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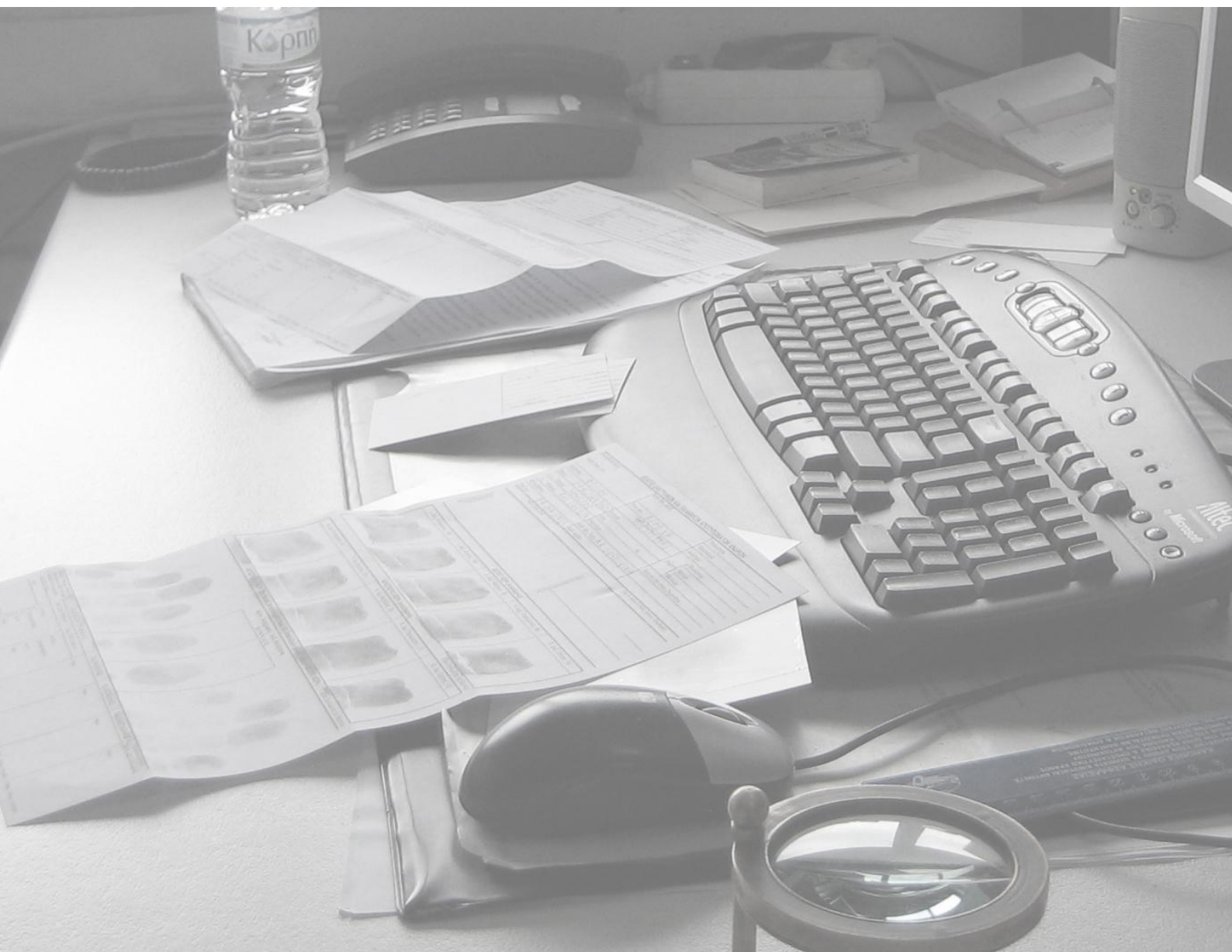
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Thematic Report "Border Crossings"

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Table of Contents

Introduction

We consider the research results of the fieldwork of WP4 "Border crossings" presented in this report as a contribution to the understanding of the digitisation of European border surveillance and control. Our case studies are focusing on Eurodac, a digitised European dactyloscopic system. Eurodac is an information, communication and control technology that operates by means of a Europe-wide database, in which the fingerprints of asylum seekers and irregular migrants are stored. Eurodac operates as a so-called "Automated Fingerprint Identification System" (AFIS) and is functioning in areas where the rules of the Dublin II regulation are applicable. It was designed in response to the crisis of the European asylum system, which was constructed and conceptualised in rather lax and crude terms as a crisis of "refugees in orbit" and "asylum shopping". The Dublin II regulation is based on the "polluter-pays" principle, which is premised upon the idea that the Member State which has "caused" the entry of an asylum applicant (for instance by granting a visa or by lack of efficient border security and/or control) should be responsible for the asylum procedure. By using the Eurodac database to identify a single responsible Member State per asylum application, Dublin II regulates the mobility of non-EU-citizens without a valid visa within the EU.

More specifically, Eurodac is an EU-wide biometric identification technology, which combined with information technology, or rather, computer data applications, aims to establish a mechanism for the prevention of multiple asylum applications by the same individual and also for the policing of uncontrolled movements of potential asylum seekers and other migrants within the Schengen territory. By registering and re-identifying cross-border mobility through searching and comparing the fingerprints of migrants over the age of 14, Eurodac is a tool of automated border governance. However, Eurodac has developed in practice as a database containing information on an amalgam of asylum and immigration movements, as it does not only consist of the fingerprint records of asylum seekers (category 1), but also of persons arrested while crossing irregularly the external borders of the EU (category 2). Moreover, Eurodac allows the authorities to match the fingerprints of persons who are residing illegally within the EU territory ("arrested while staying": category 3) whenever they consider it necessary. In short, as Mathiesen asserts, the "history of the issue of fingerprinting 'illegal immigrants' shows how Schengen and Eurodac concerns are intertwined" (Mathiesen 2001: 18). Eurodac is a Regulation adopted by the Council of the European Union on the 11th of December 2000 as a Dublin-related measure.[1] Online since January

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1 A Regulation does not require parliamentary approval, but is issued directly by the Commission. The Eurodac Regulation provided the legal basis for the establishment of an IT-based European dactylographic system, which combines biometric identification technology

2003 and operating as a hit/no-hit system by the European Commission, Eurodac is considered a successful policy instrument interestingly enough, given the current crisis of the Dublin system and Schengen in general. Last but not least, Eurodac's good performance as the first European AFIS plays a key role in the current trend of widespread biometric-based data collection or the extension of existing AFIS in various areas of EU migration management.[2]

The initial hypothesis of this report is based on a perception of bordering that goes beyond standard political images. William Walters (2005) proposes in this context the notion of the "firewall" – a metaphor for the non-geographical, non-territorial character of the border, and for its non-linearity. The double function of border politics as a politics at a distance through data collection is supported by a general knowledge-based shift that produces a control network that computerises not only the forms of surveillance, but also the very form of sanction of offences. By extending the risk of deportability within and beyond state boundaries (de Genova 2010, 2002), it creates a new mode of migration management, to which we refer as "digital deportability" or "cyber-deportability", in the sense of "the affinity between the fast, flexible multidirectionality of the mobile subjectivities of migrants and the knowledge-based cyber-technologies used for their surveillance" (Papadopoulos, Stephenson, Tsianos 2008: 176). We speak of digital deportability when the risks of illegalised mobility – that is, money, duration and possibly life itself – materialise through the computer screen. In this sense, Dana Diminescu talks about a "virtual prison" (Diminescu 2005). Dennis Broeders suggests, that the European database systems that aim at the control of mobility provide the infrastructure that member states "need for the detection and exclusion of irregular migrants 'at home'." (Broeders 2007) We are sharing his views on the European network of data systems, which is "also increasingly used to exclude and where possible to expel the group of migrants who have succeeded in travelling to Europe and are living illegally in one of the member states." (Broeders 2011: 58-59) Moreover, by following Broeder's allusion to the fact that exclusion always combines two modalities, namely the exclusion from registration and documentation and the exclusion through documentation and registration (Broeders 2011: 59), our understanding of digital deportability encompasses the flexible and movable interplay (or

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and information technology (Council Regulation (EC) 2725/2000) and the Eurodac II Regulation of February 2002 provided the legal act to make the system technically operational. It encompasses rules for administrative maintenance and enforcement such as age limit, etc. (Council Regulation (EC) No 407/2002).

2 Some of the recent developments in that area are the plan for a so called 'Entry/Exit System (EES), the development of SIS II and VIS, respectively the actual plans for a better interoperability of systems such as SIS II, VIS and Eurodac, through the establishment of the "Agency for the Operational management of Large-Scale IT Systems in the Area of Freedom, Security and Justice" by the Commission in 2010. Another contemporary concept is the "integrated border management" that covers all the activities of public authorities of the Member States relating to border control and surveillance, including border checks, risks analysis and the planning of personnel and facilities required.

modulation) between both logics of exclusion, which proliferate through the operationalisation of information and communication technology.

In general, control technologies for border security are either apprehended by their political effects and criticised accordingly – that is, disconnected from the technical infrastructures they require – or they are subject to a techno-deterministic approach based on an axiomatic perception of technical competence and feasibility. A border stabilised, standardised and secured by digital means is, therefore, usually considered to be functional, at least potentially. Beyond this dichotomy, we understand our research results as an ethnographic contribution to the understanding of the socio-technological emergence of the digital border and the digitisation of border conflicts. Our study focuses on the formation of both society and technology, migration and digital border control. Here, we understand the Eurodac system as part of the processes of "new surveillance", in other words as a new technology for the collection of personal information. According to Marx, "the subject of data collection can go beyond the individual suspect to categories of interest." (Marx 2002: 15). Following Marx, who concludes that "the individual as a subject of data collection may also become the object of an intervention," we locate the difference between surveillance and control in the threshold between data collection and intervention by logins and passwords, which is decisive in allowing or restricting access, and ultimately in (re)organising space. In other words, as Bogard (2009: 21) puts it: "Control experiments with the limits of panoptic enclosure and the serial connection of spaces. These are organised by a model not of visibility, but of communication over distributed networks."

In the first and second chapter of the report, we expose our critique of the somewhat diffused and blurred outlines of the idea of a 'new European digital border'. Using Bruno Latour's concepts of "black boxing" and "immutable mobiles" we develop a framework for our research. In chapters 3-10, we analyse some exemplary actor-networks involved in the production and counter-production of Eurodac. In this respect, we have localised the current crisis of the Schengen border regime at three different but interconnected spots: from Athens via Igoumenitsa to Bari and from there back and forth into European control centres. In the last part, we briefly sum up and give hints and analytical implications for further research.

1.1. Black boxing and the challenge of the digital border

The thesis of an increasing "securitisation" of migration, in the course of the Europeanisation of migration policies since the 1980s, is largely uncontested within relevant academic literature. Academic debates revolve mostly around

the question of how to conceptualise and analyse the processes of securitisation (cf. Krasmann 2011). Many authors in the constructivist and feminist studies tradition claim that the technological context of European border-monitoring and border-control technologies, such as biometrics or information and communication applications, always involves social and discursive aspects situated beyond the literal digital space; therefore, they should be examined in relation to other technologies, practices, systems, institutions and conventions, in which they participate (Topak 2010; Van der Ploeg, 2005, 1999a and b, Amoore / Marmura / Salter 2008; Ceyhan 2008, Haggerty / Ericson 2000). However, different authors opt for using different theoretical approaches in order to study the "complex imbrications of technology and society" (Sassen 2002: 365). Saskia Sassen points out explicitly to those aspects of digital space that are constitutive of new social dynamics : "(...) digital space and digitization are not exclusive conditions that stand outside the non-digital. Digital space is embedded in the larger societal, cultural, subjective, economic, imaginary structuration of lived experience and the systems within which we exist and operate." (Sassen 2002: 369) "Doing border"[3], in particular from a bottom-up perspective, calls for addressing the ways, in which the border is constructed, that in turn determine who manages it and how it is governed.

However, the existing literature on database-supported border technologies, and particularly on Eurodac, is in marked contrast to the above hypothesis. A notable example is the so called "Paris School" of Didier Bigo (Bigo 2002, 2007, CASE 2006), which focuses primarily on narratives and practices of important security policy actors and is almost entirely based upon policy reports, the annual Eurodac evaluations and on the accounts of European and national data protection authorities. This body of literature points out, often critically, to some unsatisfactory aspects of the political and democratic structures connected with the architecture of Eurodac, in the context of the Europeanisation of securitisation and migration management regime; rather than pointing out to the various facets of "doing border" through the processes that emanate from Eurodac, this body of work elucidates how Eurodac is supposed to operate. This could be explained by the fact that in social sciences there are practically no contributions available based on concrete field research, as if only public administrations were in a position to provide and hold responsibility for the empirical instruments to study the current and complex ways, in which this European database system is

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3 With the figure of "doing border" we associate a relative break with notions of geographical and sovereigntist approaches. Thus, the border is conceptualised also as a relational field of negotiations, where the simple juxtaposition of institutions versus informal agents looses its validity. (See: Anzaldua 1987; Salih 2000) "Doing border" is a cultural-anthropological perspective on the border, similar to the feminist approach of "doing gender".

working and operating on a variety of (national and local) institutional, social and geopolitical levels.[4]

Although the digitisation of the European border is part of migration control policies, the analysis of their socio-technical aspects is not sufficiently explored – neither empirically nor theoretically.[5] If one takes a closer look at the existing literature, even at the level of subject-matter and conceptual definitions, there seems to be anything but clarity of thought: Dennis Broeders, for instance, defines digital border as "a network of EU databases under development" (Broeders 2011: 49), and similarly to Didier Bigo and Elspeth Guild (2005), the digital border, contrary to physical or territorial borders, serves to monitor immigrant population "at-home" (Broeders 2007, 2007a). Gloria González Fuster and Serge Gutwirth (2011) have a similar comprehension of the concept. However, in another variant, the digital border emerges as "Europe's technological border", a term used as synonymous with a "migration-machine" (Dijstelbloem / Meijer / Besters 2011: 174f).[6] These works are based on an understanding of the digitisation of the border, which does nothing else but digitally duplicating the putatively undisputable and clearly identified territorial border, or to put it differently, these works locate the difference of the digital border in the digitisation of the processes of demarcation.

Against the background of this vague terminology of the digital border, we recognise and diagnose the work of a social-science oriented "black boxing". With this expression, taken from the sociology of science, we want to target the technical and political / institutional operations that are rendered invisible, but work on the success and effectiveness of the digital border (Latour 2002: 222-226, 373). We believe that very often the literature on the digitisation of the border is the result of black box-epistemology, on the basis of which the object of study, that is, the question of Eurodac's impact on "doing border", is left in its opacity. To open up this closure, to accomplish a process of "de-black boxing", so to say, is a prerequisite for focusing on the digital border. Paradoxically, social science black boxing, even when it critically confronts the digitisation of borders, it tends to contribute to the success of the digital border.

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4 Regarding this, the report 'The Digitalization of European Border and Migration Controls', by James Hampshire and Dennis Broeders (2010) represents an exception. Yet, it contains a draft for a not yet undertaken research.

5 In this regards, a higher level of discussion is reached, for example, in surveillance studies that focus on control technologies such as ID cards or CCPS systems (Lyons 2007: 118ff; Lyon 2009: 19ff).

6 More specific concepts such as for example the „biometric border", a portable border, carried by mobile bodies and understood as part of a „biopolitical border" (Walters, 2000), or the „smart border" - a diffuse border which is not localizable in a certain zones or in one place of passage only, but a border that is based on a multiplicity of physical and virtual sites of control and surveillance - are found in Louise Amoore (2006) respectively in Amoore / Marmura / Salter 2008.

Ironically, the technical component of the Eurodac Central Unit, located in Luxembourg, is literally a black box: we know its inputs and outputs and it is only in them, that we may intervene in observational or manipulative ways. The central server is a fully automated lights-out system. Here, even the deletion of data occurs automatically. Only few administrators work there and not one fingerprint expert. The black-box-Eurodac is a cheap solution because of its automatic performance. However, an interview that we did in 2011 with the IT manager Gillian Ormiston revealed to us another facet of the black-box epistemology. As a woman in a leading position – rather an exception in the field of IT management –, she recounted how in 2003 for seven months she was managing the logistical and technical construction of Eurodac that went online in September 2003[7]: "It is not about IT, it is about people. People are making IT."[8] She emphasised that the task of establishing Eurodac consisted not only of data exchange amongst the 15 Member States, but in parallel of a communication network. "Communication is something else than data exchange. I had to make them feel responsible to me. I had to deal with local problems in each country. It was about confidence building. They are requested to join Europe and then they think: Oh my god".[9] Mrs. Ormiston taught us to break definitively with the idea that control technologies – in our case biometric identification technologies – are primarily technological. We realised that we are on the right track with this idea, when , during our visit to the German Federal Criminal Police Office, we witnessed the moment the Eurodac system produced a hit. Automatically, a James Bond melody began to play; and taking a side glance at our female researcher, the head of the German AFIS explained: "We could also have chosen a melody from Pippi Longstocking".[10]

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7 In fact, with some month delay Eurodac went online in January 2003.
8 Interview at Safran Morpho, Paris, 27/01/2012.
9 Interview at Safran Morpho, Paris, 27/01/2012.
10 Interview at BKA Wiesbaden, with Wolfgang Krodel and Christopher Schiel, 08/06/2011.

2. Starting Point of the Research: Numbers that Matter

Our case studies in Italy (with an emphasis on the border zone in Bari), in Greece (with an emphasis on Athens and Igoumenitsa), and 'in Europe' (namely focusing on the European "control centres"), deal with the Eurodac AFIS. Instead of combining three different case studies we opted for a common research road-map with the aid of which we constructed our fieldstudy: We searched for different forms of connection- (data-pathways, migration routes, etc.) and ruptures (hits, blind spots and gaps, losses and disappearances) that constitute the borders set up by the Eurodac and the Dublin II system respectively. Our findings – based on participant observation, individual and focus group interviews – were related to the practices of border control as well as the process through which control is subverted - and approach that eventually led us to include a tracking down of the in-vivo-codes of migration. In other words, in our research we have tried to constantly intertwine the findings of our research to the border-crossing practices of migrants.

