

“It’s not a bug, it’s a feature”;  
Control and Injustice in  
Datafied Borders

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## Abstract

Recentring the political and historical nature of datafied borders as an integral part of the European project, the core of this thesis works to identify, and critically engage with, the functions of datafied borders to better understand how control becomes operationalised and experienced. The questions driving my research focus on the datafied element of enforcing the exclusionary logics that underpin asylum and immigration policies in Europe. I thus conceptualise what this means for the operationalisation of control, as well as potential claims for justice at, and beyond, the border. My research highlights three distinct functions of the datafied border, which I frame as different manifestations of power within and across datafied borders and immigration policy. These consist of; control through categorisation and identification; containment through everyday surveillance; dispossession of rights through (dys)functional data infrastructures.

Through seeing the datafied border as exhibiting key manifestations of power, and engaging with the concrete outcomes of their implementation, I argue that we can better to understand how control becomes operationalised toward illegalised migrants and people on the move. This allows us to conceptualise how these three functions further entrench the coloniality of power, where borders remain imperial debris that maintain global power structures (Stoler 2008). However, it also makes clear that datafied borders find new modulations for enacting and operationalising control. Building on this, my empirical work demonstrates how datafied techniques of control become insidious and opaque, removed in physicality but omnipresent in their existence, muddying the outcome and design of immigration and asylum policy, whilst advancing a policy agenda. Through focusing on the manifestations of power, and their impact on the operationalisation of control, we can also better understand where, and how, injustices are experienced and enacted. This allows for a richer discussion of what data (in)justice means both theoretically and practically, and how resistance finds new modulations in which to evade and challenge datafied techniques of control.

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## Abbreviations

AFIS - Automatic Fingerprint Identification System

AoM – Autonomy of Migration

API – Application Programming Interface

ARC - Application Registration Cards

BMS – European Union’s Biometric Matching System

CEAS – Common European Asylum System

CSV – Comma-Separated Values

DOB – Date of Birth

EEA – European Economic Area

EEC – European Economic Community

EES - Entry/Exit System

EHIC – European Health Insurance Card

EP – European Parliament

ESTIA – Emergency Support to Integration and Accommodation

EU – European Union

Eu-LISA - European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice

Eurodac – European Asylum Dactyloscopy Database

Eurosur – European Border Surveillance System

FR – Family Reunification

FS - Further Subs

GAS – Greek Asylum Service

GCA - Greek Cash Alliance programme

GIS – Geographic Information System

GPS – Global Positioning System

HOB – Home Office Biometrics programme

IABS - Information and Asylum Biometrics System

IBM – Integrated Border Management



INGO – International Non-Governmental Organisation  
INTERPOL - International Criminal Police Organization  
IOM – International Organisation for Migration  
JCWI – Joint Council for the Welfare of Immigrants  
LOC – Library of Congress  
MoU – Memorandum of Understanding  
MS – Member State  
NASS – National Asylum Support Service  
NGO – Non-Governmental Organisation  
NHS – National Health Service  
NRPF – No Recourse to Public Funds  
OVM - Overseas Visitors Manager  
RIC – Reception and Identification Centre  
RIS - Reception and Identification Service  
RTP - Registered Traveller Programme  
S4 – Section 4 of the 1999 Asylum and Immigration Act (Asylum Support)  
S95 – Section 95 of the 1999 Asylum and Immigration Act (Asylum Support)  
SIS – Schengen Information System  
STHF – Short-Term Holding Facility  
STS – Science and Technology  
UAV – Unmanned Aerial Vehicles  
UDHR – Universal Declaration of Human Rights  
UK – United Kingdom  
UKVI – United Kingdom Visa and Immigration  
UNHCR – United Nations High Commissioner for Refugees  
VIS – Visa Information System  
WW2 – World War Two

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# Introduction

## “The System is Broken”

On a visit to Alimos, an asylum office on the outskirts of Athens in the first months of 2019, I sat in a quiet waiting room with a woman whom I had met in a camp an hour outside of the city. We were waiting to collect documents to support an appeal for Family Reunification with her son in Germany. Both the room and the mood were grey, the office was about to close, and we had been waiting there for a long time. Though long waits are to be expected when visiting the asylum office, it seemed strange as there was no one else around; no other people to be called forward or awaiting their turn. I made eye contact with the only staff member present, who sat in the far corner, only occasionally moving to go outside for a smoke. He looked away, and then called again on the radio to see what the holdup was. Some minutes later he stood up purposefully, walked briskly over to where we were sat and loudly proclaimed “I’m sorry, the system is broken”. This comment caught me off guard as it spoke of so much regarding the border regimes of Europe. He was, however, referring to the asylum service computer system, which was down for the afternoon and meant we were unable to collect the needed documents and would have to return another day, despite time running out to submit an appeal<sup>1</sup>. When the computers stop working, the datafied border prohibits asylum claims moving forward, and people are forced to wait even longer to move on with their lives.

This short ethnographic extract, taken from fieldwork in Athens, highlights just how intrinsic data infrastructure has become to the day-to-day implementation of border and asylum regimes as they exist today. As such, it speaks to the core of my thesis, which will, over the next eight chapters, explore what the datafication of border controls means as they become implemented, experienced, and contested. This forms one section of the larger ERC DATAJUSTICE project<sup>2</sup> of which my research is a part, where questions of (in)justice within datafied societies are explored through a focus on communities and individuals who have

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<sup>1</sup> The deadline for submitting an appeal for family reunification under the Dublin Regulation is 21 days, for more details on Family Reunification through Dublin please see [http://www.asylumineurope.org/sites/default/files/aida\\_2018update\\_dublin.pdf](http://www.asylumineurope.org/sites/default/files/aida_2018update_dublin.pdf)

<sup>2</sup> <https://datajusticeproject.net>

been historically marginalised and oppressed. Specifically, my research has focused on how datafication is affecting European border and asylum regimes, conceptualising how power manifests within datafied systems of governance and surveillance. As borders remain politically important to European and domestic structures and policy, this topic remains a highly important one. The focus on datafication and its negative impact on communities and individuals through restrictive immigration policy thus merits our careful consideration. To explore this topic, I engage with arguments that focus on control, power, coloniality, and (in)justice, as well as including reflections on enduring resistance to these issues. Within this, I conceptualise how power manifests as specific functions of a datafied border, and what this means for the operationalisation of control over mobility. I do so within the framework of Critical Border and Migration Studies, Critical Data Studies, and Surveillance Studies.

In my two fieldwork sites, the UK and Greece, we can see just how politically important borders are. In Greece, the site of my first fieldwork location, where I conducted empirical research between October 2018 and May 2019, immigration policy and borders plays a central role in the makeup of national politics. In September 2021, 15 months after the election of the right-wing Νέα Δημοκρατία (New Democracy) political party, the first “closed reception centre” was opened in Samos. The new centres, built at huge expense and funded by the EU, boast biometric entry/exit systems, CCTV, drone surveillance, x-ray machines, and remote surveillance centres where video footage is monitored (Stamouli 2021). However, due to pushbacks<sup>3</sup> conducted by the Greek authorities which have reportedly resulted in a 78% decrease in arrivals to Greek islands in the first eight months of 2021 (ECRE 2021a), the camp only houses a fraction of the 3600 people capacity. Both the camp and the reduction in arrivals fulfil two of the election promises that New Democracy won their campaign with. As with Brexit, which secured the Conservative party another term in power in the UK, the anti-immigration rhetoric was one of the key policies used to gain

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<sup>3</sup> I refer to “pushbacks” here in line with the definition set out by the European Centre for Constitutional and Human Rights:

“Pushbacks are a set of state measures by which refugees and migrants are forced back over a border – generally immediately after they crossed it – without consideration of their individual circumstances and without any possibility to apply for asylum or to put forward arguments against the measures taken. Push-backs violate – among other laws – the prohibition of collective expulsions stipulated in the European Convention on Human Rights.”

Available at: <https://www.ecchr.eu/en/glossary/push-back/>

the vote for the right-wing party in Greece, at the expense of ΣΥΡΙΖΑ (SYRIZA), who had been in power during the so-called ‘refugee crisis’ of 2015. I discuss the histories that led to these developments in chapter 2. This brief overview of the ongoing developments in Greece frames how borders and migration remain politically integral to the Greek state, where technological tools used in the camps suggest how developments will continue in the future.

In the UK, the site of my second case study, since I began my PhD in 2018, British politicians have been frantically navigating Brexit, with a clear focus on “taking back control”, referring both to freeing the UK from the shackles of European laws (such as human rights law and environmental safeguards), as well as ‘regaining control’ of British borders. This xenophobic desire to exclude anyone seen as non-British has been a long-term political project, visible in the famous “rivers of blood” speech made by Enoch Powell, and as the guiding focus of UKIP (UK independence party). As I finish my PhD at the end of 2021, a year after the end of the transition period, the real price of Brexit is only just starting to show. The country faces a supply chain crisis, and bars and hospitals across the country remain critically understaffed, whilst fruit and vegetables rot in the fields. And so, the loss European migrant workers, who seem sick of being both exploited and despised, has become apparent whilst also highlighting the cost that some of the British public seem willing to put up with in order to reduce migration to the country.

Despite these issues, Brexiteers proclaim the split from the EU a success and bold new immigration policy is being pushed through parliament to make clear Britain is serious about ‘taking back control’. The Nationality and Borders Bill<sup>4</sup> proclaims it will “fix a broken system”, rewriting asylum and border policies that will essentially make claiming asylum illegal if arriving to the UK autonomously, introducing new inadmissibility policies that will attempt to deport anyone who passed through a “safe third country”, and promises to adopt a fully digital border (something the UK has been promising since the days of David Blunkett and New Labour in the early 2000s – see Trilling 2021) (Home Office and Patel 2021). Somewhat ironically, with the end of the transition period, the UK lost the ability to deport people seeking asylum to European countries they passed through, and lost access to the

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<sup>4</sup> Nationality and Borders Bill <https://bills.parliament.uk/bills/3023>

European Asylum Dactyloscopy Database (Eurodac), that could confirm in which EU countries someone had previously been registered for asylum, something I explore in chapter 4. Although these changes were not in place during my fieldwork in the UK, which took place between October 2019 and January 2021, they depict the current state, and political importance, of asylum and border policies in the UK.

These examples situate the research questions which this thesis endeavours to address, highlighting how border controls continue to be expanded, placing further restrictions on mobility and the right to seek asylum. Specifically, my research questions focus on the datafied element of enforcing the exclusionary logics that underpin asylum and immigration policies in Europe, conceptualising what this means for the operationalisation of controls, as well as potential claims for justice at, and beyond, the border. Here, I ask how are European border and asylum systems becoming datafied, how do people experience and navigate this, and what are the implications for social (in)justice, exclusion and violence felt by refugees, people seeking asylum and illegalised migrants?

When addressing these questions, rather than focusing on data itself, I frame datafication as an ongoing process in order to “explore the power relations associated with data practices”, interrogating the “structural conditions” that shape the use and direction of datafication (Madianou 2019a,4). I use the term datafication to refer to the ongoing process which sees the collection of data and use of technological tools to quantify people and inform data-driven decision making and governance (Mayer-Schönberger and Cukier 2013). Specifically, I refer to datafication in relation to borders, where interoperable databases, biometric identification, and surveillance technologies are increasingly used to track, detain, and deport people who have crossed borders through illegalised means, as well as creating systems that aim to stop the crossing of physical borders through the use of off-shore sensors and drones (Leurs and Smets 2018; Broeders 2011; Bigo 2014; Schuster 2011).

Within this, I focus on what happens after a physical border has been crossed, exploring the implementation and experience of the Eurodac database, which collects fingerprint data to mark a person’s asylum claim and the location of first registration. I also explore the use of

mundane technologies such as phones and cash cards which become a source of data collection enabling everyday surveillance, as well as private data platforms that provide basic asylum infrastructure such as Skype and Viber in Greece which is used to provide access to asylum and aid respectively. On top of this I look at data infrastructure that enables data sharing between governmental departments to enforce hostile environment immigration policies in the UK. Thus, I explore the day-to-day practices and negotiations surrounding the implementation of datafied borders (Pötzsch 2015). I focus on these somewhat banal and insidious technologies to move away from a viewpoint that sees new technologies as new, exceptional spectacles, and to emphasise the longstanding techniques and mundane practices of everyday bordering (Tyerman 2021). Accordingly, I place these issues within overarching systems and structures of power, questioning what power the border holds as an institution, as policy, as experience, and as control. Thus, borders become “a lens through which to grasp the dynamic of power relations” (Fontanari 2018,5), framing datafied borders as a social construct that results from historical contexts of governance, politics, and control.

I discuss the impact of datafied border controls in relation to illegalised migrants and people seeking asylum as it highlights the real impact of technological advancements to control mobility. Whilst seamless borders are heralded as a vast improvement for legitimised travellers (World Economic Forum 2017), the onus is often on cutting down waiting times at airports or in queues etc. However, the actual impact, the people feeling the division of the world into who has and does not have mobility rights, are experienced by those who have been displaced for hundreds of years, who suffer at the hands of a world order carved out by former colonial states who use borders to maintain their position of global power at the top (Mayblin 2017; Sharma 2020; Walia 2021). A focus on these outcomes allows for a deeper understanding of the logics and intended goals for the introduction of border technologies. As such, as well as drawing on Migration and Critical Border Studies, Critical Data Studies, and Surveillance Studies, I also include theories from Colonial/Decolonial Studies. I do so to recognise the importance of the historical context and development of European borders and to address what Mayblin and Turner (2020) highlight as a common issue in Migration Studies, where the impact of colonialism on ongoing mobility inequality is often overlooked (see also Khiabany 2016; Tazzioli 2021).



Another key point to consider here, and one that draws the focus back to questions of data justice, is that through a focus on datafication as a process that results from larger societal structures, rather than on the data itself, the structural violence that runs deep within datafied borders is foregrounded as an entry point for discussions of injustice. As such, when I talk of justice, I do not refer to justice within an unjust system, such as the type of data justice discussed, for example, by Heeks and Ranken (2018). This approach to data justice sees the adoption of “data4good” approaches, which include, but are not limited to, a “Data-Justice-for-Development social movement”, where data hegemony would move out of the hands of private or state actors into NGO or community projects (ibid,99). Other examples include ideas of ID2020, where blockchain technology allows people to create an irrefutable digital identity in case documents are lost as a person becomes displaced from their home country<sup>5</sup>, or the use of mobile apps to provide information for people on the move as they make journeys or try to settle in a new country, for example RefAid<sup>6</sup>. Whilst these attempts have a place in tackling immediate harm and injustice, they offer little long term structural change to border regimes, something I discuss in greater depth in the concluding chapter of my thesis when considering other approaches to justice within datafied systems.

The research conducted for this thesis took the form of ethnographic fieldwork in both Greece and the UK, working with migrant solidarity collectives in both locations, and conducting participant observation and 66 interviews with 72 interlocutors, including people seeking asylum, illegalised migrants, refugees, civil society actors, volunteers, NGO workers, lawyers, border guards and asylum staff. I conducted research within the framework of critical social theory, using critical ethnographic methods to engage with datafied borders as ongoing sites of contestation, struggle, and governance. These methods will be further outlined in chapter 3, however for now I have included these brief details to demonstrate how my research aimed to include a variety of voices from different sides perspectives, where everyone was navigating, enacting, and experiencing datafied borders in their own way. The locations of my research were, in part, chosen out of pre-existing links, where previous work

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<sup>5</sup><https://id2020.org>

<sup>6</sup><https://refaid.com>

with migrant solidarity collectives in each case study site provided strong grounds in which to begin my fieldwork. However, we see other links between the two case studies, as demonstrated above, in their ongoing attempts to further illegalise and exclude racialised migrants from their nation state territory. These similarities in approach have not gone unnoticed by the immigration ministers in each location, where Priti Patel (the British Home Secretary) and Notis Mitarachis (the Greek Minister of Immigration and Asylum) have publicly highlighted their shared struggle to protect their borders, and their meetings to discuss tactics for reinforcing their border controls (Bulman 2021).

### Bordering and Ongoing Processes of Illegalisation

As discussed above, I approach the subject of datafied borders from a standpoint that sees borders as mechanisms of governance that actively produce categories of illegality which in turn become fixed onto bodies by increasingly datafied techniques that seek to identify, contain, and track people on the move and seeking asylum. Consequently, I use the term ‘illegalised migrants’ to refer to individuals deemed illegal by the state, including people refused asylum with no safe place to go home to, or people who have overstayed their visa.

To some degree, ‘illegalised migrants’ also includes people seeking asylum, who are often labelled as ‘illegal immigrants’ despite there being a legal right to enter a country and claim asylum. This illegalisation of people moving through borders is an active process, and stems from the illegalisation of routes of entry as border regimes work to maintain a level of control over mobility through limiting legal means of travel which are increasingly restricted and unattainable (Walia 2021). Moreover, as Walia notes, terms such as “illegal entry” construct the border as a “legitimate institution of governance” (p.19), something which I maintain throughout this thesis should be challenged, and something my fieldwork shows is challenged by people every day. This way of approaching the productive nature of borders in relation to the categorisation of people also recognises that labels such as ‘migrant’ and ‘refugee’ are legal and social constructs that are embedded within historical, political, social, and economic contexts of the nation state (Fontanari 2018,7; see also Bhabra 2017,396). I

do however use the terms ‘refugee’ and ‘people seeking asylum’ to highlight the different legal definitions which impact the differential dangers and precarity people face as they move through border and asylum regimes, whilst acknowledging here the limitations to such categorisation. I do not label people as ‘asylum seekers’ but centre them first and foremost as ‘people’ who are actively seeking asylum and are thus agents in their own right.

Through seeing the illegalisation of migrants as a process, we can focus our attention away from illegalised travellers and onto the systems that enforce their illegality. Moreover, it foregrounds the reality that such labels actively work to limit people’s freedom of movement and positions them as deportable outsiders (Sharma 2020,6). This becomes a key component of the datafied border, which enables far more extensive and remote forms of classification through algorithmic prediction and data mining processes. These processes, along with strict criteria for granting asylum, therefore succeed in converting migrants into ‘illegal’ and ‘deportable’ individuals, not worthy of protection or rights, but to be viewed as opportunists wishing to exploit the asylum system (De Genova, 2013,1181; Crawley and Skleparis, 2018,49). Here, the use of the term ‘illegalised’ also highlights the impact of “intersectional paradigms” (Collins 1990) of race and wealth. Whereas poor people crossing borders are often seen as problematic and labelled negatively, wealthy migrants, often from former colonial powers, are granted freedom of movement and referred to as “ex-pats,” or “backpackers” (Sharma 2020,6). Likewise, racialised migrants, often constructed as black or brown bodies, are the ones labelled as “illegal’, reflecting how racialisation is at the crux of policies that differentiate between people who cross borders and how they are governed (Tazzioli 2021,108). Thus, the categorisation of individuals becomes an integral part of this production and exclusion of illegalised migrants as it distinguishes between ‘undesirable’ migrants to be excluded and ‘desirable’ migrants to be welcomed. Such differential treatment resting upon categorisation within border systems has led to some scholars referring to such processes as part of a new “global apartheid” which divides the world in to two realities (Balibar 2002; De Genova 2013; Hage 2016; Besteman 2018). Throughout the following chapters I show how these labels have huge consequences for people whose identities become enshrined within databases, and whose precarity and legally defined immigration status shapes differential levels of surveillance, privacy, and access to rights.

## Chapter Outline

In chapter 1, I engage with ongoing debates in the field of Migration and Critical Border Studies, Critical Data Studies, Critical Security Studies, Science and Technology (STS) Studies, and Colonial/Decolonial Studies. Here I discuss what power borders hold, how they are presented as perpetually in ‘crises’, and how the advancement of datafied techniques affords the ability of the border to function as a tool for surveillance, identification, categorisation, criminalisation and social sorting. I frame this within historical contexts which see the creation of the nation state and resulting use of territorial border controls as ongoing coloniality of power. I do so to question what datafied borders and technologies of bordering mean both politically and practically for those who are excluded by them, thus presenting borders as a form of governance.

In chapter 2, I include a discussion on the development of immigration and asylum policies, dating from those first introduced during colonial rule up until the beginning of my fieldwork in 2019. Here, I focus on the creation and integration of the European Union, framed against the backdrop of a collapsing European Empire as colonised countries gained their liberation. I explore how European integration presented the need for common border and asylum policies across MS, carving out the space for interoperable databases to share information on migrants across Europe. Moreover, mapping out the development of border policies in Europe highlights how security and interoperability have long been integral to the operationalisation of border controls throughout Europe and the Schengen area.

Chapter 3 gives an overview of the methods used for conducting empirical research, drawing on theories of critical ethnography, critical social theory and “solidarity as method” (Picozza 2021) to inform my research plan, conduct ethnographic fieldwork, and analyse my findings. Chapters 4-6 explore three distinct manifestations of power within, and functions of, datafied borders: biometric identification as categorisation and control; containment through everyday insidious surveillance, and data infrastructure as dispossession of rights, where (dys)functional data systems work to deny people access to vital services. It is in these three

chapters that I present the data from my fieldwork. In chapter 4 I explore experiences and impacts of biometric fingerprinting and Eurodac. In chapter 5 I discuss the use and experiences of everyday insidious tech, including phones, cash cards, and Skype, as a means of surveillance. Then, in chapter 6, I present findings of data infrastructures used as a tool of immigration policy that seeks to deny access to rights for illegalised travellers and people on the move, focusing on one example from each case study. For the UK I explore the data sharing practices between the NHS (National Health Service) and Home Office, and for Greece I focus again on Skype, framing it as a means of denying some nationalities the right to asylum.

Chapter 7 forms my discussion, where I draw together the examples from my fieldwork to further explore the functions of a datafied border as identified through my fieldwork. I explore how power becomes operationalised in ways that both intensify and invisibilise immigration controls and practices of bordering, including how overt, insidious, and (dys)functional tech works to transform how power manifests. Drawing on theories of coloniality to frame ongoing global power structures and the logics behind datafied borders in Europe, I present datafied borders as a form of opaque immigration policy. I argue that datafication works to reinforce the power of borders as a form of governance, affording new means of enacting control, whilst also distancing the state from harsh outcomes of exclusionary borders.

Finally, in chapter 8, I bring the focus back to the topic that inspired this research, and question what claims for data justice may look like within a system of datafied borders in Europe. Here, I invite the reader to question whether a focus on mitigating data harms, as discussed above, in fact limits the possibility for real change, shaping demands that focus on data systems opposed to demands that call for the end to the inherently violent structure of borders themselves.

# 1. Conceptualising Borders; Control, ‘Crisis’, and Datafication

“Once they had left their homeland, they remain homeless, once they had left their state, they became stateless; once they had been deprived of their human rights, they were rightless, the scum of the earth.”

(Arendt 1968,148)

## 1.1. Europe in ‘Crisis’? Border Control and Migration

### 1.1.1 The Politics of Borders

Hannah Arendt’s influential work “The Origins of Totalitarianism” (1951) depicts the figure of a refugee as the “scum of the earth”, without a home or rights. Writing of stateless people after the first and second world wars, this was largely, she argued, due to restrictions of rights to citizens only. Thus, to access rights meant political inclusion and belonging to a nation state (Hirsch and Bell 2017,420). Despite the creation of the Universal Declaration of Human Rights (UDHR) in 1948, rights are still highly contingent upon nation states and nationality. Moreover, Sharma (2020) argues that nation states have become the new formation of postcolonial global power, where rights and exclusion hinge upon national boundaries that order the power structures of the world. The inequalities inherent to the UDHR will be further explored in the following chapter, yet it is worth noting here that for illegalised or ‘undesirable’ migrants, those who have been racialised or travel through illegalised means due to lack of access to money or visas, access to fundamental rights remains difficult. These contingencies foretell the reality and struggles for poor and racialised people on the move within modern border regimes, that of re-traumatisation, suspicion and disbelief of stories, hostile policies, complex laws on non-refoulement, detention and deportation (Harvey 2000).

These hostile policies come to form what Mayblin (2017,16) refers to as a “non-entrée” system, based on preventing entry to territories. Below, I focus on more theoretical questions concerning the datafication, power and politics of datafied borders, before moving in the following chapter to engage with a historical trajectory of border and immigration policy in Europe.

As Bendixsen notes, “borders are everywhere” (2016,539), they reach across most facets of society affecting many aspects of our lives. They become a means of categorisation and classification, a way of removing ambiguity, of accessing (and denying) rights. Yet, they often result in imperfect outcomes, creating real harms whilst failing to achieve desired outcomes (Green 2015,173; see also Amoore 2006). Importantly, they are more than just means of categorisation. They are “complex social institutions” which require careful dissection to understand their full meaning and impact (Bendixsen 2016,539). Here, it is useful to draw on Mbembe’s argument that we should thus move the focus away from borders themselves, and onto processes of bordering and “borderisation” (2019,9). As such, we must see borders as both processes and institutions (Dijstelbloem and Broeders 2016,24). Here, the authors see the power of borders to both conceive and control individual citizenship, whilst simultaneously being instruments for a multiplicity of purposes – from collecting taxes to creating shared identities and systems of belief. Accordingly, we must interrogate what systems of belief are fed into datafied borders, and what their outcome is in shaping processes and institutions and notions of belonging. Such an approach allows us to see borders not merely as “lines of demarcation separating distinct sovereign entities” but as organised and systemic violence that has become integral to maintaining contemporary capitalism and global world orders (Mbembe 2019,9).

The need to address power structures implicit in border regulation and control is highly important. Pallister-Wilkins writes (2016,161), as borders and security barriers converge increasingly with technology, the use of digital technologies should not be thought of without considering that other “technologies of government” involved in security practises at borders are “imbricated within wider logics of governance with rich genealogies, such as colonial forms of control and counterinsurgency practises”. Thus, we must critically engage these

wider logics of governance to better expose how they have sculpted and developed a logic of border (in)security that dominates the landscape in which the research for this thesis takes place. To understand datafied borders in Europe, before examining the technology itself, we must first unpack the politics and practices of European border regimes (Leurs and Smets 2018,8), the “prevailing social and political norms and identities, and the history and hierarchical relations of power/knowledge” that borders themselves are created within (Muller 2011,96). As Castles highlights, we must acknowledge that “bordering is a process that takes place not just at the geographical frontiers, but... through the categorisation and differentiation of migrants” (2017,1540).

To begin this discussion, I refer to literature that questions the meaning of borders in relation to European identity, systems of power and histories of colonisation. What we see is that, despite globalisation, states have increasingly restricted the free movement of people, whilst simultaneously furthering the free movement of goods (Squire 2009,10). As Europe clamours to install more impassable physical borders, Dalakoglou (2016) proclaims that within Europe the “notion of borders becomes more important than European membership itself”. Thus, despite the tragedies that unfolded following the re-imposition of borders along the Balkan route in 2016, such events seemed to be viewed as “acceptable collateral damage for the protection of European spatial exclusivity” (2016,184). Therefore, we can see borders as institutions and process in and of themselves, shaping European identity and policy (Balibar 2004). Moreover, restrictive techniques work to dislocate power away from traditional territorial sovereign power into supranational states, in this case the EU. Furthermore, the events of 2016 highlighted the belief that borders could protect states, with the closure of Balkan borders to Northern Europe, the building of razor-wire fences across many frontiers, and the closing of the Greek Mediterranean border following the EU-Turkey deal. Such methods also demonstrated the proliferation of new technologies and policies that have led to a “rebordering of rich states” (Parker et al. 2009; Andreas and Biersteker 2003 both cf. Andersson 2014,120, see also Sicurella 2018,57).

Whilst borders are oft painted simply as a line demarcating territorial areas, we see many years of European identity embroiled in borders as institutions, encompassing policy,



politics, economics, wars, labour markets, and colonial power (see Papadopoulos et al. 2008 for a historical tracing of borders to feudal kingdoms). The limits of their control extend far beyond a single physical point becoming processes of governance and control. Indeed, these logics of governance follow a person across the society into which they have entered through everyday bordering practices (Tyerman 2021). Whilst it is of course still important to note the power of these physical borders, the focus of this thesis is on how controls become embodied, not merely through biometrics or other such technologies, but through the logics of governance that riddles securitised border regimes. In fact, as many have noted, despite huge efforts and investment in physical control of border areas, which saw some initial success at limiting movement, their ability to control migration is diminishing (Andersson 2016; Hage 2016; Hansen 2017; Muller 2011; Papademetriou 2015). As Castles (2004) notes, the problem with migration policies is they fail to engage with mobility and migration as a social process, instead we see a focus on borders as an exceptional entity to be controlled yet are never fully brought under management.

This failure, as noted in Andersson (2016) in his ethnography of migratory movements and border industries in Northern Africa, is recognised by the border guards and police themselves. Even the businesses that sell border solutions know there is no real means of stopping human migration. Why then is there such a focus on the maintenance of borders? Recent efforts of border externalisation through deals with Turkey, Libya and Morocco (see Walia 2021) show clearly that efforts to create impassable borders continue. Likewise, with the weaponization of the Mediterranean, for example through deploying surveillance drones, we see a continuation of a war against migrants (Heller and Pezzani 2014,659), whilst citizens are distanced from seeing the impact of harsh migration policies. These techniques of externalisation can be seen as what Walia (2021) refers to as “imperial interventions”, where externalisation techniques work to reinforce imperial power structures over mobility. Imperial power structures here relate to the continuing legacies of colonial power. This example is something Walia argues can be compared to the transatlantic slave trade that fortified imperial networks through establishing power over maritime space and strengthening white supremacy (p.109). Moreover, externalisation techniques also work to disrupt and endanger the movement of people from the south to the north, meaning many

displaced people remain outside of Europe, trapped for example in Libyan detention camps where people are routinely tortured, starved and sold into slavery (Amnesty International 2021). These tactics not only embody imperial power, but as Menjivar (2014) argues, rely on a securitisation framework.

Further to this, Castles (2004) has argued that the politics of borders is not merely about protecting physical territories but rather aims to govern “North-South relationships and maintain inequality”. El-Enany (2020) takes this a step further, shrewdly depicting modern British immigration law as a means of denying colonial spoils to former colonised nations, refuting migrants their right to share in the riches stolen from their native homes. This, she argues, is present in the denial of free healthcare to migrants in the UK, despite their role in building the NHS. Such arguments show the belief that for the current global order to continue as is, power over movement, right to remain and enter, and benefit from welfare systems within EU territory must be maintained. The coloniality of European borders will be further explored below, but first I shall examine the security logic that drives the advancement of border technologies in Europe today, where migrants are depicted as a threat to be identified, dealt with, and controlled.

### 1.1.2 Securitised Borders in Europe and States of ‘Crises’

“The aim of a society of security is not to affirm freedom, but to control and govern the modes of arrival.”

(Mbembe 2019,12)

Migration remains one of the most contentious political and policy concerns of the EU. It has become increasingly conflated with criminality, terrorism, economic troubles and concern over jobs (Lohrmann 2000; Leonard 2010). Leonard (2010) attributes this extreme politicisation of migration as leading to the securitisation of borders (p.231). This logic, as we shall see below, heavily shapes the processes and institutions inherent in datafied border

systems. Moreover, it depicts migrants and people seeking asylum as a threat, placing migration as a centrally important European wide issue (Harvey 2000,387). The securitisation of borders has seen the proliferation of expansive border control technologies, often at the expense of decent conditions for asylum seekers and represents a shift in forms of governmentality as borders become displaced from national security to supranational concern that necessitates strengthened controls (Andersson 2016, 2014; Bigo 2002; Brouwer and Catz 2003; Leonard 2010; Lyon 2007; Muller 2011; Squire 2009; Vaughan-Williams 2015). And as Mbembe's quote above reminds us, the logic of security is one of control and governance, not freedom.

As well, new surveillance technologies allow for increased levels of control of the Mediterranean Sea, where new technological apparatus aims to sort out the "'bad' traffic from the large quantities of 'good' mobilities" – the 'bad' being boats carrying illegalised migrants (Heller and Pezzani, 2014,666). This investment into complex and advanced border technologies has led to a rise in what De Genova (2002,2012) has termed the "spectacle" of the border, whereby borders take centre stage in EU policy and the "illegality" of migrants becomes "spectacularly visible" which in turn spurs on an ever-expanding response to, and investment in, migration and borders (De Genova 2013,1181). It is not just migration that has seen an increase in securitisation logic, but that securitisation also creates new spaces of subjectivity and spaces of border enforcement (Coutin 2015,673). This becomes configured once again within a datafied border, which further augments borders across security discourse, advancing efforts to control mobility (Metcalf and Dencik 2019). Securitisation has also been framed as the overt militarisation of borders (Besteman 2020; Lutz 2002). Here, militarisation, led by the state and private security companies, entrenches notions of risk, and draws together mobility, terrorism, and criminality as problems that warrant military style intervention, from drones and other surveillance technologies to imprisonment (Besteman 2020,102).

Another aspect of securitisation worth noting is the way in which risks are assessed and threats are prioritised and dealt with, which Lyon argues becomes highly discriminatory (2007,163). Within border control, he believes security and risk management come to

disregard the “fixity of law” and instead follow “ad hoc rules” and “emergency measures”, which allow for increasingly harsh treatment of those deemed a risk, including prolonged detention and suspension of rights (Lyon 2007,164, also Andersson 2016). This allowance of exceptional measures enhances the element of danger within what Bigo regards as a balance between security and liberty and results in a “triangular setting between danger, liberty and security”, where security and danger are deemed more important than liberty (2010,399).

This is relatable to asylum seekers within the EU, who are increasingly being held indeterminably in detention centres, both at the peripheries of Europe as well as in the UK. Lyon, like other authors within a securitisation framework (Amoore 2006, Karyotis 2007; Menjivar 2014), discusses how the impact of 9/11 has massively changed the landscape of security, expanding the use of zones of exceptionality where individuals are reduced to ‘bare life’, without rights due to a suspension of normal rules (Agamben 1995). Within this, logics of securitisation depicted migrants and refugees as a threat, and the state as the “provider of security” (Bigo 2002,65). Due to the conflation of migration with terrorism, there has most certainly been an increased politicisation of migration in recent years wherein migrants are perceived as a dangerous threat to security, leading to further securitisation of migration and negatively impacting on the rights and experiences of illegalised migrants (Leonard, 2010,232). However, Broeders and Hampshire (2013) believe that such techniques of border security arguably predate 9/11, with Andersson stressing that moves towards increased securitisation began in the 1990s (2016,1060), and others highlighting the long-entrenched narrative of migration as a security problem to be managed (Besteman 2020; Mayblin 2017). What remains clear is how pervasive this problematisation of migration has become across European societies (Coutin 2015,673).

Moreover, when we consider a security discourse, we must also explore ideas of risk and crisis, which demand an emergency response. In recent years, migration in Europe has repeatedly been framed as in ‘crisis’. The use of crises rhetoric, along with securitised approaches is not a new phenomenon (Mayblin 2017) yet has been increasingly used during the development of the Schengen area (Andersson 2016, Bendixsen 2016, Coutin 2015;

Holmes and Castaneda 2016). This was most notable in reference to the number of migrants arriving since 2015 which is often dubbed the ‘refugee crisis’ by governments, the European Parliament (EP) and media outlets, invoking notions of “invasions”, and justifying further oppressive, exclusionary, and securitised practices of border control (Heisbourg 2015, Greussing and Boomgaarden 2017; Moore et al. 2018). Responses to this increase in arrivals focused on emergency measures aimed at containing the number of people through the building of fences and increasing funds and resources for border control and thus furthered the narrative of ‘emergency’ measures (Morsut and Kruke 2017,145). As a result, a public discourse of ‘crisis’ and fear echoed throughout Europe. Through framing migration as a threat, a sense of emergency followed and legitimised ever-harsher restrictions on migration (Andersson 2016,1060; also Krzyzanowski et al. 2018; Crawley and Skleparis 2018; Moore et al. 2018). Consequently, we see practices of exclusion becoming legitimised through crisis rhetoric.

Using the same hyperbolic language of the ‘refugee crisis’, borders are presented as a “perpetual emergency” (Andersson 2016), and a “spectacle” (De Genova 2002), yet the real emergency is for those who are trying to cross these borders; for them it is a matter of life and death. The violence felt through harsh border control is something that is widely noted within academic literature (Bigo and Guild 2005; Basaran 2015). Indeed, whilst in the 1990s there may have been a feeling that we were headed toward a borderless world due to globalisation, today we see a proliferation of borders (Balibar 2002; Bendixsen 2016; O’Dowd, 2009), and arguably in ever new invasive ways due to technological advancements, new tools for surveillance and the digital dispersal of borders across society.

Here, we must recognise that the so-called crisis is actually a crisis of violent displacement, caused by “capitalism, conquest and climate change” (Walia 2021,17). This rhetoric depicts people escaping war, poverty and environmental collapse as irrational and dangerous, while reinforcing the idea that capitalism, a system that Khiabany refers to as “the most irrational and aggressive system” is “rational, tolerant and yet under siege” (2016,559). Moreover, we see that those who enforce the strictest border controls are often the same Western regimes that create conditions that lead to displacement, and those who bear the brunt of border

controls are those displaced by the “ravages of capital and military occupations” (Walia 2013). As Sivanandan’s famous aphorism remarks when discussing migration after the end of direct colonial rule, “we [migrants] are here because you [colonisers] were there”. Even acknowledging the displacement of large numbers of people due to capitalism, conquest, and climate change, the number of people reaching European territory constitutes less than 0.25% of the population of Europe (Bhambra 2017,397), numbers hardly representative of a crisis.

However, due to the continued use of harsh border policies, and the advancement of securitised techniques for control and containment, the number of deaths at European borders continues to rise, and so the ‘crisis’ continues for illegalised migrants. The ‘crisis’ of borders in this sense is one felt by those who have been forced to leave their homes, and who instead of being offered safe refuge and support were met with hostility and violence by Europe (Leurs and Smets 2018,4). It remains a ‘crisis’ in terms of the violence against “deeply marginalised people... not about perceived violence by migrants to an idealised state” (Kallius et al. 2016,27). This is often achieved through the closing off of legal pathways into countries, i.e. through processes of illegalisation. Such an approach fails to provide a viable long-term solution (Giusto and Liano 2016; Jünemann 2016), though to criticise as such would be to believe a progressive vision for the safety of migrants is the end goal, which is not the narrative driving current immigration policy.

Precisely what we see instead is a power struggle that aims to maintain current global power structures through furthering the exclusion and governance of certain migrants. The processes through which these goals are realised rely on the illegalisation and exclusion of certain migrants, and is legitimised against a securitised, crisis discourse. This sentiment highlights the role of securitisation in processes of exclusion and illegalisation wherein ‘undesirable’ migrants are identified and categorised as ‘bogus’ or ‘threatening’ (Balibar and Wallerstein 1991; Squire 2009; Fassin 2011). With this in mind, as we move towards questions of security, we can see the threat becomes a disruption to this global order. This order was carved out in the early days of colonialism and maintained through seemingly ‘neutral’ immigration laws (El-Enany 2020; Squire 2009), and impacts upon techniques of illegalisation, wherein travellers are categorised, and ‘undesirable’ migrants excluded.

Before moving on to examine the role of new technologies and data in the current European border regime, it thus becomes pertinent to include reference to the historical continuation of global structures of power behind the advancement of securitised borders. This leads to what Besteman (2020) has termed “security imperialism” (p.2), where securitised borders embody long entrenched techniques used to control the mobility of racialised populations.

### 1.1.3 Regimes of Exclusion and Control; The Coloniality of European borders

Before moving on to examine how border politics are furthered within datafied borders, it is important to explore in more depth the processes of exclusion, control, and power that have long shaped the formation and implementation of border controls globally. This is evident, for example, in the “non entrée” approach to migration policy, that seeks to deny entry to many (Mayblin 2017,16; Squire 2009). Through a political focus on exclusionary immigration policy, some have commented on the paradox of refugee law, which claims to offer safety and fundamental rights to people seeking asylum but does so in exclusionary ways that depict asylum seekers as guilty until proven innocent (Harvey 2000; see also Mayblin 2017; Abuya et al. 2021). Indeed, Harvey comments that “impressive levels of creativity have been deployed by states in constructing the ‘walls of exclusion’” (2000,68). These walls of exclusion take the form of punitive and complex asylum and visa legal pathways, wherein the onus on proving one’s ‘desirability’ means producing often unattainable evidence and meeting high thresholds of ‘desirability’. Accordingly, ‘undesirable’ migrants are excluded and illegalised. Within this, we see that, among many things, historical power structures of colonialism continue to affect the structuring of who is and is not a ‘desirable’ migrant today (De Genova 2016,351).

These structures of exclusion and pre-emptive illegalisation constitute the creation of an “illegality industry” (Andersson 2014,2016). Here, through a focus on closing legal pathways and strengthening of physical borders, we see the production of illegality, illustrating the “productive nature” of the border as both a process and institution. Thus, “border machinery... creates what it is meant to eliminate or transform – more migrant

illegality” (Andersson 2014,121-122, see also De Genova 2013,1181; Menjivar 2014,354). Moreover, the production of illegalised migrants perpetuates once more the exclusion of ‘unworthy’ migrants as it delegitimises valid reasons for migration (Holmes and Castaneda, 2016,13). As noted above, this depicts migration itself as the problem to be addressed and controlled, and ignores the structural causes of displacement, from capitalism to colonialism to climate crises. If we instead examine how these forms of exclusion are inherent to maintaining global power structures, where the control of poor and racialised populations is intrinsic to modern capitalism, we can draw on theories of decolonial/postcolonial scholars to further interrogate modern border politics. Such a focus also enables us to frame borders as a tool for upholding global racial capitalism that relies on the creation of exploitable workforces that face control, hierarchical social ordering, and precarity at every step (Axster et al. 2021; Mayblin and Turner 2021; Mbembe 2019; Walia 2013; 2021). As such, it is useful to include work that theorises border controls as a product of colonial power structures.

This is something arguably lacking as a standard approach in Critical Migration, Border and Security Studies which often deals with the present and recent past. Though, as Mayblin (2014) notes, where work focuses on colonial legacies, it is often through discussing ongoing impacts on colonised countries and populations, rather than on how colonial structures continue to shape the formations of the former colonial powers (p.424; see also Mayblin and Turner 2021). Changing this focus allows us to frame the development of, for example, border and immigration policies in a different light and challenges the idea of securitised or datafied borders as something exceptional and new. This approach also works to address the “colonial unknowing” (Vimalassery, Hu Pegues, and Goldstein 2016, 2017 cf. Axster et al. 2021,3) that continues to dominate much research on borders and mobility which often fails to account for the long-standing structures of “racialised and colonial accumulation by dispossession” (ibid). As De Genova says, the current border narrative in Europe that denotes migration as a ‘crisis’ and ‘threat’ is itself testament to the “enduring coloniality of power” (De Genova 2016,75 cf. Madianou 2019,3).

I use the term coloniality in line with Quijano’s theory on the “coloniality of power” (2000), where the structures of society and states are ordered according to colonial thinking and



practices. This sees ongoing dominance of a Euro-centred capitalist world order, which upholds the “colonial matrix of power” (Mignolo 2011,3), something Mignolo states is “constitutive of modernity” and embroils “many contenders” across the globe. This coloniality of power and imperial debris is so strong that Sharma (2020) argues it even comes to shape and limit demands for decolonisation as we live in a Postcolonial New World Order, where nation states have become the basis for all claims of rights and freedoms and contain demands for decolonisation (p.13-14). Through adopting the coloniality of power as a framework, we can see how the oppression and exclusion of colonised populations and countries has continued long after the end of direct colonial rule, due to ongoing systems of knowledge, racialisation, and exploitation (Madianou 2019a, 2020; see also Mignolo and Walsh 2018). The term is especially useful as it demonstrates how colonialism is not merely the occupation of land, but also the domination and ordering of world structures and populations.

Other theories that speak to the coloniality of power include Stoler’s work on “imperial formations” (2008), which sees the continued displacement and exclusion that exist beyond “fixed forms of sovereignty” (p.193). These formations, she argues, depend upon the “racialised relations of allocations and appropriations” and exist as “processes of becoming” (ibid). Examples of this, Stoler suggests, are apparent in the use of “military takeover in the name of humanitarian works, violent intervention in the name of human rights and security measures in the name of peace”, which exist as processes that maintain unequal and discriminatory power structures. For example, the use of securitised border regimes that enact violence onto people on the move yet decry their usefulness at protecting travellers from terrorist attacks. Here, Stoler asks us to question how imperial formations continue to exist in “material debris” that results in the “ruination” of landscapes and people’s lives (p.194). These constitute “imperial debris” that demonstrate the permanency of power structures and the “uneven pace” in which people can extricate themselves of them (p.193), where debris may relate to freedom of movement or pre-emptive racialised exclusion and illegalisation (p.201). Walia (2013) refers to these structural formations in relation to mobility as “border imperialism”, where borders themselves do not prevent violence but instead work to create, sustain, and enact violence and precarity onto displaced and migratory populations through

securitisation, subjugation, criminalisation, racialisation and exploitation of labour. Such violence, Walia notes, is disproportionately felt most by people whose very reasons for migration is a result of the consequences of colonial and imperial occupations. Thus, immigration and border policies are not merely domestic issues for nation states, but a part of systemic structures of global power.

This recognition of the global and historical element of bordering and border policies has led to some scholars arguing such systems amount to a “global apartheid” which divides the world in to two realities (Balibar 2002; De Genova 2013; Hage 2016; Besteman 2018; Richmond 1994; Walia 2013). Specifically, for thinking about datafied and securitised borders it becomes useful to draw on Besteman’s (2020) theories of a “militarised global apartheid”, which sees a coordinated effort of states in the “global north” to “protect themselves against the mobility of people from the global south”, and includes securitised border technologies and techniques of detention, deportation and criminalisation (p.2). Here, imperialism is invoked yet again by Besteman as she argues that the militarised global apartheid produces policies and practices that amount to “security imperialism”. Security imperialism, as Besteman outlines, works to identify, control, and contain people deemed “risky” across the globe alongside “interventions to securitize space for militaristic and economic domination” (p.2). These imperial formations do not divide the world territorially but rather spatially and technologically. Other work on this includes Madianou’s theory of “technocolonialism” which examines the use of data in the context of humanitarian intervention, where colonial legacies, capitalism, and inequalities affect the implementation, design, and experience of humanitarian support programmes for refugees (Madianou 2019a). The usefulness of these frameworks is the analysis of specific logics that frame the advancement of technologies, biometrics, and data within border regimes globally, which I shall now go on to explore in more detail.

## 1.2. Big Data, Big Borders; A Datafied European Border Regime

### 1. 2.1 Functions of Data for Governance: Big Data and the Digital Age

So how do these logics prevalent in borders – that of security, control, exclusion, categorisation and identification, tie in with underlying techniques present in data-driven governance? As Mbembe has commented, “the technological transformation of borders is in full swing” (2009, 9), and thus warrants attention when discussing current border regimes. Here I draw on the wide range of research within Critical Data Studies to situate the advancement of border technologies. Thus, we see that borders are not wholly displaced or reorganised through datafication, but instead many of the processes explored in the previous section become exemplified through new technologies. The intersection of Critical Data and Migration Studies allows for the examination of the ways in which a wide variety of actors, from governments to corporations, play a part in border security.

At the crux of Critical Data Studies are questions pertaining to power dynamics involved within Big Data and data driven processes that create social and cultural divisions (Andrejevic 2015,383), limit privacy (Pasquale 2015; Ohm 2010), result in a lack traditional informed consent (Fairfield and Shtein 2014; Metcalf and Crawford 2016) and further discrimination (boyd and Crawford 2012), as well as questioning the objectivity and effectiveness of data driven processes. Lines of argument highlight that we must be careful when embracing Big Data as capable of capturing, predicting and resolving all our needs and problems (Berry 2011; Kitchin 2013, 2014; Gehl 2015; Iliadis and Russo 2016; Latour 2009; Thatcher 2014). Central to debates in Critical Data Studies are questions surrounding asymmetrical power relations between data subjects and data analysts resulting in ‘digital divides’ (Andrejevic 2014; boyd and Crawford 2012; Dencik et al. 2017; Manovich, 2011), the empowerment of data vs the level of surveillance data entails, the ability of Big Data to help solve social ills, create better services and public goods, and data’s impact on research itself (boyd and Crawford 2012,663).

As scholars remind us, processes of data collection and technological advancement, as with borders themselves, do not occur in a vacuum, but in an asymmetrical power relation between

those individuals who create data and those who own and profit from this data (Thatcher et al. 2016,991; also Andrejevic 2015; Kitchin 2014; Crawford 2016; Spencer 2017). Thatcher et al. (2016) refer to this as an ongoing process of accumulation by dispossession, through the colonisation of the lifeworld in which we experience “commodification and extraction of personal information as data” (p.991), what Zuboff (2015) refers to as ‘surveillance capitalism’. Therefore, using data as a form of governance is nothing new but a continuation of capitalist use of technologies to control and subjugate certain members of society (p.1000). Such processes allow for predictive techniques that become producers of social reality and values themselves (Mackenzie 2015,444). These issues become hugely important when discussing border controls and categorisation of travellers, with new uses of data allowing for a transformation of borders into datafied regimes that further skew the asymmetry of power and control whilst advancing exclusionary and securitised logics of governance.

It should come as no surprise that processes which further stratify society and consolidate power should disproportionately affect the most vulnerable, marginalised and excluded (Taylor 2017,3). However, what is worrying is the often invisible and incomprehensible ways in which this process is furthered with data driven discrimination, frequently the result of ‘black box’ algorithms that retain an inaccessible and unchallengeable positions, and are often carried out without our knowledge and without corresponding to lived experiences (Dencik et al. 2017,734), creating a feeling of powerlessness by those affected (Andrejevic 2014,1682; see also Taylor 2017; Turow et al. 2015). This also enables a “performance of indifference in the face of tragedy” (Leurs and Smets 2018,5) as supposed neutrality eclipses violent outcomes and detaches actions of street level bureaucrats from end results. The following sections aim to deconstruct the ways algorithmic predictions and data driven risk analysis have become complicit in the datafication of border systems through surveillance, identification, social sorting and criminalisation of undesirable and illegalised travellers.

### 1.2.2 Data and the Border: A New Datafied Regime?

Driving the propagation of the datafied border is the fantasy that they will encompass a “Brave New (fully secure) World” (Green 2012,24), promising “rational, scientific and ‘post racial’ methods of border security (Vukov 2016,81) in face of the realisation that physical borders alone are not enough to control irregular migration and monopolise ‘legitimate’ movement (Broeders 2007,73). Paramount to the datafied border is the use of biometrics as a means of identification and filtering, and the extensive use of surveillance through increasingly sophisticated technologies. Here, it is useful to consider Ajana’s claim that “with big data comes ‘big borders’” (2015,13). Datafied, or ‘smart’ borders, Vukov suggests, create a new intersection between biopolitical and algorithmic forms of governance (2016,81). These techniques hope to visualise and neutralise “potentially risky bodies” as they move across borders (Amoore and Hall 2009,444 cf. Mbembe 2019,9). Accordingly, increased datafication leads to greater regulation of borders and restricts freedom of movement as borders become increasingly “mobile, portable, omnipresent and ubiquitous realities”, where the goal is “to better control movement and speed, accelerating it here, decelerating it there and, in the process, sorting, recategorizing, reclassifying people with the goal of better selecting... who should be where and who shouldn’t, in the name of security” (Mbembe 2019,9). Such practises are all a part of the ‘internalisation’ of border control through practises of discrimination and identification (Latonero and Lift 2018) allowing both biopolitical and geopolitical control of the human body (see also De Genova 2013).

Theoretically, in a datafied world, borders become “omnipresent” due to biometric identification, interoperable databases and higher levels of surveillance (Dijstelbloem and Broeders 2015,25). Within a datafied, “remote control” border (Zolberg 2003) people are followed by their own ‘data trace’, which allow for categorisation and pre-determination of their treatment upon arrival (Broeders and Hampshire 2013,1207). Here, biometrics actively shape “subjectivities... and patterns of life they purport to identify and process” (Potzsch 2015,115; also, Amoore 2006; Ajana; 2015, Allen and Volmer 2017; Bigo 2014; Lebbe 2011; Leese 2014, Rigo 2005). Deleuze argues that these “data doubles”, or what he terms “dividuals” (1992) contain powerful performative features that shape both agency and

opportunities. As such they become “new mobile regimes of inclusion and exclusion” (Pötzsch 2015,101), which enable the targeting of individuals no matter where they are.

However, the danger of following this ‘omnipresent’, ‘all powerful’ narrative of datafied borders, is what Stephan Scheel has termed a “control bias” approach, which construes borders as a technical problem to be ‘solved’ (Scheel 2013b,584). Scheel contends that such an approach inherently fails to recognise biometrics borders, as “contested sites of intensified political struggles over mobility” (see also Squire 2011; Kuster and Tsianos 2016), resulting in a depoliticization of practices within, and consequences of, a datafied border. Likewise, Tsianos and Kuster (2016) note that if we focus on datafied borders only as part of the “technological zone”, we see it only within its most ideal, dystopian state (p.239), ignoring uncertainties and inconsistencies (see also Walters 2014). If we continue to recognise the political and contentious nature of borders and the involvement of myriad actors in their processes and impacts, how should we view the entrenchment of Big Data and technologies within border regimes? Drawing on the previous section’s onus on the political structure of borders, I will now ascertain how much biometrics and pre-emptive policing of borders entrench practices of exclusion, governance and power.

In regard to what comprises the datafied border of Europe, we see the expansion of technologies to track, detain and deport illegalised migrants, further surveillance to prohibit physical entry to Europe through off-shore sensors, and drones and to deny asylum through analytical data mining of social media profiles (Leurs and Smets 2018,5). I frame my research largely against the use and development of a key EU-wide interoperable database in the governance of asylum and illegalised migrants, namely Eurodac. Introduced in 2003, Eurodac forms one of the main European migration databases, alongside the Schengen Information System (SIS II), and Visa Information System (VIS), all of which collect and store demographic and biometric data relating to movement within, and to, Europe<sup>7</sup>. Tsianos and Kuster (2016) describe the importance of Eurodac in both monitoring and excluding illegalised and ‘irregular’ populations within Europe through algorithmically matching

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<sup>7</sup> A more in-depth discussion of EU immigration policy as well as domestic level data systems shall be explored in the next chapter.

biometric data via the European Union's Biometric Matching System (BMS), which allows for search engine style locating of matching biometric entries within any of the interoperable EU migration databases. These databases create the framework of a Europe wide "surveillant assemblage" (Haggerty and Ericson 2000), "technological zone" (Tsianos and Kuster 2016) or "iBorder" (Pötzsch (2015). Tsianos and Kuster (2016,238), referring back to the work of Barry (2006,239), describe these technological zones as creating spaces of interoperability and standardisation, that also incorporate the "multiplicity of border practises" outlined in Rumford's (2008) theory of 'borderwork' wherein borders are made, un-made and re-made in relation to social [and now technological] practices. Thus, we see a re-organisation opposed to a radical change in relation to bordering practices. In these new spaces of bordering, a person's data is abstracted from their physical self, separating them from landed territories and reassembling them into flows of information that make up "data doubles", which can then be more effectively monitored. These "data doubles" travel within the "global cyber-surveillance social universe", which comprises of a world of computer analysts and operators (Bigo 2014). Theoretically, allowing for a more comprehensive and powerful means of border control, constantly adapting and existing simultaneously in disparate locations (Dijstelbloem and Broeders 2015).

In terms of how this alters the landscape of borders, we see little change from an onus of control as enabling exclusion, as well as a continued focus on national and supranational security. However, what we see is the further entrenchment of logics of identification as key to governing mobility. Indeed, Critical Border Studies scholars draw attention to the harmful nature of the Eurodac database, which is often seen as a cause of enormous suffering, ongoing turmoil and forced hypermobility for those hoping for protection, safety and respite from danger (Garelli and Tazzioli, 2016; Kasperek 2016; Picozza 2017a; 2017b; Tazzioli 2019a; Tsianos and Kuster 2016; Schuster 2011).

Biometrics and fingerprinting practices thus work to make individuals legible to states in order to enact border controls (Madianou 2019b,595). However, the use of biometrics is often framed by states as a way of accessing the right to claim asylum and humanitarian support. Here it is key to highlight the belief that biometrics are able to create an indisputable identity,

linked to a physical self (Aas 2011; Ajana 2013; Broeders 2011; Dijstelbloem and Broeders 2015; Mbembe 2019; Muller 2010). Framed as such, biometrics aim to produce a “machine readable body” (Van der Ploeg 2005), creating a means of both accusing and condemning people if they dispute what their biometric data state (See also Aas 2010; Dijstelbloem and Broeders 2015; Lyon 2004; Lebbe 2013; Salter 2004). This is despite research that has proven the unreliability of biometrics, where accuracy can be affected by age, ethnicity, occupation, amongst other issues (Nanavati et al. 2002 cf. Madianou 2019b,590). Magnet (2011) suggests that even when biometrics fail in the sense of accurately identifying someone, they still offer huge benefits to state and commercial actors “whose interests are tied to contemporary cultures of security and fear” (p.2-3). Further to this she notes that when we consider the damage biometrics can inflict onto vulnerable and oppressed populations that they often claim to protect, biometrics thus fail even when they succeed technologically. I explore these harms in greater detail in chapters 4 and 7.

In terms of border policy, the belief in the power of this “machine readable body” as an effective means of monitoring illegalised arrivals to Europe becomes evident in the proposed changes to Eurodac. This aims to bring the age at which a person is fingerprinted down to six years hold, whilst also increasing the length of time biometric data is stored for all categories within Eurodac (Stenum 2017,8). Also, the increased importance of fingerprinting new arrivals in Greece, where it rose from 8% of arrivals being fingerprinted in September 2015, to 78% in January 2016 (LOC, 2016), demonstrates the belief that the collection and storing of data and monitoring of arrivals is key to dealing with the rising number of migrants and refugees reaching the EU. Latonero and Kift (2018) have termed this the “internalisation” of borders; as the increasing focus on the human body as a definitive form of identification means we carry the border with us wherever we go and cannot escape it. Again, this is not an entirely new phenomenon, as biopolitical categorisation and racialised prejudice, alongside the use of biometric identification during the slave trade (Browne 2015), and colonised India (Mirzoeff 2020; Major 1999 cf. Axster et al. 2021,17), and South Africa (Breckenridge 2014) have existed in European societies for many years. However, they become further hidden and legitimised through technological developments.



Two things are worth noting here. Firstly, the internalisation of borders is comparable to Fanon's theories on "epidermalization" (1986 [1952]), where race and power become inscribed onto the body. Browne's (2015) more recent addition to this, "digital epidermalization", describes how practices of racialisation become built into digital biometrics and further internalised by people subject to biometric identification. As much public discourse fails to recognise these elements of biometrics, Magnet (2011) argues that biometrics have thus become "dehistoricised" and held up as "new utopian technologies" capable of solving the problem of identification (p.17), whilst failing to recognise how biometric technologies embed discriminatory classifications and code cultural contexts (p.14). The fallout of these developments furthers the polysemic nature of borders as discussed by Balibar (2002), wherein "borders never exist in the same way for individuals belonging to different social groups" (p.78-9 cf. Bendixsen, 2016,539; see also Amoore 2006; Lyon 2007), and as noted above, the differentiation of social groups is decided through asymmetrical global power structures that have long existed. Here differential speed regimes are created and enacted (Mbembe 2019), where trusted travellers enjoy "seamless borders" (World Economic Forum 2017), and refugees are "DNA tested, fingerprinted, medically examined, labelled, and 'processed'", in ways that reenvisage shameful and violent histories within Europe (Khiabany 2016,757).

Alongside the expansion of biometric systems, digital technologies such as mobile phones are increasingly becoming part of identification and risk profiling as well as a means of tracking and monitoring and are part of what Latonero and Kift call a "new digital infrastructure for global movement" (2018,3; see also Gillespie et al. 2018). Taylor goes as far as suggesting that "mobile phones are now the new passports", allowing for identification and tracking individuals as well as identifying groups on the move, trajectories and potentially someone's origin (2014). In Germany and Austria, legislation has already passed that allows for mobile phones to be seized in cases where a passport or ID is missing (DW 2017), a move that could potentially affect 50 to 60% of asylum applicants (Toor 2017). Legislation such as this shows worrying trajectories of the how asylum policy will come to further incorporate mobile phones as a means of surveillance, identification and categorisation. It is vital to be aware that such an infrastructure are hugely ambivalent,

enabling agency within migratory routes yet opening up further paths of surveillance and exploitation. Consequently, they are not a simple solution to many problems faced along the migratory route - e.g., navigation and communication (Gillespie et al.,2018; Latonero and Kift 2018; Leurs 2015, Leurs and Smets 2018). As such people on the move must maintain a “fine line between taking precautions to remain invisible to surveillant actors and organizations... [whilst] depending on smartphones for support, care, protection, and information” (Gillespie et al. 2018,10). Here, we must ask how such dangers are amplified when used by those more susceptible to violent forms of control such as illegalised migrants and refugees. As Zuboff asks, is it really a question of genuine consent when agreeing to terms and conditions that such technologies come with, or are conditions accepted out of necessity (2015,82).

After exploring how tendencies towards datafication of migration and border governance fit into the overarching politics and enforcement of borders and mobility more widely, I now briefly examine the functions of data within modern European border regimes that have been identified by existing scholarly work. These consist of surveillance; identification; criminalisation and social sorting. These incorporate the technological zone of interoperable database and centralisation of biometric data points collected from asylum seekers, refugees and (illegalised) migrants. My own conceptual and empirical work, to be discussed in later chapters, argues that we should see the functions of a border slightly differently to better grasp the concrete outcomes and experiences of a datafied border, and to more fully understand how control becomes enacted and negotiated in different ways.

### 1.2.3 Surveillance

The development of digital surveillance technologies within European border regimes such as cameras, drones, integrated surveillance systems and GIS-based risk analysis methods signals a change away from efforts that focus on physical patrols, and towards remote control systems of policing (Topak 2014,819). For example, Eurosur uses Unmanned Aerial Vehicles (UAVs or drones), amongst other surveillance tools, to better detect people attempting to cross into European territory, creating a “prefrontier” allowing for control of a

border beyond “geophysical boundaries” (Suchman et al. 2017,990; also Menjivar 2014). The collation of technologies including “unmanned aerial systems... earth observation satellites, biometrics, data mining, profiling, population metrics” are part of a system of “persistent surveillance” (Suchman et al. 2017,985).

As surveillance technology develops, Sombetzki and Quicker (2016) have argued that state power becomes further consolidated as actors within datafied borders not only hope to register and monitor migrants who have reached the shore, but also aim to improve identification at and beyond peripheral borders through sophisticated surveillance technologies. Thus, whilst biometrics lead to the internalisation of border control, surveillance leads to an externalisation of borders (Latonero and Kift 2018). As surveillance technologies become engrained into border control to track, monitor and govern mobility, we see a normalisation of security regimes which come to play both a reactive and proactive/productive role (Aas 2011,333; Suchman et al. 2017,985) For example, Aas (2011) interrogates the implementation of Eurodac, SIS, VIS and Eurosur, where they seemingly come to build new “supranational structures in the field of justice and home affairs”.

Within these supranatural structures, Haggerty and Ericson argue that we are witness to a “rhizomatic levelling of the hierarchy of surveillance” as part of a ‘surveillant assemblage’ (2000,606), meaning that individuals and groups that may previously not have been subjected to high levels of surveillance are now included. Through framing surveillance as a rhizomatic assemblage, we see that it has “no beginning or end” to it (Deleuze and Guattari 1987), as it functions within a fluid system of exchangeability and connectivity, spreading across and incorporating everyone in society. Furthermore, when discussing surveillance technologies, it is important to recognise who they are used by, and for what means. As Browne (2015) writes of surveillance techniques, “today’s seeing eye is white” (p.17). As such, she argues that surveillance is a racialised technology employed as a tool of social control. This in turn produces norms relating to who is out of place and who belongs, reifying “boundaries, borders, and bodies” that results in discrimination for those “negatively racialised” (p.16). Such an intervention allows us to see surveillance technologies as a dynamic process of ordering that reflects societal and national structures of dominance, wherein surveillance

technologies are both racialised and racialising tool used to “discipline and manage surplus [or undesirable] populations” (Axster et al. 2021,8). Here again, we must recognise that though everyone may be subject to some levels of surveillance techniques, the fall out differs according to positionality within society, whereby “surveillance is a matter of life and death” for illegalised migrants (Topak 2014,815).

#### 1.2.4 Identification

Next, identification plays an enormous role along the migration route, becoming simultaneously a tool to grant or deny entry to a country, as well as an avenue to recognising rights, a gateway to supposed safety and inclusion. For this we must ask, what is the purpose of identification tools? Within a securitised datafied border, the goal is arguably to identify threats to the global order, opposed to facilitating access to asylum to all those who need it. Nevertheless, identification is often presented as a legitimate and necessary pathway for inclusion within European society, thus becoming a highly contentious and powerful tool for control (Van der Ploeg and Sprenkles 2011). More than that, identification through biometric technologies aim to make the body “legible” (Madianou 2019b,595) and “machine readable” (Van der Ploeg 2011). This quantification of bodies entrenches ideas of rights being “engraved in the body” (Stenum 2017,11-12), where the body ceases to be a neutral entity but is instead social constructed and contextualised through race, nationality, ethnicity, and gender etc. Thus, the identification of bodies through biometrics can be used to separate and categorise people as illegal/legal, citizen/non-citizen, deportable/non-deportable etc. As Madianou notes, identification through biometrics thus include logics of securitisation as well as solutionism, further to this, she adds that due to the “lucrative industry sector” of biometrics where private actors sell systems and make huge profits, logics of capitalism are also firmly embedded within identification practices (2019,595-6).

