Data Matters in Migration and Border Control
Workshop 2024

organized by the STS-MIGTEC Network

Department of Media and Culture Studies, Utrecht University & Online
8 – 9 April 2024

Programme
(Times in CET)

Monday, 8 April 2024

Location: Drift 21, (www.uu.nl/en/drift-21)
(access via University Library, rooms are located in the back of the building)
ROOM 0.05, Drift 21, 3512 BR Utrecht, hybrid connection
ROOM 1.05, Drift 21, 3512 BR Utrecht, hybrid connection
(please note, we make use of separate links each day for each room)

09:00–09:15 Morning Coffee

09:15–09:30 Welcome

Welcome by STS-MIGTEC and Utrecht University team (Nina Amelung, Koen Leurs, Jasper van der Kist, Ivan Josipovic, Silvan Pollozek, Kinan Alajak, Olga Usachova)

09:30–11:30 First Session

Room 0.05
Panel 1: Open Panel: Biometric and digital identification
Moderation: Silvan Pollozek & Koen Leurs

The new forensic genetics assemblage: Implications for the policing of borders and migration
Matthias Wienroth, Northumbria University & Rafaela Granja, Universidade do Minho
Discussant: Kelly Bescherer

Historicising voice biometrics: the colonial continuity of listening, from the sound archive to the acoustic database
Daniel Leix Palumbo, University of Groningen
Discussant: William Allen

Room 1.05
Panel 2: The technopolitics of digital crimmigration control: Expertise, experimentation, and democratic politics
Moderation: Samuel Singler, Nina Amelung, Sanja Milivojevic

Digitizing crimmigration control, a view from below
Nina Khamsy, Geneva Graduate Institute

The European Border Regime as a Laboratory. The Smart Borders Project as a Cornerstone for a European Security Regime
Jonathan Buchmann, **Friedrich Schiller University in Jena**

The function of secrecy in connection to identification in the context of deportations in Germany
Kelly Bescherer, Leuphana Universität Lüneburg
Discussant: Matthias Wienroth & Rafaela Granja (online)

Visualization choices about refugees have delimited impacts along partisan lines
William Allen, University of Oxford.
Discussant: Daniel Leix Palumbo

Unpacking the Coloniality of 'Good Migranthood' through Transnational Archival Research between Ellis Island and Rotterdam
Dawit Haile, Radboud University

The future is now: ambitions and realities of the UK's datafied border
Travis Van Isacker, Bridget Anderson, Sanja Milivojevic University of Bristol

11:30-12:45 Lunch Break

12:45-14:45 Second Session

Room 0.05
Panel 3: Being Political? Navigating criticality and dissent with(in) and beyond STS
Moderation: Jasper van der Kist & Stephan Scheel

"Tantear" beyond borders: STS and the material politics of coalition-building
Fredy Mora Gámez, University of Vienna *(online)*

Epistemic practices at the intersection of race, gender, law and security: legal tales on IS-affiliates in Kurdish camps
Tasniem Anwar, Vrije Universiteit Amsterdam

From Freedom of information to transactional secrecy: Navigating access in critical border studies
Travis van Isacker, University of Bristol & William Walters, Carleton University *(online)*

Contested knowledge productions: Migrant disappearances in the Sahara,
Maurice Stierl, University of Osnabrück *(online)*

Room 1.05
Panel 4: The technopolitics of digital crimmigration control: Expertise, experimentation, and democratic politics II
Moderation: Samuel Singler, Nina Amelung, Sanja Milivojevic

When the promise of security becomes taken for granted: The unbuilt and unfinished "interoperability" project and its impacts on the criminalization of migration
Nina Amelung, Universidade de Lisboa

Tracing security risk and irregular migration in the Schengen area: the role of AFIS in the interoperability of international and European databases
Alizée Dauchy, Uni Trento *(online)*

The opacity of Data-Doubles in the ETIAS System: Unveiling Secrecy as a Menace to Fundamental Rights.
Ismini-Nikoleta Mathioudaki,Scuola Normale Superiore

Mercosur Security Information Exchange System: New Technologies for "New Threats" in the South American Space (online)
Andrés Pereira, National University of Entre Ríos – CONICET

14:45-15:00 Coffee Break

15:00-17:00 Third Session

Room 0.05
Panel 5: Open Panel
Control and Contestation
Moderation: Olga Usachova & Matthias Wienroth

The Role of Telegram in War Displacement Decision-Making: the Case of Ukrainian Citizens Escaping from the Territories under the Russian Occupation, 2022-2023
Lidia Kuzemska, Forum Transregionale Studien, Discussant: Marie Godin

Low-tech and high-tech technologies in the context of resistance and solidarity at the Calais border *(online)*
Marie Godin, University of Leicester
Discussant: Lidia Kuzemska

The CBP 1 App- Digitalizing humanitarian parole processes in the U.S.-Mexican Borderlands
Sara Bellezza, Freie Universität Berlin
Discussant: Luděk Stavinoha

Making border bureaucracies contestable: The Frontex PeDRA controversy and struggles over secrecy
Luděk Stavinoha, University of East Anglia
Discussant: Sara Bellezza