During the research period we emphasised upon a particularly conflicting border zone: the Adriatic Sea. At this spot, which we approached as a contested European gateway, we traced the "doing border" from both the Italian and the Greek side, posing the questions of the border's construction and management. Yet, in our view, the making of a conflict-ridden border zone requires even more: to reconstruct it as a composition or an *assemblage* of different (online and offline) human and non-human agents in their disputed, hierarchical and dynamic interplay. Such complex interplay always already includes both, repressive information and control policies and the anticipation of their effects in migrants' practices of border-crossing. For this reason, we have adopted in our fieldwork an understanding of power in border zones not as something that awaits migration, not as something to which migrants react, adapt, and cunningly replay. In our opinion, it is crucial to consider migration as something that is contained in power. Thus, the migrant is someone who is connected to the composition of power, i.e. a "connected migrant" (Diminescu 2008).

When in the fall/winter of 2010 we were formulating the starting points of our research, the proclamation of the Schengen state of emergency and subsequently the first deployment of the Rabbit-troops of Frontex on the Greek-Turkish border in the Evros region occurred.[11] As border-regime

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11 RABBIT is the acronym for "Rapid Border Intervention Teams" (see also: Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers).

researchers, engaged in ethnographic writings of the border *in situ* and *in actu*, we reflexively responded to explore the field of crisis deployment. Our intention was to allow ourselves to become attracted by the high visibility of control during the emergency campaign at the Greek-Turkish border. However, as researchers venturing forward into the field of the digital border we had some doubts on whether such a field research would also enable us to locate the digital dimension of the the crisis in the Evros region. In other words, following Rabinow's considerations on the "anthropology of the actual" (2003), we were wondering about the digital actuality of this border, and about the kind of research practices we needed in order to explore it. From the beginning of our research on Eurodac, we noticed that the crisis proclaimed in 2011 within the European political institutions was already visible and legible on the numbers and their interpretation stated by the Eurodac activity report of 2010 for the year 2009. Here, a marked drop in the data curve concerning those persons who have illegally crossed the EU external border was already under discussion before the emergency was proclaimed: "The trend regarding the number of persons who were apprehended in connection with an irregular crossing of an external border ('category 2') changed dramatically in 2009. After a rise of 62,3% between 2007 and 2008 (to 61.945), the number of transactions fell by 50% in 2009 (to 31.071). Italy, Greece and Spain continue to be the countries which introduce the vast majority of such data. However, Greece is now the one with most transactions – it sent 60% of all 'category 2' in 2009 (18.714 compared to 20.012 in 2008)." (KOM 2010 415 final, p.5)

This report is not about an event in the classic sociological sense, but it counts, combines, allocates and arranges numbers; more precisely, digital records of images of fingertips that have been captured in different places in the Schengen border area, and then categorised according to certain temporal and spatial categories, as well as according to sex and age. The figures are divided into three categories: Category 1 is reserved for asylum seekers, Category 2 is used for those foreigners who have illegally and voluntarily crossed the EU external border and Category 3 is applied to illegal residents, migrants without valid papers caught within the Schengen area.[12] Thus, the numbers and categories stored in Eurodac establish a sort of European immigration census, which is reproduced in the annual public reports. Unlike a researcher looking down from the hills on the border river and trying to understand the movements of border police, Frontex and transit migrants, the writers and the readers of the Eurodac report recombine and interpret numbers. This is what we also attempted to do. On the basis of algorithms, whose function is to calculate the connection between points, thus distances, the Eurodac report unfolds as a numerical event. Based on the registered numbers, processes and events occur that can be understood in the context of Bruno Latour's notion of "inscription" and "immutable mobiles"

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12 See Council Regulation (EC) 2725/2000.

(Latour, 1986). Hence, we understand the Eurodac numbers as mobile, immutable, flat and presentable, readable and rearrangeable inscriptions. These numbers circulate as reference entities of a potential European immigration census. As such, these numbers may accelerate and bundle up political mobilisation processes – as we have seen, for instance, the mobilisation of a re-bordering process within Schengen. The Eurodac database does not correspond to a description or a representation of given realities related to asylum and illegal immigration. Rather, Eurodac is adopting the function of a performative discourse: it shapes the ways that actors in charge of managing both migration and technology perceive asylum and illegal immigration. Thus, our thesis is that Eurodac numbers are not only induced by complying with the order of a performative (techno)logic, but, as we will show below, as immutable mobiles – that is, as circular references that decide on the success or the failure within an agonistic situation, that we describe as a rivalry between migration and its control.In the rest of this paper, we will delineate some border assemblages in which these rivalries are carried out and identify the Eurodac-actornetworks we have been able to research so far.

3.   The production of inputs and outputs

Our initial question was twofold: On the one hand, we asked ourselves how we can address the short circuit between a statistically proclaimed distinctive feature or anomaly and a politically proclaimed state of emergency. On the other hand, we had to find out how we can localise and identify sites where the Eurodac input and output figures could become visible. In order to answer both questions we decided to approach the Eurodac National Central Units in Greece, Italy and Germany. Our aim was to compare our research findings from these control centres that are supposed to work in the same manner.

3.1. The BKA in Wiesbaden

In June 2011, we were accepted for a day-long visit in the German Central Eurodac Unit, which is hosted within the department of the much larger German Automated Finger Identification System (AFIS) at the Federal Criminal Police Office (BKA) in Wiesbaden.[13] The BKA-based AFIS contains more than 3,5 million records that are accessible to national police for search purposes. The National Eurodac Unit is part of this large electronic archive. Thus, there is only one database with several divisions, but there is an interconnection between Eurodac and national police data: above all, this relates to data collected under Eurodac category 3/"illegal residents". In contrast to the national database, in Eurodac, entries made under category 3 are not allowed to be stored and only the files of asylum seekers are stored into the Eurodac Central Unit in Luxemburg. Historically, this category was created and established during the German Presidency of the EU in 1999 (Aus 2003: 14-15; Aus 2006: 20-22) in response to the pressure exerted by Germany.

As if we were police officers, we were instructed on how Eurodac operates and coached by the head of the German AFIS, who himself was trained as a fingerprint expert and has been working in the field for the past 30 years, and by the chief administrator of the AFIS. In the evening we left the BKA with a relevant power point presentation on a USB stick.

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13 See for instance Töpfer 2008.
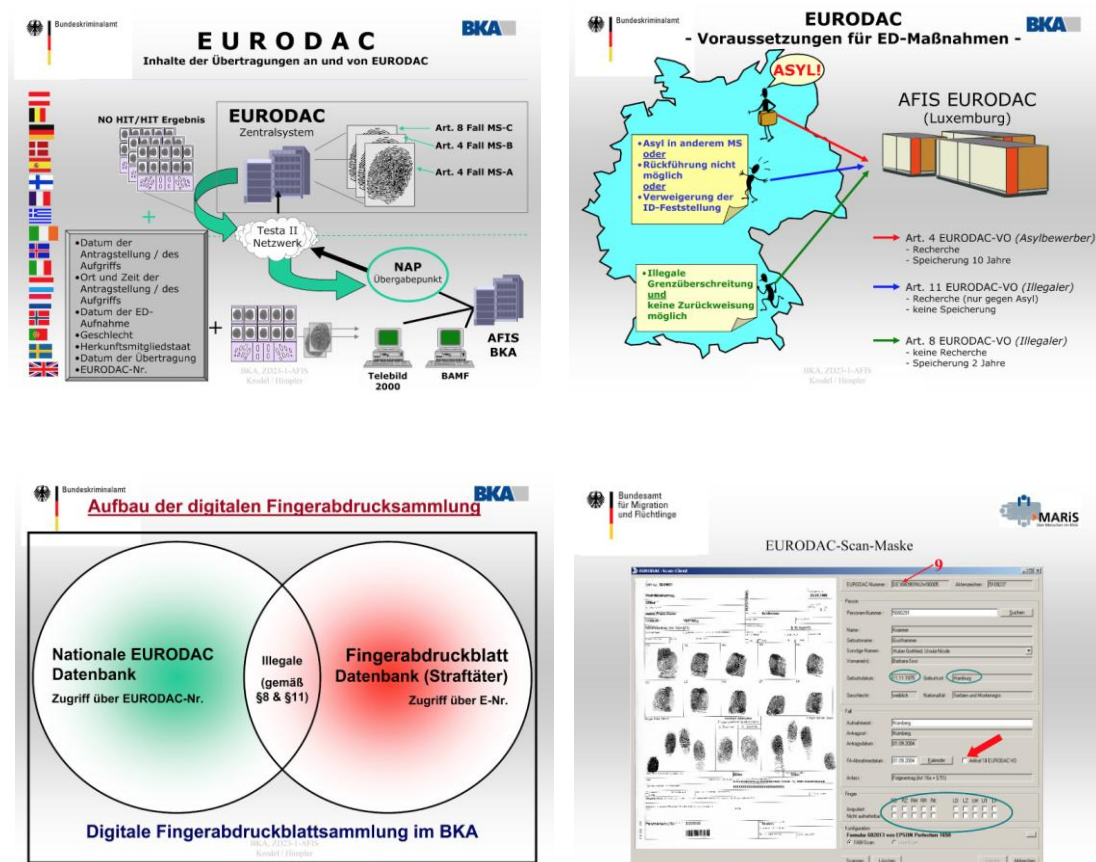
Source: BKA

During our visit, we noticed that very often police officers[14] would lack training and frequently they would still after eight years of experience ignore the meaning and difference of categories 1, 2, and 3. Apart from the technical infrastructures and operations, we were able to deepen our understanding of the categories applied and implemented within Eurodac. Our interview partner told us about a "hot period" in the 1990s when, particularly during 1993/94, a top score of hits with up to 47 asylum applications by the same person and a rate of 25%[15] for multiple asylum applications was achieved. Today these numbers have decreased to the level of the general rate of criminal offenders. We were told about a case that occurred in that time with 12 hits in 5 different countries and in various Eurodac categories. Both the hits and the returns according to the Dublin II regulation initiated by the Federal Office for Migration and Refugees (BAMF) seem to be lower in Germany: whereas in the initial period, 80% of the hits have led to executed returns, today their quota has declined to only 39%.

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14 Besides the police offices, the 22 satellite stations of the BAMF (equipped with live scanners) are authorised to send fingerprints for Eurodac as coded data files according to the ANSI/NIST standards for the transmissions of dactyloscopic data.
15 These top score times for Germany were long before Eurodac went online.

In the course of our interview with the head of the German AFIS, this sincere *homo faber* asked us if we, as field researchers of the southern European border, knew anything about the possible motivations of Greek authorities to produce such a large number of entries under the category 2 of "illegal border crossers". He commented on this way of counting and categorising as a practice, which in his opinion could be explained neither in terms of technical nor of logical considerations, but mainly as a result of a political compromise. He made the following remark about the Greek figures: "In Italy, the number of these records has indeed been reduced meanwhile. It seems that there has been a change of mind (...) Why does Greece not use the category 3? I do not understand. Tell me if you find out about it. If they were to use the category 3, they could get rid of many asylum applicants".[16] As can be seen from the considerations of this police officer, despite the technocratic approach, which was enforced with the introduction of the Eurodac system, people in the BKA acknowledge the existence of a wide range of decentralised national and institutional margins left for contrasts and differences as regards to the strategies and tactics of the quantitative and qualitative data-feeding the Eurodac Central Unit.
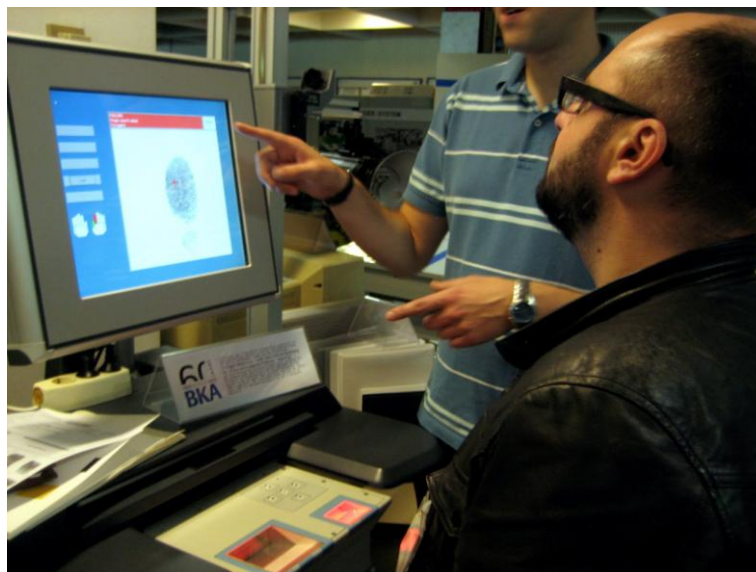
Research visit at the German BKA
© Kuster/Tsianos 2011

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16 Interview with Wolfgang Krodel, BKA, Wiesbaden, 08/06/2011.

3.2. The Digital Worlds of Foreigners: The Central Unit of Eurodac in Rome

The first thing we learned with regards to the Italian Eurodac Central Unit, is that "the world of foreigners is fully digitised ("il mondo straniero è tutto elettronico").[17]" Our interview partner pointed out that the system was digitised through EU-funding for border security purposes. In all Italian police centers, live scans are today available for the collection of fingerprints. This is also confirmed by a migrant who described the differences between fingerprinting in Greece and in Italy: "No, it was very different. There, they have put the fingers on paper whereas here – how should I say – on computer, on a laser. There was a small table where they took the prints of the palm of your hand. It was really different. There, the prints were on paper, here everything was computerised and let's say, very precise. The fingers one by one and after that the whole hand."[18]

The Italian AFIS exists since 1998 and is located in the Central Direction for the Anti-crime Police, Public Security Department, Ministry of Interior in Rome. Managed by the central office of the Scientific Police of Rome, this national database holds all police records of identity screenings, including all fingerprint sets collected in Italy, and stores more than 12 million of records. The data for the national AFIS is provided by all the Italian police forces, but only the Carabinieri, the State Police, and the Financial Guard (Direction of Naples) have direct access to it and the right to feed and search the database: "The city police makes a file card and then they send it to us. They do not have the authority to enter data into the AFIS system".[19] There are 14 regional centres, called Gabinetti di Polizia Scientifica where fingerprint experts of the State Police feed and search the AFIS. However, the communication with the Central Unit of Eurodac in Luxembourg can only be made from the Central Unit in Rome, located, as we have seen, within the AFIS archive in Rome. "In Bari for instance there is one of the 14 national centres and there we have a fingerprint expert. He looks at the fingerprints and he sends them to the national AFIS for searches and eventually the AFIS gets back to him with a list of candidates, which he has to check to decide whether the person in front of him is already recorded in the AFIS system or not. All that happens in real time and electronically. In the case of a hit the new data is entered in the system. And if there is no hit, a new file is created. Only after all this, the new fingerprints enter the Eurodac system. The data files are handled via Rome, because we are the office that is in charge of

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17 Interview with Dr Lorenzo Rinaldi from the AFIS in Rome, 12/12/2011.
18 Interview, Bari 11/10/2011.
19 Interview with Dr Lorenzo Rinaldi from the AFIS in Rome, 12/12/2011.

Eurodac communication. We have the central server that communicates with Eurodac."[20]

To summarise the whole procedure, after the arrival of migrants on the coast of Salento (Puglia), all individuals over 14 years old are fingerprinted in the police office of the city of Otranto. The fingerprints are electronically sent to the inter-regional Gabinetto of Bari, where experts search them through a matching software within the national AFIS.[21] The findings of this search are communicated to the central office in Rome, which then gets back in touch with the inter-regional Gabinetto in Bari, which, in turn, informs the police office of Otranto. From the interview with Dr Lorenzo Rinaldi of the Italian AFIS we learned that the communication of a search initiated by one of the 14 regional and inter-regional Gabinetti of the Scientific Police and his office in Rome lasts usually around twenty minutes. We also learned that the Italian system contains fingerprints in 5 subject categories: 1) criminals (Article 349 of the Code of Criminal Procedure); 2) dangerous and suspicious people not able to prove their identity, for example for lack of identity documents (Article 4 of the Public Security Law); 3) foreigners who apply for a residence permit or a renewal (Law 189 of 2002, the so-called Bossi-Fini Law); 4) foreigners who have illegally crossed the EU external border; 5) asylum seekers. These last two categories are also relevant for feeding of the European Database Eurodac in the category 2 and the category 1. Thus, altogether the organisation of the National Central Unit of Eurodac in Italy is the same as the one in Germany.[22]

If a migrant who has been fingerprinted for illegal entry, for instance in Lampedusa, asks for asylum (when redistributed in the according centres, for instance in the Cara in Bari) he/she is fingerprinted again and enter category 1.[23] The difference between the two procedures of fingerprinting is only the category (asylum seeker or illegal entry) and the date of the print indicated in the form, as well as the identification number that is created by the Eurodac

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20 All quotes are from the interview with Dr Rinaldi at the Central Direction for the Anti-crime Police, Scientific Police, Public Security Department, Ministry of Interior on 12/12/2011 in Rome.

21 The 14 regional and inter-regional Gabinetti of the Scientific Police work from 8 am to 8 pm. From 8 am to 8 pm the Central Unit based in Rome deals with all the researches in the country.

22 Filling correctly an identity screening form of the National Scientific Police requires 4 types of surveys: 1) description of the physical characteristics of the subject (color of eyes, hair, tattoos ...), 2) pictures front and right profile, 3) anthropometric measurements which now consist only in the survey of the height, 4) fingerprinting of the 5 fingers of both hands and of the 2 palms. A police officer expert of dactyloscopic data takes physically part into the dactyloscopic survey, by pressing the fingers on the live scan and facilitating the rotation of the fingers. In Italy the inking of the fingers is dying out, it is used only in very rare cases for criminals and never for migrants.