An interesting development within the use of digital biometrics for identification is the degree to which securitised border models tie together the human body and identity as a means of achieving a high level of control over mobility and speed (Mbembe 2019,9). Mbembe compels us to consider exactly what is at stake when biometrics are brought into social worlds

in such a way, where we see results that order and exclude bodies deemed risky. As such, we must dissect “*how* bodies will become related to identity, and what the normative and political ramifications of this coupling will be” (Van der Ploeg 1999,295-6). Indeed, as Castles (2017) remarks, migration policies, whether in traditional or datafied border controls are inherently problematic as they are primarily concerned with defining individuals as (illegalised) migrants, assigning them such identities and differentiating them in categories that can be more easily governed and controlled (p.1543). This becomes of particular importance when discussing historically marginalised, racialised, and excluded groups, whose “lives and biographies are continuously caught up in domains of power and shaped by... interactions with bureaucratic institutions” who enforce such identities upon them (Ajana 2015,24).

Here it does well to recognise that there are grave contradictions between how an illegalised migrant may view themselves and the bureaucratic practises that have assigned such a label (Zetter 2007,189), which fails to account for complex histories. The dangers of fixed, datafied identities that follow traditional categories outlined above, legal/illegal migrant, refugee/economic migrant etc in regard to the inability to access and exercise rights, is that such processes can create a “data-banned” population (Dijstelbloem and Broeders 2015,33). This process is the profiling of individuals based on “people like them” makes “predictions that are constructed from the actions of others” resulting in the exclusion of entire categories or groups of people (Bigo 2014,219).

The last point to be raised here regarding identification is issues of ethics. The European Union Agency for Fundamental rights has reported on some main areas of concern. How can these processes be made accessible, transparent and correctable? How can rights be upheld? How can the quality of the data be to a high enough standard as to avoid mistakes? And how can data collection account for previous trauma, both physical and emotional so as not to retraumatise (FRA 2018,9,11,13). Likewise, issues of consent are consistently raised, as Madianou (2019b) highlights, informed consent becomes a problem during refugee registration, as there are no alternatives – wherever it be for humanitarian aid or claiming asylum, and so “consent can turn into coercion” (p.592).

### 1.2.5 Criminalisation and Social Sorting

These practices of identification within databases have been argued to be a part of wider techniques of criminalisation and ‘social sorting’. The enforced use of biometrics within datafied borders is seen to associate refugees with a level of mistrust and management as biometric identification has historically been reserved for “criminal residents and unwanted foreigners”, the latter including people refused asylum and illegalised migrants (Stenum 2017,11). This had resulted in what Aas refers to as the creation of “crimmigrant bodies” (2011). As such, we see again the further entrenchment of securitisation and illegalisation within migration.

The use of compulsory fingerprinting is often associated with criminal activity yet is imposed upon those wishing to claim asylum in the EU as part of the Dublin Convention and Eurodac, with the argument that this will prohibit ‘asylum shopping’, and duplicate asylum claims being made (Moore 2013; Picozza 2017). Here, I draw on the work of Ajana (2013) who writes about the ways in which the practise of fingerprinting is a “major hallmark of this criminalisation” (p.583). She argues fingerprinting practices have become a function creep of EU migration databases, which originally were not intended to automatically conflate “foreigners and refugees with criminality and illegality” (Van der Ploeg, 1999,300 cf. Ajana, 2013,584, also Aus, 2003; Broeders, 2007; Madianou 2019b). Ajana discusses how former German Interior Minister, Manfred Kanther and his Secretary of State, Kurt Schelker, were integral to this shift toward using Eurodac in a way that exploited the “added value” of managing illegal immigration (Aus 2003,12-13 cf. Ajana 2013,583; see also König 2016). This was later extended in ways that more directly related to police purposes, and arguably led towards Eurodac functions conflicting with original functions of the Dublin Convention (for examples of a similar process in the SIS II see Lebbe 2011; Sombetzki and Quicker 2004). Another useful framing for the conflation of migration with mistrust and illegality is put forward by Sombetzki and Quicker (2011), who draw on Lakoff’s (2004) theorising of 1) an illegal frame, where individuals are stigmatized for using illegitimate means of entering the EU, 2) a security frame, where such people are viewed as a threat and security risk, and

3) conflationary frame, which assumes asylum seekers are “directly linked to illegality and in turn, to illegal immigration” (2011,17).

These methods create what Aas has referred to as not only an “immobilised global underclass”, but an “*illegalised* global underclass” (2011,332, emphasis in original), who become the reason for, and target of, intensified surveillance systems, highlighting differing levels of citizenship and global privilege. This “discursive and political coupling of migration and crime” creates a “specific dynamic of social exclusion” (p.337, see also Axster et al. 2021; Mbembe 2019). The point here, once again, is that the objectives and consequences relating to surveillance is likely to differ greatly according to positionality within an exclusionary border regime that differentiates between ‘desirable’ and ‘undesirable’ migrants based upon global structures of racial capitalism.

The idea of ‘crimmigrant bodies’ is part of a wider process of what Lyon calls ‘social sorting’, which is dependent upon searchable databases and categorisation of individuals, and results in differential treatment and discrimination (2004,142; see also Lyon 2002, 2007). Whereas some people freely give their information in order to skip the queue at airports in what Louise Amoore refers to as “borders lite”, others have no choice and are categorised, sorted and identified with biometric information that results in a fixed identity which can negatively affect their life chances (2006,343).

To unpack the process of social sorting, I refer to Broeders and Hampshire’s framing of three key social categories into which people are placed; blacklisting, green listing and grey listing (2013,1203). Blacklisting is similar to Bigo’s term of “data banned” bodies within a “banopticon” system (2008), whereby a security logic is followed certain people automatically excluded, harkening back to immigration ‘watch lists’. Green listing aims to allow desirable travellers easier border crossings through collection of data and biometrics before a person travels – using initiatives such as ‘Advanced Passenger Information’ and ‘Passenger Name Records’ and other voluntary “trusted-traveller” schemes (p.1207). Lastly, grey listing hopes to “target border control interventions” and successfully filter travellers through risk profiling and pre-emptive categorisation and as such is the most heavily reliant

upon Big Data, surveillance and technologies. Thus, as Hage writes “Some people roam the globe like masters, others like slaves. Some are the subjects of the global order, others are its objects” (Hage 2016,44).

As such, borders become a “performative act” where “undesirable and uninvited bodies are (compulsorily) made accessible to biopolitical technologies of control” so as to successfully establish and separate “the ‘genuine’ and the ‘bogus’, between the ‘legitimate’ and the ‘illegitimate’, between the ‘useful’ and the ‘superfluous’” (Ajana 2013,584). Within this, it is often the case that people on the move and seeking asylum fall into the latter of each of these categories as nation states scramble to maintain control over mobility and enforce the punitive and exclusionary politics of bordering practices. Again, an emphasis is placed upon categorisation as a form of governance, and experiences relate again to a ‘global apartheid’ and the reinforcement of asymmetrical global power relations which decide who does, and does not, have the freedom to move.

### 1.3 Control and Contestation in Border Regimes

#### 1.3.1 Disciplinary and Dividualised Control

As discussed above, borders within the EU are powerful processes and institutions that govern mobility and form regimes of exclusion for ‘undesirable’ migrants in order to protect political and economic interests of European nations. These practices become further advanced through a securitisation logic as well as through technological developments that sees the centralisation of information and data alongside an ‘internalisation’ of border controls through biometric identification and categorisation. What has not been examined so far however is how control and power operate within datafied borders.

There has been much discussion on the changing nature of control due to the introduction of new technologies. Some, such as Beniger (1986) have even argued that new technologies have furthered a “control revolution”, which began over 100 years and works to centralise and embed economic and political control (p.433). Of course, Beniger is not alone in his theories of how the advancement of technologies and ability to collect and process



information and data have changed the way in which control becomes operationalised. Weber wrote of processes of “rationalisation” and “bureaucratisation” and their relationship to hierarchies of power, efficiency, control and ordering (Elwell 1996). Furthermore, Bauman (1989) has considered how these bureaucratized, administrative, processes have removed moral conflicts from the implementation of brutal controls and totalitarian regimes in light of the Holocaust.

If we think more specifically about power, then we must of course consider the substantial and long-lasting impact of Foucault’s theories of disciplinary power. Foucault (1975; 1990) examined the shifting of power from sovereign control over the body through overtly violent and punitive discipline, into disciplinary power and ‘biopower’, i.e., control over human bodies, wherein discipline becomes less about outward control but rather internalised and normalised (Ajana 2020). Foucault argues that biopolitics is the mechanism through which power becomes exercised onto the body, using techniques that aim to govern everyday actions. Thus, Foucault posits that biopower begins to take a hold over human life, legitimises power across society, and establishes a shift from the making die/letting live to making live/letting die evident in sovereign control (Foucault 2003). This does not mean that sovereign power and control was abandoned, but rather that it became entrenched into individual actions (Vaughan-Williams 2015,35). A paradox evident in such forms of control is that the very same techniques enlisted to allow life and enhance the population as a whole due to a lack of overt violence are used to let others die (Foucault 2003,256). Such examples show the danger of binary make live/let die, which tends towards necropolitical outcomes. For excluded populations such as ‘undesirable’ migrants, the danger inherent in such forms of power becomes obvious, as those deemed ‘undesirable’ are allowed to die. Here the disciplinary and biopolitical power is exercised through the institution of borders, or indeed through exclusionary border regimes. Further to this, theories of individualised, disciplinary power speak to the ways in which exclusionary and punitive logics within European border regimes come to shape the interactions migrants have with institutions across society long after they have passed through a physical border.

More recently, Deleuze (1992), in his widely discussed essay “societies of control”, has argued that we are witnessing a shift away from disciplinary power, exercised and internalised onto the individual, and moved towards control over societies as a whole, over what he terms “dividuals”. Deleuze argues that within control societies, controls are a “modulation”, a “self-deforming cast that will continuously change from one moment to the other, or like a sieve whose mesh will transmute from point to point” (Deleuze 1992,4). As Walters (2006) describes, “we have gone from moulding to modulation” wherein power exists within fluctuating social orders including that of a ‘risk society’ (p.190), or indeed a ‘securitised society’. As this power shifts and becomes more fluid, it also becomes more focused on society as a whole and processes of modulation, on the ‘dividual’ opposed to the individual (Iveson and Maalsen 2018,332). The usefulness of foregrounding Deleuze’s theories is that they allow for a deeper understanding of why datafied controls are designed in the way they are, what their functions are, and the impact they have on both individuals and society at large. Thus, it becomes useful to conceptualise how control works towards both the individual and dividual. Furthermore, through recognising a shift in how power becomes operationalised, we can explore how datafication processes affect, entrench, and transform power relations (Bueno 2020,79). This last point is one of the core components of my discussion in chapter 7.

Of course, as Iveson and Maalsen (2018) discuss, to completely forego Foucault’s theories on biopower and disciplinary power, and to see the shift towards control societies as irrefutable, would be to do a disservice to the analysis of contemporary forms of control. The authors discuss the limitations of accepting Deleuze’s theories of societal control as supplanting disciplinary and biopolitical power completely. Their approach sees the intersection of individual and dividual control over the body, which renders itself visible at all times as the two forms of power co-exist and run concurrently (p.344). Indeed, whilst societal structures of control operate over all people, disciplinary forms of control come to light in moments of transgression, thus “control is not oppositional to discipline but rather enhances it” and offers new opportunity for doing so through the collection and processing of data points (p.345). For illegalised migrants within a securitised, datafied border regime, moments of transgression become evident at points of crossing the border as well as during

interactions with institutions across society. Thus, the advancement of power over illegalised migrants must be understood as both over individual subjects and the entire population (Vaughan-Williams 2015,38). Such issues have also been picked up and theorised as the ‘multiplicities’ of subjectivities experienced and enforced onto migrants (Tazzioli 2019a) which seeks to move beyond the binaries of individual/dividual, make live/let die (see also Aradau and Tazzioli 2020).

As Foucault states, ‘where there is power there is resistance’ (Foucault 1998,96 cf. Vaughan-Williams 2015,35). To ignore this relational aspect of power is to disempower completely the targets of control, in this case, of migrants themselves. As Rumford (2008) shows through his theories of ‘borderwork’, borders are made, unmade and remade. They are not static sites of one-way power but change and are changed by myriad actors. Thus, borders become important sites of power through “ceaseless struggles and confrontations’ (Foucault 1998,92 cf. Vaughan-Williams 2015,35).

### 1.3.2 Autonomy of Migration

The final section here explores resistance to the power and politics of exclusionary datafied borders through the Autonomy of Migration (AoM) school of thought. I include this to highlight that despite the repressive and expansive nature of border controls, they do not exist unopposed. As Scheel (2019,85) comments, without migration there would only be functioning border controls, as border controls never manage to achieve all they desire, continued attempts to move through borders highlights resistance to their power is ever present. Within this, there is need to recognise what Mezzadra and Neilson (2013) term “border as method”, which takes the border not as a static institution or process, but instead as an “epistemological viewpoint” (p.66) that enables a critical engagement with the power inherent within border regimes. It also advances the relational, subjective and embodied elements of borders as an evolving process that are challenged through overt and covert actions of migrants themselves (p.60). Thus, AoM emphasises the ways in which borders are sites of appropriation, struggle, tension, resistance, transformation and reconfiguration (Bojadžijev and Karakayalı’s 2012; Hess 2017; Kuster and Tsianos 2016; Nyers 2015;

Papadopoulos et al. 2008; Sassen 2002; Scheel 2013; Sheller 2018; Skleparis 2017a; Tsianos and Kuster 2016). This works to situate developments of datafied borders within the realm of the social and political.

This framework also dispels the notion of borders and migration as a dualism of “push-pull”, in which reasons for, and policies against, mobility are seen as separate forces, and thus ignores individual desires and motives resulting in the depoliticising of migrant mobility (Hess 2017; Kuster and Tsianos 2016; Leurs and Smets 2018; Mezzadra 2004, 2011; Nyers 2015; Scheel 2013b). AoM instead recognises the unpredictability of migration, which holds “an inherent recalcitrance that subverts, mocks, or overcomes attempts at (border) control” (Stierl 2017,210). Within this, the power within borders is contested through what Scheel (2019) refers to as the “contested politics of illegality”.

Importantly, AoM connects the struggles, tensions and violence of border regimes beyond a physical location and illustrates how power exists and adapts at all points within a migratory journey (Mezzadra 2011). As such, migrants retain the “right to escape” as an act of self-determination capable of bringing change (Papadopoulos et al. 2008; Tazzioli et al. 2018). These acts take many different forms, from appropriation of visa systems (Scheel 2019) to the physical destruction of border fences or destruction of one’s physical fingerprints (Hess 2017), to the creation of competing practices of meaning making that inform future decisions over mobility (Metcalf 2021). Though such practices may not result in the immediate overhaul of border regimes or the destruction of interoperable migratory databases, they are arguably the “everyday weapons of the weak” (Scott 1985) and hold weight in shifting the balance of power against state bodies. Critiques of AoM suggest that such a framework risks scholars becoming “ontologically seduced by borders” (Tyerman 2021,16), where resistance and contesting of border controls by migrants is not always formed out of “shared identity or revolutionary missions”, but instead out of chance and everyday actions. Despite this valid critique, AoM theories remain a useful frame for theorising over the contested and subjective struggles that are inherent to border regimes and mobility, enabling us to explore the nuances of power and politics within datafied regimes.

Alongside this, AoM allows for the introduction of relational approaches to (in)justice theories as put forward by Iris Marion Young (1990), allowing a deeper understanding of relational (in)justice within powerful exclusionary border systems. It does so through centering moments of transgression as well as of violence as the entry point for discussions surrounding justice. It also frames mobility as a space fraught with political struggles over agency and autonomy, opposed to following a control centric framework. Consequently, opposed to datafied border controls being all-powerful, or ‘omnipresent’, many AoM scholars highlight that efforts to govern mobility are “responding always to the primacy of the sheer autonomy of migration” (De Genova 2017,11), where change is a result of the “refusal of people to live as the system of power requires them to” (Sharma 2009,470, see also Bojadžijev and Karakayalı 2012, Mezzadra 2011). This last point has been deemed by Scheel (2019) as the “parasitic apparatus of capture”, whereby states are forced to co-opt tactics of evasion and autonomy, to become further methods of exclusion and control.

The inclusion of this final theoretical framework allows for my questions over the embodied and lived reality of datafied borders to be explored in the context of European border regimes. It allows for critical and real engagement with technological developments that further entrench exclusionary politics and power of borders in Europe and places the voices of those subject to the harshest control over mobility as the starting point for any intervention. It also allows for a more nuanced approach to power within borders, contesting the idea of one directional power structures, be they biopolitical, social control or disciplinary, and allows us to better understand injustice within datafied border controls.

#### 1.4. Conclusions

Throughout this chapter I have drawn on scholars from fields of Critical Migration, Border and Security Studies, alongside Critical Data and Surveillance studies, to situate the advent of datafied borders in Europe. I have also included literature from Colonial/Decolonial Studies to better contextualise the historical politics of bordering and global structures of power that uphold nation states and their borders. As well, I included discussions of power,

control, and contestation, to demonstrate the ongoing struggles that exist within European border regimes.

I ended the chapter as such to draw the reader's attention to the ways in which borders become embodied and enacted, something which is a central tenet to both my research approach and consequent findings which will be discussed in the following chapters. This is imperative to recognising that there exist ongoing struggles within border regimes and controls do not act only in a one directional way. Here, mobility acts as a form of resistance against harsh border controls and oppressive structure, and where controls are constantly contested and reconfigured due to the ongoing autonomy of migration. To further contextualise datafied border regimes in Europe, the following chapter discusses the progression of European border and immigration policy, alongside specific domestic policy of the UK and Greece as the two sites of fieldwork. I map out these developments to demonstrate how the logics of bordering, power, and control theorised in this chapter are materialised in practice throughout the European project, both now and historically.

## 2. A European Border Regime

As borders become further augmented and placed within the realm of biometrics and data, it becomes crucial to understand the link between border technologies and border politics and policies, some of which were introduced in the previous chapter. The evolution of European border regimes is not a natural response to a supposedly growing numbers of people seeking asylum, but instead embodies the fundamental politics of the European project. Thus, mapping the mechanisms embedded into EU migration policy becomes vital work when trying to understand the logics and goals behind increasingly datafied borders, as well as how governance and control has historically been operationalised through policy. As states come to create more sophisticated means of excluding illegalised migrants, an air of open hostility to the plight of displaced people in need of protection can be seen. Here, immigration policy arguably works to create a “barrage of devices” that operate to ensure people on the move never reach “the North” (Harvey 2000,367-8). As Harvey highlights, many nation states have become “intent on constructing walls of exclusion around their territories” (p.368). Accordingly, illegalised migrants and people seeking asylum have been constructed as a threat and placed with a logic of securitisation that provokes an exclusionary aspect of governance as states work to ‘protect’ their territories (Squire 2009,56).

This chapter maps out the policies that form the European border regime, outlining and analysing the history and development of EU-wide migration and asylum policy that has become a core component of the EU’s Area of Freedom, Security and Justice. I also focus on the development of domestic asylum policies in both the UK and Greece - the sites of my two case studies. This is to better situate the development of new technologies and data infrastructure used within the European border regime. I have not included details on developments that happened after my fieldwork began, such as the Nationality and Borders Bill in the UK, or the building of new camps in Greece as mentioned in the introduction. This is because this chapter serves as a historical account for the development of border and immigration policy to better place the ongoing advancement of datafied techniques and securitised logics of governance as I found them during my fieldwork. Moreover, mapping out all planned changes for the future is beyond the scope of this chapter.

To begin, I discuss the historical development of immigration policy and problematisation of immigration, linking this to the creation of the European Union and the Refugee Convention. I then examine the formalisation of an integrated approach to immigration across Europe, before looking at domestic policies in the UK and Greece. Though I have not given a comprehensive analysis of the history of EU, UK and Greek policies surrounding immigration, asylum or borders in their entirety, I outline key developments in each case, focusing attention on the creation of policy that relies on, and furthers, anti-migrant sentiment at both domestic and EU level. This allows an exploration of how the securitised logics discussed in the previous chapter have become formalised by, and engrained within, European immigration, border, and asylum policies since the creation of the European Union. In turn, we gain a richer understanding of how common European approaches to asylum came to be, and how these common approaches have driven the development of large-scale interoperable data infrastructure which monitors and tracks movement across Europe. Consequently, we must give space to the importance of contextual developments behind a datafied European border regime.

Alongside this historical overview of migration and asylum policy I also examine the development and scope of migration databases used domestically and across Europe. I do so to highlight the intrinsically political nature of such systems, which are more than ‘technological tools’, devoid of politics in and of themselves. This network of databases used in migration and border control is, as Tsianos and Karakayali (2010) highlight, what now constitutes the European border. At the end of the chapter, I map out my fieldwork and the direction of my data chapters within the framework of these policies and databases that create the asylum and border regime of Europe.



## 2.1 Creating a Regime of Exclusion: European Borders and the Problematisation of Immigration

### 2.1.1 Historical Developments of European Border Policies

Efforts to control movement and immigration are not new. They have a long history within a Westphalian, colonial Europe, where movement of colonised subjects was “engineered in the interests of predominantly white colonial powers” (El-Enany 2020,41). This is arguably nowhere more apparent than in the UK. In her powerful book which gives light to the engrained and systemic colonial nature of immigration law in the UK, El-Enany (2020) writes that occupied lands gave way to spaces of experimentation for immigration laws based on racialised forms of mobility control following the abolition of slavery and the creation of ‘free’ subjects. These efforts to control mobility, dating back to the 19<sup>th</sup> century, highlight early practices of information gathering, categorising and governance of racialised people, ultimately, El-Enany argues, creating categories of people with and without the right of entry and stay. During this time, restrictive mobility measures were framed as ‘race-neutral’, however created conditions of entry to the colonial metropole that were feasibly impossible for low earning or enslaved colonial subjects. Thus, they had the effect of offering the ability to travel only to those who could afford to meet the requirements. Accordingly, as Bhambra (2017) highlights, although the British Empire did not officially categorise subjects on the basis of race, the political organisation of power still worked through a “systematic racialised hierarchy of subjecthood” (p.402).

Years later, in the early part of the 20<sup>th</sup> century, the 1905 Aliens Act<sup>8</sup> was legislated, often recognised as being the “first modern act to regulate alien immigration” in Britain (Pellew 1989). This gave foundation to later immigration law in the UK. The act ended what El-Enany (2020) refers to as an “ad-hoc” approach to migration control (p.47) and was aimed at keeping out and controlling “undesirable immigrants”<sup>9</sup>. Those who could not afford to support themselves financially or had been convicted of a crime in a foreign country were

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<sup>8</sup> [https://www.legislation.gov.uk/ukpga/1905/13/pdfs/ukpga\\_19050013\\_en.pdf](https://www.legislation.gov.uk/ukpga/1905/13/pdfs/ukpga_19050013_en.pdf)

<sup>9</sup> Section 1(3) of the 1905 Aliens Act.

thought to be detrimental to the good of wider British society. These standards of ‘desirability’ are still found within UK immigration policy.

Other examples of ‘neutral on paper’ immigration policies are apparent in later citizenship acts that were created in the UK and other colonial European powers, which worked to “close the door to dark-skinned potential migrants” (Mason 2000, 29 cf. Axster et al. 2021,13), through limiting who was legally defined as a citizen. Another example is visible in the present-day visa regimes that demand often unattainable requirements, and change dependant on the current geopolitical climate, something further compounded through the use of the VIS, which stores data on visa applicants, as discussed in a later part of this chapter. This ‘neutral on paper’ narrative is something that pervades discussions around the use of technological tools for the fulfilment of policy goals. Here, technological advancements are framed as the most efficient means of getting things done, as we shall see below.

Another key point in the development of European borders is how the end of direct colonial rule and the creation of new ‘free’ nation states, alongside the shift from European colonial powers from ‘empires’ to ‘nation states’ foretold the focus on protecting national territories (Sharma 2020). These changes took place alongside the expansion of neoliberalist global economic policies, that relied upon a flexible migratory workforce, meaning an intensification of competition “between workers within and across nation-states” (p.6). The othering and hostility towards migrants are key components of this “New Postcolonial World Order” (Sharma 2020). This relies on national sovereignty and concepts of stasis opposed to mobility in a world that allows capital to move but not people, leading to the situation today where there is “no freedom of movement” (p.6). These developments form the backdrop to the creation of what would eventually become the European Union, as empires dissolved into new global structures and imperial formations.

This reconfiguration of the global world order reaffirmed notions of “insiders” and “outsiders” to the new world built upon national sovereignty and nation states (Mayblin 2014,428). This, as Mayblin points out, took place at the same time as the creation of refugee and asylum policies in Europe. As such, it becomes hugely important to understanding the

logics and motives behind state responses to people seeking asylum in Europe. Through recognising this, we reach a deeper critical engagement with ongoing investment in securitised and datafied border policies. We are also able to see how, from the outset, immigration policy created categories of ‘desirable’ and ‘undesirable’ and worked on a logic of exclusion, expulsion, and limited, temporary leave to enter and remain for a select few. These essentially create a “redrawing of the global ‘colour line’” (De Genova 2016,350-1). So, we see once again that whilst borders have always remained open for “white expats and the rich investor class”, they work to create a “fortress against the millions in the “deportspora,” who are shut out, immobilized, and expelled” (Walia 2021,19).

To explore how these logics fed into the creation of the first European refugee policy, we can look to the creation of the 1951 Refugee Convention and following 1967 protocol<sup>10</sup>, which defined the legal and social category of the ‘refugee’ (Malkki 1995 cf. Mayblin 2014). Here a refugee is someone who has a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” (UNHCR 2011). Before the 1951 Refugee Convention, only bi-lateral agreements between European states existed to share the responsibility and ensure the transfer of refugees between states (Holborn 1975). These early forms of refugee protection have been largely criticised as inconsistent and insufficient in scope, as well as facing a lack of coordination between states due to lack of documentation, thus creating long standing problems of ‘burden sharing’ (Trauna 2016,315). The problem of documentation and cooperation between states arguably foregrounds the development of databases to identify and share information across European governments in relation to those seeking asylum.

It has been noted that the creation of the 1951 Refugee Convention was a result of WW2 and even to a certain extent the beginning of the Cold War (Carlin 1982,7). However, what is less recognised is the colonial logics and hierarchies built into the Convention, which excluded non-European refugees from the outset, thus “ontologically distancing themselves from displacements wrought by their own empires” (Walia 2021,79). This exclusion was despite displacement after 1951 occurring mainly outside of Europe due to struggles for

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<sup>10</sup> <https://www.unhcr.org/uk/3b66c2aa10>

independence in colonised countries (Abuya et al. 2021,265-266). It was not until the 1967 Protocol Relating to the Status of Refugees that the “spatial and temporal focus” were removed from the definition of refugee and asylum seekers (ibid).

We must also recognise that the creation of the Refugee Convention accompanied a change in direction of movement of people. Up until the post-war period the direction of travel had been out of Europe (“the imperial metropole”), and to the colonised countries, something which changed as populations become displaced following colonial liberation (Bhambra 2017,402). It is key to note that it was only following the movement of “darker subjects of empire to the metropole” that immigration controls became seen as necessary (ibid). On top of this, refugees in Europe in the pre-war period were largely European. This becomes hugely important if we look at who the Refugee Convention was created for, who was excluded from its protections, and how this shapes immigration and asylum policy in Europe today, where we see ongoing efforts to exclude and discredit people seeking asylum. This exclusionary logic, as Abuya et al. (2021) make clear, is both “distinctly colonial” and “entirely historically consistent” (p.267).

To demonstrate this historical consistency, we can draw on Mayblin’s (2014) detailed study of political discussions by MPs during the creation of the Refugee Convention, which showed that the British government was extremely hostile to the inclusion of non-European refugees in the Convention, especially for people coming from formerly colonised countries (p.424). Thus, as Bhambra highlights, “the issue was never simply mobility, but rather the colour of those who moved and the direction in which they moved” (2017,403). This becomes key if we are to discredit a crisis narrative that sees states as overwhelmed with asylum claims which are presented as “fundamentally different to previous cohorts in number and character” (Mayblin 2014,423; also Mayblin 2017; Bhambra 2017). The use of a crisis rhetoric, which is widely repeated throughout literature discussing borders and migration, emphasises the newness of migration and responding policy. Within this, migrants today are viewed as problematic, large in number, unprecedented, and non-European, in comparison to refugees in years gone by who are often depicted as more manageable in terms of numbers and nationality (Mayblin 2014). Chimni (1998) refers to this mistaken and engrained logic as the

“myth of difference”, whereby incorrect narratives shape the exceptionalism and problematisation of migration and asylum in Europe today.

### 2.1.2 Treaty of Rome

To bring the focus back to the creation of the European Union, I briefly explore the formalisation of the European Economic Community (EEC) in the wake of independence struggles in colonised countries. Here, I focus on how this led to further restrictive, integrated, and formalised immigration and asylum policy that underpins the logics and functions of datafied controls. As noted above, up until the beginning of WW2, Europe was largely an area of emigration which saw movement outward toward colonised territories. However, this was reversed in the post-war period due in part to labour shortages after the war (Findlater 1999,42; Koikkalainen 2011; Koslowski 1998, cf. Huysmans 2000) in part because of displacement following decolonial struggles, and also what Bhambra (2017,404-5) refers to as “European self-assertion as the homeland of rights and justice in the post-war/postcolonial period”. Despite these factors, the post-war economic boom which was to last until the oil crisis of the 1970s arguably saw a period of relatively free movement of people due to the need for ‘economic migrants’ to fill jobs. This is evident in the example of the Windrush ship from the Caribbean, where women, amongst many others, were encouraged to come to the UK to fill jobs as part of a recruitment drive for NHS nurses (Cowan 2021,29). Indeed, it has been shown that during this period Western European countries actually adopted a “systematic policy of attracting migrant workers” (Papageorgiou 2013,73-4). However, as Cowan (2021) notes, this does not mean people were treated well when they arrived and found jobs, where people faced ongoing discrimination and racism in the workplace and beyond (p.28-34).

Following this approach to migration, the Treaty of Rome<sup>11</sup> established an area of free trade and allowed for the movement of people for labour purposes, as well as creating the first steps towards a political community we see now in the European Union. The Treaty

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<sup>11</sup> Treaty of Rome (EEC)

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:xy0023&from=EN>

established the EEC and was signed in 1957 by six countries (Belgium, Germany, France, Italy, Luxembourg and the Netherlands). It also formed a common market dedicated to the freedom of goods, people, services and capital that underpinned the defining capitalist logics of the EEC. However, it made little mention of wider immigration policy, and did not outline any changes to domestic interpretation of the 1951 Refugee Convention. The importance of the treaty is evident in the part it played in creating a very early basis for a Common European Asylum System (CEAS) through the formation of an area of free movement to serve the European internal market. Thus, the treaty made salient once again a logic of inclusion and exclusion - categories of 'us' and 'them', where the former were European citizens, and the latter were third country nationals who had to be controlled across all Member States (Harvey 2000,374; see also Anderson 2013; Sharma 2020).

During this period, Council Regulation 1612/68<sup>12</sup> was also written into legislation, which saw an inclusion/exclusion rhetoric cemented into policy as it distinguished differential rights of movement for citizens of Member States and third country nationals (Ugur 1995,967 cf. Huysmans 2000,754). Thus, we see the early signs of what would later become a formalised framework for who was to be included/excluded within a European landscape, paving the way for future developments and the 'Fortress Europe' of today. The following section deals with the formalisation of integrated, securitised borders alongside the integration and formation of the European Union to better engage with the logics and infrastructure behind datafied borders today. Particularly, I focus on how the current materialisation of the European project places a focus on a borderless area of free movement for those included as citizens or nationals, at the cost of restrictive measures for all those excluded from this category.

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<sup>12</sup> Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community <https://www.legislation.gov.uk/eur/1968/1612/contents>

## 2.2 A Common European Area: Formalisation of Integrated, Securitised Borders

### 2.2.1 A Growing Europe and the Trevi Group

European integration began in earnest in during the 1970s, with the joining of Denmark, Ireland and the UK, which marked the first enlargement of the EEC. As integration grew, ideas of borderless travel zones within Europe were discussed, meaning immigration policy took on a prominent role. In relation to this, Squire (2009) focuses on the link between tensions present within European integration on the one hand and the role of exclusionary migration and asylum politics in fostering a link between EU and domestic governance and cohesion as a political community. Here, she draws parallels between the shrinking of “guest worker programmes”, which in turn led to a greater “visibility of asylum”, where comparative numbers of people seeking asylum grew as numbers of migrant workers became smaller (p.8). Consequently, immigration policy began to follow a more restrictive and controlled policy direction to supposedly “protect the social and economic rights of the domestic workforce” (Huysmans 2000,754; see also Fielding 1993; Hollifield 1992). Here an onus was placed on the perceived economic and cultural ‘threat’ of migrants, as native workers struggled for jobs. Thus, migration was seen as a security issue, a ‘threat’ to the wellbeing of national European societies (Bigo 1994; Huysmans 2000; Lavenex 2001; Schuster 2003a; Squire 2009). Furthermore, the shrinking of the guest worker programme meant that legal routes for migration also shrunk. This resulted in many who would previously been able to travel to Europe as a worker becoming illegalised as a “new regime premised on asylum” became the norm (De Genova 2016,351).

Alongside the growing problematisation, illegalisation, and racialisation of asylum and immigration policy during this time, intergovernmental meetings between the then 12 European states on counterterrorism measures led to the creation of the Trevi Group in 1976. This brought immigration control firmly into the realm of security and began the incorporation of migration into the legal structure of Europe through an extended remit of international security forces to act on matters relating to border crossing, migration, visas and asylum (Bigo 1994; Bunyan 1993; Huysmans 2000). Though initial measures have been described as “ad-hoc”, migration quickly became a highly important political and

constitutional element against which the EEC and then the EU was defined (Squire 2009,51), evident in policy and politics in the 1980s (Papageorgiou 2013,73). Moreover, the Trevi Group and changes in social, political and economic realities became the prelude to the Third Pillar on Justice and Home Affairs created by the 1992 Maastricht Treaty<sup>13</sup>. This entrenchment of securitised immigration policy was arguably a response to the framing of migration as a ‘threat’ to domestic security, whereby “the security problem triggers the security policy” (Huysmans 2000,757). Accordingly, immigration policy became a tool to protect national state interests and sovereignty, enforcing exclusionary policies that limit ‘undesirable’ migration, and shaping the European project of integration.

An important point to make here is that this period (from the 1980s onward) is often viewed as when Europe saw a huge increase in people seeking asylum and thus necessitated immigration policy as a response to the increase in numbers. As noted by De Genova, this is in part related to the lack of other means of regularising immigration status following the decrease of the guest worker programme. However, it is also worth recognising that the focus on “newness” of a migration and security problem does not necessarily reflect the numbers of displaced people. In 1926, there were approximately 9.5 million refugees in Europe (Skran 1995), which is almost the same as the numbers in 1980 (Mayblin 2014,426). As Mayblin highlights, what changed is perhaps more accurately described if we look at the nationalities of people claiming asylum, where non-Europeans claiming asylum grew in number from the 1980s onwards. This was due, she suggests, to cheaper travel and growing instability and danger in many African and Middle Eastern countries linked to ongoing imperial controls (ibid,427).

Thus, we again see the formalisation of racialisation within restrictive and securitised border regimes that work to exclude non-Europeans, as well as how immigration policy became a means of entrenching asymmetrical power structures. Alongside this, the fall of the Soviet Bloc compounded attention onto migration and asylum policy, where the fall of the Berlin Wall and crumbling of the Soviet Bloc changed attitudes towards asylum seekers from

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<sup>13</sup> Treaty of Maastricht on European Union (92/C 191/01) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:11992M/TXT&from=EN>



Eastern Europe dramatically as they lost their political point-scoring value (Trauna 2016,313). This worked to justify further restrictive asylum policy across Europe. Building upon the sentiment of this period, which saw a decline in welcoming guest-worker migrants, a rise in an envisaged ‘threat’ of migration, and the creation of the Trevi group; the changing political situation within Europe as the Cold War drew to a close led to a further consolidation of security discourse within policy. As Huysmans (2000,756) writes, one of the best examples of this is the 1990 Schengen Convention<sup>14</sup>.

### 2.2.2 The Schengen Agreement and the Dublin Convention

In 1974, a Working Group was created to investigate the feasibility and mechanisms for creating a ‘Passport Union’, signalling a further harmonisation of immigration law and border control (Brouwer 2008,16). This Working Group would lead to the Schengen Agreement of 1985, which would only come into force ten years later in 1995. The Schengen Agreement aligned immigration, asylum, terrorism, international crime and border control through creating an “institutional framework that deals with the protection of internal security” (Huysmans 2000,756). It extended free movement for European nationals, working towards a borderless zone for EU citizens across European territory, whilst at the same time strengthening external EU borders (Andersson 2016; Bendixsen 2016; Coutin 2015; Dalakoglou 2016; Triandafyllidou and Dimitriadi 2014). Importantly, this created the need for asylum and border policies to become consistent across EU Member States (MS), which in turn led to the Dublin Convention in 1990 (Kasperek 2016,61). Thus, as immigration policy moved from “ad hoc” measures to institutionalised policy, asylum and refugee policy loomed large.

The Dublin Convention was to become the “cornerstone of EU’s asylum policy” (Trauna 2016,313), and though initially an intergovernmental treaty, it later became EU law, evolving

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<sup>14</sup> Convention Implementing the Schengen Agreement of 14 June 1985 [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:42000A0922\(02\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:42000A0922(02)&from=EN)

into the Dublin II Regulation in 2003<sup>15</sup> and eventually the Dublin III Regulation in 2013<sup>16</sup>. The Dublin Convention first and foremost aimed at creating a mechanism in which to assign responsibility for asylum claims between MS, whereby the first country in which a person was registered must process their asylum claim. Thus, the underlying principle of the Dublin Regulation is the denial of choice for a person seeking asylum in regard to in which country they can apply for asylum (Schuster 2011,404). It also gave a pathway for families to have their asylum claims received in the same MS through family reunification. As Findlater (1999,44) highlights, it was Western MS such as the UK, Germany, France, The Netherlands, Sweden and Belgium that were especially keen on creating EU wide asylum policy to ensure numbers remained lower in their states. As we shall see with the UK case below, by this time anti-migrant rhetoric had become a powerful political platform, shaping domestic policy in the aim of restricting and reducing net migration. The Dublin Convention also gave reason to coordinate asylum claims across MS and to know where someone had first been registered and when, thus paving the way for interoperable registration databases for migrants in Europe.

The Regulation has been criticised for a failure to create ‘fair’ responsibility across MS, leading to a continued notion of crises due to a failure to achieve the desired policy outcome (Picozza 2017a,234). The ongoing crises within the Dublin Regulation led to proposals in 2016 to reform the Regulation a fourth time, outlining amongst other things a ‘fairness mechanism’ to counteract disproportionate ‘burdens’ on peripheral MS (European Parliament 2019). Following Huysmans (2000) statement about securitisation logic preceding securitisation policy, the problematisation of asylum as a ‘burden’ and economic and social ‘threat’ preceded the implementation of policy such as the Dublin Regulation. This in turn generated the need for the creation of the Eurodac database in 2003 (to be more fully

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<sup>15</sup> Council Regulation (EC) No [343/2003](#) of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:l33153&from=EN>

<sup>16</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF>

discussed in the final section of this chapter) to enforce coordination of asylum claims, having severe impacts for people claiming asylum as we shall see in chapter 4.

### 2.2.3 Maastricht and Amsterdam Treaty

Alongside the development of Schengen and the Dublin Convention, immigration policy became further integrated across Europe with the 1986 Single European Act<sup>17</sup>, and with the Maastricht Treaty in 1992. The Maastricht Treaty formed the ‘three pillars’ of Europe and constituted the largest change in European structure since the 1957 Treaty of Rome, establishing a new European Union (EU). Here, a European Foreign, Justice and Home Affairs office was created to deal with security and crime. It further entrenched the logic of security and spoke once more of the need for ‘protecting’ European borders. Although the European Union as we know it wasn’t created until this time, Hansen and Jonsson (2015 cf. Walia 2021, 109) write that “the unification of Europe and a unified European effort to colonize Africa were two processes that presupposed one another”, as European nation states strove to maintain their position as a powerful postcolonial global power. Walia draws further parallels here, suggesting that if we see Europe in such a way, we can view the disagreements and struggles to share the ‘burden’ of people seeking asylum, as described above, as a “quarrel over racial imperial management” that holds similarities with the colonial division of territories during the Partition of Africa in 1884-5 (p.109).

In relation to migration and asylum, the treaty created an institutional framework which placed asylum policy and immigration policy as a matter of “common interest” for European Member States meaning states must “inform and consult one another” when changing immigration and asylum policy. As Papageorgiou (2013,74-5) notes, this was intended to formalise the ad-hoc measures of the previous decades, though it was widely considered inadequate from the outset, resulting in many amendments to be made in the 1997 Treaty of Amsterdam<sup>18</sup>. The Amsterdam Treaty “communitarised” elements of the Third Pillar that related to immigration, asylum and refugees (den Boer, 1997; Kostakopoulou, 2000;

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<sup>17</sup> Single European Act. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:11986U/TXT>

<sup>18</sup> Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts. <https://www.europarl.europa.eu/topics/treaty/pdf/amst-en.pdf>

Huysman 2000), aligning external border controls, asylum and crime more closely than before (Harvey 2000,375). This meant that visas and border control outlined in the Schengen Convention were lumped together with asylum policies (Hayes 2004). The Treaty also spoke of the need to further examine so-called “abuse” of the asylum system, creating a system to quickly “dispense with manifestly unfounded applications”, where rejections and returns could be “accelerated”<sup>19</sup>. This approach further entrenched states’ ability to refuse asylum claims from people suspected of being ‘bogus’, or ‘economic migrants’, advancing once more the exclusionary politics and power of asylum.

Although clear objectives were defined in the Amsterdam Treaty, it was not until the European Council meeting in Tampere in 1999<sup>20</sup> that a programme to develop minimum standards in asylum policy including reception conditions and a common implementation of who qualifies as a refugee under the 1951 Refugee Convention was introduced (ECRE 2000). This supposedly promised “an end to the Fortress Europe of asylum policies based on detention, denial and deterrence” (Hayes 2004). However, instead principles of exclusion, mistrust and disbelief continued to shape the formation of increasingly sophisticated and coordinated mechanisms for registration, surveillance and deportation of illegalised travellers.

#### 2.2.4 Integrated Border Management

The Tampere council meeting focused on both internal asylum policy, and external border control and thus included notes on a common visa regime as well as establishing policy regarding non-EU countries (Hampshire 2016,572). It was not long after this that the policy ‘Integrated Border Management’ (IBM) was first discussed in 2002 and then further defined in 2006 (Council of the European Union 2006), framing borders as “an area of policing, where security interest have to be met”, and speaking of the need and political importance of a coherent European four tier border control approach in the areas of external and internal border control. It was during this time that data infrastructure took off as a means of enacting immigration and asylum. The IBM approach led to the creation of Frontex, the European

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<sup>19</sup> Declaration 49 of the Treaty of Amsterdam

<sup>20</sup>Tampere Council Conclusions 1999. [https://ec.europa.eu/anti-trafficking/eu-policy/tampere-council-conclusions-1999\\_en](https://ec.europa.eu/anti-trafficking/eu-policy/tampere-council-conclusions-1999_en)

Agency for the Management of Operational Cooperation at the External Borders, now known as the European Border Agency through the European Council regulation (EC) 2007/2004<sup>21</sup>. Frontex carry out risk analyses of threats posed at each external border which then influence the funding given to each member state to police their border (Horii 2016), as well as providing infographics of migratory routes, which inform the EU of travel patterns and trajectories (Leurs and Smets 2018,5). Through increasing coordination and funding allocation, as well as maintaining a strong physical presence at geographical borders – both land and sea – Frontex are instrumental in securitisation practices focused on controlling irregular migration (Leonard 2010). Importantly, aside from reinforcing the security issues of migration, IBM paved the way for further development of border technologies, namely regarding the Visa Information System<sup>22</sup> (VIS) in 2011 and Eurosur<sup>23</sup> in 2013 (Triandafyllidou and Dimitriadi 2014,154- 5).

This approach meant that efforts focused on preventing illegalised entry, without providing legal means through which to enter Europe. During these years Squire (2009) writes that the Thessaloniki Summit in 2003, once again reiterated asylum as a ‘threat’ at the level of EU policy (p.59). It was also around this time that the Workshop on Research and Technological Challenges in the Field of Border Control in the EU-25 took place in 2004<sup>24</sup>, which set out to agree the future technological priorities and possibilities for protecting the security of Europe and its external borders. Alongside this, the Prüm Convention in 2005<sup>25</sup> advanced a data driven approach to policing migration and illegalised border crossing as well as

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<sup>21</sup> Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32004R2007&from=EN>

<sup>22</sup> Regulation (EC) No 767/2008 concerning the visa information system and the exchange of data between Member States on short-stay visas (VIS regulation). <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008R0767&from=EN>

<sup>23</sup> Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosur). <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1052&from=EN>

<sup>24</sup> [https://ec.europa.eu/home-affairs/pages/document/workshop-research-and-technological-challenges-field\\_en](https://ec.europa.eu/home-affairs/pages/document/workshop-research-and-technological-challenges-field_en)

<sup>25</sup> Convention between the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Austria, on the stepping up of cross border cooperation particularly in combatting terrorism, cross border crime, and illegal migration. <https://data.consilium.europa.eu/doc/document/ST-10900-2005-INIT/en/pdf>

furthering communitarianism across MS. The Prüm Convention set out to increase cross-border collaboration, principally regarding the mutual exchange of information. Thus, a legal and technical structure was created for the sharing of biometric data across MS to target terrorism, crime and illegalised migration across MS. Though the Prüm Convention was signed in 2005, the sharing of biometric data in relation to illegalised migrants and people seeking asylum had begun two years previously in 2003 with the creation of Eurodac, meaning it was implemented before a functioning legal structure for data sharing was designed and agreed upon by MS.

### 2.2.5 A Common European Asylum System

The Amsterdam Treaty and Tampere Programme were given a deadline of May 1st, 2004, in which to establish the legislation and implementation of common asylum policies and thus avoid a 'race to the bottom' in regard to asylum conditions (Hayes 2004). Though some directives came into force by this deadline, this was far off the creation of a common asylum policy or IBM. In some cases, common asylum policies have been recast more than once, and the most recent ones include the Asylum Procedures Directive (Directive 2013/32/EU<sup>26</sup>), the Reception Conditions Directive (Directive 2013/33/EU<sup>27</sup>), the Qualification Directive (Directive 2011/95/EU<sup>28</sup>), the Dublin Regulation (Regulation (EU) No 604/2013<sup>29</sup>) and the Eurodac Regulation (Regulation (EU) No 603/2013<sup>30</sup>). These directives aimed to create not

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<sup>26</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0032&from=en>

<sup>27</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast). <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0033&from=EN>

<sup>28</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast). <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0095&from=EN>

<sup>29</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF>

<sup>30</sup> Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law

only a standardised means of judging and processing asylum applications, but also to create similar reception conditions across MS for those seeking asylum, including basic provisions for accommodation, education, healthcare etc. Though as Hayes (2004) writes, they also include provision for processing centres and other stringent measures such as the allowance of vouchers instead of cash for food. In theory, this means that living conditions would not “act as deterrents or poles of attraction” to people seeking asylum (Schuster 2011,403), though in reality there remains huge disparity between MS (Trauna 2016). These are not directly related to the creation of EU migration databases, however what we see is the policy goal of harmonisation across almost all areas of asylum. This becomes important when linking together politics behind the implementation of a datafied border.

In fact, in all major EU treaties since the Maastricht Treaty, ‘common’ or ‘integrated’ asylum and immigration policy has been mentioned, highlighting its continued political importance among the European political community. By the time the 2007 Lisbon Treaty<sup>31</sup> came into force in 2009, the pillar structure of Europe was disposed of, and an ‘Area of Freedom, Security and Justice’ was created instead through Title V of the Treaty on the Functioning of the EU<sup>32</sup>. Triandafyllidou and Dimitriadi (2014) highlight that energy was once again focused on “efficiently curbing arrivals” as opposed to “ensuring access to protection” within this newly delineated area of ‘freedom’. The Lisbon Treaty also gave another 5-year deadline in which to finish the harmonisation of asylum policy. During this time, the European Asylum Support Office (EASO) was created through European Union Regulation 439/2010<sup>33</sup> to strengthen and develop efforts to harmonise asylum and migration in Europe outlined in the 2008 European Pact on Immigration and Asylum<sup>34</sup> and leading on from the creation of a

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enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R0603&from=EN>

<sup>31</sup> Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12007L%2FTXT>

<sup>32</sup> Consolidated version of the Treaty on the Functioning of the European Union. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012E/TXT>

<sup>33</sup> Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32010R0439>

<sup>34</sup> European Pact on Immigration and Asylum. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Ajl0038>

Common European Asylum System designed after the Hague Programme in 2005<sup>35</sup>. This was then developed further in the Stockholm Programme in 2010<sup>36</sup>.

In 2015, a new ‘European Agenda on Migration’ had been proposed, which focused on creating a common list of ‘safe third countries’ whereby MS could more easily deport ‘inadmissible’ asylum claims to, alongside new pacts with third countries to reduce the number of people reaching Europe in the first place. This follows the policy goals outlined in the four tiers of IBM, where global coordination was key. Then, in 2016 there were proposed changes to the Dublin regulation, Eurodac and EASO to further harmonise asylum policy and reform the CEAS (European Commission 2016a). Further to this, the Smart Borders Package, which was first proposed in 2013<sup>37</sup> continues working towards expanding the technological elements of the European border regime to include an Entry/Exit System<sup>38</sup> (EES) and a Registered Traveller Programme<sup>39</sup> (RTP).

Alongside these developments, when the number of people seeking asylum grew in 2015, following mass displacement in the Middle East, an emergency response was invoked that further securitised techniques of control with the creation of ‘hotspots’ to register and process asylum claims on the Greek islands that saw the rise of detention practices and containment<sup>40</sup>. What we then see is a continuation of a ‘crisis’ rhetoric that has long since been invoked in relation to migration to reinforce ideas of exceptionality and overwhelming numbers, was used once again to justify policies of exclusion. Here, onus was placed on protecting Europe from large numbers of people fleeing violence, framed as a threat to the security of Europe. Thus, integrated and harmonised asylum and reception directives within CEAS become seen as less imperative than policy for containment and deportation of migrants across Europe, advancing the security logic above all else. The next sections will explore how these logics

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<sup>35</sup> The Hague Programme: strengthening freedom, security and justice in the European Union. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:053:0001:0014:EN:PDF>

<sup>36</sup> The Stockholm Programme <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:j10034>

<sup>37</sup> [https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/smart-borders-background\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/smart-borders-background_en)

<sup>38</sup> [https://ec.europa.eu/home-affairs/policies/schengen-borders-and-visa/smart-borders/entry-exit-system\\_en](https://ec.europa.eu/home-affairs/policies/schengen-borders-and-visa/smart-borders/entry-exit-system_en)

<sup>39</sup> Proposal for a regulation of the European Parliament and of the Council establishing a registered traveller programme' <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52013PC0097&from=EN>

<sup>40</sup> [https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/579070/EPRS\\_BRI%282016%29579070\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/579070/EPRS_BRI%282016%29579070_EN.pdf)



also prevail within domestic immigration and asylum policy in both the UK and Greece, before moving on to look at how they provide the backdrop to, and need for, datafied and interoperable tools for the identification, categorisation, tracking, and monitoring of migrants in Europe, shaping the datafied border as it exists today.

## 2.3 Domestic Immigration and Asylum Infrastructure

### 2.3.1. UK

#### *- Situating Present Day Immigration Policy*

Britain has a long history of border control and immigration policy, where formal controls were introduced with the 1905 Aliens Act<sup>41</sup> which gave rise to a very limited version of asylum, as an exception to immigration control to *enter* the UK, if the person could prove they were running from political or religious persecution that posed a serious threat to life. Leave to *remain* was then conceived of in the UK with the introduction of the 1914 Aliens Registration Act<sup>42</sup> and the 1919 Aliens Restriction Act<sup>43</sup>. The British Nationality Act 1948<sup>44</sup>, through to the 1962 Commonwealth Immigrants Act<sup>45</sup> and the 1968 Commonwealth Immigrants Act<sup>46</sup> speak to the more modern British immigration policy. These acts were, remarks El-Enany (2020,14), an attempt to hold together what was left of the British Empire, where racialised restrictions were brought in to refuse right of entry and abode to former colonial subjects. Here, immigration policy became a direct response to independence and presented the UK as the ongoing centre of power through the creation of the Commonwealth nations (Bhambra 2017,402). Policies of restrictive immigration practices became advanced in the 1971 Immigration Act<sup>47</sup> which outlined further restrictions to the rights of entry and abode, in effect halting long term settlement of migrant workers from Commonwealth countries or former colonies through making Commonwealth citizens into immigrants by

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<sup>41</sup> 1905 Aliens Act. [https://www.legislation.gov.uk/ukpga/1905/13/pdfs/ukpga\\_19050013\\_en.pdf](https://www.legislation.gov.uk/ukpga/1905/13/pdfs/ukpga_19050013_en.pdf)

<sup>42</sup> 1914 Aliens Registration Act. <http://www.legislation.gov.uk/ukpga/Geo5/4-5/17/enacted>

<sup>43</sup> 1919 Aliens Restriction Act. <https://www.legislation.gov.uk/ukpga/Geo5/4-5/12/contents/enacted>

<sup>44</sup> British Nationality Act 1948. <http://www.legislation.gov.uk/ukpga/Geo6/11-12/56/enacted>

<sup>45</sup> 1962 Commonwealth Immigrants Act. <https://www.freemovement.org/wp-content/uploads/2018/04/CIA1962.pdf>

<sup>46</sup> 1968 Commonwealth Immigrants Act. [https://www.legislation.gov.uk/ukpga/1968/9/pdfs/ukpga\\_19680009\\_en.pdf](https://www.legislation.gov.uk/ukpga/1968/9/pdfs/ukpga_19680009_en.pdf)

<sup>47</sup> 1971 Immigration Act. <http://www.legislation.gov.uk/ukpga/1971/77/contents?view=plain>

“reconfiguring citizenship on the basis of racial exclusion” (Bhambra 2017,402-3). The 1971 Immigration Act came into force on the same day that the UK joined the EEC (1st January 1973) and brought immigration policy more in line with the European area. Another important step towards UK focused territorial immigration and citizenship rights was the 1981 British Nationality Act<sup>48</sup>, which for the first time created a *jus soli* approach to citizenship.

Not long after this, tighter restrictions were placed on visas for former colonies, and the 1987 Carriers Liability Act<sup>49</sup> was introduced, which imposed fines on carriers of £1,000 for each person allowed entry to the UK without the correct documentation (Nicholson 1997). Finally, the 1988 Immigration Act<sup>50</sup> provided legislation for deportation and provided a restrictive outline for the right of appeal and rights of dependents of migrants. These final three acts cemented the Conservative government’s approach to illegalised migration; namely that the best way to keep ‘undesirable’ migrants out of the country was to prevent them from entering in the first place. This policy approach can be seen across Europe and has become engrained into European treaties and policies on migration (Webber 2012,19), allowing wealthy countries to avoid fulfilling their commitment to the 1951 Refugee Convention and furthering ‘illegalisation’ of migrants by curbing legal routes of entry. Webber (2012) talks of the use of visas as a “weapon” (p.20), intended to create impossible standards for entry to the UK for countries that people were likely to be fleeing from, thus forming an area of securitisation. She gives the example of Sri Lankan Tamils, who were persecuted from 1983, yet faced harsh visa requirements to enter the UK due to fears people would [legitimately] claim asylum when they reached British soil. These methods not only show a racial undertone to apparently race-neutral policy as in earlier immigration law (El-Enany 2020; Sharma 2020), becoming a common policy across Europe. Consequently, an onus was placed on sharing information about visa applications and refusals, leading to the eventual creation of a Europe wide Visa Information System that further entrenched pre-emptive methods of filtration of migrants.

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<sup>48</sup> 1981 British Nationality Act. <http://www.legislation.gov.uk/ukpga/1981/61>

<sup>49</sup> 1987 Carriers Liability Act. <http://www.legislation.gov.uk/ukpga/1987/24/enacted>

<sup>50</sup> 1988 Immigration Act. <http://www.legislation.gov.uk/ukpga/1988/14/contents>

### *- Securitised British Borders*

Though legislation in the 1980s created restrictive entry requirements as well as outlining stringent rights of abode, it wasn't until the 1990s that migration and asylum were more formally securitised and criminalised in the UK (Schuster 2003b cf. Squire 2009). The 1993 Asylum and Immigration Appeals Act<sup>51</sup> was the beginning of a raft of policies to expand asylum policy in the UK, which had largely been left out of the 1968, 1971 and 1981 acts. Before the 1993 Act, asylum tended to respond to specific situations as they arose and concede protection to groups dependent upon nationality (Squire 2009,6). As with larger EU level asylum policy, the 1990s became an era of formalisation and securitisation across the board. Alongside this, in 1999 the UK joined in with some aspects of Schengen II, which included access to, and coordination of, migration and crime data through Europol and SIS (Squire 2009,54).

The 1993 act incorporated the 1951 Refugee Convention into national law (El-Enany 2020,145) whilst simultaneously introducing compulsory fingerprints for refugees and increasing the fine for carriers first introduced in 1987 (Vickers 2016). Fingerprinting was then extended to overstayers and people who entered via irregularised means in the 1999 Asylum and Immigration Act<sup>52</sup> and finally to all migrants in the 2002 Nationality, Immigration and Asylum Act<sup>53</sup> (Webber 2012,150). This means that fingerprinting practices were already in place before the implementation of Eurodac in 2003, and also demonstrates that logics of risk management and control through biometric technologies have a long history in the UK, enabling “continuous surveillance” over bodies which then became the “basis of government policy” (Tyerman 2021,64-5; see also Amoore 2006).

### *- Hostile Policies*

Following these developments, the New Labour government imposed a whole raft of restrictive asylum policies, adhering to public and media sentiment at the time that saw

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<sup>51</sup> 1993 Asylum and Immigration Appeals Act. <http://www.legislation.gov.uk/ukpga/1993/23/contents>

<sup>52</sup> 1999 Asylum and Immigration Act. <http://www.legislation.gov.uk/ukpga/1999/33/contents>

<sup>53</sup> 2002 Nationality, Immigration and Asylum Act. <http://www.legislation.gov.uk/ukpga/2002/41/contents>

people seeking asylum as ‘cheats’ and ‘scroungers’ (Webber 2012). This approach was outlined by a New Labour government in a 1998 White Paper called “Fairer, Faster, Firmer: A Modern Approach to Immigration and Asylum”<sup>54</sup>, which engrained deeper than ever before the notion of “bogus” asylum claims, shining light on undesirable “economic migrants”, and criticising previous Conservative policy as disorganised and shambolic (Corporate Watch 2018). Accordingly, there followed numerous restrictive and exclusionary immigration and asylum policies over the next 10 years that expanded detention capacity and practices, introduced biometric cards and databases, restricted welfare and appeals rights and gave way to a strong anti-migrant rhetoric that allowed for the introduction of the hostile environment policies.

In 1999, the Immigration and Asylum Act<sup>55</sup> provided legislation which enabled a comprehensive system for data sharing between the Home Office, police, crime databases and customs (Webber 2012,149). So, we see again the formalisation of a specific mode of migration governance based on information gathering and data sharing to enact restrictive policies and surveillance. This act also created a National Asylum Support Service (NASS), moving welfare support for people seeking asylum away from mainstream welfare benefits, resulting in more stringent financial support to make the UK a ‘less desirable’ place to come for asylum seekers, as well as furthering levels of surveillance through tying together housing and financial support which became used as a tool for geographical containment and enabling insidious everyday surveillance as will be discussed in chapter 5. Also included in the 1999 Act was the introduction of “manifestly unfounded cases” of asylum, again an echo of EU level policy introduced following the Amsterdam Treaty.

Then in the 2002 Nationality, Immigration and Asylum Act welfare support was withdrawn from refused asylum seekers. The act also introduced the requirement to regularly report to the Home Office during an asylum claim, as well as biometric residence cards and Application Registration Cards (ARC) for asylum seekers, again placing asylum in the realm of security and surveillance (Amoore 2006). Finally, the 2002 legislation criminalised the act

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<sup>54</sup> 1998 White Paper - Fairer, Faster, Firmer: A Modern Approach to Immigration and Asylum. <https://www.gov.uk/government/publications/fairer-faster-and-firmer-a-modern-approach-to-immigration-and-asylum>

<sup>55</sup> 1999 Immigration and Asylum Act <http://www.legislation.gov.uk/ukpga/1999/33/contents>

of entering the UK without a passport, a step which would be furthered in the Asylum and Immigration (Treatment of Claimants) Act of 2004<sup>56</sup> (Squire 2009,55). In 2004 the apparatus of criminalisation was expanded to include the power to enforce mandatory electronic tagging of asylum seekers as an alternative to detention and to deal with the backlog of claims and allow for higher numbers of deportations of refused asylum seekers (Rygeil 2006,185; Townley 2019). The next years saw these practices further entrenched into law through the 2006 Immigration, Asylum and Nationality Act<sup>57</sup> and the 2009 Borders, Citizenship and Immigration Act<sup>58</sup>. Here, the logics of criminalisation are advanced both through datafied mechanisms for categorisation, as well as punitive immigration policies and techniques for social control (Aas and Bosworth 2013), resulting in a “cimmigration control system” (Bowling and Westernra; Hendry 2020; Quille 2018; Webber 2012).

The 1996 Asylum and Immigration Act, which had focused on reducing the ‘attractiveness’ of welfare for asylum seekers, and other illegalised immigrants (El-Enany 2020,161), was arguably to act as a precursor for the politics shaping the hostile environment policies of today (Goodfellow 2019). When the Conservative government came to power, including the coalition government of 2010, the hostile environment approach was formally adopted - although few could say that New Labour’s approach had been anything short of hostile.

As Theresa May said in 2013, the goal was to “create a really hostile environment for illegal migrants” (Travis 2013), through cutting off access to basic rights such as housing, healthcare, education and support in the hope it would encourage illegalised migrants to leave of their own volition. This was implemented through the 2014<sup>59</sup> and 2016<sup>60</sup> Immigration Acts and consisted of establishing means of information and data sharing between governmental departments, schools, hospitals, housing and even banks (Corporate Watch 2018; Goodfellow 2019). This constitutes what Corporate Watch have termed “hostile data”, a term I borrow to discuss data sharing infrastructures in chapter 6. Thus, hostile environment

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<sup>56</sup> Asylum and Immigration (Treatment of Claimants) Act of 2004. <https://www.legislation.gov.uk/ukpga/2004/19/contents>

<sup>57</sup> 2006 Immigration, Asylum and Nationality Act. <http://www.legislation.gov.uk/ukpga/2006/13/contents>

<sup>58</sup> 2009 Borders, Citizenship and Immigration. <http://www.legislation.gov.uk/ukpga/2009/11/contents>

<sup>59</sup> 2014 Immigration Act. <http://www.legislation.gov.uk/ukpga/2014/22/contents/enacted>

<sup>60</sup> 2016 Immigration Act. <http://www.legislation.gov.uk/ukpga/2016/19/contents/enacted>

practices became seemingly less visible as they moved toward data sharing and surveillance. This was done through Memorandums of Understanding (MoU's), though ongoing efforts are being made to create shared platforms through Application Programming Interfaces (APIs), which would allow for faster sharing and queries between departments to become standardised. The use of MoU's and the development of APIs are visible in the data sharing practices between the NHS and Home Office and worked to check the immigration status of any current or prospective patients, something that will be explored in chapter 6.

Another example is evident in the Home Office Biometrics programme (HOB) (Privacy International 2019). A part of this is the creation of a Biometrics Services Gateway which enables fingerprints to be checked against crime and immigration databases instantly on the street through mobile fingerprinting units (Home Office 2018a). Following the initial trial of this technology in 2018, police officers welcomed the development, stating it allowed for much quicker and more efficient verification of identity and immigration status, as well as allowing for the rapid identification of someone experiencing a medical emergency, where health records were subsequently checked to provide treatment (Home Office 2018b). Not only does this allude to darker elements of the Biometrics Services Gateway that bring together many aspects of hostile environment policies affecting healthcare, but also highlights the probable development of shared platforms across all governmental departments in the UK, something discussed in chapter 6. This has already been mentioned in the form of a Digital Status Checking Service, where real time verification of immigration status will be possible through the rolling of APIs (HM Government 2018), meaning hostile environment policies will be greatly streamlined.

Whilst it is true that the UK developed a somewhat complex immigration system compared with Greece, as will be shown in the next section, this does not, as Harvey (2000) highlights, mean that such systems are more effective or efficient. They instead further the regime of exclusion through “ritual humiliations of detention, fingerprinting, welfare restriction, backlogs and delays” (p.372).

