “on improved effectiveness, enhanced interoperability and synergies among European databases in the area of Justice and Home Affairs”. The Communication examines the Systems of VIS, SIS II and EURODAC with the stated purpose of highlighting “how, beyond their present purposes, these systems can more effectively support the policies linked to the free movement of persons and serve the objective of combating terrorism and serious crime” (p2). This statement of purpose already contains a political decision – that of using the aforementioned systems beyond their “present purposes”. The context provided in the text for this important shift is the combatting of terrorism and improvement of internal security. The Communication seeks to identify shortcomings in the use of the aforementioned systems, and “other issues related to combating terrorism and crime are also discussed”. The shortcomings identified differ and are not limited to security issues. They encompass both sides of the twofold function of bordering practices, and one of them concerns “no benefits for frequent bona fide travellers”. The second recast is part of a legislative package presented by the European Commission on 4 May 2016, aimed at the reform of the Common European

Asylum Systems (CEAS), and is still under legislative deliberation, while this thesis is being written. Again, EURODAC is deemed to be “ideal” to do the work it was once not originally intended for, as it is “limited” to identifying multiple asylum applications (European Commission, 2016a). The proposal calls for the recording of additional data such as name, date of birth, and nationality, which is in contrast to the “anonymous” data of EURODAC so far. It argues that the data should be used for identifying migrants for return, which has been argued by law scholars as “not justified on the basis of evidence provided” (ECRE, 2016a). Finally, the new proposal advocates a reduction in the age limit of minors that can be fingerprinted from 14 years to 6 years.

#### 4.4. Discussion

The history of EURODAC presented here is indicative of the conceptualization that policy-making bodies like the European Commission work under in the context of debate, design, and use/implementation of ICT systems in governance. As it is argued, the course of events “suggests that the evaluation of the *technical* feasibility of EURODAC preceded a *political* assessment of the project’s desirability and appropriateness” (Aus, 2006, p. 7). This is not a mere fallacy concerning temporal priorities. The technical capacity and availability of a system/project/function has an important impact on the policymaking, and can override the political debate and its moral, ethical and political elements. As Brouwer (2008) has shown, both budgetary and technical issues are often prioritized and then serve as the basis for political and legal decisions. Specifically, the triad of the EU’s border control ICT was decided upon without “a fundamental discussion of the expected efficiency of these systems, the consequences for individual rights, or the balance between these interests”. This point is significantly reinforced by the consultant’s report. The latter reportedly “shows no understanding of the issues involved and has no references or bibliography” (Statewatch, 1996, p. 22). It concludes by including in “Key Success Factors” that “It must be ensured that current and future national legislation cannot stop the EURODAC system from operating” and that “the legal problems should be solved quickly, because they could slow down the whole process”. Again, it seems that (existing) legislation is not conceptualized

as sets of rules that regulate and limit a system's function but as potential obstacles standing in the way of the implementation of a pre-fixed political will.

In addition, there is a visible lack of a definition for a notion as critical and well used as "illegal migrant" in the deliberations around the expansion of scope of 1997. Evidently, ICT systems, conceptualized as "administrative tools", have an active role in the shaping of new fundamental categories that conceptually should be given higher priority in terms of their ontological role.

#### 4.5. Conclusion

The Schengen project of abolition of border control within the EU, while benefiting trade, and the mobility of bona fide citizens, was faced with the question of dealing with non-citizens, illegal migrants and asylum seekers, as exceptions to the territorial integration of the EU. In the domain of external borders, as discussed in chapter 5, the EU has built a firewall that by extending its border to other countries, hardened irregular travel to its territory. For the people who did cross the border, the cornerstone of the strategy that was chosen, namely the Dublin system, was developed in a way that saw said individuals as a "burden" for the administrative, social and political apparatus of the Member States. A complex, dysfunctional and time-consuming bureaucratic system was developed with regards to distribution of the "burden", under the conception of Member States' asylum systems as a "level playing field" (den Heijer et al., 2016), while very little was done for the substantial "harmonization" of said systems. The basis of "solidarity and trust" among Member States on which the Dublin system is allegedly built, has been proven to be a fallacy, both by the results it has produced with regards to distribution of the "burden", as well as the practices that Member States have developed within it.

The Dublin system was reinforced with a large-scale IT system based on fingerprint identification, namely EURODAC, trying to provide a technical solution to a political problem. By deciding to design and use a large-scale biometric database for "asylum administration", the European Commission rendered the migrant body to be both the "medium" of the information that a specific body has interacted with the apparatus of a Member States, and the

“mediated”, the object of that interaction (Thacker, 2003). The use of biometrics for identification poses a series of questions as they challenge classical definitions of notions such as “privacy” and “bodily integrity” (Van der Ploeg, 2003), and reconfigure the limits between the “body itself” and “information about the body”. The inscription of the Dublin Convention related information to the fingertips of migrants, “inscribes the border to the body” (Van der Ploeg, 2006), and more specifically the threat of materialization of a “digital deportability” (V. Tsianos & Kuster, 2013). By doing so, it inscribes all possibilities of resistance to the “border”, again to the body. Said possibilities of resistance soon materialized as reports of migrants mutilating their fingertips with chemicals emerged. Technologies of biometric identification turn to the body as “a territory to be mapped, a container for unknown motives and secrets, a canvas from which character can be discerned” (Amoore & Hall, 2009). In the case of bordering practices, and as is seen in the case of EURODAC, “digital solutions” utilizing biometrics are introduced as a solution that can “underscore the continued importance of borders” (Epstein, 2007), as database searches and comparison of biometric data produced are seen as technical solutions to complex problems of governance, and power balances. A EURODAC “hit” reduces the complexity of a migrant’s travel, the many and frequent traumatic events that shape their “identity” into a “data double”, that needs to fit into categories that allow for a specific mode of governance. Some of the next chapters of this thesis will explore instances of precisely this complexity, and their silencing that is deemed necessary in order for governance to prevail.

Another issue involving EURODAC as a biometric database of large size, centers on the system attaining a political life on its own. It was soon seen as an asset for other domains of governance, namely law enforcement and interoperability with other databases, which were explicitly mentioned as being outside its scope in its early stages. The “function creep” of a database initially designed exclusively for “administration of asylum”, is enabled by viewing its data as an asset that is being wasted when its scope is limited, and specific and selective conceptualizations of notions like “interoperability”. As seen in the recasts of the EURODAC Regulations, EURODAC has been constantly pushed

towards new directions and expansions of its scope. I find that the two principal and most problematic instances of this “pushing” are the interoperability of EURODAC with other European databases, and the availability of its data for forensic use.

In the Communication published by the European Commission (then Commission of the European Communities), in 2005 “on improved effectiveness, enhanced interoperability and synergies among European databases in the area of Justice and Home Affairs”, interoperability is defined as the “ability of IT systems and of the business processes they support to exchange data and to enable the sharing of information and knowledge”. It is also mentioned as “a technical rather than a legal or political concept...disconnected from the question whether the data exchange is legally or politically possible or required” (COMMISSION OF THE EUROPEAN COMMUNITIES, 2005b). What counts as technical, and what agency is attributed to issues that are or are not “technical”, appears to be a flexible discursive entity carrying different meanings between different utterances. There is a certain degree of banality in this statement, as every word, phrase or expression obtains its meaning in the context of its utterance. However, policy making and legal language are supposed to leave little margin for creative interpretation especially at an intra-state and international level. The context under which this discussion was made was the aftermath of the train bombings in Madrid in 2004 (Sciolino, 2004), and the absence of interoperability is seen as a failure to meet the obligation of maximizing security. The demand for securitization has the agency to present the data, as simply being *there*, and not using them is just short of allowing more events like the train attacks to happen.

Even though the force of this line of argument has been proven to be effective, it does not proceed towards a head-on collision with the previous mindset, which sets the principle of proportionality high, and only allowed use of the data gathered for the initial purpose. In other words, though what is suggested is a full-on transformation of migration-related databases of forensic tools, this is not stated directly, only under general headlines such as improved effectiveness. This is somewhat misleading, as there is a slightly ontological issue here. A database or system is what it does. An interoperable database is (or can

be) something else. Interoperability, made possible by law, disrespects the importance of separated domains and cuts through their protective walls. Deliberately or not, the texts examined here do not proceed to admit that. Instead, they discuss interoperability as merely technical, and tend to focus on issues of data protection. This focus “waters down safeguards outside the regular data protection framework that could have been nevertheless of great significance”(De Hert & Gutwirth, 2006, p. 34). As STS scholars point out, interoperability “has technical, semantic, social, cultural, economic, organizational and legal dimensions” (De Hert & Gutwirth, 2006)(De Hert & Sprokkereef, 2007, p. 48). It has great potential and agency, which needs to be estimated. What we see instead is a two-fold fetishization of interoperability. On the one hand, it is black boxed, discussed as something almost natural, a spontaneous “tendency” of data and databases, which obscures the controversies behind it. On the other hand, it is “approaching the status of a general value rather than a specific means to an end” (Ribes, 2017).

With regards to forensic use of its data, one of the first mentions of EURODAC being used solely for the purposes it was originally designed for as a “shortcoming” or “gap” dates back to 2005. In a Communication from the Commission of the European Communities to the European Council and the European Parliament it is stated that “This is now considered by the law enforcement community to be a serious gap in the identification of suspected perpetrators of a serious crime”. This Communication is 3 years after EURODAC, and just a few months after the initial signing of the Treaty of Prum by seven states, on 27 May of the same year. The same text, under the section “Long-term scenarios and further developments” (**REF**) mentions the need to create a European criminal Automated Fingerprint Identification System, either centralized or de-centralized, as well as the establishment of an agency.

The criminalization of migrants via the use of EURODAC’s data for forensic use has been documented and criticized by many scholars (**REF**) and will not be further elaborated in this thesis.

In the role of EURODAC as an administrative tool for implementing a system as contradictory and unfair as the Dublin system, we see the complexities of registration and identification. These procedures are meant to function as the

first step towards entangling migrant bodies in an administrative bureaucratic system that is based upon dubious declarations of trust among the agents that enforce them. The migrant body is subject to the border regime of the EU, rendered knowledgeable and thus governable, under a system that does not prioritize the interests of the migrant, but instead is often derailed by power struggles and conflicting agendas. Therefore, the use of EURODAC can be but bound by the structural characteristics of the Dublin system. In the next chapters, I will examine how, in the context of the “migrant crisis”, identification and registration of migrants in EURODAC was developed with new meanings and connotations. I will change “levels”, offering an ethnographic account of what this registration process actually involves. In other words, I will provide a testimony of the “black-box” process that comprises registration and identification.

## Chapter 5. Crisis

### 5.1. Introduction

Many of the events that shaped the field where I conducted my fieldwork, as well as the empirical work that did not necessarily concern the field per se, came into being under the potent influence of the utterance or declaration of a “migrant crisis”. The latter has been, if not the most occurring, then one of the most occurring terms in international political discourse throughout the years 2015 and 2016. The term “crisis” itself has been widely used, most recently and notably in the context of the global “economic crisis” that started in 2008. As often happens with catchphrases and buzzwords used in media and political debates, both “crisis” and “migrant crisis” are attributed different meanings when uttered by different actors. They are conceptualized in different ways by different audiences and are in general accompanied by an interpretive flexibility (Pinch & Bijker, 1984) that allows them to be utilized for the purposes of a variety of different political agendas. In this chapter, I will adopt a critical approach to the way that the term “migrant crisis” was uttered, conceptualized and circulated in the European media and political debate. This will serve as the basis for the following chapters, in which I examine how the “migrant crisis” enabled specific policy-making moves on behalf of European Member States and legislative bodies such as the European Commission, also with regards to registration of irregularized migrants.

#### 5.1.1. Tracing the paradox of “crisis”

The etymology of the word “crisis” originates from the Greek “κρίση/κρίνω”, primarily translated as “judgment/to judge”, but also to choose and decide after measuring a situation and act upon it. The term has had a rich and volatile social life, as it has fused in many fields of human activity, leaving “virtually no area of life that has not been examined and interpreted through this concept” (Koselleck, 2006). In antiquity, and more specifically, in Aristotle’s thought, “κρίσις” “defines the ordering of the civic community” (Koselleck, 2006, p. 4), and it is already here, that “crisis” enters the realm of political life, closely associated with the cognitive process of judging, criticizing and deciding. Its



journey from there to the modern usage(s) of the word is via the use of crisis in the Old and New Testament, associated with a promise of salvation for some, and with the coming of true justice through the apocalypse. It also appears in the medical field, originating from Galen's work, where "crisis refers both to the observable condition and to the judgment (judicium) about the course of the illness" (Koselleck, 2006, p. 5). These two stems of origin are critical for making sense of the seemingly paradoxical modes of existence of the term in today. On the one hand, each occurrence of crisis is perceived as historically unique (Koselleck, 2006, p. 370). On the other, this uniqueness, as well as the temporality of crisis, has been challenged due to its constant reoccurrence in "almost all forms of narrative today", ending up being "mobilized as the defining category of our contemporary situation" (Roitman, n.d.) and "a part of normality in any segment of social life" (Koselleck, 2006, p. 371). What unifies these two controversial accounts of crisis is a demand for action that will bring some sort of progress, if not resolution, no less action that is transcendental, action after which, things will not be the same. In the history of the EU, "crisis may not be as exceptional as economists assume" (Narotzky & Besnier, 2014), as its history can be seen as a history of successive "crises", from the "enlargement crisis" of the early 2000s, to the "constitutional crisis" of 2005, and of course the "financial crisis" that began in 2008 (Idriz, 2017).

Making things more specific, and in order to make sense of what has been coined as the "migrant crisis", in this chapter, I will follow Roitman, who invites us to put "less faith in crisis, which means asking what is at stake with crisis in-and-of-itself" (Roitman, n.d.). With this aim, I critically examine the main points that constituted what has been coined as the "EU migrant crisis", in a discussion that later, in chapters 6 and 8, will be related to specific policy-making decisions taken by the EU and the practices that they enabled. I will refer to "migrant crisis", rather than "refugee crisis", not only because the debate surrounding the "crisis" expanded well beyond issues of asylum and protection, but also because as discussed in chapter 2, the use of the migrant/refugee dichotomy, produces demarcations of deservedness (Holmes & Castañeda, 2016). These demarcations fail to encapsulate the complexities of migration experiences (Crawley & Skleparis, 2017), and create distinctions between the wanted or "worthy"

refugee and the unwanted, “irregular” migrant. The use of quote marks is in alignment with the relevant practice of critical scholars and does not imply any doubt of the existence of “crisis” on an ontological level. On the contrary, it indicates a critical approach to how term has been used and circulated, and the focus on its discursive, fabricated nature (Rajaram, 2015). The material used and discussed in this chapter are policy papers published by the EU’s institutions, reports from international organizations, media reports and secondary literature.

## 5.2. “Migrant crisis” and its utterances

The “migrant crisis” was uttered under very diverse contexts to refer to situations developing in various European countries. A large body of academic work has critically engaged with the “migrant crisis” (De Genova, 2016; Jeandesboz & Pallister-Wilkins, 2016; Krzyżanowski, Triandafyllidou, & Wodak, 2018; Spijkerboer, 2016; Triandafyllidou, 2018), and the present thesis aims to subscribe itself to this body of work. The intensions and political agendas behind those utterances would also significantly differ, presenting the “crisis” invested with different meanings, ethical and moral connotations and focal points. The framing of what exactly has been at crisis point during the “migrant crisis”, in what kind of crisis, and how it should be framed is admittedly a complex task (Jørgensen & Agustín, 2018). Thus, the “migrant crisis” can be seen as an umbrella term that functioned as a unifying thread encompassing events and situations that ontologically belong to completely different spheres of human existence. This is one more reason why it should be critically examined, and to a certain extent deconstructed – not only with regard to what constitutes it as “crisis”, but also on account of what kind of policies it enabled and legitimized.

Utterances of the “migrant crisis initiated from the “humanitarian crisis” have focused on the loss of life in the Mediterranean and the suffering of migrants in various borderland and makeshift or state-sanctioned camps. From then on, different narrations emerged. The “crisis of the EU”, focused on the political conflict among Member States concerning political discourses, measures and policies adopted in the face of the populations on the move. The “crisis of Dublin” and the “Schengen crisis” would conceptualize these populations as a

threat to the functioning of the border regime of the EU, which temporarily collapsed under the pressure and the determination of the migrants on the move. A “security crisis” would emerge after events such as the attacks in Paris in November 2015, directly implying connections between the migration phenomenon and said attacks, and portraying the migrant populations as “potential terrorists”. Finally, a “crisis of European values” would suggest a decline of moral values embedded in “European identity”, such as solidarity, freedom and hospitality. As I will argue in chapters 6 and 8, the EU maintained a selective focus on constructing a narration of crisis, and subsequently legislating in accordance with this. In the sections that follow, I further contextualize and discuss this narration.

### 5.3. Crisis and non-crisis

The entirety of the “crisis” discourse is traversed by a presupposition of somewhat ontological nature. Every utterance of “crisis” “entails a reference to a norm, in that it requires a comparative state for judgement. Put simply, whenever one talks of “crisis”, one has to answer the seemingly banal question asking “crisis compared to what?” (Roitman, 2014). “Crisis” only acquires meaning in reference and in juxtaposition to a state of affairs that is considered normal, or at least non-critical. Identifying this “normal” state of things, in reality shaped by the EU border, migration and asylum policies is complicated due to two main points.

The first point is that on behalf of institutional and state narratives, there is no history of scarcity when it comes to declaring a situation to be a “crisis”. The arrival of a few thousand Kurds in Italy in the 90s was perceived as one, as is discussed in chapter 4, and it initiated conflict among Member States. When ethnic conflicts broke out in former Yugoslavia, out of almost 2 million displaced persons, more than half a million refugees made their way to European countries in 1992 according to UNHCR (Meznaric & Winter, 1993). This prompted a very similar debate to the one developed in the previous “migrant crisis” concerning distribution of the “burden” of migrants (Travis, Ward, & Traynor, 1999). Numerous crackdowns and emergencies on the Italian island of Lampedusa in 2004, in various parts of the Spanish territory in 2005-6, at the land borders

between Greece and Turkey in the early 2010s, and then again close to Lampedusa during 2011 (Andersson, 2016), were all accompanied by proclamations of “border crises”, even if they did not acquire the dominant character of the “migrant crisis”.

These proclamations often focused on the impact that “irregular migration” has on the border and migration apparatus of the EU, rather than the suffering of the migrants themselves. Overall, it can be said that state and institutional accounts of “crisis” in the border and migration context of the EU are often inflated, and their circulation in the political debate does not necessarily correspond with the intensity of the “migration flows” or other quantifiable variables, but acquires a political existence of its own. This political life focuses on issues of administration, conflicts of interests and agendas among Member States, and often supports a xenophobic discourse, seeing “irregular” migration as a burden and security threat.

The second point takes us in the opposite direction. While “crisis” is declared with relative ease, the status quo surrounding illegalized migration, “normalizes” situations that include heavily exploited “black” labor, repeated arbitrary and violent practices of border guards, and a consistent death toll at the external borders of Europe. Before the death toll peaked in 2015, independent researchers recorded thousands of deaths related to the European borders. Estimations from the project “The Migrant Files” count 30,000 deaths since the year 2000 (themigrantfiles.com, n.d.). The Calais area of France has remained in constant tension since 1999 (Reinisch, 2015). The land border between Greece and Turkey has claimed migrant lives, and migrants have been left crippled from landmines in the early 2010s. Between 1990 and 2013, the bodies of 3,188 people were found who had lost their lives at sea and at the land borders of the Mediterranean, Adriatic and Aegean (Last et al., 2017). This estimation is based on evidence provided by the state. An estimated 22,000 individuals were classed as missing persons between 2000 and 2013 (IOM, Brian, & Laczko, 2014). Illegalized labor of migrants, with its characteristic precarity (Lewis, Dwyer, Hodkinson, & Waite, 2015), low wages and often non-existent insurance expenses for the employers have been valuable assets for the economies of many European states.

While all of the above arguably vary in scale compared to the events of 2015, they appear to form a resilient situation that has come to be considered the norm for European political life. The border and illegalized migration regime of the EU has thus been argued to be in a constant state of tension, if not a normalized “crisis” (De Genova et al., 2016). This reality has been an integral part of the normal function of the EU’s border regime, naturalized in its repetition, and reified as a “border spectacle” (De Genova, 2013). It is thus clear that the definition of a point in time when the “migrant crisis” came into existence as a persuasive and functional narrative can only be seen through the lens of a “focus event”, that “simply cannot be ignored” (Baumgartner & Jones, 1993), and that can disrupt the stability of the status quo.

Scholars (Jørgensen & Agustín, 2018; Mezzadra & Bojadžijev, 2015) point out such events as constitutive moments when the “migrant crisis” was reified in the European media debate. The first is the capsizing of a boat transporting over 800 migrants from Tripoli (Libya) to Italy that resulted in the death of almost all its passengers on 19 April 2015. The second is the publishing of the photo of the dead body of a toddler later identified as a Syrian Kurdish child, Alan Kurdi, on Bodrum beach in Turkey on 3 September 2015, which initiated the “humanitarian emergency” discourse. Over the days that followed, images of thousands of migrants marching from Budapest to Vienna circulated in European media and “foregrounded a subjective composition of the movements of migrants and refugees characterized by agency and obstinacy, by an ability to articulate their demands in an explicitly political way.” (Mezzadra & Bojadžijev, 2015). This collective march of migrants was seen as an act of “debordering” establishing the “migrant crisis”, as a “border crisis”, just weeks after the temporary annulation of the Dublin system on behalf of the German state (Kingsley & Oltermann, 2016).

#### **5.4. The unexpected size of “flows” and unprecedented loss of life**

Present throughout all the above utterances of “migrant crisis” is an undertone that constantly stresses the unexpected size of the “migration flows”, as a decisive factor for the loss of life, the inefficiency of the reception infrastructure of the European states, and the general suffering of the

populations on the move. Both the unexpected character of the size of the population on the move, as well as the fact that the direct correlation of said size with the failure of the reception system, should not be taken for granted. The conflicts in Syria, Afghanistan, Somalia and Eritrea and the subsequent massive exodus of populations were well known to European policy makers since they began (Cockburn, 2015). So was the fact that none were bound to end anytime soon and that neighboring countries in conflict zones were already hosting large refugee populations and were not capable of providing long-term perspectives for them. In addition, migration scholars have foreseen the intensification of migration phenomena in the area of the Mediterranean stemming from other, not necessarily conflict-related factors such as poverty conditions and population growth (Castles, Haas, & Miller, 2013). At an EU institutional level, warnings of “greatest refugee crisis since the Second World War” were already present and voiced not only by humanitarian actors like the Refugee Council (BBC, 2014) but also by FRONTEX itself.

As early as in 2013, FRONTEX’s annual risk analysis mentions an increase in crossings of the Aegean by 912% (FRONTEX, 2013). In the quarterly risk analysis report on the period between October and December 2014, published in April 2015, FRONTEX notes an increase of 160% in detections at external borders “compared to the same period in 2013”, making the winter quarter of 2014 “the highest out of all fourth quarters since FRAN data collection began in 2007” (FRONTEX, 2015a). The quarterly report on the second quarter of 2015 reports a 690% rise in crossings from Turkey to Greece and Bulgaria. The discourse surrounding the “unexpected” does not hold under the light of so many warnings coming from so many different actors.

Nevertheless, I find Sassen’s statement that “if anything, the surprise should have been that the surge in refugees did not happen sooner” (Sassen, 2016) to be accurate. I would stress even further that not only was it within the EU’s grasp to have a better estimation of the upcoming events, but also to be more reflective regarding the role that its policies have played in bringing them about. The debate surrounding the size of the “flows” coming across the Aegean Sea needs to be examined also in accordance with the policy choices that have rendered it the only option for asylum seekers wishing to approach Europe. The

land border between Turkey and Greece, a few hundred kilometers to the north, had been sealed since 2012, after it had claimed the lives and bodily integrities of many migrant bodies. The visa and carrier sanctions, part of the Schengen agreement in practice, targeted asylum seekers not allowing them to approach Europe in any other way than through smuggling networks (Guiraudon, 2018). This occurred since the Regulation of 2001, 539/2001, later replaced by Regulation 2018/1806, dictated the countries whose nationals would be obliged to have a visa in order to enter the EU. Unsurprisingly, most countries of origin of asylum seekers are included on the list, thus leaving them with no legal possibility of entering the EU. Thus, the EU's action plans against smugglers (which will be discussed later), and the callout on an ethical level seem to be an inversion. Instead, visa and carrier sanctions, from the perspective of the dependence of migrants to smugglers they have created, are a basic element of a border regime that enables a migration management that has loss of migrant life so incorporated in its function that it has rightfully been described as Necropolitics (Achille Mbembe, 2008)

Focusing on the Mediterranean, once again, political decisions have shaped the structure of the EU's border regime that can be seen in direct causal relationship with the loss of life at sea. As scholars and organizations have shown, funding allocation has been severely focused on border security and deportations rather than reception and rescue, at least since 2000 (Andersson, 2016) (Amnesty International, 2014). The case of Mare Nostrum is telling, as it was developed in Italy and at its sea borders with Libya. Mare Nostrum was an operational program initiated by the Italian government in the aftermath of two huge shipwrecks close to the island of Lampedusa that claimed the lives of more than 600 migrants during the fall of 2013. The shipwrecks were an unprecedented tragedy at the time and were widely covered by European media.