How to Control a Border without Acknowledging it Exists? The Politics of Tangibility at Europe's Unrecognized Border in Cyprus. **Romm Lewkowicz, Max Planck Institute for Social Anthropology**
Discussant: Olga Usachova

Room 1.05
Panel 6: Open Panel
Datafied Migration and Border Control
Moderation: Kinan Alajak & Ivan Josipovic

Reducing bottlenecks, optimising productivity, and improving the 'decision flow': Newton Europe and the administration of asylum applications in the UK
Connie Hodgkinson Lahiff, University of East Anglia
Discussant: Aaron Martin

"Assess in Advance, Control Where Required": Risk, Data and Anticipation in EU Customs Security *(online)*
Georgios Glouftsios, University of Trento
Discussant: Vasilis Argyriou

Digital Wallets, Migration, and Technological Stratifications Across Citizenship Divides *(online)*
Keren Weitzberg, Queen Mary University of London
Isadora Dullaert, University of Edinburgh
Emrys Schoemaker, London School of Economics
Aaron Martin, University of Virginia
Discussant: Georgios Glouftsios

Data practices, regimes of truth and regimes of proof in border control and migration management in EU
Vasilis Argyriou, ETH Zürich
Discussant: Connie Hodgkinson Lahiff

17:00-17:15 Coffee Break

17:15-18:45 Open Space

Scholars share recent research outputs, projects, and future plans
Moderation: Olga Usachova & Koen Leurs

19:00 Dinner at Tiger Mama (Voorstraat 80, 3512 AT Utrecht)

Tuesday, 9 April 2024

Location: Utrecht University www.uu.nl/en/drift-21
(access via University Library, rooms are located in the back of the building)
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09:00-11:00 First Session

Room 0.05
Panel 7: Legal Challenges in Datafying EU Migration, Asylum and Border Control

Moderation: Niovi Vavoula, Jasper van der Kist

International Organization's positioning and the datafication of EU Migration, Asylum and Border Management
Mirjam Twigt, Leiden University

Artificial Intelligence Initiatives in Lie Detection: Technological Denigration or Border Control Enhancement?
Jo Ann Oravec, University of Wisconsin-Whitewater

Guardians of Exclusion: Frontex, Digital Border Management, and the EDPS's Watchful Eye
Mariana Gkliati, Tilburg University

UK Digital bordering infrastructures, law and algorithmic security
Gavin Sullivan, The University of Edinburgh
Dimitri Van Den Meerssche, Queen Mary University London

Room 1.05
Get To Know the STS-MigTec Network and the COST Action Datamig

Moderation: Nina Amelung, Silvan Pollozek

Crafting the Asylum Procedure Through Technology: A Finnish Study on Professional's Views on Digitalization *(online)*
Frida Alizadeh, Westerling University of Helsinki

EU Border Security & Dataveillance Practices *(online)*
Abla Triki, George Mason University

11:00–11:15 Coffee Break

11:15–13:15 Second Session

Room 0.05
Panel 9: Legal Challenges in Datafying EU Migration, Asylum and Border Control II

Moderation: Niovi Vavoula, Jasper van der Kist

From Preventive to Predictive Justice in the EU: the case of algorithmic profiling in EU large-scale information systems
Alexandra Karaiskou, European University Institute

The Proliferation of Electronic Surveillance Measures and the Billion Faces of National Security
Marcin Rojszczak, Warsaw University of Technology

Contesting Automation through Legal Mobilisation
Derya Ozkul, University of Oxford
Francesca Palmiotto, Hertie School

Technologically Backed-up Migration Control in the European Union and the Risk of (undetected) Discrimination
Juliane Beck, University of St. Gallen

Railway security checks at the border between intrusive security technologies and fundamental traveller rights

Room 1.05
Panel 8: Open-source and other digital evidence in the governance of asylum and criminal justice in the context of war and persecution

Moderation: Maarten Bolhuis & Ivan Josipovic

Divergent impacts of datafication: the case of smartphone screening in the Dutch asylum procedure
Rianne Dekker, Kinan Alajak, Koen Leurs
Utrecht University

Online open-source investigations of atrocity crimes
Isabella Regan, Erasmus University Rotterdam

The Contested Visibilities of Refoulement: Investigating the Dynamics of Norm Stabilization Through Open-Source Investigations
Henning Lahmann, Leiden University

Digital evidence in asylum procedures: Biases in decision-making
Maarten Bolhuis,
Tanja van Veldhuizen, VU Amsterdam

OSINT in practice
Klaas van Dijken, Lighthouse

Grigore M. Havârneanu, Kacper Kubrak, International Union of Railways (UIC), Security Division

Algorithmic and Biometric Discrimination in EU Migration: Challenges and Recommendations
Matija Kontak, University of Zagreb

13:15-14:30 Lunch Break

Organizers
STS-MIGTEC network is an independent network of scholars at the intersection of science and technology studies (STS) and critical migration, security and border studies. It aims to stimulate and communicate state-of-the-art research. It seeks to bring together researchers from different disciplines and around the world and to initiate scientific exchange to produce synergies for relevant knowledge production.