23 All aspects of dealing with asylum applications are treated by the Italian Dublin Unity, which is allocated in the Department for Civil Liberties and Immigration in Rome, in the Ministry of the Interior. It is linked with the other Dublin Units in Europe.

system. When integrated into the central system, each fingerprint set gets a unique identification code sent digitally to the central AFIS in Rome, which in turn communicates it to the central unit of Eurodac in Luxembourg. For the rest – as both Dr Rinaldi from AFIS Italia and Dr Perrone[24] from the Scientific Police of Bari explain – the practice is totally the same. Moreover, Dr Rinaldi pointed to the abstractness of the system and stressed that the linkage between the unique identification code of a fingerprint set and the singularity of a person remains mostly anonymous and is only up to the police to be handled: "Eurodac is just a computer. Put in a fingerprint and it will give you a number, but the number doesn't give you any personal data".[25]
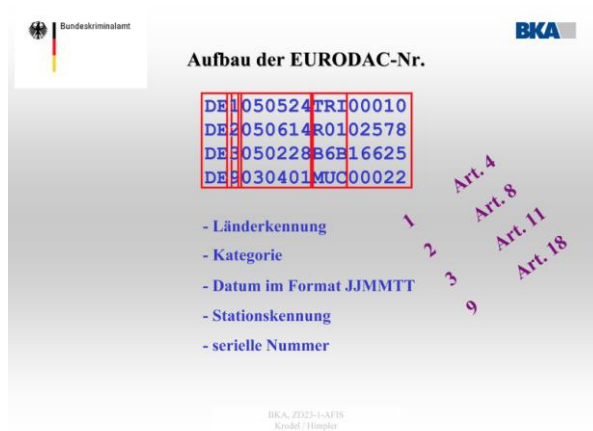
The composition of an automatically generated Eurodac Number
Source: BKA

3.3. The Greek Police Central Eurodac Unit and the Aliens Directorate in Petrou Ralli

As can be observed from the above-mentioned statements collected at the Central Eurodac Units in Germany and Italy, the Greek border is represented in the EU discourse as both an anomaly in the Eurodac system of inscription and at the same time, particularly since 2011, as the paradigmatic failure of the Schengen regime. One of our main research findings, however, is that rather than a paradigmatic failure of the system, this strange inability to fully enter the regime of control by failing to operate the digital workflow and processing is a key characteristic of the practices of producing data files in the Schengen space. From this perspective, 'doing border' in the Greek context

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24 All the excerpts from the interview with Perrone are from an interview realised in Bari at the Interregional Gabinetto of Scientific Police of Puglia and Basilicata on 26/4/2012.
25 Additional telephone interview with Dr Rinaldi, 08/02/2011, Rome.

manifests most of all that the production of entries is contingent and dispersed, subject to the everyday practices of administrative and police staff. Entries and inputs in the Greek administrative police context resemble a practice of assembling dispersed and dissimilar data collected by different agencies with the use of different digital and non digital means. In that sense, what is being produced is information that can take different forms and be used for different purposes.

When we visited the Central Eurodac Unit of the Greek Police, we noticed two separate types of data storage: the first was digitised, organised on the basis of Eurodac categories and Eurodac executive protocols, while the second was still organised in paper files placed in folders, arranged on the basis of the Greek criminal records. As the Head of the Fingerprinting Department explained to us, each fingerprint collected must be stored in both databases in order to ensure that aliens' records are available to the Greek police (in paper) and for the Eurodac system (in a digital form).[26] This represents a challenge since data has to be available in two different forms and appears simultaneously in two different registries - complicating the procedure and delaying data input to Eurodac. As the Director of Crime Investigation Direction, under which operates the Fingering Department and Eurodac, explained, the main issue for the Greek authorities with regards to Eurodac is that it constitutes for them a "useless" mechanism precisely because data cannot be used or compared for/with criminological research/data. In effect, Greek administrative and police officers are "constantly forced to turn to their Greek paper files" in order to deal with asylum claims and other migration related procedures, but are legally bound not to use this type of data for other purposes. As far as they are concerned, Eurodac only serves as a mechanism that overburdens them with unnecessary and complicated procedures and what is even more crucial "unwanted returns". [27]

Interviews with Head Officers of the central Asylum Unit in Athens have confirmed that in areas such as Evros, Igoumenitsa or Patras, there are no fingerprint scanners.[28] A Frontex officer from the Piraeus branch, in charge of the coordination of operational projects in Italy, Greece, Malta, and Cyprus, declared in an interview that the EU funds for the purchase of those machines have not been yet absorbed by Greek authorities.[29] In contrast, we were informed, that in many other areas, such as the Athens asylum unit, Lesvos or Orestiada, scanners do exist but remain either out of use or used only sporadically, under pressure by EU and national authorities. As the Head of

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26 In Germany there are 200 live scanners and 3000 stationary scanners in use, according to our interview partner in the BKA.
27 Interview with Mr Lambrocostopoulos, Greek EURODAC Unit within the Fingering Department and with Mr Antoniou, Director of Crime Investigation Direction, 22/09/2011.
28 Interview with Mr Syrmalis, Head of Asylum department, 07/04/2011.
29 Interview with Mr Szymanski, Head of Operational Management Component of Frontex Operational Office in Piraeus, 17/05/2011.

the Asylum Unit in the Athens police explained to us, each unit has to improvise its own unique techniques in order to produce fingerprints.[30] This leads to a strange amalgam of data that is not easy to insert into the digital system, because it consists of imprints on paper and digital fingerprinting that have later to be processed and fed into Eurodac by the Central National Unit based in Athens. Interestingly, this is the case even when there is a digital fingerprint scanner, because the Greek criminological databases require full palm fingerprints, which are not possible to produce with these scanners.[31] Unlike a black box, the Greek police employs fingerprint experts who collect ink palm- and fingerprints, which are first filed into paper folders stored in the Greek police headquarters and then scanned and sent to the Eurodac Central Unit. This procedure, according to different interviews, often lasts more than forty days and in some cases the local police units are asked by the national Eurodac Central Unit to re-take the fingerprints because they are not compatible with the digital protocol.[32]

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30 Interview with Mr Syrmalis, 07/04/2011.
31 Interview with Mr Lambrocostopoulos, 22/09/2011.
32 Interview with Mr Lambrocostopoulos, 22/09/2011.

Ink fingerprints on paper
© Kambouri 2011

Our interviews and visits to Greek authorities competent for the fingerprint collection made it clear to us that fingerprinting practices are not a one way process of "imposing control" over bodies in mobility, but rather a dispersed form of power conditioned by, on the one hand, policing and, on the other hand, the pressure exerted by migrant bodies to resist control or manipulate practices of control in order to escape inertia and enable the continuation of movement. The most obvious manifestation of the latter is the long queue of people, who camp every week outside the Greek Asylum Police Unit in Petrou Ralli in order to get a chance to enter the building and apply for asylum.[33]

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33 Given the absence of any other regularisation path after the completion of the last of three regularisation programmes launched by Law 3386/2005, applying for asylum has

According to the Head of the Asylum Unit, the pressure and workload was such that the department "could not cope with having two types of fingerprints taken" and as a result it was decided that it would be more "economical" and "less time-consuming" to avoid using the digital fingerprint scanner and instead take only one set of ink fingerprints, that were then scanned and converted into digital data for Eurodac. In addition, he explained, certain migrant fingerprints are difficult to capture in a digital form because they are very often destroyed by intense manual labour. In those cases, digital fingerprinting is useless and ink is much more effective.[34] This procedure of transformation from the ink to the digital, as it was explained and demonstrated to us, takes significantly longer time since it is more time consuming to transform the relevant data, but makes the actual procedure of dealing with the long queue of asylum seekers faster and more effective.[35] The same applies to the Asylum Unit of the Airport Police Department at the Athen's International Airport. During our visit, there we learned that not only those who ask for asylum are fingerprinted (and not those caught for illegal entry or for trying to illegaly cross illegally), but also that the fingerprinting is done with ink and then it is scanned and sent to the Fingering Department at the Crime Investigation Direction of Greek Police, where the national Eurodac Unit is based, to check the following: first, if the aliens in question are in the criminals list and second to enquire whether or not they are in the Eurodac database. The central unit replies to them only if there is a hit.[36]

The process of converting ink prints into digital representations produces a space of difference where un-processible, incomplete, delayed or lost data, blocked references, and doubtful inscriptions become possible. Here emerges a fundamental split within the widespread desire for digital control. In fact, Greece is a paradigmatic space, where the limits and the purposes that lie behind the digitisation of the European border regime are tested. It seems that in the Greek case the main element that constitutes the process of data production is that of *contingency*.

Thus, the performativities of Greek police and administrative staff, unlike those of their German and Italian counterparts, are not clearly inscribed into the frame of digital control, but fluctuate between the desire to impose some kind of order – occasionally by means of categorisations and data storage but

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become in Greece the only strategy that migrants can employ in order to be legal and get basic legal and social rights -including to get public health care and not to be deported. For more on asylum regulation in Greece, see Law 3907/2011, which entered force in January 2011, but most of its provisions, particularly those which stipulate for the creation of multiple Asylum Committees throughout the country and defined deadlines for the examination of asylum applications, have not yet been thoroughly applied.

34 Interview with Mr Syrmalis, 07/04/2011.
35 Interview with Mr Syrmalis, 07/04/2011.
36 Interview with Mr Spyropoulos, responsible for Asylum and EURODAC Returns at the Athens Airport Police department, 01/03/2012.

more often with the use of direct force and violence- on the diverse bodies in mobility that surround them and the imperatives to implement European procedures and protocols. In most of the interviews we conducted, respondents were prone to comment on the materiality of movements rather than on digitisation of these movements. Their practices of "doing border" are primarily centred around actual bodies who are sitting in line outside Petrou Rali or inside police stations and prisons. The pressure exerted by these bodies in mobility and their inability to capture them within the established legal procedures and digital protocols is dominant. In this sense, it is precisely the frustration and inability to deal with the "multitude" of bodies in mobility that conditions the performativities of Greek administrative and police staff rather than a simple failure to operate the system.

In this streets around the Greek Asylum Police Unit in Petrou Rali the migrants stand in line
for several days.
Photograph taken in april 2011.
© Kuster/Tsianos 2011

The digital hyper-mobility, which tries to make fluid what is not yet fluid, to pick up a thought by Saskia Sassen, faces its own limit of liquefying when meeting in its own system the inertia of matter. What if the readability (i.e. the absolute liquefaction, that should make readable the volatile bodies of migrants) is itself volatile and meets its own plastic condition? What the Greek case indicates is that the idea of a complete coverage within Eurodac is *par excellence* an unachievable project; this is in the sense that the main aim of Eurodac is to capture mobility through an ongoing, nevertheless *static*, representation of existing movements. What Eurodac in its best possible performance can provide is an exhaustive snapshot of complex networks of mobility. Nevertheless, snapshots cannot but be static. The blatant/persistent

and inexplicable inability of the Greek authorities to implement even basic Eurodac protocols is perhaps the most clear manifestation of the prevalence of migrant mobility over not only its control, but even its digital representation. What occurs in the Greek context/borderzone is paradigmatic of the limits of the digital representability of mobility. Instead of a "policing at a distance", the Greek borderzone cannot be policed through control, neither through surveillance. The borderzone becomes a site of constant and intense antagonism between mobility and the desire to capture this mobility through static digital representations. The emergency employment of Eurodac in the Greek borderzone represents precisely the impossibility of complete digital control.

3.4. The timeliness of numbers and pathways: On an encounter between strategies of control and strategies of mobility

However, there are other reasons why we encounter in the Greek context a rather non-stringent use of the compelling nature of Eurodac's rationale. The inconsistency and complexity of digital fingerprint archives – or more particularly the unsystematic fingerprinting and above all the unsystematic digitisation of fingerprints – could also result from the uneven domestic impact of the Dublin II system; or rather these practices may constitute an appropriate response to the striking imbalance between the so called "core countries", such as Germany, and the ones at the EU external border, such as Greece or Italy. Entirely conforming to a multi-sited ethnography, we set ourselves on the track of the German police officer's question about the Greek production of entries under the Eurodac category 2. The attempt to obtain insightful access to those nodal points of the Eurodac-actor-network forced us to pay attention to the explanations given to us at the Eurodac Central Unit in Athens. Here, while the police officer pointed to the computer screen showing us a hit message, he declared: "For example, this person here has applied for asylum in Greece, but his [sic] fingerprints were first registered in Sweden. So it seems that this must be a case for which Sweden is responsible. The person should be sent to Sweden. But of course, this could also prove wrong, because: How could this person has reached Sweden directly? Most likely, he first arrived in Greece, but without being registered or being registered as a category 2 when entering. This entry has been deleted, so that his fingerprints appear for the first time in Sweden".[37]

Beyond the fact that this police officer indirectly admitted that a large number of persons cross the border irregularly without being caught and registered,

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37 Interview with Mr Lambrocostopoulos, Greek EURODAC Unit, 22/09/2011.

there is an other aspect of his description that is remarkable. He, in fact, provided us with an implicit report on a migration route to Europe, which has apparently by now been registered in Eurodac and has become targeted by the police. The route which he referred to is, however, less of a geographical nature; rather, it is a route characterised by temporality and duration, since according to the rules of the Eurodac Regulation, the fingerprinting data registered under category 2 is deleted two years after entry into the database.[38] Furthermore, the authorities in charge are not allowed to execute a search within the Eurodac database on the grounds of an entry registered under the category 2. This data is only allowed to serve as reference stock for automated search requests, based on category 1 entries. This restriction in the use of data for the automated border governance via Eurodac is part of the political compromise, that should alleviate the *de facto* amalgam of asylum and immigration issues, or the close intertwinement of Schengen and Eurodac concerns (Mathiesen 2001: 18), to which we alluded when we referred to our visit in the BKA. While intergovernmental negotiations on Eurodac were under way since 1996 (see Aus 2003: 6ff), Eurodac should serve as a Community instrument for the effective application of the Dublin II Regulation on asylum and firstly be directed at potential refugees. However, by the initiative of Germany (see Aus 2003: 11) Eurodac should also aim at illegal immigrants (irregular crossers of EU external borders / cat 2 and illegally residing migrants within a Member state / cat 3). At the time of the refugee crisis in 1997, the German Ministry of the Interior was executing massive pressure on Greece and Italy in this respect: "What was interpreted as an asylum and refugee protection issue by the Italians and the Greek was read as a problem of 'illegal immigration' and human trafficking connected with organized crime syndicates by the Germans, the French, and the Dutch." (Aus 2006: 16-17)

This contingent migration route, to which the Greek police officer referred, can be understood as being connected with a strategy of surveillance for which the Greek and the Italian authorities became known in the past years: they were accused of transmitting their Eurodac data so late that other Member States' queries within the database would yield negative results. Thus, they were blamed for undermining the Dublin II regulation. In other words, they have received sharp criticism for their non-compliance with the dominant policy conceptions of how to combat "asylum abuses" (see Eurodac evaluation report 2009; Aus 2006: 30; Papadimitriou and Papageorgiou 2005). However, the fact that the Greek police consistently devises strategies in order to avoid complying or playing by the rules of Eurodac and the Dublin II regulation could be interpreted as a pragmatic response to an unbalanced migration burden that could give rise to intergovernmental conflicts in the context of the increasingly Europeanised policies of migration management.

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38 See Council Regulation (EC) 2725/2000.

Although the Schengen Border Code of 2006 and the creation of the EU border agency Frontex (for urgent border control action assistance) in 2005, have provided a set of legal rules and tools aimed at establishing coordination and operational cooperation mechanisms between the Member States,[39] some of them, such as Malta, have called for more burden-sharing mechanisms, for instance to distribute asylum seekers among EU countries on a proportional basis, or for a revision of the Dublin rules. Besides that, some countries have began to look for other possible ways out of the system, such as bilateral agreements (Spain-Morocco; Italy-Libya etc.). Accordingly, one possible explanation for the question raised by the German officer in the Federal Criminal Police in Wiesbaden could simply point out to the self-conception of Greece not as an European immigration country, but as a transit country. In such transit country different degrees of illegality, depending on whether the irregular status of a migrant relates to the border or to the territory, are far from crucial. Thus, the subtlety of categorical distinctions such as those between category 2 or 3 entries within Eurodac is expelled to (Central) Europe just like Europe refers to Greece as the European border. Meanwhile in Greece, it is still possible to achieve the objective that the BKA officer postulated as being of interest, namely to generate Eurodac ciphers and inscriptions that are helpful for getting rid of asylum seekers. As Brouwer (2002: 244) notes: "As this fingerprinting can only have as a result that the person concerned, who is found later in another Member State, will be sent back to the former Member State, one can reasonably doubt if the authorities of the first State will be very willing to execute the Eurodac Regulation."

Although Brouwer's statement may be in accordance with the findings of the Greek case study, this tendency of border-zone member states to avoid the execution of the Eurodac regulation may also be the product of inability rather than unwillingness. Above all the Greek authorities and NGOs have to face the refusal of bodies in mobility to inscribe themselves into the pre-given identities of asylum seekers, immigrants or refugees and to regularise their stay in places that they have defined as transitional. Once in these places, their mobility revolves around strategies to avoid stasis and make possible movement that allows them to eventually leave, find employment,and get papers elsewhere. Although most of these bodies have been fingerprinted at the borders, this does not seem to predetermine their possibilities of crossing over the border again towards other European destinations. On the contrary, applying for asylum or getting the temporary status for humanitarian reasons (pink card) in Greece[40] is perceived as a strategy that provides them with certain temporary privileges, such as non deportability, but also health care or

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39 Today the so-called disproportionate burden on countries that happen to be located at the EU's external borders and have to deal with its control and protection against the arrival of irregular immigrants should additionally become complemented by the European external border surveillance system (EUROSUR) and the project (supported by the Commission) to create a Common European Border Guard.
40 See footnote 34.

temporary legal status. Nonetheless, this type of security interrupts their movement and makes them more easily traceable, idenitifiable and categorisable within EURODAC, in other words it renders them immediately subject to control. In migrant routes, therefore, Greece is mapped as a transit space, where one has to avoid the pitfalls of being identified before crossing the border again, even if that means that one has to go through without getting proper health care, or to be constantly under the threat of digital deportability.

What should be stressed, however, is that for bodies in mobility the greatest threat appears to be the possibility of being digitally fingerprinted in a precise and accurate manner; in a way that fingerprints will be traceable in different databases all over Europe and a hit would force them to return. Digital fingerprinting becomes a much more significant threat than physical arrest or imprisonment, precisely because it is internalised. Bodies in mobility under this threat learn that they should constantly avoid any procedure that may lead them in front of this possibility, including the chance to apply for asylum, to go to the hospital or register their children to school.

Nevertheless one could never know if fingerprinting will be in fact successful, or, given the temporary moratorium on returns, if a hit will ultimately lead to a return. As Rastaman, a migrant interviewed in Igoumenitsa explained, "the others who were with me were 'fingered' on paper; I was too. But I do not know why, maybe because the print of my fingers was not good enough or anything, I also had to stick my fingers into a small machine with a glass to put my fingers on. I know that most of the fingerprints do not matter so much. I know two Sudanese people from 'the Mountain' who made it a week ago over the Adriatic Sea to Germany. We were all together in the prison of Pagani. Obviously, there was no problem with their fingerprints in Germany. People never tell that they come via Greece." Digital fingerprinting functions in that sense, as a surveillance mechanism. Much like the panopticon, which maybe empty, one never knows if the digital mechanisms of surveillance are in fact working properly, if data will be lost or unsuccessfully registered in the system. In other words, one never knows if the gesture of fingerprinting is in fact an empty gesture.