Operation Mare Nostrum lasted for about a year, and was applauded by migrant support groups on the grounds of saving more than 150,000 people (ECRE, 2014). After a year, the Italian state reached out to the EU for the continuation of the operation, under a rationale of sharing the economic burden of search and rescue, which reportedly reached 9 million euros per month, ultimately totaling 114 million euros for the year 2014, to which the EU

contributed 1.8 million (Capasso, 2015). The EU decided to replace Mare Nostrum with Triton, coordinated by FRONTEX.

Mare Nostrum focused on search and rescue, and included “sea and air capabilities deployed in the Italian, Maltese and Libyan ‘Search and Rescue’ (SAR) zones, under the authority of the Italian Navy” (European Political Strategy Center, 2017). Triton on the other hand, concerned exclusively Italy’s waters and was much more focused on “sea border protection”. The then Deputy Prime Minister and Minister of the Interior, Angelino Afano stated “At 30 (nautical) miles from the Italian coast, Europe ends. We’ll be there up to that point” (Ide, 2014) in a very interesting and selective spatial definition of Europe. The rationale, under which Mare Nostrum was discontinued, is summed up in the UK Minister of State, Foreign and Commonwealth Office, Baroness Anelay of St Johns, who when asked about the subject replied, “We do not support planned search and rescue operations in the Mediterranean. We believe that they create an unintended ‘pull factor’, encouraging more migrants to attempt the dangerous sea crossing and thereby leading to more tragic and unnecessary deaths” (Euractiv & Reuters, 2014). The story of Mare Nostrum, which was “a technical success, but a political failure” (Pastore, 2017) indicates that the EU took crucial decisions that shaped the landscape of the Mediterranean, as the choice of letting people die at sea prevailed in the face of the perspective of an increase in the “irregular” migrant population.

At this point, it should be mentioned that a “linear border narrative” (Tazzioli, 2016a) juxtaposing rescue with border control and push backs has been rightfully argued to fail to encapsulate the greater image of migrants’ subjectivities that are produced through the EU’s border regime, part of which are the rescue operations. Such a narrative depicts “the channeling and containment of migrant’s movement appears as the only way to make migrants safe” (Tazzioli, 2016a). It also overlooks the fact that humanitarian responses are increasingly integrated within the framework of border security (Andersson, 2016) (Aas & Gundhus, 2015) and often serves as a pretext for further militarization of the bordering processes (De Genova, 2016). The present thesis is by all means subscribed to discussing precisely this channeling and the process of subjectification that are integral parts of it. However, in the present chapter,



even this linear narrative helps to emphasize the fact that the EU has both in the longer run, but also during the “crisis” chosen to focus on deterring irregular migration, at the expense of rescue at sea. This situation escalated in 2018, with the penalization of rescue by volunteer groups. This reality is often obscured by narratives of the “migrant crisis” as a more or less natural result of the “size of the flows”. Moreover, as a factor that could not be foreseen, even if humanitarian groups have been warning about it since 2014. This is not unusual for crises, as the latter tend to be “presented as an unpredictable surprise demanding an immediate response” (Calhoun 2014: 31).

#### **5.4.1. Numbers of “crisis” and their politics**

Apart from being unprecedented, the migration “flows” were perceived and discussed as “saturating” and exceeding the capacities of the EU’s reception apparatus, due to their mere size. This “quantification” of migration talks in the language of migrants and asylum seekers as a “burden” for “host” countries, administratively, economically and most important, politically. This has been presented as the basis on which the Dublin system was constructed, see chapter 4 of this thesis. It also supports the discourse of “invasion” (Forthomme, 2018), as well as the existential threat (Fiuza, 2017) (Ries & Culbertson, 2018) that the sizes of the populations on the move pose towards the EU. Finally, it is an integral element of a narrative that presents Europe as unable to deal with the incoming populations in terms of resources (Bennett et al., 2015). A similar discourse is present in the debate surrounding legal and illegal migrations outside the asylum context. In this context, the limited resources that the EU has available for receiving migrants is used as a pretext for selective criteria that exclude unskilled or surplus work force (Jørgensen, 2010). Numbers of migrant populations themselves are not in themselves “crisis” factors. They only become such under specific circumstances and framings of migration (Yilmaz, 2016) (Lucassen, 2018).

A change of perspective, widening the scope beyond the narrow lens of this methodological Eurocentrism under which much of this debate is carried out, has been proposed and offered by critical scholars (De Genova et al., 2016). A first step is to examine the realities of other countries outside the EU. However,

past situations within Europe should be reviewed as well as some comments regarding the “numbers” themselves.

In terms of the latter, both statistical figures and absolute numbers, more often than not, are communicative actions of quantification and facilitate the perception of an incomprehensible and overwhelming number of migrants saturating the EU’s reception and asylum systems and exceeding their capacities. Often, public utterances on this debate do not even bother to engage with specific numbers, and instead resort to vague rhetoric. This is reflected by statements like those made by the Prime Minister of the Netherlands, who stated that “We cannot cope with the numbers any longer,” (Byrne & Rachman, 2016). Media coverage and political debate also reproduce a similar discourse (Deutsche Welle, 2015a) that also refers to populations on the move and their size, using terms that carry connotations of natural phenomena, such as “swarm” (BBC, 2015) and “system collapse” (Sager & Öberg, 2017).

The ways in which numbers articulated in this discourse can be misleading are numerous and often involve basic misconceptions. Misconceptions such as what it means to be registered in a database of persons that have expressed interest in applying for asylum and actually being a registered asylum seeker, as was the case with the German system. Or even the definition of migration itself (Singleton, 2016). A more telling example of the fragility of numbers was captured by Nando Sigona, a researcher from the University of Birmingham, who on a Twitter exchange, confronted FRONTEX regarding one of their reports, which stated that 710,000 migrants had crossed EU’s external borders from January to September 2015 (Frenzen, 2015).

Ultimately, there was a case of double counting at play. Migrants who would cross into the EU through Greece, and then make their way up north through Northern Macedonia and the Balkans would then re-enter the EU in Croatia or Hungary, only to be re-counted. This double counting, partially enabled by an unclear working definition both of the “EU external border”, but also even of the notion of “crossing” in itself, was casually acknowledged by FRONTEX in the form of a disclaimer (which at the moment of writing this text was not available on their website). This disclaimer attributed the error to the

fact that FRONTEX produced the report based on data submitted by Member States authorities.

It is worth noting that this was by no means a one-off error. In fact, it seems that it is not even regarded as an error on FRONTEX's account, but more of an immanent feature of their data. In a press statement on 14 September the same year, again regarding migrants detected at the EU's external borders, we read: "a large number of the persons detected at the Hungarian border with Serbia had already been counted when they arrived in Greece from Turkey a few weeks earlier." (FRONTEX, 2015b). Such disclaimers, however, do very little for the "political life" of the numbers presented. The latter are circulated in public discourse, with little if any reservation, by top level institutions, such as the European Commission (European Commission, 2015h). This "politics of numbers" (De Genova et al., 2016), both reinforces the discourse of *invasion* and the viewing of migrants as a *burden*. To a large extent the concept functions as the seemingly *subjective* foundation for the production and reproduction of the *crisis* discourse.

Beyond the issue of validity of FRONTEX or other actors' head counts, we need to study the discourse of a Europe "overwhelmed" by the size of the incoming populations in relation to the reality of other countries. A widening of the scope, and a narration built upon it, would not for example, turn a blind eye to the fact that the amount of people that have migrated "irregularly" to the EU, even in the periods of "extraordinary flows", are dwarfed by those migrating to and residing in other places, sometimes even single countries. Looking at Syrian refugee populations for example, we see at the end of 2016 there were 2.86 million in Turkey (which rose to four by the end of 2018), one million in Lebanon, 685,200 in Iraq and 213,900 in Egypt (UNHCR, 2017). These are official numbers of refugees registered with the UNHCR and should be taken as significantly lower figures than the actual populations. Similarly, they concern only Syrians, so it should be considered that previous migrant and refugee populations were already present, as is the case of Lebanon hosting approximately 300,000 Iraqis and Palestinians.

During the same period, European media would monotonously repeat, almost daily, how the influx of 1.5 million migrants into European territory was

threatening European administrative order and sinking the continent into “chaos”. Switching from absolute numbers to a percentage of migrants compared to “local” populations, the differences are even more telling. Lebanon’s population is 6 million, which means that one out of every 6 people living there are refugees, which corresponds to about 16%. The corresponding percentage for EU member states, with approximately 512 million inhabitants is, of course, not even close. On the face of these numbers, one can but wonder why there is very little (if any) discussion on e.g. the “refugee crisis” in Lebanon, at least in the public and media discourse, as in other contexts, of course, that is not the case (Cherri, Arcos González, & Castro Delgado, 2016).

Instead of viewing infrastructures and policies as “naturalized” phenomena that can be “saturated”, we should acknowledge the fact that the utterance of “migrant crisis” happens and gains its importance and agency with a Eurocentric perspective. In addition, it should be stressed that the emphasis on numbers often serves as a naturalizing communicative act that obscures the role of policy making in the emergence of “crisis”. Many (if not all) of the images circulated in media that were the visual confirmation of “crisis”, such as images of crowds of migrants stranded in fields in front of wire fences, shipwrecks etc. are a direct outcome of legal and political thresholds that the EU and European states set for themselves, and have relatively little to do with the mere existence of said crowds. As Trilling puts it “The problem is one of resources and policy, not overwhelming numbers” (Trilling, 2018). The central role that numbers and statistics are given in the public and political debate surrounding migration obscures the banal, but often underplayed fact that policy making is often presented as a scientific method that is led by evidence. In fact, it is “neither objective nor neutral; it is an inherently political process” (Sutcliffe & Court, 2015), which is also highly “context-dependent” (Baldwin-Edwards, Blitz, & Crawley, 2018).

## 5.5. Crisis of control

Throughout the summer of 2015, hundreds of thousands of migrants passed through the Greek islands. Every stage of reception of migrants on behalf of the Greek state was not unproblematic. Migrants had to walk from the beaches

where their boats landed to the cities on the islands. Depending on the island, they would stay in overcrowded camps, in tents at harbors, in abandoned buildings and other cramped public spaces, while waiting to be registered by the authorities (Συνήγορος του Πολίτη, 2015). The registration functioned as a bottleneck, as the Police authorities could not keep pace, often taking fingerprints using ink and paper. In cases where fingerprint scanners were present, insufficient internet access meant the data were only stored in the national databases and not transmitted to the EURODAC database ( Σουλιώτης, 2016).

As a result, many migrants again resorted to a form of smuggling, and moved irregularly towards the mainland (Σουλιώτης, 2015). It is hard to estimate the numbers of migrants who left the islands unregistered. A draft report by the Schengen Evaluation mechanism, based on unannounced site visits to the land and island borders between Greece and Turkey, remained unpublished, however it noted “‘serious deficiencies’ in the carrying out of external border control by Greece” (Council of the European Union, 2017).

Roughly speaking, after the summer of 2015, the media coverage and the political debate had shifted from the sea crossings to the “secondary movement” of migrants along the West Balkan route towards states such as Austria, the Netherlands, Germany and Scandinavian countries (Collett & Coz, 2018). “Secondary movement” is used as a term referring to “irregular” mobility of migrants within the EU, and has been consistently seen as a problem for the European states during recent decades. The unorganized, yet very dynamic manner in which thousands of migrants made their way through the Balkans during 2015 and 2016, was indeed unforeseen. The size and determination of the groups of migrants brought many local authorities to the point of organizing transport in an effort to facilitate the movement. When this was not the case, migrants would literally march for kilometers along motorways and train tracks. These populations on the move formed a temporarily ungovernable body, not prone to any kind of bureaucratic registration or administration. Testimonies from German border guards reveal that the German registration system was also unable to cope (Deutsche Welle, 2015a).

This techno-political breakdown of the registration system for incoming migrants fueled the xenophobic discussion surrounding the “invaders” (AFP, 2015b; A. Taylor, 2015b) of Europe with the element of the unknown which associated the migrant populations with *terror attacks* and an “extraordinary threat” (Crone, Falkentoft, Tammikko, & Danish Institute for International Studies, 2017). The breakdown also challenged values of order and the reign of law, which are perceived to be the core of being European. In chapter 6, I elaborate on this issue in relation to the Hotspot approach.

### 5.6. Smuggling networks and humanitarianism

Throughout the “migrant crisis”, the Mediterranean has been presented as “a space of humanitarian intervention, a space of life and death” (Perkowski, 2016). I have already referred to the circulation of the photos of the body of Alan Kurdi and their importance concerning the media debate. The focus on violent deaths of migrants, the suffering of crowds cramped or facing wire fences, and the lack of basic provisions in migrant camps have been constitutive elements of the “migrant crisis”. A good deal of the discussion around the perilous sea travel evolved around the role and modus operandi of “organized criminal smuggling networks” and the reportedly unsafe means of transport that they used.

The European Agenda on Migration (European Commission, 2015b), published on May 2015, identified the fight against migrant smuggling as a priority. This prioritization was maintained in a series of subsequent policy papers (European Commission, 2015d) in which smuggling is discussed as one of the root causes of irregular migration, and a primary cause of loss of human lives (European Commission, 2015e). Media reports and policy papers alike were written and circulated under the unproblematized presupposition of the existence of highly organized, criminal (in a ruthless, anti-social sense) smuggling networks. The existence of such centralized and highly organized networks has been questioned by scholars and their field work (Achilli, 2015)(Pastore, Monzini, & Sciortino, 2006). Apart from the depiction as evil smuggling networks, the sea itself would be depicted as an agent that would claim migrant lives. It was as if the interaction between migrant bodies, said dinghies and the water element would happen in some sort of political void, even

to the extent of attributing properties to the water element, such as “treacherous” (Deutsche Welle, 2015b)”.

This overbid of the role of migrant smuggling networks prompted the role of long-term policies of the EU in the shaping of the situation, thus liberating Member states from their historical responsibilities. It also produced and reinforced the image of the victimized migrants, deprived of any agency, and therefore in need of “humanitarian assistance”. Victimization and deprivation of agency of the migrants, and the subsequent need for salvation by European order reified by border agencies, are essential for the emergence of a specific type of humanitarianism at the border (Perkowski, 2016). The establishment of the prohibition of approach by regular means, the sealing of alternative routes, the rendering of crossing of the EU’s external borders have become matters of life and death. The humanitarian border emerges, not necessarily in succession of the militarized, and heavily policed border, but in conjunction and co-existence with it (Walters, 2011).

The “humanitarian reason” (Fassin, 2012) developed on behalf of EU agencies in the face of this suffering is not associated with notions of justice and injustice. Instead, it initiates a sentimental reaction based on compassion and a drive for assistance. In addition, this “humanitarian reason” (Fassin, 2012), is far from free of politics. On the contrary, it is an integral element of governance of populations that are in situations of precariousness, such as the migrant populations. It allows for a solidarity and co-existence of “the humanitarian world (the hand that cares) and the police and military ordering (the hand that strikes)” (Agier, 2011). It impregnates the presentation of even the most extreme acts of militarization and further securitization of bordering practices, as was the case with the military operation Naval Force Mediterranean (EUNAVFoR MED), and basically every FRONTEX operation, where “saving lives” is structurally bonded with border control and security related *emergency measures* legitimized by the “crisis”.

## 5.7. Conclusion

The border and migration regime of the EU has by no means been unrelated to migrant suffering and loss of life. Quite the opposite, it has for years

included in its normal function both the banality of migrant deaths in the sea and at land borders, and legislative actions that constitutively created and maintained the conditions for these deaths. Yet, the narrative of a *European* “migrant crisis” has been constructed and has dominated the political debate, not taking into account the fact that most migrants do not head for Europe initially. Similarly, migrant populations exist in single countries that exceed the sum of the populations that all European states received from 2015 to 2018. Deeply *Eurocentric*, this narrative also misses the fact that different European states experienced different turning points that prompted them to engage with the “migrant crisis” at a domestic level (Triandafyllidou, 2018).

As with narratives of *crisis*, “the singularity of events is abstracted by a generic logic, making crisis a term that seems self-explanatory” (Roitman, 2014, p. 5). The narrative of the “migrant crisis” has been highly selective in what it included and arbitrary in its focus. The silencing of the long history of constructing the approach prohibiting forcing populations on the move to resort to smuggling networks gave way to an overbid of these networks. They were presented as the primary factor causing the loss of migrant lives. I see in this case a potent moment of de-politicization and deflection of responsibility. Rendering the biopolitical choices of the past invisible and focusing on the agency of smuggling networks allows for specific moral obligations to emerge for Europe. These choices are mediated by the construction of the pitiful, and at the same time potentially abusive “other”, whose momentum and determination threatens “European values” – such as order and the reign of law. Such moral obligations find their fulfillment through a humanitarianism discourse where “saving lives” is structurally bonded with border control and security.

To argue that the “migrant crisis” is “fabricated” (Rajaram, 2015) is by no means an attempt to judge whether or not it does justice to a situation to be referred to as “crisis”. Instead, it is more an attempt to look at “the kinds of work the term crisis is or is not doing in the construction of narrative forms... and how crisis is constituted as an object of knowledge” (Roitman, n.d.). Crisis is often involved in narrative schemes that at some point tell a tale of revelation, moments of truth that also function as turning points in history. Reality is unmasked by “false” indications and the “truth” is left bare for everyone to see (J.



Roitman, n.d.). The economic crisis for example, exposed the “falseness” of speculative sectors in the complex capitalist economy, revealing the “true value” other sectors considered to be more fundamental and thus, more real. In this case, the “truth” presented was that Europe cannot take more migrants, and that the technopolitical breakdown of the registration system constituted a security threat as well as a breach of values that could not be allowed to continue.

The staging of the “migrant crisis” as a *crisis of control*, a crisis of constitutive elements of the EU, such as Schengen and Dublin, paved the way for specific interventions focused on deterring migration, and border security. As I show in the following chapters, this was the focal point on which policy was determined and implemented. This presentation of *truth* allows for exceptional policy making that aims to respond to the *crisis*. The policy is implemented in an extra-judicial manner and re-shapes practices, while at the same time other structural issues remain intact. In the face of the “migrant crisis”, the EU launched action plans, agendas and programs, which are discussed in the chapters that follow. In chapters 6 and 8, I examine some of these measures in more depth, namely the Hotspot approach and the EU-Turkey Statement. The communication of these policy measures centered on a need for reforming a failed migration and asylum system, and the reinforcement of the lost “European solidarity”. The latter proved to be a concept void of meaning, as the measures that were based on it, such as the relocation program, were by far the least successful.

This outcome can be seen as a result of basic misconceptions in the shaping of the EU’s asylum, border and migration apparatus, as discussed in chapter 4. In the following chapters, I will reveal how the specific framing of the “migrant crisis” simultaneously enabled “responses” legislated in an extra-judicial way. This was the case with the EU-Turkey Statement, which will be discussed in chapter 8. Meanwhile, the rationale of deterrence of migration was maintained, which was what enabled the “crisis” to emerge in the first place.

## Chapter 6. Conceptualizing registration in the Hotspot

### 6.1. Introduction

The present chapter aims to lay the ground for presenting the ethnographic material that I collected during my field research in the Hotspots of Moria and VIAL in the Greek islands of Lesbos and Chios, respectively. Some context is useful, regarding both the geographical setting of the field, as well as the general political and legislative context in which the specific administrative unit, the Hotspot, was introduced and implemented. To pursue this aim, the first section of the chapter will engage with a short historical presentation of the importance of the specific borderlands that are the islands of the Aegean. The second section will critically present the “Hotspot approach”, which was conceived and presented as the main pillar of the EU’s response to the “refugee crisis”. As critically discussed in chapter 5, both the term “crisis” in itself, as well as its various utterances in the context of migration, condense a variety of meanings that are an integral part of the discourse that enables and legitimizes specific directions for policymaking. As the Hotspot approach was introduced in close temporal and conceptual vicinity to other EU initiatives, such as relocation and resettlement, the latter are also briefly described. The Hotspot approach itself is discussed as an instance of policymaking, as well as an infrastructure of biopolitical control.

### 6.2. The Aegean borderlands

#### 6.2.1. Lesbos and Chios as entry points to Greece and the EU

Geographical space is always saturated with a variety of meanings, relations, tensions and conflicts (REF). No geographical setting remains the “same” over time, as new power relations emerge, technologies of production, transportation and communication are developed, and populations move. In the case of border venues, as Balibar has put it, a border is always “overdetermined and, in that sense, sanctioned, reduplicated and relativized by other geopolitical divisions” (Balibar, 2002, p. 79). The islands of Lesbos and Chios, being part of the external maritime border of Greece, and therefore the EU, with Turkey, have been the focus of international attention during the years 2015-2017 in many

ways. The border has been attributed with diverse meanings that in a matter of months would range (often simultaneously) from places where European solidarity is materialized (Popper, 2015) and where Europe takes decisive action for the fortification of its borders, to a maritime grave for thousands of people. It was also a place where terms like solidarity would be signified in sharp contrast and often with conflicting meanings. This is evident from the countless instances of criminalization of grassroots solidarity initiatives (REF) that did not fit the strict definition of “official” state or NGO-sanctioned solidarity.

While the size of the migration flows during the period 2015-2017, as well as the number of lives lost at sea, were indeed unprecedented, the islands of the Aegean were already acquainted with migration and the lethal consequences of the European border regime. A great amount of what now comprises the “local” population has a historically recent migratory background. In 1922, after a conflict between the Greek and Turkish states, about 1,500,000 Greeks living in Turkey were violently displaced to Greece, of which around 13,000 settled as refugees in Lesbos (Πασκώνα & Συκά, 2006). This heritage and its memory have been considered a factor that shaped the reactions of certain locals towards migrants in recent years (REF).

In more recent times, the role of the Aegean Sea and its islands as migration routes has been in close interplay with other border zones between Greece and Turkey. Seen on a map, at first sight, the islands of Lesbos and Chios (and Leros, and Kos and the rest of the Aegean coastline) are not the simplest way to cross into Europe from Turkey. The land border “line” between the two countries, coinciding for a good part of its length with the river Evros running about 400 km to the North, has its own morbid history, as testimonies of mass graves of undocumented migrants have shown in the past (tvxs, 2010). Estimates of the exact death toll caused by the cold, rushing river, and the landmines that until recently (Ριζοσπάστης, 2005) (in.gr, 2006) remained active, are unclear and hard to verify. Any number proposed will always lack unreported incidents that the Turkish authorities dealt with, and failed to be included in EU reports and statistics. Some estimations talk of 1,000 deaths since 2000 (ThePressProject, 2019). During the first decade of the century, crossing through the Evros region was a much more popular route among migrants. One

of the reasons for that was the range of prices in the outlaw economy that flourishes around illegalized migration. Contrary to everything that has been written about the crossing the Aegean Sea during the last three years, the specific route used to be considered safer than the Evros route. Thus, the prices differed significantly, as crossing the river on an inflatable boat was reported to cost 300-400 euros, while a journey across the sea could be three or four times as expensive (Βυθουλκας, 2010). In 2010, the Greek government asked for support from the EU, and FRONTEX developed the so-called RABITs (Rapid Border Intervention Teams) in the area. In combination with the building of a 10-kilometer-long fence that cost around 5.5 million euros, and the national operation under the name “ξένιος δίας” (Xenios Zeus), the Teams reduced the number of border crossings by 94% from 2011 to 2012, with a simultaneous rise in Aegean crossings (Infomobile, 2013). During 2018, after political developments related to the allegedly attempted coup in Turkey in July 2016, and with the maritime crossing limited due to the EU-Turkey Statement, the Evros route partially regained its popularity among migrants and smuggling networks, once again claiming migrant bodies (Cicek, 2018).

State authorities cannot be unaware of this direct correlation between the tightening of control of the land border, and the rise in crossings by sea. However, more often than not, it is almost entirely absent in the discourse around the humanitarian disaster in the summer of 2015 in terms of lives lost at sea. Viewing the borderlands of the Aegean not as an isolated space, but as a route for crossing borders that gets “activated” and “shut down” as a consequence of political decisions concerning other routes, challenges the “naturalizing” discourse that often refers to the loss of life at sea in a manner that resembles natural phenomena.

### **6.2.2. Registration breakdown**

The number of people arriving in the EU “irregularly” by sea rose significantly during 2014. 219,000 people arrived that year, compared to 60,000 in 2013 (UNHCR, 2015). In the first six months of 2015, more migrants arrived in Greece from Turkey than 2014 as a whole. The monthly rate increased from less than 6,000 in January, to 43,000 in June. Throughout this period, and peaking in

the summer of 2015, the Greek authorities notoriously could not keep up with managing the incoming populations, not only in terms of a complete registration, but also in means of transportation to the mainland, and providing for basic needs such as shelter, food and medical care. Soon, makeshift registration venues were set up in ports, as well as the parking lots of nightclubs and other available open spaces where long queues of migrants would wait for registration under the blazing sun, often for days. Many of those makeshift registration venues would function as de facto accommodation “camps”, the most important ones being the beach “Tsamakia” “Kara-tepe” and Moria in Lesbos, “Souda” camp, “Tampakika”, and later VIAL in Chios.

As thousands of people arrived every day, the registration apparatus was by no means effective. For instance, for a long period, fingerprints were taken manually using ink, and stored to be digitalized later (Παπαδόπουλος, 2016). During October 2016, there are claims of 6,000 people passing through a camp in a single 24-hour period (Hernandez, 2016).

From the various camps that were active during this period, some continued and evolved into centers of self-organized or grassroots solidarity (PIKPA, Mytilini beach No Border Kitchen). Others were discontinued and some functioned as official centers of Greek and European “response” hosting screening centers operated by the Greek Police and FRONTEX. Some of the latter, like Moria in Lesbos and VIAL in Chios went on to be named “Hotspots”.