### 2.3.2 Greece

#### *- Europeanisation of Immigration Policy*

It is widely supposed that Greek responses to migration since the 1990s were shaped by unpreparedness and inconsistency (Karyotis 2012 cf. Skleparis 2017b,2; Triandafyllidou 2014). Before the 1990s, Greece had practically no clear policy on immigration, with little change being made since the 1929 Aliens Law (Papageorgiou 2013,75). Arguably, from the outset, much Greek legislation proved reactionary in nature, responding to influxes of people as they happened (Triandafyllidou 2014,411-12). Until the 1990s, Greece was seen as a country of emigration, not immigration, until Greece became host to an increase of migrants from former Soviet states as well as Balkan states such as Albania, as conflict spread across Eastern Europe (Kasimis and Kassimi 2004; Papageorgiou 2013; Papantoniou-Frangouli and Leventi 2000; Sitaropoulos 2000; Swarts and Karakatsanis 2013; Triandafyllidou 2009). It was during this time that the construction of the migrant as a ‘threat’ was expanded in Greece, as Albanians were portrayed as dangerous criminals by Greek media, giving support for repressive immigration laws (Baldwin-Edwards 2004,3).

Due to this quick change in migration direction, the Greek government was arguably ill equipped and unprepared to deal with the sharp rise in numbers, resulting in a 10-year lag before immigration policy began to take shape (Triandafyllidou 2009,159). It has been argued that Southern European countries developed their immigration policies in line with European measures (Linos 2001,14), leading to the ‘Europeanisation’ of immigration and asylum policies in Greece, Italy and Spain (Papageorgiou 2013,83; Sitaropoulos 2000). This is visible, for example, in EU legislation demanding the creation of decent reception conditions, detention and deportation procedures and pressure to introduce fingerprinting practices (LOC 2016). Unlike the UK, Greece did not properly implement fingerprinting until 2015, many years after the creation of Eurodac.

Whilst the Dublin-II regulation had aligned the importance of Greek asylum policy with the interests of other European MS, Papageorgiou (2013) writes that Greek administration “suffers chronically from lack of coordination between ministries”, meaning that Greece has always struggled to cope with EU asylum policies (p.81). However, Papageorgiou argues

that the motivation to match EU common standards on migration and asylum came from a desire to join Schengen. Greece succeeded in joining Schengen in 2000, which offered the country a supposed enhancement of external border protection supported by Western MS (ibid p.84) and would later impact financial support to be offered to Greece as the number of border crossers increased (Trauna 2016).

During the 1990s, restrictive migratory laws were brought in with the law 1975/1991<sup>61</sup>, which focused on preventing the illegalised entry of undocumented migrants and created measures for the deportation of illegalised migrants already in Greece (Triandafyllidou 2009,160). The law aimed to bring Greek migration policy in line with the 1990 Schengen Convention and Dublin Convention, and criminalised unlawful entry whilst creating difficult conditions for ‘economic migrants’ (ibid,161). It was not until 1997 and the introduction of two Presidential Decrees, 358/1997 and 359/1997, that any form of regularisation was introduced, and amnesties were given to migrants already present in the country (ibid,162-164; Skleparis 2017b). In regard to asylum, as Sitaropoulos (2000) highlights, the 1975/1991 law only provided two Articles out of 36 to issues of asylum and protection (p.107) and did not provide training of border guards or interpreters for asylum interviews, instead following a path of “excessive and unscrutinised detention of asylum seekers”. The next notable change in immigration and border control came in 1998, when a Border Force was created, with the goal of identifying, arresting and returning migrants crossing unlawfully (IDEA 2000,9).

Following changes to visa requirements and airport controls across Europe in 2000, Greece became a “gateway of irregular migration to the EU” whilst simultaneously meaning that it became harder for migrants to leave Greece and head to Western MS (Papageorgiou 2013,84). Yet it was not until 2005, due to pressure for Greece to comply with EU standards on asylum, that a law was passed to closer align asylum procedures and reception conditions with other MS (Triandafyllidou 2009,174). However, this also fell short of requirements for the creation of adequate reception and asylum conditions in line with EU directives.

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<sup>61</sup> Νόμος 1975/1991 –Είσοδος- έξοδος, παραμονή, εργασία, απέλαση αλλοδαπών, διαδικασία αναγνώρισης αλλοδαπών προσφύγων και άλλες διατάξεις.  
<https://www.synigoros.gr/?i=foreigner.el.politikoi-nomoi.56401>



*- The Creation of a Greek Asylum System*

In 2011 Dublin deportations to Greece, where someone first registered in Greece but claiming asylum in another MS could be returned, were suspended. This was due to a 2011 court decision which saw that conditions in Greek detention centres violated Article 8 of the Universal Declaration of Human Rights, stating that Greece's asylum system suffered from "systemic deficiencies" (LOC n.d.). The ruling was given despite measures in 2010 that had introduced a further Presidential Decree, 114/2010<sup>62</sup>, which aimed to deal with the backlog of asylum applications and create both an Asylum Agency and an Agency for First Reception, thus hoping to transpose EU directives on asylum into Greek law (Triandafyllidou 2014,419). It was not until 2011 and the law 3907/2011<sup>63</sup> that responsibility for asylum was moved away from the Greek police (Papageorgiou 2013,76). Further, due to an ongoing economic crisis, it was not until 2013 that a centralised Greek Asylum Service (GAS) and database (ALKIONI) was established. During this time, in 2012 a conservative led coalition government launched operation "Xenios Zeus" which once again strengthened the North-Eastern border with Turkey through increased border guards and the building of a fence, and deployed thousands of police officers in Athens (Swarts and Karakatsanis 2013,113). Within the first 72 hours of the operation, Greek forces detained over 7000 people and consequently attempted to deport over 2000 people.

The creation of GAS was established through the Presidential Decree 113/2013<sup>64</sup> and created legislation to more thoroughly implement standards set out in the 1951 Refugee Convention (LOC n.d.). Asylum offices were set up for the first time across the country, standardising asylum procedures throughout Greece. This remained in place until the EU-Turkey deal in 2016 (European Council 2016), which saw a further law, (4375/2016<sup>65</sup>) implemented that

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<sup>62</sup> ΠΡΟΕΔΡΙΚΟ ΔΙΑΤΑΓΜΑ ΥΠ' ΑΡΙΘΜ. 114 ΦΕΚ Α' 195/22.11.2010. [https://www.kodiko.gr/nomologia/document\\_navigation/381327/p.d.-114-2010](https://www.kodiko.gr/nomologia/document_navigation/381327/p.d.-114-2010)

<sup>63</sup> ΝΟΜΟΣ ΥΠ' ΑΡΙΘ. 3907 ΦΕΚ Α' 7/26.01.2011. [https://www.kodiko.gr/nomologia/document\\_navigation/129081/nomos-3907-2011](https://www.kodiko.gr/nomologia/document_navigation/129081/nomos-3907-2011)

<sup>64</sup> Presidential Decree No. 113/2013 Establishment of a single procedure for granting the status of refugee or of subsidiary protection beneficiary to aliens or to stateless individuals in conformity with Council Directive 2005/85/EC "on minimum standards on procedures in Member States for granting and withdrawing refugee status" (L 326/13.12.2005) and other provisions. [http://www.mopocp.gov.gr/images/stories//2013/asylo/PD%20113\\_2013\\_EN%20Final.pdf](http://www.mopocp.gov.gr/images/stories//2013/asylo/PD%20113_2013_EN%20Final.pdf)

<sup>65</sup> Ν.4375/2016 Οργάνωση και λειτουργία Υπηρεσίας Ασύλου, Αρχής Προσφυγών, Υπηρεσίας Υποδοχής και Ταυτοποίησης και άλλες διατάξεις. <http://www.synigoros.gr/?i=foreigner.el.politikoi-nomoi.359552>

separated asylum procedures on the mainland to those on the Greek islands (Skleparis 2017b,4). At this time a new asylum database, ALKIONI, was created to replace a basic database used by Hellenic police before the creation of GAS. The database used before ALKIONI did not hold case details, only basic info and legal status where everything else was kept in physical files making it very difficult to access and resulting in postponements of interviews and were even sometimes lost altogether<sup>66</sup>. In ALKIONI data is stored permanently, according to nuclear families, and alongside case details includes a photograph, demographic data, fingerprint, and the Eurodac number of the person.

ALKIONI provided a holistic platform accessible to the Hellenic police, GAS and the Reception and Identification Service (RIS), enabling a centralisation of asylum application information. Alongside this, the left-wing government SYRIZA established rights of asylum seekers on the mainland to access healthcare, a tax number and welfare (law 4368/2016<sup>67</sup>), as well as provisions for refugee children to attend school in Greece (law 4415/2016<sup>68</sup>) (Skleparis 2017b,5). However, these were revoked following the election of the New Democracy government in 2019.

Though SYRIZA had promised to end the systematic detention of migrants in Greece, as well as the pushbacks by border guards at the northern border and also to take down the fence built in 2012, the ‘refugee crisis’ that started in 2014/5 meant none of this was accomplished (Skleparis 2017b,3). Instead, the following years saw the creation of ‘hotspots’ and the birth of the notorious Moria camp. These measures of exceptional exclusion and containment in camps have since been furthered through law 4636/2019<sup>69</sup> by the New Democracy government which states that people seeking asylum must remain in official accommodation throughout their asylum application or risk their application being suspended.

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<sup>66</sup> Information from an interview with expert in Greece.

<sup>67</sup> ΝΟΜΟΣ ΥΠ’ ΑΡΙΘ. 4368 ΦΕΚ Α’21/21.2.2016.  
[https://www.kodiko.gr/nomologia/document\\_navigation/166932/nomos-4368-2016](https://www.kodiko.gr/nomologia/document_navigation/166932/nomos-4368-2016)

<sup>68</sup> ΝΟΜΟΣ 4415 ΦΕΚ Α’159/06.09.2016.  
[https://www.kodiko.gr/nomologia/document\\_navigation/238023/nomos-4415-2016](https://www.kodiko.gr/nomologia/document_navigation/238023/nomos-4415-2016)

<sup>69</sup> Νόμος 4636/2019 Περί Διεθνούς Προστασίας και άλλες διατάξεις.  
[https://www.kodiko.gr/nomologia/download\\_fek?f=fek/2019/a/fek\\_a\\_169\\_2019.pdf&t=ee159cf.02c8f31f071fab4674c07fef5](https://www.kodiko.gr/nomologia/download_fek?f=fek/2019/a/fek_a_169_2019.pdf&t=ee159cf.02c8f31f071fab4674c07fef5)

I have provided this very brief overview of immigration and asylum policy in the UK and Greece to not only map out and situate my fieldwork, but to demonstrate the ways in which power has long been operationalised through borders in each case study, thus allowing for a deeper critical engagement with the fallout of datafied borders to be developed in the following chapters. Although Greece presents a more recent creation of asylum policies, the Europeanisation that shaped their direction emphasises again how powerful and intrinsic border and asylum policies are to the ongoing European project. Below I quickly detail the interoperable data infrastructure that comes to form the datafied border to better inform the reader of the foundations for new datafied forms of mobility control.

#### 2.4 Towards a Datafied Border Regime – Mapping out Databases

A key component of facilitating the policies listed in this chapter is the development and implementation of interoperable EU wide migration databases which aim to register, identify and categorise migrants. Drawing focus to the politicised nature of migration and asylum, we can see how the political goal of achieving lower migration numbers becomes translated into a need to track, monitor and coordinate efforts across MS. This has become increasingly important as common, harmonised approaches to asylum have been advanced in the last 40 years. As such, it creates the need for MS to be able to keep records of immigration numbers through visas and asylum applications that can be shared and accessed by other MS. As we saw above, due to different domestic approaches, each MS has its own techniques, tools and practices to enact immigration policy. For example, in the UK the hostile environment policies rely on vast information sharing between governmental departments to identify and track undocumented and illegalised migrants. Whereas in Greece, we initially saw a less developed infrastructure and more recently methods of containment rather than tracking.

The next sections will briefly map out key databases in a European datafied border regime, focusing on the European databases Eurodac, SIS, and VIS. The network of databases within the EU is operated by the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), which was

established in 2011, and reinforced in 2018<sup>70</sup>. This works to coordinate data and information with national systems in regard to visas, asylum applications, wanted or missing persons, illegalised migrants and travellers. It forms a system whereby a ‘hit’ on data stored in one database may result in the deportation, refusal or imprisonment of an illegalised traveller when interacting with another database. For example, a ‘hit’ on the SIS or Eurodac may mean the refusal of a visa application for a country a person has never been to.

Future developments tell of increasingly sophisticated data systems, and the Horizon2020 funding highlights this move, as many projects focused on technological advancements were given space to be developed. This included, for example, the iBorder CTRL project<sup>71</sup>, which has piloted avatar-style deception tests at land borders in the EU. Ultimately, the move to dislocate borders from physical entities into externalised and pre-mediated areas of control brings to light the ongoing efforts of harmonised border, immigration and asylum policies set out over the last decades in the Schengen area and since the move towards a unified Europe (Bigo and Guild 2005). Moreover, logics of pre-emption based on a securitised, exclusionary approaches provide justification for unbounded measures to be taken to protect the EU from the ‘threat’ of migration (Metcalf and Dencik 2019).

#### 2.4.1 European Migration Databases

##### *- Schengen Information System (SIS II)*

The Schengen Information System (SIS II), first operation in 1995, is now in its second form, referred to as SIS II<sup>72</sup>. The idea for an information system across the Schengen area was written into Articles 92 to 101 of the Convention Implementing the Schengen Agreement of 14 June 1985, intended to be the “central means to enforce surveillance of unwanted persons” across the soon to be borderless Schengen area (Parkin 2011,3). Thus, it provided a “primary

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<sup>70</sup> The European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice was established by Regulation (EU) No 1077/2011 of the European Parliament and of the Council, having regard to the Treaty on the Functioning of the European Union. <https://www.eulisa.europa.eu/About-Us/Legal-Basis>

<sup>71</sup> <https://twitter.com/iborderctrl>

<sup>72</sup> Regulation (EC) No 1987/2006 — establishment, operation and use of the second-generation Schengen Information System (SIS II). <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32006R1987&from=EN>

compensatory measure for the abolition of controls at the internal borders” (European Parliament 2018). The information database forms the largest European wide information system, holding data with the aim of “ensuring the free movement of people within the EU can take place in a safe environment” (European Commission 2021) and providing the basis for cooperation in law enforcement and protection of the external borders.

SIS II is currently used by 30 countries and operates through a centralised system, as well as coordinating with national systems, providing a communication infrastructure and contains alerts on points such as missing persons or objects of interest such as documents or firearms. The changes to the information system in 2013 saw the introduction of biometric data through the storing of fingerprints (European Commission 2016b). However, it did not operate in the same way as Eurodac and VIS, as it worked through a ‘one to one’ search where fingerprints are compared directly with another set of prints, opposed to a ‘one to many’ search based solely on a hit generated by searching for matching biometric data. To operate on a ‘one to many’ search, an Automatic Fingerprint Identification System (AFIS) must be adapted. This meant further changes to SIS II were implemented by eu-LISA in March 2018 that allowed for AFIS and the ‘one to many’ search function (Monroy 2018).

From the outset, SIS became a complex issue. Parkin (2011) argues that this was largely due to the complicated legal nature of the information system which aimed to target “public order and security”, and thus included both criminal matters and migration. However, it has become clear that one of SIS and SIS II’s main concerns is to police illegalised immigration (Broeders 2007; Brouwer 2008). As discussed in previous sections, this conflation of migration and criminality was an increasingly common element of EU migration and border policy, and SIS II further entrenched this narrative (Parkin 2011,4).

#### *- Eurodac*

Eurodac was the first Europe wide biometric database in 2003, signifying a move towards the securitised logic behind European border control. Eurodac became one of the main focuses of my research, as its effects were repeatedly brought up by interlocutors, highlighting the huge impact it has. The aim of Eurodac is to prevent multiple asylum

applications being made in more than one MS, as well as enforcing the Dublin Convention. This original purpose had arguably since been expanded, exhibiting signs of “function creep” (Stenum 2017,7). This is evident, for example, in allowing policing authorities access to the database for anti-terror and crime activities. This function creep shall be further explored in chapter 3.

The basics of a Eurodac convention were agreed upon back in 1988, however it was not put into legislative text until 2000 (European Council Regulation 2000/2725/EC<sup>73</sup>), after the Amsterdam Treaty (Hayes 2004). Brouwer (2018) highlights that time was needed to investigate the technical and legal feasibility of the database, which was not concluded until 1995 when legislative work began (p.119). He goes on to note that at this time 10 EU MS, including the UK, were already fingerprinting asylum seekers and storing biometric data on national databases. Eurodac was originally conceived to only hold the fingerprints of refugees and people seeking asylum. However, in line with wider political goals of controlling, harmonising and tracking all forms of immigration in Europe, the remit was extended to include illegalised migrants apprehended at borders as well as those found residing in a MS without documentation (Aus 2006,7). Aus (2006) argues that this extended remit was a fallout from events in 1997 which saw border tensions between Italy, Austria and Germany due to a rise in arrivals in Italy and ended in Germany threatening to veto Eurodac unless illegalised immigrants were included in the database (pp.7-8; see also Statewatch 1998; Huysmans 2000). This once again highlights the exceptionality and power of migration controls which find space in times of crises to further exclusionary politics.

Eurodac supplemented SIS, whereby states could transfer records of refused asylum seekers and illegalised migrants to SIS II under Article 96 of the Schengen Convention (Hayes 2004). It functions through the collection of fingerprints which are then placed within three categories and searchable through AFIS. Category 1 stores the fingerprints of applicants for international protection, category 2 relates to irregular or unauthorised entry, and category 3

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<sup>73</sup> Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32000R2725>

for persons found illegally present within EU territory. The database can then be used to search for “hits” which are used to verify a person’s identity and see if they are eligible for an asylum application (Tsianos and Kuster 2016,256). If someone has numerous “hits”, Eurodac can map out their movement across Europe, as well as determine whether deportation to another MS can be justified under the Dublin Regulation. However, a Eurodac “hit” is not always the cause of deportation, and it does not necessarily lead to deportation. Indeed in 2018 37% (202 806) of asylum applications across Europe were cases where the applicant had applied in one more than one country (eu-LISA 2019). The importance of Eurodac and fingerprint practices can be seen in the conditionality of EU support for peripheral states, which relies upon their commitment to fingerprinting arrivals. This was crystallised in Eurodac Regulation Nr. 604/2013<sup>74</sup> which effectively demanded compliance with fingerprinting and storing information on Eurodac as a condition for ongoing funding and support in line with the creation of ‘hotspots’ to register migrants on the Greek islands (Trauner 2016,320). Eurodac is currently awaiting changes, with proposals to lower the age of fingerprinting from 14 to 6 years old and increase the length of time fingerprints are held, up to a maximum of 10 years, as well as storing the facial images of those registered (Stenum 2017,8).

As Aus (2006) writes, when examining Eurodac, as with other databases discussed in this section, we must ask ourselves whether Eurodac was the result of a problem looking for a solution, or indeed a solution looking for a problem, linking back once again to Huysmans argument of a security logic preceding security policy. The issue of asylum becomes quickly politicised as goals of controlling migration have become fixed within the political community of the EU. Therefore, it is not enough to accept that questions of border control and asylum can be solved with a technical solution alone. Moreover, state actions relating to asylum become hypocritical as asylum is recognised as a right in the 1951 Refugee Convention yet simultaneously criminalised through the illegalisation of unlawful entry into state territories, Tensions between the uneven use of Eurodac for registration, deportation

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<sup>74</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person. <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013R0604>

and even as collateral for EU funding highlight the inherently political nature of the database. This becomes even more complex when examining the ways in which the database affects individual migratory movements within Europe by those whose fingerprints are held within the database.

Though Eurodac may facilitate migration policy goals, debates in Critical Border Studies draw attention to the great human cost of Dublin and Eurodac, which many argue is a cause of enormous suffering and ongoing turmoil for those hoping for protection, safety and respite from danger (Schuster 2011,408). Tsianos and Kuster (2016) describe how Eurodac both monitors and excludes ‘irregular’ populations within Europe, who face constant upheaval and exclusion (Kasperek 2016; Picozza 2017; Tazzioli 2019; Schuster 2011).

#### *- Visa Information System (VIS)*

The third notable EU migration database is the Visa Information System (VIS), a biometric database used since 2011 initially rolled out across a few Northern African countries (European Commission 2016b). The legislation behind VIS was created in 2004 by the European Council (2004/512/EC<sup>75</sup>). VIS, like Eurodac, carries out ‘one to many’ searches using AFIS. VIS is used at the border to enable border guards to verify the identity of a person entering Schengen territory against their visa. VIS also enables a sharing of data between MS and connects consulates in non-EU countries where a person is applying for the visa, sharing information including previous applications and refusals. VIS claims to enable checks and issuance of visas, tackle ‘abuse’ of visa controls such as ‘visa shopping’<sup>76</sup> or fraudulent documents, protecting travellers from identity theft, enhancing security and aiding the implementation of the Dublin Regulation for people seeking asylum through tracing first entry to the EU<sup>77</sup>. Fingerprints are stored in VIS for five years and can be used for the application of multiple visas.

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<sup>75</sup> 2004/512/EC: 2004/512/EC: Council Decision of 8 June 2004 establishing the Visa Information System (VIS). <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex:32004D0512>

<sup>76</sup> Making more than one visa application to multiple Schengen states after being refused from one.

<sup>77</sup> [https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-information-system\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-information-system_en)



The key point of VIS is to further externalise the European border, preventing the entry of migrants perceived as ‘at risk’ of claiming asylum or otherwise overstaying their visa. This places an emphasis on the need to control external borders and follows the global approach to migration which relies on cooperation with third countries as set out under the IBM approach. As Scheel (2018) highlights, VIS introduces a stringent and often unattainable “pre-screening process” via the need to apply for the visa at a consulate outside of the EU and provide vast documentation. This is written into the legal bases for the Schengen visa regime (pp.2749-50), the goal of which, Scheel contends, is stated clearly in Article 21 of the Community Code on Visas, whereby measures must be taken to assess firstly whether or not a person is likely to leave or overstay after obtaining their visa and entering EU territory, and also whether the person poses a risk of illegalised immigration or wider risk to the security of MS (EP and Council 2009,12 cf. Scheel 2018,2750). Not only does this firmly centre visa applications within a securitised border framework, framing potential applicants as a ‘risk’ to the security of MS, but also constructs applicants as “suspects” (p.2750). Thus, VIS serves as a filtering mechanism, denying entry to those portrayed as potentially ‘illegal’.

## 2.5 The Impact of Securitised Policy and Datafication

Through this discussion of policy developments and datafication, it’s clear that at both a European and domestic level we have seen rapid and ongoing changes to policy, as public and political attention has become increasingly focused on immigration and asylum. Importantly, through tracing the historical evolution of such policy developments, we can see that the development of a European (datafied) border regime has longstanding roots in both domestic and EU politics, ranging from European integration, changes to labour markets and geopolitical situations, including, but not limited to, the end of formal colonial rule and the imperial reconfigurations of empires into nation states. The logics of security and exclusion have become deeply and universally engrained in immigration and asylum policy, driving the desire to advance further control and containment of ‘threatening’, ‘undesirable’ and ‘bogus’ asylum seekers. Furthermore, whilst migration was traditionally met with ad-hoc responses, the last 30 years have centred migration as one of the most fundamental and politically sensitive topics of EU policy, with ever increasing focus on commonality and interoperability.

These approaches have become formalised through a raft of treaties and legislation that enact a securitised and pre-emptive approach to immigration control. More recently we see these logics in the creation of centralised, interoperable migration databases. Consequently, a narrative of ‘improvement’ or ‘development’ of previously shambolic and largely ineffective immigration control is used to justify exclusionary policies. Here, previous policy inadequacies are weaponised to implement changes that frame failures as a threat to security, thus furthering securitised logics.

Alongside this, exclusionary and pre-emptive techniques of control have become even more visible when we look at the importance given to tracking movement to and across MS as part of a wider politics of border control. This is arguably one of the driving forces behind the development of SIS, Eurodac and VIS. Indeed, the logics of IBM, of surveillance and tracking, and of exclusion as well as security have worked to shape the goals of such databases. Thus, we see that efforts to externalise borders through weaponising visas that began over 100 years ago become key to shaping the development of VIS. Additionally, the use of required data entry into Eurodac as a condition for EU financial support for MS such as Greece highlights the ability of a database to work towards an enforcement of harmonised practices for asylum procedures. Ultimately, what we see is that these databases have greater meaning than a technological tool to fix a simple policy problem, coming to hold political value in and of themselves, whilst shaping, and being shaped, by deeply entrenched European border politics.

Before moving on to discuss my methodology for my research, I quickly map out how these databases and policies came into play during my fieldwork in both Greece and the UK. I do so to give the reader a clearer picture of what direction the next chapters take, and to allow the reader to visualise how these policies manifest into practice.

## 2.6 Mapping Out Case Studies

“No route is simple; there are few ladders and many snakes.”

(Walia 2021,97)

As the quote above from Harsha Walia’s book “Border and Rule” (2021) says, and as the chapter has thus far shown, the journeys people take, and policies and systems they must navigate, to cross borders and win secure status from states hostile to immigration present many difficulties and offer few pathways. In this section, I present a brief overview of where along these “snakes” and difficulties my research focuses. I bring this in here as it is the policies and databases discussed in this chapter that create the snakes I encountered during fieldwork. This section also outlines the direction of the next chapters of this thesis. In Figures 1 and 2 I present a flow chart on the routes through the asylum system in Greece and UK from arrival, highlighting the points of interaction with technologies along the way, each of which are discussed in chapters 4-6 when presenting data from my empirical research. Beginning with Greece, where someone is likely to have their first encounter with the datified border of Europe as they cross into a peripheral European Member State (MS), Figure 1 depicts some important interactions with technologies that have become integral to the asylum regime in mainland Greece. I include details here in relation to what happens when somebody crosses the land border and not via sea, as processes differ greatly if

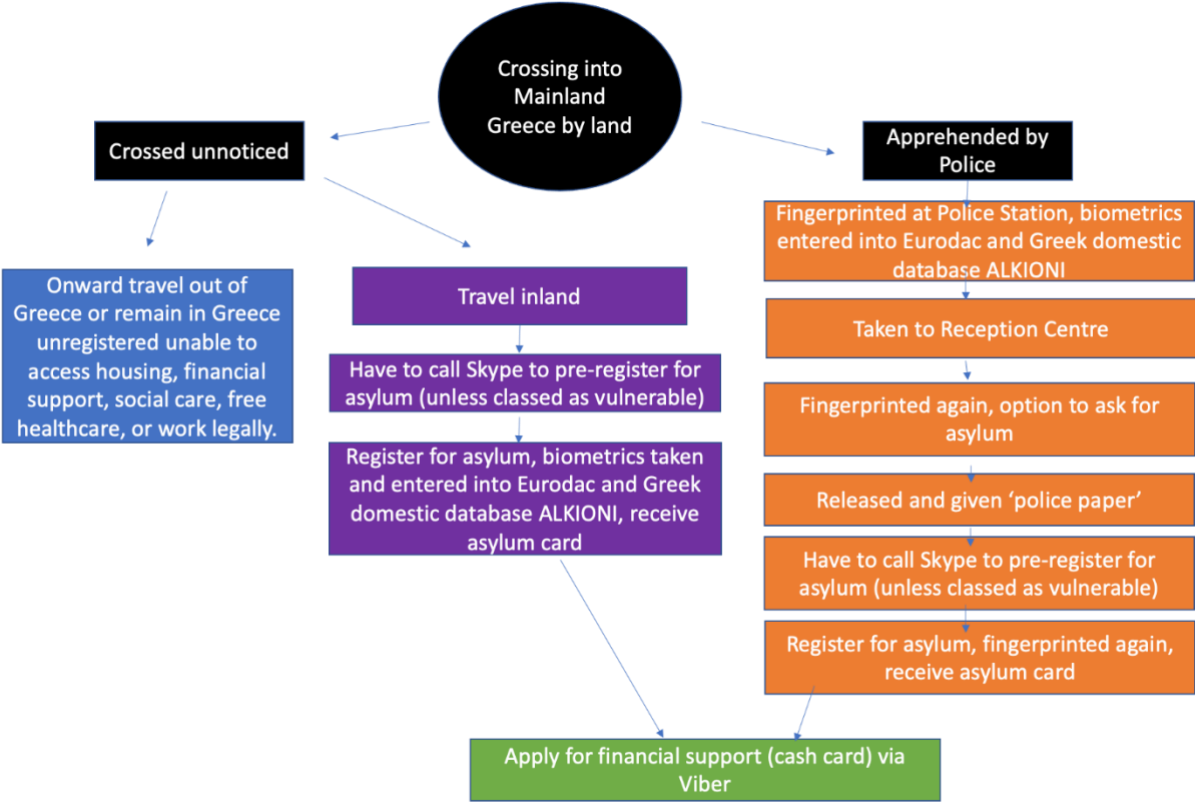


Figure 1 - A flow chart on the routes through the asylum system in Greece

somebody enters via an island ‘hotspot’. As the mainland is where my research took place, this route remains the most relevant to give example to the technologies my interlocutors encountered. First and foremost, a person is fingerprinted at the border if apprehended and at the regional asylum office if they cross unnoticed and later apply for asylum. This marks someone’s entry in Eurodac. If someone has been fingerprinted in Greece and later travels to another MS, they could be deemed inadmissible, and a deportation could be attempted (Soysüren and Nedelcu 2019). Fingerprints of people registering for asylum in Greece are also uploaded to the Greek Asylum Service’s database, ALKIONI. These issues will be explored in detail in chapter 4.

Beyond biometric data, Figure 1 highlights interactions with the private platforms Skype and Viber. Here, someone who is not apprehended at the border must call Skype to register their asylum claim and give basic biographical details over the platform to receive an appointment to register fully at the asylum office. Once someone has an ongoing asylum claim, and if they wish to apply for financial support, they must send their details to the UNHCR who provided the cash cards at the time of my fieldwork<sup>78</sup>. Not only does this interaction with private platforms raise questions of privacy and consent, but also the use of cash cards presents opportunities for everyday surveillance, as cash card spending is actively monitored and used to enforce spatial control, as discussed in chapter 5. Furthermore, Skype presented problems for registration processes where technical difficulties and the Skype timetable used to differentiate between languages, demonstrated the obfuscation of the right to claim asylum, to be discussed in chapter 6. As Figure 1 shows, the only time where someone could avoid these interactions is if they cross without being apprehended and did not attempt to register for asylum.

In my second case study in the UK, we see some similar interactions. Figure 2 shows that, as in Greece, people are fingerprinted and their data entered into Eurodac if apprehended at the border, or if they later claim asylum<sup>79</sup>. Also, as in Greece, their biometric data is entered into

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<sup>78</sup> This has since changed, as the use of Skype as the main tool for registering for asylum on mainland Greece was stopped at the end of 2021. As well, the use of the UNHCR cash cards was stopped in September 2021, with the Greek state taking over the provision of support despite having secured no tender for doing so and leaving people without cash until the beginning of 2022.

<sup>79</sup> Since the end of the Brexit transition period in January 2021, fingerprints are no longer entered into Eurodac.

the domestic database. For the UK this is the Information and Asylum Biometrics System (IABS), which forms the main UK biometric database used by the Border Force, United Kingdom Visa and Immigration (UKVI), and Immigration Enforcement. IABS holds the fingerprints and photographs of all asylum and visa applicants. The Home Office is currently changing IABS to incorporate a shared platform with the police biometric database IDENT1 which would create the centralised platform Home Office Biometric Programme (HOB) (Home Office 2018b). In the UK we see a difference in the type of asylum card given, where a person seeking asylum will have a biometric asylum registration card (ARC), opposed to the paper cards given in Greece at the time of my fieldwork.

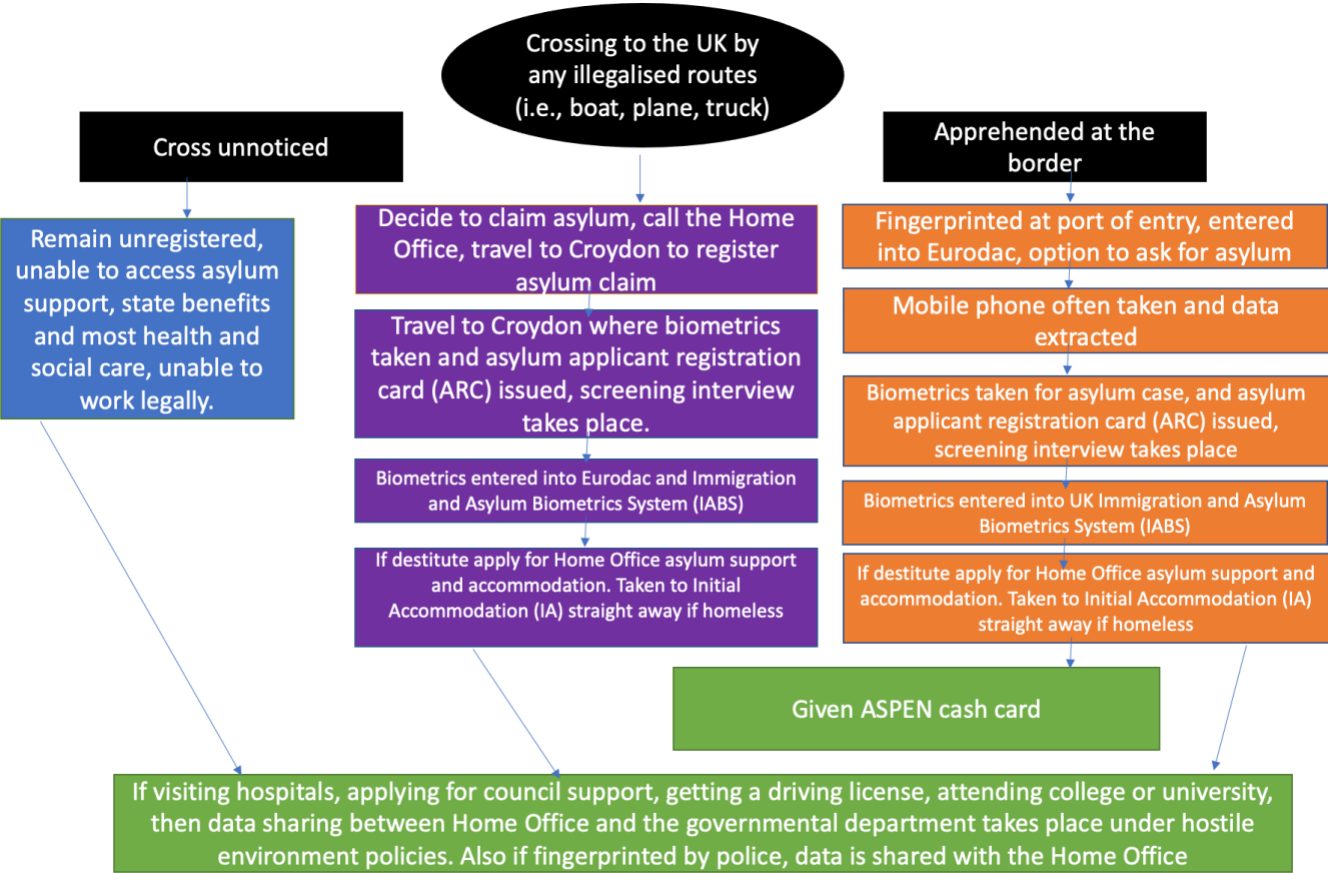


Figure 2 - A flow chart on the routes through the asylum system in UK

In the UK, whilst someone does not have to use commercial platforms to register for asylum or aid, they may have their credit checked by Experian<sup>80</sup> when applying for asylum support to check whether or not they are really destitute, highlighted as another form of surveillance. As such the ASPEN card, which is used for the provision of financial support, as with the cash cards in Greece, offers a tool for everyday surveillance and containment, where the Home Office can monitor where, and on what, the card funds are spent. Finally, an important point of interaction with the datafied border that exists in the UK and not in Greece occurs through data sharing as a part of hostile environment policies, discussed in chapter 2. This data sharing comes to work as “hostile data” (Corporate Watch 2018), denying people access to fundamental rights such as healthcare and state benefits, as well as presenting barriers to education or houses, this is expanded upon in chapter 6. Of course, this is a very simplified overview of all the interactions with the datafied border someone could experience as they enter, reside in, or leave Greece or the UK, but serves to outline the main interactions that are the focus of my fieldwork. Before I discuss these fieldwork findings further, I give an overview of my methodology in the next chapter.

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<sup>80</sup> Experian is a private credit reporting company used to check the credit of a person through data analysis.

### 3. Methods

“Of all disciplines, ethnography perhaps is situated best to provide the tools for digging below mundane surface appearances of the cultural basis of violence and other forms of social existence to display a multiplicity of alternate meanings.”

Thomas (1993,6)

This chapter will explore both the reasoning behind, and the practical implementation of, my research methods in both case studies. Within my research I draw heavily on theories from critical social theory to inform a critical ethnographic approach. This, as the above quote from Thomas (1993) illustrates, allows for research that digs beneath the surface to question the structural violence and multiple meanings within datified borders. Through framing my research within an engaged and critical ethnographic style, I was able to maintain a close connection to the subject of study through ongoing practical participation with people seeking asylum in both Greece and the UK. As I will discuss further below, the use of such methods makes my own involvement with migrant solidarity groups in the years prior to my doctoral work an important and justifiable element of my methodology. Indeed, this became integral to shaping and informing the direction of my research (Plows 2008,1532). Consequently, I was “involved in the process of social change while simultaneously describing the world of the participants”, influencing the process, content and outcomes of the research (Calderón 2004,84).

However, a key contention within ethnographic, and indeed all academic and other such research, is the extractive element of conducting research, where the researcher benefits from the life stories and experiences of others. This is especially true of conducting research where many interlocutors were people seeking asylum, and thus faced multiple oppressions. Here, my position as a white, Western, European holds significant points of tension, where the country I am from, England, was integral to creating the system of borders as they exist today

through colonisation and later imperialism that relies on nation states and their borders to function (Sharma 2020). This acknowledgement of tensions and efforts to avoid purely extractive research is, I feel, intrinsic to conducting ethical critical ethnographic work. I shall reflect on this in the final section on this chapter. However, it should be noted that these issues run through the entire design, and implementation, of my research. The strength of studying the lived experience and everyday elements of the datafied border through ethnographic method is that it allows for a better engagement with how borders separate us in our daily lives, how they categorise and control us, discriminating against and excluding some at the price of including others. This means my research is able to resituate datafied borders within larger societal structures, enabling a deeper understanding of how they function in reality.

To begin the chapter, I first give an overview of the theoretical framework and justification of my methods, before moving to explore the usefulness of a critical ethnographic approach, incorporating Picozza's (2021) theories of "solidarity as method". After doing so, I outline the methods used in each ethnographic site, and finally I reflect on ongoing ethical considerations involved in critical and engaged research focused on mobility and borders.

### 3.1 Theoretical Framework

I have worked to produce a critical piece of research that can contribute towards an understanding of how datafication furthers injustices within and across European borders. Just as the DATAJUSTICE project places technological developments within a social justice framework, my research methods adopt a critical social theory as an entry point into studying effects of new technologies and data assemblages. Through this I draw attention to how datafication affects forms of injustice, oppression and marginalisation felt by communities vulnerable to callous treatment. For my case studies, these communities consist of people on the move, people seeking asylum, and illegalised migrants within Europe. My chosen research methods focus on lived experiences of the technologies used across the European border and asylum regime, as well as examining practices of enforcing datafied borders – from humanitarian and legal support to fingerprint practices at the border, across to data sharing along the asylum process. Thus, as well as speaking with people with lived



experience of the European border regime, the research includes the experiences, views, and practices of humanitarian workers in International Non-Governmental Organisations (INGOs), government workers and border agents (where access was possible), and importantly with immigration lawyers and “solidarians” (Rozakou 2016), who work alongside people navigating asylum in Europe. Here, the term solidarian refers to those who work in solidarity with people on the move, beyond hierarchical models of humanitarian volunteers and migrant ‘beneficiaries’, and instead in line with a politics of empowerment and equality. Below, I outline the theoretical framework of critical social theory, which I used to inform my research design. I do so to justify the critical ethnographic techniques employed, where research aims to listen to those affected, work in solidarity with them, and uncover harms, with the intention of clarifying where struggles should be focussed.

### 3.1.1 Critical Social Theory

For my methodology, I use the framework of critical social theory. This is an approach to research originating from the work of Kurt Lewin (1946) and furthered through members of the Frankfurt School. As Harvey (1990) defines it, methodology consists of the “interface between methodic practice, substantive theory and epistemological underpinnings”, placing enquiry within the social world through empirical research. As such, critical social theory aims to unearth deeper understandings of oppressive social structures, placing them within historical and political contexts, and negating positivist attempts to construct grand theories of social reality. The aim of this theoretical approach is to create a social theory that contributes toward ideas capable of creating a better, more just world and re-embedding a “moral impulse” into academic theory (Seidman 2004,6). Thus, we see that a key underpinning of a critical social research is the idea that knowledge is not to be taken as a positivist fact, but instead comes to be structured through social relations. As such, critical methodology deconstructs social relations to understand how systems of knowledge came to be, paying attention to the structures within which they exist (Harvey 1990,5). A critical social theory lens also offers the ability to dig beneath the surface of dominant systems of knowledge, paying attention to the myriad actors involved, the political and historical

context, and the potential oppressive and marginalising aspects of these structural manifestations in their entirety (Fine 2006,93).

This is especially pertinent within the study of borders when we consider the coloniality of borders as ongoing structures of power, as discussed in chapters 1 and 2. Moreover, by placing the datafication of societies within a critical analytic approach, developments are analysed in relation to wider oppressive structures – that of an exclusionary European border regime, alongside datafied methods of control and governance. Furthermore, it allows us to conceptualise how control and power manifest and impact practices and people. Further to this, it explores the narratives that are used as a means of justifying the legitimacy of oppressive measures within border controls to uncover implicit values and interests that determine data-driven processes (Dencik 2019). Consequently, I investigate counter narratives and realities in order to explore the multitude of ways in which borders come to affect and shape lives, choices and experiences. This offers alternative theories of knowledge which can be used to question dominant discourses and narratives of borders found within national and international policy and discourse on migration. As Madison (2005) emphasises, the power of critiquing knowledge is a means of identifying, naming and acting against social (in)justices. Madison refers to Jurgen Habermas’ (1971) definition of critical theory, whereby the social is researched to engage and reflect advanced and oppressive elements of capitalism (p.6) – in this case, the use of borders to maintain the current global order.

However, my research is not focused on borders alone, but rather on the datafied techniques of governance and control that are continually being advanced and invested in. As such, another element of my research is to explore the systems of knowledge that surround the drive for datafication of borders. Here, as Berry (2014) argues, datafication changes the relationship between freedom and knowledge. To engage in such an approach, I draw on Kitchin’s (2014,6) work which sees data as part of a “complex socio-technical” assemblage, emphasising the relational aspect of data systems. Here, data and their assemblage are “mutually constituted, bound together in a set of contingent, relational and contextual discursive and material practices and relations” (Kitchin and Lauriault 2014,8). Through decentering data (Peña Gangadharan and Niklas 2019), and instead focusing on the process

of datafication as a data assemblage, it becomes possible to critique the epistemological and structural elements of datafication. In relation to migration, these data assemblages take the form of EU wide databases such as Eurodac, Interpol, SIS II or VIS as described in the previous chapter, as well as surveillance technologies such as phone tracking, cash card monitoring, and the use of private platforms for accessing asylum, as will be discussed in the following three chapters.

This standpoint also recognises Dalton and Thatcher's argument that a fully effective critique of new regimes of data will require us to situate data regimes in "time and space", as well as expose data as a political tool (Dalton and Thatcher 2014 cf. Kitchin and Lauriault 2014.7). Without placing data systems within these wider critical assemblages, research risks missing key aspects of its creation, use and intention (Kitchin 2017,25). These points are a useful guideline as a means of formulating effective research methods. Moreover, they have shaped which scholarly debates and theories I engaged in chapter 1, and necessitated chapter 2 where I was able to situate datafied borders in time and space through discussing the historical advent of European securitised border controls. Below I give an outline of my methods, using the points above to justify my choice of methodology for examining the ways in which datafied border and asylum regimes entrench and occlude control, and further advance a policy agenda. Before doing so, it is important to discuss how my chosen method of critical ethnography acts as an extension of a critical social theory lens, where I drew on "solidarity as method" (Picozza 2021) as a research practice.

### 3.1.2 Critical Ethnography

As discussed above, a key aim of my research is to draw attention to the ways in which datafication is furthering injustices and oppressive societal structures of borders in Europe. As Jim Thomas (1993,4) has stated, "critical ethnography is conventional ethnography with a political purpose". Whilst critical social theory offers a theoretical framework in which to dissect systems of knowledge behind datafied borders and datafied governance across society, critical ethnographic methods enable the practical incorporation of the social realities of those onto which these systems are forced. Therefore, though a critical approach to

ethnography does not dramatically alter the actual methods I will be using, it has meant that the analytical themes I identified focus on social critiques.

As Madison describes it, “to think of ethnography as *critical theory in action* is an interesting and productive description” (2005,13, emphasis in original, also Abu-Lughod 2000, Fontanari 2018). Critical ethnography is able to link ethnographic analysis to social structures and power relations. This refutes the idea that the participant’s own meaning is an end in itself, but rather is positional to, and dependent upon, wider structural factors (Kemmis 2007; Falzon 2009). This allows the researcher to analyse the extent to which lived experiences and cultural values are shaped by external structural elements, placing importance on inductive research methods that allow constant questioning of analysis. Thus, we are able to see the ways in which power becomes translated into everyday actions. Importantly, ethnographic methods show the complex realities of life and systems of power, allowing for an analysis which recognises that these moments can exist simultaneously in a complex assemblage of the messy realities in which we all navigate each day.

A critical ethnographic approach also allows for in-depth data collection, situating empirical research on datafication firmly back within social theory and allowing for the study of complex data assemblages. Due to the qualitative nature of ethnography, it is possible to examine “how things operate”, not just see that they do (Ritchie and Lewis 2003,29), examining the “nitty gritty of everyday life” (Willis and Trondman, 2002,398). There are precedents for using ethnographic methods to study datafication, for example Kitchin (2016) has justified the use of ethnographies relating to the study of algorithms. He notes that ethnographies enable research to see how people engage with and are conditioned by algorithmic systems, whilst also exploring forms of resistance and subversion that people develop. And so, we see how systems are re-purposed and re-appropriated (see also Gillespie et al. 2018; Scheel 2019).

It is in this “everyday” we can begin to recognise and unpick the “global ethical political struggle” (Tyerman 2021,3), where the mundane and the personal reflect, and resist, global power structures that entrench exclusion, marginalisation, the coloniality of power, and the

power of the state. This is something long recognised across broad spectrums of study, from feminist studies (Young 1990) to post-colonial studies (Stoler 2002), as well as within border and migration studies (Fontanari 2018; Tyerman 2021). Indeed, Tyerman sees the everyday as a “primary site of border struggles between efforts to govern what counts as a liveable life according to the strictures of the post/colonial racial state and those whose lives do not conform to these frames” (p.3). And Fontanari (2018) highlights how a focus on the everyday enables us to see how “refugees trapped within structural constraints manage to creatively produce new social and political spaces” (p.7). Thus, through adopting methods that focus on the lived everyday experience of datafied systems, as I did, we can explore what datafied systems come to mean for creating, and resisting, systems of power, knowledge, and control.

A major critique of a qualitative approach like mine is the lack of objectivity. As Snape and Spencer (2003) argue, ultimately ethnographic research is value-driven, and neutrality becomes hard to obtain, a statement which becomes especially pertinent within critical ethnography which often has a stated political purpose. Though, as Harvey (1990), has emphasised, neutrality is not the aim of a critical ethnography, or indeed of critical social theory more generally. Rather, it is a methodology “indifferent to ‘value freedom’ as it does not consider it necessary for the researcher to be a neutral observer” (Harvey 1990,10). Moreover, as Mezzadra and Neilson (2013) argue, methodology is inherently political, as it shapes “ways of intervening in the world we are studying, producing knowledge and representations and relating to the interlocutors that render our research possible” (cf. Picozza 2021,27). Dona suggests then, that much research on migration is “partisan” (2007,210; also Jacobsen and Landau 2003,187).

Thus, as Picozza demonstrates, methodology becomes more than chosen methods but forms the “ethos” (2021,28) through which we conduct research, necessitating engagement and reflexivity about the innate problematic nature of extractive research. Accordingly, the aim of my research is not to produce a neutral account. In fact, due to my involvement with solidarity networks and the political ethos driving this involvement, and consequently how and why I am conducting this research, it becomes impossible to do so. Considering this, I frame my work within Picozza’s (2021) theory of “solidarity as method”. Here, solidarity is

not only an object, or a practice guiding involvement in No Borders and migrant solidarity struggles but is a “true method of research” that shapes work in the field, through the analysis of data, and in the writing up of findings (p.22). Solidarity as method then necessitates seeing in a certain way and encompasses a “political stance” that frames what we “do” in the field” (ibid,27).

Of course, I am not the only researcher to conduct research stemming from involvement in migrant solidarity networks. Within migration studies this is a common entry point for many academics who research migration, borders, and mobility (see, for example, many of the authors quotes through this thesis including Fontanari 2018; Sharma 2020; Stierl 2017; Tazzioli 2019b; Tyerman 2021). Thus, we see how academics researching migration may often justify their research into “the suffering of others... if alleviation of that suffering is an explicit objective” (Doná 2007,210; Turton 1996). Of course, that is not to suggest that critical research is capable of alleviating suffering, but rather that it can inform and highlight where injustice occurs, and how it is realised, in the hope of shaping future action against oppressive systems. This suggests that we should focus on how to design research that can “awaken a sense of injustice” (Deutsch, 2004 cf. Fine, 2006,86), bringing my methodology design back to questions of data (in)justice at, and beyond, the border.

In light of these points, of critical engagement, of political motivations, of solidarity as method, and of uncovering the injustices present in datafied borders, in the following sections I outline the specifics of my research design. I include the sites of research, who my interlocutors were, and the tools I used for analysis, before concluding the chapter within reflections on ethical considerations.

### 3.2 Research Questions, Methodology and Design

Datafication arguably both creates and limits forms of interaction, affecting both the social and the political, and furthering polarities of inclusion and marginalisation (Berry 2014,10). The focus of techno-solutionism as a means of combatting difficulties many people face

across the world, from technological developments in humanitarian aid distribution<sup>81</sup> to algorithmically predicting famine<sup>82</sup>, highlights the field of technology as a dominant power in the creation of current systems of knowledge. My research questions aim to deconstruct this as a grand theory and focus upon the social and lived elements of datafication.

In order to critically engage with and research datafied border regimes in Europe, including both the knowledge systems that drive them and the social realities that engage with them, I focus my research around three thematic questions:

1. How are European borders and asylum systems becoming datafied?
2. How are people seeking asylum and illegalised migrants experiencing and impacted by the datafication of borders and asylum systems?
3. What are the implications for social (in)justice, oppression and marginalisation for people seeking asylum and illegalised migrants?

To address these questions, I conducted research in two sites, one in the United Kingdom, and one in Greece – chosen as examples of a Northern European country and an arrival, peripheral EU Country. Each site explores different aspects of asylum procedures and migratory routes within Europe, and each ethnographic site draws upon themes that can be used to analyse practices at a European level. In both locations, biometric borders have come to be a key area of study, affecting the lives of people I met in each place. As such, fingerprint practices and implications were explored in each setting, discussed in chapter 4. In Greece issues of access to technology as a gateway to meeting basic needs such as claiming asylum or accessing financial support was also seen by interlocutors as a key issue. Here, technology became a precondition to asylum and aid as will be discussed in chapter 5. For the United Kingdom, interlocutors brought up issues of ‘hostile data’, where the interoperability of data amongst schools, banks, benefits and hospitals, further enabled ‘hostile environment’ policies. This limited people seeking asylum’s ability to access welfare, health care and legal aid, whilst demanding high levels of documentation and proof for asylum claims, as will be explored in chapter 6. Whilst I had a loose idea of themes for my research before fieldwork,

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<sup>81</sup> <https://www.theengineroom.org/biometrics-in-the-humanitarian-sector/>

<sup>82</sup> <https://www.worldbank.org/en/news/press-release/2018/09/23/united-nations-world-bank-humanitarian-organizations-launch-innovative-partnership-to-end-famine>

I adopted an exploratory and open-minded approach, whereby I allowed interlocutors to guide the eventual focus of my research.

I used mixed methods, incorporating both participant observation through volunteer work with migrant solidarity groups in each ethnographic site, as well as semi-structured interviews and field notes, which shall be described more completely below. I have also carried out desk-based research on migration policy and analysis of the technology and data systems used to carry out relevant policies to contextualise empirical research. The chosen methods situate the use of data driven processes within a specific social setting, time and place, therefore creating the possibility of seeing the politics behind the choices and implementation of particular data regimes. They also allow for power relations within data processes to be analysed through talking to a number of different socially situated interlocutors. For example, I interviewed both experts and those navigating asylum procedures, those with European citizenship and those without papers, and migrant solidarity activists and border guards to see how experiences of the datafied border differ. Here, I use the term interlocutors, rather than participant, to emphasise that all of those I spoke with during research brought with them their experiences, thoughts, and insights which worked to “interrogate the politics of asylum in Europe” (Picozza 2021,27-8). Consequently, all interlocutors were active participants in an ongoing dialogue, where ideas were exchanged to further discussions and shape the knowledge produced within my research.

Through adopting an approach that, as Young (1990) says, “listens” to those marginalised through various forms of domination, oppression and injustices, I was able to gain a more nuanced analysis, as I was able to include and share the direct experiences of marginalised people. Likewise, Willis and Trondman (2002) have noted the renewed importance that has been placed upon studying cultural experience and practices from below within social research in recent years. Through focusing on practises, experiences, uses and effects of data systems, rather than the data system itself, I was able to “decentre” data (Gangadharan and Niklas 2019), and shed light on structural issues relating to datafication. As such, my research works to re-politicise data systems, dispelling claims of neutrality (Dencik 2019) and highlighting the relational elements within datafication.



Importantly, whilst this thesis centres the voices of people navigating asylum processes in Europe, it does not “give voice” to migrants, who already possess and autonomously share their own voice (Fontanari 2018,12). Instead, this thesis provides another platform in which the voices of migrants’ are able to be shared. The problem being, and one that such a centred approach aims to tackle, is that these voices are often ignored or belittled amongst societies that devalue the experiences of (illegalised) migrants. I also present moments of resistance, firstly because this is what my interlocutors often spoke to me about, and secondly to counter narratives of victimhood. I do so fully aware that it can be dangerous to reveal means of resisting border controls. However, the things I discuss are not necessarily new, and the UK and Greek authorities are already aware of the examples I have included, where policy has caught up with them as I sit writing the final parts of my thesis.

In summary, by focusing on the narratives that emerged whilst working in solidarity with people on the move and seeking asylum, as well as conducting observation and interviews, I was in a better position in which to “capture” the “intimate life” (Plummer 1995,16 cf. Williams 2006,867) of people navigating the datafied European border and asylum regime. Moreover, through speaking with both those subjected to data systems and those involved in their implementation within each ethnographic setting, I was able to reach an understanding of the relevant relations within these data assemblages.

In order to carry out these case studies I followed a multi-sited ethnographic approach, conducting research in Greece from October 2018–May 2019, and in the UK from October 2019–January 2021. My research in the UK took longer to conduct due to the COVID-19 pandemic, the effect of which I will discuss further below. The benefit of a multi-sited ethnography is the ability to study local environments whilst contextualising transnational elements within each case (Baird 2017,189; King 2018). In relation to studying migration, which takes for its subject communities on the move with “multiple physical, social and symbolic locations”, the shift toward multi-sited research seems fitting (Boccagni and Schrooten 2018,221). Further to this, as was also the case in Fontanari’s (2018) ethnographic research, the two sites for my ethnographies were places I had been living between previous

to beginning the project. Thus, I was able to access the research field more easily through networks of which I was already a part. As well, multi-sited ethnography allows the researcher to follow the thematic threads that emerge in multiple locations, allowing the juxtaposition of reoccurring themes in multiple and disparate locations (King 2018,43). I shall now move on to describing in greater detail how these methods were carried out in each ethnographic setting.

### 3.2.1 Ethnographic Settings

#### *- Greece*

The ethnographic setting for my first research site was in Athens, mainland Greece. This site was chosen due to a number of reasons. As a country on the periphery of Europe, and an entry point for many people into European territory, Greece offers insight into the data collection practices at what is for many the first point of entry into Europe. This allowed me to explore fingerprinting practices and the navigation of Eurodac by both border agents and those subject to fingerprinting. I conducted fieldwork here between October 2018 and May 2019.

The choice to carry out research in Athens as opposed to the islands, where ‘hotspots’ ensured high numbers of people remained detained in island camps for long periods of time after being fingerprinted and claiming asylum, was twofold. Firstly, in reference to the islands becoming “research labs” (Papataxiarchis 2016), I did not want to add to an already saturated research location, as the abhorrent situation on the Greek islands of Lesbos, Chios, Samos, Leros, and Kos, has attracted huge attention since 2015 and the so-called ‘migrant crisis’. Although this critique of saturation has been levelled at research across Greece as well as the islands specifically (ibid), the geographical setting of Athens, as a capital city with a large population, contrasts to vastly overcrowded camps where privacy is already a difficult thing to come by, and already threatened by the high number of media reporters and academic researchers. This is not to say the situation is wholly different in Athens, but to recognise that there was, at the time of my research, a noted difference in the level of attention people’s situation was given in Athens and surrounding camps in comparison to the ‘hotspots’ on the

island. Indeed, the situation on the mainland was arguably overlooked for ongoing struggles on the islands. This was shown to me by the various attempts of people I worked with in the city who tried and failed to have their voices heard by Western European media in relation to the similarly abhorrent material conditions many were forced to live in on the street or in squats in Athens, or in the camps in the surrounding areas. Secondly, having spent time working with groups active in migration and asylum support in Athens previous to fieldwork, I was able to gain direct access to my chosen research field. Further to this, I had previously carried out research in Athens for my MA thesis two years previous, exploring solidarity responses to the ‘migrant crisis’ as a critique of humanitarian discourse and practice. These factors provided a valuable background for my first ethnographic site and drew on longstanding relationships of trust and friendship which were invaluable to my PhD fieldwork. This level of trust was crucial to ensuring a safe setting for interviews, creating spaces of respect and honesty, as well as a much-needed protection for topics which were often highly sensitive. This is a practice recognised as crucial to strong fieldwork that gives space for freedom of choice and emphasises fair and dignified data collection methods. (Krause 2017,12-13; Boccagni and Schrooten 2018,94).

I carried out research whilst working with a self-organised community centre in the city, which offered practical support to mostly refugees, illegalised migrants and people seeking asylum in Greece (though the centre was open to anyone). The centre offered many forms of support, from hot meals to material goods, to legal support and information on matters relating to asylum cases. During the months I conducted fieldwork I was a part of the information and support team that assisted with asylum cases. This team was formed of one qualified Greek immigration lawyer, volunteers with varying levels of legal qualifications, and volunteer interpreters. The group, as well as the larger community centre, consisted of fluctuating numbers, and was made up of a wide range of nationalities and people with disparate immigration status. The work I engaged with entailed accompanying people to the asylum office, liaising with lawyers, social workers and camp authorities, working together with other solidarity groups across the city and sharing information on the asylum system in Greece.

It was alongside my work with this collective that I carried out participant observation, which enabled the studying of everyday actions, patterns, experiences, and issues. This allowed me to uncover themes that appeared as a result of encountering the experiences and thoughts of people engaging with the Greek and European asylum systems, as opposed to following pre-determined themes that may not have held strength in the field. This gave way to a more embodied approach to researching datafied borders, examining the “social life as it is being lived”, and exploring how “a given phenomenon is constructed” beyond a person’s “self-presentation” in an interview setting (Boccagni and Schrooten 2018,12). As such, it was in line with my critical social theory approach of deconstructing and exploring systems of knowledge within the datafied border.

It was through this participant observation that key themes emerged of fingerprints and phones, wherein fingerprints were seen to hold a unique position for people experiencing the European asylum system, and phones were seen as imperative to accessing basic needs such as asylum or financial support. Moreover, themes of safety, choice, criminalisation, privacy, surveillance, control, and necessity came up during fieldwork. Whilst undertaking participant observation, I took field notes and used ‘ethnographic interviews’ as a technique to capture conversations whilst in the field that were later written into field notes (Manocchi 2014 cf. Fontanari 2018; Scheel 2019). This meant I was able to capture insightful comments and insights into people’s outlook on dominant themes without the need of a more formal interview setting, which was not always possible or desirable for interlocutors. These methods offered invaluable insights and snippets of conversation, as well as informing highly useful contextual data for my research. However, this was mainly used as a means of gaining nuanced knowledge of the situation in which to inform the structure and focus of the interviews carried out, which constituted the bulk of data for the research. As well, I collected field notes during participant observation, allowing me to clearly remember and remark on key themes and questions that merit further research as they came up (Emerson 1995).

- UK

For my second ethnographic research site, I conducted fieldwork in Manchester, UK. The decision to carry out research in the UK was again twofold. Firstly, as Greece offered insights

into a country that may be someone's first encounter with Europe, the UK offers insight into a country someone reaches after crossing multiple European borders and is often seen as a "destination" country. Here, where someone may be trying to leave Greece, they are likely trying to stay in the UK to claim asylum and build a life. As such, interactions with the state and the asylum system are different, where fears of deportation loom large across interactions with authorities, doctors, schools, and police. Thus, technologies used for control and surveillance take on an entirely different meaning as a person tries to win secure immigration status from the Home Office. This can affect things such as avoiding services, but also shapes experiences and relationships with things such as fingerprinting – which again became a key focus of research.

Another reason for conducting research in the UK is of course my connection to the country I am from, where I am involved in migrant solidarity projects, and where my involvement first began. Speaking the language, knowing the system, and having grown up seeing newspaper headlines that consistently attacked migrants, meant I had an insight into the topic in a wholly different way compared to Greece. The choice to conduct research in Manchester specifically, the city I spent my teenage years in and where I was politicised through involvement in squats and protests, also happens to be one of the key 'dispersal' cities in England. This means it is one of the places the Home Office, and the private companies to which they contract out responsibility for housing, has bought up cheap housing stock which they use for asylum support. These houses are most often in areas where housing stock remains cheap, and thus many people are housed across the Northwest and East, opposed to the South of England, and are often separated from their communities in the process. This means that there are many projects and groups focused on migrant rights and solidarity in the Northwest, Manchester being no exception. Thus, there was a great deal to explore for my research.

I conducted research in Manchester from October 2019–January 2021, and for the first few months, in a similar fashion to my research in Athens, I worked with a small migrant solidarity project in the city. Similar to the collective I worked with in Athens, this project offered information and asylum casework, also running sessions to build knowledge

collectively on the asylum process, the situations in home countries people had left, and the laws surrounding refugee rights. The group also ran campaigns to highlight issues people faced when claiming asylum, such as poor housing or gendered issues. During this time, I helped people collate their evidence for asylum cases or further submissions, which was the first step to making a fresh claim for asylum when someone's first claim had been rejected. I also accompanied people to important appointments, including submitting further evidence or signing at the reporting centre, which is something people on 'immigration bail' (i.e., you have insecure immigration status and are liable to be detained at any moment) must do in the UK (Home Office 2022). Whilst working with this project I conducted participant observation, made fieldnotes, and ethnographic interviews, as in Athens, to inform the themes and directions of my fieldwork. This once again allowed for insight into the everyday social worlds of people navigating the asylum system in the UK. As with fieldwork in Greece, I was thus able to gain an understanding of how datafied systems are navigated, negotiated, and experienced. Once again, this followed a critical social theory and ethnographic approach to both situate datafied borders and the systems of knowledge that surround them. I also volunteered with an NGO focused on offering support and advice for people whilst applying for Home Office asylum support, which is a confusing and stringent system, as will be explored in chapter 5.

Then, in March 2020, due to the COVID-19 pandemic, and resulting lockdowns, my research took a different turn. The project I was working with shut their office, as many other places across the city also did. Although I was able to continue volunteering remotely for the NGO, ethnographic research in the same way was not possible (Lems 2020). The everyday life and social worlds that had been the focus of my study suddenly became shut behind walls and isolated due to the nationwide lockdowns that did not fully end until the summer of 2021. Moreover, on a moral and political level, it felt wrong to impose research onto people who were all trying to navigate the pandemic and the intense psychological impact this had. This was especially true for people with insecure immigration status, who were disproportionately affected due to fears that accessing healthcare would result in being reported to the Home Office through data sharing agreements, or that they will be charged for treatment, as well as a reliance on charities that were now closed.

Thus, research halted for a time, and between March and June 2020 I focused my efforts on working with another migrant solidarity project filling out funding applications for emergency support and delivering food and money to members of the group who had no access to state support. During this time, I did conduct some interviews with lawyers, volunteers and other people who continued their jobs, but chose not to speak with people navigating the asylum system. From September onwards, as restrictions temporarily lifted, I began interviews with people seeking asylum, alongside interviews with other interlocutors. I did not start participant observation again throughout this period, relying only on interviews conducted either online or outside in a covid-friendly space. Thus, the ethnographic element of research from the second setting was vastly different to the first, despite having had some months of fieldnotes and participant observation pre-pandemic which helped to shape the questions asked in the interviews. Overall, I still managed to gain insights into the everyday of datafied borders in the UK and conducted slightly more interviews to make up for differences in field notes.