The mode of operation of the European border regime is based on observation and acting, surveillance and control. Its aim is not the impossible, unachievable prevention of migration, but rather the the command of migration flows within and towards Europe. Accounting for Eurodac as part of the European migration regime that aims at transforming mobility into politics, our investigation on Eurodac-actor networks, or *agencements*, or, as Haggerty and Ericson (2000) suggest, as surveillance assemblages, always has to include a reading of both logics at once: the functional logic of technology itself, and the political logics of Schengen and Dublin II. In other words, our visits in the control centres of Eurodac taught us that Eurodac

works its effect, as Irma van der Ploeg repeatedly suggests, by being connected to other technologies, practices, systems, institutions and conventions (2005: 2, 13; 1999a: 43; 1999b: 296, 300-301). Most importantly, there is one crucial actor network that has to be taken into account, that is a network of bodies in mobility, a network of migrant actors, whose movement is enabled by means of digital technologies.

4. "This is not Europe!" – The Dublin II crisis and the assertion of a border conflict

In April 2011 we went for the first time to Igoumenitsa for field research. It is the last small Greek port city opposite Italy, near the border with Albania. However, as it became clear to us when we traveled there from Athens, the border zone begins much earlier, much further inland. Shortly after the service bus from Athens has passed the small town of Agrinio, it was stopped by the border police. Several police officers, including one in civil clothes, entered the bus and checked the papers of some passengers, apparently selected because they looked suspicious of being transit migrants. The atmosphere in the bus became suddenly very tense. A family with two children sitting behind us was required to reply to the police in English about their intention to stay in Igoumenitsa. They declared that they were going there for holidays.[41] Apparently the father has come to Greece from Italy to pick up his family via Igoumenitsa. In contrast to his own valid Italian residence permit, the papers of the woman and the children were not entirely legal, as we understood from the remarks that the police officers exchanged in Greek. Finally, the superior officer in civil clothes decided to let the family go and continue their journey. He commented in Greek: "This is complicated: they are a family".[42] And so, they have been waved through by the police. Things were different for four male passengers. They had to get off the bus, their luggage examined and they were taken to the local police station for further investigation whilst the bus continued its route.

The next day we met two of the apprehended men again on the edge of the road at the port of Igoumenitsa. They recognised us and we presented ourselves as researchers. One of them told us that the other day they had all been brought to the police station where their papers were checked. After a few hours, himself and another Iraqi were brought back to the main road and released. They had to buy another bus ticket. "We are here now, homeless", he said, "because we don't have any money left".[43] The second man remained silent during the whole time of our conversation. He had a terrified expression in his face, holding tightly a plastic bag, which was his only

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41 As we entered the bus in Athens we didn't ask ourselves whether we would travel together with transit migrants or not and we didn't ask ourselves whether the border will start to be sensed already on the way to Igoumenitsa. In other words, we were not aware of the fact that we were already situated within the field and not on our way to arrive there. While the family with their behaviour as tourists were also in our view visibly alien we realised only later and in the moment when the police stopped the bus that we were placed in the midst of a regime of gaze that differenciates between Greeks and migrants. Our faculty of seeing and recognising the migrants started exactly when the police was in the position to do so.

42 Participant observation 16/04/2011.

43 Interview in Igoumenitsa, 17/04/2011.

luggage. His comrade told us his story: He was on his way back to Sweden where he had lived for 14 years and from where he had been deported to Iraq. He declared that he had a girlfriend and a child in Sweden. He recounted that in Orestiada, one of the first Greek towns at the border with Turkey, there is a popular saying : "If you take asylum, then you get fingers and you can get nowhere anymore."[44]

During the following days we came frequently across the same tale about the route via Orestiada and fingerprinting. One migrant drew rectangular boxes in the gravel with a stone to illustrate to us the way in which he was fingerprinted in Orestiada. Yet, not all migrants who told us about this route were in as much despair as the two men from Iraq. Most of the young men, especially from North Africa, that we met in spring 2011 in Igoumenitsa, first expressed their indignation towards us: "Greece is not Europe". – "This is not Europe". – "C'est la poubelle de l'Europe" / "This is Europe's garbage". And then the heightening: "C'est la poubelle de la poubelle de l'Europe". / "This is the garbage of the garbage of Europe".[45] As one of them explained, "I'm here and I will move on to Europe".

We mostly communicated in French and rarely in Greek. Many migrants were on their way to France, to meet their families. All were outraged and showed us their documents and papers. Two Algerians told us that they had been registered as Moroccans. A Tunisian had been registered as an Afghan. Some recounted upset and scandalised the story of an Algerian who was registered as a Sudanese whereas he was visibly white. An Algerian showed his exit documents and explained with indignation that while he declared that he was 33 years old, he was registered as a 26 year old and instead of his Algerian origin he was registered as Moroccan.[46] If we accept the sincerity of these statements, declarations and affects, we must admit that for most of these migrants these were not their first experiences in Europe. They were not "new arrivals"; they knew very well where and what Europe is. To be sure, they were on the road, but whilst on the road, they were above all enraged to be retained in a strange place that in their view was certainly not located in Europe.

For them, the space in which they found themselves was a border. The following picture from a graffiti was taken in the street along the port in Igoumenitsa, where hundreds of migrants from the Maghreb circled in small groups and confronted the prospect of moving out with the self-esteem and the freedom of the Arab spring movements.

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44 Interview in Igoumenitsa, 17/04/2011.

45 Interview in Igoumenitsa, 17/04/2011.

46 It is worth noting here that if a fingerprint of an asylum seeker is found in Eurodac that does not correspond with the identity that the asylum seeker declares during the asylum interview then the procedure stops and the asylum seeker has to prove that he did not falsify evidence in order to pass to another country.

© Kuster/Tsianos 2011

This picture was taken in April 2011, when we talked to these transit migrants going back and forth along the wall, on which, as they translated to us, some of their predecessors had written a graffiti in Arabic with the tag "Morocco". It was not too long ago that the government of Silvio Berlusconi issued 25.000 residence permits for the Tunisians arriving in Italy (Perrin 2011). This became the most notorious rupture with the principle of first entry as was established with the Dublin II Regulation. France responded immediately to this event with a closure of the border with Italy, and subsequently re-introduced border controls, which were valid only for a short period. On the 1st of July 2011, Denmark introduced controls at the border with Germany.

On the 16th of September 2011, the European Commission published a notification (COM(2011) 561 final, 16/09/2011), in which they called for a reduction of the operative power of member states to re-introduce border control for a restricted time. This communication demanded also that infringements should be brought to justice. In doing so, the Commission claimed a core competence for itself, namely the overall supervision of the Schengen system. A particular furor was caused by the proposal of a so-called "Greek clause" contained therein. This clause should have facilitated the temporal suspension of a member state, in the case of its insufficient securing of the external borders. Even though this proposal by the Commission has not yet been formally adopted, as it has not received majority support, it nevertheless was indicative of the pressures to reform the Schengen Convention.[47]

The Schengen crisis or more precisely the Dublin II crisis has deepened ever since 2011. In our analysis we wish to point out to the unexpected

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47 See for instance Ska Keller (2012), MEP, LIBE Blitzlicht, monthly newsletter, MdEP, Grüne/EFA in the European parliament, July 2012. Here, the Schengen blockade by the European parliament is announced.

emergence of a disintegration dynamic in migration politics and border control policies in the EU. The first signs of such dynamics can be found already much earlier. In January 2011, for instance, the German federal constitutional court ordered a revision of the Dublin II regulation. This act legitimised the potential to revise the framework of the common European immigration and asylum policy. With the MSS case against Greece and Belgium, the European Court of Human Rights issued also a clear decision against Dublin II.[48] These are just two prominent examples among many others, in which the key line of the Dublin II regulation, namely the so-called principle of the "first entry" was legally and actually abrogated. The Member States had to acknowledge that in Greece and Italy, there was *de facto* no asylum system. But more importantly, during this process of suspension of the Dublin II procedures, we can identify an important bifurcation: the disconnection of Dublin II from Eurodac. In other words, the gap between the technologies of control (Eurodac) and the rationale of control (Dublin II) is widening.

The paradox is that while the Dublin II Regulation is currently under question, Eurodac continues to be considered as a very successful mechanism. And indeed this tendency is not new, as the following narrative on destroyed fingertips by Dr Rinaldi from the Italian AFIS shows: "It was in 2007, when we had large migration flows, that most migrants with destroyed fingertips came from the Horn of Africa and were arriving in Lampedusa, where they tried to elude fingerprinting registration by damaging their fingerprint ridges".[49]. This description is supported by the testimony of another fingerprint expert that we interviewed in the Gabinetto of Bari: "I have been employed in 2008 in Lampedusa, and to me personally it has happened that a large number of Somali and Eritrean citizens arrived with their fingerprints cut off. Some were burned, others cut the day before. Their wounds were exposed".[50] According to Dr Rinaldi, it was the aim of the new arrivals to pass without registration through Italy and to seek for asylum in the UK. Obviously this was a route. Interestingly enough, what was omitted from Dr Rinaldi's account was the Dublin II cases and eventual appeals against Dublin II procedures that were linked to this route.

Faced with these attempts to create a route that subverts Eurodac control (in this case from the Horn of Africa via Libya and Italy to the UK), a solution was found. Dr Rinaldi reported an "important operation by the Ministry of Justice to modify the penal law".[51] With Article 495 ter, a new criminal offence concerning fraudulent modifications of physical characteristics that serve

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48 See the whole decision on GRAND CHAMBER, CASE OF M.S.S. v. BELGIUM AND GREECE (Application no. 30696/09), Strasbourg, 21/01/2011; available online at http://www.statewatch.org/news/2011/jan/echr-judgment-mss-v-belgium-greece.pdf
49 Interview with Dr Lorenzo Rinaldi from the AFIS in Rome, 12/12/2011.
50 Interview, Bari, 26/4/2012.
51 Interview with Dr Lorenzo Rinaldi from the AFIS in Rome, 12/12/2011.

identification purposes has been constituted.[52] Still according to Dr Rinaldi, the introduction of this crime in 2008 in combination with the introduction of palm prints in the national identity screening context,[53] have successfully reduced the phenomenon. An allegedly neutral technology, such as Eurodac, provided the ground for the criminalisation of an activity that turned into a visible phenomenon or occured only in the context of registration procedures linked to Eurodac. Moreover, if we trust the remarksof our interviewee, this has even led to a dubious practice: "So when people present themselves with modified fingertips, they are kept under custody in places, such as for instance in the camp in Lampedusa, because it only takes a few days until the skin texture, the ridges become again somewhat recognisable. Our skin has two layers, epidermal layer and the subcutaneous layer. If you don't touch the hypodermis (...), the fingerprints regenerate."[54] The legality of these practices, however, is currently the object of an ongoing inspection by the Eurodac Supervision Coordination Group. The corresponding results are expected at the end of 2012.[55]

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52 Dr Rinaldi refers here to the law number 242 on an initiative undertaken by the senators Martinat and Pontone from 2008. It is a directive partly in the matter of criminal offenses linked to illegal immigration ("Disposizioni in materia di reati connessi all'immigrazione clandestina e al commercio di sostanze stupefacenti"). Under Art. 3. it comprises a modification of the criminal law saying that Art. 495 is supplemented by 495-1 concerning "fraudulent alteration or mutilation of the papillary ridges of fingertips or other body parts useful for identification or for determining of their own personal characteristics or the ones of other persons". See:
http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Ddlpres&leg=16&id=00301773&part=doc_dc-articolato_ddl-art_a3macp&parse=no.
53 The palms are much more difficult to alter than the fingertips.
54 Interview with Dr Lorenzo Rinaldi from the AFIS in Rome, 12/12/2011.
55 For more on this issue, see paragraph 10.2., in this report.

5. "The glass is dangerous"

It is of historical significance that Eurodac was developed, created and implemented in response to the turbulences created by migration in Europe at the end of the 1990s and the early 2000s. At the time, the publicity of "asylum shopping" was high, especially in central Western European countries. Referring to this very particular moment, Mrs. Ormiston spoke about "a proper dismantling of the asylum systems in Europe". In many respects, Eurodac was an experiment that addressed the asylum crisis. In order for it to go online, new rules had to be invented and implemented. Mrs. Ormiston, who as IT Manager was part of this process, emphasised that the political interference in the case of Eurodac was unprecedented and was never again repeated in the creation of similar databases developed afterwards..[56]

In contrast to the immediate response of the regimes of surveillance and control, which, according to Mrs Ormiston, strengthened the asylum system[57], in migration studies there are far too often prevailing conceptualisations which fully decouple migrants from the regimes of surveillance and control. This is probably the reason why in the research on Eurodac, mobility and migrants as actors are implicitly considered as largely irrelevant and hardly worthy of taking into account. Thus, a form of knowledge production emerges in which a Manichean image prevails that runs the risk of contributing to an "escalating dialectic of control", as Peter Shields (2010: 277) puts it. This form of knowledge is based on the diagnosis of certain symptoms (e.g. a heavy reliance on technical solutions to the policing of borders) that analyses intend to cure. In contrast, conducting research on actor-networks, in which information about migration and its control circulate, means to adopt the perspective of migration and use an ethnographic border regime analysis (Pieper / Kuster / Tsianos 2011). This is why migrant practices and the meanings that transit migrants attach in their narratives to the removal of their fingerprints play a crucial and privileged role in our own actor-network analysis of Eurodac. Hence our insistence on looking at the internal complexity of the digital border and the emergence of the current conflict over borders from the perspective of migration. Migration comes first. Movement comes before its control.

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56 Interview at Safran Morpho, Paris, 27/01/2012. Mrs Ormistone pointed out that data quality was a priority concern for Eurodac, according to the motto "rather miss people than make a false hit!" In contrast, in the German BKA we were rather critically alluded to the high score of negative hits within Eurodac.

57 Mrs Ormistone explained this with the possibility to prove something with the help of the finger. The entire asylum affair becomes therefore less overwhelmed by ideological considerations and debates about abuses (Interview at Safran Morpho, Paris, 27/01/2012).

During our stay in Igoumenitsa in 2011 we visited the informal camp inhabited almost exclusively by male transit migrants. The camp, called by its inhabitants as "the Mountain", was situated on the edge of the town on a slope, directly above the access road to the harbor. There, Rastaman came towards us, asked for a cigarette, and told us about his journey. From Sudan, via Syria, Lebanon, Turkey, in November 2009 the Greek island of Lesvos, and finally he got here. In Lesvos, he was arrested after few days and then detained in the prison of Paganì for about a week. Like all the other people there, he was interviewed, photographed, and "fingered". "Fingered" is the corresponding term in the international English language, the slang that newly arriving migrants on the mountain use in order to spread the word among themselves and with people from other communities, including people like us. Rastaman explained that all those who had been in Paganì with him, himself included, had been fingered on paper. He did not know why, "maybe because his prints were not clear enough", he was asked to keep his fingers into a rather small machine with a glass plate. He explained that he knew that not all fingerprints were important. On the "Mountain" he met two Sudanese, who made it across the Adriatic Sea and then, a week ago, they arrived in Germany. Obviously there was no problem in Germany with their fingerprints. He also said that he knew from many conversations and experiences that the Greeks were not too meticulous in their approach to "fingering". Rastaman wanted to go to England, where he had friends and family. His eyes were fixed on the harbour. He was waiting for the right moment. There were always people who made it. If you go away from the "Mountain", you write your name and phone number on the wall of the bridge to the harbor.[58]

The narrative of another migrant from the "Mountain" is also revealing of the circulation of knowledge on how to avoid being registered through the usage of digital consumer tools: "I used GPS with a small antenna and bluetooth for crossing the border in Evros. I went alone through unknown ways. I didn't want to use those routes the smugglers use for crossing over migrant groups, because these are well-known to the police. If you go in a group you rather risk to be registered. I didn't want to be registered, that's why I went on foot alone during four days and I'm not registered."[59] Digital consumer tools can be of use in another way too. A professional from Sudan told us that he started his journey with three phones, a BlackBerry, an iPhone and a third one and sold them one by one along the way whenever he was in need of money.[60]

The migrants we met in Igoumenitsa, who did not come to Greece through the islands, made the passage from Istanbul through the Evros river. Most of them had been fingered on paper in Orestiada. Kamal, another migrant, told

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58 Interview in Igoumenitsa, 19/04/2011.
59 Interview in Igoumenitsa, 18/04/2011.
60 Interview in Igoumenitsa, 19/04/2011.

us that he crossed the border there with a taxi, to avoid being fingered. At that time he could afford it: "The glass is dangerous, the paper often isn't dangerous. If one is fingered on paper, there is a chance".[61] Kamal declared that he wasn't registered so far. When we met, his trip from Iraqi Kurdistan towards Europe was already lasting nine months.

All of the migrants with whom we talked in Igoumenitsa and in Athens were well aware of the realities of fingerprinting and the fact that being fingerprinted on the Greek-Turkish border does not necessarily mean that one's fingerprints' will be registered in Eurodac. Migrants did not necessarily use the term "Eurodac", but "fingers" and "paper" in constrast to "machines". "When fingered by a machine, one risks to be sent back". This tip seems to be part of the information circulating among migrants and, at this point, we also allude to the fact that the validity of this knowledge was not refuted by the numerous expert interviews we held. However, as a migrant, one never achieves absolute certainty, one is always uncertain, as the following narrative demonstrates. Adam, whom we met in Igoumenitsa, had been fingerprinted on paper in Samos, whereas other migrants who were with him were fingerprinted on glass. It was unclear to him why some were fingerprinted only on paper and others additionally on glass. Adam has seen the machine and describes it as "a small machine, looking like an answering machine, but one where you slide your finger inside". However, he explained that he had friends who were fingered by the glass machine in Samos and finally managed to get asylum in the Netherlands, and someone in England.[62]

Also in Italy we came repeatedly across the phrase "the glass is dangerous", as the following account from Mussa to whom we talked to in Bari, shows. He applied for asylum in Venice and was fingerprinted on that occasion: "It was very different than in Greece", Mussa began. On the question if the procedure to take fingerprints was explained to him by the police officers, Mussa replied: "Yes, they said when you apply for asylum you have to leave your fingerprints. It is obligatory to provide your personal data"; and he continued, "they explained that afterwards it will not be possible any more to apply for asylum in another country. We were already afraid of that, because we already had our fingers in Greece. Of course we were hiding it, we didn't say a word about Greece. But we were afraid, we always feared that they would discover our fingerprints in Greece and that as a consequence we would have to go back to Greece. This was a lasting anxiety. And in the end, they found our fingers". Mussa was transferred to Bari, where one day, during the preparation to go to the Asylum Committee, his fingerprints were found by the police. In the end, this did not affect his asylum application and he got the residence permit for humanitarian protection. Mussa, who arrived in Italy

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61 Interview in Igoumenitsa, 19/04/2011.
62 Interview in Igoumenitsa, 20/04/2011.

in 2006, told us that he thinks that meanwhile the authorities have become more strict.