While nationality screening and official registration of incoming migrants was never carried out by actors other than the Greek Police and FRONTEX, the same did not apply for a series of other reception-related procedures. For months, a good deal of the actual first reception was basically organized and carried out by small NGOs and grassroots initiatives of locals and visiting volunteers who helped with landing of boats, organized transport from the beaches to reception venues, gathered and distributed essential goods, and provided guidance and support (Hernandez, 2016). Initially these efforts were welcomed by state authorities and incorporated by state and media discourse as an integral part of “European solidarity”. However, the Greek state and the EU drastically changed their stance towards a direction that evolved into open hostility, as exemplified by the law implemented by the Greek state that

illegalized transport of migrants by individuals. This shift in the state's dealing with grassroots solidarity is the first act of a long play that went on to incommode to the point of illegalizing rescue at sea, in Italy and Spain. During the period of intense solidarity, activities taking place outside state context and control, *bordering*, were performed by a historically perhaps unique composition of actors, with very different agendas and practices.

In February 2016, the Greek media mention a classified report from the European Commission which was never disproved by the Greek government. According to the media, in the period between 1 January and 14 November 2015, out of 575,242 "irregular" entries counted by FRONTEX, only 136,798 entries were made in the EURODAC database by the Greek Police. More reports in the press back up these claims (in.gr, 2006). It is an undeniable fact that the Greek state at some point did lose control of who was coming in and out of its territory. This condition came to the point of completely giving up the registration of out-coming migrants through the Idomeni crossing point in the Northern border between Greece and Macedonia. For this period, the only available data are those shared by UNHCR of Macedonia to UNHCR of Greece that concerns only numbers of registered individuals with no other data, such as names, being present.

Significant problems arose with the transportation of incoming migrants towards the mainland, as the boat transportation infrastructure was by no means sufficient. Passenger ferries were conscripted with extra routes for that purpose, and would even land at different destinations than their original destinations (Αντωνόπουλος, 2015). Under these conditions, the registration process grew into a massive bottleneck phenomenon. There are reports of thousands of people passing through the islands without being "properly registered", namely fingerprinted (Ekathimerini, 2015)

In the context of the EU's asylum system, this situation was an important breach of standard procedure, undermining both security standards and the Dublin system. As a result, the Greek state was under severe criticism, to the extent of discussions around a possible, temporary "eviction" from the Schengen zone (Capital.gr, 2018)(Robinson & Barker, 2015). It is worth noting that Greece and Italy, being considered "frontline" states, their national borders being external EU borders, have been at intra-state level criticized for failing to fulfil

their duties concerning registration of incoming populations. With no intention of engaging in a discussion of “failed” and “competent” states, it is worth noting that Germany, being considered the de facto “leader” state of the EU, had similar problems when facing large “flows” (Deutsche Welle, 2015a).

### **6.3. The emergence of the Hotspot**

#### **6.3.1. The Agenda on Migration**

In the face of the situation described in the previous section, as well as events occurring at other border venues across the continent, on the 13 May 2015, the European Commission published a 22-page text, entitled “A European Agenda on Migration” (European Commission, 2015b). Without referring to a present “crisis”, but with a view to “EU’s reaction to future crises”, the text presents a set of diverse measures for rescue at sea, “targeting criminal smuggling networks”, relocation and resettlement of refugees, “tackling migration upstream” and more. These measures were under the general aim of Europe remaining “a safe haven for those fleeing persecution as well as an attractive destination for the talent and entrepreneurship of students, researchers and workers”.

In anticipation of a rise of the number of arrivals during the approaching summer, the commission proposed “triggering the emergency response system envisaged under Article 78(3) TFEU (Treaty on the Functioning of the European Union). This text is the first to mention a “new ‘Hotspot’ approach”, defined as “where the European Asylum Support Office, Frontex and Europol will work on the ground with frontline Member States to swiftly identify, register and fingerprint incoming migrants”.

Many of the developments that shaped the realities of migrants’ lives in the following years are outlined in the Agenda on Migration. The text hints towards the EU-Turkey Statement that followed just over a year later (which is discussed in chapter 8). “Migrant smuggling networks” are discussed as clearly set, organized systems that function as operations. They are said to perform clear-cut risk and profit assessments and must be turned “from ‘low risk, high return’ operations for criminal into ‘high risk, low return’ ones”. Finally, the Common European Asylum System is presented as a resource that needs to be in

some way safeguarded against the very subject that it concerns, namely the migrants. The mere existence of a large number of asylum applications that are rejected, is seen by the European Commission as an “abuse” of the system, as it “hampers the capacity of Member States to provide swift protection to those in need”. While acknowledging the denial of many Member States to accept refugees, as well as older, basic malfunctions of the Dublin system, the European Commission largely decides to attribute the “blame” for the condition of the European Asylum System to the people who apply and are rejected. This approach paves the way for the radical reconceptualization of the notion of asylum and the official practices associated with it that came just a year later, with the EU-Turkey Statement, as discussed in this dissertation.

### 6.3.2. The centrality of registration

In communications and press releases following the publication of the Agenda on migration, *registration, identification and fingerprinting*, are three terms that crop up very frequently with regards to migration flows as of April 2015 (European Council, 2015a)(European Council, 2015b), often in relation to terror threats facing Europe (European Commission, 2015a). After the initial “shock”, and with tensions still rising at numerous border venues across Europe, and while political conflicts related to policies of relocation and reception are under full development, it seems that power centers at the core of the EU decided to place “order” in the center of a discussion that was previously dominated by a humanitarian undertone, where the focus of debate was that of “saving lives” in the Mediterranean, and grassroots solidarity by citizens.

Characteristically, European Commission First Vice President Frans Timmermans’s statements in February 2016 mention: “Getting back to an orderly management of flows is the most pressing priority today” (European Commission, 2016e). Official, bureaucratic and institutionalized “European solidarity” is not unconditional and can only be manifested under a rationalizing frame that endorses and prioritizes “order” as a value, and a specific form of “responsibility”, which struggles to legitimize choices and actions that “as both true to the European values of humanitarianism, solidarity, and asylum, meanwhile, taming the influx of newcomers that are feared to drain resources



and destabilize social cohesion” (Triandafyllidou, 2018). Along the same lines, European Commission President Jean-Claude Juncker after convening a Leaders’ Meeting on 25 October to address refugee flows along the Western Balkans stated, “The only way to restore the situation is to slow down the uncontrolled flows of people. The policy of waving through people to neighboring countries has to stop. I want to be clear: people must be registered. No registration, no rights.” (Juncker, 2015) Again, it is telling that in his official statement, Juncker did not mention the issue of relocation and its falling short in all expectations, and only superficially touched on the issue of living conditions along the Western Balkans route. However, he made a very strong point regarding the importance of registration, which taken at face value, annuls the main precondition for a person to have “rights”, which is to be human.

Of course, Juncker was referring to specific rights under the EU’s asylum system. However, the fact remains that at a time when the EU was facing a “humanitarian crisis”, such a high-ranking official opted for this choice of words, which places human rights in a specific condition, one of a direct and even causal dependence on the wellness of a bureaucratic apparatus. Even more, Juncker does not directly mention a certain practice of non-cooperating on behalf of disobedient migrants, even though that is somehow implied in his statement. Instead, he reminds us of the power of EU and the Member States to withdraw from their moral and ethical responsibility of ensuring human rights if their organizational standards are not met. The “inalienability” of human rights (Arendt, 1973) is once again debunked. Instead, what prevails are the modern state and supra-state mechanisms’ fixation with rendering populations and individuals for future governance in the context of which their removal from EU territory is a very likely scenario.

Another context under which registration and the “identity” of the incoming migrants would be often discussed evolved around the association of migration and the “terror threat” in Europe. The most notable case involves the Paris attacks on November 2015, where shootings and suicide bombings in the States de France during a football match, and a concert in the Bataclan theatre, left 130 people dead, and hundreds injured, in the second deadliest attack in Europe since the Madrid train bombings in 2004. Responsibility for the attack

was claimed by the ISIL (Callimachi, 2018). In the scene of the shootings, a Syrian passport was found, which in latter days was reported to have been used by a person that had entered Europe, through Greece. The Greek Minister of Migration, Giannis Mouzalas later confirmed this information, stating that “the owner of the passport (sic) passed through Leros, on the 3/10/2015 where he was identified according to the EU rules, as those were decided upon in the EU Summit on the refugee issue”(Ant1, 2015). Some voices in the international press, kept a dispassionate and cautious stance towards the finding of the said passport at the crime scene. Some, for example mentioned that given the status that Syrian passports had gained in the specific period, they were in high demand and an extensive illegal market had developed with them as a subject of contraband (Al Jazeera, 2015), with networks that allegedly involved Syrian embassy officials (Hawramy, Dinic, & Kingsley, 2015). Others noted that the passport could have been deliberately left in order to be found, in an effort to provoke tension focused on refugees fleeing Syria (Lichfield, 2015)(AFP, 2015a).

Overall, however, the presence of the passport fueled already existing associations between migration and “terror threats”, and was recruited by media and politicians working with an anti-migration agenda (Gallagher & Beckford, 2015). The Polish Minister of European affairs, stated in the aftermath that “Poland must retain full control over its borders, asylum and immigration,” (Traynor, 2015). The Bavarian Finance Minister stated, “The days of uncontrolled immigration and illegal entry can’t continue just like that. Paris changes everything.” (Kingsley, 2015). Even in the more remote context of the USA, governors from 31 states based their argument against the USA refugee resettlement program concerning Syrians, on the Paris attack (Healy & Bosman, 2018). During this discourse, the EU’s external borders between Greece and Turkey were attributed with new, safety-laden meanings, and were now even more seen as becoming “part of a different kind of front line, Europe’s perimeter defense against possible infiltration by terrorists” (Lyman, 2015).

### **6.3.3. The Hotspot approach**

What is surprisingly in stark contrast with the European Commission’s claim for a “consistent and clear policy” (European Commission, 2015b), is the

lack of a clear definition of what a Hotspot actually is and how it differs from the reception and registration centers already existing and functioning. This was clear in almost every discussion/interview that I conducted during my research trips to both islands, and has been a point of criticism among scholars and organizations (D'Angelo, 2016)(Statewatch, 2015).

The European Commissioner for Migration and Home Affairs had to compose an “explanatory note” to the Home and Justice Affairs Ministers of the EU, in an effort to clarify what Hotspots would be and what their operational framework would be (Council of the European Union, 2015b). Again, a strict and clear definition is absent. Instead, a definition based on what the “Hotspots” aim at says: *“to provide a platform for the agencies to intervene, rapidly and in an integrated manner, in frontline Member States when there is a crisis due to specific and disproportionate migratory pressure at their external borders, consisting of mixed flows and the Member State concerned might request support and assistance to better cope with that pressure”*.

The ad hoc definition is supplemented by an apposition of the actors that would be involved in the Hotspot, namely the aforementioned agencies that constitute the EU support mechanism: “the European Asylum Support Office, Frontex and Europol will work on the ground with frontline Member States **to swiftly identify, register and fingerprint incoming migrants**. The work of the agencies will be complementary to one another... Those claiming asylum will be immediately channeled into an asylum procedure where EASO (European Asylum Support Office) support teams will help to process asylum cases as quickly as possible. For those not in need of protection, FRONTEX (the EU agency responsible for guarding the borders) will help Member States by coordinating the return of irregular migrants. Europol (the EU’s law enforcement agency) and Eurojust (the EU’s juridical cooperation unit) will assist the host Member State with investigations to dismantle the smuggling and trafficking networks.” (European Commission, 2015c). Those functions have been the core of every reception center in Greece, and are, in themselves, nothing new. In that way, “in one sense, the hotspot is, then, already here” (Painter, Papoutsis, Papada, & Vradis, 2016b).

At face value, it seems there is not much in the “Hotspot approach” other than an increase of the involvement of EU agencies in the handling of the incoming populations. In the context of intra-EU tensions and antagonisms, there are some supplementary readings. The Greek and Italian states, two states of the European South, both under intense criticism regarding their management of migration throughout the past two decades, were now to have EU agencies take over basic functions of their bureaucratic apparatuses. Therefore, the Hotspot can be seen as a dual intensification of surveillance regarding migration. On the one hand, it signifies an enhanced and more thorough surveillance of migrant bodies who are now to be “datafied” and enrolled in the EU database assemblage. On the other, as an “enhanced mechanism of intra-governmental surveillance” (Garelli & Tazzioli, 2016a) that would discipline the states of Greece and Italy into fingerprinting all incoming migrants, in full accordance with the Dublin Regulation. In that way, the invigoration of EU agencies’ presence through the Hotspot approach, both in terms of material apparatus, human workforces and upgraded role, can be seen as an intensification of center-periphery dynamics within the EU, which have been at play in a number of fields, no less in the implementation of the Dublin regulation. For some scholars, this raises issues of national independence under the emergence of an EU superstate (Painter, Papada, Papoutsis, & Vradis, 2017). The fact that the Dublin Regulation has gone through various stages of inactiveness did not for a moment annul the biopolitical goal of a biometric and demographic archive of the populations on the move.

In contradiction with the EU, agencies play an important role in the process of “EU integration” since they evolved as actors at the beginning of the century. As actors, they are considered lower in the hierarchical relationship that they develop with the Member State they work with each time (Coen & Thatcher, 2008). However, such a view is often based on the conditions and regulations under which the agencies were initially launched and do not include the following policy acts that provide more strength (especially FRONTEX). In addition, it must be taken seriously into consideration that there are significant differences between formal accountability arrangements and the reality of the field. The *de jure* arrangements regulating the agencies may not coincide with the

reality of the field (Busuioc, Groenleer, & Trondal, 2012). Perhaps the most infamous examples are reoccurring accusations against FRONTEX and practices that violate the principle of non-refoulement, regarding pushbacks at sea (Keller, Lunacek, Lochbihler, & Flautre, 2011)(Human Rights Watch (HRW), 2009). The chapter that follows refers to FRONTEX and EASO practices, as Europol was not visible or available during my visits.

More specifically, article 2(6) of the EASO Regulation states, the agency “shall have no powers in relation to the taking of decisions by Member States’ asylum authorities on individual applications for international protection” (European Parliament & Council of the European Union, 2010). As will be discussed in more detail, this was not always the case.

#### **6.3.4. Relocation and resettlement**

The Hotspot approach was introduced in close relation with the Relocation Programme both in terms of time, but also in terms of the two elements constituting a dual step towards a “solution” for the “crisis” as it was developing at the external border of the EU. Both elements were focal points of the Agenda on migration and are bound by a convergence of humanitarian connotations with issues of security and responsibility. The Relocation Programme was introduced as an “emergency response mechanism to assist Italy and Greece” (European Commission, 2015f). The Programme was designed to benefit the states of Greece and Italy through a procedure of “burden-sharing”, but also the migrants themselves would be relocated and thus offered a new opportunity away from the grim realities of the Southern states.

The relocation measures would concern persons “in clear need of international protection”, and thus conceptually represent a second level compared to the reception related “Hotspot approach”. The measures presuppose a “clear” distinction between those in need and those deserving protection. As the European Court of Auditors mention in their assessment of the implementation of the Hotspot approach, “The hotspot approach, focusing on the identification, registration and fingerprinting of migrants upon arrival, is therefore meant to facilitate the implementation of these follow-up procedures and can even be seen as a necessary pre-condition for these follow-up

procedures to work effectively.” (European Court of Auditors, 2017). At the same time, the different temporal conditions that governed the relocation regime would shape the “deservedness” criteria, often with reference to factors such as time of arrival. For example, at some point, it concerned Syrians and Eritreans that arrived in Italy or Greece after 15 April 2015 or after the mechanism was launched.

While the “Hotspot approach” was considered a success regarding the aim of a complete registration of incoming populations, the Relocation scheme on multiple occasions failed to reach its goals. The figures aimed for in the first Council decision were 16,000 for Greece and 24,000 for Italy. These numbers were claimed to be decided on the basis of being “approximately 40% of the total number of third-country nationals in clear need of international protection who have entered irregularly in Italy or Greece in 2014” (Council of the European Union, 2015a). This in retrospective naively optimistic rationale raises questions both on the ability of the EU to estimate the sizes of the migration flows, as well as the efficiency of its planning in response. A few months after the aforementioned decision, the number of monthly arrivals to Greece was bigger than the target of the relocation program that had a two-year horizon. In September of the same year, new relocation measures were announced, this time aiming for a figure of 160,000 persons. The realization of both sets of measures also fell seriously short of their targets. This is shown by the fact that a year later, the percentage of materialization of the relocations were at 2.57% and 1.92% for Italy and Greece, respectively (Menéndez, 2016, p. 398).

The situation was even worst at the resettlement front. Resettlement is a process that concerns person who have already been recognized as refugees by the UNHCR, remaining in UNHCR sites around the world, and then applying for resettlement to a third country, usually Europe, the USA and Australia. Though this was much more mediated, organized and less direct in terms of the spatial distance between the applicant and the receiving country, it also depended on political events, discourses and developments, as shown by the drop in the actual quota of the USA resettlement program after 9/11 (Popp, 2018).

Therefore, we can see that the EU’s efforts in the face of the “summer of migration” concerning relocation were not as eager as they were when faced

with registration, categorization, and fingerprinting. The goal of the Hotspot approach for a transition from a chaotic and un-ordered reception and registration process to an orderly, *fast* and *complete* registration of all incoming migrants, was far more successful than the Relocation Programme.

### 6.3.5. Hotspots as temporal spaces of exception

Time and temporality are an essential element of the reality that migrants were subjected to after arriving in the Greek islands, and of the representation of this reality in media and political discourse. The “Hotspot approach” aimed at the “swift” identification and fingerprinting of incoming migrants. The dominant discourse around this “swiftness” has been one of a humanitarian “nature”. It assumes that faster procedures would help cope with the bottleneck phenomenon that fingerprinting has been for a long time, and facilitate the mobility of migrants. However, as I will show in the next chapter, this acceleration was not always smooth, and definitely did not always work in favor of the migrant subject interest. The “accelerated temporality of control” (Tazzioli, 2016c) imposed within the confined space of the Hotspot, but also stretching out well beyond its limits, was a complex set of dates and deadlines, waiting times, and “updates” on policies and practice protocols. This assemblage did not follow a linear “progress” model, and was subject to swift changes and transformations. Even the border guards had trouble keeping updated, let alone understanding their rationale (see next chapter). The EU-Turkey Statement signed in March 2016, stands out as the most important milestone in the “complex temporality” (Little, 2015) that characterizes the border regime of the EU in this context. However in different periods, different procedures benefited migrants of different nationalities, and produced diverse dynamics in the populations (Kingsley & Domokos, 2015). As Little puts it, “complex temporality introduces elements of contingency that undermine some of the normative certainty that borders have traditionally engendered... goes beyond the widely accepted notion that borders change over the course of time to focus on the nature and implications of that change across different bordering practices.” (Little, 2015).

The shifts in the protocol of migrant governance, the changes in criteria of selection, and the often arbitrary practices of border guards, render the Hotspots a space of exception. The Italian Hotspots “have also been used for redistributing migrants already present on the national territory, and particularly for removing their unruly and contested presence from highly visible sites.” (Tazzioli & Garelli, 2018). In the Greek setting, and in the context of the implementation of the EU-Turkey Statement on behalf of the Greek state, the Greek Parliament voted for a law, that among other things, allowed for the detention of migrants in the Hotspots for a period of 25 days, leaving the decision to the authority of the Hotspot commander (ΕΦΗΜΕΡΙΔΑ ΤΗΣ ΚΥΒΕΡΝΗΣΕΩΣ ΤΗΣ ΕΛΛΗΝΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ, 2016, p. 1212).

The same law imposed a restriction on the right of migrants to move freely across the country of Greece, while their asylum applications were examined, thus turning the islands into capricious, large scale, detention centers for thousands of people who could not, for example, seek employment. The latter measure, almost two years later, was found by the Supreme Court of the country, to be insufficiently founded in the text of the law, and was cancelled (Μάνδρου, 2018). However, its cancellation only concerned the migrants arriving at the islands after the Supreme Court’s decision. Therefore, in practice it changed nothing for all those who were trapped on the islands in the meantime.

People arriving at a Hotspot would have little knowledge of what the outcome of their interaction with its mechanism would be. The infrastructure of the Hotspot “a technologically mediated, dynamic form that continuously produces and transforms socio-technical relations” would process the information, speech acts, and documents that migrant subjects would provide, and act upon them. However, the specific manner in which this act would be unfolded would very often be subject to change. As new directives were introduced at EU level, and new guidelines were introduced by the Greek Ministry of Migration. The Hotspot would not only impose temporalities (of detention, waiting for asylum claims to be processed etc.), but as an infrastructure it was an entity subjected to temporalities itself. These temporalities, and the changes that brought, were of great importance for the migrants.



### 6.3.6. Hotspots as infrastructure

The ontological ambivalence of Hotspots, in the policy papers that were supposed to define it, was sure to permeate the practices carried out within the actual, reified organizational and operational unit that were Hotspots. In the next chapter, I will explore in more depth certain instances of those functions. Following Reeves (Reeves, 2016), I will examine Hotspots “less as a complete technical or material form” and consider “the improvisations and gaps that are intrinsic to infrastructural modes of operation”. However, initially, it is important to note a few points about the notion of infrastructure itself and how it can help in understanding and analyzing what was happening in Hotspots.

The aforementioned vagueness concerning Hotspots has led scholars to consider them less as infrastructure and more as “a series of procedures and mechanisms for identifying and selecting migrants” (Tazzioli, 2016c). However, the emergence of Hotspots can also be seen as an extended “infrastructural experimentation”(Harvey et al., 2016) aimed at regaining control and restoring order. Even if the “approach” did not constitute a new infrastructural unit per se, as I will discuss in the next chapter, this happened de facto. The notion of Hotspots presented in press releases was as a simplified and “optimistic” presentation of the tasks to be carried out within it, was typical of policy papers. This image reflected a contained place where the process of “knowing” the incoming populations was possible. The process of “knowing” is mediated by the use of systems of categorization and the corresponding categories, namely refugee/migrant, in need of international protection etc.

In the specific time conjecture, the discourse around the identity of the incoming populations was focal in the EU. Thus, “Hotspot” was a buzzword, highly visible and present in media and political discourse alike. In that manner, seen as infrastructure, the Hotspots seem to escape Star’s input that infrastructures are “by definition invisible”, some sort of “silent operators” working in the background, that only “become visible upon breakdown” (Star, 1999, p. 382).

While infrastructures similar to Hotspots (like the Petrou Rally detention center for Aliens in Athens) do remain invisible for extended periods of time, this time the Hotspots were on the high visibility side of the spectrum (Larkin, 2013,

p. 334). Being visible as infrastructural units, Hotspots remained invisible and opaque, when it came to the “core” of their function. The workings of the Greek Police and FRONTEX officials interviewing migrants and assessing their condition, were of little interest to journalists, as most of the media coverage evolved around the truly disturbing images emerging in regard to living conditions, waiting times, conflicts among different ethnicity groups and riots. There is little doubt that coverage of this reality had great importance in communicating the situations migrants were facing on EU soil. However, its focus was the “malfunction” of Hotspots as reception/detention centers, namely their falling short in providing humane conditions for the migrants that were forced to be there.

In this body of work, a Hotspot is seen as a sort of necessary infrastructure, with a clear mission, and it is up to the “fine tuning” of the “services provided”, the goodwill of the people working there, and the better equipment provided by the EU and the Greek state, for it to “function properly”. However, as Larkin puts it “Infrastructures are not, in any positivist sense, simply out there”. The act of defining an infrastructure is a categorizing moment. Taken thoughtfully, it comprises a cultural analytic that highlights the epistemological and political commitments involved in selecting that one sees as infrastructural (...) and what one leaves out” (Larkin, 2013, p. 330). In this case, what was left out was the fact that inside the Hotspots, in addition to the mistreatment, the detention and the (not so scarce) instances of police violence, migrants had to face a bureaucratic apparatus that would decide on their “deservedness”. The next chapter aims to engage with precisely that invisibility and opaqueness of Hotspots, thus adding to the scarce bibliography associated with the notion.

#### **6.4. Conclusions**

Throughout the first period of “increased migration flows”, registration of incoming migrants topped the list of the EU’s priorities. After an initial period when humanitarian discourse was the dominant element in both media and mainstream political discussions, “order” and “lawfulness” regained their central positions as expressions of European values. These replaced the element of

“European solidarity”. Especially a complete registration of all incoming migrants was positioned as a prerequisite not only for a more harmonic coexistence among Member States, but also as the ontological foundation upon which migrant rights could exist. This prevalence of registration as a value in itself was enhanced by a security-driven discourse that associated the issue of identity of the incoming populations with that of “security” of the European Union’s territory. In addition, it was seen as a safeguard factor protecting the EU asylum system and its resources from abuse.

During 2015, the EU “response” placed the Hotspot approach and the Hotspots as the primary organizational units that would help frontline states regain control of their border, this time enforced by the enhanced presence of the Union’s agencies. However, the constitution of the Hotspot as a policy making move, as well as an organizational unit and infrastructure was not as clear and specific as it was presented. This shaped migrant mobilities in ways that were often extra-judicial and outside the legal context of Member States and the Union alike. While achieving its primary goal of a complete registration of migrants, the Hotspot also functioned as a space of increased insecurity and uncertainty for migrants, as a set of practices aimed to deter people from crossing into Europe. It therefore reconfigured the way in which the islands of the Aegean were accounted for as part of the Greek’s state territory.