### 3.2.2 Interviews

During my time in Athens, I conducted 31 semi-structured interviews with 35 interlocutors in total (see Appendix I). Some interviews were with two people at once where this was the choice of my interlocutors. 14 of these were with people at various stages of the asylum process in Greece, with some having gained refugee status, some planning to leave Greece, some seeking asylum (it is crucial to note these descriptions are not mutually exclusive). Alongside this I spoke with 10 experts, including border police, International Non-Governmental Organisation (INGO) workers, staff within the Greek Asylum Service and lawyers. I also spoke with six European volunteers, some of whom described themselves as activists and some who did not identify as such. It is highly important to highlight that many of the people I spoke with who were navigating the asylum system in Greece were also active in volunteering or working with organisations in Athens. However, the themes that emerged from speaking with them spoke more to their experience of the asylum system than of volunteering, and so this is what I have focused on when describing them here.

In the UK, I conducted 35 semi-structured interviews, with 37 interlocutors altogether (see Appendix II). Interviews were sometimes done with more than one person again due to the choice of my interlocutors. Out of this number, 16 interlocutors had lived experience of the British asylum system, having either been granted or refused asylum, or currently having an ongoing claim. 12 interviews were with experts, including lawyers, a civil servant, doctors, and overseas visitors' managers (NHS staff). Finally, I spoke with nine people working in the 'asylum sector' and other civil society organisations, who covered some of the same roles as the volunteers in Greece. This highlights the more professionalised and longstanding sector of asylum and refugee organisations in the UK. Two interlocutors, Na and Lv, were interviewed regarding both Greece and the UK, as they worked in both locations and thus had insights into each setting. As many interviews were conducted online due to Covid restrictions, I was able to speak with people beyond Manchester.

It is crucial to note that I have chosen not to include the label 'activist' as a description for any of my interlocutors, yet many people I spoke with would describe to me their actions as activism, including people seeking asylum, refugees, illegalised migrants, lawyers and volunteers. This should not be surprising given the highly politicised environment in which the research was carried out. However, I have chosen not to use this term as it did not seem a useful framework in which to present findings due to the disparate meanings of the term and its overuse and fetishization within academia. Within this, a limited view of activism is often presented that ignores the everyday struggles and resistance of people (Lee et al. 2021). I have distinguished between different stages of asylum journeys, and journeys across border regimes, through specifying if a person does not have any ongoing asylum claim and is thus 'illegalised', or whether they have been granted refugee status and thus are seen as a 'refugee' or if they are still 'seeking asylum'. I do so fully aware that such forms of categorisation are problematic, as discussed in the introduction. However, I have included these details, which are reflective of the legal system of asylum and resulting categories of legality, as they shed light on, and come to affect, the experiences of interlocutors in relation to the research focus, affecting decisions, experience, and viewpoints. These details were not included for those without lived experience of asylum regimes in Europe as they became less relevant to



experiences within the research field. Instead, I have included details on their job role, or the type of organisation they worked with.

Semi-structured interviews are widely considered as an effective tool for interviews with interlocutors who may belong to bureaucratic or “elite” participant groups, as they allow both control and freedom in an “efficient use of time” (Bernard 2000,191). Likewise, for other interlocutors they provided a means in which to give some form to questions and allow for similar themes to be discussed across all interviews. The interviews were conducted towards the end of the fieldwork in both ethnographic settings, allowing for the themes to be explored within the interviews to emerge from the participant observation of the previous months. This thematic framework for interviews was also possible in the UK despite slightly less time in the field before interviews. Such an approach enabled themes for the interviews to be developed inductively, whilst also giving space for interlocutors to contribute and actively shape the direction of the conversation (Kiger and Varpio 2020; Thomas 2006). This meant that interviews, though open enough for tangents and individual thoughts to be followed, concentrated on the prevalent issues that had already come to light in my fieldwork. In all interviews, I never pushed questions that related to a sensitive or personal topic, beginning each potentially sensitive question with the explanation that answering was always optional - something that was also stated clearly at the beginning of each interview. Here, personal boundaries and privacy were taken seriously and seen as greatly more important than the research questions, following a “protective and compensatory respect” for interlocutors (Krause 2017,13). Questions were designed to not focus explicitly on too intimate a topic, however it became the case that some interlocutors would tell me more than I had asked regardless.

In all interviews, consent forms and information sheets were completed for each interlocutor (see Appendix III for consent forms<sup>83</sup> and Appendix IV for information sheets in English<sup>84</sup>),

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<sup>83</sup> I used two different consent forms for different interlocutors. The first one listed in the Appendix is for experts, civil society actors, European volunteers and NGO workers. The second one listed in the Appendix is a simplified version for migrant interlocutors. I have not included the translated copy in the Appendix as the translation is a direct copy of the text in English.

<sup>84</sup> I had the simplified version of the consent form and a different version of the information sheet (see Appendix V) translated into Arabic and Farsi.

and interviews were recorded whenever permitted and then stored in an encrypted database. Where needed, I used a translator to carry out interviews, making sure I received informed consent from the person with whom I was speaking. In Greece, when translation was used, I was assisted by members of the collective with whom I was working, who often acted as interpreters in this setting and were adept to be sensitive, confidential and trustworthy. For the UK, translators were not always an easy option due to conducting some interviews online, however for three interviews, with five interlocutors in total, a friend from the migrant solidarity project helped with translation.

Interviews were carried out in a variety of settings. I allowed my interlocutors to choose the location so as to ensure it was carried out in a place in which they felt most comfortable/where was suitable for them to talk. In Greece, this sometimes meant their office or place of work, whilst others took place over video call, in cafes, parks or interlocutors' houses. In the UK, almost all interviews, minus the two with the translator, took place online due to Covid restrictions. The interviews that took place in person were done outside in a Covid safe space.

In Greece, none of my interlocutors were paid for interviews; however, costs were covered for everyone where they occurred, and where interviews took place in cafes, I paid the bill for any food or drink purchased, a move which has been noted as essential by some (Krause 2017,16). In the UK, due to a different approach to speaking with people, as I will discuss below, as well as the lack of being able to offer someone food or a drink and instead allow them to buy their own, migrant interlocutors were offered £20 for taking part in the research. Interviews varied in length, the shortest being around 30 minutes, and the longest almost two hours. The average length of interviews was slightly over an hour, showing the in-depth and lengthy conversations that the interviews allowed for.

### 3.2.3 Finding Interlocutors

I met interlocutors for my fieldwork in a variety of ways. In Greece, personal connections were used for some interviews, beginning with interviewing those I worked with through the collective. The level of trust and friendship within these interviews allowed for a great deal

of information to be gained. For the remainder of interviews with those with lived experience of the asylum system, I asked those I had spoken with already if they had friends that would be happy to talk with me. I found this personal connection allowed for a higher level of trust from interlocutors. Information sheets were written and translated into Arabic and Farsi (see Appendix V) – the two main languages present at the time of my research for people seeking asylum, which allowed for a more comprehensive understanding of what the data collected would be used for. Beyond this, I used connections gained through work at the collective with NGOs in the city, leading to the interviews with NGO volunteers. Again, a level of trust was gained through shared experience of working with organisations in Athens, and honest opinions were shared. For the remainder of expert interviews, I reached out via LinkedIn and through the press office of the Greek Asylum Service (GAS) to make initial contact. The access gained through the press office at GAS was invaluable and allowed me to speak with multiple workers within the asylum office and provided instrumental information for my research.

In the UK, I followed similar techniques for speaking with my first interlocutors, building upon personal connections I had through the solidarity networks of which I was part of, and the volunteering I had done. For the remaining interviews with experts and civil society workers, I reached out via email – which I had either been given by previous interlocutors or found on websites or reports – and asked if they would speak with me. This worked well and I soon found enough people to speak with. However, in the UK, speaking with Home Office staff was much harder to access than with GAS, and I met many dead ends when trying to find people to speak with – something which becomes emblematic of the asylum system in the UK, which is shut off from the public and does not disclose their inner workings easily. However, I spoke with one civil servant, and found information given from other expert interlocutors to provide enough data for my research.

### 3.2.4 Transcribing and Data Analysis

Interviews were recorded and transcribed verbatim, allowing for a higher level of accuracy, trustworthiness, detail and rigor to my analysis of field data (Nowell et al. 2017; Poland

1995). Participant observation and extensive ethnographic fieldwork had already been used to outline interview schema, drawing on interlocutors' input to outline the themes to be explored in the interviews. This cyclical method of analysing re-occurring themes in both the field and interview data draws somewhat on grounded theory techniques (Glaser and Strauss 1967), wherein theory develops out of data. Further to this, emerging codes and theory comes to shaping future data collection, meaning that analysis is not separate to fieldwork, but occurs together, shaping each other to understand what it is happening in both the field and at a more abstract level (Crang and Crook 2007).

Following this, thematic analysis of the transcripts was carried out to further refine and explore the main findings of my research. I looked for recurring issues that gave insight into complex data assemblage and immigration policies. Although some themes were guided by my research questions, others came to light inductively, through noting recurring issues brought up by interlocutors relating to lived experiences or navigating datafied asylum regimes. This gave space for my interlocutors and experience in the field to shape the direction of my thesis. Using the interview transcripts, data was reassembled together into two documents – one for each fieldwork location. These documents separated data according to more defined codes which were identified within each overarching theme (see Appendix VI). I used these documents to structure the findings and presentation of fieldwork data. This allowed me to identify significant issues within each theme and structure my data chapters so as to include the most prevalent issues. In this way, I was able to highlight the core narratives and stories that framed the research (Bryman 2012), allowing for insights into my core research questions (Boyatzis 1998). Key themes that emerged, and which form the framework of the following chapters, were issues of control, identification, categorisation, surveillance, consent, information, phones and social media, lack of access to rights, injustice, dysfunctional technology, discrimination, and fear.

### 3.3 Ethical Considerations and Limitations

When studying marginalised and precarious communities, such as illegalised migrants and people seeking asylum, it is fundamental to consider all the possible implications that

research may have for all those involved: from exposing people to danger through the disclosure of personal information, to damaging their asylum claim or furthering the risk of deportation. Arguably “research on refugee populations poses some of the most difficult ethical and methodological challenges in the field of human research” (Kabranian-Melkonian 2015,715). Pittaway et al. remark that if research is not carried out appropriately relating to refugees, projects that were meant to have a positive outcome can lead to exploitation, disempowerment, distrust, emotional and material harm, as well as the risk of “re-traumatisation” (2010,235). And, as highlighted by Gillespie et al. in their experience of interviewing refugees in Paris, many feared “harassment, exploitation, surveillance, arrest, detention, deportation, and destitution” due to previous experiences, and also wished to remain invisible to authorities (2018,3). Within this, ‘Western’ scholars are particularly in danger of replicating dominant and harmful power structures and must be careful not to reproduce “victimising notions of refugees” and contribute to “concepts of vulnerabilities” (Krause 2017,19). The importance of noting individual experiences opposed to imposing collective and uniform views and thus perpetuating these harmful notions, is one reason I followed a narrative approach. This allows for individual stories to come to light in reference and regard for an individual’s personal situation, their age, gender, history, and thus seeking to avoid problems of simplistic scholarly abstractions which deny important subjectivities (Agier 2011,149; Lubkemann 2008,16; Turner 2010b,3 cf. Krause 2017,19). Further to this, the inclusion of narratives from more than one positionality within border regimes allowed for a further subjective approach.

Likewise, it remains important to avoid a purely extractive and exploitative research approach, which seeks merely to take data and not engage with the potentially harmful outcomes of research, without offering either practical or long-term benefits of engagement with the research. As Pacheco-Vega and Parizeau (2018) highlight “research can be inherently exploitative due to the power differentials between researchers and their research communities” (p.3, cited Wolf 1996). The authors argue this is of even greater concern when conducting research with communities living within structures that seek to disempower them. Here, reflexivity as well as self (and outside) critique are vital and required me to be engaged and open to listening to the community I was working with. As such, elements of

participation from interlocutors were incorporated into my methods, wherein the lead for research focus was given to interlocutors opposed to enforcing my views onto the research from the outset. Such participatory approaches are understood to “reduce power and knowledge divides, contribute to mutual understanding and promote opportunities of participants’ empowerment” (Zwi et al. 2006,271-272 cf. Krause 2017,20).

However, my research methods did not go so far as to be wholly participatory, but rather offered a “potential space for their [participants] active engagement” which allows for “respectful listening, sensitive acknowledgement and... a more nuanced understanding on their life circumstances” (Boccagni and Schrooten 2018,220). This did not fully incorporate the “luring” labels of ‘active’ or ‘collaborative’ (ibid) but did provide space enough for engagement from interlocutors without enforcing expectations of ongoing involvement which would have required extensive time and labour from them.

On top of this, critical research has been criticised for overlooking the researcher’s positionality, which is much needed as an acknowledgement of the researcher’s “own power, privilege and biases” (Madison 2005,7). This is especially important to consider when critical theories and methodologies condemn external oppressive power structures acting upon interlocutors. As Madison notes however, through recognising and contextualising one’s positionality within research it is possible to make your research more transparent and avoids a “gratuitous self-centeredness... as though it has no “self,” as though it is not accountable for its consequences and effects” (p.8). To combat the problem of the privileged positionality of myself, the multiple subjectivities of myself and my interlocutors must be questioned.

There are undoubtedly issues of inequality between myself and some of my interlocutors, as well as complex and overlapping issues of insider/outsider, engagement/exploitation, coercive/extractive, and further to this, dangers of re-traumatisation, or enforcing racial hierarchies. Speaking to this, Pacheco-Vega and Parizeau (2018) talk of “doubly engaged ethnographies”, whereby researchers must be “self-reflective, auto-critical, and engaged with the needs of those communities that they are studying” (p.2). Thus, ongoing self-reflection and critical awareness must be followed at all times during ethnographic research. Indeed, for myself, the need to be active within the community I was using as a focus of my research

was key and a reason for adopting an ethnographic approach. Here, my work within the ethnographic setting was more than participant observation, but practical engagement with an aim to dedicating time to working and prioritising practical support opposed to only ever thinking of my research questions. Of course, I recognise these steps can never overcome all of these issues, as inequality, extraction, coloniality, and privilege run deep across my research.

Despite these issues, it is important to note that my involvement with projects and solidarity networks was not borne out of a desire to research them, but rather the other way around, where I conduct this research because I am involved with these projects. As Tyerman (2021) says in relation to his own fieldwork and ongoing ethical struggles regarding issues of privilege, self-serving research, and the extractive and fetishizing nature of research on migration, these issues remain the “rough ground” of ethical politics. He comments that they will likely stay with us as researchers, “hauntingly unresolved” (p.3). As such, Tyerman suggests we must accept this (im)possibility of ethical research and maintain our commitment to working against oppressive border regimes beyond the reach of our academic work.

These limitations of ethical considerations discussed above run alongside other limitations in my research design and fieldwork. Included within this is the disproportionate representation of certain voices in my data. In Greece, for example, many interlocutors with lived experience of the asylum system were male, where I only spoke with two women seeking asylum in Greece. Furthermore, many migrant interlocutors I spoke with were young, and the majority did not have families. Thus, the data is skewed towards the experience of single young men, which is not in itself a limitation if research is focused on their experiences specifically. However, this does limit the ability of my research to generalise about the experience of the more diverse community of people navigating asylum in Greece.

Also, in the UK, whilst a greater number of interlocutors with lived experience of asylum were female, again many of those I spoke with were young and did not have families. Another issue in the UK was the lack of access to Home Office staff and border guards. This was sadly unavoidable, as I could not find a successful avenue for speaking with them. However, this did allow me to prioritise those with lived experience of asylum systems, where

interlocutors shared rich insights into datafied systems of control and surveillance in the British asylum system. Despite this, it should be noted that data is once again skewed to these experiences.

As mentioned above, the COVID-19 pandemic also presented multiple limitations to ethnographic fieldwork, meaning the last few months of fieldwork was conducted mostly through interviews online. Whilst this of course limited the data collected in some ways, as conversations on zoom are hugely different to those in person, it also allowed for me to reach interlocutors beyond the physical research setting and gave insights into the asylum system in the UK more broadly.

Another thing some might call a limitation is my lack of objectivity. However, as discussed above, my politics and involvement in solidarity networks became the guiding ethos, the inspiration, and the methodology for this research, in line with both critical social theory and critical ethnography. The commitment to the issue of border struggles is what has driven this critical engagement with datafied borders and is thus integral to my research design and the writing of this thesis. In the following chapters, I present the data collected through the research described above, to provide the insights and share the experiences of my interlocutors, who I hope will be pleased with the final outcome of our conversations.



## 4. Control Through Identification and Categorisation; the Power of a Fingerprint

### 4.1. Introduction

B: They weren't really clear, they scared us by saying if you don't sign you will be deported back to Turkey. The situation at the time, it was right after the EU Turkey deal, so it was chaos. There wasn't any clear procedure, there wasn't any alternative.<sup>85</sup>

Ae: Nobody tells why they're doing the fingerprinting. That's part of the controlling, that's part of authority. That's them taking over your life without explaining anything to you.<sup>86</sup>

Fear, confusing and chaotic systems, lack of choice, and a feeling of being controlled - the quotes included above highlight some of the main issues at stake when we start to discuss the use of biometrics within border control and asylum procedures in both Greece and the UK. These quotes came from interviews with two migrant interlocutors, carried out during fieldwork in the two locations. Specifically, these answers followed questions surrounding events after arrival, and subsequent biometric registration for asylum. They highlight common themes running through the two fieldwork locations, where an overarching data infrastructure links fingerprint practices in disparate locations across Europe.

Someone's fingerprint marks their entry into the biometric assemblage of border controls within Europe. They either tie someone to one place, or else follow them along their journey through Europe within a biometric border regime. The framework of this regime, as discussed in the previous chapter, includes Eurodac alongside the SIS II and VIS (see Soysüren and Nedelcu 2020). Here, I refer mainly to Eurodac, which, up until the end of the Brexit transition period in January 2021, was a common database in both fieldwork locations.

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<sup>85</sup> Quote from B, a man from Afghanistan who has refugee status in Greece.

<sup>86</sup> Quote from Ae, a woman from Nigerian who has refugee status in the UK.

Biometric registration also means entry into the domestic databases of ALKIONI and IABS in Greece and the UK respectively.

Eurodac is used to enforce the Dublin Regulation, a mechanism to determine where a person should have their asylum claim examined. As discussed in the previous chapter, the guiding principle of the Dublin Regulation is that a person should apply for asylum in the first Member State (MS) they arrive in. This system is reliant upon biometric data, which is entered into Eurodac, where fingerprints are used to search for “hits” to verify a person’s identity and check eligibility for an asylum application (Tsianos and Kuster 2016,256). If a person has been registered in Greece and subsequently moves to another country, a Eurodac search will show this, and the asylum claim could be deemed inadmissible, following which, a removal notice could be given (Soysüren and Nedelcu 2019).

Implicit here is that fingerprints, as will be explored further below, work to entrench manifestations of power over movement and shape experience in both distinct and multiple locations, enacting control through quantification (Fanon cf. Browne 2015,6). As such, logics of control and identification for the purpose of political immigration policies govern fingerprinting practices as well as their outcomes. Arguably then, the complex assemblages that have come to formulate the socio-technical border regimes of Europe reach beyond ‘tools’ used for ‘efficient’ registration, for facilitating humanitarian aid, or attempting to enable common European asylum policies. Through focusing on how power manifests, we can better conceptualise and understand the impact and lived experience of being fingerprinted as a means of enacting control and advancing restrictive immigration policy.

To explore these issues of power and control, this chapter critically engages with the databases and identification methods used in mainland Greece and in the UK. I draw on the perspectives of state and EU actors, police, NGO workers, civil society actors, volunteers, and people on the move. This is to firstly familiarise the reader with biometric technologies at play throughout interactions with borders and asylum in what is often a person’s first encounter with Europe (Greece), as well as what is often seen as the ‘destination’ (the UK). Secondly, through bringing together sometimes conflicting standpoints and experiences of

these technologies I draw on different perceptions and understanding of their roles, functions, impact, motives and uses.

To engage with, and add to, debates surrounding the use of biometrics, I present fieldwork findings that illustrate the multifaceted meanings, values, and power intrinsic within fingerprinting. These encompass biometrics as indisputable identity, to fingerprinting as a mechanism of categorising people, to issues surrounding lack of informed consent and information. What I highlight for the reader, and what my empirical work contributes to existing debates on the use of biometrics, is to show the ways in which fingerprinting practices exhibit multifaceted and deep-rooted manifestations of power and new means of operationalising existing techniques of control.

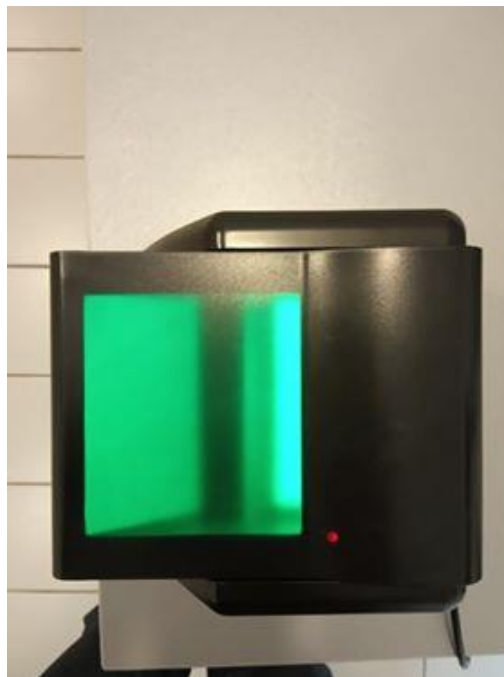
To begin, I present two ethnographic accounts of fingerprinting, one in Athens, Greece, and one in Liverpool, UK to foreground the reality of giving your biometrics for an asylum claim. I then discuss the policy goals of fingerprinting and how this enacts restrictions on movement and facilitates deportations. Building on this, I reflect on the power and control inherent to biometric borders. Finally, I explore processes of registration for people seeking asylum in Greece and the UK, with an emphasis on the different experiences and narratives that surround fingerprinting practices, drawing out common themes, and illustrating differences. For Greece, I focus primarily on the asylum processes on the mainland, which differ substantially to practices in the ‘hotspots’ on the islands. However, some interlocutors in Athens had previously travelled from the islands, and some practices are common between the disparate locations. Where this is the case, I shall make it clear.

Although many differences are apparent between the two locations of research, the use of biometrics as an overarching mechanism for identification and potential tool for deportation or refusal to consider an asylum claim means that the British border looms large in Greece. This spatial distance of physical locations between the two research sites is crossed in seconds by fingerprints, yet for illegalised border crossers can take months or years to travel, and for some who never make it, it can cost their lives. Along this journey, we see the

meaning and outcome of fingerprinting change and interact in different ways at different spatial and temporal instances.

#### 4.1.1 Fingerprints in Practice

It's early on a winter morning, the cold air hitting our faces hard as we wait in line outside an asylum office in Athens. Many other people are waiting with us, and some have spent the night here with their children, sleeping on cardboard and with too few blankets. After some time, the office shows signs of life, and two guards come outside and start shouting. People quickly move and start to form a loose queue, all the while the guards parade up and down, asking people in short tones why they are here, checking if people have their asylum cards or a scheduled appointment, and writing asylum case numbers on a clipboard in exchange for a small piece of paper. I am questioned as to why I am there and explain that I am accompanying a young Bangladeshi man to his registration appointment, as part of my role with a grassroots organisation in the city. Often when people go alone, they are refused entry. The guard nods, and then she continues to shout at people up and down the line for various reasons. The mood is tense.



*Figure 3 - Picture of fingerprint machine in a registration office in Athens*

Shortly after, the queue starts to move as people are rounded into a fenced off waiting area by the door, where numbers and asylum cards are again checked. Eventually we are both let through and told to sit and wait in a small, overcrowded room. A long time passes, during which guards continue to shout orders to people to move up, make space, sit there, move again. Finally, the number of the person I am with is called and we approach a small window at the edge of the room. The woman behind the window finds a Bengali interpreter and begins to take basic details from him. A few moments later she ushers him into the office to have his fingerprints taken. The office is small and busy, with around eight members of staff inside. The fingerprint scanner sits on the desk in the middle of the room. A few seconds later it's finished. He has given his fingerprints and is now in the system. Just like that his data double is trapped within a biometric database aimed at limiting freedom of movement. He is told to go back out and wait again for his name to be called to complete his full registration. No other explanation is offered, and we sit again for some time before he is called into another room. This is just one example of registration and fingerprinting in Greece, others interviewed spoke too of cold treatment, little explanation, and long waits. Many people are fingerprinted directly after crossing the border, still reeling from the often-traumatic journey, sleep deprived and confused.

On another winter morning a year later and far from the Athenian streets, I travel to a Home Office building in Liverpool, the Further Submissions Unit. This time cold rain joins the bitter wind, and we make our way quickly inside the building. Greeting us at the door is an airport style security check, several security workers, a walk-through metal detector and x-ray scanner for our bags. The person I am travelling with, Ts, seems used to this, and is ready with his bag. He explains to me the same level of security exists at the reporting centres people must attend when under immigration control in the UK and given a 'Bail 201' form. After passing through the security gates, we make our way upstairs to the waiting room where Ts is to hand his 'further submissions' (FS) in<sup>87</sup>.

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<sup>87</sup> This refers to further evidence that can be submitted after an asylum claim is refused, and subsequent appeals lost (appeal rights exhausted). To ask for a reconsideration of your claim, fresh evidence must be given, and the Home Office will decide if they think this is enough to begin a fresh asylum claim and have another appeal court hearing.

We sit together in the waiting room, decorated with various posters on asylum and relevant information, ‘voluntary’ returns, and many signs telling you to keep your phone off and out of sight. No photos or phone scrolling allowed. Only waiting. Some people are called for interviews, others to hand their evidence in to a staff member sat in a hatch in the corner. As in Athens, the mood is tense, and nervousness is palpable in the air. Eventually Ts has their name called, they go forward and hand their folder of evidence in at the hatch. Little is said during this interaction. The Home Office staff member goes through the documents, confirms what is there, types on the computer to enter the information into their system, and a receipt is printed. “Now go downstairs and do your biometrics”, the staff member says, “and then you can go”. With that, we head back downstairs to a large empty waiting room in front of a huge sign above the door which signals the room for biometric data submission.

I ask Ts about this, did they know they would give fingerprints? He tells me that yes, he knew, “it’s just a computer, you go to give your fingerprints”. This was not the first FS he has made. Ts has been in the country for many years, arriving in the early 2000s, but faces an ongoing battle with the Home Office for secure immigration status. After a wait, Ts goes to give his fingerprints - I am not allowed to follow him - and comes out moments later ready to leave. Finally, we head out together back into the wind and rain and Ts faces a much longer wait for the decision on his FS.

These two accounts speak to entirely different times in an asylum claim, in both spatial and temporal dimensions, at hugely different geographical and legal stages of an asylum journey. The former highlights how quickly, and with what little information the first interaction with biometric controls takes place. The latter, much further down the asylum journey, after multiple rejections and years of uncertainty and precarity, highlights the normalisation of fingerprinting practices. Despite these disparities, the purpose of fingerprinting remains constant, carried out for a specific purpose of identification as a means of enacting control over immigration status and mobility. In the next sections, this notion of control will be explored, first through examining the policy goals and uses of fingerprinting, where it becomes a means of facilitating Dublin III, and deportations between MS. Following this, I

look at how fingerprinting has become a means of identification and truth, and then as a tool for categorisation and criminalisation.

## 4.2. Dublin, Eurodac and Policy Goals

### 4.2.1 Eurodac and the Dublin Regulation

This section examines the realisation of the Dublin Regulation and resulting deportation practices in which biometrics help to facilitate. To do this, I draw largely on interviews with lawyers and civil society actors who shared their experiences of working in the field and how they see these policies play out. However, to begin this section, I include some quotes from interlocutors with lived experience of the Dublin Regulation. This final subsection focuses almost entirely on data from UK fieldwork, where we can see the consequences of Dublin III at later stages of a person's journey through Europe. During fieldwork in Greece, as discussed above, people were wary of giving their fingerprints, and even if they did not know the name of the law or the database that would follow them across Europe, they understood that their fingerprints would make them visible and traceable. This section will further engage with these apprehensions, looking at the fallout from fingerprints in other countries.

The focus for this chapter, as outlined in the introduction, is examining the use of biometrics for the Eurodac database, which in turn facilitates the Dublin Regulation discussed in the previous chapter. The Dublin Regulation states that someone must claim asylum in the first MS they arrive to in Europe. It also provides frameworks for deportations between MSs as well as pathways for families to have their asylum claim heard in one country through reunification mechanisms. The Dublin Regulation works to identify illegalised travellers and people seeking asylum as a means of containing people in arrival countries. Thus, we see the importance of the regulation in fulfilling important policy goals of limiting free movement for illegalised travellers.

To facilitate this, Eurodac is used to register people into three categories – apprehended at the border but not pushed back; caught without status in a country; or as a person seeking

asylum. Practically speaking, Eurodac gives someone a unique number attached to biometric and basic demographic information, noting the place they were registered (asylum unit), and the date of fingerprinting. Through this number, location data is available, as is data regarding ongoing and previous asylum claims in MSs. One of the key ideas behind Eurodac was to facilitate a robust means of establishing responsibility amongst member states for asylum claims, where the first country a person is registered in is responsible for their claim. However, it also enables the reinforcement of geographical containment, where people either become trapped or are deported back to the first country they are registered in. This, in turn, has led to a disproportionate amount of pressure being put on peripheral EU states such as Italy and Greece to accommodate all arrivals to their shores. Here, the Dublin Regulation works in favour of countries such as the UK who are geographically protected from the external borders of Europe.

Throughout interviews with NGO workers and volunteers, Eurodac was often seen as a means of using biometric data to substantiate border policies. Many told me of their beliefs that it furthered efforts of containment and deportation, and reinforced hostile attitudes towards migrants. This is especially the case in Northern European countries, who are able to use Eurodac hits as a means of refusing responsibility for asylum claims. As F, a volunteer with a legal NGO in Athens, told me, she believed that Eurodac acted as an attempt to make people feel like they are being watched and tracked:

F: For now, it [Eurodac], is a system – at least in the way I interact with it... that's there to try and threaten people and make them feel watched but in reality, I don't know many people who have been sent back through Eurodac. Though I am not hopeful for the future.

However, there was also a suspected lack of uniformity regarding the application of the Dublin Regulation and how fingerprints in Eurodac could affect someone's chances of deportation or successful asylum claim. As H, a young man from Syria seeking asylum in Athens suggested, it is potentially not so much about the legal aspect of Eurodac, but about



what each country wants at the time. This meant that country politics perhaps become more important than the regulations surrounding Eurodac:

H: So before, Sweden was taking everyone, but now it's not. They don't care about the Eurodac, they will make it after when they want, and when they don't want, they will ignore it simple. So that's it... you cannot stick with the Eurodac and putting all your plans according to the Eurodac, because they didn't care about it before, but now they care, but maybe after that they will not.

Of note is that migrant interlocutors who had been in Greece or other European countries before seeking asylum in the UK told me there was an idea that the UK was less likely to deport people back to other EU countries for having their fingerprints. For example, as Md, who had previously been "brutally deported" from Iceland back to Greece under Dublin III, explained to me:

Md: But they are looking for excuse from you yeh, but they can't find anything if you don't have fingerprint, they can say we don't like your colour, we don't like your eyes, your height. That's it.

...

Int: And what made you choose the UK to come to?

Md: Because of the rumours - that came true. That the UK doesn't deport people from Greece. So, it was like a very big hope from me and see if it is true or not. Fortunately, it was true.

As Md suggests, fingerprints could be an "excuse" to deport someone but that doesn't mean it will always happen. These rumours about the lack of deportations to Greece find resonance in Home Office practices. Between 2011 and 2017 returns to Greece across Europe were suspended following the case of *M.S.S. v. Belgium and Greece*, when the European Court of Human Rights found the conditions in Greece to be in breach of Article 3 of the European Convention of Human Rights due to conditions of detention (European Court of Human Rights 2011). Returns began again in 2017 after the European Commission recommended

the “gradual resumption” of Dublin returns (European Council for Human Rights 2016). Despite this, in the UK, as shall be explored below, returns to Greece did not take place. However, this is not the case for all Dublin deportations from the UK to other MS. Indeed, throughout the summer and autumn of 2020, in the run up to Brexit and the loss of access to Eurodac, the Home Office geared up their efforts to deport people who had fingerprints in other EU countries whilst they still could (Corporate Watch 2021).

To explore the implementation and consequence of Dublin III and Eurodac, I now present insights from immigration lawyers working in the UK, alongside people fingerprinted. This allows for an understanding of the impact of fingerprints in other MSs. I then before moving to look at the use of fingerprints for deportations. I argue that, especially in light of the run up to Brexit, fingerprints become the cause of “hypermobility”, resulting in what Picozza calls “Dubliners” (2017a), who get caught in ongoing cycles of precarity as they are deported repeatedly and forced to make repeat journeys. As almost all of my research was carried out before Brexit, I refer here to frameworks that existed when the UK was still a MS. Proposed changes to immigration and asylum law in the UK are currently under parliamentary debate, where the Home Office wishes to bring in new “inadmissibility” rules for anyone who has passed through a “safe third country”, meaning asylum claims would not be considered (Gower 2021).

#### 4.2.2 Fingerprints in Other Countries

Following on from Md and H’s comments on the suspected arbitrary nature of when fingerprints and Eurodac will be used as an “excuse to deport”, or when they will be ignored, I now discuss the complications and difficulties that fingerprints present during an asylum journey. Here, we see that no matter the outcome, the policy framework that Eurodac exists within exerts huge power over someone’s experience and provides a legal structure for deportation and delays to asylum claims. Is, a young man from Yemen claiming asylum in the UK after gaining refugee status in Greece, told me of his understanding and concerns over fingerprints and the Dublin Regulation:

Is: the law is very strict, it says, once you even claim asylum, you cannot even get a status in one of the European countries that are signing this Dublin Regulation, then you cannot go somewhere else, and any of these members of states can deport you back anytime they want.

As Is tells us, the Dublin Regulation provides a framework for deportation to another MS. However, as alluded to above, it does not always result in it. Here, a Eurodac hit is not always the cause of deportation, neither does it always result in deportation. Due to domestic political structures in MSs or specific circumstances of an asylum case (vulnerabilities, family connections, trafficking or torture), it will not be the only deciding factor in controlling movement, highlighting cracks in Dublin III. Indeed, in 2018 37% (202,806) of asylum applications across Europe were cases where the applicant had applied in more than one country (eu-LISA 2019). Also, there were only 33 deportations to Greece via the Dublin Regulation in 2019, despite 12,718 return requests being sent to Greece from all MSs (AIDA 2020). This is likely because Greece often refuses to accept return requests from other MS, citing the inability of the state to give suitable support for anyone returned under the Reception Directive (Alper 2019). Despite this, the implications of fingerprints can be profound and difficult to counteract. To explore this, I include details from fieldwork in the UK, where it becomes possible to see the implications of having your fingerprints in Greece, France, Italy, or anywhere else in Europe, as is often the case for those who have travelled overland to the UK.

Lv, an immigration lawyer working in both the UK and Greece, explained the impact fingerprints could have on an asylum claim in the UK, reflecting on cases she has worked on over the years:

Lv: It's like doom. It means that someone has this horrible additional procedure hanging over them and they've made this long, really dangerous journey and finally it's really their destination and every other country on the way has been like a transit country or somewhere they haven't felt safe. Finally, they reach their final destination, and they risk being sent back somewhere, like things going

backwards instead of forwards... I've known people that for years, they have this Dublin procedure ongoing and they're constantly unsure whether they're going to be able to even have their interview.

As Lv describes, even if a fingerprint does not result in deportation from the UK, it adds an additional procedure to the asylum journey. This lengthy process was also described to me by people seeking asylum in the UK, where more than one person told me their concerns that having a long wait for an interview was due to having their fingerprints in France and Italy.

So, we see that fingerprints can cause complications for asylum claims. This is in part because if there is a Eurodac hit, the Home Office may attempt to ask another MS to “take back” the person and take over responsibility for the asylum claim. This request is sent when one EU state requests that another MS takes responsibility for an asylum claim, and is possible under Article 13.1 of the Dublin III Regulation<sup>88</sup> where Eurodac shows that a person was first registered in another MS. Other evidence besides fingerprints can count under Article 13.2, such as circumstantial evidence that shows residence for longer than five months in another MS. I explore this in the next chapter in relation to phone data extraction. If a return is not possible then the UK must consider the asylum claim. Once the Home Office decides to allow a consideration of someone's case, they send a letter confirming that the Third Country Unit, created to deal with Dublin cases in the UK, has decided to accept their case. This “forgiving letter” as one person seeking asylum in the UK described it, states that “given the particular circumstances of your case it has been decided, exceptionally to withdraw the third country certificate<sup>89</sup>”. The noted exceptionality of these decisions, one lawyer suggested, could be a tactic to avoid case law being created in court that would mean a blanket ban on deportations to particular countries, where it becomes about the Home Office “exercising their discretion” to avoid “any kind of helpful precedent<sup>90</sup>”.

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<sup>88</sup> See Council Regulation (EU) No 604/2013 of the European Parliament and the Council of 26 June 2013, establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast). <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:en:PDF>

<sup>89</sup> Quote taken from a letter shown to me during fieldwork.

<sup>90</sup> Quotes from Lv, an immigration legal caseworker in the UK and Greece.

Where deportations are attempted, as happens when another MS accepts a “take back request”, these can be challenged as unlawful in court. Such challenges occurred in the summer of 2020, where courts found deportations to Spain unlawful due to conditions on arrival (Taylor 2020). A lawyer who had worked closely on cases such as these explained to me that when these challenges happened “the burden is always on the asylum seeker to challenge that removal<sup>91</sup>”. Here, causes for challenging could be related to family connections, trafficking, conditions in the country the Home Office wishes to remove to, amongst others. The success of these challenges varies hugely, depending on the case and the country. The next section shall explore what happens when challenges are not successful, where deportations take place due to fingerprints in another EU country.

#### 4.2.3 Deportations

As outlined above, fingerprints have the potential to facilitate deportations under the Dublin Regulation, where biometrics stored in Eurodac are used to track where and when a person was registered in a MS. These deportations are an overt instance of the violence inherent to European borders, where control over movement is enforced and facilitated in part by biometric data. If we reflect on deportation practices in the UK under the Dublin Regulation, we can see the highly political and exceptional use of deportations, where the implementation is liable to change and hard to predict.

In contrast with the uneven implementation of Dublin deportations presented above, where the UK seemingly did not deport people back to Greece, Ev, an immigration lawyer in the UK told me that, in their experience, the Home Office is likely to always attempt a deportation:

Ev: My understanding is that if the fingerprint match is uncovered, then the UK will do everything that it can to get the other country, the country in southern Europe, to take that person back. There is a strong drive from the Home Office

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<sup>91</sup> Quote from DI, an immigration lawyer working in the UK.

to do that... The UK's intention, the drive, has been for many years to use those fingerprint matches wherever possible to return people to another country, to absolve the UK of the responsibility for that claim.

A few things of note are mentioned here. Firstly, that specific geopolitics intrinsic within the Dublin Regulation means that Southern MSs are far more likely to receive "take back requests" than Northern MSs due to their peripheral geography. This is something visible when we look at the number of requests sent to Greece from all other MS, which totalled 12,718 in 2019 (AIDA 2020), compared to the UK, where only 2950 requests were sent to the UK, mostly Family Reunion requests (Home Office 2020a).

When speaking with people in the UK I was often told of their fears of deportation and the resulting impact on their mental health. Is told me of his worries, referring to the suicide of a man from Yemen in a hotel in Manchester, which took place a couple of weeks before we spoke:

Is: You could see some others trying to commit a suicide now because of what you're hearing lately. The deportations. So, this is something serious. It cannot be ignored... I would imagine myself now being sent back to Greece and staying for few months, not finding a job, not funding a house. This could kill me too.

The deportations that Is refers to are part of what was termed 'Operation Sillath' by the Home Office which outlined plans to carry out as many Dublin returns as possible before the end of the Brexit transition period (Home Affairs Committee 2020). The Home Office fell far short of this target, despite being "desperate to meet it"<sup>92</sup>. Indeed, the failure to deport anywhere near the target of 1000 people highlights the unlawful nature of deportations, where when they are challenged, they are often stopped on Human Rights grounds. A report by Corporate Watch (2021) estimates that 136 people hoping to seek asylum in the UK were deported under the Dublin Regulation as part of 'Operation Sillath'. The Home Office

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<sup>92</sup> Quote from DI, an immigration lawyer in the UK.

statistics show a slightly different number, stating that 108 people were ‘Dublined’ (i.e., deported under Dublin) during 2020, although 8052 requests were sent, with Germany, France and Spain being the top three countries requests were sent to (AIDA 2021). Important to note is that deportations do not stop movement, and many people who are ‘Dublined’ simply make the journey again. Thus, deportation creates ongoing precarity and movement as opposed to reducing migrations. As Fr, an NGO worker in France says, the practices that biometrics facilitate, including tracking, identification, categorisation and deportation do not have the power to stop migration. She noted that the majority of people she met in Calais trying to cross had previously been ‘Dublined’.

In an effort to deport as many people as possible before the Brexit deadline, efforts were stepped up and between one and two charter flights took place each week between August and September - 31 in total (Corporate Watch 2021). This was “unheard of<sup>93</sup>” and relied upon a fast turnaround which resulted in many people failing to have access to legal advice due to such a short time in the UK before being served a removal notice, as one lawyer working in London suggested. Here, efforts were focused largely on people arriving to the UK by small boat, where political and public attention focused upon the rise in number of people crossing the channel. This was visible in the newspaper headlines throughout the time of my fieldwork which repeatedly brought up the subject. As people were transferred straight to Short Term Holding Facilities (STHF), and emergency hotels, I was told about a lack of legal access, meaning when challenges did occur they happened very last minute.

The focus on channel crossers was arguably a political decision opposed to something defined by law, as DI, a lawyer working on these cases implied:

DI: It has become a real hot topic in the news and so our impression was that the Home Secretary viewed it as something she could crack down on and make a statement on, and that it’s become political rather than just about governance or whatever.

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<sup>93</sup> Quote DI, an immigration lawyer in the UK.

This highlights the political nature of deportations, drawing together many of the issues described above. Within this, fingerprints are used to identify people for control and categorisation as ‘non-citizen’, or ‘undesirable travellers’ to be deported for political goals of keeping numbers of those seeking asylum low. I explore this below in the second part of the chapter which looks at the power of a fingerprint in fulfilling these functions and policy goals. This brings us to the final point to be discussed in this section, where fingerprints can be exploited for added value by states hostile to migrants.

#### 4.2.4 Exploiting Added Value

An interesting conversation with a police officer, S, working in Northern Greece, brought a few things worth noting to light. S told me of his beliefs that Eurodac created an online ID card which allowed for identification in order to *know things*:

S: Also, we can just follow the route of the migrant in Europe. Since he is registered, he has a file, we know where he has been, stopped, checked, I don't know it depends on the case. It's about knowing things, not that it is important for everyone, because there is no need to know what's going on for everyone, among innocent people, but there are some people that are travelling for different reasons.

S's comments are particularly poignant when we start to think about the multifaceted uses of fingerprinting, from identification, to tracking, criminalisation, and preventative policing. Ultimately, like S suggests, it's about knowing things, about knowing who a person is, categorising them, monitoring them, and defining them. It's about control, and it's about political goals of controlling migration and appearing to enforce effective policies, thus extra value can be found within fingerprints, and exploited by states and other actors.

Following the examples given above, another striking practice came to light during fieldwork in Greece in regard to Family Reunification (FR) and fingerprinting. Increasingly, as commented by F, a long-term volunteer with a legal NGO in Athens, fingerprints have been



used to prove “wilful separation” of family members. She told me that this is not written into the Dublin Regulation. In these cases, F explained to me that if family members have been fingerprinted together in Greece and then one family member moves, often through irregularised means, to another MS, their separation will be seen as intentional. This can then be used to reject an application for FR based on the grounds that the family members chose to separate, therefore it is no longer the responsibility of MS to reunite them. Further, there is a time limit of three months to apply for FR after which an application is deemed out of time<sup>94</sup>. This counts from the moment someone first claims asylum. Whereas I was told that countries should use the date of full registration for when somebody first claims asylum, some countries, including Germany and Belgium had begun to take this date as the first time a person is fingerprinted<sup>95</sup>. In mainland Greece this becomes problematic as due to difficult registration processes through Skype (to be discussed in the next chapter), full registration can take many months. Therefore, this decision arguably becomes a systematic denial of people’s right to FR, exploiting an added value of Eurodac. R, a German lawyer, admitted that he believed this to be an “excuse for not having to take people” due to unpopularity and high numbers of asylum applicants in Germany, where there were 185,853 asylum applications in 2018 (Federal Office for Migration and Refugees 2019).

Another example of potential exploitation of fingerprints by European states took place at the French/UK border. I was told by one interlocutor about fingerprinting practices in Calais, carried out by the UK Border Force when people were caught trying to cross the border. An NGO worker, Fr, who worked in both Calais and the UK told me that many people thought this meant they may be able to be ‘Dublined’ from France to the UK, as the fingerprint was believed to be a British one:

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<sup>94</sup> See Council Regulation (EU) No 604/2013 of the European Parliament and the Council of 26 June 2013, establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast). <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:en:PDF>

<sup>95</sup> For more details on the court ruling used as a precedent for this see ECRE and AIDA report from 2020 - [https://www.asylumineurope.org/reports/country/germany/asylum-procedure/procedures/dublin#footnoteref15\\_p59ujty](https://www.asylumineurope.org/reports/country/germany/asylum-procedure/procedures/dublin#footnoteref15_p59ujty)

Fr: So a lot of people would come and say, oh, yeah, I got picked up by UK official, he was speaking to me in English, he issued me with UK immigration documentation... saying, yeah, I gave him my fingerprint, and then thinking that if they present themselves to French authorities, they will be removed to the UK, which is not the case.

In fact, one British lawyer, DI, told me they worried the opposite could be true, that this fingerprint could be used as circumstantial evidence (under article 13.2 of the Dublin Regulation) to facilitate a deportation to France. Here, DI told me of her thoughts on the matter:

DI: We were really worried that this could be used as evidence of someone's presence in France for more than five months, because say if someone was caught on the border, fingerprinted, and then sent back... then if the person successfully crossed into the UK...the Home Office could in theory say, oh but you were fingerprinted on x date, therefore you were in France so we can send you back, and that this would be the evidence that they were there. As far as I know, this hasn't been used but... was something that really worried me.

These examples work to document processes, policies, and experiences of fingerprinting in action. However, they also explore the politics and tensions implicit to enacting control through fingerprints. Importantly, we see that there are many potentials for using fingerprints for various political games. A common theme amongst these is that it is an exercise of power by the state over movement, from the denial of freedom to enter a country or reunite with family members or facilitating deportation. Thus, fingerprints manifest as techniques of containment, identification and control. To discuss this further, I now turn to explore the power of a fingerprint as a marker of identity and truth, questioning its' indisputability yet recognising the weight given to it and the use of it to categorise and control people on the move.

## 4.3 The Power of a Fingerprint

### 4.3.1 Control, Identification... Truth?

Already we see that fingerprints are intrinsic to EU policies of containment and deportation, harnessed to implement political goals and targets relating to migration and border controls. However, below, I engage further with the meaning of fingerprints for techniques of control within state territories, where they can be used to verify a persons' story or categorise them as a criminal. To begin, I include a quote from a Greek asylum lawyer, Th, who so eloquently spoke to the core of issues of control inherent to fingerprinting practices, and the system they come to be intrinsic to:

Th: From the moment you have given fingerprints then you enter to a different space... a small black box, and everything, all the ideology and technology of control is inside this box. Because, from the moment you put your fingers, then you belong to another zone – it's a grey zone of course – where there is possibility to be found not citizen enough, a lack of citizenship in any case. You can be monitored, and from this moment you are registered in another system. A system of control... You enter into a well organised 'other world'.

Here then, we see that fingerprints have become a prominent method of data collection within asylum, registration, identification, and control of migrants within Europe, stretching from the states at the peripheries of Europe across to those furthest away from external borders in the Northwest. Within this idealised "well organised other world" that Th discusses, fingerprints become the defining moment whereby a person enters into a zone of categorisation, monitoring and surveillance. This encompasses EU wide policies, and political desires of migration control, where fingerprinting allows the Dublin Regulation to be enacted onto illegalised border crossers. However, it also has meaning beyond this, where control manifests as symbolic and technological power, affecting practices of surveillance, categorisation, and even impacting someone's credibility.

A key value taken from fingerprinting is the ability to identify individuals within a database through biometric data collection. Many point to the importance of biometrics as a form of infallible, indisputable identity enshrined within a database that enables security of borders and surveillance of those on the move. What becomes striking is the idea of infallibility and indisputability inherent in biometrics, which can also be applied to other aspects of an asylum claim. Indeed, as stated by the Home Office in their “Biometrics Strategy”, fingerprints are used to “fix”, “verify” and “identify” (Home Office 2018).

This idea was reiterated throughout interviews with police, asylum case workers and lawyers in Greece and the UK where I was told that it is not the face, not the name, but the fingerprint that is believed. Interestingly, one EASO caseworker, V, in Greece repeated many times “fingerprints don’t lie”, implying that this was one of the only times during an asylum interview that they could be sure whether what was being said was true or not. Recalling an experience with a man who showed up in Eurodac as registered in Germany in 2016 and Greece in 2015, V told me:

V: It was mentioned in their registration form that the applicant had been to Greece before... and in Germany. So, the first thing you do is you ask, because this could be quite important, it could be that they applied for asylum in Germany... it could be an indication for other matters when we examine the asylum claim.... Sure enough, I ask the applicant and he says, “I have never been to Europe before, this is the first time I enter... he definitely was, fingerprints don’t lie. So, I go back and tell him, look, we have checked on our system and we see that you were here, your fingerprints are in the system... can you please tell me about Germany. “No, I have never been to Germany”, he never changed his story. So, we don’t insist, this is not an interrogation. But you bear it in mind for later, because already you know that this applicant is lying to you, you know that for a fact.

This highlights the very real impact a fingerprint can have on a person’s asylum claim, proving or disproving their credibility and thus affecting how the case worker views the rest

of their story. Once a person is seen as a ‘liar’, disproven by the fingerprints they gave, the rest of their words are likely to be viewed in a different light. As Ev, a lawyer in the UK pointed out, whether or not it is true becomes second to the fact a fingerprint is very hard to dispute:

Ev: I would say that there’s never 100% reliability of any technology, but... for all practical purposes, you couldn’t in any court or any tribunal, dispute the fingerprint evidence. Whether it is in reality indisputable is a different question, but for the purposes of decision-making it’s indisputable.

In the UK, fingerprints from Eurodac are checked by the Immigration Fingerprint Bureau, and the infallibility of biometrics as juridical evidence for a person’s true identity is enshrined in case law. Fingerprint matches are used to establish not only identity but also credibility, where “it’s case law that says peripheral inconsistencies shouldn’t make you doubt the core of the claim but that’s how the Home Office operates, and it’s on the record forever<sup>96</sup>”. This is evident in, for example, the case of RZ (Eurodac, fingerprint match, admissible [2008] UKAIT 00007) where a Eurodac match was used to disprove the appellant’s story and refuse them protection. Ultimately, this fingerprint feeds what one British lawyer referred to as “a culture of suspicion<sup>97</sup>” where everything about a person’s asylum claim is doubted at every point. Not only this, but it affords the state supposedly irrefutable knowledge about where a person has been and when.

Worryingly, if a person is never informed about what their fingerprints mean (as we shall see below is often the case) they may be less likely to admit to having given them previously. This may be because they think the fingerprints would not show up, thus damaging future chances of a successful asylum claim. It became apparent during interviews with lawyers and case workers in both research sites that credibility was key to successful claims, and that in the UK your credibility finding will haunt you through asylum claim and subsequent further

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<sup>96</sup> Quote from Lv, an immigration lawyer in the UK and Greece.

<sup>97</sup> Quote from Ev, an immigration lawyer in the UK.

submissions and fresh claims. Here, fingerprints are given an almost unbeatable power to discredit someone's story. For example, as Ax a lawyer working in the UK explained to me:

Ax: Eurodac is going to be a big loss for the HO, because it's the only evidence that is certain to tell where someone has been and when generally, there's not many other ways to do that, and it can be the end of somebody's claim.

An important point to note here is that many people, as told to me during interviews, are wary of saying where they have been fingerprinted previously. Lv, a legal caseworker in the UK told me of people she had worked with who "had fingerprints in multiple countries, really some of them had got their fingerprints in every country". She explained her attempts to try and persuade people to be as truthful as possible, as their fingerprints will show on Eurodac, and that if they do not disclose this, it could damage their credibility and asylum case. However, she told me that numerous people were still scared. This was despite many of them being minors, who cannot be deported whilst underage and so should not be affected by fingerprints in other countries. However, Lv pointed to the complex nature of understanding and trust involved in disclosing fingerprints, which becomes affected by community, experience, and fear along dangerous journeys.

And so, we see that in both the UK and Greece, and indeed across Europe, fingerprints hold strength as an almost infallible marker of identity and truth, used as a mechanism to control and restrict movement. This was recognised by migrant interlocutors in both Greece and the UK, where the "essence of fingerprinting<sup>98</sup>" was seen as confirming a person's "true identity<sup>99</sup>", used to determine if a person was lying or not. Ultimately, biometrics entrench practices of identification and control, of which elements of truth and infallibility are used more often for punitive reasons than positive, as the European border regime seeks to discredit people's reasons for claiming asylum and shift accountability for asylum claims. This is done to keep numbers of refugees low and reinforce restrictions on mobility for 'undesirable' travellers, i.e. poor and racialised people on the move, fleeing wars and seeking

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<sup>98</sup> Quote from Ih, a man with refugee status in the UK.

<sup>99</sup> Quote from Ft, a woman seeking asylum in the UK.

safety. Moreover, the way in which fingerprints are taken, as explored below, means that those subject to fingerprinting for Eurodac are often unclear about its meaning, who has access to the data, where it will be stored, and how long for. Before looking at how fingerprints are understood by people subject to biometric controls, the next section will briefly examine how the practices add to a categorisation and criminalisation of ‘undesirable’ travellers who become marked in biometric databases as ‘non-citizens’, subject to immigration control and enforced precarity.

#### 4.3.2 Fingerprints for Categorisation and Criminalisation

A common theme across interviews with NGO workers, volunteers, and lawyers in both Greece and the UK was that fingerprinting acted as a means of connecting asylum with security. Fingerprinting was also seen as a means of increasing levels of governance over migrants, affecting their future moves and decisions. Thus, the value linked to fingerprinting incorporates surveillance, identification, categorisation, securitisation, and governance, including control over individual behaviour in regard to movement. Moreover, it harbours links between police and immigration, as police have access to the ALKIONI asylum database in Greece, and in the UK through the Biometrics Services Gateway data infrastructure.

Not only can fingerprints act as a means of identifying somebody as a ‘liar’ but can become linked to other sinister elements of categorisation. Arguably, the categories into which an individual is placed when identified within Eurodac come to be viewed as the defining feature of their identity in a legal sense. As Bh, a person seeking asylum in the UK says in reference to registration and fingerprinting, “they divide people on asylum seekers, refugees and the rest”. Consequently, categories have direct consequences in relation to effective governance, allocation of rights, and levels of inclusion/exclusion. As told to me by S, a Greek police officer, when discussing processes at the Greek border, someone’s first encounter with Europe often means fingerprinting and categorisation almost immediately. Here, people can be categorised within Eurodac as an asylum seeker or an illegalised traveller. This categorisation becomes enshrined in a database, as details are uploaded and biometrics taken,

subsequently following a person throughout their journey across Europe should they leave Greece. It is not only people seeking asylum that have their identities decided as such. Indeed, in the UK the Home Office visa streaming algorithm, in use from 2015 – 2020, worked as a “a traffic lighted visa algorithm<sup>100</sup>” sorting people into red, amber or green categories that materially affected how visa applications were handled. These categories were seemingly largely based on nationality, whereby a “certain list of countries that were... automatically put in the red queue<sup>101</sup>” based on a negative feedback loop that determine ‘undesirable’ or ‘risky’ travellers.

Another consequence of categorisation or social sorting is the tendency of such processes to conflate migrants with criminality. Th, a Greek lawyer, spoke about the sinister link between fingerprints, identity, and criminality, not just in Greece but far beyond:

Th: I mean, it is very easy to check after you have given fingerprints if in the past you were convicted, if you were arrested somewhere, all over Europe.... It was not so easy to realise [before], but with new technology without any time you can be found within Europol system and every movement of you can be identified and actions... from the moment you put your fingerprint at the machine, then in some seconds, anyone can identify all your file, your movements and whatever happens in your life.

Th’s remarks illustrate the increased possibilities for surveillance of individuals once they have been fingerprinted and entered into European wide databases relating to both migration and policing. Further, it brings in the conflation of migration with criminality, and the creation of “crimmigrant” bodies (Aas 2011). This view was repeated in interviews in both research sites, where the unequal treatment of non-citizens was noted as a point of contention by migrant interlocutors, whereby they are fingerprinted when citizens are not. Here, Ma, who has been seeking asylum in the UK for many years commented:

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<sup>100</sup> Quote from Fm, a civil society actor working for a data rights NGO.

<sup>101</sup> Quote from Fm, a civil society actor working for a data rights NGO.



Ma: Why are not taking their own [fingerprint]? So, you can see somehow, like I told you earlier, they treat us criminally... because why do you take my fingerprint, because where I was born... Of course, if it was right, it was a good thing, if it was right, then everybody should have. Unfortunately, nobody has except asylum seekers... then you understand that people are not equal.

In relation to the physical experience of being fingerprinted, people in both the UK and Greece often commented on being made to feel like a criminal when it came to fingerprints. T, a young man from West Africa, explained how he felt when taken to the police station after arriving to Greece via the islands:

T: Yeh. Before I arrive to this island, I didn't know that when you get here, they will take you handprint. I didn't, it's my first time to see this and put your handprint. I was thinking they just give you a paper and you go. But they didn't, they are checking you like you are going to a prison, so it's like in the movies when the guy in the prison, and in the prison, they take your photo like this, like that [indicates photos taken for a mug shot]. I was thinking I was going to a prison, because they check us, like they check your eyes and everything. I was thinking, I said what is this?

As T's experience shows, fingerprinting is often seen as a major hallmark of criminalisation in Greece, conferring a level of mistrust onto those subject to fingerprinting practices. If we confer this same lens to fingerprinting in the UK, there seems to be an even deeper tie to criminality, as people seeking asylum or granted status in the UK not only felt criminalised by fingerprints, but also believed the police would easily be able to access the data or trace them through it, something which did not come up in conversations in Greece. As Ft, a young woman from Sierra Leone says, "and because they already have your data in their system. When crimes are committed, it's easy for them to trace". However, Ft didn't mind, she felt it was okay if it aided in criminal investigations into violent crimes. This view was not held by everyone I spoke with. Ku, a young man from Sierra Leone, for example, told me "then I know, that since I put my finger but it's in the system for ever. Everything I want to do in the

UK they gonna be able to trace me easily”. Explaining this made him feel uncomfortable. It seemed that the belief in a higher level of surveillance was much more prevalent in the UK than in Greece, perhaps due to a belief that the UK’s systems were more comprehensive. This finds resonance, as we shall see in chapter 6, where systems of ‘hostile data’ work to track and monitor people seeking asylum.

These last points highlight the lack of clarity and information on fingerprinting practices, despite many migrant interlocutors telling me of concerns that fingerprints served a controlling and criminalising purpose. The next section shall explore issues of information and understanding, as well as a lack of choice to refuse being fingerprinted.

#### 4.4. Narratives of Fingerprints

Fingerprints have arguably come to denote criminality, identity, control, lack of choice and movement both to personnel working within border regimes and people trying to cross borders. Thus, fingerprints are implicit to asylum, migration and crime. Worth noting, however, is the normalisation of biometric data collection. This normalisation and the imposition of banality onto a process with such potentially profound long-term effects struck me during a trip to Amygdaleza, a detention centre in Athens for “administrative detainees” – i.e., people without the correct papers. It was here that I saw a sign which pointed towards a fingerprinting station and then below it to laundry facilities (see Figure 4). Underneath this normalisation lies questions about knowledge, information, choice and understanding. The previous sections explored views that emerged relating to the use of fingerprinting as a means of control, identification, and categorisation. This section engages further with people who are subject to fingerprinting for Eurodac and their points of view. This emphasises concerns over a lack of choice and information, as well as offering competing narratives and understandings of what a fingerprint means. Through decentering data systems and maintaining a focus on the embodied and lived reality of a datafied border in this way, we can reach a more tangible and nuanced understanding of the ways in which technologies enact violence or injustice against illegalised travellers.

Below, I draw on themes that allow for agency and autonomy to become counterpoints to an ‘omnipotent’, ‘internalised’ border. Whilst I do not wish to downplay the injustices furthered within a datafied border, I feel it is important to recognise that individual agency of people on the move is never fully diminished, even if efforts to deny it become increasingly complex as the technologically aided border evolves. In doing so, we see the complex and deep running levels of violence and control present in border and migration control in Europe today. These come to light in the actions and responses that form border regimes and those who move within and around them.



Figure 4 - Picture of Amygdaleza detention centre sign for fingerprints

#### 4.4.1 Choice, Information and Understanding

Here I critically engage with what information is given to people before being fingerprinted for Eurodac and immigration purposes when reaching Europe. I do so to explore notions of choice, consent, and understanding. To situate this, I include another quote from my

conversation with T, who told me of his experience of being fingerprinted upon arrival to the country:

T: Before I really don't know if you make your handprint you have to stay here, I didn't know. Little by little I try to understand the things that have happened. And yes, now I know. One friend told me if you make your handprints this means you have to stay here, if you go to another country, if you ask again asylum there, they will move you here because your handprint was here. So, they doesn't even ask us if we want to make our handprint here or not, they just take your hand and put it like that. You don't have time to learn it, you didn't imagine that this means, you put your handprint and you have to stay here. No, you don't know.

T's comments relate to the next issue to be discussed – information, or lack thereof. Like the interlocutors who were quoted in the introduction of this chapter, T was not informed what was happening whilst he was fingerprinted<sup>102</sup>. T, from West Africa, told me of his plans to leave Greece and move to France, where he spoke the language. So, we see that the implications of “handprints” in Greece for T, as for many others, were of huge importance for future plans. Another person seeking asylum in Athens explained that it was not until a year and a half later, when they went to pick up their residency cards that they were told explicitly that this meant they could not ask for asylum in another country.

When speaking to immigration lawyers and NGO workers in both research sites, they highlighted the lack of reliable information on asylum procedures and how a person's data is used, collected and stored. However, although details were often confused, or little information was given, interviews with migrant interlocutors in both the UK and Greece showed that it was common knowledge that fingerprints were meaningful. This was especially true by the time a person reached the UK and had passed through many countries in Europe. Beyond patchy official information and anecdotal stories, it was experience, as Is,

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<sup>102</sup> See also Latonero et al. (2019) for similar issues discussed in regard to an Italian case study. [https://datasociety.net/wp-content/uploads/2019/04/DataSociety\\_DigitalIdentity.pdf](https://datasociety.net/wp-content/uploads/2019/04/DataSociety_DigitalIdentity.pdf)

who is seeking asylum in the UK after being in Greece for three years, told me taught the most, “Well, you don't [know]. You don't find out until you live it, so I did”.

Throughout many of the interviews in Athens, people who had been fingerprinted expressed that the Greek police acted like “robots”, without saying anything. This view was reiterated by the police officer S, working at the Northern Greek border, who admitted that due to time constraints and lack of staff, police were not able to inform everyone what was happening. He argued that in any case this was not the police’s job, but the responsibility of GAS and humanitarian actors such as UNHCR or IOM. Of course, in both research sites experiences varied. In Greece I was told that it depended on where the person was first registered for asylum and who took the fingerprints. If it was the police, it was likely there would be less information given, opposed to when UNHCR, IOM or GAS staff were present, who would sometimes give more details. In the UK, people I spoke with had either first given their fingerprints at the Home Office asylum unit in Croydon or at the airport they arrived into and were informed by Home Office staff or border guards respectively. This meant once again that different information on fingerprinting could be given. Whereas some people I spoke with in the UK said they were told their biometrics would be taken for ID and for asylum, others said no information was given at all. Ih, who had claimed asylum in the UK, felt that, due to the importance of fingerprints, more information should have been given:

Ih: One thing Home Office cannot explain clearly about your biometric, they will never tell you the purpose of their biometric. The day you come they fingerprint us. You put your fingers like this 12345 and finish, and take some details, but they will never explain to you why would they take your fingers, what is the essence.... You cannot be taking someone’s fingerprint without explaining to them what is the purpose of that. So first we never know... I don’t know. I think that is a very bad thing... You cannot take somebody information without letting a person to know.

Though some interlocutors in the UK felt concerned about the impact of their biometrics being taken, it was seemingly much more of an issue in Greece. This was due to many people

wanting to leave and move to another European country, as people knew that fingerprints could affect this plan.