All these migrant stories about the glass seem to provide further evidence of the fact that migration constitutes a self-reflexive part of the information and control continuum, which always encompasses two modes of exclusion: the exclusion *from* registration and documentation, and the exclusion *through* registration and documentation (Broeders 2011). The modulation of these two processes of exclusion and their flexible and movable interplay gives rise to cycles of "digital deportability", thus, the extension of the risks of mobility to the whole area enclosed by the Schengen border and beyond. However, as we will show in the next paragraph, digital deportability leads not only to dispersion (due to the smooth space of digital hypermobility and data fluidity which results into deportability becoming ubiquitously possible) but essentially to a proliferation of the European border that leads to the multiplication of border zones.

Two lawyers working for the Greek Council for Refugees[63], the oldest and largest NGO specializing in asylum seeker and refugee assistance, support and protection in the country told us the following: "In 2007, two brothers arrived at the island of Chios; one of them managed to arrive in the Netherlands. He was never found, because they never found his fingerprints. The other brother arrived in the Netherlands and he was caught. Of course, we have to see the difference: The second one, the one whose fingerprints were found and subsequently sent back, was arrested a while ago in Athens and he applied for asylum in Petrou Rali. It is different if you are fingerprinted in Petrou Rali or on the borders. I don't remember if in 2007 Chios had this machine[64] or if they took the fingerprints on paper, but there are many cases where people who were arriving in Athens were not fingerprinted or some fingerprints were not included in the courier sent from the islands".[65] For most of the migrants we have spoken to, it was clear that the most decisive fingerprinting occurs in relation to asylum applications. In difference to other forms of registration this one is almost with certainty registered in Eurodac under category 1. Thus, as a registered asylum seeker one really runs the risk of being returned, when traveling on in another EU country and being caught there. But not even one of our interviewees in Greece had applied for asylum. As many migrants in Athens explained to us, the main reason for them to try get away from police controls and possible arrests was not only to avoid expulsion, but mainly to avoid being forced to apply for asylum.[66] Thus, from the perspective of digital deportability, the borderline is not only located in

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63 http://www.gcr.gr/

64 As we know from our research with representatives of the competent authorities, there was no such machine at that time.

65 Interview with lawyers from the Greek Council for Refugees, Athens, 13/03/2011.

66 Focus group with Afghani women, Athens, 29/03/2012.

Orestiada, Mytilini, Patras, Brindisi, Bari or Igoumenitsa, but – as an Afghan woman told us – "Athens is the border".[67]

However, the reconstruction of migrant routes, as we were able to trace them in this chapter with the help of their narratives, seems to show remarkable conceptual similarities with the reconstruction of routes enabled by Eurodac itself. However, migrant routes differ radically, at least in the materialisation of their representation: the tunnel that underpasses the road to the harbour is at the same time the route that one must follow in order to climb the mountain. It serves as a display that contains routes, traces and possibilities for (re)connection. As the photograph shows, its walls are full of messages, namely names, places of origin, telephone numbers and data written or notched into the concrete. One does this in order not to leave a trace that would not fade away after departure. One leaves behind contact details and tracks, so that others could reconstruct an itinerary. Points are connected, threads are weaved. In the close-up view, migration is not a vector line.

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67 Interview with two Afghan women, Athens, 03/05/2012.

6.   Disembarking on the Italian Coast

Usually, when a migrant is picked up by the police, his or her fingerprints are scanned. In Puglia, on the Adriatic coast this happens in several places: police headquarters, identification and expulsion centres (Cie), reception centres for asylum seekers (Cara), airports, ports and also in the areas of landing of small boats and dinghies on the coast of Salento – the area around Lecce – during the summer and the fall when there are many arrivals. In periods of emergency – as during the so-called "humanitarian crisis" of 2011, when thousands of North African migrants, mainly from Tunisia, arrived in Italy, the Scientific Police in Puglia has worked intensively on the identification of migrants who arrived on the coasts of Sicily and Lampedusa. In fact, the police arrested and sent migrants in several identification centres across the country, therefore also in Puglia. Usually, however, migrants who land in Salento are brought to the identification centre located within the reception center of Don Tonino Bello to be fingerprinted[68] and then sent to reception centres of the region, according to the availability of places. In Puglia the main centre for identification and fingerprinting is the interregional Gabinetto (cabinet office) of Scientific Police for Puglia and Basilicata.[69]

From our fieldwork it became clear that in Puglia, the possibility to ask for asylum depends on the way, in which migrants arrive on the coast of Italy. In the case of arrivals with makeshift watercrafts, such as sailing boats, speedboats or dinghies, migrants are not easily returned in the country from which they departed, because – according to maritime laws – the watercrafts on which they sail are not considered safe; additionally, it cannot be determined with certainty from which country they have left (Greece, Turkey, or Maghreb countries). Our fieldwork showed that migrants who arrived this way were more likely to make an asylum application. For instance, if they claimed to have arrived from Turkey, in principle they could not be sent back to Greece. They were identified, fingerprinted and eventually they applied for asylum. Usually those landings take place in the region of Salento, the seaside area around Lecce. The boats are quite small and contain 30-50 persons at a time. Generally, the landings take place mostly during the summer and the fall, when the weather conditions are better for sailing.

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68 The role of the reception centers / "centri di accoglienza" (CDA) for the first identification of migrants differs significantly from Cie and Cara. See the list of all Italian CDA on the site of the Ministry of Interior:
http://www.interno.gov.it/mininterno/export/sites/default/it/temi/immigrazione/sottotema006.html.
69 As we have seen earlier, there are 14 regional and interregional Gabinetti of the Scientific Police: in Ancona, Bari, Bologna, Cagliari, Catania, Firenze, Genova, Milano, Napoli, Padova, Palermo, Reggio Calabria, Roma, Torino. Moreover there are 89 provincial Gabinetti in 103 provincial administrations.

In contrast, the migrants discovered hidden in the trucks on scheduled ferry-boats coming from Greece to the ports of Puglia are immediately sent back to Greece, usually without having any chance to ask for asylum. "They are not really identified neither fingerprinted", Erminia Rizzi, member of the association GLR (Gruppo lavoro rifugiati / Refugees Working Group), states.[70] Italy continues to apply the 1999 bilateral convention that enables "readmission without formalities based on the captain's judgement" (Maccanico 2010). Andrea Zitani, lawyer of CIR (Italian Council for Refugees) in Bari, which was running the migrant front office inside the port of Bari until 2010, explains that only in very few and rare cases police officers have permitted migrants on ferry-boat coming from Greece to get access to the procedure of asylum.[71] Police officers in the port of Bari state that they allow migrants to arrive on the Italian territory and apply for asylum only if the migrants give themselves up to the police and if they are not discovered hidden on a truck. They also point to the fact that they do not fingerprint the ones discovered in the ports and neither do they check their identities, because they lack of staff and time.[72] On the other side, many migrants and associations working with them, such as the GLR or the Venetian network Tuttiidirittiumanipertutti, state that migrants coming from Greece are not informed about their rights (including the right to an independent translator) and they are readily sent back to Patras and Igoumenitsa. In the area of disembarcation no NGOs or migrant associations have the right to enter and witness the controls and the procedures.[73] Since 2010, even representatives of the UNHCR have a limited access. "The Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security decided on the exclusive access for police police officers in this area. They can only enter into the ships to check the presence of migrants", Andrea Zitani, lawyer of CIR, explains.[74] An Afghan translator, who works in Puglia for different NGOs in the field of asylum seekers, told us: "When migrants land on the coast of Calabria in small boats and dinghies, they are sent back to Greece. A migrant told me that once he arrived in Calabria, the police deceived them saying that they were transported to Cara reception centre in Puglia. It was terrible. They were deceived until they arrived in the

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70 Interview of 24/5/2011. GLR exists since 1997 and is very active in Bari. The members are all volunteers who work with asylum seekers and minors. The main concern of the association is helping migrants to prepare the documentation for the asylum application.
71 Interview of 25/5/2011.
72 Interview of 26/4/2012.
73 In Italy there are anti-racist associations who work in the field of asylum and freedom of movement. For the Adriatic cost the work of the following groups is significant: the network "Tuttiidirittiumanipertutti", based in Venice, "Ambasciata dei diritti" in Ancona, (http://ambasciatadeidiritti.blogspot.it/), and "Gruppo lavoro rifugiati" / GLR in Bari. "Rete Iside" in Bari runs an office inside the port and offers legal advice, but it is far away from the place where the ferries from Greece arrive.
74 Interview of 25/5/2011. In Italy the Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security was intergrated in law in 2007. See: http://www.parlamento.it/parlam/leggi/deleghe/07203dl.htm.

port of Patras in Greece. And even there, when the boat arrived in Patras, the police told them they were arriving in the Cara of Bari."[75]

Obviously, the police deduces a kind of pre-categorisation of arriving migrants according to the three categories of Eurodac, that they base on an interpretation of the (attempted) way of arrival (on ferry-boats or dinghies, from Turkey or Greece, on the docks in the port, on the seaside, on a main road, under a truck or on the sea[76]). This in turn, as it seems, sets into operation the corresponding appropriate law enforcement practices before the actual digital recording takes place: transfer, return, detention, distribution in so-called reception centres etc. For one thing, this situation is paradigmatic of the figure of the twofold exclusion suggested by Broeders (2011). The practice of deception mentioned above demonstrates this in a particularly striking way. Second, in anticipating the occurrence of digital control or by bypassing the adoption of digital surveillance technology, the vested consequences of digital control instruments are directly and without a detour implemented. What we see here is the preemptive impact of digital control. These preemptive practices are not necessarily kept aloof from the production of data, as the following example shows; they rather occur in the offside of digital control.

To better understand the operations in the border zone of the Adriatic Sea, the legal basis for refusals of arrivals and the rejections and returns from Italy to Greece and, above all, to learn what happens to those people when they arrive in Greece, the social scientist Allessandra Sciurba (from the Venetian anti-racist network Melting Pot) travelled in 2010 from Venice to Igoumenitsa, in order to conduct an interview with a port police officer. This officer pointed to a contradiction: in his view the Schengen Agreement is superior to the bilateral agreement between Italy and Greece, according to which the returns are executed. He pointed out: "For instance, Italy does not even know if what they do are readmissions or rejections. They write 'readmission' in order to try to comply with Schengen, but in reality these are rejections. (...) The most serious problem for us is that no one officially said how and from where these people came into Italy and then return to Greece. (...) You see? Not even an original document! Only this paper that is put in the hands of the captain of the boat in order to give it to us!" The paper that this police officer showed to Sciurba was the photocopy of a statement of the border police in Brindisi, a readmission without names, but only the year of birth of the candidate for rejection: 1992 (Sciurba 2010).

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75 Interview with an Afghan translator who works in Puglia for different NGO's in the field of asylum seekers, 25/5/2011.
76 When caught at sea, people are not even allowed to disembark and their number cannot be estimated as they are not recorded (Maccanico 2010).

6.1. Interior Views from the Identity Screening in Puglia

The complete procedure of filling in an identity screening form takes only 9-10 minutes, if all the phases of identification are well organised and if there is cooperation from the migrants, explains Dr Perrone, who also states that fingerprinting is a procedure which is not dependent on the will of the individual. His awkward description of the fingerprinting situation speaks for itself: "It is not a practice or a procedure that depends on the graciousness of the individual. So, much better if there is cooperation, otherwise we proceed anyway in some way, always trying to proportionate [violence] and keep it to an irrefutable minimum, just enough to overcome the lack of cooperation by the individual subject. You intervene by force without thinking about who knows what, how much is enough, the bare minimum, if [the person] is not willing to extend his or her hand, I hold it myself with both my hands".[77]

From our fieldwork it emerges that while members of the Scientific Police state that migrants participate willingly in the process of fingerprinting, with rare cases of resistance which are easily resolved, the narratives of migrants describe different scenarios. This is an excerpt from an interview with an Afghan asylum seeker, currently living in the center for asylum seekers in Bari. He arrived in Italy by boat on the coast of Calabria, where he was fingerprinted the first time for irregular border crossing: "There were many who didn't want to leave fingerprints. There was a woman with a son who pretended to be sick and would not leave fingerprints. They were nevertheless taken to the hospital to see if they were sick or if they were pretending it. In the end, however, their fingerprints have been taken. Only one succeeded to escape without being fingerprinted, because when they called him he did not answer or said that he was in the bathroom." When we asked about the police behaviour towards migrants, he explained that they were nice with those who agreed to leave fingerprints, but with those "who made troubles they were not so well."[78] During the interview, the Afghan translator, who works in Puglia for different NGOs in the field of asylum seekers, added: "They close them in a room and beat them. Very often, there is no interpreter. They scare them by saying 'we take you to a place where there are all those who did not want to give fingerprints. And then we apply the readmission or we send you directly to Afghanistan.' [...] When migrants asked the reason for which they have to leave their fingerprints, they only explain: after you have left them, you can go wherever you want in Italy, or even abroad. You can still apply for asylum everywhere, but you should leave your fingerprints now."[79] According to many migrants and associations who work with them, the Italian police generally says to the migrants that it is

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77 Interview of 26/4/2012, Bari.
78 Interview, Bari, 10/10/2011.
79 Interview, Bari, 10/10/2011.

obligatory to leave the fingerprints, but it is not well explained how the procedure works, and why they should leave their fingerprints.

7. The Adriatic Sea: The "Guardians of the Gate" in conflict with each other

7.1. The practices of return described from both sides

The port of Bari is one of the main access points from Greece to Italy and an important node in the Adriatic Sea. According to the data of the police office of the port, in 2011, 5374 ships (ferry boats, merchant ships, cruise liners) moored in the harbour. That same year, almost 2400 so-called Third Country Nationals have been denied entry on the Italian territory; this cipher contains not only persons who are registered as immigrants about to enter the Italian territory illegally, but also persons who were identified as presumably guilty of a crime. Persons returned to Greece in 2011 were 648.[80] About a hundred of them were apprehended with forged identity documents, while the others were found hidden in trucks. Generally, the migrants who travel hidden inside trucks are men. Different from what happens with ships coming from extra Schengen areas when cars and passengers are carefully checked, people and means of transport from Greece undergo sample surveys. Border police officers do only random checks on identity papers and motor vehicles. According to some of them the choice of which passengers to check is based on physical features. One port officer in civilian clothes stated: "We have learned to recognize the illegals from their face".[81]

When a truck is considered suspicious, it is sent to the scanner of the customs to verify if there are illegal goods (cigarettes, weapons, drugs) or people inside. The staff tells of weekly and even daily findings of migrants found among the goods or under the floorboards of the truck. For example in March 2012 three groups of migrants all coming from Afghanistan were identified: one of 18 people, another of 35 and a third one of 41. In all three cases, everybody was returned to Greece. During our visit in the port an in-official photo archive was showed to us - set up by the staff working with the scanner for internal use. It showed pictures of singular migrants but also of groups of 30-40-50 people hidden in trucks. Usually the big groups stay in a "secret room" covered by goods which can be equipped with ventilation system, light and benches on all sides.

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80 To compare: in the year 2008, 1.198 persons were returned according to the readmission agreement to Greece from Bari. See: Fortress Europe Blog, 29 April 2009, „Patras: ECHR declared admissible the case of 35 refugees deported from Italy". Available at: http://fortresseurope.blogspot.de/2006/01/patras-echr-declared-admissible-case-of.html.
81 Participant observation in the port of Bari, 27/04/2012.