The course of the EU policy measures deployed at the time reveals clear asymmetry between the means developed to pursue the two distinct goals of covering people’s need for asylum, and the thorough and complete registration. In the following chapter, I will provide an ethnographical account of what comprised the notorious registration process.

## Chapter 7. An ethnographic account of registration

### 7.1 Introduction

In the previous chapter, I presented a critical account of the position of identification, registration and fingerprinting in the public and political debate around migration throughout 2015-6-7. As I showed, the biopolitical goal of rendering the migrant subject/population known in a manner that would render it governable, both in the present moment, but also in anticipation of the future, invested the process of registration with a variety of meanings and connotations. These ranged from a discourse of securitization of migration, order and lawfulness as European values, to justice and effectiveness with regard to distributing asylum-related resources, and the deservedness of the migrant subject to the above.

The critical reading of press releases, policy papers, legal documents and news articles has great heuristic value. Particularly in the context of migration, where the practices often differ from the proclamations, ethnographic fieldwork is in a position to offer a different and perhaps more valuable picture.

Ethnographic research “demystifies the power of the state and disrupts normalized legal and material relations with alternative narrations from within” (Mountz, 2003, p. 640). In this case, the proclamation of a complete and thorough registration of all incoming migrants has been a statement uttered at the higher political and administrative levels of the EU, to be implemented basically through the “Hotspot approach”. However, any declaration is practically void of meaning if it is not realized in the practices of human and non-human agents deployed in the field. In this context, it is important to remain aware (and to inform those who are not), that the human agents delegated with this task (or any other for that matter) are “people who are informed in their practices by notions of what constitutes border... and so their efforts might or might not turn out in the way intended” (Green, 2010, p. 262).

While tension was rising in various borderlands across Europe, mainly with regard to issues of freedom of mobility, asylum and reception, the issues of registration and identification, at least for the year of 2015, and the first half of 2016, were to a great extent “localised” in the Hotspots of Greece and Italy. One of the two countries, namely Greece, is the field based on which, in the present

chapter, I attempt a shift in the focus and scale, as well as in method. From the examination of the discourse, I will provide a closer look at the set of processes and practices that made up what constituted registration and identification of migrants during that period. Building on fieldwork material that I gathered during two research trips to the islands of Lesbos and Chios, as well as additional interviews conducted in the Greek capital of Athens, I will present a critical account of the process by which the migrant bodies were rendered visible in the EU's digital infrastructure. Likewise, during this process, their identities (in the sense of the data that would constitute their future existence in Europe as well as their interactions with other aspects of European bureaucracy) were shaped. The empirical material and analysis of the present chapter offer insight into the use and constructions of a wider set of categories at play within the EU migration reception system, such as nationality, age and kinship. Keeping in mind, that categories don't exist "in the wild", but come from (human and non-human) action, constantly made, maintained and refreshed through a great deal of skilled work (Bowker & Star, 1999). Given the secrecy under which a good deal of border work is performed, I am of the opinion that it is a denaturalising account of these categories, as they materialise as the "end result" of such work.

## 7.2 The two Hotspots <sup>3</sup>

Greece and Italy, as the entry points to Europe, have been at the center of the discourse around the identity of the incoming populations. While tensions rose in many territorial settings around the continent, whether train stations, airports or border venues, few places have gained the notoriety of Moria or Lampedusa. The sea element and the loss of life have been the most crucial factors of this notoriety, accompanied by the practices of the two states and, of course, their status as entry points. My research focused on the Moria and VIAL Hotspots on the Greek islands of Lesbos and Chios, respectively. The two islands are both very close to the Turkish shores, less than 10 kilometers away, which

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<sup>3</sup> While there were differences in the function of the two Hotspots, some of which are mentioned in this chapter, in cases of observations and conclusions that applied to both, I will simply refer to as "the Hotspot".

makes them ideal for sea crossings. In the following section, I will briefly provide some context for the geographical form and setting of the two Hotspots.

### 7.2.1. Lesvos and Moria

The Moria Hotspot is the most well-known Hotspot, perhaps with a larger capacity, but also known as a theatre of police repression and violence, as well as migrant struggles more than any other. Moria First Reception Camp, as it was originally named, had an original capacity of 150 persons when construction began, in 2014 (Singleton, Moore, & Bunyan, 2014). Alongside Kara Tepe, it had been one of the two main camps on the islands since October 2015.

Built along the side of a hill; the camp has two main entrances, one on the lower south side, and one on the upper north end. The two main administrative centers (the registration containers and the offices of the higher-ranking officials) are positioned close to the exits, with the tents and containers used for “housing”, food and hygiene, occupying the space between them, along the side of the hill. This setting, deliberately or not, allowed the personnel working in the Hotspot to promptly escape in times of migrant uprising. On the north side, which is also the one that is more distant from the main road, a series of containers on a cement-based balcony overlook the Hotspot, hosting the offices of high-ranking administrative officials and Police officers. Located pretty well in the middle, was a “detention center within a detention center”, where migrants to be deported under a so-called “pilot” program (which was discontinued soon after) were kept behind a series of fences. Close to the southern, main entrance and behind two rows of fencing, which were unguarded for most of the time, however, (except for the occasional presence of an NGO member closing and opening the gate), is the complex of containers where the registration occurs. At the bottom of the hill, next to the registration venue, towards the interior of the Hotspot, there is a large, fenced and covered space, closely resembling a massive cage, with one entrance guarded by private security guards. This is, in practice, the waiting area for the asylum interview, carried out in containers that are located inside the fenced area. This area has been inaccessible every time I have visited Moria.

### 7.2.2 Chios and VIAL

The VIAL Hotspot, unlike the Moria Hotspot, was not created on top of pre-existing migration-related infrastructure but was made “from scratch” after previous registration venues proved inadequate. For example, the facility in Mirsinidi did not have internet access, and fingerprints were taken manually, using ink and paper (Antonakaki et al., 2016).

The camp was developed in and around a large, metal industrial construction, originally built as an aluminum factory (VIAL, or more accurately VI.AL. is the English translation of the ΒΙ.ΑΛ initials for *βιομηχανία αλουμινίου*, meaning aluminum manufacture). Before it was turned into a Hotspot, the space was used as a waste processing facility, and even after the initiation of the Hotspot, a large part of the metal shed would still function as such!

All administrative services are deployed under the tin roof of the large industrial structure, which takes up the center of the camp. In the open space around the structure, containers and tents formulate the “housing” section of the Hotspot. A metal gate blocks and regulates the west entrance to the shed, with direct access to the “houses”, while on the east side, a fence between the shed and the “housing containers” forms a corridor alongside of the shed, all the way to the camp’s main entrance.

Inside the large, industrial shed, containers house the administrative and other services. Two centers are clearly visible, one in the center of the shed, consisting of four containers connected in pairs, with a small space between them. This is the registration venue. The first two containers are where the screening interviews, document checks and occasionally the debriefing interviews happen. After that, migrants remain in the space between the container complexes, waiting to enter the other two containers, where photos and fingerprints are taken and the documents that are the material output of the process are distributed. The other administrative “center” is formed in the southwest side of the covered space, and consists of the chief’s office, and one more complex of containers, this time on two levels. In those containers, the Greek Asylum Service and EASO conduct the asylum interviews, as well as other asylum-related procedures, such as comparing the fingerprints of an asylum seeker against the EURODAC database. Access to this part of the Hotspot is

restricted by means of a metal door and private security guards. At the time of my visit, such security measures were non-existent for containers hosting other services, such as doctors and even the screening interviews, and are indicative of the connotations that the asylum-handling procedures and their physical agents carry in the migrant's views and actions. It has been reported that the deployment of EASO personnel in VIAL was delayed until the completion of said measures as there were concerns about their safety in the absence of the latter (Antonakaki et al., 2016, p. 12). To the south of the chief's office, alongside both the western and eastern walls of the shed, additional lines of containers functioned as extra office space for GAS and EASO, the UNHCR and IOM, as well as NGOs active in the Hotspot. These included the Red Cross and the Doctors without Borders (MSF), offering basic medical care, Praxis, which was busy mainly with unaccompanied minors, MetaDrasis, providing translating and legal services, the Women and Health Alliance International (WAHA), supporting women, the Norwegian Refugee Council (NRC), offering general administrative support, and the Samaritan's Purse, helping with food and non-food item distribution,

### **7.3 Registration in the Hotspots**

Despite some differences that are mentioned in the following sections, to a large extent the registration process was similar in both islands, as it was developed along three basic axes: the screening interview, the photo/biometric/personal data digital entry, and the output of documents. In both cases, the screening, documents check and de-briefing were carried out in different containers than fingerprinting, photo taking and attribution of documents. However, in Moria, it was impossible to enter the screening container, and most information around screening comes from visits to VIAL. In general, I could say that with regards to openness when it comes to Police officers as informants, those working in VIAL were of much more value. Without further evidence to support this assumption, a possible explanation for this could be the explicit negative publicity that Moria had attracted as a place of arbitrary police practices, violence and repression, which were often the cause of migrant



uprisings. VIAL on the other hand, would also see its share of the above practices, however, was less present in the national and international media.

### 7.3.1 Pre-registration

After boats landed on the beach or were rescued at sea, migrants were transferred to the Hotspots for registration. The means of transport varied from time to time. As mentioned in Chapter 6, in the early days of 2015, volunteer-run transport was the most common means, which was later discouraged to the point of criminalization. At the time of my visits (March 2016 and summer 2017), UNHCR was providing transportation from the beaches to the Hotspot with buses operated by a local business. This was fairly functional considering that arrivals at the time were low. Once the buses arrived at the Hotspot, people underwent what NGO workers referred to as pre-registration, where they would state their names and countries of origin. At this point, International Organization for Migration (IOM) separated people into groups according to the language they spoke, and tried to provide each group with a first briefing on their rights, obligations and their legal options. A representative of the CFR/KYT (Center for First Registration, 2016 Δανάη), informed people on the rules and regulations of the camp and their stay at the “rap hole”, a large tent structure where they spent their time waiting for the procedures to progress. As my informant from IOM explained, during this stage, in some cases there would be some Police searches in the form of frisking and bag searching. At some point, the commanding officer of the Police asked that this search should happen before the legal briefing, which remained the status quo for a while. As the months passed, the order of events would differ from time to time according to objections and tensions brought forward by migrants.

After this short briefing, people who intended to apply for asylum or family reunification with family members residing in other EU countries, had to state this intention. They were also informed that if they were granted asylum, they would be allowed to embark on short journeys, that if they do not gain entry, they can file an appeal etc. It is worth noting that the time margins for such appeals would differ from time to time. For example, since April 2017, the time margin for an appeal has been five days, which was considered to be a

method of discouragement by the government in order to have fewer appeals. While this is an important moment when migrants need to make decisions, and are offered legal advice, there have been many allegations that information is not always available in all languages, and that the capacity for understanding such information after just disembarked from boats is compromised, to say the least.

After this briefing, some (very rare cases) would opt to return to Turkey in accordance with the readmission agreement between the two countries. Those remaining were registered in some preliminary and unofficial lists, offered NFO (non-food items), such as sleeping bags and toiletries, and at the time of my visit at least, were made to put on a colored wrist band. The latter gained the attention of the Greek media for a short period of time, on the grounds of “marking” people and thus bearing connotations of the numbers tattooed on concentration camp victims. The bracelets were color coded, with each color signifying a day of arrival during the week. Finally, they were handed their “health cards” and, in the period after the EU-Turkey Statement, which is discussed in chapter 8, they would be informed about the restriction of movement order, which would apply to all individuals.

The preregistration was carried out by UNHCR and IOM personnel, and FRONTEX and the Greek Police would in principle not participate, unless needed for “restoring the peace”. Sometimes however, when the lines in the official registration containers became scarce, some FRONTEX officers voluntarily helped with the distribution of food, which would happen in close vicinity to the pre-registration. As the leader of the then present Dutch task force told me, “The presence of uniformed men helps to predispose discipline. Plus, it is in these lines that we can look for suspicious people, maybe you see someone holding a kid in a strange way, and you can see that something might be wrong” (Interview with Anonymous Dutch Royal Police officer, head of the Dutch Task Force, Chios (March 2016)).

All this was typically carried out at the entrance to the Moria Hotspot, or at the entrance to the shed in VIAL. From there, depending on the influx of people arriving, they would be taken directly to the registration containers, or to another area of the Hotspot to wait.

### 7.3.2 Screening and document control

Upon entering the first registration container, migrants would be asked to present any personal identification documents they might be carrying with them. Their passport, the most prominent identification document in the world, was in many, perhaps most, cases absent. Travel documents can and often do get lost during migrations. They can be stolen, withheld by authorities or smugglers, non-existent in the first place, and in some cases, destroyed, thrown away, or hidden by their owners. Thus, for the border guards working here, the absence of a passport would be business as usual, and a very common beginning for the first step of the “identification” process. The first container would house the document expert, the screeners and the translators, situated in adjoining desks. The aforementioned roles, though intertwined, are described in separate paragraphs, as they remain distinct processes.

#### 7.3.2.1 Screening

The screening process, in both the Hotspots, is to my knowledge the part of the registration where FRONTEX is involved the most and has the most dominant position. FRONTEX officers also remained in constant training mode, providing information and know-how to Greek Police officers who had undergone screening training in the past. The principle goal of the screening process is to “establish a presumed nationality”, as well as to confirm or denounce other claims they might be making about themselves, such as age and family relationships. As FRONTEX themselves put it, “As the vast majority of migrants arrive undocumented, screening activities are essential to properly verify their declaration of nationality. False declarations of nationality are rife among nationals who are unlikely to obtain asylum in the EU, are liable to be returned to their country of origin or transit, or just want to speed up their journey. With a large number of persons arriving with false or no identification documents or raising concerns over the validity of their claimed nationality – with no thorough check or penalties in place for those making such false declarations, there is a risk that some persons representing a security threat to the EU may be taking advantage of this situation.”(FRONTEX, 2016).

It easily becomes clear that this is an important moment of the border work that we meet in the Hotspot - one that also produces very persistent outcomes. As I discuss later in this chapter, while the assessment of the screening committee can be appealed, in the reality of the Hotspot, such an appeal is a highly time-consuming process that also depends on other forms of “capital” that the migrant may or may not bear.

In principle, the rationale under which screening is conducted is that the border guards examine and assess an individual’s familiarity with cultural, linguistic, political and economic “standards” of the claimed country of origin. This includes the person’s dialect and accent, but also their ability to recognize currency, street names, locations, figures of politicians and singers, vehicle license plates and so on. Towards that goal, FRONTEX officers have compiled a paper dossier with pages containing the above-mentioned pictures, which they ask migrants to point out. In addition, they have developed a set of around 110 questions that they pose to migrants to indicate familiarity with the claimed country of origin. The questions are mixed up and circulated to avoid the emergence of “routine tests”. While this is the “protocol” for the process, officers often function outside that, as the following ethnographic vignette<sup>4</sup> demonstrates and as I discuss in the following paragraphs.

With regard to the possibility of appealing a nationality assessment, IOM in Lesbos informed me that there is no specific form that one can fill in to appeal against the screening assessment. Appeals have been conducted orally. They also informed me of cases of Moroccans being registered as Algerians, as well as West Saharans. According to my informant, if the appeal was filed in CFR/KYT, (Center of First Reception/ Κέντρο Πρώτης Υποδοχής) it would have to be backed up by

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<sup>4</sup> In this chapter I will use vignettes as pieces of text in italics that will set selected ethnographic data apart from the flow of the text, in the form of short, descriptive sketches. The vignettes will capture specific, data-dense instances of the function of the Hotspot that I came across during my fieldwork. Vignettes are used as a form of *being there* material (Bonisch-Brednich, 2018), as a narrative form that enhances an ethnographic account (Jacobsen, 2014), creating pieces of text within the text, reserved for latter discussion and analysis.

original documents that had to be presented on the same day, which would basically render the possibility of a well-funded appeal close to impossible. If the appeal involved a change in the personal data and was filed with the Asylum Service (GAS), once again, original documents would be requested, but photocopies might also be accepted. The Asylum Service has neither the means nor personnel to verify documents, thus they would sometimes send documents back to FRONTEX experts for control. It is unclear whether the controls would differ in terms of thoroughness, as the already mentioned interplay between document expert and screener would now be absent.

### **7.3.2.2 Ethnographic vignette 1**

*During my second visit to VIAL during the summer of 2017, I had the chance to interview a screener of the Greek Police. This visit was arranged by the administration of the First Reception Agency (FRA/YΠΠΥ), unlike my first visit in March 2016, when I had to come into direct contact with the Ministry of Migration. The administrative change seemed to have had an important effect on the form of communication that was now available to researchers, as well as the kind of information rendered available. "Visitors" were now "offered" 90-minute time slots for a meeting with the chief of the Center of First Reception and Identification (CFRI/KYT) Theofilos Tsigalakis, who would then direct them to other officials according to the need of the researcher and their own facility.*

*During my meeting with the chief, I got the feeling of being offered pre-determined, non-informative, automatic answers. When I told him that I was interested in talking to some police officers working at the Hotspot, he was very willing to call their chief and introduce me: "Mr Vlassis, here, is authorized by the Ministry to conduct research on the registration process. Please show him around the container, and let him talk to the officers." A short walk later, my very lively and loud escort and I entered the FRONTEX container where the screening interviews were conducted. One Greek Police officer in civilian clothes was sitting there alone, looking at a tablet screen. As there had been no arrivals in recent days, there was no one to interview. I was told later that it became standard those months in such cases for the FRONTEX officers to be informed and they are now not required to be present. My escort introduced me to the Greek screener and to my surprise added:*

*“He will come back later for an interview. You tell him everything”. His words do not go unnoticed, as the screening officer was indeed very open and willing to discuss his work.*

*“I received my first training in 2007. Initially, the Hellenic Police officers would receive training from FRONTEX and then some of them would become trainers themselves and train more Greek officers. The training lasted for 3-5 days(!) depending on whether or not de-briefing training is included. We receive information on human rights, vulnerable social groups, stateless persons, traumatized individuals etc.”*

*While discussing the methods used to assess a person’s nationality, he showed me a large dossier containing pages and pages of pictures of flags, bank notes, photos of countries’ presidents, popular singers, universities, monuments and mosques. He then goes on to say: “Each screener has his (sic) own method, his own measures. Some still use this old-fashioned dossier. I think this is an outdated method ... We hear and I believe that in Turkey there are schools where they train them how to pass as different nationalities than those they are.”*

*“Everything has changed with the internet. Now you can ask someone their address, and immediately see what exists next to their house and ask them about it. For that reason, I make sure I always have data on my phone, because sometimes the connection here might go down. With Google Maps, even if they are e.g. from a village with no street names and such, you can ask them about neighboring villages, mountains, and rivers.”*

*He mentioned that sometimes they allowed the person being registered to write their own name in Latin characters as “this can also be telling and used to form a conclusion”. At this point, he pulled out a small notebook from his backpack and showed me different ways of spelling the name Mohammad. “Syrians write it like this but never like this, Moroccans write it like this but never like this,” he said, adding that, “Sometimes, the way they write their name makes me have second thoughts and be inclined not to believe their story.*

*“We work a lot based on our instinct and intuition. Sometimes, the moment they walk through the door, you already have an opinion, and then you seek to validate it.*

*“Occasionally, just by the flow of their speech, I am persuaded and sure whether they are truly from there. And I don't even have to ask the translator. Of course, if they have a strong opinion, I consider it. It can be the case that their clothes indicate elsewhere, maybe they are wearing a ring, for example, that I know is from Afghanistan.”*

*At this point, the official said that he knew the Asylum Service was in a position to make changes in the data of the person being registered and that in a way makes him feel safer with regard to his conclusions. “Here we have 20 minutes maximum to make decisions, people are tired, scared, babies are crying in their mothers' arms. After a few days, they have rested, they have been told their rights and the Asylum Service officers have more time to do their job. So, if we make a mistake, it can be fixed. That makes me feel safer, and I think it works the same for my colleagues. We are not gods you know... So, if people protest my decision, they may do it for a thousand reasons, but I won't change it, because I know that there is a second procedure.” I wonder if he is aware of the time limitations regarding the objections a person can raise.*

*He then told me the story of a Syrian woman who crossed the border with her children to meet her Kuwaiti husband who already had asylum status in the UK. “In Syria, you don't get nationality from your mother, so the children were basically stateless.” The father had to send birth certificates from the UK, and the outcome was that they were recognized as Kuwaitis. None of us knows what would have happened if the father had not been in a position to provide the birth certificates, however he implied that it would be “complicated”.*

Testimonies of instinct-led border work when it comes to screening are not limited to oral accounts of officers working in the field but make their appearance in official FRONTEX material. “You develop a kind of sixth sense for when people are not telling you the truth,” said a “policewoman with 20 years' experience” from Denmark (FRONTEX & Fergusson, 2014, p. 34).

Another field-informed account of screening arose when, in Lesvos, I had the opportunity to interview the then Operational Coordinator of the FRONTEX mission, Francisco Ramos, a Spanish officer who all other officers of all

nationalities referred to as Paco<sup>5</sup>. Even though the interview was an official interview, during which he talked to me as a representative of FRONTEX, he still did not want it to be recorded. When the discussion came to the task of screening, Paco was not shy of offering an account that did not exactly radiate positivism regarding the assessment provided by the screeners. “The outcome of screening is not a scientific fact. It is a working hypothesis, the best we can do and what we will work with.” While this testimony coming from a high-ranking field officer may seem to conflict with FRONTEX’s self-declared task of “properly verifying” a migrant’s declaration of nationality, one can meet the same general attitude in FRONTEX’s operational handbook from 2014, where a screener is described as “an officer of a competent authority of an MS who interviews and establishes assumptions on the nationality of an undocumented person” (FRONTEX, 2014a) and the whole process of screening as being “carried out to establish a presumed nationality” (FRONTEX 2014, p22).

### **7.3.2.3 The interpreter**

As, in principle, FRONTEX and Greek Police officers are not trained in the languages spoken by most migrants, and many migrants don't speak European languages, the screening interview requires the presence of an interpreter. The agency of interpreters working in asylum-related procedures, but also in other public service contexts, has been discussed by migration scholars, as well as sociolinguists and interpreting studies scholars (Craig, 2012)(Eades, 2005) (Nick & Cambier-Langeveld, 2018). While often considered as a sort of passive and neutral human translation apparatus with the main issue being their competence, interpreters are instead seen in a large body of this work as active agents in the process they are involved in, whose mediation in the communication is vital, even if they, or other parties involved, are not aware of this importance. Some researchers have straightforwardly argued that asylum seekers’ stories are radically re-rendered during their translation for the needs of asylum handling committees, to the point of costing them their recognition as

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<sup>5</sup> “Paco” is a Spanish slang word for Police officer, or cop. It is also a reference to the 1973 film *Serpico*, where the main character is a police officer with the same name who tried to fight police corruption. It seems more likely that the earlier was the inspiration in the specific case.



refugees (Maryns, 2006). Others point out the importance of “language ideologies” at play, seeing the latter as “systematic ways of using language in a particular way, directing the formation of meanings, creating a prototypical set of oral, written, and multimodal genres and texts, and enacting, reifying, and enforcing ideologies within a field of activity or an institution” (Maatta, 2015). The present thesis cannot and will not explore the issues of linguistics and interpretation in depth. However, there are some points to make regarding the interpreter as an actor in the Hotspot and as part of a group of border guards. These are stemming from my research in VIAL, and it is unknown if the same can be said about Moria.

In the context of Hotspots, and with regard to everyday organizational communication, most of the interpreters present would be employed by NGOs. NGOs, such as MetaDrasi, are focused on providing translation and intercultural mediation, while others are present as support organizations, busy with protection of minors, such as Praxis. In most cases, interpreters are persons of migratory background, and in some cases are people who also entered EU “irregularly”, were recognized as refugees, and developed a social circle and a new life in the Greek islands. Thus, many, if not most, would show empathy and genuine interest in the incoming migrants. However, and even so, finding a translator and obtaining their services was a complex matter of social engineering and “habitus”, as they would often be tired and very busy, which would affect and limit both their professional and emotional capacities. This, in combination with the insecure and vulnerable position of the migrants, could and often did lead to tensions in many aspects of everyday life in the camp, like healthcare and food distribution.

When it came to screening and document checks however, things would change as anticipated. In contrast with the other activities mentioned before, these are conceived as highly related to security concerns. The compassionate attitude of the interpreters, who in addition often inhabited different communities within the Hotspot than those inhabited by border guards and higher-ranking administrative staff, were in some cases perceived as a potential motive that could undermine the validity of the translation offered. Suspicion of this kind, present in many aspects of migration governance (Anderson et al.,

2014) was not limited to interpreters working for NGOs but seemed to be directed even towards interpreters employed by FRONTEX and the Greek Police. In certain cases, however, group dynamics and long-term cooperation would annul it, as was the case of the Dutch task force mentioned above, where the interpreter, employed by the Dutch Royal Police force, was considered a fully trustworthy, integral element of the team. The testimony of the Dutch border guards about interpreters would mention them as “naturalized” migrants, on account of them having spent a big part of their lives in Europe and “having European passports”. This positioning seems to be in line with FRONTEX’s handbook, which on the interpreters’ collaboration with screening officers, reads: “An important task for the interpreter is to give the screening expert feedback on *the reliability of the information received*. Their own experience, language expertise and cultural background are valuable assets that can be used to evaluate the credibility and reliability of the information provided by the migrant.” (FRONTEX 2014, p24).