Importantly, despite knowing the dangerous limitations fingerprints could impose on further movement, what became clear throughout fieldwork in both locations was the lack of choice when it comes to being fingerprinted. This became a common theme throughout all of the technologies people on the move are forced into interacting with throughout their journeys and asylum claims. This is a result of the unequal power structures implicit to borders, where freedom of choice is denied along with freedom of movement. As Md, who was seeking asylum in the UK after spending four years in Greece and a brief period of time in Iceland, says about being fingerprinted:

Md: And I mean it wasn't optional, it was mandatory we had to accept.

Int: How did you feel about it all?

Md: For me, I, I really got angry because you know I don't like police, totally, and yet that happened to me and it wasn't optional. Yeah, so it was like someone is choking me, but I couldn't do anything. Yeah, that was a bad feeling.

Md did comment that more information was given in the UK, but only because he asked. This was something he did not feel he was able to do in Greece; partly because it was his first time in Europe and he did not know his rights and how things worked, and partly because he was so exhausted, drained and scared after crossing by boat from Turkey to ask. This again highlights a key source of unequal power dynamics, where important, life changing data is taken when someone is exhausted and processing a likely dangerous and traumatic journey. I was also told that sometimes the process of being fingerprinted was itself carried out violently. Sh, who passed through Italy and France and was fingerprinted in both countries before reaching the UK, told me of his experience in Italy after arriving from a long boat journey.

Sh: [In Italy] I told them that I don't want to give you a fingerprint, but three people came and just took me like that forward, and they took my neck, one of

them took my left hand, one took the right hand. And one of them from the behind of my neck put pressure on me they took me in the car, and they told me they were going to send me to prison and three or six months later, we bring you back here and ask you the same question. And again, if your answer is no, we do the same. They put me in car and another officer came to me and told me if you accept to do fingerprints now you don't go to prison. Then I thought that where I am going to in prison with this condition, I should better cooperate with them... The hilarious thing is that UN officer was laughing at me and told when keeping tell me that you are in security in this country here. You are in safe zone.

Sh's account gives example to the overt violence that could be exerted, even in front of INGOs who claim to be there to ensure dignity and rights, during biometric data collection. This is symbolic of the violence intrinsic to storing a person's data in order to restrict their freedom of movement. However, it was often shown to be the banality and the routineness of fingerprints that became an issue, and, along with the lack of information, made light of fingerprinting despite the huge implications on future movement. H, recalls his experience at the asylum office in Athens:

H: And when you go there you feel that, because they are not saying anything, you will feel that nothing is serious... it's like a routine you have to do. Ok I'll put my fingerprints, like ok I will go and buy some milk.

As fingerprints come to shape a person's future, yet are carried out as a routine transaction, lack of information leads to dangerous assumptions. It becomes emphatic of the grotesque and extraordinary violence enacted throughout bordering practices, where overt violence is carried out through the "border spectacles" (De Genova 2013) of visible border apparatus. Alongside this, banal and insidious instances of exclusion and everyday bordering occur to enact more covert forms of violence. Accordingly, injustices are inscribed at a micro level in the system, at almost every single point of interaction with states hostile to 'undesirable' migrants. Here, fingerprints relate to opaque forms of power over movement, something normalised but profound, where consent is not gained due to a lack of choice and information

or knowledge of the meaning and consequence of being fingerprinted and having your data stored in an unknown database for unclear reasons.

Of course, there is an overarching narrative that this lack of choice, the lack of freedom to move, is deserved, that “asylum shopping” comes to discredit the legitimacy of a person’s asylum claim, highlighting the logics of European borders (Moore 2013). Beyond this, the lack of information also gives way to competing narratives on what a fingerprint means, with migrants making their own ideas and distinctions. An example from fieldwork in Greece shall be explored in detail below to highlight just one of many existing forms of reclaiming agency in the face of biometric controls. I draw on this specific example as it was the one which became apparent during ethnographic fieldwork, something that was limited in my second research site due to the Covid-19 pandemic, though the work of others in the field shows many more means of subversion and escape across Europe (Papadopoulos et al. 2008; Scheel 2013, 2019).

#### 4.4.2 Competing Narratives: Fingerprints and Secondary Movement

In the previous sections, data was presented to show a number of ways policy shapes and enforces fingerprinting practices for political goals. As well, I highlighted how fingerprints come to hold meaning, prescribe legal identities, and shape the future of asylum for individuals. I also discussed how fingerprints come to be understood by those who are subjected to fingerprint practices. This section shall engage with practices of resistance and subversion. This is emblematic of the autonomy of migration, where dynamic processes create the border as a space of ongoing struggle. To examine this, I reflect on the creation of alternative narratives, of imaginaries surrounding fingerprints in Greece<sup>103</sup>.

During fieldwork in Athens, I encountered ideas of ‘big/small’ or ‘strong/weak’ fingerprints, where these views shaped people’s interactions with official channels, as well as affecting

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<sup>103</sup> Some of this data has been used for a peer reviewed journal article authored by myself, see Metcalfe, P. 2021. Autonomy of Migration and the Radical Imagination: Exploring Alternative Imaginaries within a Biometric Border. *Geopolitics*, doi: [10.1080/14650045.2021.1917550](https://doi.org/10.1080/14650045.2021.1917550).



secondary movement, and offering narratives of hope. This section focuses largely on empirical data from Greece, as it is here, at the beginning of a journey across Europe, where people most wanted to shake off their fingerprinting and find ways of dispelling its' importance and "reclaiming a future<sup>104</sup>". Of course, efforts to shake off your fingerprints do not stop entirely by the time a person reaches the UK. This became very clear to me during a trip to Calais, when one person trying to cross to the UK asked me what the best chemical was to burn or deform his fingerprint. And indeed, the narratives explored below are partly formed out of efforts to make it to the UK or other European countries. What was interesting is that those I met in the UK, who had travelled or lived and claimed asylum in Greece knew of these narratives, and some had followed them in order to leave.

To illustrate the highly diverse narratives surrounding fingerprints I first present an example that I encountered in a registration office in Greece, though not related to 'strong/weak' fingerprints, it goes some way towards highlighting the power of prescribing meaning to fingerprints. The image below depicts an interesting scene. On the desk of the registration office lies the fingerprint machine, switched off at the time. Behind this lies a photocopier and surrounding it the scanned handprints of children decorate the walls. Initially this took me by surprise, and the person who had taken me into the room, seeing the look on my face went on to explain.

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<sup>104</sup> Quote from Is, a man seeking asylum in the UK after receiving refugee status in Greece.



Figure 5 - Photo of asylum registration office in Greece

Th: It's like a little game for the children, they think it's fun. So, after their parents are fingerprinted, they get to scan their hands [in the copier] and they've decorated the place with them.

This shows just one way in which fingerprints can be viewed differently by different actors. Children do not have to be fingerprinted up until the age of 14, and this example shows how some may feel they are missing out on a fun activity, despite the sinister reality of fingerprinting.

To introduce the narrative of 'big/small' fingerprints, I include a brief ethnographic account from work with the collective in Athens. A man we had met outside the gates of a camp on the outskirts of the city told me he had previously lived in Holland, "I just want to go back there"<sup>105</sup>, he said. He wanted to know how he could prove that he had lived there previously. However, his asylum claim had been rejected in Holland, and he had had to leave. He said he had old photos on his phone of his time there, however this was not counted as proof, and the fingerprints he had given their had long since expired. He had his asylum interview in Greece, but this was scheduled over a year in the future despite receiving his Greek asylum card many months ago. His legal options for travel seemed non-existent as there were no

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<sup>105</sup> Quote taken from ethnographic field notes outside a camp one hour north of Athens.

family members he could reunite with in Holland via Dublin, and his asylum case had previously been rejected there. I asked him how he felt having given his fingerprints in Greece in terms of further movement. He replied “no, the fingerprints I gave here are only temporary, I still have to go back later to give permanent ones. They did not take my whole hand, just the tips of the finger, this means it is temporary”, he described, “in Holland they took the whole handprint”<sup>106</sup>.

This reply spoke of the hope people retain for the future, even when subjected to a biometric border that works to deny freedom of movement. It also reveals an alternative narrative. This narrative came to light again a few days later, when speaking with another person outside the same camp. A man came to ask us about the date of his interview, which again was a scheduled for many months in the future. He told us that he hoped to leave Greece before his interview, as he believed that if he stayed then “they [Germany] will know I’ve been in Greece”<sup>107</sup>. As he had already been fingerprinted in Greece and registered his claim here, this seemed strange. I asked him to explain.. He told me that his belief that the first fingerprint someone gave was ‘weaker’, and would not necessarily show up in other MS, meaning there was less chance of being returned there. However, if he were to go to his interview or get a decision on his asylum claim, his fingerprints would become ‘stronger’ and there would be a greater chance of deportation to Greece. This comment demonstrated that people retain the power to refuse engagement with asylum processes, and so spaces of uncontrollability occur, despite having no choice as to whether or not they were fingerprinted to begin with. Similar ideas were apparent at other moments during fieldwork in Athens. Through my work with the collective I met and spoke with numerous people who would get their asylum card yet miss their asylum interview in an effort to keep their fingerprints ‘weak’. The asylum card acted as a safety precaution against detention when stopped on the street by police, but was seen as ‘weaker’ in terms of risk of future deportation back to Greece if a person was to make it to another MS. This example speaks to an alternative narrative of fingerprints, which informed practices and plans of subversion, appropriation or escape. It also worked to give

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<sup>106</sup> Quote taken from ethnographic field notes outside a camp one hour north of Athens.

<sup>107</sup> Quote taken from ethnographic field notes outside a camp one hour north of Athens.

hope to both immediate safety and future plans of leaving Greece. As Rs, a Kurdish man who was unregistered in Greece told me when discussing his plans to miss his asylum interview:

Rs: Yes, 100%... the more information you give, the more problem you will have... [My friend] went and took his white card but he didn't go to his big interview because he was afraid they would check it in another country and send him back. If he went to the interview his problem would become much bigger...The less is better.

During the remainder of my fieldwork these types of distinctions continued to be brought up by migrant interlocutors in relation to fingerprints and plans for future movement. There seemed to be four distinctions made by people I met in Athens, shown from 'strong/big' to 'weak/small' respectively: resident ID gained after receiving refugee status; a negative asylum decision; only an asylum card; no asylum card but police or ink fingerprints.

It should be noted that if someone enters Greece via the land border in the North, and were not taken to the Fylakio reception and identification centre, they may well have been fingerprinted without having asked for asylum. And so, there is an appearance of having a choice over having fingerprints entered into a system that would be visible across Europe. When speaking to many people in Greece, there remained confusion as to whether or not all fingerprints taken by police were in fact registered in Eurodac. It was not engagement with the asylum process in Greece that was considered as a factor in 'big/small' fingerprints. H, who was seeking asylum in Athens, told me he believed length of stay in Greece to be a factor, "because why you stay all that time in Greece if it is not good for you and you can't live there?". They also explained the different distinctions between fingerprints noted above:

H: We have the ID people, and the white cards and the new arrivals who didn't do anything yet. So, every category of these people have their own plans for the future. So, if I have an ID I have different plans than the one who have a white card who didn't do anything yet... If I have a white card, I have a lot of chances to be accepted in countries like Germany or Belgium, but then other countries

like Sweden or Norway or Netherlands my chances are zero almost. Because I left my fingerprints.

H's comments speak to the significance of the political decisions made by MSs regarding their approach to implementing the Dublin Regulation, explored in the first section of this chapter. This is an important factor when we consider the narrative of 'strong/weak' fingerprints. These narratives are not stating that fingerprints will not be visible in other MSs, instead the narrative sheds lights on the ways in which people try to avoid deportation back to Greece. Yet another method to keep fingerprints 'weak' was seemingly to purposely gain a negative decision in order to avoid gaining residency, which was seen as the 'strongest' fingerprint'.

Alongside this, an interesting example of the multiplicity of meanings came to light. Numerous migrant interlocutors proclaimed there to be a difference between being fingerprinted by the police, in ink, and being fingerprinted for asylum, with laser –something denied by police and asylum case workers interviewed. The idea that ink fingerprints are less likely to appear in other countries has been discussed by other previous empirical work in Greece. For example, Tsianos and Kuster (2013,56) show how, in 2013, the inputting of fingerprint data faced delays of up to 148.97 days before being uploaded into Eurodac. This was, they suggest, due to a lack of laser fingerprint scanners, which meant fingerprints had to be uploaded manually. Consequently, a person could potentially make it to another MS before being registered in Greece. This, in turn, has consequences for the Dublin Regulation as responsibility for that person's asylum claim would no longer lie with Greece. The European Commission has also noted that inked fingerprints are less accurate, for example parts of a fingerprint could be missed or recorded badly dependent on the amount of ink or pressure used (European Commission 2015,82).

Where fingerprints are not reason enough to stay, they sometimes mean a person cannot leave. Thus, the idea of 'strong/weak' also highlights ambivalent elements of resistance to control through fingerprints. In one regard, this narrative allows for moments of subversion to surface, whereby people retain some control over their movements. At the same time, if a

person chooses to keep their fingerprints ‘weak’ by not registering for asylum following police fingerprints, it encompasses an inability to access health care or education, and places someone at risk of being detained, thus creating ongoing precarity. That a person may purposefully gain negative asylum decision could lead to deportation out of Europe, rather than facilitating asylum in another EU country. Moreover, these practices of subversion, among others, can become transformative in terms of border policy, whereby countries become stricter at enforcing Dublin deportations. This emphasises the reactive and fluctuating nature of borders. These narratives arguably highlight that people will not be governed by biometric controls alone. However, it also demonstrates once more the lack of certainty and uniformity of the implementation of fingerprinting practices. The fact that many people seemingly knew others who were not returned to Greece, or knew people who had travelled to another country and their fingerprint had not shown up, demonstrates the ambiguous and unknown nature of Eurodac. This unevenness of fingerprinting shall be explored in the next section, where I engage with questions over how and when fingerprints show up, and the implications of this in regard to policy and deportation. To do so I reflect on conversations with migrant interlocutors to build upon points made in the first section of this chapter.

#### 4.4.3 When do Fingerprints Count? – Uneven and Unclear Outcomes

In the UK we can perhaps see more clearly when fingerprints count and when they do not, or rather, when biometric data results in refusal to consider an asylum claim and instead facilitate a “take back request”. However, I wish to demonstrate to the reader that things are not always clear when it comes to the consequences of fingerprints. Indeed, during fieldwork it seemed that fingerprints did not always show up in another country. For people I spoke with in Greece, this news trickled through communities and networks and gave hope and rise to competing narratives, as shown above. In the UK, it was possible to see where these stories came from, as some migrant interlocutors I spoke with in the UK told me of their experience of having their fingerprints not come up on Eurodac.

Sitting at a table in a café in Athens, N, a young Afghani man seeking asylum in Greece and volunteering with a small project in the city, told me that “a fingerprint is a fingerprint everywhere”. He said that all fingerprints would show up across Europe, and this could have grave consequences. This was confirmed by S, a police officer at the Northern Greek border who told me that all fingerprints, including ink fingerprints taken at the border by the police, would be entered into Eurodac, into the system. However, many lawyers, volunteers, and migrant interlocutors in Greece expressed their belief that there was no real way to know if a fingerprint would show up until Eurodac was checked, and that official guidelines were not always to be trusted, due in part to errors in the system.

If we consider this in relation to experiences in the UK, this finds resonance. Many people who come over land and sea to reach the UK, will have had their fingerprints in at least one other European country. But I was told of at least one time where these fingerprints did not show up in the UK. Sh, who above explained his violent ordeal at being fingerprinted in Italy, told me how he then travelled to France, where he was fingerprinted again. Sh joked that he “put my finger in all the countries”, yet something strange happened when he arrived in the UK.

Sh: I manually told them [that he has been in Italy]... then I've got fingerprinted and they told me there is no evidence for you in the system, nothing registered from you... I know many people who had been fingerprinted in the other countries and it wasn't shown in UK system... We were like 25 to 30 people [in detention], I could have access to one of them, that guy told me that his fingerprint wasn't shown up as well. And he told them as well they he had fingerprint in Italy as well.

This anecdotal story about one person's experience, cannot prove or disprove anything for certain. However, we see how errors have potential to occur, and moreover, how stories spread of these errors and give hope to people on the move. Other people I spoke with in the UK told me of their belief that fingerprints, as discussed above in relation to credibility, could

be used to “trick<sup>108</sup>” someone, to trip them up and make holes in their story. Bh, who had come through many EU countries before claiming asylum in the UK, had spent four years in Denmark, where his case was eventually rejected. He told me what happened in his screening interview in the UK, which is the first short interview to get the basic details of someone’s claim when they first ask for asylum. I had asked him whether his time in Denmark, his fingerprints there, and also in Germany, had affected his claim in the UK. He told me:

Bh: After they fingerprinted me in the UK, they started screening interview. In the screening interview I was asked if I have fingerprint in other countries. I told them about Denmark, but I didn’t tell them about Germany. Surprisingly, that guy was acting surprised, and he asked me... are you sure that you have fingerprints in Denmark? I told him yes, certainly because I was there four years. The interesting part is that after being this initial interview, I was given the summary after interview. And when I saw the details, I realised that they already had the exact date, the date that I was fingerprinted in Denmark as well... Then I told myself that's interesting. They try to trick. And they want to show you as guilty, and for what reason.

This demonstrates how the uncertainty of fingerprints showing up in Eurodac, or at least the appearance of uncertainty, could be used to try and catch a person out and potentially harm their credibility. If there is a belief that a fingerprint may not show and knowing the potential harmful outcomes of it if it does, there is reason to be cautious of telling the Home Office or any immigration official about it. As Bh told me, he believed the Home Office staff member was purposefully testing him to see if he would tell the truth. This is a sinister implication, where a fingerprint could be used as a lie detector without a person knowing.

Another point of contention in the unevenness or lack of clarity surrounding Eurodac became apparent when discussing how long fingerprints were held for. One migrant interlocutor, G, who I met with following her squat being evicted in Athens, told me of her thoughts on fingerprints and her plans to travel onwards to Germany with her children:

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<sup>108</sup> Quote from an interview with Bh, a man seeking asylum in the UK.



G: Yes, we gave fingerprints here, but they will not send us back, sure it's better if we didn't give fingerprints but they won't send us back... They won't send us back we have big problem here. And anyway, we go to Germany and wait six months, stay with the church or something don't say we are there yet, and after six months fingerprints will be deleted

How long fingerprints would last was often talked about in Greece, and other migrant interlocutors told me of their belief that fingerprints would be held for two years. One person, O, explained to me that fingerprints he gave seven years previously in Sweden showed up when he registered in Greece, despite him having believed they would only be held for five years. In the UK, however, people I spoke with told me they had no idea about this, about how long fingerprints would be held for. Many of them seemed to not worry about it, they had made it to the UK, and had been told they would not be deported to another MS. Official lines state that fingerprints are held between 18 months and five years depending on the categorisation in Eurodac, however there are plans to increase this to 10 years under the New Pact on Immigration and Asylum<sup>109</sup>. The preoccupation with knowing how long a fingerprint would show, and whether it even would or not, understandably filled the minds of people planning further journeys to other EU countries.

This section has engaged with the unevenness and the confusing nature of fingerprints, stemming from a lack of information given on the implications and use of biometric data within European borders, and informing competing narratives and informal stories of what fingerprints mean. These narratives, formed at moments of discontinuity and points of contention within and across European borders, arise from the uneven implementation of the Dublin Regulation, as well as from the hope that moves people forward on their migratory journey in search of safety. These ambiguities and inconsistencies within biometric identification and control, alongside lack of information given, highlight that movement

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<sup>109</sup>Press release for the proposed 'New Pact on Immigration and Asylum'. [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_1706](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1706)

across Europe for illegalised migrants is, as Md told me, always a “shoot in the darkness” where you have to believe you can do it and then just try.

#### 4.5 Conclusion

Through reflecting on conversations, experiences and interviews during fieldwork, I have drawn attention to some of these key points of contention within a European biometric border. Consequently, I argue that Eurodac and other biometric immigration databases should not be thought of as pragmatic, neutral tools. Rather, they come to hold powerful, polysemic and deep meaning, introducing a nexus of implicit power structures and struggles that further entrench ongoing and historical border politics in Europe, something I discuss in chapter 7. This is important when we look at why specific pathways and technologies have been followed by those implementing border controls and what this tells us about socio-political elements behind the current trajectory of borders and asylum in Europe. This also furthers our understanding of how socio-technical border regimes come to shape, and be shaped by, the myriad of actors involved, from states to illegalised border crossers. I argue that we must see biometrics as a technique for control through identification and consequent categorisation, where mobility, rights, and freedoms become linked to biometric data that is stored centrally and shared across Europe. These fingerprints follow a person along their journey and interactions with states, and shape their future in ways that may often be out of their control.

I have illustrated to the reader the ways in which these socio-technical systems are navigated, where hope and a refusal to relinquish power over movement shapes interactions with states and biometrics along an asylum journey. Here, despite being fingerprinted in Greece, or other EU countries, people endeavour to reach the place they wish to ‘reclaim their future’. As Md said, it is like a shot in the dark, a hope that you will avoid deportation either through challenges or chance and be allowed to decide your own destination. Throughout the next chapters I give other examples of resistance to demonstrate that throughout my research, and indeed across borders, that controls do not go uncontested. This becomes important, as I argue in my discussion and conclusion, when we consider the injustices implicit to datafied

borders, as well as being central to discussions on how to resist datafied controls. The next chapter will look at another form of control enacted within the datafied border, where banal technologies are used to enact everyday surveillance techniques that further adds to policies of containment.

## 5. Containment Through Everyday Surveillance: Asylum, Aid and Tech

### 5.1. Introduction

Ev: Yes. When you talk about the use of data, it triggers thoughts in my mind about the different ways that data is used. People talk about controlling borders as if everything that matters is at the border... But for most of the time, outside of the kind of emergency situations, immigration control is not just about what happens at the border<sup>110</sup>.

The previous chapter explored the ways in which technology and the collection of (biometric) data is used at the border to categorise illegalised travellers and people claiming asylum as a means of control through identification. I explored practices and understandings of fingerprinting as an almost exceptional use of technology most citizens will not have to face unless applying for visas or facing arrest. However, as the quote above, taken from a conversation with a legal caseworker in England, suggests, alongside this exist many instances of more covert data collection, retention, and sharing. These are able to trace and track a person throughout their interactions with the state far beyond the physical border. From monitoring cash cards as a means of enforcing geographical restrictions, to checking social media or seizing phones, surveillance becomes enacted through everyday, banal, and insidious technologies many of us use without a second thought for our safety. These forms of data collection are not exclusively used to monitor and identify illegalised travellers or people seeking asylum. However, they pose greater risks to these border crossers, as forms of everyday surveillance are used to facilitate violent exclusion such as detention or deportation within societies hostile to migrants. And so, this chapter will critically engage with the everyday tech that weaves across our lives. I present data to explore how these everyday technologies entrench forms of control onto the lives of people on the move and

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<sup>110</sup> Quote from UK interview with an English legal caseworker.

seeking asylum in Europe through surveillance as a means of tracking and containment. This presents another manifestation of power within datafied borders.

The main focus of this chapter will be to explore how things many of us take for granted can be used as an attempt to govern actions and behaviour when applied to people seeking asylum or attempting border crossings in Europe. I begin by looking at the use of technology and data for humanitarian aid and asylum in the form of cash cards. At the time of my fieldwork, these were provided by the UNHCR in Greece as part of the Greek Cash Alliance<sup>111</sup> (GCA), and the Home Office in the UK who provide people on asylum support with ASPEN cash cards. Both of these cards were provided by Prepaid Financial Services, a British company. Through exploring the implementation and experience of these cards, it is possible to see how techniques of monitoring spending enact geographical containment measures. As well, we can see how they construct notions of ‘good’ and ‘bad’ refugees, where categories were morally constructed through limits and restriction on spending. Here, eligibility becomes dependent upon adherence to strict rules, and as we shall see below, reinforces the lack of freedom granted to people seeking asylum.

I then discuss the role mobile phones come to play in accessing fundamental rights such as asylum and aid, becoming a precondition for both. Within this, I explore how the use of mobile phones and social media becomes hugely ambivalent in the face of hostile border and asylum policies, offering both spaces for information sharing, community and connection, alongside a vast source of data collection that can be used to track journeys or accuse someone of lying in a similar vein to fingerprints. Throughout the data to be discussed below, the exploration of banal everyday technologies brought to light issues of access to rights, surveillance, fear, anxiety, exclusion and privacy, highlighting many forms of injustice.

## 5.2. Cash Cards as Surveillance and Containment

### 5.2.1 UNHCR Cash Cards in Greece

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<sup>111</sup> <https://www.unhcr.org/protection/operations/5a14306a7/greece-cash-alliance-meeting-basic-needs-harmonized-partnership-system.html>

The first element of everyday surveillance to be explored is the UNHCR’s GCA programme, which forms part of the ESTIA programme in Greece<sup>112</sup>. At the time of fieldwork<sup>113</sup>, the GCA provided cash assistance for basic needs for people seeking asylum in Greece and “harmonised” efforts across the country through the use of UNHCR’s ProGresV4 database. Importantly for this chapter, the cash card enables a level of monitoring ‘beneficiaries’ through data collection, monthly appointments and document inspection. It is important to question how the use of electronic cards presents similarities to established fingerprinting practices in relation to furthering levels of identification and spatial control of people seeking asylum in Greece.

The GCA was started in 2017, following efforts which saw over 19 different actors running separate cash programmes. By August 2017 the UNHCR was providing cash assistance to 32,408 people, and by January 2019, at the time of my fieldwork, 63,853 people were receiving cash. This demonstrates the scale of the data set the UNHCR holds on people seeking asylum in Greece, where in 2019 there was 77,287 applications for asylum (AIDA 2020). At the time of fieldwork, cash cards required monthly check-ups carried out over the phone for people in mainland Greece, to make sure the ‘beneficiaries’ were still in the country. The cash card in Greece does not use biometrics as a means of facilitating aid distribution, as is becoming a somewhat common practice outside of Europe (see



We register every single refugee that comes into Democratic Republic of the Congo.

Why?

Because the first step to safety is having an identity.



Figure 6 - UNHCR twitter post

<sup>112</sup> Support for people seeking asylum in Greece <https://estia.unhcr.gr/en/home/>

<sup>113</sup> From October 2021 the Greek state and ministry of migration took over the provision of support for people seeking asylum.

Figure 6; see also Jacobsen and Sandvik 2018; Sánchez-Monedero 2018). However, when speaking with W, a senior UNHCR cash card staff member, he told me of his belief that these checks would be made easier using biometrics such as iris scans and fingerprints, ensuring more “efficient” monthly checks.

When asked whether he believed ‘beneficiaries’ would really prefer to give their fingerprint opposed to monthly check-ups, he told me that he felt people were often happy to give any data in exchange for cash assistance; a very honest, yet somewhat sinister remark. This reflection by a UNHCR staff member is significant when we think about the use of cash cards as a means of surveillance or control beyond a physical location. This would arguably become furthered if cash cards were to use biometrics and could come to mirror the use of fingerprints in facilitating spatial control through the Dublin Regulation.

However, it’s possible to see how spatial control is enacted through the cash cards even without the use of biometrics. Up until early 2019 cash cards were only given to those in “legitimate” accommodation either provided by UNHCR or another housing partner, or in a camp. For the thousands of people in insecure housing, on the streets, or in squats, cash assistance was not an option. The programme stated that a person must be registered with the Greek authorities as an asylum seeker to access cash assistance, yet accommodation is often not provided to all those who claim asylum as in many other EU countries, except in camps widely condemned as unsafe (Oxfam 2019). Thus, for those who lived in unofficial accommodation, such as squats in the city, cash assistance became another form of exclusion. From 2019 until July 2021 this changed, and regardless of where people lived during their asylum claim they could access the cash cards. However, a new law came into effect on 1<sup>st</sup> July 2021 that once again excluded people from aid dependent upon their housing. Speaking of the pre-2019 limitation on the cash card, W said;

W: again, I am not taking places here, but I am saying that it was a decision at some point, a political decision, that people that do not reside either in the accommodation scheme or in one of the official sites or can prove that they have a legitimate address are not to benefit from the cash program.

Accordingly, cash assistance seemingly presents a means of confining people to easily controlled spatial areas such as camps or official housing, or even reinforcing the

geographical restrictions placed on those living on the islands<sup>114</sup>. Cash cards thus seem to offer a means of denying independence and freedom to people receiving the financial support. For people with island restrictions on their asylum claim where they cannot leave the hotspots on Aegean Islands, cash cards will not work long term on the mainland. This means that the border is no longer confined to borderzones but inhabits further dispersed spatial elements, where cash cards become capable of controlling people throughout the asylum procedure, even after they have left the camp. Moreover, the cards become a coercive and disciplinary measure that adopts logics which legitimises dehumanising sanctions and can often be seen in welfare provision across the board (Wright et al. 2020).

Another example of attempts to control people on the move through the cash cards in Greece occurred during fieldwork in April 2019. At this time there was a movement organised by people on the move referred to as the ‘caravan of hope’, which saw hundreds attempt to make a mass border crossing and leave Greece. Largely organised on social media, people gathered at Diavata camp outside of Thessaloniki in Northern Greece. During the days leading up to this, efforts were made to stop people making the journey to Thessaloniki, with people being denied entry to trains and buses, and with police questioning those who managed to make the journey North. This resulted in protests at the central train station in Athens (FWM 2019) and marked a significant step up in geographical containment within mainland Greece. Ultimately the ‘caravan of hope’ was unsuccessful, being met with harsh measures and significant police brutality, where those who had managed to gather were contained to a field, denied access to fresh water, and bombarded with tear gas for days on end until the crowd dispersed. In relation to cash cards, payment for people in Athens that month was late, meaning many were not able to purchase travel tickets. This came after extensive warnings from IOM and UNHCR against taking part in the planned journey. Though no official statement was made regarding the late payment, many people I spoke with believed the late payment to be an intentional decision to limit numbers travelling north, though of course this is unconfirmed. Regardless of whether this had been an intentional move, that people viewed the late payment as even possibly intentional emphasises that cash assistance was recognised

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<sup>114</sup> At the time of fieldwork, people who claim asylum on the Greek islands were given ‘island restrictions’ that state a person must remain on the island for the duration of their asylum claim unless they are given explicit permission to move to the mainland.



as a potential form of control, and even punishment, for taking part in a protest condemned by humanitarian actors.

A further example of control and surveillance through the use of cash cards can be seen in a story told to me by W in relation to tracking smuggling networks. W explained to me instances where cash cards were repeatedly reported lost, reissued, and then lost again within a short space of time. He told me that this caused suspicion for the cash card team, and it would be a reason to have a closer look at the location and spending patterns of the cash card. This would sometimes show, W told me, that someone was receiving a reissued card on an island one day, and the very next day attempting to spend the card on the other side of Greece near a land border. Consequently, the cash card had the ability to help authorities realise when illegalised activities were taking place, and link people on the islands to smuggling networks that were helping people to leave Greece. This monitoring was conducted through tracking where money is spent on the card. These tracking practices were not only explained to me by W, but also by Md, a man from Iran who had worked for GCA in Greece before he left and travelled to the UK to claim asylum there.

Here, it is not only movement that can be tracked, but suspected criminal activity. As was noted in relation to Eurodac and fingerprints in the previous chapter, cash cards become about *knowing things*, from spending habits, to smuggling networks. As W explained to me, the cash card allowed the UNHCR, and by extension the Greek state, see where, when, and on what the cash card was spent. Furthermore, if someone attempted to use a cash card outside of Greece the private company which provides the cash card infrastructure flagged this up and could instantly block the card.

W: The bank knows which ATM you used to get cash and what date and what time... the bank can see the store ... the product that you purchased ... the moment they [the cards] are used outside of Greece the financial service provider knows and they have to lock the card. Now one would say that this is restrictive, someone else would say that it is put in place to also prevent from fraudulent transactions... or transactions that were considered to be high risk... To use them for online gambling. In this case the card is locked directly...

In light of this comment, we see that the cards enable several methods for further governance,

surveillance, and monitoring, both spatially as well as what could be perceived as morally, whereby cash is not allowed to be spent in alcohol shops, or for online gambling etc. Through the guise of detecting “fraudulent transactions”, cash cards seemingly enable the inscription of moral standards on ‘good’ and ‘bad’ spending patterns. As W explains above, “high risk” transactions, such as gambling, would mean cards become automatically locked. Thus, gambling is depicted as a moral wrong, something risky and off limits for people in receipt of asylum support, reinforcing moral guidelines on what is acceptable and not. Consequently, we see how data can be used to reinforce existing notions of the ‘deserving’ and ‘undeserving’ migrant. As Th succinctly explains when we discussed this element of cash assistance in Greece:

Th: ...It constructs a profile of attitudes, a repertoire of accepted and non-accepted actions, So, if you are a refugee you cannot gamble, you cannot drink alcohol... you are not free to make the choice.

When speaking to people receiving the cash card, it was quite widely known about certain restrictions placed upon the card. For example, Q and U, who were both seeking asylum in Greece, both noted that check-ups were made to make sure that people were not selling their card. Many others commented on a recent change in 2019 to restrict the amount of cash a person was able to take out in one go, which was recognised as a move to force people to spend their cards in the supermarkets directly. Others said that they had not known about the spending limits as they had never tried to spend their card in an alcohol shop, and it was common that people preferred to take cash out and not to buy everything on card. However, this was not always because they felt that what they spent the money on was being tracked, but merely a preference to have cash. In an interesting conversation with O, a young man from Afghanistan seeking asylum in Greece, he explained the fears he had about surveillance and cash cards:

O: They didn’t tell me anything about it, but I am not using it on kiosk to buy tobacco or beer or something because I am afraid that if they are gonna check it, they are gonna think that.... Ah he is spending all of the money on tobacco and drinks, so I am not using it on the kiosks.

Int: So, you are worried about them watching what you are buying and judging you on it?

O: Yeh, all refugees are, that's why they are going immediately when they receive the top up, they are going to the ATM and taking out all of the money, and then they are spending cash... I don't know, maybe they want to check and see what the money is going on, maybe if the money isn't going on food they are gonna cancel it and think that he is rich... so if they are looking what you are spending the money on, this is a control. So actually, it's not your money and you are not allowed to spend on whatever you want... so it's actually control.... Sometimes it's too much, I want to tell the asylum office or tell the cash card office... [but] I am scared for my family, I don't want to lose the accommodation, I don't want to lose the cash card, I don't want to get a negative decision from the asylum office, so whatever they say I need to... slowly eat it and just tell them how wonderful they are.

This conversation highlights some important points. Firstly, that taking out cash was sometimes seen as a means of navigating and resisting this system of surveillance through avoiding every individual transaction to be tracked. Secondly, the conditionality of asylum support on 'good' behaviour traced through everyday surveillance with a focus on spending habits and enforcing arbitrary rules becomes apparent. Here, some people seemingly feared losing support if they deviate from accepted behaviour. This demonstrates how efforts to increase surveillance come to be embodied through the creation of moral guidelines put in place through spending restrictions. Consequently, the use of cash cards offers a means of limiting freedom and choice, as well as enforcing people to live within the confines of pre-determined notions of 'good' and 'bad' migrants, whereby 'good' migrants do not drink or gamble, and 'bad' migrants do. This acts as a form of data profiling that enables categorisation of people into levels of worthiness, and further entrenches notions of legality and illegality prevalent in border regimes

Finally, as conversations with migrant interlocutors showed, there were worries that you could have your cash card taken away if you are suspected of having savings or an independent source of income. This is not yet a condition of cash cards in Greece, and Lv, a

lawyer working in Greece, told me she believes the UNHCR are not able to check the tax number of someone (their αφμ), as they “don’t have the technology or the data sharing to check peoples’ income”. However, in the UK someone can only access asylum support if they can prove destitution, where credit checks are carried out to ensure no other funds are available. The Home Office uses the company Experian to perform credit checks to “establish if they have any bank, credit or PayPal accounts<sup>115</sup>”. This credit check, I was told by Dm, who works for an NGO advising people how to access asylum support in the UK, can lead to people avoiding applying for support even though they are entitled to it due to not wanting the Home Office to see their transaction history for the previous six months. Dm commented that this could be due to people working without permission in order to survive while without support, as people seeking asylum or without status are not given permission to work in the UK, where credit checks created fear of negative impacts on an asylum claim. Experian has also been used to look for an “financial footprint” to “identify, potentially, people who might be chargeable<sup>116</sup>” for NHS treatment, as explained to me by a campaigner for migrants’ health rights, something to be discussed in the next chapter.

In the following section when looking at the ASPEN card in the UK, many of the themes discussed above also occur. For example, in the UK there were also concerns over tracking of spending to reinforce the conditionality of support in line with morally outlined “essential” items, alongside the use of cards as a technique of geographical containment. In both instances it becomes possible to see how faster and more vast data collection enables a higher level of governance without resorting to physical spatial control.

### 5.2.2 ASPEN Cards

In the UK, it became clear that asylum support is even more regulated and monitored, where themes that occurred in Greece such as fears of surveillance and enforced conditionality became further inscribed onto, and felt by, people on asylum support. As discussed in chapter

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<sup>115</sup> Quote taken from an interview with Dm who works for an NGO offering advice on asylum support in the UK.

<sup>116</sup> Quote f taken from an interview with Ay who works for an NGO focused on migrant health rights in the UK.

2, the asylum support service in the UK, NASS, became separated from mainstream benefits in 1999 with the Immigration and Asylum Act (United Kingdom 1999). This act not only created a comprehensive system for data sharing between the Home Office, police, crime databases and customs (Webber 2012,149) but tied together housing and financial support. This was used to enforce geographical containment through the monitoring of spending habits in relation to dispersal areas. The UK operates a no choice dispersal housing basis meaning that, except in narrowly defined exceptional circumstances, accommodation can be offered anywhere in the country. If a person refuses the accommodation, the Home Office argues that they are not facing destitution.

A condition of living in NASS accommodation is ongoing residence, meaning a person is not allowed to leave for prolonged periods of time. To ensure a person is staying at their NASS accommodation, the monitoring of ASPEN cards, is conducted, as Lv, a lawyer working in both the UK and Greece explained to me:

Lv: You know the ASPEN Card that people get for asylum support, the Home Office when they introduced that, they also explicitly stated that it was so that they could analyse the data usage so they can see where people shop and they can see if someone leaves their accommodation because if you're given a Home Office house in Birmingham and your card's being used in London, then it's obvious you're not staying in your house so they can withdraw the support on that basis.

People in receipt of support also told me of this concern, where they felt that if they left their place of accommodation for too long, the Home Office would know. Ae, a woman from Nigeria who has received refugee status, told me of her experience and the experience of people she works with within a migrant solidarity group in Manchester:

Ae: They... track people where they spend the card. For instance, some of our members... when they've been to London, and they've needs purchases, but they're supposed to be living in Manchester, they've been told by the Home Office where they spent the money, the card, or where they've used the card in London. So, if they were not tracking them, how would they know that they used

the card to make purchases in London. And what law says that you cannot travel within the UK?

Ae's comments highlight the strict and arbitrary nature of imposing geographical containment within the same country. These practices are similar to the enforcing of geographical restrictions between the islands and mainland in Greece through cash cards. Ae told me that she understood she was not allowed to leave the UK while claiming asylum, but that she did not believe it right she should have her movement within the country controlled like this. This was also felt by Ma, who was currently appealing a refused asylum claim in the UK, where she told me of her frustration about not being able to travel within the country:

Ma: me no, you can't use this ASPEN card... in another city, except the area where you live. So, it kind of monitors you. You know, you can't even move from the area, so traumatise, so you feel you are in the prison, you feel like you don't have any choice... They not just lock you down in the country, you cannot travel to any country, but for many years you cannot even travel to the city.

Here, we see the impact of this surveillance, containment and control on people receiving asylum support, relating to fear, mental health, and freedom. However, before moving on to focus more on the impact and experiences of people receiving asylum support, it is key to examine how cash card data is tracked.

Within the NGO and civil society sector it seemed to be common knowledge that ASPEN cards are tracked (see Privacy International 2019). From conversations with people working in this area it seems there is a "flagging system" carried out by a computer system and then checked over by a Home Office case worker<sup>117</sup>. The process of having your spending tracked and flagged up as suspicious was described clearly to me by Dm, who works on asylum support issues for an NGO in England:

DM: This can lead to 'compliance decisions' if UKVI<sup>118</sup> believes that the card is not being used (suggestive of alternative source of income) or the card is being used in a different area to where the client has been accommodated (suggestive

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<sup>117</sup> Quote and information from an interview with Em, a NGO worker focused on asylum support and rights of people seeking asylum.

<sup>118</sup> UK Visa and Immigration.

of alternative accommodation being available to the individual) ... In these cases, UKVI write to the individual asking for an explanation... It seems that people's subsistence support is often suspended on the date that the letter is sent out. This is extremely concerning and seems to suggest a 'guilty until proven innocent' approach to this matter.

Dm's comments highlight the apparent logics of suspicion that are engrained across the asylum systems of Europe, which can have a hugely detrimental impact on people navigating these systems. Important to note here is that different types of asylum support are provided in the UK. Section 95 (s95) support is given to people with an ongoing asylum claim, this amounts to £39.63 per week for each individual and can be withdrawn at cash machines. It is possible to have 'subsistence only' s95 support where financial support and not housing is given, though this is harder to get as the destitution test becomes more complicated. The other form of support is called Section 4 (s4). This is given to people refused asylum who are unable to be removed, have an ongoing fresh claim or are making efforts to leave the country. Crucially, s4 support can only be spent on the ASPEN card, cash cannot be taken out from a cash machine. This means that the Home Office can track all spending, including items and location. This in turn highlights that the more precarious the immigration status, the higher the level of surveillance as hostility becomes ramped up in efforts to coerce people into 'voluntary' returns. As Ev, a legal caseworker in the UK told me:

Ev; the failure of your claim, [when] you become appeal rights exhausted, immediately it allows you to then switch... the support for those individuals. And that is a way to try to encourage people to leave the UK once their claim has failed.

And so, cash cards and asylum support seem to not only be a way to monitor people, but also to further hostile environment policies in the UK. They become a technique of exclusion, hoping to contribute towards untenable situations and persuade people to leave the UK. Although it was Theresa May in 2012 who first declared intentionally hostile immigration policies, now termed "compliant environment" policies, these date back to the late 1990s. As

Em, an NGO worker in the UK who has worked closely in the area of asylum support for 20 years told me, asylum support has always carried within it techniques for control:

Em: The thing was I remember when I first started working, the National Asylum Support Service was set up by the Labour government in 2000 and a lot of it was around compliance and I always felt, especially when they brought in the Azure Card<sup>119</sup>, that this is a guinea pig system... for welfare benefits and that concept of if you don't comply, we will stop your money... And right from the beginning, asylum support was a means of making people comply anyway... the asylum support system was created to ensure that peoples' behaviour fitted what they wanted it to be.

A notable remark here is that techniques used on 'non-citizens' are often a precursor for things to come for citizens, and the high conditionality of welfare has also become part of mainstream benefits in recent years (Wright et al. 2020). Further to this, issues of enforcing certain behaviour became a key theme, as with the GCA cash cards, where ideas of 'good' and 'bad' recipients became entrenched in spending habits and choices.

Em told me of times she witnessed asylum support used as a direct threat when people had to report for their immigration bail, "and he basically said to her, if you don't do what I say, you've got to come in here, I won't allow you in here and then your money will stop". She told me of the deep power imbalance engrained into asylum support linked to immigration status, where precarity enforces compliance with hostile policy. This existed before the ASPEN card, when you had to collect money from the Post Office. Em told me she believed it had become more obvious as the technology became more advanced and furthered the link between behaviour/choices, immigration status, geographical containment and destitution:

Em: I think it is easier [with the new card] because ... You're able to pinpoint it a lot easier and obviously before they were never able to see if you were using the money in unusual places, as in certain shops... So, before it was, they could try and work out if you were in other parts of the country or not staying in the property and that kind of thing, but now they're able to assess that the way you

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<sup>119</sup> The cash card used for people on s4 before the ASPEN card was introduced.



are using your money suggests that you have other means of income to be able to pay for your other essential needs

This comment followed stories of people she knew who had had their actions questioned after spending £30 on car parts in one week. Em told me he was questioned about his spending money on “non-essential items”, highlighting that it is not just geographical location that is tracked. Em believed that there were also bans on spending money on alcohol and cigarettes, as shown above to be the case for Greece. Bk, a woman from Nigeria who had been refused asylum in the UK, also told me of a time where her card was refused in a petrol station when trying to pay for fuel in a friend’s car when receiving a lift to an appointment, suggesting fuel is also not deemed an “essential” item. And so, we again see the enforcement of moral guidelines through restricting the buying of alcohol and cigarettes, alongside stringent conditionality about the use of asylum support for “essential” items only. This was seen as unfair by people receiving support. As one person explained to me, maybe he was able to buy cigarettes because he chose to spend less on food that week.

It became clear during conversations with people receiving support via the ASPEN card that people were aware of the conditionality of the support, and that this in turn often created feelings of fear and control. Freedom and hostility were mentioned by multiple people receiving asylum support “yes, it does, it affects freedom, in all aspects<sup>120</sup>”, “so that is part of what they do. Control all your life. Yeah, that you don't have your own freedom<sup>121</sup>”, “it's unpleasant it's like, they stole your freedom. And they restricted you. It's not good.<sup>122</sup>”, “they are just trying to make people too scared, to do their hostile environment<sup>123</sup>”. Further to this, more than one person mentioned the impact this had on mental health, where the lack of freedom led to re-traumatisation and being treated as less than an adult, unable to make choices for yourself as Ma told me:

Ma: Of course, like I said earlier it traumatise me, I feel I have no have any choice, you know? I feel like I am being monitored. Whatever I want to do, is just behind me telling me what to do. And I don't feel comfortable with that. As

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<sup>120</sup> Quote taken from an interview with Ft, a woman seeking asylum in the UK.

<sup>121</sup> Quote taken from an interview with Bk, a woman seeking asylum in the UK.

<sup>122</sup> Quote taken from an interview with Bh, a man seeking asylum in the UK.

<sup>123</sup> Quote taken from an interview with Ih, a man with refugee status in the UK.

an adult they shouldn't be behind me because, in this country the adult is from 18, so I'm over 18, but I'm still being monitored like I was a baby, a child.

Ae reflected on the impact of this monitoring on members of the solidarity group in Manchester:

Ae: They were scared. It was the fear that, so every step that they were taking, the Home Office was tracking them. So, so, to live in that kind of fear. It affects their mental health. It affects their dignity. It affects everything about you because you feel you are exposed... That they were being monitored, that they were being tracked. And that was huge for them... it's a system that instils fear into everyone. So that you will feel that you don't really have control over your own your life, it's everything is in their hands. And, also, to make it very, very hostile for people... and also trying to establish their own power, which is the authority that they have over people's lives because the decision making can make or break someone... Can ruin life or make a life... so it's another way of establishing the authority and control of people.

Again, we see overarching logics of the asylum system engrained into everyday surveillance practices, where control and containment seem to become the focus, enacted through the monitoring of behaviour via the cash card. Ultimately, these practices work to enforce the authority of the state on to the lives of people with precarious immigration status, who become victim to the whim of immigration authorities, and are forced to comply with restrictive measures to receive support. As Bh, a young man seeking asylum in the UK powerfully explained, this reliance on strict conditions and compliance means that "It's like, this is like making you, always be needy to them. Begging them."

People receiving the support told me of their deep uncomfortableness with these surveillance practices, and how they experienced the deep-rooted desire to control people seeking asylum in the UK:

Bk: I think it effects my emotional, my freedom, because I want, I want to be able to use the card. I don't have to be panicked, like oh, that somebody is there monitoring me. You know the way I spent the money. So, I want to be like

independent in doing my own thing. Yeah, I don't want a third party that was, that was on the computer, like tracking me, all about which I'm not comfortable about that yeah... They want to have the control by everything you do. Yeah, they want to control everything you do... remotely or anyhow.

It seemed people felt there was a definite ability for the Home Office to track spending and share information regarding all interactions, as, like Im, a young woman seeking asylum told me, “They have all my identity<sup>124</sup>” – a comment reflective of the UNHCR’s twitter post in Figure 6. As well, Ih, who had recently been granted refugee status when I spoke with him, told me he felt these technological systems for sharing data and tracking were designed purely to make it “more difficult for asylum people in all angles”.

These practices of tracking and surveillance also affected the actions of people in receipt of asylum support. For example, Bk told me that this fear affected how she spent her money, making sure she only bought “essential items” when spending on her card. Even though she told me she didn’t smoke or drink, she preferred to always take out cash rather than spending directly on the card. As well, Ft, a young mother with an ongoing asylum claim in the UK, told me of the ways in which she used her financial support and the fears that accompanied this. As mentioned above, the destitution test is important when considering how people use their money, as any saving of support will be read as financial independence and asylum support could be cut due to lack of destitution. Asylum support is loaded onto the ASPEN card every week, yet Ft told me she often takes her money out every two weeks, instead of every week, “Because you know that the money is small. It's small and when... you withdraw the money, you can be tempted to spend it, yeah. So, you can go back... after two weeks and withdraw”. She explained that having this larger amount made shopping easier as she could save money by buying some items in bulk. However, she also told me of her concerns over doing this after being warned by friends of the consequences, and knowing herself that the Home Office know each time she withdraws money:

Ft: So many people, that’s what they tell me... So even if it’s just £10 you should just withdraw it, remove it from there. So, I ask them why? I have been given...

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<sup>124</sup> Quote taken from an interview with Im, a female seeking asylum in the UK.

if I don't want to withdraw it now, I can withdraw it later. And they say no. That is what friends tell me because they are scared. All just have that fear, that fear of fear, that they don't know what the Home Office is up to... Everybody scared because they don't know. Everybody, including me, I won't tell you and brave about it.

...

Because on the day of reckoning, which is the interview day, they will ask me what, why do I withdraw my money every two weeks instead of every week? What am I up to?

This fear goes beyond losing assistance but spilled over into concerns about how the surveillance of cash cards will affect asylum claim themselves, where the use of the cash card could be brought up in asylum interviews. It seemed that for some people I spoke with, especially those who had come straight to the UK via aeroplane and not made the journey across Europe, that this was of more importance than fingerprints. Bh, who had previously claimed asylum in Denmark before making it to the UK also told me of his fears regarding this. When talking about restrictions and uses of the ASPEN card, he commented that 'non-compliance' could be brought up as a negative point in asylum appeal tribunals, saying that "You know after you got refused with interview. You go to the court and that stage it stick with them".

The last point to be discussed here is practices of avoiding surveillance and reaffirming agency. People told me they often took out cash to avoid having the items they buy monitored via the card, though they noted this did not get rid of the ability of the Home Office to see the withdrawal location. This means of avoiding surveillance is similar to what O had told me when discussing cash cards in Greece, where he took the cash straight away to avoid having his purchases tracked. Md, a man from Iran seeking asylum in the UK told me how he navigated this surveillance. Though Md had been housed in one area of Greater Manchester, by the Home Office, during the pandemic he decided to move to live with a friend in another NASS house with an empty room, in another part of Greater Manchester, about 20 miles away. Despite being in the same city technically, Md was concerned that the Home Office would be able to tell he was not staying at his house and withdraw his support

and mess with his asylum claim. To avoid this, he told me he travelled back to his area every two weeks and withdrew the money, being careful never to spend his card close to his friend's house. As he told me "When they put restrictions, you will find a way to go out. Yeah, this is like sanctions, and you know we can come from the country of sanctions. We know how to get out of it.". This last point highlights how restrictions are often met with resistance and new ways to move around them are continually carved out. However, it is crucial to note that for people refused asylum who are on s4 support, it is not possible to withdraw cash and so they face heightened levels of surveillance as their immigration status grows more precarious, as Ku, himself being refused asylum previously told me:

Ku: Firstly, the people who getting s4, or have a new claim... you cannot take the money. You can be tracked by that place, for where you are living... If they are in Birmingham, and is living in Manchester, I think it can be trouble here.

This aspect of surveillance through cash cards highlights sinister elements that directly link heightened monitoring with more precarious immigration status. Whilst citizens can use their bank cards every day, most likely without a second thought of surveillance, people deemed as 'other' or 'less' than respectable citizens – including people on mainstream benefits who are often painted as 'scroungers' if they spend their benefits on 'non-essential' items such as alcohol or cigarettes – surveillance becomes a huge part of life, governing decisions, affecting mental health and prompting fear and feelings of exclusion. The next section will explore how these same notions of fear over monitoring and tracking exist beyond conditional financial assistance and encompass other everyday technologies such as phones or social media, which are often key to accessing services or information yet open people up to further surveillance.

### 5.3. Phones and Social Media as Preconditions and Surveillance

When speaking with participants on the move about state surveillance, it became clear that for some this was a huge concern. From speaking with migrant interlocutors it seemed people were more concerned about surveillance after they had left Greece. Many people I met in Athens expressed concerns about their phones or social media being checked when they

arrived in another country, which will be explored in the final section of this chapter. Despite this, there remained a sense of uneasiness among migrant interlocutors I spoke with that the Greek state could see them, making people feel as though they were, for good or bad, being watched. As B, a recognised refugee from Afghanistan living in Athens told me:

B: I don't know how they manage it, but I am sure they are aware of everything here. Particularly for refugees, whatever every single refugee does here they are totally aware of what they are doing.

Int: So, you feel like you are being watched?

B: Definitely, not only me but all refugee people.

However, others I spoke with in Athens explained that in Greece surveillance was not such a problem because “they didn't even check my phone or anything... if they start to check peoples' phones, I might worry about that<sup>125</sup>”. Further to this, X, a man from Syria who held refugee status in Greece but had moved to the Netherlands only to be violently deported along with his two young daughters and wife, felt that not only was there not surveillance in Greece, but that people were purposely ignored. When I asked him about this feeling of being watched he told me:

X: Here in Greece? No. In Netherlands yes, you feel you are someone watching you. But here in Greece no, no one, no one is asking for you. Maybe I will die now here in the middle of the street, and if I die no one will ask for me.

It is worth noting here that Greece is currently building new camps with high tech surveillance features including drones and movement sensors and passing laws to ensure all people live in the camps while claiming asylum (Gatopoulos and Kantouris 2021). Despite this, at the time of my fieldwork in 2019, the idea that Greece was less able to track or watch people is understandable given the somewhat chaotic nature of the Greek asylum system. This system left people waiting years for their interview, and longer still for their documents, where many people face homelessness as the state and asylum service claims to be overwhelmed.

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<sup>125</sup> Quote from interview with H, a man seeking asylum in Greece.

In the UK it seemed to be a different story. During interviews in the UK some of the people seeking asylum that I spoke with expressed their concern that the Home Office placed surveillance cameras in their asylum support houses. When asking with migrant interlocutors in the UK about state surveillance practices, it was clear that this was a big worry and source of stress for many. As Ku, a man from Sierra Leone explained, “I think yeah, they are able to do that, yeh to track where, where you are<sup>126</sup>”. This was seen to be done through cash cards as noted above, as well as through checking phones or social media or through reporting<sup>127</sup>. Whereas reporting for immigration bail, much like fingerprinting, is an overt sign of control, surveillance through the monitoring of cash cards or phones becomes insidious. As such, these surveillance practices are both present and yet obscure as often they are not obvious but only suspected by people navigating the asylum system, who saw the Home Office as “authoritative<sup>128</sup>”. As Is, a Yemeni man recently arrived in the UK and seeking asylum explained:

Is: I don't know whether is true or not. This became among every one of the refugees that are coming to here, they understand that, okay, they're being watched. Their online activity would be seen at some point, so the calls and the messages... this is a common thing. I don't know if it's true or not, I cannot make it sure, and I don't know if that's allowed by law or not.

Here, as Is describes, the uncertainty about clear practices or legality adds to feelings of confusion, of stress and anxiety that interlocutors told me of. In the next section I further engage with the ways phones and social media offer up new and more insidious means of affording far-reaching state surveillance practices. Moreover, I look at how they have become an intrinsic part of asylum infrastructure, where applying for asylum and receiving asylum support are in some cases completely reliant upon having a phone, meaning surveillance is unavoidable.

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<sup>126</sup> Quote taken from an interview with Ku, a man seeking asylum in the UK.

<sup>127</sup> Reporting refers to people on “Immigration Bail” being required to present themselves to the Home Office periodically to show they have not absconded.

<sup>128</sup> Quote taken from an interview with Ft, a young woman seeking asylum in the UK.

### 5.3.1 Phones as a Precondition

Mobile phones are needed to access basic services and rights in both Greece and the UK. During my fieldwork, observations, interviews, and conversations showed the myriad ways phones have become integral to many aspects of life. Phones were recognised as imperative to staying in touch with friends and family either back home or in other European countries, as well as sharing essential information and learning about asylum procedures both from Facebook groups and NGOs, as well as staying in touch with caseworkers or lawyers. Phones were also recognised as important evidence, for photos of vital documents or family, which could be used in Family Reunification cases or substantive asylum interviews. Also, phones were seen as a lifeline for people in detention for reaching out to organisations for help.

Examples were given during fieldwork where a mobile phone had meant the difference between life and death whilst crossing from Turkey to Greece, both over land as a means of reporting violent push backs and in boats when navigation or engines failed. And so, many people I spoke with commented on the violence of destroying or stealing a person's phone. This was described to me as a tactic for push backs at the land border in the Evros region in Northern Greece, where border guards and police actively push people back across the border to Turkey. For example, Rs who finally managed to make it to Greece and claim asylum after many failed attempts to do so told me of his experience:

Rs: When they caught us, they took us to a parking, first of all they beat us, women also. And then they took off our clothes, our shoes, our mobile phones, everything we had... My wife had her brother's pictures in her phone, and now her brother died, and she is going mad now, and every night she is crying because of the pictures.

Not only does this method deny a person the ability to call for help or report violence, but also highlights the long-term effect of taking a mobile phone when this could be the only place photos of loved ones lost in conflict are held. It also destroys a person's data trace which would prove their entry to European territory. An interview with an NGO worker who was working with in the North of Greece felt that these methods were especially violent in



this context. Specifically, they discussed how a phone is not only the means of navigation and survival, but also a powerful means of proving push back practices:

Y: What we have seen is that normally the people who report the push back, usually do it because they have managed to keep their phone and managed to communicate with activists that are in the area and tell them you know that they were pushed back and ended up in Turkey. So, taking someone's phone is essentially trying to silence the push back, at least for a few days

Beyond phones being a lifeline or evidence, they also offer another avenue for surveillance, as social media accounts and phone data are analysed by border officials. Before moving to look at these techniques of surveillance, I quickly give an overview of when a phone, and likewise information sharing or evidence gathering on social media, is most needed to access rights. This was more prevalent in Greece than the UK as basic infrastructure was reliant on corporate platforms.

The first important point here is that the only way for most people in mainland Greece to register for asylum is via a Skype helpline. To begin asylum proceedings officially in mainland Greece at the time of fieldwork, a person had to call Skype at a specified time depending on their nationality and language to register their intent to claim asylum. This discriminatory element of Skype will be discussed in more detail in the following chapter in relation to Skype as a means of denying rights to asylum for specific nationalities. For now, however, it is important to note that not all nationalities were represented on the Skype timetable, and some were forced to go to the asylum office in person to register, where they were often turned away. For those who were apprehended at the border, they may have received a police paper with a "willing number"<sup>129</sup>. This means they will already be registered within ALKIONI, the Greek asylum database, yet still had to gain a full registration appointment. In theory, those with a police paper could go directly to the asylum office to register, however it was often the case that they were also turned away. Other people exempt from using Skype to register were those classed as vulnerable in accordance with EU

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<sup>129</sup> Recognition that someone wishes to claim asylum yet has not officially done so.

directive 2013/33/EU<sup>130</sup>, including people with medical conditions, pregnant women, single mothers, and minors.

It is vital to understand that without a phone capable of having internet and calling Skype it became substantially more difficult, if not impossible, to claim asylum. Further to this, to access the UNHCR cash cards in Greece, a person needed to contact the cash card line on Viber.



Figure 7 - Greek Cash Alliance contact card

To apply for financial support in Athens at the time of my research, people had to contact the relevant language cash card line on Viber (see Figure 7) leaving basic details and wait for a response. This could take many months and a consistent number was needed in order to hear back about financial assistance. Following this, people were asked to send photos of all their asylum documents over the platform. If a person sent multiple messages, they were automatically moved to the end of the list, and it often took a long time to gain any response due to high numbers of applicants and messages. H, who had applied for the cash card whilst seeking asylum in Greece told me he waited almost three months for the initial response, and

<sup>130</sup> Article 21 outlines “Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation, in the national law implementing this Directive.” - <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0033&from=EN>

a further two months to receive his cash. It was not only the long wait that was a concern for people applying for financial support, but issues of privacy were brought up due to the sending of sensitive documents to a faceless number over a privately owned platform. As well, people spoke of the need to maintain a consistent phone number to access this aid in the first place, and even before that the basic need to have any phone at all to access asylum and aid in Greece. As N, a young man from Afghanistan seeking asylum in Greece explained to me;

N: It's very important. To have a phone... but to have a phone you need to have money and most of the people here don't have money. And they don't have money because they don't get registered. And they don't get registered because the system is very difficult for them, because they need a phone. It's connected between everything, Skype system, Viber system, applying for asylum, everything is connected between each other and its very complicated.

As the above quote illustrates, we see a somewhat Kafkaesque system operating. What becomes clear when examining these methods of registration is that phones are essentially a pre-condition for asylum and financial support in Greece This is despite these rights being enshrined within EU directives for the right to claim asylum, and the provision of adequate reception conditions whilst applying for asylum. Further, not only must a person have access to a phone, but it must be able to download apps, connect to the internet, and retain the same number to allow for continued communication, especially in the case of cash cards.

Skype was also repeatedly brought up by migrant interlocutors in Greece, where people without a phone or without internet found registering for asylum exceedingly difficult, slow, and expensive. T, a young man from West Africa told me of his experience of registering for asylum without a phone, "It was too much, every time I had to give two euro to call. In two months, every Wednesday. So, you need also money." Despite the argument made by some experts interviewed that using internet platforms allowed for people to connect for free in Wi-fi spots, internet connectivity seemed to be a source of struggle for people seeking asylum in Athens, as shown by T who had to find money every day for an internet café. Thus, another important point for considering phones as a precondition for asylum and aid, is how the use of Skype and Viber in Greece mean that people had to stay connected to the internet. O, a

young man from Afghanistan claiming asylum in Greece, explained to me the difficulties this presented. He told me that often cheap internet sim cards had an offer that is only valid for one month, and became excessively expensive afterward, meaning many people simply got a new sim each month. As well, if a person was unable to top up their sim card with credit, it would become deactivated and unable to receive incoming calls.

This has severe implications when a person's phone number is intrinsic to their cash assistance or asylum and these issues were brought up in multiple interviews and acknowledged as a serious barrier to asylum and aid. For cash cards, in order to change your phone number, you had to send a message on Viber, yet sending a new message automatically placed you at the bottom of the list for replies, putting your monthly cash allowance at risk. Moreover, maintaining a stable number and internet connection to access asylum and aid was shown to be difficult.

These issues over accessibility were brought up by a German lawyer, Rb, who believed that due to these preconditions, the use of Skype could be viewed as illegal in reference to Article 14 in the Universal Declaration of Human Rights 1948 (UNHCR 2011) as not everyone is able to access the right to claim asylum. Though there were a small number of NGO offices or community spaces where Skype calls were offered, these were often overwhelmed, and people had to wait a long time for appointments to use the space. Moreover, there is no guarantee that their call would be answered during the appointment. Indeed, the likelihood of someone answering the call was apparently slim and some people waited months and even years to get through. These dysfunctional elements of Skype will be explored further in the next chapter, where I discuss the motivations behind the use of technology that fails to offer everyone a real chance of registering for asylum. However, for now I wish to illustrate how phones explicitly relate to accessing basic rights such as asylum and aid, how they become a precondition to these rights, and how they offer chances for everyday surveillance through banal technologies that work as techniques of containment.

In the UK, whilst it is still true that consistency of phone numbers is required to stay in touch with the Home Office regarding a person's asylum claim, it was not seen as such a big issue. This is in part due to easier access to legal aid lawyers who communicate with the Home Office on a person's behalf. Further to this, whilst communication with Migrant Help, the

NGO who works with the Home Office to advise people about their asylum support and accommodation, is done via phone, accessibility is arguably still much easier than in Greece as an internet connection is not necessarily needed. This is not to say Migrant Help are not problematic, as it is true that people still wait many hours on hold to get through to someone. However, access to lawyers and support services in the UK is easier than in Greece, where legal aid does not exist beyond lawyers working for small NGOs. For example, an NGO I worked with in Manchester was able to support people throughout the whole process of applying for asylum support in the UK, and even communicate with Migrant Help and the Home Office on a person's behalf, something almost impossible to do with cash cards in Greece where Viber is the only way. Importantly, though phones are still needed in the UK for information, communication and community, internet access is not required to claim asylum or receive financial support in the UK. This reduces the reliance on mobile phones for fundamental rights. However, phones became an enormous issue for people seeking asylum in the UK in relation to surveillance, where many people I spoke with felt as though their phones were being monitored, hacked or even their location was being tracked through their phone.