During our visit in the Port of Bari the police officials told us, that they do not open the truck when their scanner detects the presence of human bodies. Instead, they send the truck back to Greece with the same ferry boat, often the same evening. Still and only on the boat, migrants go through a perfunctory identification which doesn't include fingerprinting. The police fills out a "request to the commander of M/V to take immediately on board and take back to another country non EU nationals inadmissible into Italian territory".[82] The officers interviewed argue that the "illegals" handed over to the captains are not locked in a cell, but brought to a room on the ship and remain under surveillance by Italian policemen until the boat's departure. When a big crowd is to be returned to Greece, Italian officers accompany them until the ship arrives at the port of Igoumenitsa or Patras. "In Greece there are very few controls. As we return them, they are left free, free to come to Italy again. I once escorted a group of immigrants, but the next morning I saw one of them who greeted me from the quay", an Italian police officer states.[83]

View over the harbour of Igoumenitsa
© Kuster/Tsianos 2011

Seen from the other side, this description is directly countered. "The Italians apply Schengen in a highly restrictive way", states a border police officer in the course of our interview at the port of Igoumenitsa.[84] The returns that take place according to the readmission agreement between Italy and Greece enable "readmission without formalities based on the captain's judgement" (Maccanico 2010) and are executed via an accelerated procedure. "The clandestines who are picked up by the border police inside the port area are asked to show their papers and indicate their names. They are not asked whether or not they want to apply for asylum in Italy. Name, year of birth and country of origin are recorded by the police and with the next possible ferry boat they are shipped back to Greece. Often, we had here clandestines with

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82 This was the literal wording of the English form, that the police showed us in Bari.
83 Interview, Bari, 27/04/2012.
84 11/04/2012, Interview with a border police officer responsible for the readmissions from Italy in the port of Igoumenitsa.

tickets on them from Rome or from other European cities. It is obvious that this cases should not be returned, but we accept them".[85]

Although the official readmission points that have been agreed upon by the Italian and the Greek government are the airport of Athens and the port of Patras, readmissions by giving custody to the captain take place in Igoumenitsa on a daily basis. These are informal admissions of Third Country Nationals who are apprehended in official border points - on the ships or in the port area- in contrary to unofficial border points such as for instance the region of Calabria.[86] Usually, there is no official data on this type of readmissions in national registers, but only the records and the documentations of port authorities. Normally, captains countersign a form that includes basic personal data such as the name, nationality, and sometimes date of birth of the subject in question. During our interview in the office of the border police of Igoumenitsa such documents were presented to us for inspection and with the information, that each Italian port would use its own forms in order to practice arbitrary readmissions, as our interviewee emphasised. Most of the forms, on which we had a look were in Italian.[87] "Ancona sends us the persons with a copy of their ticket".[88] On one form from Ancona we had a look at, the category "hidden under the truck" was marked with a cross and complemented with the additional word "Clandestino". The other possibilities for marking the cross were: "Hidden inside the truck", "Has no valid travel documents". This paper further included the note: "Il tribunale di Ancona non poteva intervenire tempestivamente".[89]

The cooperation with the Italian police was improved in the last years; while previously, it was based on improvisation, today they even exchange their personal mobile phone numbers in order to be reachable in the meantime, and there is a competent and constant Italian contact officer in Athens, the border police officer tells.[90] "Formerly, we had cases, in which somebody for instance with the name Tom Cruise appeared in the documents from Italy. They took the liberty of making such kind of jokes. Now that we have to do with each other, such things don't occur any more and the procedures have

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85 Interview 11/04/2012, border police officer, Igoumenitsa.
86 We owe this differentiation to the report by Katerina Tsapopoulou, Marianna Tzederakou and Salinia Stroux. In April and May 2012, Pro Asyl Germany in cooperation with the Greek Council for Refugees conducted a research at the Italian ports of Venice, Ancona, Bari, Brindisi, and Patras. See: Human Cargo. Arbitrary readmissions from the Italian sea ports to Greece, edited by the Greek Council for Refugees, Pro Asyl (Germany), July 2012, 29 pages.
87 Unlike the form of Ancona, the English form from the "Polizia di stato polizia di frontiera Marittima ed aerea Bari" offers as reason for returns the following categories: "Stolen blank documents"- "Forged documents" - "Stolen documents" - "With a report on bail" - "Illegal migrant" - "Hidden in the garage" (Interview 11/04/2012, border police officer, Igoumenitsa).
88 Interview 11/04/2012, border police officer, Igoumenitsa.
89 This was a case in which the ID from Bulgaria was reported as stolen and registered in the SIS (The Schengen Information System).
90 Interview 11/04/2012, border police officer, Igoumenitsa.

become more clean. Here, we take the names of the readmitted persons and we make a request to check them back in the national foreigners file. Normally they have the name. If they don't, we hand the Third Country Nationals over to the police".[91] However, this police officer points to the fact that they, in the port of Igoumenitsa, in contrast to Italy carry out case-by-case examinations. At this, she refers two cases, one of a young black woman, who was sent back to Greece via readmission and summary procedure. Her passport was retained by the Italian border police as being fraudulent. When she arrived here, she complained about the whole treatment and insisted on being a Dutch woman. That's why we established contact with the Dutch embassy in Athens. We've sent her photo and name by fax to the embassy whereupon they confirmed a citizen with such name and looks. So there was clarity almost immediately and we allowed this woman ashamedly to continue her journey."[92] An other case which was used by our interview partner to illustrate the restrictive attitude of the Italian police was about two Algerians. "The alleged that they didn't reach in Italy via Igoumenitsa, but they landed by airplane in Rome. Their lawyers made so much stress, that we initiated an Eurodac search. But the two Algerians were not registered and so we release them. This is a typical case for the approach of the Italians. Actually, we could put them under pressure, but this doesn't make much sense, because as a matter of fact, the majority of the cases who arrive in the Italian ports, come from Greece".[93]

When we asked if fingerprinting and Eurodac identifications are also implemented at the port of Igoumenitsa, the border officer replied: "We only deal with persons who illegally enter the country; Eurodac cases are rather rare for us. Here, we deal merely with false migrants [sic]".[94] In the port of Igoumenitsa there are apparently hardly any operations with Eurodac entries. Rather, the identification operations here are based on "assessment via self-designation" (in Greek: "exakribosi kata dylosi").[95] "Many people have the pink card, which means, they are registered. But they do not carry this document with them so that they cannot be identified in Italy or because they are worried about the document, that they don't want to lose. We retain them here until the pink card is issued anew and sent here."[96] If the person in question is not registered or if his or her identification lasts longer than three days, he or she has to be transferred to the State Security Police. Here, the maximum duration of detention is 30 days.[97] To confirm this point at the

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91 ibid.
92 ibid.
93 ibid.
94 ibid.
95 ibid.
96 ibid.
97 This is also confirmed by our interviews with migrants in Igoumenitsa. A 16 year old Algerian told us for instance that he was imprisoned for one month when returned from the port in Brindisi (Interview in Igoumenitsa, 17/04/2011). Another migrant pointed to the

State Security Police in Igoumenitsa, we interviewed a fingerprint expert, who clarified from the beginning that they don't make any Eurodac registrations. The reasons he gave us the following reasons: "We don't deal explicitly with migration, and you have to know, you cannot simply go and fingerprint somebody, just in very specific situations we receive a police order authorized by law for doing this. Migrants are not fingerprinted if they are not arrested. So, persons who are presumably or demonstrably criminals – for instance because of forged documents or because of a suspicion of trafficking".[98]

The dactyloscopic determination, that is, the production of dactyloscopic data, which apparently serves the purpose of identification (known in jargon as "people ID") is carried out here, at the headquarter of the State Security Police in Igoumenitsa with a beautiful view on the harbour - and somewhere between the juridical spaces and legal areas of arrest, seizure, detention and retainement. Fingerprinting here is conducted without a scanner – that is: only on paper-based data sheets in four copies. One data sheet is delivered with the same service bus that dropped us off in Igoumenitsa to the Crime Investigation Directorat in Athens, where the national fingerprint department and the national Eurodac-CU are located.[99] Two copies and the original are kept on the spot.

At the end of our interview in the Police Records Department, almost casually, we found out about the numbers of the recorded fingerprints in this provincial town during the past ten years and they show us the cupboard where they stored them: About 13'400 fingerprint files – recorded in triplicate. This extraordinary high rate led us to assume that several fingerprints pertain indeed to migration – although not necessarily to Eurodac. For, wherever the border police officer associated Eurodac with asylum seekers – and exactly not with those who have the pink card – that is "those who enter illegally", the local fingerprint expert of the State Security Police considered the link between Eurodac and illegal bordercrossing as not given and not applicable to the site of Igoumenitsa. "Live scanners and Eurodac are in action for those who enter the country illegaly, thus at the entry points. We are no entry point of Schengen here".[100]

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difference between leaving from Albanian port where you can be imprisoned for several months and Igounenitsa where you are released after a few days, as he said (Interview 18/04/2011).

98 Interview with a fingerprint expert from the State Security Police in Igoumenitsa, 11/04/2012.

99 The fingerprint department of the State Security Police in Igoumenitsa hands over a sealed package with the data sheets to the bus driver. When the bus arrives in Athens an authorized police agent has to pick up the numbered delivery from the bus station.

100 Interview with a fingerprint expert from the State Security Police in Igoumenitsa, Igoumenitsa, 11/04/2012.

State Security Police Igoumenitsa, department of identity screening
© Kuster/Tsianos 2012
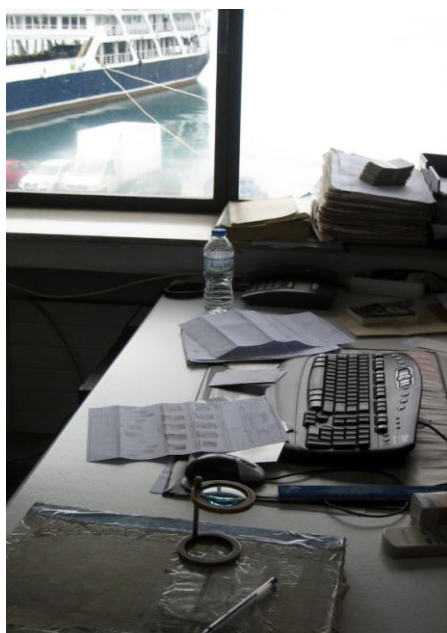
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Up to this point, our reserach has provided many clues for the difference between the Greek national fingerprint register for people who entered the country illegaly and those who stay illegaly in the country, and the register of Eurodac. However, about this data pathway we were not able to reconstruct in particular how the data collected in Igoumenitsa is interpreted and archived in the Crime Investigation Direction in Athens. We have substantial grounds for believing, that entries in Eurodac under category 1 and 2 that stem from controls in Igoumenitsa are rather rare, whilst the national EKANA

data set, that comprises the fingerprints of criminals and migrants, in all likelihood contains this 13400 fingerprint record files from Igoumenitsa.

When we left the building of the State Security Police in Igoumenitsa, we had the strange feeling that we have just gained an additional and crucial insight into the spatialisation of the digitisation of the European border into the production of border zones. We also kept thinking that we just witnessed a time and place of Eurodac's data loss. We call this encounter with arbitrariness – not only as far readmissions are concerned, but furthermore also with respect to the contingency of registration, played out between the local, national, and European border scapes, and its consequences: the *Bermuda Triangle of data*. Yet this geometric metaphor captures only the spatial aspect of the contigency related to identification and registration. The temporal dimension, crucial for the constant dynamisation of contigency itself, involves the brisance of the border conflict with which our research had to interact as well. When, in 2011 we explored the field for the first time and focused on the question of how migrants deal with control politics and the digitization of the border, the border conflict was very explosive. In this situation, to work out a balanced multisited ethnography of the actors and agents operating in the field would not serve the interests which have led us here, we felt. When we came to Igoumenitsa for the second time a year later, it was, because the field seemed now open for researching an additional dimension of actors: the players within control. Or, to put it another way: the camp– or better the mountain as the migrants called it, was an essential part of the urban everyday life in this small town that could not to be overlooked. It was here, that we made interviews in 2011, but in 2012 when we came back, it was demolished by the police.[101]

In other words, in the words of a border police officer: "The situation has improved since the break down of the camp". She described the eviction and the clearance as a humanitarian action, as it was an untenable situation. A police officer was attacked during a check carried out at the port. The people were very aggressive. And for us it was very agreeable to work in the harbour and to carry out inspections and checks".[102] The figures that we received in 2012 from the border police in Igoumenitsa describe this situation in numerical terms: number of returns December 2011: 171; January 2012: 62; February 2012: 178; April 2012: 82.

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101 See for instance the report about the situation in Igoumenitsa from the end of may 2011: http://infomobile.w2eu.net/2011/05/24/igoumenitsa-mountain-jungles-threatened-by-eviction/.
102 Interview with border police officer, 11/04/2012, Igoumenitsa.

Igoumenitsa, "the mountain" in 2011 and in 2012
© Kuster/Tsianos

7.2. The Returns from Italy to Greece from a Legal Point of View

The returns described in paragraph 7.1. are said to be conducted under the "Readmission agreement" signed between the Italian and Greek governments on 30 March 1999.[103] Although the agreement is bilateral, the practice described above shows that readmissions almost exclusively take place unilaterally, from Italy to Greece. Whereas the original text of the agreement in Greek was published in the Greek Official Gazette, the agreement in Italian was not officially published in Italy.[104] In Greece, the agreement was signed, published, and validated under the number Law 2857/2000, on the 7 November 2000. The first part of the agreement refers to Greek and Italian citizens, and only the second part regulates the readmission of the so-called Third Country Nationals on both sides. Article 6 lists all cases, for whom the readmission does not pertain: Dublin II cases and asylum applicants or stateless persons. However, the agreement is valid for third-country nationals, who do not meet the requirements for regular entry in territory of the other state, and who have illegally crossed or stayed in the territory of one of the signatory state on their way to reach the territory of the other state that is contracting party in the bilateral agreement. These persons are to be

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103 The Italian version is titled „Accordo tra il Governo della Repubblica Ellenica ed il Governo della Repubblica Italiana sulla riammissione delle persone in situazione irregolare".
104 The information about the Italian version is according to a written Submission by the UNHCR: UN High Commissioner for Refugees, Written Submission by the Office of the United Nations High Commissioner for Refugees in the Case of Sharifi and others v Italy and Greece (Application No. 16643/09), October 2009, Appl. No. 16643/09, available at: http://www.unhcr.org/refworld/docid/4afd25c32.html.

readmitted by the first state, upon request of the second state, without formal proceedings, according to article 5; there is no exception clause for minors. Article 9 notes, that identity controls have to be made after the readmission, on the territory of the receiving country.

It thus seems that almost it is not determined whether the respective individuals have right to protection on the basis of international conventions. Under the subhead "Arbitrary practices and violation of rights" a report by Migreurop[105] expresses serious concerns about the practice of "readmission without formalities entrusted to the captain", on the basis of the Readmission agreement and doubts about its legal basis as a hierarchically inferior source of law to Community regulations, such as Dublin II. Along with the Italian practices, this situation runs the risk of not applying the Dublin II regulation, while invoking instead the readmission agreement as its basis for such returns, states the United Nations High Commission for Refugees (UNHCR).[106] Furthermore, this communication of the UNHCR points out in a footnote that the interpretation and practice of the Dublin II regulation by the Italian authorities is *inter alia* based on a translation error in the Italian version of the regulation. It argues that the authorities would use the argument that sending asylum seekers directly to Greece is allowed under article 3, paragraph 3, which states that "Any Member State shall retain the right, according to its national legislation, to send an asylum seeker to a third country, in compliance with the provisions of the Geneva Convention."[107] The UNHCR emphasises that the Italian version would omit the word "third" – and Italy would thus insist on its right to send people without formalities to other Dublin-participating states. In contrast, the English text version would refer to a "third country", that is a country not bound by the Dublin Regulation.[108]

Three kinds of removals from the Adriatic port cities can be distinguished: refoulements from Italy to Greek ports; returns to Greece within the Dublin II framework; and transfers from one detention centre to another. Nevertheless, most of readmissions would take place beyond any legal framework, "with people arrested in or around the port area not being allowed to submit asylum claims. The effects of returns and refoulements tend to be identical", Tsapopoulou, Tzederakou, and Stroux (2012) state in their report.

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105 Migreurop Report 2009/2010, "European borders Controls, detention and deportations", 130 pages, here page 82. To be downloaded at:
http://migrantsatsea.wordpress.com/2010/11/21/migreurop-report-european-borders-controls-detention-and-deportations/.
106UN High Commissioner for Refugees, 2009, Appl. No. 16643/09, See footnote 53.
107 UN High Commissioner for Refugees, 2009, Appl. No. 16643/09. The respective footnote number 45 can be found in the document on page 7.
108 Article 3, paragraph 3: „Ogni Stato membro mantiene la possibilità, conformemente alla propria legislazione nazionale, di inviare un richiedente asilo in un paese, nel rispetto delle disposizioni della convenzione di Ginevra." See: Regolamento (CE) n. 343/2003 (2003). Available at:
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R0343:IT:HTML.

The "Sharifi and Others versus Italy and Greece" case is a still pending appeal, which was accepted before the European Court of Human Rights in 2009 (application no. 16643/09).[109] It is based on complaints brought by 35 refugees in Patras. Herein, the Italian government is accused for violating the fundamental rights of 35 Afghan and Sudanese asylum seekers, including minors, who were repulsed without any formal procedure at the Adriatic ports and were deprived of the possibility to apply for political asylum in the two countries. Once rejected, the refugees were arbitrarily detained for several days in a container at the police station in the port of Patras. That is why the European Court has decided to charge, in addition to Italy, the Greek government in order to examine possible violations of fundamental rights, although the lawyers had made no such request. [110]

It was to this case that the UNHCR has submitted a written intervention as a third party. Above all, this submission is concerned with the principle of non-refoulement and with practices of refusal of entry in Adriatic ports, without adequately informing people about their right to seek asylum in Italy and without being given the possibility to lodge an asylum application.[111] A further criticism focuses on the identification practices "in an unprofessional manner".[112] In its communication,the UNHCR refers to a total number of 5,644 persons who were returned to Greece from Adriatic sea ports in the

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109 The appeal was submitted by the lawyers Luca Alessandra and Ballerini Mandro, in collaboration with Fulvio Vassallo Paleologo, who collected the proxies after a visit to Patras in Greece with a delegation of the Committee Tuttiidirittiumanipertutti, a network of associations established in Venice.

110 Further documentation of abusive practices in the context of the readmission agreement on the Italian and the Greek side of the Adriatic Sea can be found in the works and publications of the Venetian association Tuttidirittiumanipertutti, the Italian project Melting Pot, and the association Diktyo from Athens. See for instance: http://www.meltingpot.org/articolo13720.html. Yasha Maccanico, 2010, „EU: Controls, detention and expulsions at Europe borders" , Statewatch Journal, vol 20 no 3/4 July-December 2010. Available at: http://database.statewatch.org/article.asp?aid=30431. See also the current cases documented in the report edited by the Greek Council for Refugees and Pro Asyl (Germany), written by Katerina Tsapopoulou, Marianna Tzederakou and Salinia Stroux, based on their research in 2012.

111 UN High Commissioner for Refugees, 2009, Appl. No. 16643/09. An annex to this document not known to us (part 1 of 4) is supposed to describe cases of returns from Italy to Greece.

112 Footnote 46 refers to a practice that is confirmed by our reserach: „For example, on one hand-over form dated 21 August 2008 delivered to the Greek police, the Italian police had recorded the names of Barack Obama, Mullah Omar and Bashir Oscar (sic), all registered as irregular migrants from Iraq (See Annex 1)."

year 2008.[113] Maccanico (2010) refers to a total of 3,148 people in 2009. More recent figures are not yet available.[114]

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113 2,106 from Ancona, 1,610 from Venice, 1,198 from Bari and 730 from Brindisi – This ciphers are quoted after Fortress Europe, L'osservatorio Sulle Vittime Dell'emigrazione, 29 April 2009,
http://fortresseurope.blogspot.com/2006/01/speranza-patrasso-la-corte-europea.html.
114 Tsapopoulou, Tzederakou, and Stroux (2012) don't belief that there is a decrease in the departures from Athens. They rather think that „the means to do so have diversified, fostering the bribing of road haulage carriers, with road trips to European destinations costing up to 3,000 euros, except for those to Italy (also viewed as a transit country)."