#### **7.3.2.4 Document control**

At a desk adjoined to the screener’s, a document expert sits at a workstation occupied most of the time by FRONTEX officers. While screening, at least in FRONTEX’s narrative, serves aims that exceed the detection of attempts of deception, as for example recognizing vulnerable individuals (FRONTEX, 2014b), document control is by nature an even more suspicion-led process. In the setting of migration-related document control, as the latter is applied in the institutional setting of the Hotspot, scholars (Webber, 2015), have been skeptical regarding the institutional origin of the officers performing it. As Webber mentions, there is the danger that “seconded civil servants from member states’ interior ministries” that will be imported to take on the task will have their mindset “attuned to detecting fraud rather than responding to need” (Webber, 2015). It is hard to grasp the nature of the operational capacity and training of all FRONTEX officers deployed in the Hotspots over time. Most of the information I could get on this, and which I will present, came from the seemingly highly trained Dutch document expert, who was part of a Dutch task force sent in a supplementary capacity by the Dutch government.

The document check in the Hotspots happens under a very special regime related to other border venues, such as airports or “regular” crossing points. While in the latter, the presence of a passport, or other travel document, is an absolute prerequisite for crossing a border; irregularized migrants are often unable to present such documents. The reasons for that can differ. The documents can be lost, stolen, destroyed during the journey, or sometimes withheld by smugglers. In other cases, people may have documents with them, but choose not to present them, in order to support their nationality claim, which if successful, might give them better chances in their asylum applications. In other cases, a feeling of general mistrust towards authorities may lead them to adopt the same practice. However, even in cases where a passport is presented, it is not necessarily accepted as sufficient proof of a person’s identity. FRONTEX considers “travel document fraud” to be “one of the biggest challenges for European border guards” (FRONTEX, 2018). Thus, passports are subjected to checks much more often than at other border venues.

While the forging of travel documents is definitely a significant factor, with an extensive market developed around it, it is not the only way that migrants try to circumnavigate European border control. It is not impossible to obtain genuine documents published by authorities using falsified documents, such as birth or marriage certificates, that are published and circulated under a less strict regime. And the black market of travel documents includes the selling and buying of authentic passports between people who resemble one another.

The document expert not only verifies the validity or detects the forging of a document. Things can also proceed in the opposite direction. In some cases, due to time pressure or perhaps the efforts of a sophisticated and talented forger, fraud documents may pass undetected. In some of these cases however, their bearer be unable to maintain their story and may admit to the “fraud”. In such cases, the document is proved forged a posteriori based on the screener’s work and conclusions. The document is then subjected to a more thorough examination, this time under the knowledge of it being fake. This examination provides more knowledge about the modus operandi of document forgers, which is documented and augments the existing body of knowledge on the issue.

While the above may be the case when it comes to passports and ID cards, as I have mentioned, in most cases, these kinds of documents are absent. Sometimes, migrants would present other documents, such as marriage or birth certificates, or even documents published by their local municipalities, which are in general produced under far less strict security protocols than passports. The document expert belonging to the Dutch team informed me that there is very little standardization of the resources used for these papers in countries such as Afghanistan. Also, there is little knowledge on behalf of the EU on the standards, materials and methods used in the production of said documents (Interview with Anonymous Dutch Royal Police officer, document expert, member of the Dutch Task Force, Chios (March 2016)). Therefore, it is hard to make decisive assessments of their validity. Also, in some cases, storage locations of supplies like paper used in governmental services have been looted or fallen under militia control, and their content distributed to unknown agents, making it possible for other actors to produce forged documents of very high quality. In the case of the presence of documents other than passports, the FRONTEX officer constantly referred to his familiarity with printing methods, paper qualities and so on. While examining such papers, equipment like the UV light machine that he had on his desk were of little help. A tool that seems to be more useful was a dossier containing all information concerning different protocols and methods of “third countries”, which is constantly enriched and shared among different European border agencies. However, there are many “areas” about which there is little or no information. In such cases, the document expert’s account of his methods is full of references to qualities such as “fine print”, “brightness of color” and “texture of the paper” (Interview with Anonymous Dutch Royal Police officer, document expert, member of the Dutch Task Force, Chios (March 2016)). He processes these quantities, through the use of what could be called “document maturity”, or expertise, which, however, is non-communicable, or purely measurable.

### **7.3.3 Photos and fingerprinting**

Migrants who have been through the screening interview are ordered to wait before they are called into a separate container for the remainder of the

procedure. The different spatial arrangement of the containers, but also the more structural difference among the two Hotspots, Moria being a much bigger, more open-air, ex-military camp, and VIAL with all its administrative venues inside a shed, produced some minor differences in this stage. In VIAL, migrants who had completed the screening were handed a memo with their personal data written on it, which they themselves had to hand to the officers working in the next container. The space between the two containers was small and bounded by a barrier space containing a few chairs. In Moria, however, there was more open space – the size of a small schoolyard – where migrants waited during various phases of registration. Because this space was more accessible, it was easier for people to try and falsify their memo, or at least this was the conviction of some officers. Thus, the memo was not handed over. Instead, every person would be called and escorted by an officer to the next container, with the small piece of paper changing hands only between border guards. This of course, was a slower process.

The containers hosting this stage of the registration in VIAL are connected lengthwise, forming a corridor, the left side of which is occupied by a series of desks, each equipped with a desktop computer. The first one in line has a camera mounted on top of its monitor, facing away from the operator. The three subsequent containers have no accessories, while the two before the last one are equipped with fingerprint scanners (or EURODAC machine, as the operators call it). Finally, the last one is connected to a simple printer. The computers are connected to each other so that the users share the same Excel documents on which they list the migrant's data. This is the “tube” the Police officers refer to, and it is a sort of Tayloristic line of production, through which every incoming migrant must pass in order to be registered.

The first workstation in this line is supposed to be operated by an officer from the Port Police, but that is not always the case, as Greek Police officers often fill in the position. The person behind the desk calls the migrants waiting outside, individually or in groups if it is a family. They collect the papers the screeners have provided and fill in the written data in an excel file that is shared among all the computers in the container. They mark the Excel cells that concern family members with colors, so that their colleagues down the line know this is a family.

Then every person has their picture taken, and their passport is also photographed. Apparently, that last task was an idea from the head of the Dutch task force who later told me he was hoping someone would develop an application that could read the machine-readable zone of the passport from a photo. While the photos are taken, the second and third workstations perform a check based on the names against the SIS II database, as well as the national database of aliens. They temporarily mark each entry with a letter so that they know which operator is working on which entry. During my first visit in 2016, there was no biometric check; people were only checked based on the phonetic spelling of the names. Then, the entries, accompanied with the photos are entered in the national database of Mapping Aliens of the Greek Police.

After the photos are taken, and the data is entered in the Excel file, the migrants are directed into the second container, where the fingerprint scanners are housed. The “EURODAC operators” call them one by one, and clean their hands using an antiseptic and a piece of cloth. First, they scan the palm of the hand, then they take a “rolling fingerprint” of each finger, then the four fingers except the thumb, and then a “static print” of the thumb. A monitor connected to the scanner displays green and red indications showing a successful capture of the fingerprint. The end of the process is marked by a “confirmation” or memo being issued. This is the process for many of the cases. However, situations that are “unscripted” occur relatively frequently.

#### **7.3.4. The memo**

The last desk in the line or “tube” is equipped with a simple printer. Those operating these workstations, both in Lesbos and Chios, are responsible for producing the material outcome of the registration process, which would be a paper with the personal data of the migrants written on it. This was a simple piece of paper printed on a basic laser printer by the officer operating the computer at the last “station” in the final container. At the time of my visit, citizens of Syria, Palestine, Somalia, Sudan, Eritrea, Yemen and Iraq would receive a paper that the border guards would refer to as “confirmation”. People of other nationalities would receive a “memo”. A “confirmation” or a “memo” was a prerequisite for someone obtaining a ferry ticket that would take them to the

mainland (at least officially). In addition, the data written on the “confirmation/memo”, especially nationality, had (or were considered to have) important consequences for their bearer’s mobility. The “confirmation” would allow someone to be in Greek state territory for a time period of six months, while the memo was only good for one. Different nationalities would receive different treatment upon arrival in the port of Piraeus. I cannot say with certainty what power the specific “confirmation/memo” would have outside the Greek state’s territory, however in the last months of 2015, the north border of Greece to Macedonia was closed to all nationalities except Syrians, Afghans and Iraqis(Protothema.gr, 2015). All of the above rendered the memo an important asset for migrants and, as expected, a black market in falsified, altered and original “confirmations” soon flourished within as well as outside the Hotspot.

During my first visit in VIAL in March 2016, alongside the FRONTEX officers deployed by the agency, there was a Dutch task force of Dutch border guards. During that period, the Netherlands was under the presidency of the EU, and had decided to augment the deployed corpus of FRONTEX by sending men, boats and land vehicles to contribute to patrolling, rescue at sea, and registration. The head of this mission came up with a method to upgrade the level of security of the “confirmations” and the memos, by ordering and having made a metal device resembling a stapler in form, which was used to mark the documents with a sort of “invisible stamp” that could only be identified in the hands of looking for it by running their fingers through the document. The Dutch border guards then asked their Greek colleagues to inform all travel agents of the islands about the existence of the “stamp” and only to issue tickets if it was present. During my second visit in VIAL, I was informed that the confirmation was substituted by a paper triptych, from which people were now busy trying to remove a red stamp, and that departure from the island was possible only for people included on a special list compiled by the Port Police. Almost every single Police officer I talked to in Moria and VIAL had something to say along the lines of how undermined the registration process is with regard to people being able to undertake the procedure again under different “identities”. “Nothing stops someone from going down to the beach, mingling with the crowd from a new arrival, and coming back here to register again”. At this point in time, (March

2016) fingerprints are only stored and not used for identification. Thus, it is not only possible but also easy for migrants to take another shot at the interview, or obtain a memo with different data written on it etc. “It has reached the point where we had to put up pictures of certain people inside the screening container so that they would not be able to come back” (Interview with Anonymous Greek Police officer, Desktop operator in registration container, Lesvos (March 2016). I will now turn again to an ethnographic vignette, presenting my observations from the fingerprinting containers in VIAL in March 2016.

#### **7.3.4.1 Ethnographic vignette**

12-03-2016, VIAL

*The registration “tube” is at full working capacity. Around 350 persons have been registered today. In the space between the screening/debriefing container and the fingerprint/photo container, people who have been screened wait patiently, papers in hand to be called into the next container. Earlier, however, the system was down for an hour or so, due to unspecified reasons. When asked about it, the officers replied that they are waiting for a new order that will specify whether Afghans will be detained or not. They say that changes like that occur often. “Tomorrow is another day and it will be different again”. Two young migrants caused a “flag report” during their screening and are waiting for a police car to take them to the station. One of them is Palestinian.*

*When the system functions properly, the operator of the first workstation calls the people waiting outside to come in, one by one, or by family group. The operator collects the papers the screeners have given them, and briefly checks if the data written on them match the passports (if passports are presented). Occasionally, he asks how a name is pronounced. He feeds the data into the Excel file that is always open in all the computers, and then takes photos of every passport and every person. Parents smooth the hair and adjust the clothes of their children before telling them to look at the camera. Some children then rush to the computer to look at their picture. Popular Greek music is emanating from the speakers that one of the Police officers has connected to his computer. Some Syrian*



*children, after checking their photo, dance to the music before their parents pick them up.*

*The second desk has no interaction with the migrants. Its operator copies and pastes the data from the Excel files and feeds them into Police On Line (POL the Hellenic Police Systems). He also checks the names against the Schengen Information System II (SIS II), the European database for stolen or missing documents, vehicles, weapons, missing children as well as persons wanted or banned from entering the EU. Since the search is based only on names, it often comes back with a long list of names spelled similarly, or of people sharing the first name but with different surnames and the opposite. I am sitting next to the operator of this computer, discussing the system's interface, and he says: "If the search returns let's say 50 or 100 names, there's no way I will go through them one by one. And anyhow, we can't be called to manage something like that, so..." he then proceeds "in my opinion, we are feeding the country with unknown individuals... I am not judging, it's just my opinion."*

*After the photos are taken and the excel file completed, migrants proceed to the second container to be fingerprinted. The monitor connected to the fingerprint scanner shows five panels, each corresponding to a finger, that alternate between green and red indications. After each successful capture of a fingerprint, the corresponding square in the screen turns green. Migrants are offered alcohol to wash dirt of their hands, and the surface of the scanner also has to be cleaned often. Observing the people being fingerprinted, I cannot help but get the impression that they obtain a sense of achievement when the indications on the screen turn green. Perhaps they believe that there is a background check happening, which is not the case. Most likely however, they are just happy that they are one step closer to completing the procedure. Once the fingerprinting is done, they are provided with a new memo that will serve as identification for the rest of their stay in Greece and allow them to travel to Athens. These memos are believed to have been falsified and a small trade in them has emerged. While the operating computers are directly connected to the Mapping of Aliens application, they are unable to directly upload the data to the EURODAC database. Instead, every 12 hours, at 05.00 and then again at 17.00, they upload a stack of data, which they refer to as "a case".*

*The system being down for an hour or two is not uncommon. Nor is it the only noteworthy event that takes place in the span of two days, 12 and 13 March 2016. During the evening shift, in 5 different cases, people enter the container through its exit opening. They want to talk to the operator of the last desk of the last container, the one who prints and hands out the “confirmations” and memos. All of them ask for corrections of spelling mistakes that they realized after the end of the registration. These demands cause frustration among the officers, and often the people are told to come back later or tomorrow when they are not so busy. The talk of the town among migrant support groups is that since the border between Greece and Macedonia has been closed, trapping people in the mainland, the numbers of spelling mistakes and other errors in the confirmations and memos have increased. Some see this as an effort to delay the influx of people from the islands to the mainland, as this produces political pressure on the government. The officers don’t seem to think much of it, and are always joking about how slow the system is, how often it is offline etc.*

*At some point, a tall man in his 30s arrives, helped by another person. He is blind and was registered yesterday. He explains that he just realized that he has been registered as Lebanese but that he is in fact Syrian. He had his passport when he was registered but has lost it inside the camp. The police officers listen to his claim and to my surprise they decide to print and give to him a new memo stating Syrian nationality. Once he is gone, they talk about his case, and they all seem genuinely convinced that someone stole his passport.*

*Later the same night, the name of a person from Iraq activates a “hit” from SIS II, stating that he has passed through the Greek borders before. After talking to him, they conclude that he has travelled to Belgium, where he was ordered to leave within a month after his asylum claim fell through (rejected). He then went back to Iraq and now he is travelling back to Europe, this time with his family. However, the officers are not sure why SIS II does not flag him as banned from entering the EU. Not sure what to do, they discuss previous similar cases, and call the headquarters of the Aliens Directorate in Athens. Worrying that my presence may lead to stricter handling of the case, I withdraw from the container. Later in the evening I ask what happened. The shift chief tells me that when he was registered, Iraq was on the “deportation list”, so he was given a month to leave the country*

*voluntarily, but probably his case never made it onto the list of “unwanted individuals”. So now he should be detained. However, he is now with his family, which includes 3 children, so he belongs to a “vulnerable group” and arresting him would just mean that he would spend 3 days in prison and then be set free. So, they might as well save him the trouble and pass him through. He concludes: “I don't mind if e.g. an Afghan person passes through with a passport from Iraq on my shift. If a jihadist does however, it will be a moral burden for me”, clearly referring to the passport found near one of the Paris attackers. It is extremely difficult for me to understand the rationale behind their actions, and it is doubtful if there is a clear rationale to begin with.*

*One last “event” of the shift concerns four minors who have probably “accidentally” stated their ages, and are now not allowed to proceed, as they have to be escorted either to the police station, or to the neighboring islands of Kos or Lesbos, where there are “appropriate structures for minors”. During the registration of a family, and after some communication among them, the mother of the family and two of the minors claim that they are part of the family. There is some back and forth with the Police officers, but in the end they all walk away together. The remaining two minors now claim that they are cousins and that one of them is 19, but this is not resolved before I have to leave for the city.*

### **7.3.5. The age assessment**

Another part of the registration process that, while not carried out within the containers, still comprises an integral part of rendering migrants “known” and governable is the detection and differentiated treatment of people who are under the age of 18 and are unaccompanied. This process is complicated, not only in terms of methods used, but also with regard to the actors. In Chios in 2017, the procedure normally involved the local hospital, where an x-ray of the wrist would be used to provide an assessment. However, that was not always possible due to doctor’s availability but also as a person working for IOM informed me, an x-ray would require an order from the attorney of the state, which was not always available. In these cases, a dental examination would be carried out instead, and it would not be a rare phenomenon for hospital doctors to ultimately refrain from providing assessments.

When talking with a member of Doctors without Borders in Lesvos, it was evident that there was a concern that they/he would not be associated with FRONTEX and their practices, as he constantly emphasized the fact that their involvement in identification procedures was conducted in collaboration with FRA/KYT and not FRONTEX. I tried to ascertain whether they provide age assessment not only with regard to 18 years of age, but also 14, which is the limit for being fingerprinted, but was not entirely successful. However, I was provided with some information about the alleged medical practices in use for the age assessment. Apparently, the method they use is “an examination regarding age and sex, where we look at characteristics... the secondary attributes of sex.” (Interview with Dimitris, Doctors Without Borders, Lesvos (March 2016) ). He told me that if there are doubts “about some people who may be in the limit” they may ask for the collaboration of the hospital. He also told me that the x-ray method can provide certain results with regard to whether or not a person is over 12 years of age, not to determine adulthood.

It is worth noting that in the media and political debate, the often heated discussion around “bogus minors” is carried out under the presupposition that the truth about someone’s age is only concealed from the direction of an adult presenting themselves as a minor in order to reap the benefits. However, in the reality of the Hotspot, things are not one directional. As employees from Praxis informed me, it is far from uncommon for minors, once they realize that declaring their age will get them “pinned” on the island or in sheltered housing on the mainland, to alter their date of birth, so that they are considered adults and allowed to continue their journey. In some of these cases, their motivation was that they were under pressure to reach the countries of the North as soon as possible and establish themselves there, and later bring their families over through family reunification. These individuals had very little interest in the special attention reserved for minors, and they would also not consider themselves minor, nor in need of extra protection. Instead, they felt they were paving the way for the rest of their family to follow them to Europe once they had settled.

### 7.3.5.1 Ethnographic vignette 3

*Five young men, escorted by a person working for IOM, are waiting in front of the lower container complex in the registration area. The containers here house IOM, Doctors without Borders, MetaDrasi and UNHCR. Earlier, talking to a representative from FRA/KYT, I stated my interest in the practice of age assessment at the Hotspot. After I attended a meeting with some Greek Police officers, they called me back here, and ask me to wait for a while. A doctor comes out from the container and looks at the migrants. It is not clear to what extent they are informed about what is happening, neither did I have the chance to confirm the exact context of what is happening. However, it is clear that the doctor is in a hurry and perhaps annoyed that he had to stop whatever he was doing in the container he came from.*

*Without approaching within one meter of any of the migrants, he starts pointing at them, one by one and saying “minor, minor, adult, minor...”. “He said he was minor,” says the escort, referring to the last person indicated as an adult. “He can say what he wants,” comes the answer. After this is done, the escort mentions me and asks the doctor if he can talk to me about the age assessment. He is clearly is caught off guard and disgruntled. He asks her to step into the container with him. I did not see him again.*

## 7.4 Discussion

The Hotspot approach was introduced in the public and political debate as the determining step that would restore order at the external border of the EU, by rendering the incoming populations known through a thorough process of identification, registration and fingerprinting, no less. As I showed in chapter 6, the issue of identification and registration exceeded an issue of proper administration and population management, proceeding well into a discussion of rights, ethics and “European values”. However, the tone of this debate did not (and could not) address the complex set of tasks that comprise “identification and registration”. Instead, it would revolve around issues of “resources”, both human and non-human, while constantly referring to claims of the incomprehensible size of the incoming populations. After presenting the findings that I acquired through ethnographic research, in the following sections,

maintaining the structure of the chapter so far, I will proceed to discuss and draw conclusions relating to each stage of the registration separately in the order they are performed in the Hotspot. For the purpose of this discussion, I will incorporate previous work and insight provided by the migration researchers and scholars working in other disciplines scholars that were introduced in chapter 2.

#### **7.4.1. Screening**

##### ***7.4.1.1 Problematizing the screening interview***

The crossing of a border is a moment when an individual is found in a limbo between two sovereign bodies, as the person transitions from one jurisdiction to another. In the case of “legitimate” travelers, who voluntarily forfeit the “protection” that the state of their country of origin in principle provides them with, this limbo is temporary and partial. Implications on the process, or doubts about the identity of the traveler, will most likely be resolved by the mediation of a secure travel document, namely a passport and/or a visa. If the situation becomes more complicated, travelers can always ask for the support of their country’s embassy or consulate. In the context of irregularized migration and the Hotspot more specifically, however, this transition between sovereign bodies is both more time-consuming and more complicated and multifactorial. When irregularized migrants are called upon to declare as part of their identity, their country of origin, name, age etc. both sides of equation (migrants and border guards) are aware of the fluidity that characterizes the present moment. The absence of certainty constitutes the principal challenge for the border agencies and their recruits, and most of their actions evolve around the stabilization of this uncertainty. In this context, the screening procedure is the first step.

The screening process and its outcomes have been criticized as being prone to problematic decisions in the past, before the emergence of the “migrant crisis” and the Hotspots. Many of the denouncements revolve around the (apparently not always guaranteed) presence of an interpreter who can speak the language of the interviewee, the extent to which the interviewee is properly

informed (PROASYL, 2012), cases of mistaken assessments, (Migreurop, FIDH, & EMHRN, 2014), the unclear role that the interpreters play in decision-making (Keller et al., 2011), and the distribution of tasks among Member-State officials and FRONTEX officials (Maniar, 2016). Other denouncements concern the inappropriateness of the screening material “for illiterate people or for those who have lived for long periods as refugees in other countries, thus not being able to give the proper answer to geographical, political and cultural questions” (PROASYL, 2012, p21).

Other points of critique exceed issues of the proper execution of the script of the process, and to the realities enacted by the possible outcomes available to the screeners. A report from Migreurop from 2014, based on a research visit conducted in October 2013, examined the category of “stateless person”, and its implications in the context of the Greek border work. More specifically, it mentions cases where Palestinian refugees from Syria, carrying Syrian travel documents were recorded as “stateless” from Greek Police and Frontex “despite the fact that they had been living in Syria, they were unable to benefit from the specific regime applicable to Syrian refugees (obligation to leave the territory within 6 months) and were given an order to leave the territory within 30 days.” (Migreurop et al., 2014, p. 36).

#### ***7.4.1.2. Doing identities with words***

At a fundamental level, the screening interview is an exchange of words. The trained officials and interpreters set questions for the interviewed migrants and evaluate their answers. In this manner, they shape the future of the latter, and to an extent, that constitutes their identity. The subject is being shaped by the actions and decisions of an intra-state institution. The “test”, according to which a person’s nationality is assessed, can be seen as an effort to quantify nationality. It depends heavily on the familiarity with cultural tokens, which to use a metaphor from mathematics, seems to function as a continuous variable, meaning that it is not something directly countable with precision, for example, on a scale with distinct values counting as scores. Building on the metaphor, the opposite of a non-continuous variable is a discrete variable, the most common example being the set of integral numbers. These are discrete, ontologically

separable from one another, and most importantly can be uttered in a finite way, no matter their size. The screener's assessment is in some ways a discrete variable. A person is found to be Syrian, Iraqi or of any other ethnicity in a discrete manner. There is no x% Afghan. In that manner, we can see screening as a transformation (a function to continue with the metaphor) from the highly continuous domain that constitutes people's paths of life experiences to the discrete categorizing system necessary for the EU's asylum system to achieve its aims. While I find that this metaphor stands, metaphors from the natural sciences can be inspiring and useful, but more often than not, have a limited scope and should be used with caution.

Instead, the testimonies of the screeners and other FRONTEX officers that I presented in section 7.3.2. can be analyzed and discussed with the use of performativity theory as discussed in chapter 2. The interviewed person is called to back up their identity claim, and more specifically their nationality claim, through a satisfactory performance of a script that the screeners set before them. The flow of their speech, and their accent and their spelling are all seen as elements of this performance, evaluated and compared by the expertise of officials, each of whom "*has his (sic) own method, his own measure*" (Interview with Anonymous Greek Police officer, screener, Lesbos (August 2017)). They are called to *do themselves with words*, to paraphrase Austin. However, the performance is not solely verbal, but includes non-verbal cues, such as the apparel that the person examined is wearing, as well as the vigor with which they support their claim.

It has been impossible for me to dig deeper into the content of the screening process, as the precise content of the questions would of course consist of classified material. In any case, attending an interview was out of the question and would have raised significant ethical concerns. However, from the screener's approach to spelling, it is clear that the interviewed person is expected to perform specific modes of literal existence, to satisfy criteria that shape the understanding of nationality for the screener. It is also through these criteria that the individual being interviewed is being performed, shaped as a specific kind of subject, worthy or less worthy, allowed to remain in the territory, and deserving of compassion and access to institutionalized support or not.



At the same time, and through the same process, it is the border as a filter that is being performed. Through the actions of the border guards, and “as a judgment is performed on an interviewee, so the border is augured into being” (Parsley, 2003, p. 55). In this interaction of the border guards’ presumptions and methods with the answers that migrants provide, borders are constituted not geographically as lines in the sand, but as sets of social processes, as the outcome of human labor.