### 5.3.2 Dangerous Phone Data?

Above we saw how phones have become an integral part of asylum systems in Europe through their intrinsic role in accessing fundamental rights. In Greece this goes as far as phones becoming almost a pre-condition to asylum and aid. However, sinister elements of phones within border regimes also come to light when we look at surveillance practices as a means of tracking and monitoring people on the move, creating fear for people making journeys across Europe and seeking asylum. It seemed that this was far more prevalent in the UK, where, as Bk told me of her worries when seeking asylum in the UK, "If they want to hack your phone, it's possible they can do, they can do anything they want to, you know, without you being told without being notifying you, they can do anything".

This was not seen by migrant interlocutors I spoke with as something that was done regularly in Greece. Despite this, it was something people were aware of when planning to leave

Greece and travel to other countries where phones would be checked, as we shall see below. To begin, I reflect on experiences and concerns relayed to me by people seeking asylum in both fieldwork sites to situate the deep-seated fear people felt during their asylum claims due to concerns over surveillance. I also note some of the ways people avoided it. I then frame these experiences alongside conversations with lawyers and civil society workers to explore the impact of standardised practices of data scraping mobile phones of people on the move when they arrive to Northern European countries such as the UK or Germany.

Ft, a young woman seeking asylum who had been in the UK for one year, told me of her and others' anxieties over being watched and monitored by the Home Office, "people are worried, everyone is worried" she explained to me. She even told me of her fears that the Home Office could have cameras in the house and how she never felt as though she had any privacy from them. This was something that she felt contradicted her fundamental human rights to housing and privacy on top of feeling scared. Ft's feelings were echoed in several other conversations with people seeking asylum in the UK. "Fear" was a big part of feelings of insecurity, accentuated by not knowing exactly what was going on. As Ft described, this was especially prevalent in relation to phones:

Ft: Another thing asylums are scared of is, when you are coming... Once you get to the airport, they take your phones. They take your phones... But the question is, why they're with your phone? What are you doing with your phone? That is the question... What are they doing your phone? Are they putting in chips to know where you are at the moment?... This is the insecurity the asylum seekers are facing... for monitor you, your statement, your text messages, your conversation, everything... Yeah that is the fear that asylum seekers have. So up until now we don't know. We don't know.

Ft was not sure why phones were taken at the airport in the UK but thought it could be to check if your what you told the border guards or police was true, something repeated by others I spoke with in the UK. For example, Is, a young man from Yemen now living in the UK told me of his fears about phones. He was worried about how it could affect his asylum claim if any small discrepancy was found between his story and his phone data. However, he

suggested again that a large part of the fear came from not knowing what they do with your phone:

Is: Yeah, sometimes I don't want to show all the history of my photos and videos in Yemen. The countries I have been too and, it might simply affect my claim if by some, if they keep investigating everything I have on my phone, it would lead to some tiny little contradiction that happens among talking or whatever... you don't know what the reason is, why they're doing this, and so we just feel afraid and you don't keep it with you... I mean mostly they would arrive without a phone, so to avoid anything that happened

Arguably, we see that data from someone's phone has the potential to act as a verification and identification measure that actively seeks to displace human accounts of identity and experiences. It does so through placing weight on the data over a person's own account of events, in a similar vein to fingerprints, where phones and fingerprints act as a marker of truth and are believed over a person's own account.

This is not just something done by the Home Office. Md recounted his experience of being refused asylum and deported from Iceland back to Greece where he had status, before his journey to the UK, talking of his suspicions over the role of his phone data.

Md: But this happened in Iceland to me. They took my phone and they kept it for six months. Yeh, they sent it to Germany. Yeah, I don't know there's a unit in Germany who can inspect the phones.

Int: And did they say if they found anything or what they were looking for?

Md: No, I just I just know that when my phone arrived after that, they told me that, like a week later, they told me that you are granted asylum in Greece. I don't know why. Maybe it was like a coincidence like the letter from... Eurodac, and my phone arrive in the same time, maybe.

Though he had not had his phone checked when he arrived in Britain by plane, he had been concerned about this and had "deleted everything on my phone. I don't have bad things on my phone... but I just restored my phone, especially for my Google map, I wanted my

tracement, my track to be lost”. He explained how he felt that phones were a “very dangerous thing that I am carrying with myself everywhere.” Here we see that data mining of phones was often pre-empted by people on the move. As Rb, a German lawyer working in Greece explained to me, this practice of tracking location is common in Germany. Rb described how a person’s phone could be taken for long periods of time to read the messages, track the location, see where someone has been via GPS and calls, and corroborate these findings with a person’s story. This resonates with comments made above by Is and Md about fears that phone data could be used against you in your asylum claim. This was not always the case, and some people I spoke with, interestingly many of those who were currently in Greece, told me that they would be happy to use their phone data as evidence, to show they are telling the truth and strengthen their claim.

In one conversation, with U, an Iranian woman seeking asylum in Greece, she stated that she would be happy for GAS to look through her phone, arguing that then they would “see that I am a political person and answer me”. Likewise, X who had recently been deported from the Netherlands to Greece where he was a recognised refugee, told me stories of friends and family he knew where phone data had apparently helped their asylum claim in Germany, as their story and data showed the same story, proving they were not lying. However, many migrant interlocutors in both the UK and Greece feared that their data would not be used in this positive way, and their anxieties of punitive uses of their phone data were greater than the potential benefits, leading to changed behaviours and fear.

When I asked people whether these anxieties affected how they used their phone, I was told that it was often at the back of their minds. As Ft explained in the UK:

Ft: Yes, it affects how I use my phone... There are some things I cannot put on my never, I can't put on my phone never. Because I feel, I feel as I'm typing, they also getting it in their system. That does not mean I have bad intentions, but I just want to feel safe.

Once more, concerns over safety proliferated as insecurity and engrained hostility towards people seeking asylum was shown to be an issue. Within this, practices of surveillance and tracking manifested as feelings of ongoing fear and suspicion. This meant some people did not feel free to use their phone as they liked, over fears their calls were being tracked. This



is not to say people were doing anything wrong, but that a feeling of uneasiness permeated interactions with mobile phones.

Though this practice of taking phones was not yet carried out in Greece at the time of my fieldwork, it still had a huge impact on people living there for those who planned, as Md had done, to travel onwards to other European countries. Unsurprisingly, the data scraping of mobile phones in other European countries such as the UK, as well as Germany or the Netherlands, was widely known about among communities of people on the move. As H and Z commented, who were both seeking asylum in Greece, told me:

H: Yeh its quite normal that if you have a friend who left Greece and he didn't answer your message for three months, ah its ok, he is in Germany. [laughs].

Z: Yes, they will check my phone, they will check my clothes too. They will check also my body, everything. And this is bad.

Z's comment hits home, along with Ft's fears of cameras in the house, that many people on the move felt as though faced constant scrutiny, and lacked privacy. Alongside these comments, many people in Greece recognised that their GPS history showing their journey could be checked when reaching other countries, as well as their contacts, and their identity. As H explained further:

H: What I know from my friends, and anyone who went there, they are even changing their phones because sometimes they are checking it to see how you come there, if you are a smuggler or not. I think it's just about that. Because they want to know anything about your background. Even someone told me that in the Netherlands they are checking the Facebook or the social media apps that you have.

Before moving on to touch on the issue of social media that H brought up here, it is useful to further explore H's mention of smugglers and checking phones as a means of criminal investigation. As with fingerprinting, some believed this check to be related to criminality, to check you were not involved with terrorists or smuggling networks.

In the UK, where phone data extraction was, as noted by lawyers and civil society actors I spoke with, a routine practice, the pretext of criminal investigation was often adopted by the Home Office. In this case phones are taken “as a matter of course... on the border<sup>131</sup>”, when “people who get caught in the control zone, so Calais, Dunkirk, other ports... have their phones confiscated by the UK border force<sup>132</sup>”. Expanding on this, DI who has worked for many years on asylum cases for a legal firm in the UK told me about the reasons for this practice:

DI: It would probably be done under national security... protection of borders. So, yes, finding out just any info they can about maybe how the person got in, if any crimes were committed in the process, and, yes, maybe contact details for smugglers, I’m sure they look up that.

It seemed to be no secret that the Home Office take information from mobile phones. As well, the Home Office publicised video footage from drones showing who steers boats crossing the channel to arrest people on smuggling charges (see Figure 8). In light of this surveillance, I was told that throwing your phone away before crossing by boat has become a “mandatory thing that the smugglers tell you to do... because of the information and that information that concerns the smugglers, his contact details. He doesn't want to get to the UK authorities<sup>133</sup>”.

If this is the case for all people who cross by boat, it could have severe impacts not only on losing access to information or connection to family and community that borders have forced someone to separate from and that a phone enabled ongoing contact with, but also created physical dangers along the journey as Sh who had crossed to the UK by boat told me:

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<sup>131</sup> Quote taken from an interview with DI, an immigration lawyer in the UK.

<sup>132</sup> Quote taken from an interview with Fr, an NGO worker in the UK and Calais.

<sup>133</sup> Quote taken from an interview with Is, a man seeking asylum in the UK.



Figure 8 - Drone footage on Home Office Twitter

Sh: My smuggler told me that this cell phone will make trouble for you so... they threatened all the people in the game that you have to give us your phones and we throw it to the sea, in the sea, because if police in the UK reached your phone it will be trouble for us... when we were, we were on the trip and the sea and we were almost sinking, drowning, and water was on our boat, but I needed phone to call police to rescue us. Nobody showed that he has a phone.

This point highlights, as shown in the previous section, that phones can sometimes mean the difference between life and death. As Fr, who works for a research and advocacy NGO for migrants' rights in Europe, explains, that concerns over data collection should outweigh lifesaving communication on dangerous journeys is a huge issue:

Fr: I guess it's again the impacts of the fear of data collection, or actual data collection, because that means that people are in the middle of the Channel with no phone, which is literally life-threatening if you can't call emergency services, or you can't call friends to let them know where you are.

Other implications for the danger of phones come when we consider 'inadmissibility' decisions, touched upon in the previous chapter. An inadmissibility decision means a state

decides they do not have to consider an asylum claim due to, for example, passing through a ‘safe third country’. Here, the argument is that someone would not face danger if they were to be returned there and so deportation would not breach the “non-refoulement” clause in the Refugee Convention. Of course, these decisions are arbitrary and used largely as a means of keeping numbers down, visible now in Greece’s new law that Turkey is a safe country for people from Syria, Afghanistan, Pakistan, Bangladesh and Somalia (ECRE 2021b).

As discussed above, the use of phone data as a means of proving or disproving someone’s story is of real concern, especially given that phones can have many owners and that data on a phone may very well not be related to the person who currently holds the mobile. Rb, a German lawyer, described to me how in some ways this data provided much more detailed information than Eurodac. This was, he suggested, because it is able to tell how long a person was in a country for, not merely that they were there at some point. In relation to Eurodac and fingerprinting, Rb admitted that phone data would only ever currently be considered circumstantial evidence, opposed to fingerprints as infallible markers of truth. However, the responsibility for disproving the data would fall to the person seeking asylum, and if a person’s claim and their data showed different stories, this could seriously affect their credibility and chances of asylum.

Concerns over circumstantial evidence become hugely important when we see the increased use of ‘inadmissibility decisions’, where Home Office case workers in the UK are told to use evidence ranging from receipts to vehicle tracking data (Home Office 2020b). This was something recognised by people working in the asylum area. Fr explained her concerns and experiences of phone data as a tool for deportation:

Fr: There’s some evidence that’s been brought forward by lawyers that seems to suggest people have been being removed even without Eurodac fingerprints, so based... on some form of documentary evidence that the person has been in France, or another European country which, to my knowledge, wasn’t the case before this really strong kind of anti-Channel crossings push by Priti Patel... I was wondering also in terms of hearing more about the expedited removals, whether data that’s kept on the phone is used to track them on GPS to say, okay you’re in France, you’re going to be removed to France.

This comment highlights concerns that phone data can become a tool for potential deportation. Fr's comment also notes that a lot of this is potentially down to political motivations, where the political landscape affects how these practices are implemented, something I discuss further in chapter 7. As noted in the previous chapter in relation to deportations and channel crossings, we see again in Fr's comments that phone data becomes a tool in the same fight against people arriving to the UK on small boats.

In Greece, some people commented that when on the journey to Greece you may not have time to worry about these elements of surveillance. However, once in Greece and for any further travels made, people told me they would often take these issues into consideration. Many people I spoke with admitted they would throw away their phone before they travelled or leave it behind in Greece. As such, people seemed to know that deleting photos or apps alone was not enough to get rid of data on the phone (Meaker 2018). These actions echo what was discussed above, where smugglers would make people throw their phones before crossing the Channel to the UK. This form of resistance was seen as necessary, not to hide wrong doings, but to protect privacy and information that could be used against them in a system that protects borders over people seeking asylum.

Some people also expressed concerns that phones could be used when states attempted to send them back to Greece, as was potentially happening with inadmissibility decisions in the UK. Moreover, as asylum processes incorporate more complex measures to establish a person's identity and their story, efforts to claim asylum in another country than the first one registered in could become less successful. More than one person interviewed expressed concerns over being sent back to Greece because of GPS data on their phone, especially for single men or recognised refugees in Greece. Others resented having to give both their phone data and their fingerprint, as A who was living undocumented in Greece told me:

A: The system is making stuff more complicated, not easier. If I have to think about emptying the data on my phone before giving my fingerprint, why I have to do both steps?

These last points highlight the growing importance of both phones and fingerprints, within asylum procedures in Europe. As Rs, who was also living undocumented in Greece, told me of his worries over phone data alongside fingerprints:

Rs: The two most important things for refugees is these two things, mobiles and fingerprints... All the people who are here and have left Greece are scared of these things, phones and fingerprints... if your fingerprints come up its 100% they will know your last location and where you came from. If they check your phone, your GPS they are also going to know your last location.

Accordingly, phones were seen as a source of surveillance in Greece as well as the UK, a “snitch” as Rs later called them, more tangible than fingerprints. In opposition to fingerprints, which were often viewed in conflicting terms, with distinctions made between ink and laser, permanent and temporary, strong and weak, phones were more clearly understood. This was recognised by people seeking asylum in the UK as well. For example, Ft explained her concerns over her phone to me:

Ft: I'm not worried about fingerprints... phone is more implicating. Yes, because once was anything, anything that they don't like... It can be proven, and even with evidence... So, phone is more implicating, implicative than the fingerprints... For me, it's more dangerous than the fingerprints.

And so, in both fieldwork locations, and across the world, phone data has quickly become a recognised form of control. Yet people on the move have likewise responded swiftly, finding methods of resistance through throwing their phones or deleting social media accounts. Phones, photos and data then become an area of self-governance, whereby awareness of potential uses of your personal data to disprove an asylum claim or trace a journey become a powerful tool for shaping actions and enacting control. The power of phones and data run deep, and so tendencies to disrupt, discriminate, categorise and control people on the move, through both biometric and phone data, must be questioned and injustices recognised. This is important as the further entrenchment of violent border policies, driven by overt political goals to curb migration, result in ongoing harm to people on the move. An important aspect of phone data here, alongside language and location, comes from people's actions on social media. The next section will look briefly at people's concerns over their social media being tracked and used against them in their asylum cases.

### 5.3.3 Social Media

In a similar way to checking phones and data scraping from mobiles, people I spoke with in Greece did not feel like the asylum service was likely to check the social media of people claiming asylum. However, as with phone data it was seen as a potential risk in countries beyond Greece. As such, people told me of stories they had heard about people caught out by a picture on their social media. M, a Syrian man with refugee status working at a grass roots project in Athens, discussed how he often told the young boys to be careful with the pictures they took and the posts they made on Facebook. He suggested they had the very real potential to affect your chances of asylum in other countries:

M: Yeh they will google your name. And actually, already they do. They do your fingerprint, but they do another thing, they know where you have been and for Germany and for any country, the idea of the photo sometime proves you are having a good life. Like if I have photo in Turkey and I say it's not a safe place for me I was scared I was not going out. And then they check my Facebook, and they see a lot of photos of me in Turkey at a restaurant. Ah you are lying...

This demonstrates that already when in Greece some people may begin to alter their online behaviour out of fear of their data being used against them when they reach a Northern European country to claim asylum. If we move away from Greece and take the UK as an example of a Northern European country, it becomes apparent that social media checking is something that happens routinely.

Ih recounted his experience at the airport when arriving in Britain, where his phone was taken, and he believes his social media was checked:

Ih: Yeah, they took my phone at the airport and put it in a machine... it's almost like 10 or 15 minutes they didn't bring my phone back. Later that they brought my phone, so when I have Internet access and log into my Facebook straight off, the password I used to use, they changed, they ask me for another new password. I was worried because it never happens to me... So when somebody talks about that, like they used to check Facebook, I conclude that is true because it happens to me.

However, he also told me that nothing from his Facebook was brought up in his interview to try and corroborate his story. Commenting on this he said, “I don’t know, maybe they find out that was all of I told them was truth”. This highlights the ways that evidence from Facebook, as M in Greece had believed, had the potential to be used as evidence in someone’s asylum interview. However, in contrary to M’s concerns, Ih suggests that it could be used to back up someone’s claim, proving someone to be ‘genuine’.

When questioning if this sort of monitoring was done routinely in the UK, a lawyer working in London that I spoke with told me that they “definitely do that<sup>134</sup>”. She believed that social media could be used to check someone’s story, including their nationality or in family reunion cases to see if someone was related and tagged in photos together on their social media. Another indication that this is routinely done came to light when talking with Sh, who told me that he had been asked for his social media account in his initial screening interview. Ma, who had been seeking asylum in the UK for many years, felt that the Home Office could consistently check a person’s social media. She recounted a story of someone she knew having been caught working without the right to work, telling me how she believed this had been down to the Home Office checking on her social media:

Ma: They check, they check, they check everything. They check because, I remember... this lady she was on Facebook, she was doing the hair, she was advertising what she was doing. You know what happened, the Home Office called her, they said here we are, we see you doing the hair. How do they know, they checked it. You don’t have any secrets. You don’t have any privacy.

Again, a lack of privacy seemed to be a big issue here for people seeking asylum in the UK, where surveillance of social media created anxieties and worries. Ma explained that due to these concerns she would never put photos of herself online, or her WhatsApp and did not use Facebook at all, because “the Home Office trace you wherever you go, whatever. When you want to trace you, he is capable to do so” This was recognised by Mn, who volunteered with an asylum support group in the UK. Mn mentioned that he knew of people using an “alias” on social media, which he felt this could have been down to two reasons. Firstly, to

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<sup>134</sup> Quote from Dl, an immigration lawyer in the UK.



have different social media for posting political content that could result in persecution or violence if they were ever deported to their home country. Secondly, he suggested that people he knew had been keen for their alias profile not to be shared with the Home Office, to allow for some privacy.

Conversely, Ft told me that whilst she did think the Home Office checked people's social media, she didn't mind too much. She felt it was justified as it would show what she was saying was true, "So I don't feel threatened by people going to social media to check, they want to know you. They also want to know if this story you told them is true."

Ultimately, anxieties and fears over surveillance appeared to be hugely prevalent in conversations with people seeking asylum in the UK. As Ih said, for himself it was a huge concern as it made him feel unsafe and disrespected:

Ih: I was worried, I was worried. Yeah, I was worried. I was worried. I was worried I was really really worried about that... I was scared that maybe they are tracking what I'm saying. You know all this is no good.

Ma also believed that this checking of social media was deeply unfair and discriminatory, "we don't have anymore privacy, we don't, it's not right, it's not right... They shouldn't be doing that for asylum seekers. We are not doing harm". I was also told by To, a young woman seeking asylum in the UK, that these concerns over the Home Office checking social media were talked about often, where people noted the surveillance of not only social media but through any technologies that could be tracked:

To: We've heard a lot of stories... you know, in our community we talk a lot. You hear different experiences. That's why everyone is kind of being careful. The kind of interactions, the kind of conversation you hold on social media and technology generally.

Int: Yeah, and what are people worried about? What are the concerns?

To: Everything. The privacy, that's the thing.

And so, we see that surveillance, monitoring and tracking of phones, social media, cash cards and other technologies create feelings of uneasiness, anxiety, fear and a lack of privacy and

rights. However, as shown at the beginning of this section, phones also facilitate a means of communication or community, and can provide evidence for asylum claims. In light of this, there is seemingly an ambivalence in relation to these commonplace technologies, which offer support but also surveillance.

#### 5.4. Conclusion

Throughout this chapter I presented fieldwork data on the use of cash cards in both the UK and Greece to show the reader how the state is able to monitor, control, and restrict people seeking asylum through the tracking of simple technologies that are not particularly new or exceptional. Here, morally constructed ideas of ‘good’ or ‘worthy’ refugees are enforced through restrictions of things such as gambling, and ideas of ‘essential’ items where limits were placed onto spending and monitored through data infrastructures. Moreover, such technologies also enable geographical containment, in NASS accommodation in the UK, and on the islands in Greece. As such, we see how forms of everyday surveillance can have huge impacts over freedoms and choices.

I also presented data on how surveillance is enacted through phones and social media, where insidious surveillance took place through the checking of GPS coordinates, social media, and messages after arrival to the UK. This impacted the ways in which people interacted and used social media or their phones, and in some cases led to people throwing their phones away when making a journey across Europe, for example when leaving Greece. This created further risks along the journey as calls to emergency services were no longer possible if trouble arose on the dangerous routes. In addition, I presented data to highlight that avoiding surveillance by not having a phone at all was not always a choice, as phones have become so intrinsic to asylum infrastructure. In both examples discussed, the banality of the technology is important to understandings of how these forms of surveillance have become engrained in bordering practices beyond the border, as well as how power manifests. This is important in recognising how every interaction can become a way of operationalising control, either through geographical containment or spending habits, in societies hostile to migrants.

This chapter acts as a counter to the importance of fingerprinting, highlighting how phones and other forms of data collection and monitoring have also become paramount to registration practices and asylum in Europe. This demonstrates another manifestation of power within datafied borders. Ultimately, this chapter shows that bordering logics are becoming entrenched in the everyday through the banal and the insidious tech that we all interact with. This often attracts much less attention than expansive EU biometric databases or technological spectacles at the physical border which include drones, radar and thermal technology. Encompassing all of these techniques, the border becomes both more and less visible as it moves beyond the physical space and into complex, abstract datafied arenas where private companies play their part in constructing borders as hostile spaces of surveillance. In the next chapter I explore how these insidious technologies, such as the use of Skype discussed above, work as a tool of immigration policy, where the dispossession of rights is enforced through (dys) functional data infrastructures in both the UK and Greece.

## 6. Dispossession Through Data Infrastructure; Technology as a Tool of Immigration Policy

### 6.1 Introduction

The previous two chapters discussed findings from fieldwork that looked at biometric identification and categorisation as one manifestation of power within datafied borders, and everyday surveillance techniques for geographical containment as another. This chapter concerns itself with one final manifestation of power that came to light during fieldwork, the dispossession of rights through (dys)functional data infrastructure. To explore this, I present findings that look at data infrastructures in relation to asylum and other fundamental rights including health or social care. I critically engage with the ways (dys)functional technology furthers immigration controls and policy through the dispossession of supposedly fundamental rights, where data infrastructures work to dispossess the rights of non-citizens. Although I use the language of ‘rights’, the fact that these rely on states who are hostile to illegalised migrants means the term is somewhat lacking in power, as illegalised bodies have access to few rights<sup>135</sup>. However, it remains a somewhat useful term in expressing the manifestation of harm in a way accessible to readers.

Below, I present two examples from fieldwork, one from each case study. For the first example, I look at systems of ‘hostile data’ (Corporate Watch 2018) in the UK, i.e., data sharing infrastructures between governmental departments for immigration purposes as a part of hostile environment policies. I explore how data has the ability to exclude people without recourse to public funds from NHS healthcare through automated identification and information sharing with the Home Office. Here, themes emerged on the discriminatory nature of blanket data sharing and checking of all patients in hospitals. As well, I discuss the questionable motives for introducing charging policies, with many interlocutors feeling the charges did not make economic sense. The second example examines the use of the Skype platform for registering for asylum in Greece, as briefly discussed in the previous chapter. I explore how the technology is presented as a means of registering large numbers of people

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<sup>135</sup> Something to be further discussed in the conclusion (see also Abuya et al. 2021; Mayblin 2014, 2017).

whilst avoiding huge queues outside the asylum offices. My data highlights how this process meant many people waited months or years without proper recourse to asylum. In both examples, we see that these technological tools are often sold as a way of cutting costs, covering for staff shortages, or improving efficiency. However, these infrastructures often do not function properly, leading to further problems or failing to fulfil their stated goal, i.e., of registering everybody for asylum, or recouping funds for the NHS. And so, we must ask why they continue to be used and invested in. Consequently, I introduce the idea of (dys)functional tech, where these technologies and infrastructure do not fulfil the stated goal yet function to implement exclusionary logics that prevail within European border regimes.

What I illustrate through these examples is how the structural violence embedded into bordering practices shapes how technologies play out in relation to fulfilling immigration policy goals. I also contribute further insights into how control becomes operationalised through these new technologies. Ultimately, in this chapter I present data to interrogate the neutrality of these technologies, emphasising their highly contentious and political nature, alongside demonstrating the actual impact this has on people on the move and seeking asylum in Europe. Here, I include an insightful quote from Ev, a legal caseworker in the UK, who, whilst reflecting on the use of myriad technologies in border controls and their political importance, told me:

Ev: The use of technology is very often a mechanism to control people in that way, whether or not it actually works. And sometimes the cruelty is the point. It's not a bug, it's a feature, as they say.... what you're trying to do is to make life as difficult as possible for people who don't have status in order to encourage them to leave, because you want this system of pure control which you can never achieve in practice... To me, I think it's more deliberate than accidental...

As Ev suggests, to interrogate the real agenda behind immigration policies, we must investigate the political climate in which they have been created. Importantly, we should recognise that technology can become a useful tool to maintain appearances of states upholding universal notions of fundamental rights whilst denying them to illegalised and 'undesirable' migrants.

## 6.2. Hostile Data as Dispossession

This section will focus on data from the UK case study to outline how data can be used as a tool for the dispossession of basic rights such as healthcare. I include findings on how sharing data affects access to healthcare within the NHS in the UK. These data sharing practices build upon hostile environment policies brought in by Theresa May and furthered by every Home Secretary since. The use of expansive data sharing infrastructure by the Home Office and governmental departments has led to data becoming the lynchpin for hostile environment policies in the UK. For this example, I discuss data sharing practices between the NHS and Home Office, which work to check a person's eligibility for free health care. This eligibility check is done through a data interface called MESH, which has been used since 2018 to share information between the NHS and the Home Office. MESH produces a report, flagging people up using a traffic light system to indicate their immigration status and subsequently their healthcare rights.

MESH is a result of the hostile environment policy of charging for healthcare, introduced by the 2014 and 2016 Immigration Acts, where 'overseas visitors' are liable to pay for certain health treatments. Below, data is presented to explore the ways in which this disseminates bordering across society, reflecting on how doctors fear they are becoming border guards (Azarmi and Arora 2021). I also discuss how hostile data disproportionately affects racialised people with health vulnerabilities. The fear created around accessing healthcare was palpable in many conversations with migrant interlocutors, highlighting themes of mistrust, avoidance and anxiety. Through this, we see how the effects of immigration data infrastructures in the UK reach far beyond asylum systems themselves. To begin, I briefly outline data sharing practices between governmental departments, for example within local councils and the police. before moving to explore the MESH interface and the motivations and implications of its use.

### 6.2.1 Hostile Data

Important for this chapter is the way in which data infrastructures have become key to the dispossession of rights for people with precarious immigration status, entrenching control and exclusion within bordering practices beyond the border. As Fr, who works for an advocacy group for refugee rights suggested, data sharing becomes key to implementing hostile environment policies and creating environments of fear due to how data came to track people and their movements:

Fr: It's interesting because I think it's omnipresent, like this kind of fear or awareness that people have of being tracked somehow, or of being documented. It defines everything. It defines where people feel comfortable getting food from, defines how people interact with volunteers versus authorities, versus state services, versus each other. It defines how people move, where people move, and isn't necessarily very visible.

Data sharing systems used for hostile environment policies often operate in the realm of social care. They do so to identify who has access to public funds, and who has 'No Recourse to Public Funds' (NRPF). NRPF has seemingly become an excuse to share personal data under the guise of protecting taxpayers' money and the public purse, as notions of chargeability or entitlement permeate all aspects of social care. This not only engrains ideas of 'scroungers' and 'undeserving' individuals but also facilitates immigration policy that can identify, track and detain people when they interact with social care. The number of data infrastructure that exist in the UK are expansive and it is beyond the scope of this chapter to describe them all. However, I will quickly map out some prevalent examples from fieldwork before moving to look in depth at data sharing in healthcare.

During fieldwork in the UK, many people told me of their concerns about data sharing practices. Interlocutors told me how it was often seen as an issue that affected people's everyday experiences of life and bordering. As Lv told me, "surveillance and data sharing the UK is number one". Having worked as a legal caseworker in both the UK and Greece Lv shared her view on the difference between the two locations regarding the level of data sharing and coordination between governmental departments:

Lv: The UK is way more sinister... because they actively invest significant amounts of money and significant energy on making a hostile environment, whereas in Greece it's almost an unintended consequence up until now...

She felt this was partly due to the UK's more established welfare state, suggesting Greece had a rather more "piecemeal" approach to welfare, where "there's not even effective communication between the government departments when you want there to be information sharing". An important element of data sharing for immigration practices is that border controls become dispersed across society in the UK, as Ev, a legal caseworker in the UK explained to me:

Ev: it contracts out the task of enforcement and excluding people from ... bank accounts, or driving licences, or services of any kind that depend on immigration status... So, immigration control becomes spread throughout society as a whole, and more and more people are expected to take on that immigration control function. So, I suppose it's thinking about the way that data is used to facilitate that.

Examples of hostile data encountered during fieldwork in the UK include data sharing between the Home Office and the police, local councils, and healthcare. For data sharing in the police, recent developments have seen the conflation of immigration and criminal databases IDENT11 and IABS through the introduction of the Biometric Services Gateway (Trendall 2018). This new database works through capturing biometrics (fingerprints) and checking them against data on both IDENT11 and IABS simultaneously. This is being implemented through mobile fingerprinting units used by 22 police forces across the country to stop and scan people without identification on the street.

Further to data sharing within law enforcement, it became apparent that people seeking asylum in the UK had concerns over data sharing and tracking during interactions any state authority. I was told of an apparent belief in the Home Office's ability to perform a high level of data sharing to enact control – something not that apparent during fieldwork in Greece. As Ma, who was appealing her negative asylum decision in the UK told me:



Ma: No, they have to have that technology in hand... he can see all since the day you enter in the country. So, this, when you give your information is there... It trace you wherever you go in the country... so that technology is very powerful it control everybody.

In line with these fears, a social care database that was identified during fieldwork as bringing immigration controls into social care was NRPFconnect. NRPFconnect identifies people with NRPF to local councils and is funded partly by the Home Office and partly by the council. The database shares information with the Home Office and is used to identify illegalised migrants and deny them access to social services, financial support, and council accommodation. NRPFconnect was signalled by interlocutors I spoke with and their own website as a means of speeding up processes whilst using less resources and staff power. As Am, who works on a project that helps people to access care, explained to me, NRPFconnect works through sharing information with the Home Office to determine a person's immigration status, where the level of care available is tied to immigration status.

The database flags up those with NRPF as potentially 'illegal' and liable to be reported to the Home Office for detention and deportation. This was highlighted by Wv, a lawyer working on accommodation issues. Wv told me she used to always advise people not to go to social services "until you've got some sort of application for leave in" to avoid any negative outcomes from the sharing of information between councils and the Home Office. Wv also pointed out that these measures affected women far more than men, as it was often women who needed housing support as single mothers or women facing domestic abuse.

More than one interlocutor shared concerns that these data sharing systems would cause people to avoid services. For example, Fm, who works for a digital rights NGO, told me their view that "this move to systems result in racial bias and an increased fear around... using public services that people are entitled to". However, Am felt that data systems alone were not enough to discourage people seeking care when they needed it, and that hostile policies as a whole contributed to anxieties around seeking support. NRPFconnect then works alongside other systemic hostility to create mistrust and fear of local authorities. This threatens to push people underground into unsafe and insecure living situations or homelessness, and leaves people vulnerable to exploitation. As we shall see below, this is a

recurring theme when discussing the complex and far-reaching elements of hostile data and the larger hostile environment policies in the UK.

The impact of these hostile data systems was felt by many migrant interlocutors in the UK, who told me of their fears and emphasised the lack of privacy due to data sharing and technological systems of control. As Ih, who had recently been granted asylum in the UK, told me:

Ih: Because they are going into people's privacy making people feel deeply the traumatisation. Making people feel this hostile, this hostile environment, all angles of this hostile environment is embedded in the asylum process.

Other interlocutors noted specifically that this became a problem when consent for the sharing of data was not given, as explained to me by To, a young single mother seeking asylum in the UK:

To: You know, technology or the abuse of it is when you try to get into people's privacy without their consent. That's an abuse really... in situation where the privacy is breached, that's when it becomes like a violation of human rights, you know?

Here, when consent is taken from the necessity of using a service, we must ask if this is really consent at all. As well, we should interrogate the impact these issues have, where rather than have their data shared without consent, people may avoid services. Fr commented on the impact this could have on people targeted, where people avoid services and thus risk becoming invisibilised:

Fr: It's like the notion of invisibilisation itself and that becomes so cemented in peoples' behaviours and in peoples' ways of living, and peoples' understanding of what space they can occupy and not occupy.

During fieldwork, healthcare seemed to be the issue that migrant interlocutors brought up the most in relation to data sharing. This was perhaps due to the fact fieldwork was being conducted during a global pandemic, or perhaps because it was the one felt most on a day-to-day level. Also, this was perhaps more shocking to people than, for example, the police

sharing data with the Home Office, as it seemed many migrant interlocutors saw the police and the Home Office as the same thing. In contrast, doctors were seen as someone who should be there to help. It became clear during fieldwork that data sharing between doctors and the Home Office was something that impacted people's interactions with, and seeking out of, support from authorities, from councils to doctors.

This highlights the focus of the rest of this section, where we see hostile data systems having far-reaching impacts, encompassing issues of fear, anxiety, discrimination, privacy, and consent. This turns social and healthcare services into areas of immigration control, where power manifests to deny access to fundamental rights. Also, we see how bordering practices come to be enacted through data infrastructure and insidious technologies that have complex impacts on access to rights such as healthcare. The next section shall explore in greater detail how the MESH system works in the NHS, before moving on to further reflect on the implications and lived experiences of these systems of hostile data.

### 6.2.2 MESH

MESH, as noted above, is a data interface run by NHS digital that checks patient data against Home Office immigration data. Many people who had claimed asylum in the UK told me of their concerns over visiting the doctor or hospital because of these practices. In the UK, primary healthcare (via the GP) is free for anyone regardless of immigration status. However, secondary care (in hospitals, surgeries, long term treatment) is reliant upon status and liable to charging. These charging regulations have become the most apparent manifestation of the hostile environment, and now operate through the data infrastructure MESH. There are special staff employed by NHS to conduct the immigration and chargeability checks, called the Overseas Visitors Managers (OVMs) who do not have specific medical or immigration training. Alongside OVMs, local partnership managers employed by the Home Office provide extra support for complex cases. Doctors and campaigners that I spoke with raised concerns over the muddying of roles and lack of either medical or immigration training for both OVMs and local partnership managers. As we shall see below, neither immigration status and what is classed as chargeable health care are clear cut, meaning the role of OVMs is complicated, and also limits what trained clinicians can do.

The MESH system, as was described to me by doctors, campaigners and OVMs, is essentially an “API that links the NHS systems with the Home Office and with other government databases<sup>136</sup>”. As Mdv, an OVM, explained, MESH ties together healthcare and immigration through an expansive data infrastructure:

Mdv: The MESH is great because it’s a system that effectively unites healthcare and immigration. So, what the MESH does, we need to run an internal report on all activity that has happened in the previous 24 hours and also all future activity, so every single appointment that has been booked for future dates. Then what the MESH does is it combs through all the NHS numbers and throws up all the patients that might be chargeable and the way it does that is by identifying what we call amber banners and red banners.

Ay, a campaigner with a migrant led group against charging and data sharing in the NHS, compared the traffic light system used for MESH to the visa algorithm that flagged visa applicants as red, amber or green for differential treatment according to nationality. The Joint Council for the Welfare of Immigration (JCWI), a legal NGO, took the Home Office to court about the discrimination embedded into the algorithm and the Home Office eventually dropped the use of it (JCWI 2020).

Importantly, the categorisation of chargeable patients is not as clear cut as this traffic light system would seem, and so we must look at the nuances of how it functions. Jy, who has spent years campaigning against the expansion of the hostile environment in the NHS, explained how exactly MESH operates:

Jy: So, the MESH system, you essentially upload like a CSV<sup>137</sup> file and then that will correspond the patient records with Home Office records and, as far as I understand it, send back what’s called a MESH report and the MESH report will give you potential chargeability statuses for the patients you’ve uploaded. There’s like nine or 12 categories that run from, essentially not chargeable British citizens to definitely chargeable, and then in between you have like EEA<sup>138</sup>

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<sup>136</sup> Quote taken from an interview with Jy, a healthcare rights campaigner for migrants in the UK.

<sup>137</sup> Comma-separated values.

<sup>138</sup> European Economic Area.

migrant categories for European health insurance cards, EHIC<sup>139</sup> recuperations, and then there's also potentially chargeable categories that come back on the MESH report as well.

As we can see from this explanation, the categorisation of people can be complex. Furthermore, when discussing the use of MESH with Jy, he told me that there were discrepancies against how MESH was used in different NHS trusts across the country. This was confirmed by speaking with OVMs from two different trusts. One OVM had a high number of people flagged as “red” due to being an inner-city trust with a diverse patient population. Another OVM who worked in the countryside, saw far less people flagged as having insecure immigration status. This difference was something both OVMs spoke of in relation to how they interacted with MESH. Despite the lack of uniformity across the use of MESH, Jy believed that the underlying purpose of the system was “identifying people as automated and as easy as possible”. He told me of his concerns over the use of “automated decision-making systems” and how he believed these systems were increasingly used due to a shortage of staff and severe underfunding. He also spoke of how they entrenched inequality and exclusion.

Further to this, Jy voiced his concerns over the lack of transparency around how these categories were determined, telling me of his worries that an “algorithmic decision-making tool” was used. He talked about how he had “no idea what the criteria are that they’re using to make that assessment.” This was brought up by Ay as well, another healthcare rights campaigner working within a migrant led NGO. Ay believed there could easily be “some element of sort of racial profiling that goes into that [MESH] system, some kind of algorithm that’s generated saying, if you have a surname that is one of these things, it is more likely you’re a migrant and may be chargeable”.

I was told by two OVMs that all NHS numbers are checked for chargeability. However, Jy highlighted that even if all numbers were checked, the criteria used to distinguish who was chargeable and who was not, and what exact data shared with the Home Office was often opaque. One OVM, Dd, shed some light on this. Dd explained that it is only date of birth

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<sup>139</sup> European Health Insurance Card.

(DOB) and NHS number that is shared. However, Dd did not know what exact information was checked by the Home Office, just that it was related to data stored on their immigration database. Despite this lack of clarity, Mdv, an OVM at a busy city hospital, told me that MESH allowed for OVMs to “see the immigration record for a patient as well”. This would suggest that fairly extensive amounts of immigration data were shared, however this remains unclear. Mdv did however clarify that “we don’t access the Home Office system as such, we just get the interface”.

I was also told that by Mdv that MESH draws the data on patients from the NHS database the ‘Spine’, which holds information on a person’s address, name, phone number, email address, GP, medical history and any previous addresses. This is all linked to a person’s NHS number, which they get when registering with any doctor for the first time. Through using this data, OVMs are able to see whether someone has been in the UK for years or whether they have recently arrived. I was told that those who are recently arrived are likely to be chargeable.

When speaking with OVMs they suggested that MESH was seen as a useful tool, facilitating checks for chargeability very quickly and on many people at once. As Dd explained, 5000 people could be checked in one go, and reports came back quickly with some people flagged up as “red” or “amber”. She told me that cases flagged up as “amber” needed further investigation:

Dd: You populate this form with their NHS number and their date of birth and then you upload that into the MESH system and it’s like you can do up to 5,000 numbers at a time and then it pulls you a report back ... some of them have got amber banners on the Spine which is essentially saying this person may be an overseas visitor and you may need to do further investigation. So, we look at all of those... then you get a list of patients that have indefinite leave to remain, they’re highlighted separately... and it separates out any that are chargeable with a red banner on the Spine...

Mdv explained that often those flagged as “amber” would ultimately not be chargeable:

Mdv: From experience, a lot of amber banners turn out to be absolutely fine. It's the red banners that we're mostly concerned about. The red banners are the ones that have a clear break in their immigration history. So, someone that, according to the current Home Office record, they're here and they shouldn't be here.

Interestingly, this quote highlights that healthcare chargeability has become somewhat linked to who 'should' and 'should not' be in the country, not only who is able to access healthcare. In terms of automation, Mdv noted that "red" flagged patients were always checked by calling the Home Office to confirm the information shown on the MESH report was up to date, signifying that the process is not fully automated:

Mdv: So what we do [when red banner is shown] is we go on the Spine ... The Home Office record will give us a biometric permit number if there is one and also the visa details, the expiry date of the latest visa that they had. But we don't just trust that because sometimes that information is not up to date. With immigration, things can change from one day to the next... If the Home Office confirm that the patient hasn't got a valid visa, then we charge them.

This was contrary to what I had been told by campaigners and organisers against data sharing in the NHS, who had believed the system was entirely automated. They had told me of examples they had seen where someone who was clearly exempt from charges still got a letter telling them to pay. This included people who had been sent letters regarding treatment for Covid, which is exempt from charges<sup>140</sup>. As Js, an A&E doctor told me, "Well, there's some people that really obviously that if any human had looked at them would know that they shouldn't be sent those letters."

Dd and Mdv both confirmed that before the use of MESH, practices were more ad hoc and less effective in identifying people deemed as chargeable. Mdv explained that on average at the hospital she worked at 3500-4000 people were checked every day, and so MESH did a job very quickly that would take an OVM all day, if not longer. Indeed, Mdv felt that the only limitation of MESH was that it was not able to detect chargeable patients without an NHS number, so could not flag tourists. The fact that MESH made OVM's jobs quicker was

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<sup>140</sup> Told to me by Ay, who works for a migrants rights group campaigning for free healthcare for all.

recognised by more than one person I spoke with as a motivation for them to make sure they used it. This simultaneously meant that the Home Office records were constantly updated. Dd told me that, before MESH, the trust she worked in used to check only the most recently issued NHS numbers, and then investigate them manually through the Spine. She commented that according to the NHS quarterly reports, the trust she worked at was now identifying 96% of overseas patients, up from 52% pre-MESH. However, she noted that many of these people had paid the health surcharge<sup>141</sup> required when applying for a visa and so it had not made a difference to the income of the trust.

Discriminatory practices were also apparent before the use of MESH, where, as Mdv told me, patients would sometimes be checked according to how foreign their name sounded, which she admitted was problematic:

Mdv: Before the MESH we had this dilemma that, for instance, if someone goes to A&E and they're admitted and they have an NHS number and they have a GP and they have an English name, then nobody will question those people... to base it just on the name was discriminatory, absolutely.

This is not to say that MESH is necessarily less discriminatory, as it further embeds discriminatory immigration policies relating to visas or asylum into healthcare. Rather, discrimination becomes less obvious as it takes place in a black box of technology. This highlights two important points, discrimination and invisibilisation.

When reflecting on discriminatory elements of healthcare eligibility and treatments embedded and furthered through the use of MESH and charging policies, Jy noted the multifaceted ways it manifested. He talked to me about the “material and direct discrimination” felt by people of colour who would often be the ones asked to prove entitlement to healthcare. He also mentioned the delays, deterrence or denial of care, which he felt disproportionately affected “asylum seekers, refugees, undocumented migrants and refused asylum seekers”. Moreover, he spoke of the “structural discrimination” that relates to the different outcomes and what he termed “cultural shifts” that such policies create within

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<sup>141</sup> The healthcare surcharge is an upfront payment visa applicants must pay before entering the UK in order for their visa to be approved and to cover any potential healthcare costs during their stay in the UK. The current rate for the surcharge is £470 per year.



NHS staff, who may develop opinions about ‘who is and who isn’t entitled to care and who is and who isn’t legitimate’ – shown above by Mdv’s comments. He explained his belief that it was this insidious element of the embedded discrimination within hostile health policies which became almost impossible to detect and eliminate. He suggested that this has been advanced through automation and far-reaching data infrastructures, becoming part of the very system of chargeability itself:

Jy: Actually, even if we do eradicate all the discrimination in the system itself, the kind of material discrimination, the existence of the system breeds discrimination in people which for me is like part of the intention of the policy, but much harder to prove., I don’t think any part of the policy is actually about money or the charging of money or successful recovery of money. Anyone with any kind of sense or grounding in economics would look at the policy and tell you it’s not going to work for that, which obviously then the question becomes why?

Again, Jy noted the “very common and entrenched narrative that the health service and public services generally suffer because of migration”, considering policies that focused on health tourism to be a “vote winner”. Moreover, Jy suggested that although the system for now focuses on race and migration status, it was ultimately part of a larger trend to privatise healthcare in the UK. Thus, chargeability, he implied, was implicit to how the normalisation of datafied systems on marginalised communities could later affect wider society, where asylum seekers and illegalised migrants act as fertile ground for testing policies of neoliberal and privatisation of public services.

When reflecting on the invisibilisation of enforcing immigration checks, it is important to highlight that fieldwork suggested that clinicians were not always aware of what is being done regarding checking immigration status. This was seemingly due to the outsourcing of the role to OVMs, as well as due to the use of automated checks via MESH. Doctors and nurses I spoke with admitted that many clinicians did not understand the charging rules relating to immigration. As Ds, an A&E doctor told me:

Ds: I personally always try and find out a bit about someone, whether they're chargeable or not. I think vast majority of doctors don't really understand who is chargeable and who's not and they think they don't have to have anything to do with it and so it tends just to not be part of the conversation.

It is worth noting that Ds has taken part in Docs not Cops campaigns and volunteers for Freedom from Torture – an organisation dedicated to supporting victims of torture and offering specialised services for people seeking asylum. Therefore, Ds has a political alignment with finding out about chargeability as a means of contesting immigration enforcement in health care. She explained her belief that the obfuscation of charges and lack of specified training on policies was a deliberate choice:

Ds: ...I also think there's like a very concerted effort by the management and by NHS more broadly, to not have clinical staff involved in these decisions... They make sure that we don't know, because if we knew then we would find ways of circumventing it. I really think there's an effort to keep us out of it all... Yeah, I think the vast majority of doctors don't agree with the charging necessarily or wouldn't agree with the principle of it if they sat down and thought about it. I think there's a disbelief around it actually happening because we don't see it, it's so intangible in terms of in hospital.

This is where the use of MESH, as an outwardly neutral system that checks all patients becomes even more contentious. The neutralisation of checks for chargeability in this way means that the outcomes become further removed from interactions in the physicality of hospitals. These outcomes include the dispossession of health care rights and recording of debts that impact future applications for the right to enter and stay in the UK. If doctors were more aware of the implications for people without secure immigration status, Ds believed that there would be more opposition.

Despite these concerns and lack of awareness by some clinicians, the use of automated and blanket data sharing in the NHS looks set to increase. Planned changes to MESH would see further automation of the system. I was told by those I spoke with in this field that there would soon be a live data feed between the NHS and Home Office. This could do away with manual checks on the categorisation of people as green, amber or red. I was told that this

would first be trialled on EU settled residents post Brexit, whose immigration status has, for the first time, been done entirely electronically. Jy believed that this change in practices from automated and blanket checking of NHS numbers also changes the nature of checking for chargeability substantially. This was, he suggested, due to the sheer amount of data shared on patients, where data sharing becomes widely accepted. In light of the future developments and ongoing investment in infrastructures such as MESH, the next section will question the motives for using MESH. I do so to move the discussion beyond efficiency claims, exploring what lies behind the drive toward automation of immigration checks and charging in healthcare.

### 6.2.3. Charging Policy or Immigration Enforcement?

The use of MESH has been justified as a means of gaining income for NHS trusts and preventing “health tourism” by ensuring people who had overstayed their visa or been refused asylum and no longer had access to public funds were not able to access free healthcare. After someone is flagged as chargeable, as shown above, a letter and invoice could be sent out asking for payment for healthcare treatment. If someone does not respond, then they become in debt to the NHS. When there is a debt of £500 the NHS has a legal obligation to share information with the Home Office. If this is not paid off in three months, the debt will prevent any future visa applications being approved, as it denotes what the Home Office deem as “bad character”. This was explained to me by Mdv:

Mdv: One thing that will happen for sure if they return to their country and they try to come back to the UK, they won't be allowed in if there's an unpaid medical bill... So, it's all interlinked, so NHS, Home Office, we work all together with these overseas visitors.

Some that I spoke with also feared this could affect people who claimed asylum when later applying for indefinite leave to remain. Beyond visa approval, Js, who is a doctor involved in organising against data sharing and charges suggested that records of a debt could be used to “decide whether an individual should be detained and deported.” Interviews during fieldwork seemed to suggest that detention was not an immediate widespread outcome of

data sharing for checking chargeability. Nonetheless, policies of debt and data sharing evidently had the ability to present long term complications and dangers. Interestingly, Mdv, echoing the “good character” test within the British Immigration Rules, suggested that those who had a debt were irresponsible and any future implications were their own fault:

Mdv: Normally one of two things can happen and then I’ll tell you which one happens the most. They could just ignore the invoice, go back to their country and think they’ve got away with it. Or they’re responsible, they intend to reapply for a visa, they want to stay in this country, they’re settled here, although they’ve an uncertain immigration status. Those people will tend to reach out and maybe set up a payment plan... A lot of people that overstayed their welcome... will not pay a medical bill.

Mdv’s comments suggest that not only are people who do not pay their health bill irresponsible, but also classes these people as unwelcome. This links immigration status, character of person, and healthcare together to be used in a punitive way and deny rights to entry, rights to remain and social care. An important thing to remember here is Dd’s comments above that despite an increase in finding overseas visitors (from 52% to 96%) through MESH, at the trust she worked in this did not actually mean an increase in revenue. This was, she believed, due to the fact many people flagged were on visas and had paid the health surcharge when applying and so did not have to pay for treatments. Beyond this, many people I spoke with felt that the economic interest in charging was a line used to play to public mood, where people worried about an underfunded, and over exploited NHS, as a matter of national pride. However, efforts to charge people often did not recoup money spent, as Mdv admitted:

Mdv: We will only recover about 15% of what we charge because of that, because it’s hard to charge a patient afterwards.

Furthermore, whilst charging is ineffective in recouping costs, it could actually end up costing more money in the long term. This is because people potentially put off minor treatments over fears of data sharing and immigration control, leading to more serious and costly treatment later on, as Ay explained to me:

AY: ...if you make people so fearful of accessing healthcare, it doesn't stop people from getting sick, it just stops them from going to the doctor until it's like very urgent and very extreme, which is always more costly care.

When considering this, we must ask whether the motives for charging are economic, or political. If we consider MESH and charging policies as recouping money, we can see it fails in this goal. Dd was quite sceptical about the actual benefits "So again I'm still absolutely not 100% if it's giving us any benefit or not really". This, she told me, was largely down to the fact there was no change in income to the hospital with all these checks. Dd even commented that it felt counterproductive to attempt to charge people who have no money, such as people refused asylum who do not have the right to work in the country. This point is an important one, as it brings to question what the aim of the data sharing is. If it is a means of making money for the NHS, it is arguably, as Dd points out, not fit for the job, as it often demands huge payments from people unable to pay. However, if it is, for example, to gain current addresses of people without permission to be in the country, as well as a tool used to log debt incurred in order to refuse future visa applications, then policy outcome can be seen in a different light. As such, we can begin to see the (dys)functional nature of the MESH infrastructure, where the stated policy outcome of recouping costs may not be achieved, but other goals, such as furthering exclusionary immigration policy is. Within this, MESH creates fear, mistrust, and hostility resulting in the dispossession of healthcare rights and furthering of control over people with precarious immigration status.

If we look instead at how the use of MESH and chargeability practices means a greater involvement of the Home Office in healthcare, and consequently how it becomes used as a tool for immigration enforcement and resulting exclusion we can see some striking examples. Some insights of note came to light during interviews with the two OVMs when discussing the role of the local partnership manager who is employed by the Home Office, and the level of interaction between OVMs and the Home Office more generally. Dd told me that their local partnership manager had, once or twice, given them a "heads-up on a couple of people that she knows are around". This suggests that if the Home Office are on the lookout for a specific person to target for immigration purposes, potentially for detention or deportation,

then they could potentially use MESH and OVMs to locate and track them. As Dd went on to explain:

Dd: We do on occasions... get notifications from the Home Office asking are we aware of a patient, this is an over-stayer or have they attended your hospital... We used to get one quite regularly just saying are you aware and most of the time we weren't aware of the patients, and they hadn't been to a hospital but if they live around the area, they would just send out this form saying can you just give us any feedback, have you invoiced this person, do you know anything about them?

This close level of contact was also apparent when speaking to Mdv. She commented that at the trust she worked in they would regularly inform the Home Office of people they suspected as having no status in the UK:

Mdv: if we come across a patient that is here illegally... there is a website where we need to report people that are living in this country illegally and we do it without fail...

She did however note that she had not seen the Home Office come to the hospital to do anything about the people that they had reported. Dd had known one occasion where a person had been tracked, at least she believed, through their interaction with the hospital she worked in.

Dd: The one chap who ended up getting detained, we got to know him quite well actually in the end because he used to spend a lot of time here. He was coming in two or three times a week for treatment...

She told me that although they had initially charged him for treatment, they had eventually written his debt off, as it was clear he could not pay. This once again highlights that many people who are charged are unable to pay, thus costs cannot be recouped in every case. On top of this, the conflation of immigration goals into health care provision is striking, where the Home Office seemed to communicate with trusts to look out for specific individuals. Despite this close connection, it became clear during interviews that the level of immigration training OVMs received was not substantial. Something of concern given their large role in

enforcing immigration policy in health care. Training, as I was told, seemed to range from trips to the airport to witness border controls because of unpaid medical bills, to informal training through local partnership managers, and short, one day trainings.

So, we see it is important to always bear in mind other outcomes beyond the specified policy goal. Also, regardless of the motives, we must examine how policies affect the life of people with insecure status, who come to fear healthcare systems that should be there to support in times of ill health. Here, MESH risked working to, as Ay explained, “to dismantle the role and the idea of the NHS as a place of safety and a place of sanctuary.” Ay went on to express her sadness that doctors, and indeed all sectors of society have become part of a harmful border regime through data sharing and surveillance techniques:

Ay: Now even your doctor, who is... supposed to be the person who looks after you and has a duty of care towards you when you are at your most vulnerable, even that person is now considered to be part of this system of authority who are trying to, essentially, get you deported... it's this sense of... this whole system, there is no-one essentially looking out for me, like there is no system of state support, there is nothing...it does lead to a situation where people do not trust going to a doctor... because of the fear of that surveillance happening; whether it be in their kids' schools, in accessing local authority services, whatever it is, it feels like it's happening everywhere.

These practices of data sharing thus result in the dispossession of rights where people fear accessing services and so avoid them. Moreover, the systems of hostile data that entrench this fear take place, as Ay explained so well, “in and amongst all of the other parts of the hostile environment, and all at the same time.” Here, data sharing infrastructures add to, and advance, the experience and operationalisation of control, fear of healthcare services and the resulting negative consequences of mental and physical health of people with insecure immigration status. The next section will explore these issues further, looking specifically at the implications for people without secure immigration status in accessing healthcare rights, offering clear examples of injustice as people came to fear healthcare services.

#### 6.2.4 Creating Fear, Dispossessing Rights

The impact of MESH and data sharing in healthcare seemingly results in fear and dispossession of rights. If we look further at how the creation of mistrust and hostility instils fear into people and stops someone from accessing healthcare, then we can better understand the power implicit in the dispossession of healthcare rights for people without immigration status. This, as Ev noted, comes from a “long social and political history” that relates to control, callousness, hostility and suspicion towards migrants.

“Fear” was repeatedly brought up when speaking with migrant interlocutors who had direct experience of the asylum system. This became especially visible within healthcare. As Ae, who is a part of a self-organised support group for migrants told me, many members often felt scared to seek medical help:

Ae: And with the NHS, some of our members, are very, very, scared to go to the NHS. Although the ones that are claiming asylum... They have the right to, or they are entitled, let me put it that way, to use the NHS just like any other person... Even when they are sick, they don't have the feel to go. And the fear is because they fear if they go to the NHS, they can be reported to the to the Home Office and they can be deported... And this can include pregnant women. And people with mental health problems.

This was reiterated when talking with other people, some who had had their case refused, such as Bk, who told me, “Sometimes you have a problem, you may be scared to open up to the doctors because they are going to, they might, share your information”. Others had ongoing asylum cases or been granted status but still feared information sharing. Ft, a young mother seeking asylum told me of her concerns of high levels of monitoring, where the Home Office acts “like a watchdog”, monitoring and knowing everything. She explained her worries over doctors, health visitors, social workers, and housing officers watching everything she did. Ma, who had been refused asylum, referred to this hostile data, or watchdog element as the Home Office having “the key everywhere”. This meant, she said, “it control all the people they don't have paper, they are in his hand”. Ku, who had also been



refused asylum, also felt there was a strong link between doctors, police and the Home Office, telling me:

Ku: Sometimes we scared to go to doctor or police, because it's the same thing again, you like a kind of interview like asking, asking, asking, asking the question though sometime we avoid all confronting. Not good, the healthcare, doctor, police to avoid to be like it because they add to stress.

As Ku explains, it seemed that these concerns over largescale information sharing between different governmental departments - what I have referred to as hostile data - played heavily on the minds of people experiencing the asylum system in the UK, creating huge stress. Ih, who had recently been granted status, told me he believed these data sharing practices to be as powerful in controlling, tracking, detaining and deporting people as the immigration bail reporting that everyone subject to immigration control had to attend. He told me, "The only thing I know about GPs... They are friend of Home Office", "I know many people that fall victim". I asked what he meant by this, and he told me:

Ih: For example, some people may be that they're undocumented for the moment and they have health issue. As soon as they share the information, some of them they will get arrested at the hospital... Maybe with the right information, the Home Office will track where that particular person is living and from that they will go and apprehend that person and deport him. That's why most people don't share their information to their GP... I've heard stories about that, where people go to the hospital and Home Office go there and collect them... the Home Office hunt them... they are hunting them down to see where they live...

Here, fear of deportation, facilitated through hostile data, had the ability to shape the interactions people with insecure immigration status had with healthcare. As Ih went on to explain, people he knew had become scared of giving their information to GPs. He told me this was out of fears the Home Office is "hunting them down".

It seemed that migrant interlocutors were especially concerned about mental health problems. This was apparently because someone may not want the Home Office to know about it, in case it would affect their asylum claim and showed discrepancies between what was said in

an asylum interview and what was told to the doctor. As Bh, a young Iranian man seeking asylum in the UK told me:

Bh: I'm pretty sure that there's a sharing process between those organisations or offices... But, having the fear that maybe this affects my case on Home Office, I don't tell it to my doctor, my GP, or others... Many refugees tries to wait for those kind of sicknesses, And they try to fix it after getting visa.

This suggests that the fear of data sharing ran deep and presented huge barriers in accessing vital healthcare, besides breaching patient/doctor confidentiality. Since people fleeing traumatic places and seeking protection are highly likely to have mental health needs, it seems even more perverse that they should be scared to access, or cannot access, healthcare. Likewise, the mental health impact of hostile asylum systems likely further compounds trauma. As Ih told me, hostile policies can have a severe impact, leading to what he felt were high rates of suicide amongst people seeking asylum in the UK:

Ih: Like everything, asylum seeker will have some mental health problem. It's a very negative impact on the mental health. It's like, you already have your own problem, that you flee persecution, then you think coming to UK you are safe. Everything is bright and beautiful. You came here... its more difficult than before. So, it's like two pressure in one head. That's why many people kill themselves. Suicide rates... it really affects asylum seekers

Ih's comment finds strength when we look at statistics such as the rates of death in NASS accommodation, which are five times higher than people dying on the dangerous journey across the channel (Khan 2020). Not only do dangers of mental health crises and suicide become prevalent, but dangers present themselves as people put off emergency treatment over fears of data sharing.

Ds, an A&E doctor, told me her belief that a lot of people would avoid A&E for as long as possible out of confusion over rights and fears of possible outcomes. Likewise, Na, who volunteered at an advice centre in the UK for migrants, told me many people she met "would be scared to go to hospital" over fears around data sharing. She explained that multiple people she had spoken with "haven't been to the doctors in like 30 years or something either because

they're scared of like giving their information to doctors because they're scared that information might be shared". As Ay explained, for members of the migrants' rights group she was a part of the fear was often twofold:

Ay: Certainly, from experience, migrants we work with, people have this general fear that they're not entitled and they're not welcome. There's a sort of double fear. There's a fear of being charged for treatment... for people who have a very precarious immigration status or are undocumented and fear being picked up by the Home Office and immigration authorities, there is that additional fear... I may then be risking not only myself, there might be an immigration raid, I'll be put into detention,

She believed this meant people would become excluded from rights they were entitled to due to fear of attempting to access them. The impact of this was potentially deadly, especially during a pandemic which placed everyone at much greater health risks whilst simultaneously creating the new track and trace app for Covid prevention, further digitising different aspects of healthcare:

Ay: During Covid, like that was a real fear, that systems, data systems, just got really way more intense and through the track and trace, and people feeling like they were going to be tracked in a much more intense way. There was the case of Filipino man who was a cleaner at a hospital, who was so fearful of being reported to immigration authorities if he went to the doctor, that he died at home with Coronavirus symptoms because he was like, I won't go.

Thus, these issues become apparent far beyond the systems of control, tracking or data sharing themselves, becoming embedded into the mentality of those made to feel excluded from society and at risk of detention and deportation. This section has engaged with the high levels of anxiety, stress and fear which result from systems of hostile data. People I spoke with demonstrated how these systems affect mental and physical health. We also see how they enact control and result in the dispossession of rights, where people are scared to access rights that they are entitled to out of concerns over data sharing, detention, and potentially deportation. This becomes enforced through systems such as MESH which encompasses a blanket checking of people's information against immigration databases, giving the Home

Office access to huge amounts of data on illegalised migrants. At the same time, MESH outwardly presents as a non-discriminatory tool for preventing ‘abuse’ of free healthcare. Ultimately, as shown in this section, hostile data has become key to exclusionary policies that seek to make life difficult for non-British citizens, in ways that were not possible before the advent of such technologies. Thus, we see an interesting manifestation of power and example of control operationalised through data infrastructure. Importantly, the MESH infrastructure is presented as an efficient tool for checking chargeability policies to protect an “overwhelmed” NHS from “health tourism”. However, it instead seemingly facilitates the tracking and surveillance of illegalised migrants, alongside creating fear and anxiety. Thus, MESH works as (dys)functional technology for immigration control. This idea of (dys)functional technology was also visible during fieldwork in Greece, where the use of the Skype platform presented a means of registering asylum claims, yet arguably worked to exclude and discriminate against some people based on nationality. The next part of the chapter will explore this further, looking at the use, motivations, and outcomes of the Skype system in mainland Greece.

### 6.3. The Use of Skype as a Denial of the Right to Asylum in Greece

Below, I explore the use of Skype as a platform for accessing asylum in Greece, which exhibits some similar themes to the use and implementation of MESH. As mentioned previously, in mainland Greece to register for asylum people had to call the asylum office via Skype and give their basic details in order to receive an appointment to give biometrics and officially begin their asylum claim. As shall be explored below, the Skype line is organised according to language spoken, with a timetable given to specify the times for each language. I present data to discuss in depth how issues of obfuscating and denying rights to people seeking asylum come to light when considering the use of Skype. Fieldwork highlighted how factors such as nationality or access to internet or a phone impacted upon access to the right to asylum, as discussed in the previous chapter. Here, I discuss how discrimination and lack of accessibility made claiming asylum in mainland Greece extremely

difficult for some people, leaving them at risk of detention, police harassment, and unable to access any financial support.

To begin, I present data that interrogates the motivations behind the use of Skype, which, as with MESH, is sold as an efficient tool for an overwhelmed service. I introduce themes that question whether the problems inherent to the use of Skype, where many people fail to register for asylum, are actually an intentional political choice. As such, the use of Skype exhibits (dys)functionality in similar ways to MESH. To illustrate this further, I look at how discrimination is built into the Skype timetable through limiting certain nationalities access to claiming asylum. I then move on to frame the use of Skype in regard to (dys)functionality as another example of dispossession of rights and example of injustice.

Before moving on to fully explore the use of Skype in Greece as a technological tool for registering asylum claims, it is important to acknowledge here that, as with fingerprints, the ways in which technology works in each case study is in many respects hugely disparate. During a conversation with Na, a colleague at the collective in Athens and later a volunteer at a migrant advice centre in the UK, we spoke of the differences present in data systems in the UK and Greece. In the UK, systems can work to make people visible to the state, often against their will, as we see in my fieldwork data discussing MESH and healthcare. However, Greek fieldwork highlighted how people fought to be seen and register for asylum when attempts to leave failed. Though, as shall be explored below, (dys)functional technologies meant they were not even able to register and access their right to claim asylum. The very reason for wanting to stay under the radar in Greece would likely be to leave the country, whereas in the UK it could be to avoid deportation. Thus, although similarities can be drawn in relation to the use of technologies as a tool for furthering restrictive and exclusionary immigration policies, the design, use, and implementation of them differs greatly, bringing to light different points of contention.