8. Mountains and Airports: Gendered Routes

In Igoumenitsa, the community of migrants that we met on the mountain and in the town area around the port was predominantly male. One interviewee told us, that there was only one family living on the mountain – "with a wife and children. No other women." And when we asked about women he replied: "If there would be a woman here, this would make all of us very happy."[115] In contrast, a female member of the local antiracist group explained the situation on the mountain as follows: "Women do not exist on the mountain. It would not be possible for a woman to survive it." This highly gendered scene of a migrant's camp is contradicted by Eurodac figures: according to the informations we got from the BKA in Germany the gender relation of Eurodac fingerprints is 40 % (female) and 60 % (male).[116] It is widely acknowledged in the relevant literature that migrating bodies follow highly gendered routes, as gender and sexuality are resources of mobility.

If one wishes to cross the border successfully, one has to get rid of any visible signs of sexual or culturally stereotyped migrant or simply non-European sexual difference. Thus, migrants' strategies aim first of all at manipulating the field of visibility and representation. Gendered cultural practices, such as for instance veiling or wearing short skirts, attract immediate attention and are commonly avoided when one – especially women – tries to cross the border (Luibhéid 2002).

Among female migrants the airport of Athens is considered to be an alternative way out of Greece towards Europe.[117] The gendering of migrant routes is also addressed by security personnel at the airport. As the head of the Security Department at Athens Airport explained to us, Airport Police performs regular and arbitrary checks on passengers who look suspicious: "If you see a tall blond with blue eyes she cannot be an illegal migrant. If you see Bangladeshis, Nigerians, Pakistanis, you know that they are illegal and you check them.[118] Thus, working openly with the practices of gendered racial

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115 Interview with a migrant on the "Mountain", Igoumenitsa 19/04/2011.
116 Interview at BKA Wiesbaden, 08/06/2011.
117 Additionally, the airport of Athens serves as an official readmission point (see also paragraph 7.2. in this report). All the so-called "Dubliners" return through the Athens airport. When they arrive, they are received by the police station of the Airport Police for one or two hours and then left free. In Igoumenitsa, a young man showed us a completely worn-out and small folded paper from Anger in France, from where he had been deported eight months ago to the Athens airport. "They had my finger", he explained. At the Athens airport, the police issued him a new paper. But when he was left free on the streets of Athens, the police took this paper away from him. Therefore, the only remained document of his was from Anger – a kind of local registration certificate which was not valid any more (interview Igoumenitsa, 17/04/2011).
118 Interview with two Airport Police Officers, Athens, 01/03/2012.

profiling, the Security Department of the Airport Police (which does not have the right to control the passports but only to perform selective and pre-emptive checks in three airport zones[119]) has become rather effective in recent years.

According to the same sources, it is because of these policies that the number of migrants trying to cross the border illegally through the airport has decreased. Whereas in 2009, approximately 5810 foreigners were arrested, almost all of them in "Departures", for holding false travelling documents and for attempting to travel illegally to an Intra-Schengen country, in 2011 this figure decreased to only 1071 persons.[120] The police officers at the Athens airport told us that meanwhile migrants would rarely travel with false and forged documents, because the police and even the airline staff is –after the cooperation with German and French police officers – trained to identify them.[121] Today, migrants opt mostly for traveling with legal passports or residence permits that belong to a different person. Controls based on the visual profiles of passengers and passing strategies based on the use of visual signs and symbols are becoming even more important, as the following quote suggests: "They all look the same and it is difficult to identify them. If a woman is wearing the veil, you cannot see her face".[122]

Moreover, age is an important mobility ressource: migrants aged under 14 are not allowed to be fingerprinted for Eurodac. This fact leads to practices that challenge the idea that migration is an endeavour undertaken above all by adults or at least determined by decisions and plans made by adults' families. However, since migrants under the age of 14 are not fingerprinted, some mobility strategies centre on their ability to evade the Eurodac system. Their itineraries can remain unregistered, and sometimes they lead the way from the periphery of the Schengen system into its core. An Afghan woman who participated in a focus group we organised in Athens, explained that she had no news from two of her children for more than a month: "They left Greece a month and a half ago for another country. I really don't know where they are, they might be in Sweden or Belgium, I haven't heard from them. They will contact us as soon as they get somewhere safe. We have relatives there. I

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119 They make controls in the buses, in the underground and suburban railways, at the check-in, and at the gates.

120 Census about arrested foreigners in Athen's airport, 2005-2009 and 2011. This figures were given to us by the airport police.

121 This is not least the case because a Frontex office was installed at the Athens airport. The Frontex officers are allowed to conduct selective security controls, they wear uniforms and they are always accompanied by a Greek police officer. In 2011, Germany has sent a liaison officer for one year to help the Greek police with the identification of false documents. Later, another liaison officer from France too arrived. Liaison officers stay for few months to a year and their collaboration is based on intergovernmental bilateral agreements. They do not wear uniforms and do not have the right to conduct selective controls.

122 Interview with two Airport Police Officers, Athens, 01/03/2012. - In the case of veiled women they are attended to a specific area and accompanied by a female officer.

am worried, but..."[123] Another reason for women to separate temporarily from their children might be to look to a lesser extent like a migrant woman and thus attract lesser suspicion or, as an officer from the Airport police has put it: "If you see a woman with three children, you will check her because she might be migrating with illegal documents".[124]

According to our interviews with members of NGOs that deal with asylum issues, ever since the moratorium on returns via Dublin II was implemented by several EU countries with regards to Greece[125], the most common issue they had to deal with was family reunification, linked to unaccompanied minors having fled abroad. In the case of reunification DNA tests are increasingly demanded in order to determine the identity of relatives.[126] When asked about the future of biometric identification technologies, Mrs Ormiston, the IT manager who devloped Eurodac, answered witout any hesitation: "The future is fast-DNA". And she added that this would also allow for family reunification directly at the borders: "The technology for that, that is mobile solutions, is already available", she stated.[127]

Obvisously, gender roles (not least also in relation to positions that one holds within families) are (re)defined in the process of migration. The story of another Aghan woman is rather indicative in this respect. She arrived in Greece, after having lived for six years in a refugee camp in Iran with her husband and her three children. In Athens, they found shelter in an inner-city apartment, where several Afghan families were renting. At a certain moment, an Afghan man denounced them to the police for being smugglers. The police entered the apartment and arrested all the adult males who were living there; none of them was a smuggler. Our interviewee was left homeless in the street with her three children. After a while and through informal networks that unlike the Afghan community and official NGOs offered her some help, she managed to find a job and to rent an apartment of her own. In order to work and after hesitating in the beginning she had to take off the headscarf. Although her husband was against these developments and put pressure on her from the jail to stop working and resume wearing the headscarf, she insisted on her decisions and started to organise her flight to another country together with her children. Her first attempt at the airport was stopped by police and so she decided to send her two boys first and alone by airplane. The boys managed to leave and met with relatives abroad. One day after our

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123 Focus group with Afghani women, Athens, 29/03/2012.
124 Interview with an the head of the Security Department of the Airport Police, Athens Airport, 01/03/2012.
125 In contrast, the police officer from the asylum department at the Athens airport talked about a "stock of 50.000 Dubliners" who had applied for asylum in Greece and who's returns have not yet been executed. Interview with an officer of the Asylum Department of the Airport Police, Athens Airport, 01/03/2012.
126 Interview with lawyers from the Greek Council for Refugees, Athens, 13/03/2011.
127 Interview at Safran Morpho, Paris, 27/01/2012.

interview, she managed to leave the country with false documents together with her daughter. A few days later we got her news: She was reunited with her two sons.[128]

There is valid ground to believe that in situations in which there is no immediate need for migrants to deploy strategies of (in)visibility, gender-differentiated paths of mobility are created and strategic separatism is practiced. Frequently the gender separatism is obedient to the discourse and /or the necessity to protect women and to take into account gendered vulnerabilities and abilities. Again, an Afghan woman provided us with the description of her bordercrossing at Evros which is telling in this context: "Usually women and children are passing first while men are following in a second boat trip", she told.[129] When we organised a focus group with Afghan women in Athens, our translator told us that there are very few Afghan women who travel alone. Most travel with their families. He then referred to the so-called "temporary marriages", as a strategy for crossing border. These are agreements between a Muslim woman and a man in front of one or two witnesses for a marriage that lasts 6 days, 6 weeks, or 6 months, depending on the trip.[130] The marriage is rather unofficial but a religious text is read out. This practice allows women who are afraid or not allowed to travel alone, to overcome some problems of the journey. "When they arrive in Greece", our translator told us, "the husbands usually don't want to dissolve the agreement and often there is violence involved to maintain the marriage."[131]

Despite or perhaps *because* of these experiences, the stories quoted above show that actors of mobility as well as actors of mobility control seem to insist on the adult, male migrant as the paradigmatic figure of mobility. This male-dominated logic is a characteristic of migration and its control. Although gendered perceptions are strongly related to practices of representation and visibility, they cannot be reduced to it. In contrast, our research points to the fact that women are encouraged by smugglers to choose the airports, mainly the Athens airport to leave Greece, while men – particularly young men – are sent on the Patras or Igoumenitsa trail. This points to the fact that such differentiation is certainly not as consistent as it could seem at first sight. Rather, it is indicative of the lived experience of successful and appropriate strategies of mobility that circulate as "mobile commons" (Papadopoulos/Tsianos, forthcoming).

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128 Interview with two Afghan women, Athens, 03/05/2012.
129 Ibid.
130 On the practice of "short marriage" or "pleasure marriage" in Iran see for instance the documentary film „Im Bazaar der Geschlechter" by Sudabeh Mortezai, Austria / Germany 2010, 84'.
131 Focus group with Afghani women, Athens, 29/03/2012.

9.   The Informatisation of the Body

9.1. The embodied identity of migration and the negotiation of its gender

So far we have seen a variety of practices in processing, transmitting, or losing sight of data for the storage and circulation in Eurodac. They are based on differences of socio-politico-institutional conditions within Europe and could be addressed in terms of "data bodies" modes of production – a notion first coined by the Critical Art Ensemble in their book *The flesh machine* (1998) and defined as the total collection of files connected to an individual in complete service to the corporate and police state (145). In the case of Eurodac such transformation into processable data (the German "*Verdatung*") has to be understood in the context of the processes of Europeanisation. Moreover, it has to be comprehended as a technology of power that operates even more closely upon the human body, inasmuch as biometric systems – such as fingerprinting – are deployed around particular representations of the human body. Such representations can become crucial in the context of border crossings. In most of the cases that become relevant for a Eurodac entry, people go through situations in which they carry with them as few as possible "proven", valid or credible identity markers, such as papers containing nationality, name, age, gender, facial photograph etc. Yet, the production of the "data bodies" of migration does not seem to aim at the enhancement of knowledge about third-country nationals, but rather at the "informatisation of the body" (Ploeg 2005a).

Therefore, the numbers and categories within Eurodac have less potential to reflect identities, but rather they focus on "identity". As Irma van der Ploeg argues, "if a person shows up with nothing with them but the clothes they wear and the story they offer, it would of course, be a golden solution to be able to produce from that person's body an identity that is independent of that story, and yet undeniable belonging to that person." (1999b: 300) In a more recent text, she speaks in an elucidating way about an "embodied identity" (Ploeg, Sprenkels 2011) with the aim of making the volatility of the moving bodies, their mutability, readable. Such readability is different from what Judith Butler for instance discussed in *Gender Trouble* (1990) as "frameworks of intelligibility" that generate intelligible gender identities (i.e. not deviant ones). In our case of the readability of border crossing by migrants, there is no need at all for any culturally mediated insight because the deciphering results from the alleged objective and universal applicability of biometric representation of digital hypermobility. Hence, we call the moving body of migration, which is legible (instead of intellligible) and can be literally

'read' by machines, the *embodied identity of migration*. However, such identity is not a result of the initial registration; technically speaking, it becomes even more clear that the identity of a migrant is achieved only when it comes to a situation of producing a hit within Eurodac. In the language of programming, "identification" results from a one-to-many search through pattern recognition algorithms in an established database.[132] Thus, the embodied identity of migration within Eurodac is deeply and by definition linked to the establishment of a body that Epstein (2008) calls the "foreign body" and the "risky body".[133] It is important to note that such risky foreign bodies seem to be reduced to their mere physical "thing-ness". In other words, the appeal to identify himself or herself is directly addressed to the body of the migrant and *not* to the person.[134] An exception to this, however, is that of gender categories: here seems to be the only discursive site within the embodied identity of migration generated by Eurodac. [135]

However, the gender discourse is overwhelmingly conventional. It proceeds according to the binary gender system and the attribution of male or female gender is based on routinised operations. As we learned in Petrou Rali, "we can see the gender visually, because the form is pink for women and black for men."[136] This means that the ways a certain gender is ascribed is neither evaluated nor reflected, but determined according to the indications made of the fingerprinted individual or according the approximate estimation of police officers. "There is normally no medical examination to verify the sex", we were assured in Petrou Rali.[137] Thus, normally the attribution of the letter "m" for male or "f" for female as it is practiced in Greece, is based on observable, external differences determined by the police officers in question. Even

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132 In contrast to an identification, a "verification" is based on a one-to-one match. This distinction reflects the difference between truth and identity, as it is well established in the western (everyday) thinking. While trying to reach the truth corresponds to the attempt to liquidate the mediation and to thereby gain congruence, identity is always already confronted with the difficulty to subtract multiplicity. Authenticity in turn, tries to meet the subtraction of the multiplicity of identity in the singular. In the language of biometric matcher, on the contrary, "verification" and "authentication" have the same meaning See also: The Biometrics Blog online at: http://www.360biometrics.com/blog/difference-between-identification-authentication/.
133 Epstein refers here to the language of biometric manuals and sequence of phases from the so called database W as the perfect and ideal database, in which everybody, that is the World Population, is enrolled to the database N, which contains risky bodies and constitutes the first stage in the establishment of a biometric database of so called trusted subjects within a database M.
134 Noteworthy, the "reliable" body part, the finger, counts as a unique, and 'neutral' part of the body, insofar as it is not revealing for anything that concerns the social or biological live of this body.
135 In dubious cases this applies also to the assessment of the age of a migrant. According to the Eurodac Regulation only those persons over 14 years are fingerprinted and registered in Eurodac.
136 Interview with the head of the Athens asylum unit, Athens, 07/04/2011.
137 Ibid.

though the modern technology of live scanners is equipped with three possible categories, namely "male", "female", and "unknown" and thus provides the possibility to leave the gender indeterminate, such possibility does not seem to exist in the relevant data form of Eurodac. Rather, the decision to identify a migrant as male or female is made imperative and subject to the every-day practices that take place in police departments in the Schengen area.
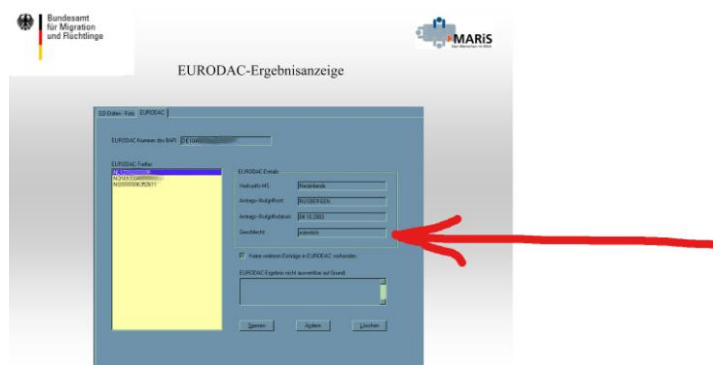
An example of the display of a result within the Eurodac sytem.
The red arrow was added by the authors and tags the form field where the gender is indicated.
Source: BKA Germany

The evidence we managed to collect in order to review the situation during our research are extremely weak. The officers from the BKA have explained that the gender category was introduced at the beginning of the 2000s with the aim of excluding 50% of the data during a search. However, they had to admit that the gender category is not very important, since today it is possible to perform queries using all available data. In their opinion, this was the reason why the gender category will become irrelevant for Eurodac. The interview with the Italian AFIS revealed an interesting support of the idea (by police officers) of the representation of gender as a social construction. Apart from the common explanation of the gender category as a feature of the Eurodac Regulation, we learnt that they do not execute searches based on gender: "The fingerprint has no gender. When I take some fingerprints then I search them among all entries. For one thing, because there are cases of change. And it could seem to be a buzzword, but it's true. A fingerprint has no gender. From a fingerprint you cannot *a priori* deduce if it is about a male or a female individual. The gender discourse is acquired (learned and practiced), because if you carry out an identity screening, you need to describe an individual. That's why the Italian form also asks to fill in the gender, but we don't execute partial searches. No we don't. For the other Member States I don't know. (...) I don't know if Eurodac performs searches

only among men or women. We don't do this. After all, it is a matter of fact that a fingerprint has no sex."[138]

An interview with a staff member of the European Data Protection Supervisor (EDPS) made clear to us that the determination of gender identity not only involves a processing of personal data, but also - inasmuch as it is considered to be "data concerning sex life" it is considered as processing of "sensitive data" (according to Article 8 of the Data Protection Directive). The staff member of the EDPS and representative of the Eurodac Supervision and Coordination Group told us in this context that he has never heard until now about cases of complaints in terms of gender ascriptions or medical examinations that have been conducted in connection with the feeding of the Eurodac database. Admittedly, this interviewee too had no idea why the Eurodac form-mask includes the "gender" category and he suggested that we questioned somebody who has attended the negotiation of the Regulation. Basically, our question about the consistency of the sex survey within Eurodac with the principle of proportionality as it is supported by the European Data Protection Directive remains unanswered.

Generally both the discursivity of technology – that is, the form that has to be filled in for the Eurodac system to work – and the discursivity of gender – that is, those aspects that we could call following Teresa de Lauretis (1987) the "*technologies of gender*" which are apparently applied to handle the requested parametres of the Eurodac system – must be assessed as problematic and as insufficiently substantiated.

9.2. Data Subjects and Subjects of Right within Eurodac

It seems that the pure readability of the embodied identity of migration through Eurodac constitutes one of the fundamental difficulties to mediate between data protection and what *de facto* happens at the borders and in police stations. We have, on the one hand, a claim for guaranteeing the data subjects' rights and, on the other hand, the challenge of migration and border management to successfully verify the presented identities.[139] The officers from the German AFIS have openly admitted that, in their opinion, the so called category 9 searches occur rarely, because most of the Eurodac data subjects are not even aware of this possibility. In order to execute such a

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138 Interview with Dr Lorenzo Rinaldi from the AFIS in Rome, 12/12/2011.
139 See for instance the attempt to apply a gender-responsive border management policy and programming in a toolkit of the Geneva Centre for the Democratic Control of Armed Forces – not so much for feminist reasons of reasons of gender justice, but to strengthen border management (Mackay 2008).

search the data subject has to get in touch with an outpost for asylum seekers (Asylaußenstelle) to get information about him or herself; this means that the data subject has to exercise the right to information about his or her personal data.