#### *7.4.1.3. Inside the “thought worlds” of border agents*

It is important to note that this border work does not happen in an epistemological vacuum. Instead, the screener’s work is saturated with epistemological and ontological presuppositions. First of all, the process of “identifying” a person, and the necessity of this action, presupposes the eventuality of the person lying about their identity. In a universe where there would be a certainty that nobody is willing or able to lie about their identity, there would be no need for identification measures and equipment in the first place. Here on the other hand, the motivation for a person to lie about their identity is more than present, it is the norm and it is supported by a widespread discourse around bogus refugees that far exceeds the limits of the Hotspot. The “culture of disbelief” (Anderson et al., 2014), depends heavily on the stereotypes cultivated by border guards, shaping their criteria and decisions (Jubany, 2011). Immigration officers, like all humans, inhabit worlds where rumors, stories and personal experiences, interact with other people’s similar accounts, often within the context of bureaucratic work and shape their “thought worlds” (J. Heyman, 1995, pp. 271–273). These “thought worlds”, can be very specific, extending well beyond the general notion of disbelief, as illustrated by my informant screener’s belief in the existence of training schools for ambitious bogus refugees in Turkey. Furthermore, such beliefs, regardless of their truth value, shape not only the manner in which a border guard sees and considers a migrant standing in front of his office but are also in a position to shape their practices. In the present case, it affected my informant to the extent of him discarding the “traditional” method of the dossier and questions and relying on Google maps instead, thus conceiving new standards of geographical literacy and habitude in the screening process.

#### 7.4.1.4. Positioning the outcomes of screening interviews at the Hotspots

The screening interview and the outcomes it produces cannot and should not be seen as a process in isolation from the rest of the functions occurring at the Hotspots, the actors performing those functions, and also the perception of said functions by the screeners. At this point, I would like to return to the screener's reference to the role of the Asylum Service in initiating a backdrop procedure available for migrants wishing to challenge the nationality assessment that is mentioned in the ethnographic vignette: *"if people will protest my decision, they may do it for a thousand reasons, but I won't change it, because I know that there is a second procedure"* (Interview with Anonymous Greek Police officer, screener, Lesbos (August 2017)).

In this quote, it is clear that the screener is convinced that a different agency and set of actors, in this case the Asylum Service and the asylum operators, will be in a position to address and correct a possibly flawed assessment stemming from the screener. This conviction actively shapes the screener's own perception of his actions and their consequences. More precisely, it distributes decisions on the nationality assessment across a wider set of actors active at the Hotspots. This distribution of accountability has two effects. Firstly, it lightens the moral burden of a possible false assessment, as the latter is now distributed to a vaguely interconnected system that is the Hotspot. However, and perhaps more importantly, it makes it easier for the screener to discard a person's objections and protests, and enforce his initial decision, as the screener is assured that if he makes a mistake, others are in a position to fix it. This sharing of the moral burden allows screeners to act as "petty sovereigns" (Butler, 2006b), inside the general context of an institution which they do not fully control or understand. Being part of such an apparatus of governmentality and enjoying the moral relief of functional backdrops allows for decisions to be made.

However, of equal importance is the limited interest that the screener expresses towards the materialities of the actual processing of potential appeals. During said processing, we have the introduction of yet two more factors in what will be the final, more stable outcome of the "identification". One is the "social capital" that a migrant may or may not possess. This may take the form of family

members or close acquaintances in their country of origin who are in a position to help by sending the appropriate documentation on time, not to mention the existing, or non-existent, infrastructure for said mailing services, as this can be of vital importance.

Secondly, the work ethics, and time that Asylum Service or NGO employees have available to guide and help the migrant through the appeal are vital. This may sound banal, or something that should be considered as a given by any professional. Yet, in the reality of the Hotspot, even the most motivated individuals quickly burn out, and may resort to doing the minimum for a period, or using intuitive criteria to decide who is worthy of their efforts to go the extra mile.

#### **7.4.2 Document check**

The document check draws its validity as a procedure from scientific methods to a much larger extent than the screening method. Certain documents, such as passports, can be verified to a great degree of certainty due to high levels of standardization in the material and techniques used in their production. However, the validity of a document is only one step in the process of document control, as the bearer of the document may have bought it, or had it published under a different set of personal data. In such cases, the document may be proved to be forged, not due to the expertise of the document expert, but due to information derived from the screening. The document expert will then proceed to examine the document already equipped with the knowledge that it is forged. In such cases, the Hotspot functions as a laboratory of production of knowledge for FRONTEX and their officers. New knowledge is produced, analyzed, documented, recorded to be subsequently circulated within the national border agencies through FRONTEX. This is not the only case where new border-related knowledge is being mined from the Hotspots. For example, in the de-briefing processes, FRONTEX is constantly making an effort to collect information on the modus operandi of smuggling networks.

In the document check, I also see a classic but modified example of what is often discussed as the “entry point paradox”, to describe a characteristic of token-based identification methods. Namely, “the problem of low integrity being

propagated from seed documents to derivative documents”(Clarke, 1994, p. 8). The term is in principle and most often used to describe the weaknesses and shortfalls of identification systems with regard to them relying on weaker “seed” documents, and thus being prone to a “fraudulently” stabilized identity being available to “scammers”. On the same issue, Van der Ploeg (2016) argues that “the accuracy of each digital identification or verification system, however sophisticated, is only as strong as its weaker link, which often lies right at the start of the whole procedure, the authenticity of “breeder documents”. In the case of migrant registration in Hotspots, it can be argued that an inversion is taking place. We see a relatively “weak” identity document (or just an identity even), being produced, out of a set of procedures that, according to the very actors performing them, are equal to informed assumptions.

#### 7.4.3 Age assessment

Age assessment is another field where the migration-related policies of the EU and its member states are contested, and Hotspots are by no means the only spaces where this contestation takes place. Reports have been published regarding Italian Hotspots, about the practice of attributing a fictional date of birth to minors so that they can be considered merely 18 years old (Redattore sociale, 2015). In Austria, transfers of persons related to the Dublin Regulation are carried out while age assessments are still pending, thus once again exposing minors to trauma (ECRE & Knapp, 2015).

Methods used for the purpose of age assessment, such as wrist or collar-bone x-rays, as well as the dental examination, are medical examinations and as such are bound by the bioethics principle of non-maleficence, as they are in a position to expose minors to radiation-related risk, without any potential benefits for their health. Moreover, both methods do not provide definite results with regard to exact age, but more of a margin within the person’s age is estimated, a margin that can be within the range of 5 years (Benson & Williams, 2008). It is left to the medical expert to make a more exact assessment. Furthermore, the validity of the aforementioned methods is challenged when it comes to their applicability to persons coming from the countries from where most migrants come to Europe, namely Asian and African countries. Most studies

on the issue have been conducted based on European and North American references groups, and thus have been argued to be unsuitable for this specific context (Gregor Noll, 2016)(Aynsley-Green, 2009).

Body-targeting methods for age assessment are problematic to begin with, however in the context of Hotspots, the protocols surrounding them would very rarely be maintained. It seems that some doctors in hospitals refused to assess age as they were aware of the limitations of the methods. Others, like those I had the opportunity to observe in Moria, and who are mentioned in the ethnographic vignette, would have less if any reservations about declaring a person to be a minor or an adult. The manner in which this specific examination took place showed little, if any, respect for the integrity of the persons examined, left no space for appeal, and to say that it was methodologically flawed would be an understatement.

Age assessment is yet another field of the identification and registration process of irregularized migrants that is based largely on the “scientific expertise” of human actors, namely the doctors. Apart from the fact that some of said doctors refrain from this duty, it is important to note that, in this case, the possibility to appeal is absent, perhaps more than in the screening process. The delegation to the experts’ agency in order to annul the uncertainty that is inherent in the methods themselves is absolute, while the methods themselves are problematic and disputed with regard to their precision and applicability in relation to people with different racial backgrounds.

Beyond the issue of the accuracy of the age assessment, it is important to note two more points. Firstly, that the categorization of a person as an adult or minor, and therefore as a vulnerable person or not, in a binary manner, raises issues with regards to the notion of vulnerability and the social category of adulthood. Through body-targeting practices of age assessment, adulthood and vulnerability are both quantified in a concerning manner, and this can and has been addressed, as in the case of the UK, where socio-psychological assessments are the norm. To consider a person an adult, and thus not vulnerable based solely on their date of birth, let alone on a rough estimation of it, is a problematic, one-sided method, that does not account for other factors, such as emotional and social growth, and trauma.

Secondly, the age assessment has been present in the public and political debate in two main forms. On the one hand, the spectacle of minors traveling alone or losing their relatives during their travels, or losing their own lives, as was the case with the case of young Alan Kurdi, would “activate” a humanitarian discourse centered around the moral responsibility of the EU to provide care and shelter for these young people. On the other hand, mostly right-wing politicians and more conservatively inclined media often cultivate a discourse quite similar to that of “bogus refugees”, this time through references to “bogus minor” asylum seekers. With regard to the latter, “bogus minors” would be seen as misusing the EU asylum system by occupying positions in the minor protection schemes, thus blocking the access to actual minors who could benefit from it (Sharman, 2016)(Braw, 2016). However, the testimonies of NGO employees question this one-directional narrative and provides other input. Some minors, when made aware of the fact that the, in other terms, beneficial treatment reserved for them will slow down their mobility would choose to hide their age and be registered as adults. This inversion challenges the narrative that I have mentioned. It also challenges the notion of the minor as an individual irrelevant to notions such as right to choose and agency, accentuating the tension between a strictly biological and a more socio-cultural definition of adulthood.

## **7.5. Conclusion**

### **7.5.1. “Identification and registration” as negotiation**

The identification and registration of irregularized migrants in the context of the Hotspot is a multi-factorial, multi-levelled process involving a range of actors. Identification is conceptually associated with the verification of a person’s identifying data, such as name, age, nationality and family relationships, or the debunking of their false claims concerning this data. In the political and media debate, as it unraveled during the “migrant crisis”, identification has been discussed as an exploration and discovery of the identities of incoming migrants, of their true self, which would then be fir to suit the categories available within the migration reception system of the EU. Those categories are consistently naturalized and presented as having a pre-discursive and mutually exclusive existence outside the bureaucratic framework that enforces and maintains them

(Hume, 2015; A. Taylor, 2015a; UNHCR & Edwards, 2016). This naturalization has been challenged by scholars who have argued precisely that dipoles such as the legal/illegal and migrant/refugee, do not exist outside their discursive, legal and socio-cultural construction (Andersson, 2014, 2016; Crawley & Skleparis, 2017; De Genova, 2002; Guild, 2004; J. McC. Heyman, 2001), which is further constructed and confirmed by the relevant border and migration agencies of a receiving state. Furthermore, scholars have argued that the “categorical fetishism” that developed around especially the dipole migrant/refugee fails to encapsulate the plurality of positions and experiences in which irregularized migrants on the move find themselves (Crawley & Skleparis, 2017).

This chapter continues along the lines of the work mentioned above and is an effort to capture and analyze the complexity of the identification process outside simplifying schemes often present in the political and media debate. I argue that in the context of Hotspots, the identification of irregularized migrants, and their subsequent registration can be seen not only as a forensic discovery of a person’s “true” identity, but instead as the outcome of a performative negotiation process between an individual and a set of agencies and institutions. While this chapter retains a focus on the work of Greek Police and FRONTEX officers, it still touches on the fact that a similar argument can be (and has been) formulated for the asylum interviews (Dagg & Haugaard, 2016; Maryns, 2006).

Every element of the identification process draws its validity from the acclaimed expertise of the human agent involved in it. From the screening interview to the age assessment, there is a constant reference to intuition; the impact of the “thought worlds” of the border guards, visual and non-visual cues and work experience on which every assessment is based. Even the document control, the most automated and apparatus-mediated of all processes is to a certain degree based on the expert’s intuition as well as their communication and interplay with their colleagues. The negotiation metaphor could be argued to imply two participating parties who enjoy the same level of agency when facing each other. Although this is clearly not the case, it must be noted that irregularized migrants are often not passive agents in the identification process. While this is not the focus of the present thesis, in the face of the constantly

evolving European policies, they develop their own agency through a series of acts, be they conscious, planned or spontaneous.

In the context of Hotspots, nationality, country of origin, bonds of kinship and age – all constitutive elements of what will be solidified as a person’s identity – can never be pinpointed with absolute certainty. The agents of FRONTEX and the Greek Police are fully aware of this, as is evident from their accounts of the epistemological nature of the screening interview. Nevertheless, as their task is to produce results, they deploy different tactics to overcome this uncertainty, which is inherent in the process. They may for example utilize additional technologies, such as Google maps. In this case, we see the introduction of a technology designed for personal use, namely the smartphone and Google maps, entering the forensic realm, and introducing new standards that migrants must meet in order to successfully support their claim. These literacy standards, if we may apply that term, judge a person’s familiarity with their claimed country of origin, attempting to render nationality and belonging as sizable quantities that should enable one to produce a specific kind of performance upon request. Thus, screeners in the process of validating a person’s claim, produce definitions and necessary conditions concerning what it means to be from a place or country, as it is their assessment that will determine whether or not the specific origin and nationality will be part of the person’s identity in the future. They performatively produce the interviewees’ identity as an ontological effect (Butler, 2010), thus producing specific future realities in which they will inhabit, in terms of freedom of mobility, access to resources and rights.

In some cases, screeners may resort to conceptualizing their assessments as easily reversible if they are based on fallacies. This understanding of their work on the one hand renders the decisions easier to cope with on an ethical level, and on the other hand it frames them as potentially less harmful. As the power delegated to these officials is not absolute, it constitutes them as “petty sovereigns” delegated with a power to utter decisions within the context of “aims and tactics of power they do not inaugurate or fully control” (Butler, 2006b, p. 56).



In the face of this condition, irregularized migrants exercise their own agency, which is, of course, of a different ontological level. They support their claims of kinship, try to re-register, help each other, and return at a later time to have mistakes in their memos corrected. They utilize their social networks to provide them with paperwork, when needed, if they have this form of social capital. In this assemblage of practices, truth is the outcome of a negotiation, the condition where actors stop working towards a direction. For the migrants, this involves exhausting all their possibilities and using their social capital. For the officials, it entails getting to a point where they feel sufficiently secure to stop their investigation. Thus, I argue, the identity of irregularized migrants is not discovered in the Hotspots. Instead, it is constructed and performed as the outcome of a very non-symmetrical negotiative struggle between migrant bodies and the EU border apparatus, as embodied by its agencies and their equipment.

#### 7.5.2. The hotspot as a knowledge production site

Similarly, the Hotspot as a whole, but also the identification and registration process specifically, function as a laboratory that constantly produces new knowledge. Screeners are being constantly trained by more experienced colleagues on the spot. The analysis of documents found to be falsified, stolen or forged not by the document control process, but during screening, also produces new knowledge on the techniques used in document fraud and trade in these commodities. This knowledge is documented, registered and circulated between FRONTEX and national border agencies and constitutes a valuable resource for them. At the same time, the FRONTEX officers are constantly surveilling the migrant population, including at times when they voluntarily help in everyday functions outside their set duties, such as when distributing food. This mix of humanitarian and policing work is not only designed to enforce discipline “*the presence of uniformed men helps to predispose discipline*” (Interview with Anonymous Dutch Royal Police officer, head of the Dutch Task Force, Chios (March 2016)), it also seeks to produce intelligence concerning the qualities of these populations. Finally, the debriefing interviews, scarcely mentioned in the present chapter, also provide information on the modus operandi of smuggling networks.

### 7.5.3. The memo as a technological stabilizer

The function of the Hotspots and the identification and registration process spans a wide set of technologies, ranging from high to low tech. Low-tech initiatives were on occasion surprising, as in the case of the invisible stamp used in the memo. The latter can be seen as a low-tech temporary stabilizer of the outcome of the negotiation discussed earlier in this section. What we see in the case of the memo, is non-linear “progress” of the means by which biopolitical control and restriction of the right to movement is achieved on behalf of institutions such as the Police and border guard agencies such as FRONTEX. While an extended and often high-end collection of technologies was in operation during e.g. the document check, the material outcome of the process was in terms of document security fragile, to say the least. The solution devised by the Dutch border guards with is counter-intuitive with regard to the narration of high-end technologies such as biometrics and interconnected databases used in border control. Instead, it reveals that lower-tech, “analogue” technologies are always on call to supplement and reinforce the control apparatus. What is crucial is that the aforementioned technologies are not common knowledge. In other words, they are not known by the subjects they are designed to govern. Instead, their existence, use and mode of operation needs to be communicated and shared with a selected set of actors, such as the travel agents booking domestic ferry tickets to the mainland. In a way, the effectiveness of the technology relies almost entirely on the subjects’ ignorance of them and is destined to fail as a repressive technique the moment this ignorance is overcome. I did not have the opportunity to discover whether this “moment of overcoming” actually came, or if the stamp technology was simply no longer necessary as the situation evolved or what happened to it. However, it is safe to assume that at some point, the fact of its existence would leak out, and efforts to falsify it would arise, with varying degrees of success.

## Chapter 8. The EU-Turkey Statement

### 8.1. Introduction

In this chapter I present and discuss a very drastic and potent moment of EU policy making that largely recalibrated the EU's "migration machine". This moment entailed "the sum of systems that are used in Europe in migration policy and border control...a cross border policy apparatus for limiting the movement of aliens and for making choices about the migrants (desirable/undesirable) who report to the borders." (Dijstelbloem et al., 2011). This "EU-Turkey Statement" (hereafter the "Statement") was published in March 2016, and introduced as a step towards resolving the "migrant crisis". Despite the widespread criticism it has received, it is considered by various EU politicians to be a successful move, and has even been seen as an example for future similar acts (Delcker, 2017). Considering the "Statement" and its implementation by the Greek state will allow me to pinpoint one more instance of the controversies surrounding the registration of irregularized migrants in a context shaped by the determination of the Greek state to render the "Statement" a solid construction that is immune to critique or doubt.

The chapter is structured as follows: The first section briefly presents the main points of the "Statement". An elaboration of the most controversial points follows. Two more sections focus on more specific points of criticism concerning the legal status of the "Statement" and other implications. Following that, and maintaining the research focus of the present thesis in the context of the Greek state's practices, I present the measures and legislation that the Greek state mobilized for the purpose of implementing the "Statement". This forms the backdrop for subsequently describing a specific instance of implementing the practices enabled by the latter measures and legislations as they pertain to the overall issue of registration. All of the above are discussed in section 8.8 which forms the basis for the final conclusions presented at the end of the chapter.

### 8.2. The Statement at a glance

The relatively short text of the Statement consisted of nine points, of which the first three arguably form the core of the Statement. The first point

dictates that, as of the publishing date of the Statement, “all new irregular migrants crossing from Turkey into Greek islands... will be returned to Turkey” if their application for asylum “has been found unfounded or inadmissible” by the Greek authorities. The second point, which is often referred to as the 1-1 measure, states that “For every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU taking into account the UN Vulnerability Criteria”. The third point concerns Turkey’s part and plainly reads “Turkey will take any necessary measures to prevent new sea or land routes for illegal migration opening from Turkey to the EU, and will cooperate with neighboring states as well as the EU to this effect”. In return for the cooperation of the Turkish state on those three points, the EU Member states are to accelerate the visa liberation roadmap for Turkish citizens “with a view to lifting the visa requirements for Turkish citizens”. Finally, the Statement foresees for the “speed up (of) the disbursement of the initially allocated 3 billion euros under the Facility for Refugees in Turkey and ensures funding of further projects for persons under temporary protection identified with swift input from Turkey before the end of March”, as well as the “additional funding for the Facility of an additional 3 billion euro up to the end of 2018 (European Council & Council of the European Union, 2016)”, totaling 6 billion euros.

### **8.3. Admissibility and Turkey as a Safe Third Country (STC)**

The Statement and more specifically its first point regarding the return to Turkey of all new arrivals is conceptually related to the notion of the admissibility of an asylum claim. The latter has been part of the European asylum system since as early as 2005. Its function has been to allow a state not to examine an asylum application based on criteria additional to those of the Dublin Regulation. The 2005 Directive regulating those criteria dictated that inadmissibility of an application for protection may be ordered when the applicant “(a) has been granted international protection by another Member State; (b) comes from a “first country of asylum”; (c) comes from a “safe third country”; (d) makes a subsequent application with no new elements; or (e) is dependent on an applicant and makes a separate claim without justification.” (Council of the European Union, 2005). Different national legal frameworks

allowed for different selections of grounds for inadmissibility in Member States under the Directive. In the case of Greece, which will be discussed in more detail later in this chapter, the “first country of asylum” criteria were used, but were required to satisfy the “safe third country” concept, a practice that changed for the implementation of the Statement (AIDA & ECRE, 2016).

The notion of “safe third country” (STC) is founded upon two central conditions, namely the level of protection in the country in question, and the connection between the individual asylum seeker and that country (AIDA & ECRE, 2016). In European law, the notion of SFC has been defined by the 2005 Asylum Procedures Directive as a country that has “ratified and observes the provisions of the Geneva Convention without any geographical limitations... has in place an asylum procedure prescribed by law... and has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and observes its provisions, including the standards relating to effective remedies;” (Council of the European Union, 2005). In the Asylum Procedures Directive of 2013, the definition was altered, also leaving the option to Member States to pass their own national legislation for establishing both their own lists of SFC but also for determining the connection between applicants and third countries on which these lists are based.

Overall, and in practice, there is no exact, timeless and widely accepted definition of an STC. At a practical level it is perceived as a state through which a person fleeing from their own country of origin has passed, where they could have found protection, but did not do so (Roman, Baird, & Radcliffe, 2016). This working definition is based on the grounds of an interpretation of Article 31(1) of the Refugee Convention, stating that asylum seekers who enter the territory of a state “coming directly from a territory where their life or freedom was threatened” shall not be subjected to penalties. This implies that people fleeing their country should claim asylum in the first safe third country they reach. However, this would be unfair to countries neighboring on conflict zones (Van Selm, 2001). It is also contested as a rational interpretation of the Convention in general (Byrne and Shacknove 1996, Costello 2005, Peers 2015).

In the context of the Statement, it was crucial that Turkey would be thereafter considered to be an SFC by Greece. This was achieved by a series of

administrative maneuvers that are discussed in sections 8.3 and 8.6.2.1 of this chapter. The characterization of Turkey as an STC came at a time when the country was already hosting 2.5 million Syrians (Broomfield, 2016) accused of illegally pushing Syrian refugees back to Syria (Payton, 2016) and even shooting refugees at the border (Worley, 2016). It has been contested by almost all NGOs working with refugee support and countless scholars (Amnesty International, 2017b; Gogou & Amnesty International, 2017; Norwegian Refugee Council, International Rescue Committee, & OXFAM, 2017; Spanish Refugee Aid Commission, 2017).

It is worth noting that during the first days after the Statement was published, a number of refugees and asylum seekers were returned to Turkey under highly questionable circumstances, as documented by Amnesty International and other organizations. The very first instances of people being returned took place on 4 April 2016 when 202 people were returned to Turkey from the islands of Lesbos and Chios. The European Commission announced that none of the returnees sought asylum in Greece, while UNHCR stated that 13 of the returnees had communicated their wish to seek asylum but their applications were not registered. The Agency believed this was a result of the chaos in Chios following the EU-Turkey deal (Amnesty International, 2017a, p. 17).

#### **8.4. The sealing of the Greek border**

Among the points in the Statement, the second most infrequently uttered is point number 3, which reads “Turkey will take any necessary measures to prevent new sea or land routes for illegal migration opening from Turkey to the EU, and will cooperate with neighboring states as well as the EU to this effect”. Pertinently, while the returning of migrants to Turkey was largely not enabled due to different factors, the Turkish state was indeed quite efficient in reducing the “flows”, as arrivals dropped drastically within the weeks immediately following the Statement (European Commission, 2016d). The vagueness of those “necessary measures” persisted, as media coverage of the public debate regarding how the Turkish state reduced the departures from the coasts has been scarce to say the least. The reports on the implementation of the Statement

that were published by the Commission scarcely mention patrolling activity of the Greek and Turkish coast guards, the contribution of a NATO patrolling ship sharing information, and financial support for the Turkish coast guard (European Commission, 2016b, 2016c), all of which were present before the Statement.

**It is important to mention** that the involvement of the Turkish state in the EU's ardent pursuit of deterring migrants from crossing the Aegean is not a new phenomenon. Turkey has been a transit country for most of the Syrians, Iraqis and Afghanis traveling to Europe, and has hosted significant populations of Syrian refugees. In addition, Turkey has been a EU discussion partner on migration issues throughout the years. In November 2015, a deal was reached between the EU and the Turkish state with a focus on the "active cooperation on migrants who are not in need of international protection, preventing travel to Turkey and the EU, ensuring the application of the established bilateral readmission provisions and swiftly returning migrants who are not in need of international protection to their countries of origin"(Council of the EU, 2015). However, since the arrivals at that time were mostly people from countries with high recognition rates for asylum claims, namely Syria, Iraq and Afghanistan (Peers, 2016), the numbers of people to be returned to Turkey were too small to impact on the agendas of politicians aiming for a significant drop in the incoming "flows". Thus, the November deal was not sufficient. Another deal was required for the significantly larger population.