### 6.3.1 Motivations for Using Skype

The motivations behind the use of Skype are not always clear. Maria Stavropoulou, a former director of the Greek Asylum Service (GAS), claimed that the use of Skype was a

“preliminary measure” to deal with large numbers of people claiming asylum in 2016 (Lowe 2016), suggesting the use of Skype was a temporary answer to the so-called ‘refugee crisis’ in 2015/2016. When speaking with E, a GAS employee who worked on Skype, she told me she believed Skype to be a very good idea:

E: I think that Skype is a very clever idea from the ex-director of asylum because every day there were thousands of people outside waiting to submit their case and be registered. They had to come for many days, for months sometimes, and Skype, of course is not the solution, but in any case, the person is waiting from his home... [before] They came here from the previous night, and they slept outside the offices. And Skype, it is not the best solution, but it is a small solution.

E also expressed her belief that the use of Skype made it much easier to ensure those with vulnerabilities were prioritised appropriately due to cutting down the number of people queuing at the asylum office. These comments depict the use of Skype as a pragmatic decision, enabling quicker identification of vulnerable cases and best use of resources, even if it does not represent the ideal and permanent solution. In general, when discussing the conceived motives, there was a level of consensus over the pragmatic reasons for using Skype as the main platform for registration, in light of a supposedly under resourced, oversubscribed asylum system in Greece. This foregrounds notions of an ‘overstretched’ asylum system due to high numbers of people applying for asylum.

However, issues were also raised by some interlocutors which questioned these pragmatic motivations. For example, people working on the ground in Athens or people who had applied for asylum via Skype felt that the use of Skype was something intrinsically linked to a political motivation to limit access to asylum. As Lv, a legal caseworker in Athens told me “actually, I think the Skype not answering thing is probably on purpose”. Likewise, Na, who worked as in the same collective as me during fieldwork offering information and support for people navigating the asylum system in Athens, told me:

Na: I think if it was purely pragmatic and if it was just because there were too many people arriving, and it was inconvenient for people to turn up at asylum offices and police stations ... then there are other ways that could have been done... I think that Skype is a kind of purposeful way to stem the flow of asylum

claims... To kind of stop people even getting into the system to begin with.

Here, the inaccessibility of Skype for many people, due to difficulties accessing the internet, or a phone, for example, meant that many people remained unregistered for months and months. Sometimes with our work at the collective we even met people who had been trying to register via Skype for years. It should be noted here that it is a requirement for Greece to offer accessible ways of applying for asylum under the Asylum Procedures Directive.

These ideas of intentional exclusion were also told to me in interviews with people navigating the asylum system. N, a young man seeking asylum in Athens, told me his thoughts on Skype being a sign of Greece's pointedly hostility towards migrants:

N: For my personal opinion they want the system to be complicated and very difficult because they don't want to register a lot of people... But at the same time, they don't want them to leave as well, they have closed the borders and everything... The thing that comes to my mind [with Skype] is that 'we don't want you'. And we don't want to register you. We don't want to give you a house, and we don't want to give you money. These are the answers that come to my mind.

From this point of view, the use of Skype becomes a political choice. The fact that it is dysfunctional becomes part of its functionality, where the objective becomes *not* registering people. Likewise, we could also view the use of Skype in this context as form of governance through experimentality, whereby different methods are being trialled as a means of coping with what is often referred to as 'crises' or 'emergencies', brought on due to a lack of resources and high number of asylum applicants (for more on experimentality see Madianou 2019b; Aradau 2022). Here, positionality becomes key to viewing the use of Skype as either a calculated political measure to reduce asylum flows, hide understaffing, and disallow confrontation over long waiting times, or as the most pragmatic and effective solution. Indeed, it is questionable as to whether these are even mutually exclusive. To explore another avenue within this, we can look at how the use of Skype works to discriminate against certain nationalities, making it harder for some to claim asylum than others through offering different amounts of time for different languages. Through this, we can further interrogate what the real motivations for its use are.

### 6.3.2 Structural Discrimination in the use of Skype

As mentioned above, the Skype timetable is organised according to language (see Figure 9). Consequently, language and nationality come to play a huge role in registration procedures in mainland Greece. Languages, and, to a certain extent, nationalities, were not only represented to different levels on the timetable, but early on in fieldwork it became apparent they were treated markedly differently throughout the use of Skype. For example, Arabic speakers were seen to be able to register comparatively quickly compared to people who spoke Urdu or Bengali. This seemed to demonstrate a reluctance to register people from Pakistan or Bangladesh compared to for example, people from Syria. Further to this, many languages are not even represented on the Skype timetable, making it almost impossible to register for asylum. For example, Tigrinya is not listed, meaning people from Eritrea can't register easily.

Another example of structural discrimination within the asylum system then occurs when people who can't call via Skype try to register for asylum in person. During fieldwork a colleague in Athens accompanied a couple of people from Turkey to Katechaki, the regional asylum office of Western Greece, to help them register. This was the only office in mainland Greece where they were able to register, and they could not call via Skype as no time was given for the Turkish language. My colleague commented that a majority of people trying to register this way would be turned away each week, and the time she went with them they were told to "come back next year" as the "quota" for the year was full. This was apparently due to limits given by the asylum office on how many Turkish people could register. My colleague said the same thing happened when she went with Tamil people. Thus, we see clear cases of discrimination based upon nationality, not only in the use of the Skype system, but in the entire Greek asylum service, highlighting the link between the structural discrimination and the use of technologies.



Skype Program after 28/01/2019

Hours	Monday	Tuesday	Wednesday	Thursday	Friday
08:00 – 09:00	Arabic Athens	Albanian 8:00 – 8:30 Rest of Greece (without Ioannina) 8:30 – 9:00 Ioannina, Leros	Albanian Rest of Greece	Albanian Thessaloniki	Albanian Athens
09:00 – 10:00	Arabic Athens	Kurmandji All of Greece	English-French All of Greece	Pashto All of Greece	Pashto All of Greece
10:00 – 11:00	Dari All of Greece	Dari All of Greece	Farsi All of Greece	Dari Athens	Georgian Athens
11:00 – 12:00	Sorani All of Greece	Arabic Thessaloniki, Rhodes, Leros	11:00 – 11:30 Syria Fast Track 11:30 – 12:00 Arabic - Athens	Arabic All of Greece (without Thess., Rhodes, Leros)	Arabic Athens
12:00 – 13:00	Urdu – Punjabi 12:00 – 12:30 Rest of Greece (without Ioannina) 12:30 – 13:00 Ioannina	Urdu – Punjabi Athens	Sorani All of Greece	Hindi 12:00-12:30 Thessaloniki 12:30-13:00 Athens	Russian – Ukrainian All of Greece
13:00 – 14:00	Georgian Rest of Greece	Georgian Rest of Greece	Chinese All of Greece	Bengali Athens	Bengali Rest of Greece

Figure 9 - Skype Timetable

The reluctance to register certain nationalities was recognised as a big problem by those on the ground in Athens. As B, who was a recognised refugee from Afghanistan, explained to me when I asked his opinion on how well the use of Skype works:

B: [Skype] Doesn't work at all... because the policy has been prioritised based on nationalities, so it's easy for Arabic speakers to get an appointment for asylum services... for Afghan people also its easy... for Pakistani people it's fucked up, for Bangladesh people unfortunately they have no chance, because the asylum service doesn't have any interpreter for them.

This lack of interpreter for certain languages was a consistent problem for some languages in Athens. Indeed, the reason there is no Tigrayan line on Skype is because there is apparently only one Tigrayan interpreter working for GAS, something I was told by Lv who works on

many family reunification cases for people from Eritrea. M, a young Syrian man with refugee status who worked on a project for minors seeking asylum in Athens told me of his experience with this lack of interpreters as well:

M: For Urdu speakers it's so complicated. Because they don't have any interpreter, and if you go to Afghanistan, they speak Farsi, Dari, Urdu, Pashto... here they cannot offer all the right dialects.

This lack of interpreters presented a huge problem. As well, the use of language to differentiate between nationalities in a way that prioritised certain nationalities over others became clear in conversations with migration interlocutors. As N, a young man seeking asylum and also volunteering for an NGO offering support for Skype registrations explained to me, it was not possible to simply call on another language line to register. You had to stick to timeslot for the main language from your country:

N: I saw many people from our office that called on Pashto Skype and when they asked them where they were from and they answered from Pakistan they said to call on Urdu Skype for Pakistanis and they hang up... you have to call on the language that you belong.

N went on to comment that the Urdu line would never be answered, and he thought it was simply offline. When I asked him if he thought it could be that GAS simply didn't want to register people from Pakistan, he told me that "Nobody can say that. They are not saying that they don't want to register people. They have given them an hour in a week to register". However, he suggested this was an empty gesture, as "they [GAS] are not online"

Another example given to me, this time by J, where people from Iran were refused registration despite getting through on Skype. J worked with N at a group in Athens supporting single men to register for asylum on Skype, and explained to me:

J: We had one guy that was coming in and he was coming in *every day* to call. And he got through, like, six or seven times, and they said, you have to call back another day because we are not registering Iranians today. And he'd be like, there's an Afghan next to me, will you register him and they'd say yeh. And he'd moved out of the way and they'd register the Afghan.

This specific example follows on from a split between the Dari and Farsi Skype lines which took place in summer 2018. Whereas previously people from Afghanistan and Iran were able to call the same Skype line, they were then split to separate between the two nationalities. During a protest by a group of Iranians at the Solidarity Centre in Athens in September 2018 over the difficulties of registration for Farsi speakers, I was told by a lawyer working there that they heard a member of staff for the Skype department say they would now “turn the Farsi line back on”. The protest resulted in around 80 people from Iran getting registered for asylum. The suggestion that an entire language line could be turned off or ignored is of serious concern considering a person’s right to claim asylum. This presents a marked difference from a physical office where it is easily apparent when it is shut, or even a phonenumber, which will not ring when ‘turned off’, i.e., disconnected, whereas Skype will ring even when the receiving person’s Skype account (i.e., the asylum office’s account) is offline.

The inability of some language lines to ever get an answer on Skype was brought up in many interviews, where anger and concern were expressed. In fact, some interlocutors told me they believed that some of the lines were actually offline permanently, “most of the time Bangladeshi, and Hindu and Urdu Skype they have been offline.<sup>142</sup>” Whether or not they were intentionally switched off<sup>143</sup>, or were overwhelmed to the point of breaking, is unclear and difficult to substantiate either way. However, these examples highlight one of the many problems when using a tool which disallows face to face contact, and where nobody can be sure if there is actually a person on the other end of the line. What becomes clear is that there is a dispossession of the right to claim asylum, as it becomes completely reliant upon a video call being answered on Skype. This, in turn, operationalises control over people with precarious immigration status, as it denies them the chance to gain paperwork that would give them freedoms and safety from detention and deportation.

When I spoke with GAS staff about these issues within Skype, enquiring why more lines or languages weren’t offered, I was told by three different staff members that this was linked to capacity. On a visit to the asylum office to interview members of staff, I was given a small

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<sup>142</sup> Quote from interview with N, a young man seeking asylum in Greece

<sup>143</sup> It should be noted that GAS has confirmed the shutting of the Pashto line during August 2019, demonstrating occasions where specific lines are intentionally closed - <https://www.facebook.com/forgeforhumanity/photos/a.1784258204925957/2637932079558561/?type=3&theater>

tour of Katechaki. It is here that the only Skype office in Greece is situated, and it is staffed by three people at a time – two GAS workers and one interpreter. Following an interview with one of the members of staff working on Skype, she took me over to the office to see it for myself. It was slightly after 1pm on a Tuesday, the Georgian language line already underway. As I stepped into the office the two women working there stopped what they were doing to talk with me, there was no interpreter there anyway, they explained. At the time I could see on the computer screen 239 people calling the line. However, the women were unable to answer as they needed the interpreter present. This meant that the meagre one hour a week time slot for Georgians was being cut short. The women in the office did not seem stressed that there was no interpreter, or that over 200 people were trying to get through to no avail. E explained to me that sometimes as many as 2000 people would be trying to get through at once, especially on the Bengali or Urdu lines. This normalisation and resignation of the inability to register everyone who needed to seemed shocking to me. Likewise, people I spoke with during my time in Athens who were aware of how small the Skype team was, expressed their amazement and horror at only two members of staff working on pre-registration through Skype.

However, E later explained that for GAS, it was simply a matter of capacity that limited the number of those registered:

E: ...I mean that if we can receive so many calls, the number of registrations will be the same. I mean that if we had 10 computers and 10 colleagues, and 10 interpreters, and we receive calls and make appointments, for when? For 2030? [laughs]... There is a backlog of decisions, you see if we register more people than we can handle it always increases the backlog of decisions. It is simply mathematics.

These pre-determined registration practices as described by E shed further light on the example given above concerning the Dari and Farsi lines on Skype. E went on to further explain the process of organising the Skype timetable based on recognition rates<sup>144</sup>, as well

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<sup>144</sup> For Greece's recognition rates as of June 2019 please see - [http://asylo.gov.gr/en/wp-content/uploads/2019/07/Greek\\_Asylum\\_Service\\_data\\_June\\_2019\\_en.pdf](http://asylo.gov.gr/en/wp-content/uploads/2019/07/Greek_Asylum_Service_data_June_2019_en.pdf)

as the limits given to Skype workers over the number of people they could register per day. I include below a conversation from the interview which sheds light on these issues:

E: It depends. The order of the director was that we cannot register in Skype so many people because our workload will be increased because of the pre-registrations. So, it is something that we cannot help ... So, we follow the orders of the regional asylum units all over Greece. For example, Thessaloniki told us that for the next week I can register five people, or 10, or 20 and so on. And we have the information from all the asylum units and then we can register via Skype. It's not our decision.

Int: So, you get targets given to you, or limits rather?

E: Yes, of course.

Int: And where do these numbers come from?

E: The capacity of the asylum units and offices, because an asylum office can, and must, estimate, must make a prior prioritisation. For example, a detainee *must* be registered - administrative detainees. Vulnerable people *must* be registered. And if an asylum office knows that I can register 20 people per day, and I have two detainees and a pregnant woman and an unaccompanied minor and so on, so I can register via Skype five people, for example.

...

E: Yes, Katechaki, the capacity of the RAS of Katechaki is approximately 25 or 30 registrations per day. And these 30 registrations must be shared, for example five in Arabic, two in English, five in French, ten in Turkish, and so on.

Int: And how is the timetable decided, for example, you say there is 2000 Bangladeshi calls, but they only have one hour?

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For Europe's recognition rates as of 4<sup>th</sup> quarter 2018 please see - [https://ec.europa.eu/eurostat/documents/6049358/7005580/Asylum\\_quarterly\\_report\\_Q3\\_2018.pdf/de28e673-64c0-4d1a-bbf0-7cbb3863d112](https://ec.europa.eu/eurostat/documents/6049358/7005580/Asylum_quarterly_report_Q3_2018.pdf/de28e673-64c0-4d1a-bbf0-7cbb3863d112)

E: Yes, one hour. Because, there is not so many interpreters for the asylum offices. And also, Bangladesh citizens, there are many Bangladesh citizens in Greece but if an office or a unit can register only 10 people, and between them there are Syrians, Turkish people, people from Iraq. We have to estimate what is their claim. For example, if there is a low refugee recognition rate, so we cannot register only Bangladesh or Pakistani, because there are many Syrians, many Iraqis... if we decide that have to register everyone, it is impossible. There are thousands of Pakistani people, Bangladeshi people, it is not possible... it's not so clear, because we have to register all the nationalities

This conversation points to key issues within the use of Skype, where we see a clear way in which technology is being used to refuse some the right to asylum. We also see that the use of Skype becomes a means of managing numbers according to limited capacity, but also potentially to purposefully exclude some people from the asylum system. Specifically, we see the hierarchical ordering of people according to nationality and recognition rates. Here, the use of Skype entrenches the idea of “high refugee producing countries of origin”, through an onus on pre-empting a person’s asylum claim before they have even had chance to ask. This comes to form of a feedback loop of data, which both feeds and produces the “worthy” asylum seeker, whereby a Syrian with 99% acceptance rate is seen as worthy of registration, and someone from Pakistan, with a 2.4% acceptance rate is seen as a waste of scant resources. Further, nationalities with low acceptance rates, who are unable to register are never included in data sets, leading to further exclusion and invisibility.

In theory Greece is offering the chance to ask asylum to all nationalities. However, in practice, due to limits placed on registration numbers, and priorities made according to nationality, we see Skype used as a form of exclusion for people who come from ‘low refugee producing countries.’ The use of Skype also makes the queues of those wishing to register for asylum almost invisible to GAS caseworkers and other staff. At least, it makes the queues very easy to dismiss and ignore as people become numbers on a screen rather than humans in a line. All of these factors suggest that, in fact, the use of Skype is functioning exactly as it should do. The next section will explore this further, looking at the use of Skype as a (dys)functional tool of immigration policy.

### 6.3.3 (Dys)functionality as Dispossession

To expand on themes surrounding the use of Skype as a political choice, I focus here on the outcomes of the Skype system. Within this, I present the use of Skype as a means of denying people the right to asylum whilst also distancing GAS staff from the outcome of restrictive policies. Accordingly, I discuss below how the use of Skype becomes (dys)functional technology, used as a tool for the dispossession of asylum rights, whilst also distancing outcomes from actions, and removing moral decision making from GAS staff and onto data infrastructure. The use of Skype accordingly manifests as another form of power and operationalisation of control within a datafied border.

Whilst some people were able to register fairly quickly via Skype - for example H who I spoke with in Athens registered on the Arabic line in three days – many people I met and spoke with felt that Skype did not work in their case. Many people seemed to find it incredibly difficult to register for asylum. As well, many interlocutors who worked to support people asking asylum recognised the far-reaching consequences of that, from mental health effects to lack of access to vital services. More than one person also expressed frustration at what they viewed as a complicated process, especially for people who did not understand how to use Skype in the first place.

As previously touched upon, the inability to get through was repeatedly brought up as a huge source of frustration, capable of seriously affecting a person's mental health, as they sit for months on end listening to the Skype ringtone for an hour at a time. The length of time it took for people to register was consistently highlighted as a major problem, something often difficult to prove as no record was kept of attempts to call and register via Skype. Moreover, this meant people were at risk of being picked up by police and detained for not having papers despite ongoing efforts to register for asylum. Consequently, Skype was often viewed as “inhumane<sup>145</sup>”, leaving people “just calling and calling and calling and calling and calling<sup>146</sup>”

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<sup>145</sup> Quote from interview with J, who works for an NGO assisting single men to register for asylum via Skype in Athens.

<sup>146</sup> Quote from interview with J, who works for an NGO assisting single men to register for asylum via Skype in Athens.

for many months, and then at the mercy of internet connection to complete the registration. This takes huge material and emotional labour that is not easily visible to any other than those who must go through the process.

A young Iranian couple I spoke with expressed the difficult time they had when trying to register. They compared it to what they know of other countries registration processes:

Q: First of all, it is a very, very complicated and a slow process and it's not really successful for a lot of people. You know in other countries you go and introduce yourself to the police station you get put into a refugee camp and you go on from there. Here... there is no other way except for Skype, but Skype, a few months I was on Skype every day, every day and they only tell you, you have an hour for your language you have an hour a week, but nobody answers.

For their case, they were only successful at registering after U was arrested and placed in detention, whilst simultaneously Q became ill:

Q: No. I tried for two months though, in the end I registered through her [U's] case when she got arrested because she was unregistered, they took her to detention. It took a month, and we get her out but then at the same time I got sick, and I went to the hospital, and you know if you are sick, you get it faster and so they put me on her number all in one case number and I was able to get registered faster. But Skype two months I was calling everyday

This example foregrounds an extremely worrying element of asylum registration in mainland Greece as it suggests that for some, detention or illness become a more viable means of registration than succeeding to get through on Skype. As E expressed earlier, those in detention must be registered and will be prioritised over certain nationalities on Skype. Other examples of worrying outcomes of the Skype system highlighted how the use of the technology could potentially lead to families splitting up in order to register. This is because a single mother could register at the office as she would be classified as vulnerable. However, a married couple with a child could not register in this way. As O told me, this happened to him and his family when trying to register:



O: You need to call the Skype... when you're calling the Skype and its thousands of refugees calling at the same time, so nobody is answering the Skype. So, you are calling and trying for months and months with like three or four phones together, but we didn't succeed. So, what we did... we register my wife and son as a, that they are alone here without a husband, without calling Skype...

Although at first it became a tactic of resistance against the use of the Skype system, it proved difficult as his wife and child were then registered without him, leaving him at risk of detention and police harassment when they went out together. This gives another example of how a (dys)functional Skype system does not offer everybody an effective means of registering for asylum.

As some of the examples above tell us, calling every day does not guarantee registration, and as E's response explains pre-determined limits are set according to capacity and relating nationality. Ultimately, these examples highlight how the use of Skype facilitates the dispossession of the right to asylum. However, from the outside, or from a distance, it appears that there is a means for applying for asylum. Beyond this, the use of a technological platform seemingly allows for failures to register people to be passed on to other issues, from internet connectivity to the limitations of the platform, as J suggested:

J: when you've got something like Skype you can always blame it on something else. Like blame it on the internet connection or blame it on technology.

Though it was not recognised as intentional, when it came to discussing problems with the use of the Skype system with experts and staff in GAS, technical difficulties were also flagged as an ongoing issue:

E: Sometimes there are technical problems. For example, Skype cannot work because of the number of calls. There are too many calls and the system erm, well we cannot do anything. For example, for Bengali, the applicants for people from Bangladesh, sometimes there are 2000 calls at the very same minute, and we cannot answer to anyone... the system crashes.

If we consider this alongside earlier examples of discrimination and outright disregard for certain nationalities in their attempts to register for asylum, we can see how the use of Skype

enables a form of distancing that allows for discriminatory actions to be disguised behind technical problems. Moreover, the lack of face-to-face communication not only affect levels of privacy, but also the ability to challenge these inherent failures within the system.

Subsequently, we see a host of problems encountered for people seeking asylum in Greece, where accessing what should be a fundamental right becomes obfuscated and denied through the use of Skype, a social media app owned by a corporate platform. Thus, Skype, as with MESH becomes a tool for the dispossession of rights and source of injustice. Specifically, the use of Skype works to discriminate between languages in order to deny some the right to asylum, obfuscating the incompetence or systemic failure of the Greek Asylum Service to register some people's asylum claims.

#### 6.4. Conclusions

Throughout this chapter I have presented two different examples from disparate locations, highlighting recurring and contested themes in each research site. I have done so to present another manifestation of power within datafied borders, where (dys)functional technologies and data infrastructure work to deny people access to fundamental rights of healthcare and asylum. This in turn highlights forms of injustice and gives example to another way in which power manifests and control becomes operationalised within datafied European asylum regimes. In the words of Ev quoted in the introduction to this chapter, I have explored whether the (dys)functional and often cruel nature of the technologies in both examples presented here are “the bug”, or the “feature”. This is something I discuss further in the following chapter when drawing together all the manifestations of power introduced in my three findings chapters.

For the first example, through looking at the MESH system used with the NHS in the UK, we see that the system works to refuse access to healthcare rights for people with insecure immigration status. I explored how people who have the right to free healthcare appear to avoid visiting to the doctors and hospitals out of fear of the Home Office and immigration controls, leaving them without proper access to potentially lifesaving healthcare. As well, MESH simultaneously seemed to remove moral decision making from clinicians who may

well be unaware of the impact of MESH and charging policies due to the use of OVMs and an automated data infrastructure for checking NHS numbers. Here, MESH and hostile data in the UK see technology used to make people visible to the state for the purpose of immigration control. For the second example, I discussed the use of Skype as a means of limiting the rights to asylum for people in Greece. We saw how the use of Skype acts to disguise the apparent lack of will and capacity to register people for asylum in Greece. As such, data infrastructure become a means obfuscating the significant failings in the Greek asylum system, whilst simultaneously invisibilising the thousands of people waiting to register their claim. Moreover, the ongoing precarity which awaits those who cannot register leaves them vulnerable to detention, thus exhibiting ongoing exclusionary and harmful practices within the Greek asylum regime.

In both examples we see how violent outcomes become sanitised through the use of technologies that either remove decision making or distance people from the outcomes and impacts of restrictive and exclusionary immigration policy. I have drawn parallels between the two cases to interrogate how the politics behind immigration policy shape the use of technologies that work to deny rights and enforce hostile policies. As discussed in chapter 2, these efforts to further formalise exclusionary and securitised logics within the European border regime have long existed. Importantly, each example highlights how immigration policy becomes opaque through the use of (dys)functional data infrastructure as a tool for enacting restrictive and hostile policies. The use of data infrastructures in this way allows states to avoid some amount of public scrutiny whilst simultaneously realising politically important immigration policies, highlighting important mechanisms of governance and moments of control. I develop both these points further in the next chapter, where I discuss how each manifestation of power that I have outlined so far becomes a key function of a datafied border.

## 7. “It’s not a bug, it’s a feature”: Manifestations of Power in Datafied Borders

### 7.1 Introduction

To recentre the political and historical nature of borders within the European project, I look here in my discussion and analysis at different manifestations of power within datafied borders. I frame these manifestations as important functions of a datafied border where we see; control through categorisation and identification; containment through everyday surveillance; dispossession of rights through data infrastructures. I thus build upon and expand the functions of a datafied border discussed in my literature review, which refer to surveillance, identification, social sorting and criminalisation. I do so to make clear how control becomes enacted and negotiated in different ways. Conceptualising datafied borders in such a way, I contend, allows us to understand how power is operationalised and transformed. Moreover, through a focus on how datafied and securitised borders operate in concrete terms, we can understand how control and power manifest and impact lived experiences of injustice. I argue that these manifestations of power can be situated within historical practices of bordering, furthering practices of identifying and containing illegalised travellers in attempts to exclude them. Here, I discuss the relation between control and coloniality in regard to power and experiences within datafied borders.

Situating datafied borders as such is imperative to recognising the importance of linking technologies and data infrastructure used to wider techniques of governance and historical inconsistencies. Furthermore, we can see the structural nature of injustice inherent to datafied techniques of bordering. These become central to understanding what form claims for data justice at, and beyond, the border should take, as we can better understand the harmful nature of bordering practices towards people seeking asylum and illegalised migrants. This helps us to realise what the implications of datafication are for social (in)justice, oppression, and marginalisation of people seeking asylum and illegalised migrants. As such, my conceptual contribution emphasises the importance of understanding the underlying logics that run deep within datafied borders. I argue that we must focus on historic structures, as well how

datafication finds new means of enacting power, where power manifests as unjust functions that exhibit datafied techniques of control.

Moreover, as technologies work to occlude and invisibilise controls whilst simultaneously making them embedded and insidious, it becomes imperative to make visible how people seeking asylum and illegalised migrants are experiencing and navigating datafied borders and asylum systems. To address this, I present the key findings of my empirical research to explore the impact of datafied controls in relation to experiences of violent and racialised control within border regimes, as well as relating these experiences to the advancement of policy agendas. I argue that we see new manifestations of power come to light as border controls become intensified. I posit that datafied border controls act as opaque immigration policy, where the outcome is different to the stated purpose. Within this, the involvement of private data platforms alongside other technological tools for bordering advances policies of immigration control without it being seen as state policy, acting to obscure violent bordering practices. Whilst I save the discussion of what data justice within datafied borders means for the conclusion of this thesis, I argue here that datafied controls at, and beyond, the border become embodied and enacted, not merely through biometrics or other such technologies, but through the logics of control that run deep within securitised border regimes. Doing so recognises that borders themselves are long standing and violent forms of control and governance. As Ev explained in chapter 6, the cruel nature of immigration policy is a feature, and not a bug, something central to the advancement of datafied techniques of bordering.

Throughout this chapter, I draw the readers' attention to the ways in which each function of the datafied border offers a technique of enforcing immigration and asylum policy. I argue that these techniques work to maintain the position and power of Europe to the detriment of the people who face ongoing precarity and marginalisation at the hands of the European border regime. I highlight how these technologies enable a wider scope of enforcement that also becomes less visible through the simultaneously insidious and far-removed nature of both exceptional and banal technologies, from biometrics to phones to cash cards and domestic databases.

## 7.2. Key Findings - Control, Containment and Dispossession

In this section I outline my key findings from fieldwork, drawing together the themes from each of my data chapters to explore three different manifestations of power within datafied border and asylum regimes in both the UK and Greece. The three manifestations of power I identify are biometrics as identification and precarity; containment and everyday surveillance through insidious tech; and (dys)functional data infrastructure as dispossession. I present these manifestations of power as functions of the datafied border, that in turn highlight how control becomes operationalised toward people seeking asylum, refugees, and illegalised migrants in Europe. I refer these findings back to my overarching research questions, which look to explore how European borders and bordering practices are becoming datafied, and what this means for the implementation and experience of borders and asylum procedures.

During fieldwork I focused on the less exceptional technologies used, such as phones and cashcards, opposed to the technologies that form the overtly militarised border – namely drones, thermal cameras and radar. I did so to emphasise that borders not only work as exceptional violence but are engrained, normalised, and invisibilised, and so we must look beyond the border itself to understand the power relations inherent to bordering. This was a guiding focus of my research, shaping my research questions and resulting analysis. I argue this normalisation and invisibilisation is furthered through banal technologies used for surveillance and containment, as well as being visible in the (dys)functional technologies I discussed in the previous chapter. This also allows us to see how security practices explicit at the physical border, from categorisation to surveillance, connect with other examples of state control, and become reinforced and perpetuated throughout the asylum journey.

In the following sections when presenting the key findings from my fieldwork, I explore what Deleuze, in his essay “societies of control”, terms the “coils of the serpent”, referring to the complex mechanisms of control across society. I do so through an analysis of how power manifests in datafied borders. Within this, I recognise that power becomes exerted over both the dividual and individual at different points in time and for different purposes, for example, at moments of transgression or to advance a policy agenda.

### 7.2.2 Biometrics as Control Through Identification and Precarity

In chapter 4 I explored the ways in which fingerprinting practices exhibit multifaceted and deep-rooted manifestations of power in both Greece and the UK, where biometric identification and the entering of data into Eurodac identifies people as a means of enacting control over immigration status and mobility. This function of a datafied border has been extensively researched, where it is viewed as a key component of datafied control. The importance of biometrics has been widely noted as a form of “neutral, objective, unforgeable, unique, true” identity, enshrined within a database that enables security of borders and surveillance of bodies on the move (Stenum 2017,13; see also Browne 2015; Magnet 2011; Mbembe 2019). Famously, Van der Ploeg has referred to this as the creation of a ‘machine readable body’ (2005), able to act as a lie detector. Likewise, Latonero and Kift (2018) argue that the process has led to an internalisation of the border, whereby it becomes permanent, inescapable and attached to one’s physical self, creating a biopolitical border (Aradau and Tazzioli 2020). Thus, digital identification through biometrics act as an overt form of datafication and have become intrinsic to border and asylum policy across Europe. They are an example of exceptional technologies of control, contributing to the border spectacle (De Genova 2013), and offering a solution to issues of indisputable and permanent identification. In this sense the use of biometrics does not represent a new thing entirely, but a furthering of processes of identification that began long ago, with the introduction of passports, then later visas and so on.

However, as Magnet (2011) highlights, the climate which sees biometrics hailed as a “utopian” solution to multifaceted social problems and issues of identification (p.17) ignores how biometrics themselves code cultural context that invisibilises economic, social and political aspects of their use (p.14). Consequently, I made visible the ways in which practices of fingerprinting people after arrival, and uploading fingerprints to the Eurodac database, not only act as a digital means of identification and categorisation, but also shape interactions far beyond the physical border as fingerprints are used to facilitate policy goals of deportations between European MS, as I will go on to argue below.

In chapter 4, I thus also presented findings that deconstructed the “essence of fingerprinting”<sup>147</sup>, to conceptualise the use of biometric controls as something intrinsic to the curtailment of freedom and mobility and a cornerstone of European migration policy. I highlighted how fingerprints have meaning beyond identification through framing biometrics as a far-reaching form of control that affects people’s experience of bordering practices long after they have crossed the physical border. As Th explained so eloquently in this chapter, fingerprints accordingly manifest as deep-rooted power, where “all the ideology and technology of control” exists within them. If we reflect on Foucault’s theories of biopower as a means of legitimising power across society (Foucault 1990), we see how biometrics used within the datafied European border do indeed come to exhibit signs of disciplinary power. For example, as discussed in the chapter, biometric controls could impact whether or not someone decides to keep their fingerprint ‘small’ through avoiding interactions with authorities or services, in the hope this decreases the chance of deportation from one EU country to another. The focus then shifts away from biometrics as an identifier and becomes about disciplinary power over actions through internalised techniques of control (Ajana 2020). These, in turn, govern everyday actions and experiences of the datafied border.

As such, fingerprinting practices become the crucial moment whereby a person enters into a zone of categorisation, monitoring and surveillance, finding resonance with Broeders’ and Hampshire’s (2013) theory of “green listed”, “grey listed” and “black listed” travellers, capable of being tracked and monitored whilst they traverse the European asylum system. Fieldwork demonstrated that people who have their biometrics taken and entered into Eurodac are never “green listed”, but always have to struggle through constant precarity and suspicion throughout their journey. Accordingly, biometrics which are often deployed in the “name of freedom” actually result in new techniques of containment and immobility as they “hold particular bodies static” (Magnet 2011,14). Thus, power is exercised over the individual body as control becomes internalised and attached to a physical body that follows a person as they cross borders in Europe and interact with authorities.

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<sup>147</sup> Quote from Ih, a man with refugee status in the UK.



However, in line with Deleuze's theory of the "dividual" (1992), control is simultaneously operationalised onto the dividual migrant or person seeking asylum, as routine collection of fingerprints for anyone caught crossing a border or who applies for asylum creates a data bank used to enforce ongoing controls over people on the move and illegalised migrants. Thus, Eurodac "offers the opportunity to control the social via modulatory means" (Iveson and Maalsen 2018,334) where identity is enforced, monitored and modulated by a datafied system. In line with Iveson and Maalsen's argument, as discussed in the literature review, through recognising the relational and simultaneous existence of dividualised and individualised power, we see how control always renders itself visible (p.344). Here, individualised control is furthered through dividual modulation of power, as control operates over everyone in the data bank, yet becomes further enforced onto those who resist the dividualised control over movement inherent to Eurodac. This is important for our understanding of the multiplicity of control apparent across datafied border and asylum regimes, where power manifests in both an omnipresent and explicit way, rendering itself visible at every interaction with the state.

Within this notion of control, the experiences relayed to me via my interlocutors and observed during fieldwork shed light on how fingerprints came to highlight issues of information, consent, and choice, as well as how they could be used for credibility findings as a part of asylum claims, coming to hold power as infallible truth and identity. We also saw how fingerprints worked to facilitate exclusionary policy goals, specifically Dublin III, detention and deportation, thus advancing a policy agenda.

As suggested to me by Md, fingerprints seemingly provided an "excuse" to deport people or refuse asylum claims, becoming, as Lv told me, like "doom", causing untold complications and anxieties on top of an already stressful process. Of note is the way in which digital biometrics entrench ideas of 'truth' and infallibility which are attributed to biometrics and can be actively used as punitive measures of discrediting a person's asylum claim and reinforcing restrictions on mobility for 'undesirable' travellers. Here, fingerprints seemed to become inherent to the "culture of suspicion" that was described to me by a British lawyer (Ev) which permeates through asylum and border regimes. This framing of people on the

move in Europe depicts them as a risk to national sovereignty, to be controlled, excluded and stopped. The framing of migration as a securitisation risk to be controlled is widely noted across scholarly work in the area of border and security studies (Andersson, 2016, Bigo 2002; Brouwer and Catz 2003; Léonard 2010; Lyon 2007; Muller 2011; Squire 2009; Vaughan-Williams 2015) and emphasises the link between political goals of controlling movement and digital tools such as biometrics in implementing state migration policy. This is despite instances of the failures in measuring, processing and matching data captured through biometrics (Madianou 2019b, 590).

Findings from my fieldwork reiterated this link between identification practices, control and policy, where fingerprinting practices were instrumentalised for specific policy goals, changing dependent upon the political situation in which they exist, demonstrating instances of function creep (Ajana 2013; Madianou 2019b). For example, in Greece, where the Greek Asylum Service (GAS) was created in 2013, with the first fingerprints taken with laser in June 2013<sup>148</sup>, it was only in 2015, due to political and financial pressure, that the number of people fingerprinted shot up from 8% in September 2015 to 78% in January 2016 (LOC 2016). This slowness and inconsistency in uploading fingerprints into Eurodac could be read as technique of instrumentalising fingerprints to counteract the ‘burden’ of an uneven distribution of asylum cases across Europe due to the Dublin Regulation. This is, however, hard to substantiate, and is something I explore further below. This could also be considered as a deficiency of the securitised logics which drive the advancement of biometric border regimes. These logics seemingly lead to approaches to immigration policy which become hard to realise, having negative impacts upon legitimacy and creating points of contention within border regimes (Karyotis 2012,403).

Likewise, in the UK, fingerprints were seemingly used to facilitate rushed deportations as part of ‘Operation Sillath’, where the Home Office stated their wish to deport as many people as they could before the end of the Brexit transition period when the UK would no longer be signatory to the Dublin Regulation. This built upon anti-migration and pro-Brexit rhetoric

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<sup>148</sup> Information taken from interview with INGO worker who was seconded to GAS for the set-up of the asylum service.

that placed weight on migration policy as central to British politics, and consequently legitimised harsh practices at, and beyond, the border. The differential treatment during, for example, ‘Operation Sillath’ between people who arrived by small boat, who were, and continue to be, depicted in the media as an ‘invasion’ and ‘threat’ to British safety and sovereignty, and people who arrived by plane. This highlights that the state has the power to choose when to implement deportations based on fingerprints, demonstrating the unevenness of fingerprinting practices and their outcomes, as well as how politics affected practices and implementation of control.

Another example from fieldwork saw the value of a fingerprint exploited by Germany for proving “wilful separation” of families and denying family reunification under the Dublin Regulation accordingly. This is alongside the use of fingerprints within Dublin III to reinforce the unequal power within the EU itself, where Northern and Western European states are able to use the Dublin Regulation as reason to refuse the consideration of asylum cases, and contain new arrivals to peripheral MS.

And so, we see that the “essence” of fingerprints is not only in identification, but as a powerful tool that can be instrumentalised by states to fulfil contentious policies aimed at limiting migration and excluding those who struggle against immigration controls by moving in illegalised ways. As such, fingerprints are used to enforce ongoing precarity onto people on the move, threatening deportation and denying reunification. This is on top of using digital biometrics as a tool of discrediting a person’s story and asylum claim and giving justifications to the “culture of suspicion” that dominates state asylum policy aimed at refusing as many asylum claims as possible to satisfy anti-migration rhetoric within European states. This illustrates the power that politics has in the ways in which biometric identification plays out and affects people on the move, where the modulations of control continue to change and mould to current policy goals or political will.

Furthermore, biometric identification becomes an internalised means of controlling individuals illustrated in part by the levels of anxiety told to me by migrant interlocutors. My findings suggest that this comes to affect actions, including decisions over seeking asylum

or accessing healthcare, for example. As well, biometrics work as a larger process of social sorting of individuals through the collection and storing of fingerprints within Eurodac in order to deny access to asylum or facilitate high numbers of deportations. In both ways power manifests within the datafied border to limit the mobility of people on the move that are deemed politically ‘undesirable’, and thus control through biometric identification becomes one key function of the datafied border in Europe. As I will discuss below, these forms of power thus work to entrench and advance the continuing coloniality of global migration controls. Important to note here is that both forms of power do not go uncontested, where they are navigated in ways which also demonstrate resistance to power. The example given in my findings of narratives of ‘big’ or ‘small’ fingerprints demonstrates how avoiding interactions with the asylum services in attempts to win back freedom from biometric controls over movement demonstrate the navigation of individualised control. It also shows a resistance to disciplinary power, where, although the narratives shape actions in ways that have potential harmful impacts, it does so to try and claim back the freedom of movement.

### 7.2.3 Everyday Surveillance Through Insidious Technologies

However, fieldwork highlighted that there were additional and more veiled layers of control and power inherent to the use of digital technologies for bordering practices. In chapter 5, I presented findings regarding more covert forms of data collection, retention and sharing, that trace and track a person in their day to day lives, affecting interactions with states and social care. This gives an example of power operationalised through technologies of control that work in more insidious and mundane ways as a means of everyday surveillance and containment. These techniques also proved to be detrimental for the mental health of interlocutors I spoke with, and highlighted concerns over privacy. This manifestation of power sees the use of mundane technologies as a means of enacting surveillance throughout the asylum or immigration procedure, where the monitoring of people enforced bordering practices within and across the everyday. For example, findings from fieldwork showed how the monitoring of cash cards was used as a means of enforcing geographical restrictions, something also noted by Garelli and Tazzioli (2018) in relation to “techno-humanitarianism”,

where “technological interfaces” work as “tools that pertain to a very precise spatial politics in the government of refugees”.

As well, interlocutors highlighted practices and concerns over checking social media or seizing phones. The violence of this highlights the stratification of privacy rights, where people categorised as “risky” or “illegal” do not have the right to privacy. This point also demonstrates just how intrinsic phones have become to the “digital infrastructure for global movement” (Latonero and Kift 2018,3; see also Gillespie et al. 2018). In fact, on top of existing practices noted in chapter 1, where Germany seizes phones to verify the identity of a person without documents (DW 2017), since the time of my fieldwork the use of phones as a fundamental part of the asylum process in the UK has been uncovered. In an exposé by *Byline Times* (Tarrant 2021), the seizure of phones has been further exposed as a far reaching and legally questionable tactic used by the Home Office in the UK with the confirmation that many thousands of phones were confiscated from people arriving to the UK by small boat in 2020.

The effect of this is not only the loss of a lifeline to community, family and friends that have been left behind along a journey, but also foregrounds one of many breaches of privacy that people seeking asylum are subject to, where phones are, as Taylor (2014) suggests, tantamount to passports in uncovering who a person is and where they have come from. Another impact of phone seizures was increased danger of journeys to the UK by boat. I was told by one interlocutor that smugglers in France would tell people to throw away their phones before making the journey, as they did not want the UK to get any information about them. This meant that the physical danger of crossing the world’s busiest shipping routes increased dramatically as capacity to call the coastguard become non-existent. As such, we are reminded that people on the move, due to ongoing controls as well as facing efforts to exclude and criminalise, must tread a “fine line between taking precautions to remain invisible to surveillant actors and organizations... [whilst] depending on smartphones for support, care, protection, and information” (Gillespie et al. 2018,10).

Another key finding from this chapter is how the advancement of technologies which allow for the collection and monitoring of vast amounts of data enables containment policies. They do so without, firstly, resorting to physical spatial control or incarceration, and, secondly, without immediately obvious mistreatment of people subject to containment policies. The key example here is the use of cash cards in both fieldwork locations as a means of tracking a person's location and monitoring their spending habits to reinforce moral notions of 'good' and 'bad' migrants, where prohibited items included alcohol, gambling and 'luxury' goods. This has been noted by other scholars as a technique of enacting both containment and dispersal policies (Garelli and Tazzioli 2018; Tazzioli 2019a), building on this, findings also demonstrated the everyday-ness of surveillance to control and create ideas of tolerated behaviours and spending habits (see also here Tillyard's 2019 article about this in relation to the ASPEN card). As such, in chapter 5, I explored how power becomes operationalised through the GCA cards in Greece and the ASPEN cards in the UK, which were monitored by UNHCR and the Home Office respectively.

It does well to reflect here on the link between these mechanisms of control and ones discussed by Deleuze (1992), reflecting on comments made by Felix Guattari, who speaks of an "electronic card" that could be used as a "barrier" (p.7), which acts as a "substitute" to traditional disciplinary means of containment such as imprisonment in a camp or detention centre. Here, it is the computer tracking the card that becomes the mechanism of control, capable of tracking a person's position and spending through their individual card data in order to flag them up to authorities and enact control over the individual. In line with this, we see how novel modulations of control over the individual come to light in relation to cash cards in Greece and the UK, where they offer spaces of control in which power manifests through the tracking and surveillance of all financial support given to people seeking asylum. It is important to recognise here that control works over the individual as cash cards become a means of enacting special control and surveillance over entire migratory communities using electronic tracking and limiting of financial transactions.

In Greece it should be noted that whilst it was the UNHCR who monitored the cards, fieldwork data showed how they worked alongside the Greek state to enforce policies such

as geographical restrictions for people living in the hotspots on the Greek islands or to identify potential smuggling networks. This association with the Greek state also meant that some people I spoke with believed UNHCR was complicit not only in enforcing spatial control in the camps and islands, but also of preventing social movements and resistance. To see this, we can look to the example of the ‘caravan of hope’ given in chapter 5, where late cashcard payments were suspected as a tactic by UNHCR (and by extension the Greek state) to stop people travelling to northern Greece to take part in the caravan. This level of complicity between the Greek state and the UNHCR is made possible through individualised control, where entire databanks are able to be monitored, data shared, and controls enforced through, for example, delaying or withholding payments. Likewise, the use of electronic cash cards that are known to be monitored from afar means that the perception of complicity between the two actors was tangible during fieldwork. The Home Office also uses the ASPEN card to enforce compliance with stringent asylum support rules, which amongst many things state that someone must remain in the house and area in which they are placed following the no choice dispersal policy for people seeking asylum, meaning someone may be separated from friends, family and community throughout their asylum claim. In both instances we see power as containment through surveillance and monitoring.

Of importance is also that alternatives to incarceration and detention are increasingly becoming a part of the advancement of surveillance technologies. For example, the widespread use of GPS monitoring for people released from prison or detention in the UK is offered as an opportunity for “e-carceration” where technologies afford new surveillance tools that enable remote tracking and containment (Axster et al. 2021,15). This offers another example of a “substitution” (Deleuze 1992,7) of disciplinary power in specific enclosures of prisons or detention centres, for modulated control of individuals through the tracking of data collected from electronic tags. Consequently, we must recognise that whilst these technological advancements claim to provide more freedom as a person is no longer physically locked away, the level of surveillance and control is increased as every movement and interaction can be tracked and monitored no matter where a person goes. As automation becomes more commonplace in these techniques of control, where things such as movement

or spending become automatically flagged without human intervention, these implications become further extended.

This high level of surveillance demonstrates the power inherent to monitoring and containment practices in a datafied border regime. Something which came to light throughout fieldwork was how this manifestation of control came to shape daily decision making, such as where someone may spend their money or take out cash, what they may buy, what photos they would post of themselves on social media etc. The concerns people told me of were wrought with an uneasiness over the idea of being watched, especially in light of the hostility and suspicion many of my interlocutors faced while they were seeking asylum or moving through Europe. As Ft explained to me, she was gravely worried that during her asylum interview, what she called the “day of reckoning”, the Home Office would question why she took out money from her ASPEN every two weeks instead of every week as she was told she should. Despite having her reasons for doing so, namely that she could make the measly allowance given to her go further through bulk buying, she felt a deep-rooted uncomfortableness that sprung from concerns over the British state’s desire to control people seeking asylum in the UK. Such an example illustrates the ways in which control comes to “effect modulations of... behaviour” as a person moves across “distinct environments”, opposed to “disciplining... individuals while they are confined in distinct environments” (Iveson and Maalsen 2018,336). In line with Iveson and Maalsen’s comments which argue that control enhances disciplinary power through collecting and processing data points that becomes used to enforce control over both the individual and dividual (p.345), we also see how the internalisation of restrictive policy controls comes to shape everyday actions as it guides how, where, and on what cards become used for.

The level of control through cash cards was also shown to be directly related to immigration status in certain instances, where the more precarious someone’s immigration status, the more they were subject to control through surveillance. For example, in the UK people without an ongoing asylum claim but with a barrier to deportation can access s4 support, a more limited financial support. However, when receiving this, they cannot take cash out and



can only spend it on their ASPEN card which is actively monitored by the Home Office who can track and limit the items bought with the card, as well as the location the card is used.

What we see through this exploration of fairly trivial and unexceptional technology within ongoing asylum claims was the ways in which surveillance has become engrained into every day, insidious technologies we all use daily, shaping decisions and actions far beyond the physical border. In chapter 5 we also saw that it becomes important to consider how mobile phones, as another example of banal technology, have the potential to enforce control, identification, and containment onto those with precarious immigration status. This is done through using phones as a means of verification and identification that actively seeks to displace human accounts of identity and experiences. Fieldwork highlighted how phone data could be used as proof of illegalised entry or connection to smuggling rings, or even to disprove someone's asylum claim. As H called them, phones thus became a "snitch", often more tangible and accurate than fingerprints in tracing a person's movement and actions but exhibiting many of the same manifestations of power. The use of phones is, in one sense, thus comparable to active participation in your own confinement (Browne 2015,15-16). Despite these concerns and worrying implications of using a phone, fieldwork demonstrated how they have also become intrinsic to the very infrastructure of asylum systems in Europe and thus unavoidable. For example, in Greece it has become necessary to have a phone to both claim asylum (via Skype) and access humanitarian support and financial assistance (via Viber). In both cases phones are a pre-condition for basic rights, and the responsibility for having and maintaining a consistent phone and number falls onto the person seeking support.

The insidious and often unknown element of this every day and banal technique of containment and surveillance means that bordering practices are both consistently present and also occluded and invisibilised. Furthermore, the use of mundane technologies emphasises the differential impact of datafied border controls in regard to immigration status. For example, for those who cannot be deported, the idea of the Home Office checking your social media profile may not cause such mental anxiety, even if it raises concerns over privacy. For people with precarious status, concerns run much deeper than privacy, focusing more wholly on immediate safety from danger, incarceration, or deportation. This is of huge

importance for the conceptualisation of control, enabling us to question the normalisation and embeddedness of oppressive techniques of surveillance. Importantly, we see that the overarching logics of bordering and the asylum system, that of exceptionality and control over mobility, become engrained through insidious technologies. Such techniques further embed and advance the authority of the state over the actions and lives of people with precarious immigration status. Accordingly, control through surveillance becomes enacted through insidious technologies, demonstrating another key function of the datafied border. These technologies serve to disrupt and decelerate the mobility of people on the move through creating alternatives to incarceration that still enforce policies of containment.

### 7.2.3 (Dys)functional Data Infrastructure as Dispossession

Chapter 6 presented findings on how tech and data infrastructure offer a means of enforcing the dispossession of rights for people on the move and seeking asylum, where (dys)functional technologies and data infrastructure were actively employed as a tool of restrictive immigration policy. Through exploring the use of tech and data infrastructure in both accessing asylum in Greece and healthcare in the UK, we can see how data infrastructures can be used to deny access to basic rights. Specifically, we see how the apparent failures or dysfunctionality of these infrastructures become key to the dispossession of rights<sup>149</sup>.

I discussed the examples of Skype in Greece and the data infrastructure MESH in the British healthcare system. The former is used to register for asylum in mainland Greece, and the latter is used to check for chargeability, where NHS numbers and basic information such as address, name and DOB is shared between the NHS and the Home Office. In this chapter, findings shed light on both the outcome of, and motive for, the use of these technologies and

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<sup>149</sup> It is worth mentioning here that I use the language of rights in full awareness that the very creation of the Declaration of Universal Human Rights, and the right to asylum laid out in the Geneva Convention are European creations following WW2 and were never intended for racialised (ex)colonial subjects as shown by Mayblin (2014). However, for now I frame healthcare and asylum as fundamental rights to present how tech and data infrastructure seek to disrupt and deny the accessibility of them as it presents a tangible way to express the harms enacted in the examples of Skype and MESH. I take up a further discussion of rights as “imperial debris” (Stoler 2016), that are reliant upon states hostile to people seeking asylum and on the move in the concluding chapter of this thesis when discussing theories of data justice.

infrastructure. Fieldwork from Greece showed how Skype had been sold as an exceptional and necessary solution to the lack of resources, staff and “overwhelmed” asylum service as a means of registering people’s asylum claims in a timely manner. The reality however, as told to me by interlocutors, was the further obfuscation of the right to claim asylum, where people would be left calling the Skype line for months of end, reliant upon internet connection, and without other recourse to claim asylum. Moreover, data presented in this chapter highlighted that there were clear inequalities present, where some languages had many hours to call and where calls would be answered, and other languages would have no time slot, or one hour a week where calls appeared to be answered less frequently.

In the UK, ‘hostile data’ meant that exclusionary bordering policies permeated across health and social care departments through automated data sharing with the Home Office. Specifically, the use of MESH in the NHS meant that all interactions with hospitals in the UK resulted in the sharing of information with the Home Office for the purpose of supposed charging policies. Fieldwork highlighted that data sharing policies did little to actually recoup costs for people with NRPF, yet instances of the Home Office asking for information on specific individuals local to hospitals did take place, where the Home Office wanted to track the location of particular individuals. As Mdv told me, MESH meant that healthcare and immigration became deeply linked.

In each example, findings interrogated the motivations behind these technologies, through comparing the stated purpose of the technology to the outcome. For Skype, the stated purpose is the facilitation of asylum rights in a ‘crisis’ situation where GAS is painted as chronically overwhelmed (rather than chronically under invested in) (InfoMigrants 2019; Neilsen 2016). For the MESH interface, charging for overseas patients was stated to be used as a way of preventing the “abuse” of free healthcare in the UK (Department of Health 2013). Yet fieldwork showed that in each case these purposes were not fulfilled. For Skype, many people remain unregistered, and for MESH, as told to me by Overseas Visitors Managers I spoke with, little income was raised through the use of MESH. Despite this, during the time of my fieldwork, these systems and technologies continued to be invested in. And so, we must look at why failing and often cruel systems that deny rights to asylum and healthcare, and

disproportionately affect racialised communities, continue to be developed, something I reflect on below.

Both examples brought to light themes of privacy, fear, and frustration as technology either acted as an overt barrier to accessing rights, or a covert, insidious means of dispossession. Moreover, the impact on mental and physical health in both examples was shown to be hugely detrimental to people dispossessed of their rights to asylum and healthcare. For example, Ih and Bh both told me of their anxiety over seeking mental health support whilst claiming asylum in case the Home Office found out and it affected their claim as they had not mentioned mental health when claiming asylum. Here, fears over deportation guided people's interactions with healthcare officials, who, through data infrastructure, were seen as an extension of the state and hostile immigration policies. Thus, once again power and control become entrenched into interactions with vital services over fears of tracking or data sharing, where modulations of control works to effect behaviour as a person moves across distinct environments. Indeed, it reaches far beyond the datafied systems themselves, becoming embedded into the mentality and actions of people made to feel excluded from society, and liable to be detained or deported at any moment as is the case in both the UK and in Greece. Although we should not be too quick to blame this mistrust of the state and social care institutions on data infrastructure alone, as pointed out by Am and Ay in relation to data sharing within the British local council and the NHS respectively, the use of data infrastructures for the identification and tracking of illegalised individuals happens "in and amongst all of the other parts of the hostile environment, and all at the same time."<sup>150</sup> This point foregrounds the systemic and long standing hostility of bordering practices in and amongst all social care and state platforms.

In Greece, frustration at the use of a tech platform for asylum was palpable, as some people waited endlessly to register without the possibility of speaking to somebody in person. As shown during fieldwork, the discriminatory nature of the Skype system became a key point of contention within the use of the platform. Issues were brought up in relation to language being used to dictate the times a person could ring to register for asylum, alongside

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<sup>150</sup> Quote from Ay a migrants rights campaigner advocating for free healthcare for all.

admissions from GAS staff members that certain nationalities were prioritised and registered according to pre-determined limits, supposedly set due to limited resources and capacity. These limits on who could, in reality, claim asylum in Greece became occluded by the use of the Skype platform, where failings of the asylum service became framed as technical difficulties. In other words, the outwardly dysfunctional nature of Skype provided a front for the intentional function of the platform to act as a filtration technique to only register people from nationalities of ‘high refugee producing countries’.

Consequently, my findings highlight how (dys)functionality becomes a tool for dispossession of rights, presenting another key manifestation of power within, and function of, datafied borders. Within this, technology is blamed for dysfunctionality that is actually intrinsic to the desired outcome of the immigration or asylum policy, and thus advances a policy agenda through opaque means. In Greece, this takes the shape of Skype, which acts as a filtering technique to deny some people access to asylum whilst presenting a functioning way to register. In the UK, MESH and data sharing within the NHS fails to recoup the costs spent on healthcare treatment yet offers one means, amongst others, of the Home Office keeping an up-to-date record of addresses and location of people without secure immigration status. Of course, as people come to avoid services due to this data sharing and the resulting fear of accessing healthcare it instils, the successfulness of keeping records up to date in this way becomes limited. However, we also see MESH comes to function as an exercise of symbolic power, signalling people’s lack of rights and reiterating precarity, thus advancing hostile environment policies.

For Skype, the dispossession of the right to claim asylum through a (dys)functional tech platform is not realised by staff in the same way as it would be if the queues of those waiting to register were physical queues of hundreds of people instead of a small number at the bottom of a screen. Likewise, as MESH removes the decision of who will be charged or prevented from receiving treatment from clinicians to OVMs reliant upon MESH for an answer, and as simultaneously people avoid healthcare due to fears of data sharing, doctors may not even be aware that such exclusionary practices are taking place, as more than one doctor explained to me during fieldwork. As such, we see how MESH bypasses possibilities

for humans to question and resist its use, where conflicts of ethical or political positions do not have much room to emerge, and where solidarities based upon these positions become limited. The usefulness of naming these practices as harmful and recognising the role of technology as both furthering their implementation and occluding their outcome is that we can identify how immigration policy is becoming automated and invisibilised through the use of tech and data infrastructure, where the distancing of outcomes from implementation through data infrastructures operationalises techniques of control that are intrinsic to the design of the data system.

This final example of a manifestation of power within datafied borders is important as it demonstrates the intentionality behind the investment in (dys)functional tech which works to dispossess and deny rights. This challenges debates that see discrimination, or the perpetuation of inequality and exclusion, as an unintentional outcome borne out of structural bias (Crawford 2018; Eubanks 2018, Taylor 2017). Instead, it suggests that (dys)functionality is used to intentionally fulfil harmful policies while simultaneously distancing the state from enacting violence and thus avoiding a level of public scrutiny and resistance. In regard to theories of control and power, we see that data infrastructures provide the framework in which controls become exercised over individualised people identified through coded categories, i.e., language timetables in Skype or, in the case of MESH, immigration status stored on a database. Moreover, through the enforced precarity that becomes an outcome of (dys)functional data systems due to lack of access to asylum, or increased fear of accessing health care, we see how controls are scattered across the everyday. Of course, there exists further areas of the everyday which becomes affected in this way, and thus this topic warrants further avenues of research, something I discuss in my conclusion.

It is useful to note here that since December 2021, over two years since my fieldwork in Greece ended, the right wing Νέα Δημοκρατία (New Democracy) government in Greece stopped using Skype to register asylum claims (Mobile Info Team 2022). This was seemingly not an attempt to address the problems discussed here, but rather seems to be part of a drive to ensure all people seeking asylum are housed within closed accommodation centres being built. These centres will now become the only place people can register for asylum in Greece,

adding to the network of Reception and Identification Centres (RICs) in the country<sup>151</sup>. At the time of writing, in January 2021, it is the case that in Athens there remains no way to register for asylum, as the closed centres in Southern Greece have yet to be built. This, I believe, illustrates another example of how, when politics shift and things that were once viewed as unacceptable become acceptable, the need to use screens to hide the real motives are no longer required. Whilst Skype appeared to offer a way for everyone to claim asylum, in reality the (dys)functional nature worked to filter people according to nationality at a time when denying asylum to all would not have been acceptable. With the increased use of violent pushbacks by the Greek state (Amnesty International 2021; Danish Refugee Council 2021) becoming normalised (Koros 2021), there is arguably a shift in attitude towards registering people's asylum claims after they arrive to Greece.

The final point to be discussed here is how the language of efficiency and the supposed objectivity or neutrality of technology also work to occlude the harmful impact they have onto illegalised and racialised individuals. The apparent ignorance in regard to racial injustice prevalent across many datasets and datafied systems is something widely noted, and visible in the heralded neutrality of technology (Floridi 2020), despite the disparate impacts on different communities. On top of this, the invisibilisation of the eventual impact of tech and data infrastructure from those implementing them, such as GAS staff in regard to Skype and for clinicians in regard to MESH, means that the moral conflict inherent in witnessing overtly violent practices of exclusion are further occluded, as these data systems maintain an obscure and unchallengeable position due to happening without our knowledge and without corresponding to lived experiences (Hintz et al. 2017,734). Bauman (1989) has previously written about how bureaucratised, administrative processes remove moral conflicts from the implementation of brutal controls and totalitarian regimes. Here, exclusionary policies become devoid of a moral conflict due to the automation of their implementation making them less perceptible (Bowling and Westenra 2020,164; see also Eubanks 2017 for notions of “automating inequality”). As Andrejevic (2014,1682) suggests this can then work to create a feeling of powerlessness, where clinicians or GAS workers are distanced from their actions

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<sup>151</sup> During my fieldwork RICs did exist in the island hotspots and in Fylakia close to the Evros border in Northern Greece but were not the only option for registering for asylum.

and the consequences of them, creating a “performance of indifference in the face of tragedy” (Leurs and Smets 2018,5), as a lack of transparency obscures violent outcomes. Thus, the operationalisation of control enacted onto people with insecure immigration status and illegalised migrants becomes depoliticised.

Building on control through identification and containment through everyday surveillance, dispossession through data infrastructures show how technologies exhibit multifaceted means of enacting power over mobility, limiting freedoms and enforcing exclusion and precarity onto illegalised people. To better understand the importance of these modes of power, we must understand the root of these data harms and structures of control. To do this, we also need to look at the historical trajectory of bordering practices and policy, and how technology affords new avenues or means of operationalising control that build upon old techniques, where technology both intensifies and invisibilises control and power over movement. The next section will do just this, exploring the findings and examples given in this section with reference to the “coloniality” (Quijano 2000) of technology within datafied borders. As Quijano theorised, the coloniality of power orders societies and global power, where imaginaries and practices follow on from, and perpetuate, colonial structures. I argue that the three functions of a datafied border I have presented must be considered as part of the ongoing coloniality of border technologies. The usefulness of this is that it allows us to better understand the trajectory, impact, and logics which affect how technologies used to control and order society have been developed. As such, I illustrate both how control becomes operationalised and advanced, as well as how this relates back to systemic injustice that must be recognised to deconstruct these spaces of control.

### 7.3. Control and Coloniality; New Technologies, Old Techniques?

#### 7.3.1 The Coloniality of Border Technologies

In STS and Migration Studies, securitisation is often discussed as if it is exceptional and new. Moreover, ideas of harsh border policies only recently becoming so hostile are sometimes invoked when discussing exclusionary border and asylum politics by humanitarian actors, affected for example by recent events such as 9/11 (for example Brouwer 2003). Through



this lens, technologies and datafied borders are presented as a new phenomenon, an exceptional spectacle that affords novel practices within border controls. Such an approach, while important for recognising the power of data and tech infrastructure in regard to freedoms, fails to engage with colonial legacies of dispossession, exploitation, power inequalities and ongoing violence towards racialised people (Axster et al. 2021). Conversely, we can see that through applying a historical lens to the subject, surveillance, control, identification, and exclusion have long standing histories and are inherent to the European project from the outset, dating back to colonial rule (Browne 2015; Mayblin 2014; Mayblin and Turner 2021; Walia 2021). As Lyon says, “it’s an old story in high-tech guise” (Lyon 2003 cf. Browne 2015,18). If we recognise this, we can turn our focus to explore how innovative technologies both further controls whilst also attempting to invisibilise and neutralise violent practices of bordering, allowing for a richer critical engagement with datafied border and asylum regimes in Europe.

Thus, at the core of my argument is a recognition of the importance of bordering and immigration policies as a means of maintaining global power structures, as well as how these policies become obfuscated and operationalised through datafication. As discussed in the literature review, Sharma (2020) has argued that these formations of state power are based on nation states in what she calls the “Postcolonial New World Order” and are upheld through immigration “regulations and restrictions” (p.28) that constitute a “global apartheid” of rights and freedoms (Richmond 1994 cf. Sharma 2020, 28). In light of increasingly sophisticated border technologies, Besteman (2020) argues that we are now living in what she terms a “militarised global apartheid”, that sees security and imperial practices, buoyed along by tech infrastructure which come to normalise militarised techniques for control. As such, I posit that technology at the border becomes a tool of nation states to uphold the Postcolonial New World Order that Sharma (2020) describes, where the colonality of tech infrastructure sees both the intensification and occlusion of control across borders and bordering practices.

Such an approach builds upon Madianou’s (2019a) theory of “technocolonialism” which maintains that longstanding global inequalities are actively entrenched and occluded by the digital, where datafied practices proclaim objectivity whilst unduly affecting people seeking

asylum (amongst others). Madianou argues that it is people seeking asylum who are “disproportionately affected by the convergence of digital developments, capitalism, and colonial legacies” (p.11), where the very development of digital technology is itself “steeped in colonial relations of inequality” (Madianou 2020). Whilst Madianou focuses largely on the impact of technocolonialism within INGOs and humanitarian organisations, I use the lens to more closely examine state practices of power within border regimes.