When we were looking for those information sheets that the Eurodac Supervision and Coordination Group has announced in its second inspection report[140], or for other ways of informing the data subjects about their rights ensured in the Eurodac Regulation under the article 18[141], the results were hopelessly fruitless, at the European as at the national level. The perplexity and embarassment *vis-à-vis* such research was so impressive that we began to assume that informing data subjects is simply inexistent within the Eurodac procedure. Learning more and deepening our understanding of ethical and data protection concerns proved rather difficult. A detailed questionnaire about Eurodac, that we have elaborated at the request of the Federal Commissioner for Data Protection and Freedom of Information in Germany has remained unanswered since 27 May 2011, despite multiple inquiries from our part and several reassurances from their part to be willing and ready to support our research project. Generally, it can be said that far less resources and attention are invested into data protection in connection with Eurodac than in the further development and application of Eurodac - at both national and European level.[142]

We also have to stress, however, that the institution of a European Data Protection Supervisor can be considered a new achievement. In the year 2000, when the development of Eurodac was decided, there was no such authority, but only a Data Protection Committee. Ms Ormiston underlined the fact that Eurodac was the first and at its beginning also the only European database system, with which the existing bodies of Data Protection had to deal.[143] Actually there is a revision of the EU data protection framework under

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140 The Second Inspection Report by the Eurodac Supervision and Coordination Group published in Brussels, 25 June 2009 talks about the intention of the Coordination Group to give inputs to the drafting of a standard form for the right to information by Member States. The file „09-06-24_Eurodac_report2_EN.pdf" is available to download at: http://www.edps.europa.eu.

141 Article 18 states that a „person covered by this Regulation shall be informed by the Member State of origin of the following: (a) the identity of the controller and of his representative, if any; (b) the purpose for which the data will be processed within Eurodac; (c) the recipients of the data; (d) in relation to a person covered by Article 4 or Article 8, the obligation to have his/her fingerprints taken; (e) the existence of the right of access to, and the right to rectify, the data concerning him/her." (Council Regulation (EC) No 2725/2000).

142 The practitioners of the Eurodac system – for instance in the BKA or Mrs Ormiston - also their criticism towards data protection officials. Very often this officials would not have any understanding of the technical consequences of their data protection policy motivated proposals and demands. That is why the German BKA - in their own words - tries to work closely together with data protection authorities.

143 Here could be a compliance with a topos that is pervasive within critical migration studies, namely the topos of the pioneer function of migration or of migration as a laboratory

way. The reform proposed by the Commission is to replace the still valid Framework Directive (EC/95/46) with a Regulation that would have the force of a European law and serve as a directly applicable instrument to the member states. The EDPS has welcomed this initiative, not least because it will strengthen the rights of data subjects, including for instance the "right to be forgotten"; but the EDPS also "strongly regrets the inadequate content of the specific Directive on data protection in the area of police and justice."[144] As Peter Hustinx, the Supervisor in office states: "The Commission has not lived up to its promises to ensure a robust system for police and justice. These are areas where the use of personal information inevitably has an enormous impact on the lives of private individuals. It is difficult to understand why the Commission has excluded this area from what it intended to do, namely proposing a comprehensive legislative framework."[145] In its last Annual Report, the EDPS states that "further developing the Area of Freedom, Security and Justice (e.g. EU-TFTS, Smart borders)" will be part of its main priorities in the year 2012.[146]

From an extensive interview with the staff of the European Data Protection Supervisor and member of the Eurodac Supervision and Coordination Group we were informed about a current conflict. It emerged for the first time as a data protection related issue with the first inspection report by the Eurodac Supervision and Coordination Group in 2007 and refers to the problem of so called "impossibility to enrol" or "failure to enrol". According to this report, this is "a phenomenon of growing relevance in a system such as Eurodac", and in more and more cases such a result would apparently be due to self-inflicted mutilation. Towards the end of 2010, became public cases from the French administration, in which the fact that fingerprints were not readable and therefore could not enter the Eurodac system, was interpreted against the concerned migrants, who were excluded from the asylum procedure. This led to several trials with positive outcome for the migrants: some prefectures were condemned for their actions.[147] In reaction to these cases the Eurodac

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for wider social issues - in this case for instance as a laboratory for the biometric registration and capturing of citizens and of whole populations. See on this issue Irma van der Ploeg (2011).
144 EDPS/02/12, press release, Brussels, 25 January 2012.
145 EDPS/02/12, press release, Brussels, 25 January 2012.
146 EDPS/11/12, press release, Brussels, 20 June 2012.
147 See for instance: Collectif Asile en Ile-de-France (eds.), „Ile-de-France : les pratiques illégales des préfectures violent le droit d'asile", Dossier de presse, March 2011, 24 pages (available to download at: http://www.amnesty.fr/AI-en-action/Personnes-deracinees/Droit-d-asile/Actualites/Tapis-rouge-asile-2202;
Pierre Alonso, „Sans doigt ni droit", 23 November 2011 (available at: http://owni.fr/2011/11/23/asile-ofpra-ministere-interieur/); Gérard Sadik and Serge Slama, „Empreintes inexploitables de demandeurs d'asile : le juge des référés du Conseil d'Etat renvoie la balle à la CNDA" (available at:
http://www.migrantscene.org/poles/defense-des-droits/nouvelles/3608-Le-Conseil-d-Etat-saisi-de-la-question-des-empreintes-inexploitables).

Supervision and Coordination Group carries out an investigation on the ways the different Member States handle non readable fingerprints. The results from this investigation are expected for the end of 2012. Our interviewee stressed that it is the purpose of Eurodac to find out if an individual has already asked for asylum in another Member State, but it is not part of the requirements to get a recognition as asylum applicant to provide exploitable, processable fingerprints. In his 2010 opinion on the amended proposal for a Regulation of the European Parliament and of the European Council on the establishment of Eurodac, the European Data Protection Supervisor had already highlighted: "It is however extremely important to ensure that 'failure to enrol' on its own does not lead to a denial of rights for asylum seekers. It would not be acceptable, for instance, that failure to enrol would be construed systematically as an attempt to fraud and would lead to a refusal to examine an asylum application or a withdrawal of assistance to the asylum seeker. If it were the case, it would mean that the possibility to be fingerprinted would be one of the criteria to recognise the status of asylum seeker. The purpose of Eurodac is to facilitate the application of the Dublin Convention, and not to add a criterion ('having usable fingerprints') for granting someone the status of asylum seeker. This would be a violation of the purpose limitation principle, and of at least the spirit of the right to asylum."[148]

From our communication with the EDPS we understood that the horizon of meaning of the term "data body" and the issues of privacy, seem inspired by operations of processing personal or sensitive data into large data centres created by governments or big companies since the 1970s. Instead, the basic concept of data protection and its updates according to the challenges and the new conditions in Information Society (such as for instance an enhanced understanding of a "societal data protection" (Sprokkereef 2007)) emanate from the fact that the the most important is not to reveal processes in big computing centres, but rather to enable individuals to acquire a self-determined handling of his or her own data and identity. An important keyword in this connection is "identity management", which is based on the idea that people need effective possibilities to control and regulate the exposure of their personal data; in other words, "to restore citizens' sovereignty over their own information", as our interviewee from the EDPS pointed out.[149]\

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148 Opinion of the EDPS, 2011/C 101/03, Brussels, 15 December 2010, available at:
http://eur-
lex.europa.eu/Notice.do?mode=dbl&lang=fr&ihmlang=fr&lng1=fr,de&lng2=bg,cs,da,de,el,en,
es,et,fi,fr,hu,it,lt,lv,mt,nl,pl,pt,ro,sk,sl,sv,&val=568088:cs&page=
149 Interview, 03/02/2012.

10. Incommensurability and Immutable Mobiles

10.1.   Third space

Nonetheless, there is a crucial question remaining unresolved: What about the relation between the informatized bodies within Eurodac, "data bodies" and the real flesh and bone bodies of migrants on the move? As we don't conceive of the 'real' body in essentialist terms, but as being in itself a semiotic apparatus, we confront an unmeasurable difference. It is an abyss that is usually filled with naive empiricisms, techno-pessimism and victimology. At this point, we draw on the work of Homi Bhabha and his notion of the "Third Space of enunciation" (Bhabha 1994) as an interval between the *énoncé,* the subject who utters a statement, and the subject of enunciation. Thereby he insists on the split of performative enunciations (in our case: establishing an embodied identity), which are never only a communicative act between a subject of enunciation and a subject, which is designated in a statement. The "Third Space" lies between the general conditions of language, the code and the particular implications of a statement or enunciation as part of a performative and institutional strategy. In Bhabha's view, the Third Space is constitutive of the ambiguity of any utterance.

Nevertheless, the abyss of incommensurability that we encounter has nothing to do with the *Location of Culture* (and cultural identity) where a Third Space unfolds its meaning, but rather with a register. A register is an archive that is composed of recording and identification media, as we learn from the media theorist Bernhard Siegert (2006) in his analysis of the control of mobility on the Spanish-American passage in the time of Conquista and Reconquista. "The media of identification and the archiving of individuality (...) are the media of the erasure of identity. (...) Deletion or omission is as well an act of writing. One cannot not write." (Siegert 2006: 10121) The codes of the Eurodac-registers are algorithms; the validity of Eurodac consists of the "identification" through codes (one-to-many matches) and it should make its services in reference to a sovereignty, which believes to master the identification of its subjects and the assignment of their respective places with the help of cultural techniques of representation.

The informatization of bodies on the move, that is, the transformation of migrant's bodies into "data bodies", into singular codes of Eurodac numbers, seem to comply with the signification of a mutable body that has no identity and moves: the body of migration. The subject of enunciationcorresponds to the approximate value of a somatic singularity (the uniqueness of a

fingerprint), which is represented as an algorithm that designates the ratio of distance and closeness. The "Third Space" which lies in between is in itself a non-representable, empty space, as we have taken a glimpse of when trying to follow the data pathways and data conversions in Greece and especially when meeting in Igoumenitsa what we have called the Bermuda Triangle of data. But according to Bhabha, the Third Space constitutes also the conditions of a particular enunciation. This is the reason why it is at the same time bar and bearer of difference (Bhabha 1994: 143). Homi Bhabha states: "The intervention of the Third Space of enunciation, which makes the structure of meaning and reference an ambivalent process, destroys this mirror of representation in which cultural knowledge is customarily revealed as an integrated, open, expanding code. Such an intervention quite properly challenges our sense of the historical identity of culture as a homogenizing, unifying force, authenticated by the originary Past, kept alive in the national tradition of the People. In other words, the disruptive temporality of enunciation displaces the narrative of the Western nation which Benedict Anderson so perceptively describes as being written in homogeneous, serial time." (Bhabha 1994: 37) Now, we were finally able to induce into the coding of the "data bodies", into the Eurodac numbers themselves a space of ambivalence and contingency of interpretation. In this sense, if we allude to "data bodies", we speak about the location of identity. Hence, we have used the Third Space as a working tool that might help us to destroy the mirror of representation in which we can easily become trapped: When we as researchers observe the control practices on the one hand and the subjectivities of migration on the other hand, at this, we run the risk of losing sight of our situatedness as bars and bearers of the meanings we take up in the outside world.[150]

10.2.   A binocular vision

With the term "digital deportability" we have described the whole area enclosed by the Schengen border and beyond in which deportability becomes ubiquitously possible. This is the smooth European space of data fluidity. However, it is not the migrants who circulate in this space of a total liquefaction of the European border, but the embodied identity of migration, being the sum of migrants' "data bodies" or the computerized migration body. Eurodac is but one part of it and contains algorithmically converted profiles,

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150 We refer here to the method of the ethnographic border regime analysis, that we have applied in our research. It was developed in the research project "transit migration" (Transit Migration Forschungsgruppe 2007) and its further developed. See for instance Tsianos, Karakayali 2010, and the suggestion of a "ne(t)hnographic border regime analysis" that we have developed in the context of the mig@net research. See: Pieper, Kuster, Tsianos 2011.

which visualize and project individuals (i.e. their fingerprints) and their travel routes within Schengen. Not only do they render the mobile and volatile bodies of migrants machine-readable and verifiable when enrolling their fingers and inscribing data, but also fluid and hypermobile. However, through our research we were able to clearly observe – against the common beliefs of a total control via informatization – a process of modulation between meticulous registration and documentation, and data loss; – even more so, we have been able to discern different modalities of registering and forgetting, slowing down and transforming while converting, etc. Thus, our empirical analysis points markedly to a flexible and movable interplay between modalities of a twofold figure of exclusion and in consequence of cycles of "digital deportability" and contingent border conflicts that are bursting and generating actual border zones. In this context, we have alluded to the proliferation of the European border (see also chapter 5) as the appearance and perceptibility of the digital European border in space – as the material quality of the digitization of the border and of its character as an actor. Second, we have also stated that there are cases of complicity between the strategies of surveillance and control and the strategies of mobility deployed by the migrants. This is because the migrants are also part of what we have called the information and control continuum (Kuster / Tsianos, forthcoming) – and not its opposite even though they are its opponents.

So, if our focus is on the relation between control of mobility and the agency of migrants in order to outline what happens in between this two distinctive dimensions, how can we, on an analytical level, escape the aporia of representation (the trap of mirroring) on the one hand and relativism (the equivalence of everyhing that happens) on the other hand? Bruno Latour's concept of immutable mobiles – "objects which have the properties of being mobile but also immutable, presentable, readable, and combinable with one another" (Latour 1986: 7) – helps us to deal with this two limits of ethnographic research and writing mentioned above. It focuses "the effect on the construction of facts" (Latour 1986: 13).

With the help of the concept of immutable mobiles, Eurodac can be understood as an attempt to liquefy and freeze something that was not yet fluid nor steady - the persistence and the dynamics of bodies, things and matters in migration. As we have seen so far, data bodies represent a circulating reference and as such are able to establish two-way relations with migrants on the move within the European space. Thus, being confronted with an immutable mobile means to attend a new and different mobilization of space and time. In terms of Eurodac, this other space-time seems to concern the time of arrival in Europe. The European border is constantly externalised and deterritorialized by control technologies, but it is also pushed by migrant movements. As migrants embody the border (especially in the form of their fingers) and at the same time transgress it, they re-territorialize the border, and they push it back, deeper into the European territory – into

the Schengen area, or into cities such as Athens. This is what the emblematic places of transit existence – Evros, Igoumenitsa, Calais, Rome, Athens or Lampedusa – show us. It is precisely the excess of migrant movements – the inertia of their bodies, their slowness, velocity, persistence, transience, volatility and fugacity, in short: their speed – that bolster the non-convertible, incomplete, delayed or lost data bodies. This interrelation creates the multiplication of European border zones and makes it impossible to escape those sites and instances of the Schengen crisis (wherever in Europe it bursts).

But there is more to this process: if we conceptualise the circulation of Eurodac data bodies as immutable mobiles, our research not only witnesses the increased mobility and the immutability of the tracks and traces of migrants, but it is also challenged by the constant call to shift to "the context with which it [thus, a certain immutable mobile] establishes a two-way connection" (Latour 1986: 12) As we have seen so far, Eurodac numbers do not achieve more accuracy in the reconstruction of routes and bodies of migrants because they correspond to a correct or appropriate representation of migration movements or of the body of a migrant and his or her pathways. If we follow Latour's argument, the decisive factor here is not the medium – i.e. the biometric fingerprint[151] or the digital database. Instead, the concept of immutable mobiles, which differs markedly from a representatoional logic, but also from a semiotic or media-theory approach, points to a differential which accentuates a shift from the medium to the message or context in which inscriptions matter. Following Latour, we argue that the increasing accuracy that can be realised with regard to the correlation of two fingerprints is acheived through the mobilisation and the immutability of migrants' fingerprints (Latour 2006: 274). Hence, accuracy is a consequence of more mobilization and more immutability (for instance the consistency and speed of a particular sign), that both lead to a possible multiplication of positive feedbacks. – One such instance can be seen in the multiplication of bordering situations, such as stopovers for (re)codings and (de)codings, as Deleuze (1990) would have put it. The costs of disagreeing or of contesting a particular code increase. Eurodac can be understood as a means of enhancing the efforts and expenses of mobility – in other words: it pushes up the prize of mutability. To pass without password or to insist on another or alternative one is literally very expensive. The costs of migrants' journeys show that. Such types of sites of disagreement (or negative feedback), i.e. the actuality

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151 To this however, we may remark, that the biometric marker which is considered the ultimate, universally applicable and virtually infallible guarantee of identity, arises from two presumptions: First, an assumption based on simple empiricism, namely that fingerprints are unique and do not change during the course of life. The second assumption goes as follows: Two identical ways to produce a representation of a fingerprint must lead to identical results. Additionally, it can be said that hit within Eurodac based of the identity of two fingerprints provides all the other stored data such as sex for instance, with more authenticity and credibility.

of border conflicts, the contingent generation of border zones, were already described in this report. Another setting of negative feedbacks or objections to the Eurodac's immutbale mobiles that awaits research in our opinion is actually to be found in the ongoing legal proceedings of migrants against Dublin II orders or simply against their identifications via Eurodac.

Thus, the correlation of two fingerprints through Eurodac can be understood following Latour as a contested accuracy. It is an agonistic situation, as he states – a power struggle or warlike situation, in which "the one able to muster on the spot the largest number of well aligned and faithful allies" (Latour 1986: 5) willl win. More precisely formulated for our specific case, for the controversy between migration and its control, it can be argued that, precisely because the migrants carry the border, because they embody the border – especially in the form of their fingers – they cannot entirely cross it. However, what they do is to transgress the border at the same time as incorporating it. Only in this way they re-territorialise the border and they push it deeper into the European territory and they challenge the limits of Europe. It seems to us that such a view is also up to Latour's famous binocular vision: neither a Manichaean relationship (see chapter 5 for this aspect) between building Schengen with fingers and destroying Schengen nor a technological or representational reductionism. A historical examination becomes possible only at their junction - the focus on the agonistic situation (migrant mobility against mobility control) and on the media and/or technology impact (Eurodac). In other words, we think that further reserach on digital borders should hold the two eyepieces together and go beyond the dichotomies of mentalist or materialist understanding of things that happen at borders.

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