During the period between the two deals concluded with Turkey, and with a very unclear legal and operational framework, NATO was called to intervene. Accompanied by a debate focusing on the "criminal networks that traffic in human suffering" (NATO, 2016), NATO's Standing Maritime Group 2 was deployed to the Aegean Sea under German command. The official aim of this operation was not related to pushbacks or rescue at sea, but "surveillance, reconnaissance, and monitoring the situation, and thereby provided high-quality information to the Coast Guard of Turkey, the Coast Guard of Greece, and also to the efforts of the European Union". Nevertheless, critical voices have addressed that the deployment of military boats, which was reportedly agreed in the space

of 24 hours (Graham-Harrison, 2016) served the underlying goal of deterring migration (Garelli & Tazzioli, 2016b).

The “sealing of a border” is more of a communicative act than an “actual” description of an event, or a border reality. The idea of completely shutting down an irregular border-crossing route is admittedly unattainable. What is at stake is rendering a specific route “statistically significant”, and this statistical significance has as much to do with the “hard numbers”, as it has to do with the attention they receive.

### **8.5. The legal status of the Statement**

In many (if not most) instances of public deliberation concerning the Statement, the latter was referred to as a “deal” or “agreement” between the EU and Turkey (Deutsche Welle, 2018; BBC, 2016). Notably, the specific terms (deal and agreement) used carry connotations of an orderly understanding between two well-defined and mutually trusting partners. Moreover, they render visible the trade element of the approach that the EU had by then adopted towards the management of the migration flows, in sharp contrast to the humanitarian discourse that was paramount during the summer and fall of 2015.

Contrary to the “orderly” appearance of the Statement, legal scholars have underlined its dubious status. The three cases of migrants affected by the Statement whose cases were taken to the General Court of the EU are particularly enlightening. The Court decision published regarding the cases, refers to the Statement as “a press release, on the website shared by the European Council and the Council of the European Union”, and notes “that measure was not adopted by one of the institutions of the EU” and therefore the Court “lacks jurisdiction to hear and determine the actions pursuant to Article 263 TFEU, and, accordingly, dismisses them” (General Court of the European Union, 2017). The Court proceeds to describe how it was not the EU, but its Member States as actors under international law that conducted the negotiations leading to the Statement, and makes a point about “inaccuracies in the press release of 18 March 2016 regarding the identification of the authors of the “EU-Turkey Statement” (General Court of the European Union, 2017).



The Court concluded that the Statement is not an EU act and that the Court itself has no jurisdiction to hear and determine cases that concern the Statement. This basically renders the Statement an extra-judicial act not subjected to any kind of accountability by European institutions. This lack of accountability led to a range of institutional fallout, such as the publishing of an EASO report on the status of Turkey as a Safe Third Country (SFC)(Nielsen, n.d.). While the examination of this subject falls exactly under the scope of EASO, the report itself was never published. Further reports on this issue, state that the specific report was shelved “upon the judgment of its findings being unsupportive of the priorities of a group of EU Member states and the Commission regarding the implementation of the Statement” (Φωτιάδης, 2019).

Finally, as legal scholars have pointed out, the Statement, and the extraordinary manner by which it was debated, decided upon and published, “affected the relationship between the institutions” (Idriz, 2017) , as the role of the European Parliament was sidestepped, and the Treaty of the Functioning of the European Union “also became illusory” (Idriz, 2017). Be that as it may, the Statement has been considered successful by many EU politicians, to the extent it is considered a model to be followed with other states, namely the states of North Africa (Goulard, 2016). As we shall see later, it was not only the Statement that existed in the margins of law, but also the practices that came in its wake during its implementation.

## **8.6. The Statement and the Greek state**

In the context of the Greek state’s practices, the implementation of the Statement was met with criticism from a wide range of actors (ECRE, 2016b; GISTI, 2016; Norwegian Refugee Council et al., 2017). This was accompanied by practical resistance from institutional organs involved in the asylum procedure and migrant reception. Greek law practitioners actively monitoring the implementing measures noted that the Statement’s implementation was never examined or debated in the Greek Parliament (Φωτιάδης, 2019). Instead, the new law 4375/2016 was passed, (ΕΦΗΜΕΡΙΔΑ ΤΗΣ ΚΥΒΕΡΝΗΣΕΩΣ ΤΗΣ ΕΛΛΗΝΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ, 2016), with various subsequent amendments that

introduced significant changes in the procedures to align them with the Statement.

In some ways, the Statement not only brought into reality new relationships between the EU and Turkey, and significant changes in the mobility of irregularized migrants, it also brought a new chapter in terms of intra-EU conflicts. For example, in December 2016, “The Commission decided to close infringement procedures against Italy and Greece for non-implementation of the Eurodac regulation because in both Member States, there is now a fingerprinting rate of close to 100% of third-country nationals liable to be fingerprinted who entered the EU irregularly at their external borders.” (European Commission, 2016d, p. 5). This peculiar amnesty for “previous sins” of the two Southern states indicates the extraordinary character of the Statement and the new period that it signaled with regard to the management of the migration “flows”. It also reveals that in this new period, concerns dominant during previous years were now considered secondary so as to remove all possible obstacles to implementing the Statement. Interestingly enough, those infringement procedures were introduced alongside a total of 40 procedures, as part of the EU’s call for “more responsibility in managing the refugee crisis” in September 2015 (European Commission, 2015g).

#### **8.6.1. Geographical restriction of new arrivals**

As an implementing measure of the Statement, a geographical restriction has been applied to all incoming migrants whose asylum cases are still under examination, preventing them from leaving the islands bound for the mainland. This measure took the already conflictual reality of the Greek islands at the coastal borderline between Greece and Turkey one step beyond. The islands, which were already at the center of international attention during the period of increased migration flows, are to this day (August 2019), under an exceptional rule of law. Until March 2016, as described in chapter 7, after arriving on an island, migrants were transferred from the landing spot (usually a beach) to reception centers. Here, they were screened, identified and registered, provided with a memo from the Greek Police and then allowed to continue their journey.

While the rate of incoming migrants was significantly reduced, arrivals on the islands did not cease entirely. This, combined with people being prevented from leaving the islands, resulted in the already highly problematic living conditions in the overcrowded reception/detention centers (now named Centers for Reception and Identification) deteriorating, resulting in frequent riots (in.gr, 2018)(Huffpost, 2017). As might be expected, the increasingly gloomy situation took its toll on the migrant population's moral. Doctors Without Borders reported that in the year following the "Statement", 150% rises in stress and depression symptoms were documented among migrants held in Moria camp in Lesbos, and instances of post-traumatic stress disorder tripled (Γιατροί Χωρίς Σύνορα, 2017). The Greek islands, where mortality rates were extremely high, while simultaneously celebrated as places of "European solidarity", were now transformed into large-scale detention centers. However, the Greek islands were not the only locations affected by the Statement regarding Greek state practices.

#### **8.6.2. Reforms in the asylum administration**

In this section I will examine how the time-specific notion of admissibility had to be worked into the procedures of the Greek asylum system. The two main areas discussed concern the restructuring of the Appeal Committees, and the upgrading of the role of EASO in asylum handling.

##### **8.6.2.1. The Appeal Committees**

The Greek Asylum Service, as the first instance authority of the Greek state, has been responsible for implementing the Statement, and has done so by determining that asylum seekers whose applications had been rejected could rightfully be returned to Turkey, which could offer them adequate protection (Gkliati, 2017). However, the Appeal Committees, being the institution examining the applications in the second degree, overturned 390 out of the first 393 rulings on the grounds of not considering Turkey an SFC for Syrians. This of course, was in direct opposition to the spirit of the Statement and more precisely the presumption of Turkey as a Safe Third Country (STC) (Amnesty International, 2017a). This annulation of such an important parameter of the Statement was not warmly received by the EU. It reportedly "created a major upset in Brussels",

rendering the committees “an enemy of the deal” (Zalan, 2016). The EU then applied pressure on the Greek state to introduce new legislation, and a new Appeal Authority and new Appeal Committees were established that were more eager to comply (European Commission, 2016b).

The Greek state did not fail to deliver, and in record time, on 16 June 2016, approved an amendment of the relevant law (4375/2016), changing the composition of said Committees. The earlier composition included one government representative, one representative of the UNHCR, and a human rights expert selected from a list compiled by the National Commission on Human Rights (ECRE, 2016b). The new composition characteristically dispensed with the human rights expert, introduced two judges of the Administrative Courts, and retained the UNHCR representative. The whole escapade was, of course, criticized by scholars and organizations alike (ECRE, 2016b; Gkliati, 2017; Zalan, 2016). An open letter published by members of the old committees pointed out that their institutional replacement was not “due to the rationale of the decisions being incomplete or unjustified, but because it doubted the political planning of the Ministry” (The Press Project, 2016). The outcome in terms of decisions was that the new Appeal Committees, as of 31 December 2017, upheld all inadmissibility decisions of the Greek Asylum Service in the context of the Statement (Amnesty International, 2017a, p. 15). It is worth noting that the same law (4375/2016) has caused conditions for asylum seekers to deteriorate in more ways, including but not limited to, restricting free legal assistance for the first degree examination of their claim as well as refusing their right to be present in person during the examination of the appeal.

On 22 September 2017, the Greek Council of State (CoS) examined whether Turkey is a safe third country for asylum applicants who have previously appealed against a decision of the Appeals Committee. The rationale behind the decision, which found the applications indeed inadmissible on the basis of article 54 of 4375/2016, was that the Asylum Procedures Directive (Council of the European Union & European Parliament, 2013) “does not explicitly require that the third country concerned needs to operate a legal system that guarantees all the rights enshrined in the Geneva Convention. Rather, it can still be considered safe if refugees can receive in practice

‘equivalent’ protection to that envisaged in the Geneva Convention.” (Tsiliou, 2018). This “equivalent protection” offered by Turkey, must and has been noted to be a status of Temporary Protection, by order of the Turkish Council of Ministers, on account of the mass influx of Syrians. This status, as opposed to asylum status, which is offered after a personalized evaluation of a person’s condition, is granted collectively and can also be withdrawn collectively. In addition, it can be problematic in terms of access for stateless persons as well as members of minority ethnicities who are usually discriminated against in Turkey (Norwegian Association for Asylum Seekers, 2016)(Refucomm, n.d., p. 3).

#### **8.6.2.2. The role of EASO**

During the same period, the role of the European Asylum Support Office (EASO) was upgraded, both in a formal and an informal sense. EASO, originally intended as a supportive agent for the Greek Asylum Service’s task of conducting asylum interviews, was now given the capacity to conduct admissibility interviews in the context of the “fast track” procedure applied at the border (ECRE, 2016b). This involvement of EASO has been criticized for being unclear and exceeding the legal framework of asylum handling (Greek Council for Refugees, European Council on Refugees and Exiles, Solidarity Now, & Αίτημα, 2016). EASO’s involvement in the decision-making process regarding asylum application, as regulated by the EU Regulation establishing the agency (European Parliament & Council of the European Union, 2010), provides no legal basis for such actions. Instead, it clearly states that EASO “shall have no direct or indirect powers in relation to the taking of decisions by Member States’ asylum authorities on individual applications for international protection” (Preamble §14 and Article 2(6)). Furthermore, GAS has been repeatedly reported to rely on EASO’s records without ever ultimately directly addressing questions to the applicants (ECCHR, 2018). The same report from ECCHR states that “EASO officers often stuck to a rigid questionnaire without giving the applicant room to elaborate on their personal history of harm or persecution.” Drawing the conclusion that “In sum, the interviews consistently failed to consider the individual experiences and vulnerabilities of the applicants”. For its part, EASO has done little towards debunking such claims, as they seem to have claimed in

communications with the Ombudsman when stating that it “kept no record of its conduct of interviews and ensuing concluding remarks” (ECCHR, 2018). By now, the reader should be beginning to appreciate the impact of publishing the Statement as a significant game changer on many levels. In the following sections, I illuminate the “rupture” aspect of the Statement, partly by presenting a specific case in which irregularized migrants were faced with the new reality that the Statement enabled.

### 8.7. The Statement as a rupture

*“Today marks a dark day in the history of refugee protection: one in which Europe’s leaders attempted to buy themselves out of their international obligations, heedless of the cost in human misery,”* said John Dalhuisen, Amnesty International’s Director for Europe (Amnesty International, 2017b).

The reformation of the Appeal Committees took some time, and the implementing law 4375/2016 was amended on a few occasions during the months immediately following the Statement. However, in other fields of administration and migrant governance, events accelerated to a higher degree.

It rapidly became clear that the Statement was a moment of rupture for reality as it related to migration and asylum in the EU. As the spokesperson from the Greek department of Doctors Without Borders explained, it was “the time when the trolley doors were shut, leaving those behind running to catch up” (Μπερση, 2017). The extent to which the Greek state was determined to not let anything stand in the way of the implementation measures is clearly shown in the transformation of the Appeal Committees discussed earlier in the chapter. The Statement introduced a new temporal factor for migrants arriving in the EU, which came with a new de facto categorization, namely those who arrived before and after the publishing date. However, the arbitrary and vague nature of the Statement’s text allowed and enabled more controversy when it came to people who were caught in a “liminal” limbo, with regard to their status in this temporality. One report published by the NGO “Αίτημα” said:

*“A Syrian citizen entered Greece on 19/3/16 as is determined by order of the Director of the Police Prefecture of Lesbos dated 19/03/2016. However, the asylum application that they claimed was rejected by decision of the*

*Prefectural Office of Asylum of Lesvos, which considered that the applicant should be readmitted to Turkey on the basis of the 19/03/2016 Common Statement as the office did not accept the applicant's claim of entering Greek territory on 19/03/2016. The applicant appealed against the decision, and the Appeal Committee issued an Act of Incompetence, accepting that the appellant entered the country before 20/3/2016 and thus, the Common Statement cannot be enforced and prompted the appellant to the competent authority to examine their case. Despite the fact that the case should have been prompted for a first-level procedure, the Director of Appeal Committees passed the case to a different second-level committee. After our organization's interference, the second-level committee considered itself lacking the required legal capacity and returned the file. At the beginning of October, an application was filed with the Prefectural Office of Asylum of Attica in order for the aforementioned order of the Police Prefecture of Lesvos to be taken under consideration and the applicant permitted to join the relocation scheme, as entitled. By email, we received the answer "you are informed that in the European database EURODAC, the precise date of entry to our country is determined as 23.03.2016. The aforementioned date does not correspond to the memo submitted by the applicant and is anyway binding for our Service with regard to our ability to send a claim for another European state to take over the responsibility of examining the international protection application, on the basis of the EU Council decision 1523/2015 and 1601/2015. Therefore, it was a just decision to forward the specific case to the national procedure"(!) (sic). We reported all of the above to the Central Asylum Service. In early December, an application was filed with the Police Prefecture of Lesvos for the EURODAC entry to be corrected with the addition of a relevant note. The answer from Lesvos states that there can be no such correction because the fingerprints were taken on 23/03/2016." (Original in Greek, my translation)(Αίτημα, 2017, pp. 40–41)*

In the Eurodac regulation, the "place and date of apprehension" and "date on which the fingerprints were taken" are indeed two separate entry fields (Article 14.2 (b) and (e)) and it also calls for the transmission of the data "no later than 72 hours after the date of apprehension". According to IOM, for March 2016, the average number of daily arrivals was 1,885 (IOM,

2016a) (for Europe). UNHCR gives a number of 895 (UNHCR, 2016) for Greece, noting that these estimates are based “on the most reliable information available by the authorities”. In the context of that period, it is impossible to calculate precise numbers. However, it is safe to assume that daily arrivals exceeded 800. Given that the migrants who asked Αίτημα for help arrived on 19 March and were registered on 23 March, a “margin” of more than 2,000 persons is the lowest estimation of people affected by this situation alone.

In practice, people being registered a few days after their arrival in the Greek islands is common-place practice. Therefore, it would seem common sense that such implications would be predicted and acted upon. Following up on the cases mentioned above, I conducted interviews with relevant actors, namely employees of the GAS, the Greek Police, and the Greek Ombudsman. The various departments of the Greek Police involved in the function and management of the migrant-related databases responded to questions on this case with uncertainty regarding which department is ultimately responsible for decisions on changing entries. Those departments are the Informatics Department (ID), the Asylum Department of the Aliens Sector (AD), and the Department of Forensic Investigations (DFI). The latter is involved due to the forensic “nature” of fingerprint data, and also recruits fingerprint experts who manually (visually) confirm “hits” returned by the automated fingerprint matching procedure.

The DI clearly responded that the DFI was responsible for any changes in the entries (Interview with DI officer, 4/7/2018), which is in accordance with the DFI’s institutional position as the national control authority of the EURODAC system (ΔΕΕ, 2015). My contact and request for a visit with DFI was by far the most slow and time consuming, with repeated claims on behalf of DFI of “rigid obligations”, “increased workload” and access to the office of the national unit of EURODAC being denied “as it is a space of restricted access, only accessible to authorized persons” (Communication with DEE via email, June 2018), though the agency itself provides these very authorizations. When finally, an



appointment with an employee of the DFI was arranged, I had the chance to meet a police officer working as a “fingerprint expert” whose main task was to manually and visually examine the “hits” that the automated fingerprint comparison software returned. It was on his advice that I contacted DI, which again prompted me to return to the DFI. After sending a written set of questions to the DFI focused on the procedure of data changes in EURODAC entries and the case in particular, I received a final refusal for a second meeting as “a satisfactory number of the questions have been answered” (Communication with DEE via email, August 2018). It is worth noting that on the issues of the change of data, the answer referred to the text of the Eurodac Regulation and its relevant article.

Further research on the issue included an interview with a representative of the Greek Ombudsman. Their view of the stance of the Greek Police stemmed from a different standpoint beyond the technical potentiality of the change of an entry, and the administrative labyrinth of the Greek Police.

*“If they [those administering the entries in the database] were to make changes for the first individuals who reported them, then they would have to admit the same for more people. It is a matter of principle not to publicly admit that the specific registrations are mistaken ... ELAS [the Greek Police] blamed a technical difficulty, which we consider proverbial and that the difficulty is political... The pressure [upon the Greek state] for the implementation of the Statement is so big that the Greek Police did not want to admit that there are problems in the registers ... In both cases, the case was passed to the asylum service, and due to the vulnerability of the individuals there, no longer constituted a conflict. Both cases that came to us were protected because they came with two different NGOs. People by themselves (Note: not assisted by NGOs), could and easily might have already been returned with the first readmissions... There are no data for the first readmissions”. (Interview with Xrysh Xatzh, May 2018, my translation)*

This quote places the case under the very specific political conjunction. The Greek state has been heavily criticized for its handling of the migration flows, especially for the reluctance of its officials to thoroughly carry out the registration of all incoming migrants. It could not

“afford” doubts to begin circulating about the accuracy of the registration and the legitimacy of the implementation of the Statement. In this context, the refusal to investigate the actual date of arrival of the persons involved, and the overall stance of the Greek police can be read as a pretense intended to cover up a political agenda that dictated that no cracks are allowed to be visible in the solid construction that is the EU’s response to the “migrant crisis”. The role that registration systems such as EURODAC played in this situation proved to be critical, as it was the technical resort to which Greek institutions would refer to in order to legitimize their actions (or lack of thereof).

## **8.8. Discussion**

### **8.8.1. The fate of migrants as a bargaining chip**

Considering the Statement without examining the legislative reformations that were necessary for its implementation and the arguments developed around them, the Statement signals in very crude and material terms the “monetization” of asylum and international protection procedures. That is understood to mean that by providing funds and other political exchanges, the EU more or less “hired” Turkey to become a stricter gatekeeper, diverting the mobile populations away from EU territory. This outsourcing of border control and asylum administration is far from innovational in its conception, as it has been standard practice for the EU for the past decade (Gammeltoft-Hansen, 2013). Yet, the scale to which it was realized with the specific move in the specific context makes it stand out in the history of similar exchanges. The reliance on Turkey to perform the role of the gatekeeper to some extent empowered the government of Turkish President Erdogan (The Economist, 2016) in a number of political conflicts during the period after the Statement. Specifically, the potential ability of the Turkish state to discard the Statement and re-establish the previous state of play with regard to boats landing in the Greek islands was often present in the discourse as a bargaining chip in the hands of the Turkish Government.

When for example, tensions rose between the Turkish government and EU Member States due to the latter not allowing public speeches to be made by the (ruling) JDP party’s ministers and MPs to members of the Turkish diaspora,

the Turkish Minister of the Interior no less than threatened to “open way for 15,000 refugees who we don't send each month and blow the mind (of Europe)(Euractiv, 2017)”. Again, this is not a singular occurrence on behalf of the Turkish state, as the former Greek Minister of Defense Panos Kammenos has made similar statements “threatening” that European cities may be “filled with Jihadists” if the “EU keeps bullying Greece” (Τα Νέα, 2015).

### 8.8.2. Asylum and other categorizations

In Chapter 2 (Theory), I engaged with a body of literature that sees “border” beyond the predominant “gate” metaphor, opening and closing in relation to the person standing before it. Instead of talking of borders as fixed entities that are sufficient or insufficient for their task, certain branches of border scholarship see a “border” as a series/set of bordering practices. “Bordering” does not take on the task of materializing an already “present” or “real” distinction among subjects such as the migrant/refugee dichotomy. Instead, to a certain extent it *performs and constructs* the subject positions on which distinctions and categorizations are based. By avoiding a view of borders as “objects of knowledge... already given”, instead one may “investigate the processes by which these objects are constituted” (Mezzadra & Neilson, 2012).

For Greece, the implementation of the Statement, radically recalibrated an integral element of the conceptual basis of many practices that constitute this “bordering”. Both at formal/legislative and informal/arbitrary levels, the limits between the two were often not well defined, also due to new laws rendered active. In this context, introducing the admissibility evaluation of an asylum claim achieved two aims. On the one hand, alongside the Turkish state’s actions to deter new arrivals, it outsourced the administrative, social and humanitarian “burden” of recognizing and hosting refugees for Turkey. On the other, it reshaped the notion of asylum within a European context. Migrants now had to prove not that they are in need of European sanctioned protection, but instead that their presence in Turkey was not safe, a new form of “deservedness” became the dominant criteria for the specific form of inclusion that is the recognition of a person’s refugee status.

Whereas until that point, a person was seen as “deserving asylum and protection” with regard to the situation of their country of origin, now their “deservedness” was mediated by the fact that they arrived in the EU through Turkey. Thus, the asylum procedure, being a process incorporating the highly performative aspects discussed in the previous chapter, underwent significant changes. Examining the admissibility of an asylum claim shifts the case handler’s task from assessing whether or not a person is in danger and in need of international protection, to assessing whether or not they can be “safely” returned to Turkey. This is vividly illustrated by the words of a lawyer presented in a 2017 report: “the minute an applicant undergoing an admissibility interview utters a word about Syria, they are stopped by the caseworker and told that the interview has nothing to do with Syria, even if in fact it does.” (Norwegian Refugee Council et al., 2017, p. 4). Clearly, in light of all the above, the migration status of an individual, a highly naturalized concept in the public and political debate, is an outcome of different biopolitical choices, regimes and processes (Balibar, 2015).

### **8.8.3. Temporality of bordering and the agency of database entries**

In migration policy making, it is not uncommon for situations to change suddenly and without warning. Griffiths refers to periods of accelerated action, be that political and administrative reorganization or the acceleration of individual cases of deportation, as “frenzied time” (M. B. E. Griffiths, 2014) when “time accelerates quickly and rushes out of control”. The sealing of the border between Greece and Turkey, the restructuring of the Appeal Committees, the passing and amending of 4375/2016 and the first reportedly arbitrary deportations following the Statement all happened at a rapid pace and can be seen as being carried out in “frenzied time”. The same can be said for the people on the Turkish side of the border, who from one day to the next were blocked from attempting a border crossing that thousands had made during the previous years, months and even days.

However, other aspects of the Statement, such as the relocation, were not treated in the same accelerated manner. Instead, migrants living in and outside the Hotspots were as it often happens stuck in an administrative limbo for

extended periods of uncertainty. This “absence of synchronicity” is inherent in the “complex temporality of borders” (Little, 2015), the complexity of which also lies in the different tempos at which changes are made in bordering practices. In this case, I believe that the absence of synchronicity is indicative of the political priorities that the EU had set at the time, which in turn shed light on what was considered “critical” during the “migrant crisis”. After a short period of time when the “crisis” was largely a “humanitarian crisis”, with the main reference being human suffering, it was relatively quickly transformed into a crisis of control of human mobility. It can also be considered a political crisis of power struggles between Member States and intra-national conflicts of political agendas. In most cases, parliamentary politics and the struggle for political survival involved national elections as a focal point, as discussed in chapter 5.

In the case of the delayed registration described in section 8.7, we see the complex temporality of borders, and its handling by the Greek Asylum Service and the Greek Police, mediated and construed by the entries in the EURODAC database. The temporal division or rupture that the Statement introduced, and the two subsequent categories of migrants, namely those who arrived before and those after its implementation, are not clear and distinct, due to the textual nature of the Statement and its inherent vagueness. This was exacerbated by the interplay of this vagueness with the reality of bordering practices at the Hotspots and Athens. This interplay creates room for liminality, as the state of being between categories, where “people are tainted with danger, pollution or illegality” (M. Griffiths, 2012).