Here, I also draw attention to the racialised element of surveillance, something Simone Browne (2015) writes of in her book “Dark Matters; On the Surveillance of Blackness”. Browne demonstrates how biometric measurement of bodies was something intrinsic to the Atlantic slave trade, demonstrating the long-standing techniques of identification and containment used to control racialised people. The use of digital biometrics for the identification and categorisation of people seeking asylum, who are often racialised former colonial subjects, sees similar techniques of control. As Browne (2015) says, surveillance is racialised, where “today’s seeing eye is white” (Fiske 1998,69 cf. Browne 2015,17). The usefulness of this framework is that it emphasises once again that techniques of surveillance, identification, dispossession, and categorisation, whether done through technology or more traditional means, are not neutral processes. As such, issues of race, alongside issues of differential mobility, are imperative to discussions of how control becomes operationalised within datafied borders.

Thus, adopting an approach that recognises the coloniality of border technologies also recognises race as an important factor in relation to freedom of movement. Here, the border is recognised as the technique used to create structures of violence, precarity, and displacement in relation to racial capitalism that was born out of colonial rule. Walia (2013) has termed this “border imperialism”, providing an analytical framework for deconstructing racialised bordering practices. Further to this, Stoler (2008), deems borders as a part of “imperial debris” which sees the perpetuation of ongoing “structures of dominance” created during colonial rule continue, due to ongoing “imperial formations” (p.193). She argues that these are reworked in often obfuscated ways (Stoler 2016 cf. Madianou 2019a,2) as colonial formations “resurface, re-emerge, haunt, and find new expressions” (Besteman 2020,121).

With the advancement of technologies to strengthen militarised borders, Besteman has referred to these formations as a form of “security imperialism” (2020,103), where imperialism becomes about identifying, excluding, and containing “risky” bodies. Moreover, if we see this in light of Deleuze’s (1992) theories of control, as I discuss below, we can further delineate how imperial debris and border imperialism is enacted and experienced, as well as recycled and repurposed, within a datafied European border. This framework remains important as many of my interlocuters who were going through, or had been through, immigration or asylum procedures in Europe came from either former colonised countries, or countries disrupted by ongoing global capitalism and imperial power struggles, demonstrating the ongoing patterns of displacement and violence. As Khiabany (2016) rightfully states, to ignore these struggles makes it impossible to comprehend the current migratory situation where “‘They’ (refugees) are here because ‘we’ are there” (p.760).

Accordingly, the ongoing and advancing logics behind datafied borders must be understood as the continuation and further embedding of ongoing patterns of power inherent to borders and bordering. These provide the wider framework in which the functions of a datafied border I have identified work within. I posit that my findings demonstrate how technology and data infrastructure used for control – from the overt to the insidious - exhibit security practices that are, as Mayblin and Turner (2021) note, “already riven with past exercises of colonial power, modelled on the governance of people racialised as inferior” (p. 146). The authors argue that approaching securitised borders as such allows us to dispel the idea of them as “exceptional” and new, but instead place them as a tool for the intensification of colonial and imperial attempts to control and exclude former colonised countries and their inhabitants (ibid). I add to this that not only do security and datafied practices intensify attempts to control, but also lead to harmful border and asylum policy becoming opaque.

The functions of a datafied border I have discussed above thus act as examples of imperial debris within datafied borders, perpetuating and advancing structures of power which exhibit both colonial and imperial formations. These include techniques of identification that seek to categorise and control people as they arrive to Europe through the use of digital biometric technologies that have become key to securitised borders modelled on risk and

exceptionality, where those categorised as ‘illegal’ are treated as inferior to ‘legal’ travellers (Madianou 2019a; Magnet 2011). Likewise, techniques of containment that may previously have relied upon physical incarceration are now conducted through everyday surveillance that traces and tracks people seeking asylum through cash cards, phones, or social media (Axster et al. 2021). Furthermore, techniques of dispossession that have long been central to attempts of denying the spoils of colonialism to (former) colonial subjects (El-Enany 2020) have now manifested in tech infrastructure and data sharing that seeks to identify people to be excluded from the rights that citizens of European nation states hold. At the same time, discourses of efficiency and neutrality, alongside the role of private actors providing data infrastructure, help to obfuscate how datafied borders work to entrench inequality and restrictions over mobility, whilst also depoliticising the operationalisation of control within tech and bordering practices, something particularly visible in instances of (dys)functional technologies discussed above.

I bring in this theoretical framework to highlight how imperial debris and the coloniality of power is demonstrable within technologies and data infrastructure at, and beyond, the border. I argue these power structures underpin the very processes and logics behind the datafied border, where they exist to uphold and entrench imperial formations that seek to maintain global capitalism and an exploitable workforce through creating ongoing precarity. Specifically, these structures of power provide the wider framework that the functions of the datafied border I have introduced work within, where control becomes operationalised to exclude and govern racialised and illegalised migrants. A focus on the systemic and colonial elements of power structures allows for a deeper engagement with the advancement of securitised and datafied logics, as well as the techniques adopted to advance hostile and exclusionary immigration policy. Furthermore, we see that techniques of control are often intensified as they come to seem, as my interlocutors explained to me, and as Deleuze (1992) writes of societies of control, simultaneously omnipresent and unknown, “continuous and without limits” (p.6), shaping actions and decisions of people on the move. Below, I draw further comparisons between historical examples and the functions of a datafied border identified from my fieldwork to illustrate how datafication both intensifies and invisibilises colonial control.

### 7.3.2 Manifestations of Power; Intensification and Obfuscation of Control

As Deleuze suggested in his essay on societies of control (1992,7), it is not that old structures of power will be gone completely through the move towards securitised control societies, but rather that we could see “old methods, borrowed from former societies of sovereignty... return to the fore, but with the necessary modifications”. Indeed, as Iveson and Maalsen (2018) discuss, new technologies and techniques for enacting control onto individuals may also offer “‘fixes’ for the agendas of institutions” (p.337) who depend upon previous formations of power. As such, below I explore in more detail the links between how control is enacted in both historical and present day in relation to racialised and marginalised people, in the former colonies and those on the move.

The coloniality of biometrics is apparent when we see biometric technology as a “materialisation of political thought” developed during colonial rule to govern colonised bodies through measurement and identification (Stenum 2017,12). This was, as Stenum discusses, developed in colonial India, but datafied in the “era of IT” through the creation and implementation of criminal databases. Thus, biometrics are, as Madianou proclaims “straight out of the colonial toolbox” (2019a,9). Here, the use of what Fanon (1967) named “epidermalization”, i.e., the imposition of race onto a person, and what Browne (2015,110) developed into “digital epidermalization”, which sees the exercise of power enacted by biometrics, the “disembodied gaze” of technology, demonstrates how biometrics have long been used to produce an infallible truth about someone. Whereas epidermalization was traditionally used to brand black and racialised bodies as a commodity (p.91), arguably biometrics and digital epidermalization now earmark somebody as liable for exclusion, where bodies become rendered as “digitized code” to control individuals through identification (p.109). Such practices highlight the use of disciplinary power present in colonial subjugation techniques that encompass both violence and abandonment (Axster et al. 2021). If we take this further and apply these ideas to the interoperable migration databases that exist today, which function through the collection, storing and sharing of biometric data taken from migrants, we see how biometric controls have evolved into

dividualised, modulatory control. This is done, as noted above, through the use of large scale data collection and processing, which is then used to identify, categorised, track, and monitor people of the move as a tool of social control.

During fieldwork, interlocutors explained to me just how powerful a fingerprint could be, determining them to be honest or a liar, or deportable or admissible. The checking of a person's fingerprint in Eurodac is carried out in a number of seconds, and data is stored for up to ten years. This is incomparable to former techniques of biometric controls and means someone's identity can be checked almost instantly for many years. Accordingly, practices of control through identification are intensified as they become routinely checked and monitored due to their digital form, as well as internalised as a person's data trace becomes hard to shake off.

Not only this, but due to the digital nature of fingerprints taken for Eurodac, there also exists a lack of awareness and confusion over who has taken your fingerprints, what for, and what will be done with them. This is in part due to the lack of information about where fingerprints are stored, how long for, who has access to them. This was likely also the case with biometrics taken during colonial rule, but the accessibility of states to trace and share digital biometrics changes the scope and impact dramatically, where controls become intensified and harder to escape as biopolitical borders become attached to bodies and internalised. Many interlocutors also told me how they were fingerprinted without explanation, belittling the violence of the collection of fingerprint data, and ignoring the widespread impact of digital biometrics which can be accessed by European states and used to discredit and deport further along a journey. I refer to violence here as the enforced precarity and control enacted onto migrants who are forced to give their fingerprints, without informed consent, that enter them into an immigration system designed to exclude them from the same rights as European citizens.

As noted in the chapters 2 and 4, the suffering and ongoing turmoil Eurodac entails for people entered into the database has been widely recognised (Garelli and Tazzioli 2018; Picozza 2017a, 2017b; Kasperek 2016; Tazzioli 2019a; Tsianos and Kuster 2016; Schuster 2011).

The use of fingerprints to, as Th told me, enter someone into a datafied zone of control where their identity and movement is quantified, tracked, and judged, has deep running implications for someone's future freedoms and demonstrates the coloniality of border technologies. Here, controls are implemented to restrict free mobility and enforce precarity onto racialised individuals to uphold the Postcolonial New World Order, where nation states stand as the basis for claims to rights and freedoms (Sharma 2020,13-14).

Through applying this lens of coloniality we can better understand the social and political relations that lead to these technological formations, the intentions and logics driving their use, and dispel notions of neutrality and efficiency as rationale for their deployment. We can also see how the complexity of biometrics stored in EU wide databases and exploited for political goals from deportation to inadmissibility decisions, alongside the lack of information given, obscures the outcome from the action. Further to this, through applying Deleuze's theories of individuals and modulations of control, we see how biometric databases are used to facilitate control over illegalised migrants through identification, categorisation, exclusion, and deportation. Here, it is about the collection and processing of data in order to enact control over racialised and illegalised migrants in line with power structures carved out during colonial rule and upheld through immigration policy and data infrastructure, which act as imperial debris. This works alongside controls that become further internalised, acting as a disciplinary force, as digital biometrics and large scale, interoperable migration databases create a wide expanse of data infrastructure that affects people's actions in the everyday as they avoid being traced through their fingerprint.

To take another example from the findings, we see the use of insidious technologies for containment as a continuation of longstanding techniques of incarceration and isolation historically used to control marginalised and racialised individuals. Fieldwork data demonstrated how insidious tech advanced policies of containment and control without physical incarceration in a prison or detention centre. In one sense, this acts as a technique of "substitution" (Deleuze 1992), where disciplinary power enacted within enclosures becomes substituted for the modulation of control of individuals through the tracking, collecting, and surveillance or data collected from electronic tags or cash cards. However,

we must also pay attention to ways in which this builds upon previous techniques of enacting disciplinary power over individuals through physical containment, where power worked within spaces of enclosures (Deleuze 1992). The novelty of this as opaque policy will be discussed below, however, for now we can see that containment, namely through camps or detention centres, has long been used in attempts to control ‘undesirable’ populations (Besteman 2020). Besteman highlights how detention centres originated during English colonial rule, specifically during the Second Boer War between 1899-1902 to detain Black Africans (p.76). Likewise, techniques of isolation and containment are clearly visible historically to control ‘unruly’ populations, including forms of separation and imprisonment used in colonised countries. Axster et al. (2021) give the example of Algeria, where the French established camps for the containment of landless peasants (p.17-8), and we can also see incarceration used in the infamous detention camps used by the British in the Mau Mau uprising in Kenya to try and maintain control over their crumbling empire (Elkins 2005). And so, we can see the coloniality of border technologies which are used to contain and control ‘unwanted’ or ‘troublesome’ populations and individuals who seek to disrupt the power of imperial formations.

However, technologies afford new opportunities for containment as datafied techniques enable monitoring from a distance, for example through the tracking of spending and location of a cash card. Thus, containment becomes distanced from physical incarceration whilst still enacting spatial control and allowing for the tracing of everyday movements and interactions. This distancing not only makes violent images of overcrowded detention centres or disturbing and public immigration raids less visible, but encompasses techniques visible within externalisation policies, where similar techniques of invisibilisation are used as the border spectacle is pushed further out of sight (Walia 2021,145). Both externalisation policies and the use of e-carceration and containment techniques thus allow states to avoid a certain amount of public scrutiny whilst simultaneously furthering exclusion and confinement policies, highlighting important mechanisms of governance. It is worth noting here that cash cards, whilst enabling containment from a distance and thus becoming a form of invisibilised bordering, also work as a stigmatising technology, as do ankle tags or other forms of e-carceration technologies. They do so by marking and rendering people seeking asylum as



hyper-visible both through electronic monitoring as well as through physical markers of surveillance, where prepaid cards and ankle tags are a visible form of otherness.

Once again, power becomes both intensified and invisibilised as an appearance of freedom is presented where people are given financial support during their asylum claim, yet at the same time face high levels of surveillance that shape and limit their freedoms, choices, and actions. The trajectory of datafied techniques of containment suggests practices will continue to develop. For example, the new closed camps in Greece use biometric entry/exit systems, where entry into the camp is refused after 8pm. This seemingly enforces strict curfews onto inhabitants, where “disciplinary sanctions” could be used if people spend nights away from the camp (Stamouli 2021). Presence in the camp and nights spent away are monitored through the biometric data given when entering and leaving the camp, suggesting sinister future policies. I was told by interlocutors who now work in Samos the loss of cash assistance is rumoured to be one of these sanctions, however we are yet to see for certain. Likewise, the widespread use of electronic GPS tagging as an alternative to detention in the UK, where people on immigration bail have their movements tracked 24 hours a day (Mallinson 2021), indicates once again the intensification of surveillance and containment policies through new technologies. However, unlike these, the use of cash cards and other insidious technologies such as phones and social media highlights examples where power and techniques of control are occluded due to their insidious opposed to overt nature. In such cases, it becomes highly important to make clear the opaque to recognise the logics of control that drives the expansion of technologies as integral to the development of restrictive and exclusionary border regimes in Europe.

In the final example, through framing (dys)functional tech and data infrastructure as a tool for the dispossession and disruption of access to rights, we see the coloniality of border technologies through their use to deny racialised individuals’ access to the spoils of colonialism (El-Enany 2020). Here, for example, complex and convoluted data sharing practices, used in the NHS demonstrate how discriminatory healthcare charging policies are used to justify vast data sharing with the Home Office in order to both deny healthcare and track a person’s location. Moreover, these were seemingly often not even understood by the

clinicians in hospitals, highlighting how opaque these systems and policies are. We also see how control becomes obfuscated as data infrastructures work to muddy the impact of hostile asylum and immigration policy. The obfuscation of immigration controls within the pretext of healthcare policy is apparent as the intensification of data collection is facilitated through opaque data sharing agreements. The data infrastructure also uses language of neutrality and efficiency, as it becomes touted as less discriminatory than random chargeability checks on people with foreign sounding names, whilst simultaneously removing decisions from clinicians. Thus, it occludes the violence inherent to the systems used, removing moral decision making from humans whilst advancing a policy agenda and consequently acts as opaque policy. As such, we also see how the operationalisation of control through (dys)functional data infrastructure becomes muddied whilst remaining a key function of power within datafied borders. Once again it becomes important to make clear the impact of, and logics behind, these developments. Though the details of data sharing, and their outcomes, are often unknown, the impact for people with insecure immigration status is that they come to fear, mistrust, and avoid interactions with doctors and hospitals, as shown during fieldwork.

Additionally, such an outcome overshadows the fact that data sharing agreements fail to recoup financial costs, emphasising the (dys)functional element of the data infrastructure, which instead functions to deny racialised people access to basic rights. Similar themes emerged in the example of Skype for asylum registration in Greece. Here, the (dys)functional platform presented a way to apply for asylum yet worked to discriminate against nationalities through the use of a language timetable and unannounced limits on registrations. This meant people from certain countries had no realistic means of applying for asylum, where power manifested to deny people the right to even ask for asylum.

I use the framework of imperial debris and coloniality to situate these examples from fieldwork to highlight the connections, continuations, intensification, and obfuscations that datafied borders exhibit, dispelling notions of exceptionality and newness. I also focus on manifestations of power within datafied borders to draw links between the advancement of datafied techniques of control with historical attempts to control populations. I argue that this

framework allows us to conceptualise how control becomes operationalised as key functions of the datafied border become visible, both in the everyday and as a means of upholding the Postcolonial New World Order.

As Stoler says, these connections are important if we are to recognise these are “unfinished histories” that remain “open to differential futures” (2008,195). Thus, if we are to resist and deconstruct the harmful nature of datafied borders, or to envisage and action justice at and beyond the datafied border, we must first realise it is not the technologies alone we must target, but also the power structures and social worlds in which they are created. Through focusing on how old techniques are embodied and enacted through new technologies, we can also see how the logics of governance that have long existed become operationalised in ways that remain underexplored. I argue in the concluding section of this discussion that if we bring the focus back to how power manifests as specific functions within datafied borders, we can better explore how datafication furthers control through the implementation of opaque immigration policy. This incorporates private actors and (dys)functional tech to further violent and racialised bordering practices both at the border and across the everyday.

#### 7.4. Conclusions: Datafied Border Regimes as Opaque Policy

In this final section of my discussion chapter, and before I move to discuss what these theories may mean for resisting datafied borders in the following chapter, I draw the reader’s attention to how the datafication of borders transforms how bordering becomes operationalised, affecting how we think about borders as physical entities, as institutions, as spaces of security, risk, categorisation, and control, and as violence. As well, I wish to focus on what this means in regard to developing and implementing (datafied) immigration policy. I argue that through better understanding how control operates, we can likewise better understand the harms enacted towards people seeking asylum and illegalised migrants, and thus what claims for justice must look like. To conclude this discussion, I relate back to the functions of the datafied border I have identified, exploring what these mean in terms of historical systems of power, the ongoing enactment of control, and the advancement of exclusionary and restrictive immigration policy.

My research highlighted three distinct functions of the datafied border, which I have framed as different manifestations of power within and across datafied borders and immigration policy. These consist of biometrics as control through identification and categorisation; everyday surveillance and containment through insidious tech; and dispossession through (dys)functional data infrastructure. Whereas elements of these functions have been talked about previously, in relation to, for example, both biometric identification and containment through e-carcaration, through using the framework of control, function, and power, we can better to understand how control becomes operationalised toward illegalised migrants and people on the move. This allows us to conceptualise how these three functions further entrench and advance the coloniality of power, where borders remain imperial debris that maintain global power structures. However, it also makes clear that datafied borders find new modulations for enacting control, thus not only are imperial formations perpetuated but are reworked, recycled, and repurposed in novel ways through shaping and adopting datafied techniques of enforcing control which thus find “new expressions” (Besteman 2020,121). As such, datafied borders uphold their importance as an instrument of social control, whilst simultaneously transforming the ways in which control becomes enacted, acting “like a sieve whose mesh will transmute from point to point” (Deleuze 1992). As a result of this, older techniques of control which come to function in novel ways yet continue to produce and perpetuate structural and experienced injustice and harms, present new difficulties in challenging and resisting these harms.

Furthermore, my empirical work demonstrates how datafied techniques of control become insidious and opaque, removed in physicality but omnipresent in their existence, muddying the outcome and design of immigration and asylum policy, whilst advancing a policy agenda through finding new means of implementing restrictive and exclusionary immigration policy. Thus, power is obscured in a way which brings to light questions about agency and responsibility for harms and injustices within datafied borders, whilst simultaneously meaning that answers to these issues become difficult to pin down.

Throughout this thesis, I presented data that explored technologies of control within border and asylum regimes from both the outside (exceptional, overt instances of data collection such as biometrics), and from the inside (banal everyday surveillance and (dys)functional technologies), to interrogate how datafied borders are enacted and embodied. This, as Rumford (2008) shows through his theories of “borderwork”, emphasises how borders are made, unmade and remade. As such, we must remember that borders, in line with Autonomy of Migration (AoM) theories, are not static sites of one-way power, but change and are changed by myriad actors, from the state to private actors, to people who move across them – whether legally or illegalised. This is visible in data presented in chapter 4, where people found ways to reclaim power in light of biometric borders. These relational and embodied elements of power and resistance evident in AoM theories also shed light on when, and how, control becomes operationalised. For example, whilst societal structures of control operate over all people, disciplinary forms of control come to light in moments of transgression, where the state seeks to reclaim power over mobility when people on the move refuse to submit to restrictive policies.

Identifying the complex borderwork inherent to these policies and structures of power also highlights the importance of recognising which actors work to create, remould, and enforce datafied borders. Here, historical trajectories and long entrenched logics of control embed old power structures of the nation state. They also simultaneously work to incorporate new pathways to enforce controls, such as the inclusion of private tech actors which highlights the commercial interests at stake regarding the collection of data and provision of infrastructure, presenting new manifestations of old systems of power. Within this, the politics of experimentality, exclusion, and control remain a constant in the logics and techniques of bordering. However, the examples from fieldwork discussed in this chapter demonstrate that techniques used now are often more complex and opaque due to the removal of some physical controls and the use of abstract data infrastructures. Thus, we see how bordering becomes further embodied and entrenched into individuals who come to carry control within them in the everyday, whilst simultaneously further removed and more abstract as complex data infrastructure are used to enact policy. Therefore, I argue that a focus on how power manifests as specific functions of datafied borders should be central to

our discussions of them, as datafied technologies of control work to occlude both power structures and how power is enacted, where immigration policy has arguably become more opaque than ever before. Thus, discussions of control and power become more important than ever in understanding how, why, and for what end, datafied controls are designed in relation to immigration policy.

For example, as Henman (2011) argues, technology enables high levels of surveillance which in turn enforces strict compliance where rights are reliant upon adhering to state defined parameters of who does and does not have access to basic rights such as welfare or state benefits. As such, Henman suggests that through new technologies, states are able to realise new policy arrangements. This is visible throughout the data I presented where policies such as Dublin III rely on biometric data to enforce deportations between MS, or where data taken from cash cards on location and spending habits is used to enforce geographical containment and moral notions of ‘good’ and ‘bad’ migrants depending on how money is spent, or even present in MESH or Skype, where (dys)functional technologies afford policies of dispossession of rights. However, whereas Henman focuses on the individualised nature of these power relations, I draw attention back to how control becomes operationalised across bordering practices, not only on individuals but as a tool of social control. Through doing so, I believe we can understand how datafied borders work to reinforce state power through fulfilling specific functions of identification, categorisation, surveillance, exclusion, containment, and dispossession for people denied their freedom of movement.

Discussions of power remain important as the border works to create differential modulations of inclusions/exclusions and control along the migratory journey and interactions with states and authorities. Accordingly, my conceptual contribution sheds light on how control becomes operationalised both over the individual and across society through both exceptional and abstract means, as well as in the everyday, through banal, insidious technologies. People seeking asylum and on the move become individualised as illegalised bodies to be controlled, as well as individuals to be contained, dispossessed, and excluded. Thus, the datafied border works to function as a means of surveillance, containment, exclusion, and dispossession of both individual people who do not have secure immigration status, as well as entire migratory

populations. These forms of social control are evident in the examples I have discussed above, exhibiting traits of both dividualised and individualised, overt and insidious, omnipresent and opaque power. These different modes of operationalising control demonstrate how power can be enacted at different times to “suit different purposes and logics of governance” (Ivesan and Maalsen 2018,338). Accordingly, control becomes visible in different moments, manifesting in diverse ways, and yet also becomes obfuscated meaning that responsibility for these injustices is not always clear. We thus see, in the functions of the datafied border I have set out in this chapter, how power renders itself present in both the everyday and the exceptional moments within datafied border and asylum regimes in Europe.

Alongside this, and to add a layer of complexity to how control manifests within datafied borders, many of the techniques I have discussed above see a reliance on private companies for the provision of data infrastructure. For example, Skype for asylum registration, or PrePaid Financial Services for cash cards. These then become integral to border and asylum control, demonstrating one way in which power within datafied border controls is realised and practically implemented. As well, this privatisation of government functions and enactment of control has allowed the state to distance themselves from the material impact of capitalism and colonialism and create geographical, political, and economic states of exception (Easterling 2014). Within this, the reliance on private mundane applications and large companies to enforce immigration policy is one way in which new manifestations of power are afforded, where the use of private platforms for bordering practices allows for the realisation of state policy. A highly interesting point that came out of fieldwork was how the use of private platforms, with their failures and technological difficulties, allowed the state to enact harmful policy without it being seen as state policy. Consequently, private platforms seemingly act to muddy and occlude violent bordering practices and policy, and bring forth once again questions over agency, responsibility and accountability.

To take again the example of Skype at the time of my fieldwork, we see how Greece is in practice breaking the Asylum Procedures Directive, as certain languages are never able to get through on Skype due to limits placed on registering certain nationalities. However, this

violence becomes obscured as the state distances itself from the implementation through using a private platform that can be blamed for its' limitations, as was apparent during interviews with GAS staff. As datafied policy tools, from biometrics to cash cards, are presented as efficient technological tools to offer rights to asylum or aid, yet work to advance other immigration policies of containment, exclusion, surveillance, or dispossession, we can see how datafied techniques act as opaque immigration policy. As a result of this, our understanding of how controls are implemented becomes muddied. This is done, for example, through the automation of practices of surveillance and tracking, as well as the adoption of data infrastructure to conduct checks on individuals. Within this, moral conflicts inherent to the implementation of border regimes are removed, as actions of asylum staff, border guards, or even doctors, are distanced from the outcome of their actions. Thus, border controls and immigration policy become simultaneously neutralised, and increasingly dangerous, as they become obfuscated and opaque, concealed within complex and often invisible data infrastructure, where the banal operationalisation of control within datafied regimes normalises certain aspects of the hierarchical ordering of people, mobility, and power.

It does well to remember, as touched upon throughout this thesis and in this chapter, that politics are inherent to the modulation of controls, where political goals shape the implementation and design of policy. As such, the design and function of the datafied border is liable to change. However, what I have shown in this chapter is that these modulations work within larger structures of power which uphold global inequalities that the Postcolonial world order is reliant upon, and in which differential mobility remains a core function of control. Throughout this discussion I have presented my findings to demonstrate how new technologies within datafied border and asylum regimes exhibit both exceptional and mundane forms of control and power, where technologies work to simultaneously occlude, invisibilise, and intensify border controls as they become embodied and enacted both at the physical border and across the everyday. I have framed this within theories of coloniality, in relation to both power as well as datafied controls. As such, logics of governance that have long existed find new life and further stratify freedom of movement as people become datafied, identified, categorised, and tracked as they move across nation state borders. We can also come to see how the harsh outcomes of datafied borders are intrinsic to their design,



a feature, not a bug as Ev told me during fieldwork. In the following chapter, for the conclusion of my thesis, I discuss what these findings mean in relation to data justice at, and beyond, the border when we consider the structural nature of harm within datafied borders.

## 8. Data (In)Justice At, and Beyond, the Border

### 8.1 Overview

Throughout this thesis I have discussed the advancement of datafied borders, focusing on the European border and asylum regime, to explore theories of power, control, coloniality, exclusion, and injustice, that underpin many of the logics behind data-driven governance of mobility. To do so, in chapter 1 I gave an overview drawing on current and ongoing debates in the field of Migration and Critical Border Studies, Critical Data Studies, Surveillance Studies, Colonial/Decolonial Studies. I did so to interrogate what borders and practices of bordering mean, both politically and in practice, as well as how the advancement of datafied techniques work to function as tools for surveillance, identification, categorisation, criminalisation and social sorting. My aim here was to demonstrate to the reader the contested nature of borders as a process, an institution, and a form of governance.

Then, in chapter 2, I gave a historical overview of the importance of borders to the global world order, where the ‘West’ rules. I discussed colonial/decolonial texts alongside an analysis of EU immigration policy to situate the current notion of “fortress Europe”, the European project and more recently the development of a datafied European border regime. Here, I presented a brief overview of policy developments that highlight how the project of securitisation and interoperability have long been built into the operationalisation of border controls across Europe, indeed they have been integral to the integration of European states, and the formation of the EU and the Schengen area. As such, we see how the need for interoperable databases was carved out of a desire to have common asylum and immigration policies needed to allow for free movement within Europe for Europeans. The historical context here highlights how European integration and immigration policies started in earnest after the collapse of formal European empires, allowing Europe to maintain its position as a global power. This discussion also highlights how historical refugee policy such as the 1951 Refugee Convention was not designed to include non-Europeans when it was conceived, remaining a Eurocentric tool following WW2. Consequently, we see that the exclusionary

logics behind harsh border controls enacted through datafied means is not a surprise, and that the exclusion of racialised migrants is nothing new. These two chapters provided the framework in which to place my empirical research, engaging with both scholarly and policy level debates needed to situate my data.

Before moving on to present my empirical findings, in chapter 3 I gave an overview of my methods, which deployed a critical ethnographic approach, building upon critical social theory and solidarity as method to conduct research alongside partisan involvement with migrant solidarity networks in Europe. Within this, I conducted participant observation, took field notes, and interviewed 72 interlocutors, transcribing interviews verbatim and thematically analysing the transcripts. I also noted the limitations of my research and discussed the ethical problems of conducting research with people on the move, where the extractive nature of academic research coupled with ongoing oppression and precarity many migrant interlocutors faced demanded careful attention throughout fieldwork.

Throughout chapters 4 - 6, I presented data to explore three distinct manifestations of power within datafied borders, which I have framed as integral functions of datafied border controls: biometric identification as categorisation and control; containment through everyday insidious surveillance, dispossession of rights through (dys)functional data infrastructure. These chapters spoke to my first research question which asked how European borders and asylum systems are becoming datafied. Then, in chapter 7, I gave an in-depth analysis of my findings, focusing on how these manifestations of power bring forward new ways of operationalising power, which both intensify and occlude control. Drawing on theories of coloniality to highlight the historical continuity of global power structures that underpin the logics behind datafied and exclusionary European border regimes, I argued that the datafied border acts as opaque immigration policy. Within this, I posit that the operationalisation of power becomes obfuscated through processes of datafication. Accordingly, technologies and data infrastructures work to distance the state and other actors involved in the implementation of controls from the material impact of immigration policy. This recognises how power is transformed and enacted within datafied borders that often seem abstract and complex. It also highlights the ways in which power follows historical trajectories of bordering that stem from

the coloniality of border controls. Consequently, I emphasise to the reader the structural harms inherent to datafied borders, where the harsh outcomes presented in the data chapters are a feature of datafied controls, and not a bug.

My research contributes to the academic fields of Migration Studies, Critical Border Studies, Colonial/Postcolonial studies, Critical Data Studies, and Surveillance Studies. It does so by engaging with, and adding to, debates on power, control, border violence, and the enduring coloniality of border controls. My research adds to an understanding of the impacts and experiences of datafied border regimes and technologies in relation to injustices and harms felt by people adversely impacted, and excluded, by European borders. This spoke to my second research question, which asked how people seeking asylum and illegalised migrants experience the datafication of borders and asylum systems, and how this datafication impacts on their lives. Through a discussion on how control becomes operationalised, entrenched, and obscured via the three functions of a datafied border that I have identified, I add to conceptual debates of power within datafied controls. Finally, I contribute to discussions on immigration and asylum policy, as I demonstrate how datafied controls at, and beyond, the border further advances policy agendas in an opaque way. Specifically, I highlight how responsibility and accountability for the harms enacted within a datafied border become muddled.

An acknowledgement of how practices within securitised, militarised, and datafied borders are imbrued with, and further entrench, imperial formations, is sometimes missing from both Migration and Surveillance Studies. My research speaks to this and demonstrates how old techniques of control and power find further strength in new technologies. The failure to recognise these links allows for, as Bhabra (2017) argues, the dismissal and continued subjugation of people on the move (p.396). Furthermore, it fails to acknowledge the active role played by data infrastructures and technologies in entrenching inequalities and enacting control onto the bodies of displaced people (Madianou 2019a). Thus, making visible the continuation and advancement of such logics becomes paramount to recognising and resisting injustice at, and beyond, the border.

I decided not to include a focus on the forms of resistance and struggles throughout the discussion chapter. Instead, I focussed on manifestations of power, as I believe we must first recognise how power works within datafied borders, and even how borders have come to exist, to understand how to truly resist them. Although I included data throughout chapters 4-6 on how migrant interlocutors at times found ways to resist datafied border controls, I did so to highlight to the reader that restrictive border controls never go uncontested. As noted in chapter 1, there remains an autonomy of migration, where border controls constantly fail to achieve their goal of complete control over migrations. This is in light of ongoing attempts to move through borders, demonstrating ongoing resistance to their power (Scheel 2013, 2019). Through highlighting these practices of resistance in the everyday of migrant struggles against (datafied) border controls, we see how the border is done, how it is made, remade and unmade (Rumford 2008). This allows for further critical engagement with the power intrinsic to border regimes, which became the focus of my discussion in chapter 7. Moreover, the decision to focus on how we should engage with, and resist, power within datafied borders draws the focus back to the structural problems, of which all of us are a part. Thus, I aim to highlight how people who benefit from the current global structure must acknowledge both their complicity and their power to resist controls. This is something that is far too often overlooked, yet without it we cannot hope to make the structural change needed.

For the remainder of this conclusion, I link my findings and discussion back to my final research question concerned with implication for questions of (in)justice. This also speaks to the wider DATAJUSTICE project of which I am a part. To do so, I draw on my main points to contemplate what direction data justice at, and beyond, the border could take, placing it within calls for the abolition of borders themselves. I problematise some of the current debates on data justice as a general theory and question whether justice can be realised within a broken system wherein datafied borders enact racialised violence onto displaced people.

I highlight that we must be careful when using frameworks of justice and rights in relation to borders and illegalised migration, considering the unequal systems of power that frame these notions. This is not intended to offer a solution to datafied borders, something which echoes narratives of problematising migration as a technological issue to be fixed (Scheel 2013).

Rather, I have chosen to end my thesis in such a way to invite the reader to reflect on how issues of power discussed throughout my chapters reach beyond enacting control onto people on the move, but also often limit our demands for change<sup>152</sup>, where we often focus on mitigating harm rather than abolishing the structures that create the harm. As Anderson et al. (2009) write, whilst the language of “harm prevention and protection” is powerful, the problem with such language is that it “it inscribes the state as an appropriate protector for vulnerable migrants.” (p.8). This is “deeply problematic” as the authors suggest, because, as I will discuss further below, the nation state is inherently hostile to illegalised, racialised, and otherwise undesirable migrants.

## 8.2 Data Justice: Resilience or Resistance?

As I said in the previous chapter, if we are to contest the harmful nature of datafied borders, or to imagine and act to bring about justice at, and beyond, the datafied border, it is imperative to realise that we cannot target the technologies alone, but also recognise the power structures and social worlds that led to their design and implementation. When discussing ideas of data justice, which was a central research question guiding this thesis and its design, it consequently becomes important to refocus the historical and ongoing trajectory of violent border governance and make visible and political the tech that works to occlude and invisibilise the harmful nature of ‘efficient’ technologies at, and beyond, the border. As such, we must recognise bordering as a tool of state governance enacted through precarity and surveillance.

Although my research has focused on migrants, and especially illegalised migrants and people seeking asylum, many of these issues remain relevant to us all - not that this should be the only reason to engage with resistance. As Cowan (2021) highlights, “If you have never felt the surveilling eye and iron fist of borders, it does not mean borders are not violent weapons; it means that your privilege enables you to circumnavigate the gleaming edge of their blade” (p.7; also Mbembe 2019). The difference being that the greater the precarity (i.e.,

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<sup>152</sup> For debates on this in relation to decolonisation and the nation state see (Sharma 2020).

through racialisation or nationality), the more visible the violent outcomes of technologies used for practices of bordering. It thus becomes imperative to address the invisibilisation of border controls. The trajectory of border controls within Europe leaves little room for doubt regarding the difficulties that lie ahead for illegalised travellers. This is evident if we think back to chapter 2, where I discussed ongoing efforts to create exclusionary immigration and asylum policy across Europe, which among many other elements sees the increasing securitisation and reliance upon interoperable identity databases. To resist datafied borders, we must then contest the “current myth” which sees technology as the best tool for governing borders and offering a resolution to the “problem” of migration (Mbembe 2019,12), where the problematisation of migration demonstrates deeply harmful societal structures of hierarchical ordering. Accordingly, I argue that the logics of dispossession, of control, exclusion and identification that rule border regimes are the real issue to be addressed.

Thus, a key aspect becomes making visible the invisible as immigration policy becomes opaque through the use of datafied controls. This finds resonance with Lovink and Rossiter’s (2015) theories of the “postdigital”, which would see resistance to a postdigital world where tech infrastructures have become normalised and integrated into everyday life despite their power and control (p.228-30). Such resistance demands that we confront and make visible these systems through developing new ways of understanding and situating the structural harms they exhibit. One approach for doing so, as I have endeavoured to do throughout fieldwork, is re-centering the outcomes and impacts of datafied borders. The focus on experience and consequences shapes our understanding of coloniality of border technologies, highlighting, for example, the biopolitical and disciplinary nature of datafied borders (Ajana 2020), where actions become shaped, and controls internalised, by ongoing and insidious surveillance and control. Other examples, as discussed in the previous chapter, highlight the substitution of traditional mechanism of control with far removed, datafied methods. These include containment through cash card surveillance, offering an example of dividualised controls that are both omnipresent and hard to see, and which have severe impact on actions, freedoms, and mental health. This approach works to recentre the political element of border technologies and make visible the harmful structures they exist within (Peña Gangadharan and Niklas 2019). In turn, this enables resistance to focus on the root of the problem, and not

the symptoms. As stressed by Ev, a legal caseworker in the UK whose comment during fieldwork on the structural nature of datafied harms became a key theme within this thesis, de-centering the technology dispels the notion that there is a technological fix:

Ev: So the technology in and of itself is not something which will create either a more positive or a more negative outcome. It's feeding into systems and cultures that already exist and unless the culture changes, then the adoption of new technology is not going to create some kind of fairer outcome, however you define fairer. It's just going to be a different system, perhaps more efficient in certain ways, but then more inflexible and more problematic in other ways.

The tendency to focus on the symptoms of data harms within bordering practices is something I believe has dominated discussions of data justice within borders thus far, both within the civil society sector and academia. I say this because during fieldwork, I heard of many projects creating apps for people on the move. Likewise, I encountered schemes that focused on “data4good” (International Conference on Machine Learning (ICML) 2016 cf. Heeks and Renken 2018,99), such as digital identity repositories, data ownership and increased privacy. Of course, these are valid and important issues to be discussed. However, these approaches often aim to make systems more transparent through conducting impact assessments or providing information for informed consent of what giving data means. Thus, these approaches are limited as they operate within, rather than challenge, the structural nature of injustices and harms.

The limits of focusing theories of justice on such examples is that, although some of the immediate effects of data harms of border regimes may be alleviated, the structural and systemic harms of borders themselves are not addressed. Consequently, they will never work to liberate people from harmful bordering practices. For example, giving someone information about their fingerprints would help with informed consent but it wouldn't change the fact that these fingerprints could lead to deportation and years of precarity. Likewise, providing someone with a digital identification card that they then have to hand over to a state when seeking asylum does not rid the person of punitive asylum controls. Moreover,



digital identity repositories do not question the need for identity, and thus in some ways act to legitimise conditionality based on identification. As well, although privacy was an issue when speaking with my interlocuters, it was not the main issue; the right to stay and build a future was far more pressing. Thus, I contend that this type of ‘data4good’ approach would not provide justice by acting as a “counter to the dangers of state or corporate data hegemony” (Heeks and Renken 2018,99). Whilst it offers small chances for justice within existing structures, it does not recognise that the existing structures are themselves the injustice to be addressed. As such, and in relation to datafied borders specifically, these approaches fail to recognise European complicity in the creation of the systems and structures of borders.

This is not to dispel the usefulness of such projects in their entirety. Rather, I suggest that any project which seeks to use data and technology in ways that benefit illegalised travellers should have at the core of their design a focus on deconstructing or challenging oppressive systems of power. Otherwise, they risk perpetuating humanitarian structures which themselves constitute imperial debris. An example could be projects such as ‘Forensic Architecture’<sup>153</sup> who document illegal push backs using technologies to monitor and expose intentionally violent actions by European states. Of course, this project has its limits too, but it gives example to what happens when we centre a different issue in the design of technological tools, where the focus becomes about exposing state violence as a means of challenging harmful and deadly practices. This approach, Walia (2021) argues, is important as it shifts the gaze away from migrants and refugees and instead focus on deconstructing the violence that is the enduring project of Europe (p.132). These debates speak to a comment made during a workshop I attended that drew together people across Europe and beyond who struggled against borders. Someone there spoke of the difference between resilience and resistance. They commented that resilience constituted humanitarian techniques of mitigating immediate harm to make life slightly more bearable in the short term. However, they argued that resistance focused on dismantling the overarching structures that create the harm, working to resist them at every turn. They gave the example of providing food at the Serbian border vs helping people cross the border thus protesting the border’s existence through defying its power to halt movement. Of course, these are not necessarily mutually exclusive,

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<sup>153</sup> <https://forensic-architecture.org>

but I think they present an interesting point when thinking about data justice – do we want a justice that creates further resilience or resistance?

In light of the techniques of control I have discussed in this thesis, a data justice that furthers resilience is apparent in the NGOs that provided spaces for calling Skype, or providing information on fingerprinting, or even phone credit to ensure access to asylum and aid. As well, the examples of ‘data4good’ given above constitute forms of resilience. Whereas a data justice that was centered around resistance would, as discussed above, focus on organising to end the use of oppressive or harmful technological structures. An example of this from fieldwork could be the ‘Patients not Passports’ campaign I discussed in previous chapters. Likewise, it could take the form of direct action to limit and oppose the harmful impact of datafied controls, such as preventing deportations, some of which are caused through biometric data as discussed in chapter 4, through physical protest. Resistance does not always demand further technological projects, but instead works to defy the harms they produce, thus protesting their existence through limiting the power of datafied controls to enact violence. It does so through challenging both the technologies that exist as well as the political rationale that led to the implementation of the technology. Of course, acts of resistance can take a lot longer to have a positive impact on affected communities than forms of resilience, as they speak to long term structural change.

Discussions of data justice within borders, and more widely within society, have also focused on issues such as bias (Crawford 2018; Eubanks 2018, Taylor 2017), where conscious or unconscious bias is given more weight than structural injustice. Such discussions focus on the historical element of how bias came to be embedded into datafied systems, especially regarding the disproportionate data collected on racialised individuals and communities and fed into systems for predictive policing (Jansen 2018), or welfare benefit systems (Eubanks 2017). However, the term bias does not, I believe, do enough to emphasise the systemic violence of unjust data systems and society as a whole. Thus, whilst it is useful for identifying injustices and discrimination, it once again limits discussions on the need for the abolition of violent societal structures. This is because it contends that bias can be addressed and corrected, thus obscuring the complexity of systemic violence.

Another problem inherent to discussions of data justice within border regimes is the tendency to frame demands within the language of states, citizens and human rights. These are all integral to the Postcolonial New World Order as Sharma (2020) notes, and thus limit demands for change. Here, the language of states, and citizens/non-citizens maintains the nation state as the centre of power over individuals and their access to rights. As such, the rights of migrants become reliant on states hostile to migration. Important to recognise here is that the language of rights is itself constitutive of imperial debris, where human rights are themselves a western and colonial construct. This is not to completely dispel the framework of human rights, but to be clear of the confines they work within when we talk about demands for justice.

This is demonstrated by Mayblin (2014) in her study of political rhetoric and comments made by politicians at the time of the creation of the Universal Declaration of Human Rights (UDHR). Mayblin notes that British politicians at the time were highly reluctant to become a signatory to the UDHR due to their treatment of colonised populations who were seen as “inferior humans” (p.432). She contends that the British state only agreed to go along with the human rights agenda due to domestic and external pressure. Furthermore, Abuya et al. (2021) highlight the entirely Eurocentric and colonial approach of the human rights framework, which was only created after WW2 to place legal constraints onto non-colonised states’ sovereignty to stop a repeat of the genocide conducted by the Nazis (p.265). Likewise, the 1951 Refugee Convention, as noted in chapter 2, was created for those displaced *within* Europe following WW2 and excluded people from “elsewhere”, i.e., from colonised countries (ibid). Abuya et al. note that this was not accidental, as the most powerful colonial powers, who ruled their occupied territories in opposition to notions of human rights, were the ones creating the laws. As such, they were resistant to legal frameworks that could in the future be extended universally to those they had colonised (see also Anderson 2003; Mayblin 2014, 2017). Through recognising the colonial limits to legal frameworks of human rights and the refugee convention, it becomes clear such frameworks are unlikely to provide substantial solutions to harms within datafied borders. This is because, as Abuya et al. point out, the exclusionary nature of border and asylum regimes are “entirely historically

consistent” (2021,267). Moreover, these exclusionary elements of a rights-based approach are evident far beyond asylum policies. For example, if we look at data protection rules in the UK, there is an immigration exemption clause which limits data privacy of people with precarious immigration status<sup>154</sup>. Likewise, within GDPR data protection or privacy ceases to exist when issues of security or criminality are present<sup>155</sup>. Consequently, expecting states hostile to immigration to provide rights to all migrants will not allow for data justice within border controls. For their part, the technology is doing its job, even (dys)functional technology works to makes life harder for illegalised travellers, refusing them inclusion and the same level of rights as citizens.

However, if we frame data justice at, and beyond, the datafied border within larger abolitionist calls for ‘No Borders’, where punitive immigration controls would cease to exist (see also Anderson et al. 2009; Castles 2004a; 2017) we can instead fight against structures that are, at their core, violent and unjust. This approach seeks to address the limitations of fighting for change *within* systems of power which seek to marginalise, oppress, and exclude racialised and illegalised migrants, by arguing for the abolition of the systems themselves. As such, demands for justice would not involve suggestions for making the datafied border ‘fairer’, which itself echoes language often used in immigration policy by states. Rather, the inherently unfair and violent nature of borders and the global structures they uphold becomes the centre of calls for justice and change. As Walia (2013) says, the border itself is a violent and disruptive tool, it cannot be made less so in its imperial formation. Through moving the focus from harms of datafied systems to the harms of borders themselves, we can critically engage with the politics and power that frame, and limit, claims for data justice at the border. This imagines justice beyond the parameters of policy level discussions, which themselves work within systems of power that uphold nation states and their borders. As an abolitionist approach to border regimes speaks of long-term structural change, the impact is not immediate. However, as Bridget Anderson spoke of when addressing the Border Abolition conference in June 2021, the discourse and movement of a ‘No Borders’ approach has come

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<sup>154</sup> <https://www.gov.uk/government/publications/immigration-exemption-policy-document-iepd/immigration-exemption-policy-document-data-protection-legislation-accessible-version>

<sup>155</sup> <https://gdpr-info.eu/art-23-gdpr/>

a long way in the last 30 years. Already there exists a wide network of migrants, activists, academics, and many others, who are fighting for a world without borders – both datafied and physical. Moreover, the difficulties inherent to the movement should not limit our attempts, or our visions, for long term systemic change. Importantly then, whether or not the movement is successful, it remains imperative to centre structural issues of injustice within practices of resistance and discussions of data justice at, and beyond, the border.

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## Appendix I: Table of Greek Interlocutors

Anonymised Initials	Details
A	Illegalised migrant (unregistered)
B	Recognised refugee
H	Seeking asylum
I	Recognised refugee
M	Recognising refugee
Q	Seeking asylum
U	Seeking asylum
G	Seeking asylum
N	Seeking asylum
O	Seeking asylum
X	Recognised refugee
Rs	Illegalised migrant (unregistered)
T	Seeking asylum
Py	Seeking asylum
Z	Recognised refugee
Th	Immigration lawyer
Na	Asylum caseworker
S	Policeman/border police
V	INGO worker
C	Worker at Greek Asylum Service
D	Worker at Greek Asylum Service
F	Worker at Greek Asylum Service
E	Worker at Greek Asylum Service
J	Volunteer at NGO
K	Volunteer at NGO
Pl	Volunteer at NGO
F	Volunteer at NGO

Y	Volunteer at NGO
I	Immigration lawyer
G	Immigration lawyer
Ch	Volunteer at NGO
W	INGO worker
Ka	INGO worker
Wa	NGO worker/civil society
Je	Worker at Greek Asylum Service

## Appendix II: Table of UK Interlocutors

Anonymised Initials	Details
Is	Seeking asylum
Md	Seeking asylum
Es	Seeking asylum
Fz	Seeking asylum
Ae	Recognised refugee
Sh	Seeking asylum
Bh	Seeking asylum
Ku	Refused asylum, Illegalised migrant
Bk	Refused asylum, Illegalised migrant
Ih	Recognised refugee
To	Seeking asylum
Ma	Refused asylum, Illegalised migrant
Ft	Seeking asylum
Mc	Seeking asylum
Im	Seeking asylum
Mg	Refused asylum, Illegalised migrant
Js	Doctor
Ds	Doctor
Mdv	Overseas Visitor Manager (NHS)
Dd	Overseas Visitor Manager (NHS)
Ay	NGO worker/civil society
Jy	NGO worker/civil society
Lv	Immigration lawyer
Dl	Immigration lawyer
Ev	Immigration lawyer
Wv	Immigration lawyer
Ax	Immigration lawyer
Hv	Civil servant

Dm	NGO worker/civil society
Em	NGO worker/civil society
Na	Asylum caseworker
Mn	Asylum caseworker
Am	NGO worker/civil society
Fm	NGO worker/civil society
Pm	NGO worker/civil society
Fr	NGO worker/civil society
Jm	NGO worker/civil society



## Appendix III: Consent Forms (English versions)

Cardiff School of Journalism, Media and Culture  
*Ysgol Newyddiaduraeth, y Cyfryngau ac Astudiaethau Diwylliannol Caerdydd*



Cardiff University  
Bute Building  
King Edward VII  
Avenue  
Cardiff CF10 3NB  
Wales UK

**Name of Researchers, School, Telephone & Email:**

Philippa Metcalfe  
MetcalfPJ@cardiff.ac.uk  
PhD Cardiff University  
Data Justice Lab

**Title of Project:**

Phones or Fingerprints? Seeking Asylum in an Age of Big Data, Biometrics and Digital Borders

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This consent form, a copy of which has been given to you, is only part of the process of informed consent. If you want more details about something mentioned here, or information not included here, you should feel free to ask. Please take the time to read this carefully and to understand any accompanying information.

The Cardiff University School of Journalism, Media and Culture Ethics Board has approved this research study.

**Purpose of the Study**

The research will focus on the uses and experiences of new technologies involved in border systems and asylum procedures in Europe.

**What Will I Be Asked To Do?**

If you volunteer to participate in this study, you will be asked to do the following things:

Take part in an interview and respond to a series of questions. The interview will be conducted by phone or in person. The interview could take anywhere from 45 minutes to an hour depending on how much time you have available. At the end of our interview we will ask you if you would be available to respond to follow-up questions should they be deemed necessary. If you agree to this we may contact you at a later date to arrange a second telephone interview, or send you questions in an email if that is preferred.

The interview will be audio-recorded. The reason for this is that recording the interview enables the person conducting the interview to focus on our conversation and spend less time taking notes, an audio recording also provides a more accurate record of responses to questions than handwritten notes.

The interview material will be used in future publications and presentations. If you are interested, we will notify you of any publications that arise in relation to the project and our interview.

Participation in this study is voluntary. You can choose whether to be in this study or not. If you volunteer to be in this study, you may withdraw at any time without consequences of any kind. If you choose to withdraw from this study, you may also choose to withdraw your data from the study. You may also choose not to answer any question(s) and still remain in the study. Your choice of whether or not to participate will not influence your future relations with Cardiff University.

### What Type of Personal Information Will Be Collected?

You can choose to remain anonymous, or you can choose to be identified. We will ask you which you prefer.

In relation to anonymity, there are two options. We can not quote you by name in any publications or public references.

Ensuring you are not identifiable would involve not identifying you by name, but also ensuring any quotes, comments or references do not include any specific information.

Please indicate your preference by circling one of the following:

- 1) You can quote me by name.
- 2) Please do not quote me by name
- 3) Please do not quote me by name and ensure no identifiable references.

### Are there Risks or Benefits if I Participate?

Potential risks in relation to this study are very low. Interviews will be anonymized if requested. This may include simply not quoting by name, or not quoting by name and also ensuring that there are no details that could be used to identify a participant. One risk is that the person interviewed could be identified, when they have chosen not to be, through an error on our part. This will be addressed by removing any content that could be used to identify participants who wish to remain anonymous from all files, recordings, and documents. There could be discomfort related to a particular question asked. You can tell the interviewer in advance of any areas you do not wish to discuss, or you can choose not to answer a particular question or discontinue participating if you wish for any reason.

### What Happens to the Information I Provide?

All interview recordings and interview transcripts will be held in Cardiff University's secure system. The interviews will be transcribed by, and accessible to Philippa Metcalfe at the Data Justice Lab, and it will not be shared with outside sources.

The anonymized recordings and transcripts will be filed by alphabetical letter. Any content that could identify the participant, not wanting to be interviewed, will be removed. Electronic copies will password protected. Anonymity and confidentiality will be maintained to the extent allowed by law.

The anonymized recordings will be maintained by Cardiff University for 5 years and will be destroyed after this period of time. The anonymized transcripts will be maintained for possible use in future depending on your wishes. We would like to maintain the transcripts for potential future research papers, presentations, academic articles or books. Given that we are witnessing the emerging uses of big data it may be useful at a much later date to revisit some of the information in the interviews when constructing an historical account. Each participant has the right to review or edit audio recordings or transcripts. Please let us know if you would like to do so.

There are two options for you to consider if you decide to take part in this research. You can choose both, one, or none of them. Please review each of these options and choose Yes or No.

I grant permission to be audio-recorded and transcribed: Yes: \_\_\_ No: \_\_\_

I grant permission for interview material to be used in future research: Yes: \_\_\_ No: \_\_\_

If you decide to withdraw at any point from participating, all of your data will be destroyed.

### Signatures

Your signature on this form indicates that 1) you understand to your satisfaction the information provided to you about your participation in this research project, and 2) you agree to participate in the research project.

You are free to withdraw from this research project at any time. You should feel free to ask for clarification or new information throughout your participation.

Participant's Name: (please print) \_\_\_\_\_

Participant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Researcher's Name: Philippa Metcalfe

Researcher's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Questions/Concerns

If you have any further questions or want clarification regarding this research and/or your participation, please contact Philippa Metcalfe at: MetcalfePJ@cardiff.ac.uk

Questions or concerns can also be directed to Dr Damien Carney, School Research Ethics Officer, (029) 208 74186, [carneyd@cardiff.ac.uk](mailto:carneyd@cardiff.ac.uk)

A copy of this consent form has been given to you to keep for your records and reference. The investigator has kept a copy of the consent form.

**Research Consent Form (version 1)**

I understand the purpose of the research, and where and when the research will take place.

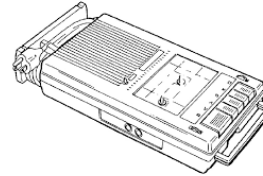


Initials: \_\_\_\_\_

I understand that the research involves talking about my experiences in an interview. The interview may be one-on-one or in a group.



My voice may be recorded, but the recording will only be used to write up my words and will be securely stored separately from any transcript.



Initials: \_\_\_\_\_

I understand that my name and identity will be secret and confidential.



Imprint Detail

Initials: \_\_\_\_\_

I understand that the research may be published in journals and/or as part of an academic book.



Initials: \_\_\_\_\_

I understand that being a part of the research is my choice and I can stop at any time.



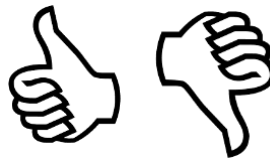
Initials: \_\_\_\_\_

I understand that recordings and information about me will be stored securely at Cardiff University for up to 5 years after completion of the project. I can ask to see the information at any time. I can also ask for it to be destroyed at any time. These are my rights under the EU General Data Protection Act.



Initials: \_\_\_\_\_

I understand the risks and benefits of participating in the research.



Initials: \_\_\_\_\_

I feel informed about the research and understand that I can ask questions at any time.



Initials: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

## Appendix IV: Information Sheet in English

### *What is this research about?*

The research will focus on the uses and experiences of new technologies involved in border systems and asylum procedures in Europe.

### Participation in this project will involve:

Participants will talk about practices and experiences through an interview. Participants may also be involved through participant observation. Participation in this project is entirely by choice and the participant shall be fully aware of the ways in which they are involved. Questions are welcome at any time.

### What happens with the research information?

All names and identification will be removed or changed in the research so participant contributions are anonymous in any transcriptions or publications and personal identifiable data will be stored separately from the recordings, unless participants have given explicit permission for names, titles, or organisations to be included. The research will be held confidentially at Cardiff University, which is registered with the UK Information Commissioner's Office to process personal data in compliance with Data Protection law and will be stored for 5 years after the project completion when any personal data will be destroyed.

### What are my rights?

You may withdraw from the research at any time without giving a reason and under Data Protection Law may request access to the personal data that is held about you for this study and request that it be deleted. Please contact the PI.

### Who is doing this research?

Philippa Metcalfe is the PhD candidate for this study. The research is conducted under the supervision of Dr Lina Dencik, the Principal Investigator (PI) for this study and a Senior Lecturer at the School of Journalism, Media and Cultural Studies (JOMEC) at Cardiff University. This research is part of the project DATAJUSTICE and is funded by the European Research Council (proposal no. ERC-2017-STG-759903). It has been approved by JOMEC's School Research Ethics Committee.

### RESEARCHER CONTACT INFO:

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### SCHOOL RESEARCH ETHICS OFFICER CONTACT INFO:

#### **Dr Damien Carney**

School of Journalism, Media and Cultural Studies, Cardiff University  
Bute Building, King Edward VII Avenue  
Cardiff CF10 3NB

**Email:** [carneyd@cardiff.ac.uk](mailto:carneyd@cardiff.ac.uk)

*Where can I find out more about this research and any findings?* Please contact the Principal Investigator, Dr Lina Dencik, for updates. Publications and other resources relating to the research will be available on the project website <https://datajusticeproject.net/>

## Appendix V: Information Sheets in Farsi and Arabic

نام من فیلیپا متکالف است و من در دانشگاه کاردیف تحصیل می کنم.

آدرس ایمیل من: [MetcalfePJ@Cardiff.ac.uk](mailto:MetcalfePJ@Cardiff.ac.uk)

وب سایت پروژه تحقیقاتی: [datajusticeproject.net](http://datajusticeproject.net)

من از شما می خواهم که به عنوان بخشی از پروژه تحقیقاتی من با عنوان "به دنبال پناهندگی در عصر داده های بزرگ و بیومتریک" با من مصاحبه کنید.

این تحقیق به بررسی نحوه کنترل مرزهای اروپا و پروسه ی پناهندگی در اروپا که مدام در حال تغییر است، می پردازد. و این که چگونه مردم به این تغییرات درک و واکنش نشان می دهند. - چه کسانی درخواست پناهندگی می کنند و چه کسانی به درخواست آنها رسیدگی می کنند.

تمرکز این است که چگونه این تغییرات در جمع آوری اطلاعات بیشتر و بیشتر، مانند اثر انگشت، اطلاعات در مورد نحوه و جایی که کارت نقدی خود را صرف می کنید، تمرکز می کند. من می خواهم بفهمم آیا این تغییرات باعث کنترل بیشتر پناهجویان و پناهندگان در یونان و سایر نقاط اروپا می شود. تحقیق در مورد تاثیر آن بر افرادی که در معرض خطرات مهاجرتی در اروپا قرار دارند، ببینیم که آیا این فناوری ها و پایگاه های اطلاعاتی بیشتر برای مهار آواره شدن جوامع در اروپاست.

شما بدون هیچ دلیلی می توانید در هر زمان از این تحقیق بیرون بروید.

همه شرکت کنندگان به صورت محرمانه باقی خواهند ماند. لطفاً اگر سوالی داشتید به من اطلاع دهید.

(farsi)

اسمي فيليپا ميتكالف وأنا طالبة في جامعة كارديف

عنوان بريدي الإلكتروني هو [MetcalfePJ@Cardiff.ac.uk](mailto:MetcalfePJ@Cardiff.ac.uk)

موقع المشروع البحثي هو: [datajusticeproject.net](http://datajusticeproject.net)

أطلب منكم إجراء مقابلة كجزء من مشروع بحث أقوم به بعنوان "البحث عن اللجوء في عصر البيانات الضخمة والقياسات الحيوية". يبحث في كيفية تغيير إجراءات الحدود وإجراءات اللجوء في أوروبا ، وكيف يتفهم الناس هذه التغييرات ويتفاعلون معها - سواء أولئك الذين يطلبون اللجوء اوالحاصلين على اللجوء. ينصب التركيز في هذا البحث على كيفية تأثير هذه التغييرات على جمع المزيد من البيانات ، مثل بصمات الأصابع ، ومعلومات حول كيفية إنفاق بطاقتك النقدية وما إلى ذلك. أريد أن أطلع على ما إذا كان هذا يسمح بمزيد من السيطرة على طالبي اللجوء واللاجئين في اليونان وفي أجزاء أخرى من أوروبا ، والبحث في تأثيرالحاصل على أولئك الذين يتعرضون لسياسات الهجرة في أوروبا ، ومعرفة ما إذا كانت هذه التكنولوجيات وقواعد البيانات الجديدة تزيد من احتواء النازحين المجتمعات في أوروبا.

يمكنك الانسحاب من البحث في أي وقت دون إبداء سبب

سيتم إخفاء أسماء جميع المشاركين

واسمحوا لي أن أعرف إذا كان لديكم أي سؤال آخر

(Arabic)

## Appendix VI: List of Themes and Codes for Each Case Study

### **Greek Case Study Themes and Codes**

#### **Greece**

- Greece as unsafe
- Greece pre-GAS

#### **Informed consent**

- Choice
- information

#### **Fingerprints**

- Criminalisation
- Criminal.vs asylum
- Future movement
- Weak/strong
- What happened on arrival
- Indisputable
- Wanting to avoid fingerprinting/Invisibilisation due to this
- Dehumanising
- Traumatizing

#### **Phones**

- Consistency
- Usefulness
- Awareness of chance for surveillance
- Refusal to give/resistance
- Plans to throw before travel
- Phones/fingerprints
- Sharing information
- Ambivalence
- Useful for evidence

#### **Cash card**

- Amount
- Viber
- Eligibility
- Spending limits
- Long waiting times
- Connection/phonenum consistency

#### **Surveillance**

- Feeling watched
- Compares to other countries (less surveillance in Greece)

#### **Skype – Registration for Asylum**

- Difficulties
- Useful/pragmatic



- Motives
- Nationalities
- Protest
- Discriminatory
- Dysfunctional

### **Corporate applications**

- Lack of face to face/distancing
- Whatsapp/Facebook/Skype/Viber
- Hacking
- Privacy
- Need to improve
- Need to have internet connection or no access to services

### **Databases**

- ALKIONI
- Eurodac
- Missing data/correcting data

### **Data collection and Uses**

- What is driving data collection
- Documentation/outlining of situation
- Providing aid
- Categorisation
- Building modern asylum service
- Identifying gap/informing decisions
- Fingerprinting and data as control

## **UK Case Study Themes and Codes**

### **UK**

- Idea of a centralised system able to track across UK
- High surveillance
- Dublin deportations
- Culture inside the Home Office of suspicion and hostility

### **Informed consent**

- Choice
- information

### **Fingerprinting**

- Control
- Fingerprints as dangerous/politics of fingerprinting for deportation/unevenness of outcome
- Criminalisation
- identification
- Recognition of presence in UK

- Wanting to damage fingerprints before getting to UK/trying to remain undocumented before reaching UK
- Asylum vs criminal
- Dehumanising
- Discredit people
- Indisputable
- What happened on arrival/different end of the journey of border crossing

### **Phones**

- Fear of monitoring social media
- Phone data extraction after arrival
- Phones/fingerprints
- Ambivalence
- Useful for evidence and information
- Not feeling safe/fear of hacking
- Smugglers warn against keeping phone
- Careful over what is put online

### **Cash card**

- No freedom - feeling tracked, monitored
- Treated as criminals
- Main way to keep you in a certain dispersal area
- Different levels of freedom depending on status of asylum case
- Resistance
- Affects actions

### **Surveillance**

- Feeling watched and monitored in UK
- High levels of surveillance
- Possibility to share information quickly from police, home office, everyone

### **Corporate actors**

- Experion credit checks (for Asylum support and also tried out in one hospital)
- EU investment in surveillance technologies and private companies (evident in frontex developments)
- Providing surveillance infrastructure
- Used for phone extraction (PI)
- Pandemic means skype and zoom used for appeal hearings/interviews

### **Databases/Hostile data**

- Eurodac
- IABS
- IDENT1
- MESH
- NRPFconnect
- Home Office Biometric Programme
- Fear of services/lack of trust
- Home office as watchdog

- Web of control (houses, surveillance, cards, doctors, schools)
- Avoiding services
- Omnipresent feeling of being tracked/documentated
- Invisibilisation through this avoidance
- Efficiency
- Quicker decision making
- Ad hoc implementation
- Expansion of interoperability
- Tech as barrier and facilitator
- The 'sector' needing to understand tech better
- Sinister/intentional