The resolution of the liminality is achieved by referring to the “data double” of the migrants. Here, this is seen as a migrant’s entire journey being reduced to a database entry, and the predominance of this entry against all other forms of evidence, even evidence that is produced by institutional agents such as the Lesvos Police. The EURODAC procedure and the rigidity of its entries are evident in this case, and were enabled by the specific position of the Greek state within the EU and the “migrant crisis”. Specifically, a “migrant crisis” in which the momentum of the Statement does not allow for errors to be considered and no less admitted, for fear of similar cases emerging and thus causing “cracks” in

the solid and decisive legal artifact that is the Statement. Thus, in this case, I see one instance that corroborates the reoccurring position of many scholars, that socio-technical systems, especially those of biopolitical control and surveillance and their use are always embedded in specific social, political and cultural conditions that shape the acts of their users and subjects (Oudshoorn & Pinch, 2003; Woolgar, 1990)

The Registration of irregularised migrants in the EURODAC database, whose point of departure as a tool for implementing the Dublin Regulation should be kept in mind at this point, underwent a series of transformations and was invested with a variety of meanings throughout the “migrant crisis”. During this period, we see it completely disassociated with Dublin, and we also see a temporal “upgrade” of the agency of data elements that, outside the context of the Statement, would be considered secondary or even mundane.

#### **8.8.4. The fuzziness of borders**

The sudden sealing of the Greek-Turkish border, and the simultaneous blockade aimed at migrants on the Greek islands, radically changed the reality regarding migrant mobility. These aspects also changed the islands as border venues, essentially turning them into large-scale, open-air detention centers for thousands of migrants. The clear and dynamic interventions of the EU in the way that the Greek state generally handled matters during this period, reminds us of Balibar’s position that “no political border is ever the mere boundary between two states but is always over-determined, and, in that sense, sanctioned, reduplicated and relativized by other geopolitical divisions” (Balibar, 2002, p. 79). Taking this over-determination slightly further in relation to the “fuzzy” character of the EU’s maritime borders with Turkey, several more points require attention. While at first glance, sealing the border seems to be a step towards re-determining the EU border, if we see “the border” as a set of practices, this clear image becomes more blurred. As an actor, Turkey is now more present than ever in the handling of asylum applications through the upgrading and reintroduction of the admissibility procedure. The extensive outsourcing of protection to Turkey on the basis of an economical trade, binds the EU and Turkey even further. In this way, even though for now it would seem the “border” has been

re-established and forcefully drawn, it is more “fuzzy” than before, as the deal/agreement between the two entities is precarious.

## 8.9. Conclusions

In chapter 5, I argued that among the various elements that constituted the “migrant crisis” narrative, some were silenced and some were seen as overly “critical”. Among them was the need for “knowledge” of the incoming subjects, and the “overwhelming sizes” of the migration “flows”. In chapter 6, I discussed the Hotspot approach regarding the former, and in the present chapter I engage with the Statement as a solution to the latter.

The “migrant crisis”, as it is inherent in “crises” in general, shrank “the time and space of action to a “here and now” of emergency response” (van Reekum, 2016). However, as we saw, this “emergency response” was significantly uneven in its distribution among the different constitutive elements of the “migrant crisis”. The response focused extensively on the deterrence of new arrivals, and the return of migrants. This is not unusual for crises, as they tend to be “presented as an unpredictable surprise demanding an immediate response” (Calhoun 2014: 31). Such representations render invisible and obscure the political backgrounds of crises, while at the same time focusing and capitalizing on human suffering.

The method employed for both goals originated in the past and was by no means novel in its conception. The recipe of externalization of border control was in use before Schengen and it has also grown with it. However, questions remained unanswered regarding moral and legal content in terms of this move. As Roitman notes, the “crisis narratives” are not “false or merely symbolic”, they also “regulate narrative construction, just as they regulate the questions asked and foreclosed”. The proclamation of a “crisis” does more than state a demand for effective (even extraordinary) measures, even though the latter are inseparable aspects of crisis. It calls for “life deciding alternatives meant to answer questions about what is just or unjust” (Koselleck 2006: 361). The manner in which these questions are posed forms new moral obligations, which find their fulfillment at a higher political level, and this is what happened in the cases described in this chapter. From the reformation of the Appeal Committees

to the case of delayed registration, we see a shift in what is relevant, and what counts as a question.

Once again, it seems that the EU's response to the "migrant crisis", was directed towards specific elements of what comprised the "crisis". Despite the rhetoric surrounding the need for "fairer", elaborated asylum system, relatively few core fundamental changes occurred in that respect. The Dublin Regulation has largely remained intact despite intense criticisms and its commonly accepted failure. The proposal for a new Regulation does not seem to entail drastic changes, except a few manipulations. FRONTEX has been renamed as the European Border and Coast Guard Agency and its budget and operational scope have seen significant increases. However, this cannot be viewed as something new, but rather as a strengthening of the old model of "fortress Europe".

Instead, the EU chose to seal its borders with Turkey and insert asylum matters in an arena of exchanges with neighboring countries. Meanwhile, economic and political returns were offered to Turkey and Libya in order for them to accept further externalization of the European border, and to outsource asylum and border control procedures. In the case of Turkey, this far exceeded the acceleration of litigations that were underway, such as the Readmission Agreement, but called for recalibrations of national laws, and even the reshaping of notions such as "sufficient protection" and "safe third country". Without the declaration of the situation as a "crisis" and the repeated utterances of a critical situation, such exceptional and "emergency" governmental measures cannot find their way into actual policy making (De Genova, 2016).

The notion of "crisis" as well as its impact, emerges and vanishes not in relation to "hard facts", or measurable quantities, but is instead intertwined with conflicting domestic and international political agendas, power struggles among different states, and estimations concerning an election-related "common sense". This is a permanent characteristic of western democracies.

An outcome of the EU's reactions was a re-merging of the categories of "migrant" and "refugee" with the wider category of "irregular migration". The ever present, perhaps dominant aspect of the debate surrounding the "mixed flows", which shaped the moral and ethical tone of the discussion through 2015 and 2016 – the distinction between "deserving refugees" and "undeserving



migrants” or “bogus asylum seekers” – was set aside as irrelevant. The notion of asylum was significantly weakened as a measure of protection for those who need it. The performative aspects of the asylum interviews were enhanced and shifted in a new direction, which necessitated including Turkey and life there as a factor.

Within the context of the Greek state, relatively little could stand in the way of this transformation. Appeals were rapidly dismissed, institutional instruments were dismantled and reassembled overnight, and even at a top administrative level, extra-judicial measures were taken. It seemed that the character of the state as a not-so-coherent whole was temporarily sidestepped and the Greek state acted as a pretty coherent organism. People and institutions that were obstacles to implementing the Statement were promptly removed. Such profound changes in the composition of decision makers are profound changes within the state (Mountz, 2003).

The Statement was published and implemented under a state of exception (Agamben, 2005). It was extra-judicial, in that it was not subject to control by any administrative or juridical body. The decision to exclude or include from the law not only applies to including or excluding individuals but also to policy acts.

## Chapter 9. Summary, final discussion and conclusions

This final chapter summarizes the conclusions of my research in the context of the theoretical framework of the thesis, while also exploring the ways in which they are interconnected. As discussed in the opening chapters, this thesis engaged with the identification and registration of irregularized migrants in the EU, under the admission that it can only encapsulate localized but intense and useful glimpses of the social practices and phenomena that constitute identification and registration, both in geographical, but also contextual terms. The political conjecture, the context that it generated, and its relation to this project were discussed in chapters 5 and 6, as well as partially in chapter 3, providing the backdrop for the following conclusions.

### 9.1. The legacy of the Dublin Regulation

The registration of irregularized migrants in the EU is better understood when seen in relation to the construction and functions of the Dublin Regulation. In practice, the latter connect the EU's Member States with regard to the administration and governance of people arriving in the EU irregularly. It is within the context of the Dublin Regulation that registration of irregularized migrants has been associated with the notion of "European solidarity" in the very non-straightforward and convoluted manner that has evolved.

In the field of migration and asylum policy, the Dublin Regulation can be seen as the reification of the power struggles and subsequent balance established among the members of the EU (Garcés-Masareñas, 2015; Guild et al., 2015). It can and should also be seen as a pretense of harmonization of European asylum systems, however, one that did not hold in the face of reality and the challenges presented by asylum seekers who made cases for themselves, as has been shown by its suspension with regard to Greece (Guild et al., 2015).

The Dublin Regulation has been developed and applied on the basis of the conception of irregular migrants, and more specifically asylum seekers, as a "burden" that every Member State was eager to avoid (den Heijer et al., 2016). As a direct outcome of this fundamental issue, the Dublin Regulation has functioned more as a strict disciplinary mechanism than a distribution model for asylum

seekers and their applications. This disciplinary-inducing function of the Dublin Regulation works in two levels. On an intra-state level, it has created an unequal distribution of asylum applications among Member states. This can be seen as an imprint of the aforementioned power struggles and balances among Member states. Ironically, the Dublin Regulation, with its underlying functional assumption of a presumed equality in the level of the asylum services offered by the different Member States, enabled a shift in the opposite direction to that of harmonization. It has led states to pursue a “race to the bottom” (den Heijer et al., 2016, p. 5) in terms of the quality and efficiency of their domestic asylum systems, as the latter were considered to be pull factors for irregularized migrants. In addition, it offered serious motivation to the southern states of Italy and Greece to be less than willing to carry out registration in full, as such a practice would lead to an additional “burden” on their national systems.

In relation to irregularized migrants, Dublin has enabled specific modes of bio political governance of those populations, and in that manner has created what can be referred to as “political subjects”. Built upon the principle of neglecting any preferences on behalf of asylum seekers with regards to the countries where they would settle, the Dublin Regulation enforced obedience with regard to the illegalization of secondary movement among states. To be precise, migrants who were unwilling to comply with lengthy detentions, administrative limbo and deportations were punished. In that way, for decades, it forced people deeper and deeper underground, away from interactions with European bureaucracy. Those who either did not manage to evade, or chose not to, in many cases involuntarily found themselves enduring a complicated and lengthy stint in limbo, giving rise to the category of migrants known as “Dubliners”.

With the introduction of EURODAC, and the use of fingerprints as a registration, the bio politics of the Dublin Regulation were now directly inscribed on the migrant body (Van der Ploeg, 2003, 2006). Subsequently, perspectives and actions of resistance were similarly inscribed on the migrant body, which gave rise to testimonies of migrants committing acts of self-mutilation in order to avoid Dublin procedures (REF). Finally, by being fluid in its scope, namely being available for forensic purposes after the 2013 recast of the EURODAC

Regulation (European Council & European Parliament, 2013), it ultimately served the exact purposes that were clearly prohibited in the its original version, thus further criminalizing irregularized migrants (Roots, 2015).

Dublin and EURODAC are both bio-political instruments for the governance of irregularized migrant populations. They have the agency to discontinue the right of an individual to remain within a territory, by detainment or deportation while simultaneously retaining a productive function, as they are essentially the only way through which the same individual can hope to gain access to the asylum system of the EU. The irregularized migrant body, upon arrival to the EU, or better said, upon interaction with its bureaucratic apparatus, is examined, and its “data double” is registered in EURODAC. This process of subjectification has been met with resistance by migrants avoiding registration, cultivating an underground existence or attempting to render their bodies unreadable, and thus temporarily ungovernable.

## 9.2. Registration and the “migrant crisis”

The legislation concerning migration and asylum, EURODAC being no exception, has been largely both enabled and driven by discourses of emergencies and “crises”. In the context of the most recent “migrant/refugee crisis”, identification and registration were present in almost every instance of the public debate. After an initial period of shock, during which the focus of the debate was the suffering of the populations on the move, the attention shifted towards a discourse highlighting the saturation of Europe’s capacity to host the incoming populations and their unknown identity.

The narrative of the “European migrant crisis” was triggered and augmented by different events that initiated the relevant discourse for different Member States or other European states. Even so, viewed at local/national level, or EU level, all the narrations share some common characteristics. For example, none of them acknowledged the cause and effect relationship between the EU’s long-term migration policy and the fact that all asylum seekers were, in practice, left with no other choice than to attempt perilous sea crossings in the Mediterranean. Similarly, the “crisis” narrative constantly referred to a finite and limited capacity of the EU with regard to “hosting refugees”, a capacity that was

presented as being exceeded by the number of migrants that, seen in the wider global picture at that time, was relatively small for the economic and social super-power that European states are in relation to other Middle-Eastern states. This selective construction of the “European migrant crisis” has led many scholars to criticize both its articulation as well as the spirit with which it was addressed legislatively, especially after the first wave of grass-roots solidarity had lost its momentum and its pressure on the European governments. Acknowledging and criticizing the fact that the “European migrant crisis” is a constructed narrative allows a researcher to drift away from the rationalizing of whether or not what we are witnessing is a “crisis”, or ascertaining when it became one, and instead focus on what discourses, policies and practices the proclamation of a situation of “crisis” enables and legalizes.

In this context, almost every proclamation of measures regarding relocation, resettlement and the improvement of the reception facilities fell far short of accomplishing their goals. Similarly, the issue of the incomplete registration of incoming migrants always occupied a central role in the debate. It was highly prioritized in policy texts published after the Agenda on migration. It was also conceptually associated with the “European values of humanitarianism, solidarity and asylum” (Triandafyllidou, 2018) to the extent that it became a prerequisite for the acknowledgement of migrant rights, as expressed by European Commission President Jean-Claude Juncker (Juncker, 2015). Identification and registration, other than being connected with European values, were frequently discussed in connection with a discourse of securitization with regard to the “terror threat”. The latter was discursively related to the phenomena of migration. Accordingly, migrant subjects were discussed as potential terrorists, and the “migration flows” were described as a gateway for militants into Europe, especially following attacks with significant impact such as the Bataklan shootings in Paris in November 2015. This conceptualization of identification and registration would shape the way that the EU planned and implement its “response” to the migration flows, through the “Hotspot approach”.

### **9.3. The “Hotspots”**

In this context, the EU's "response" focused on the "frontline states" and their operation capacities concerning receiving incoming irregularized migrant populations. This response came with the introduction of vaguely defined administrative and organizational units called "Hotspots". Hotspots, as places where European agencies united in the face of "extraordinary migratory pressure", remained open-ended and fluid in their function, as their internal procedures were subject to swift changes, often overnight. Such changes concerned the practices of e.g. the Police officers working in the Hotspots, as well as issues of greater scope, including the freedom of movement of the migrants present in the Hotspots. Within the Hotspots, EU agencies such as EASO and FRONTEX, routinely functioned beyond their scope and overrode the restrictions imposed by their constitutive frameworks. This, combined with the actions of the Greek Government, rendered the Hotspots "spaces of exception" (Agamben, 2005; Kasperek, 2016).

Other than a state of exception, Hotspots also constituted open-ended infrastructure with administrative, regulative framework that was in constant flux. To an extent, they were infrastructural sites of bio political experiment (Harvey et al., 2016), which through trial and error governance related attempts, navigated to establish stabilization. Yet, even in this stabilized form, gaps and holes intrinsic not only to "infrastructural modes of operation" (Reeves, 2016), but as the ethnographic research presented in chapter 7 indicates, in the methods used for the identification and registration of irregularized migrants, constantly called for improvisations on the part of the border guards. This is discussed later in this chapter.

The conjecture of a fully blown "migrant crisis" and the implementation of the "Hotspot approach", subjected migrant bodies to an assemblage of practices and institutions that would surveille, detain, categorize and identify them in a procedure with intense Tayloristic characteristics and references (Antonakaki et al., 2016; Tazzioli, 2016b; Tazzioli & Garelli, 2018). The duo of identification and registration of irregularized migrants has been invested with many powerful and diverse meanings. In its absence, border practices are considered weak, the safety of the populations already residing in the EU are seen as being under constant threat, and the rational and efficient distribution of the asylum-related

resources are considered hindered. It is therefore viewed as critical that the border apparatus consisting of human and non-human actors discovers the “real” identity of the migrant. We return to the narration of “discovery” of the identity of the migrant bodies later in this chapter.

Vital as the above “discovery” may be, it is incomplete and futile without the storage of the resulting data in the relevant databases constituting the undisputed registers of both the identity of the migrant bodies as well as the milestone events regarding their mobilities. This linear and somewhat simplistic narrative presumes a well-functioning, scientifically informed, objective set of actors carrying out their complex, yet well-defined tasks, under the objective of discovering and registering an equally objective truth. The state and intra-state institutions and agencies, do not exist outside the individuals carrying out the everyday work (Mountz, 2003). This seemingly banal ascertainment is often either absent or reduced to the issue of lack of human resources in the discussion concerning the identification and registration of irregularized migrants. However, taking that into account is a step towards the deconstruction of naturalized categories that are the specific outcome of this everyday work.

The ethnographic and, to the extent possible, in-depth inquiry surrounding the practices shaping registration that the present thesis offers, challenges the linearity and the emphasis on the subjectivity of the procedures that comprise registration in the context of the Hotspot. This border work, crucial for the mobility and sometimes freedom of migrants, does not occur in a vacuum. Instead, a good part of it is embedded in the social relationships and worldviews of the officials involved. Heyman describes the “thought worlds” of immigration officers as “the basic, organizationally shared assumptions about relationships between self and various others” (J. Heyman, 1995, p. 261). As was shown in the empirical chapter 7, also through the use of the ethnographic vignettes, these assumptions shape the way that these “petty sovereigns” (Butler, 2006b) exercise their practice of identifying individuals, or better yet, attributing identities to individuals. These assumptions include, but are not thematically limited to, border workers regarding the motivations, practices and beliefs of irregularized migrants, which feeds and maintains a “culture of disbelief” (Anderson et al., 2014) under which border work is conducted. Assumptions are

also involved regarding the work of other actors located at the Hotspots, which function as an ethical backdrop that removes the burden of a final decision from the shoulders of individual screeners and distributes it to the Hotspot as infrastructure.

### 9.3.1. Discovering and constructing identities

Studying the screening interview as part of the border work that is the registration of irregularized migrants through the lens of performativity theory, sheds a different light on the matter. On the one hand, we see that individual irregularized migrants are called on to perform a certain script in the presence of specific border guards who are authorized to evaluate, and consequently approve or reject the performance. They can do this in a series of ways: by responding in the appropriate way to the standardized sets of questions that confirm their claims about their country of origin and nationality; by providing a consistent story about their journey, to which they can adhere in the face of the attempts of the screeners to denounce it; or by adopting a non-responsive, less communicative profile that may motivate feelings of compassion, a tactic also related to conceptualizations of age and gender. All of the above can be seen as alternative modes of response to the border work as “a confessional machine for producing the categories of insider/outsider” (Salter, 2008, p. 373), and can be seen as organic extensions of the role played by traditional confession in terms of shaping modern governmentality and the modern subject (Foucault, 1977).

Nevertheless, as discussed in chapter 1, performance and performativity are not one and the same, which brings us to consider not only the screening interview, but also the document control, the photo and fingerprinting capture as potentially belonging to a set of “a stylized repetition of acts” (Butler, 1988b). These acts perform the identity of the migrant on many levels. Here, it is no longer a matter concerning the migrant subject, but instead concerns performative agency (Butler, 2010) of the border (as the act of bordering). It is through these acts that the categories and dichotomies of nationality, asylum status, and family relationships are established. It is here the identity is



constructed and attributed. Here, where the migrant body is rendered known in the only way acceptable, in the way that enables its future governance.

Although the confession in the face of the border apparatus still holds great heuristic value in conjunction with Foucault's work on governmentality, I am inclined to see the registration of irregularized migrants as I witnessed it at the Greek Hotspots, as a highly unequal "negotiation" between ontologically different actors. On the one side, the EU's border apparatus, recruiting and utilizing human experts, low-grade Police officers typing in data, and non-human actors, not only "traditional" ones, such as the fingerprint scanners and the document control equipment, but also the cell phones of the screeners, equipped with the Google Maps application and the invisible stamp. On the other side are irregularized migrants who may or may not back up falsified claims, participate in this negotiation by their own means, holding a significantly weaker amount of agency. The identity that will accompany them for the rest of their journey is the outcome of this multi-factorial negotiation and is stabilized temporarily through the memo or the "confirmation" as a textual output of the entire procedure.

The elements that constitute said identity; nationality, age, family relationships and kinship are inherently inaccessible in the context of irregularized migration. Thus, they must be reconstructed for the sake of governance, and performed through a series of practices, interviews, examinations and interactions involving data capturing devices. During this process, what it means to be of a certain nationality or age is reconstituted, attributed new meanings, and the ontological status of a person's identity is actually the point at which the "negotiation" regarding their identity ceases. Before it reaches that point, a subject is required to interact with the apparatus of examination, be that a screener, a medical doctor or another delegated border worker, and meet or fail to meet their standards, according to which the subject's identity elements are assessed.

Border venues such as Hotspots are spaces where individuals find themselves in a succession of sovereign bodies. In order to achieve a degree of inclusion, they must progress through a process of subjectification that will render them "worthy" of further examination, and potentially of higher levels of inclusion. This process does not necessarily reflect a subjective truth concerning

their identity, nor is it based on scientific methods on behalf of the border agents and their institutions. Instead, a great deal of the work and expertise on which the entire project of registration is based, draws on insight and intuition, instinct, previously shaped beliefs and prejudice. The stability of the outcome of this process is relevant with regard to the capacity of a migrant to appeal against it. Here, again, truth and subjectivity are less relevant than time, resources and social capital, as well as luck. Proving a nationality assessment wrong is a process mediated by the availability of relevant documents, the existence or not of a family or social network who can provide them on time, and the dedication and availability of an NGO's or other support group's members. The settings and difficulties of the process are also in constant flux on a national level, rendering the procedure even more inaccessible and random.

#### **9.4. The importance of registration in the context of the “Statement”**

With the Hotspot approach in place, responding to the demand for biopolitical control and registration of the incoming populations, and a domino of reinforcement of border controls all along the Schengen zone, the EU opted for the sealing of its external borders towards the East, namely with Turkey. Outsourcing and/or expanding border-related procedures to third states is by no means innovative in its conception. On the contrary it is a timeworn tactic, and one of the most potent transformative forces that has caused borders to become what they are today. With regard to the number of arrivals crossing the Aegean Sea, at least during the period 2016-2018, the Statement met its target of sealing the Greek-Turkish sea border for irregularized migrants. However, when considering borders not as borderlines but as outcomes of the work of human and non-human actors, the external border of the EU became even more fuzzy, while at the same time also much less permeable. This seemingly paradoxical outcome is further clarified by examining not only the content of the Statement, but the way it has been presented in the political debate and conflict that subsequently ensued. More specifically, Turkey agreed to enhance border control on its shorelines, in return for monetary and visa-related exchanges provided by the EU. In the years that followed, when tensions rose between the governments of the Turkish state and European states, such as the Netherlands,

the annulation of the Statement was a common and reoccurring threat in the hands of the former. Thus, Turkey undertook border practices on behalf of the EU, but the straightforward exchange of services included in the Statement rendered the European border subject to the ups and downs of diplomatic sparring. In turn, this relied on the turbulent interior political scene that existed in Turkey. Thus, while hardened as crossing points, the specific borders were also now dependent on more factors and were therefore more vague.

In the midst of the situation described in the previous paragraph, migrant bodies, their mobility and freedom were active more as bargaining chips than human individuals. The publishing of the Statement initiated a period of what Griffiths calls “frenzied time” (M. B. E. Griffiths, 2014), as the possibilities of mobility were radically changed – literally overnight. Such a rapid and accelerated shift in the mode of governance of the populations on the move is rare, if it has ever occurred with regard to beneficial outcomes for the migrants. This kind of radical “emergency” policy making is difficult to achieve and legalize in the public debate in the absence of a well-rooted “crisis” discourse. Moreover, “crisis” has been argued to be a device that authorizes precisely such moves in terms of border control (De Genova, 2016).

The Statement is an extraordinary piece of policy making, not only due to its content, but also with regard to its legal status within the EU’s bureaucratic and legislative universe. Its dubious legal status has been exposed by several organizations, including by the General Court of the European Union no less (General Court of the European Union, 2017). The latter has referred to the Statement as a measure “not adopted by one of the institutions of the EU” and has declared itself lacking the jurisdiction to hear and determine cases that have called for its institutional intervention. This means there is no juridical body to control the activities of the Member States in the direction of implementing the Statement. Lack of accountability has been an issue in the context of implementing one of the main pillars of the Statement, namely the recognition of Turkey as a Safe Third Country (Nielsen, n.d.). The abovementioned considerations render clear that the introduction and implementation of the Statement has occurred under a “state of exception” (Agamben, 2005), which is

in any case an almost inseparable condition of border-related work and policy making.

The Statement, was an important issue for the EU as a whole and for the Greek state in particular, as it was designed as a “rupture” between the previous state of affairs and a new paradigm literally overnight. Such radical transformations produce liminal situations with an undefined status that can challenge the entire project. Such were the cases discussed in section 8.7. As shown by the testimonies of the actors I interviewed, the smooth implementation could not be allowed to be hindered by such implications. In this context, another controversial aspect of registration of irregularized migrants was revealed, this time with reference to the potency, accuracy and agency of the recorded data with regard to the date of arrival of specific individuals. This case is another example of how technologies and artifacts such as databases, and their use, are often, if not always, embedded in the social and the political conditions that affect and produce their users and their actions.

## 9.5. Final words

In this thesis, I set out to study the registration of irregularized migrants in the context of the migration management, border control and asylum policies of the EU. Aware of the many levels at which this phenomena exists and touches upon, I chose to examine the topic through a short genealogical examination of one of the main systems used for this purpose, through the discussion of the issue in the public debate during the first two years of the recent “migrant crisis”, and finally by looking closely at the practices that comprise it in the field. The reality in the field, the complex connections between the actors, the embedded social meanings that shape their actions, and the technologies involved are not featured in the public account of what constitutes identification and registration of irregularized migrants. This thesis aimed to stimulate critical dialogue on the practices of border guards and police officers as well as the complex realities underlying the uncontested, naturalized categories dominating the public debate.

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