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Utrecht University team: with special thanks to **Koen Leurs,** Kinan Alajak

Utrecht University

STS Mig Tec

Abstracts

Panel 1: Open Panel: Biometric and digital identification

Moderation: Silvan Pollozek & Koen Leurs

The new forensic genetics assemblage: Implications for the policing of borders and migration

Matthias Wienroth, Northumbria University & Rafaela Granja, Universidade do Minho

Genetic surveillance plays a significant role in the policing of borders and migration. For example, by testing familial relationships of refuge and asylum seekers and by enabling data exchange across national forensic DNA databases for cross-border crime investigations (e.g., via the Prüm System). Such surveillance employs technologies aiming to match genetic profiles. More recently, emerging forensic genetics technologies have significantly expanded the informative potential of genetics. For example, by enabling genetic age estimation (forensic DNA phenotyping), identifying sub-continental origin (biogeographic ancestry testing) and testing the so-called "lifestyle" traits (forensic epigenomics). When applied to the policing of borders and migration, such technologies would aim to determine protection status for refuge and asylum seekers and/or to inform genetic age estimation and develop behavioural profiles of migrants.

Historicising voice biometrics: the colonial continuity of listening, from the sound archive to the acoustic database

Daniel Leix Palumbo, University of Groningen

Since 2017, German border authorities have introduced voice biometrics as a 'cutting-edge' assistance tool to analyse the language and accents of undocumented asylum seekers to determine their country of origin and assess eligibility for asylum. However, the attempt to 'scientifically' identify links between voice, sound and country of origin through technology is not a recent development, standing in historical continuity with longer colonial practices of listening and sound archiving from the beginning of the last century. European sound archives encompass early voice recordings made through large-scale research projects during colonial rule and the World Wars to bolster the racial and nationalist ideologies of European states. Although not aimed at controlling borders but defining 'pure' characteristics in the voice of their populations to distance from the 'other', these recordings shared the purpose of creating an archive that could ground the determination of origin through voice analysis. But today, the creation of the acoustic database to train voice biometrics occurs under very different conditions, delegated to various public and private actors, including universities and crowdsourcing platforms. It involves linguistic researchers and a multitude of data workers, who provide their voice data as cheap labour. By conducting digital autoethnography and in-depth interviews, this paper explores these processes of outsourced (audio) data work while situating them within the colonial history of sound archiving and listening. It investigates disruptions and continuities in the shift from the sound archive to the acoustic database and what these implicate about the operations of State power.

The function of secrecy in connection to identification in the context of deportations in Germany

Kelly Bescherer, Leuphana Universität Lüneburg

This contribution looks at the function of secrecy in connection to identification in the context of deportations in Germany. The organization of deportations often hinges crucially on identification, as deportations generally cannot take place without a state which has agreed to recognise a person as "their" national. Readmission agreements set out the terms under which this identification can take place. Even though deportation features prominently in public debates in Germany, such agreements are increasingly informal and their contents are often not shared with "the public", making scrutiny from civil society difficult at best, and leaving thousands of persons living in Germany with a suspended deportation status in existential anxiety over the conditions under which this status could potentially be suddenly revoked and their deportation initiated. How precisely identifications take place in the context of deportations is likewise shrouded in significant secrecy. On the other hand, for some persons at threat of deportation, mobilizing secrecy by refusing to reveal their identity, obscuring information about themselves, can be a way of resisting their own deportation. As a researcher looking at deportation, too, one continuously runs up against black boxes and must develop ways of relating to secrecy to deal with censored documents, difficulties in field access, and so on. Rather than assuming that all these different articulations of secrecy form flipsides of the same coin, the contribution maps out secrecy in these different settings and pursues the suspicion that in each of these contexts secrecy correspond to different imaginations of with whom, what, and how the "public" is constituted.

Visualization choices about refugees have delimited impacts along partisan lines

William Allen, University of Oxford.

Data visualizations are indispensable to journalists, policymakers, and scientists for communicating information. Received wisdom about these outputs' power, as well as theoretical recognition of how visuals present alternative routes for impacting political knowledge, suggests that visualizations can change what viewers think. Yet there is little large-scale evidence for this, particularly on political issues, that also considers whether specific design features are responsible. In response, I conducted a pre-registered full-factorial experiment among 3,082 British respondents who viewed a visualization about refugee inflows to the UK between 2001-2020. While the underlying UK Home Office data remained identical, the professionally-designed visualizations varied in terms of chart type, dominant color, editorial framing, and disclosure of the source. This resulted in 54 variations of the image that adhered to current good visualization practice, which enhances the treatments' external validity. Overall, realistic choices about these key dimensions had limited effects on attitudes and preferences, and mainly on perceptions of government performance. Notably, disclosing the data source—a staple practice among visualizers and advocates of greater transparency in political communications on the grounds of improving public trust—had no effects on any of the outcomes. Moreover, where effects did exist, they were particularly pronounced among co-partisan respondents, i.e. those who already supported the incumbent Conservative party government. Overall, my study contributes cautionary evidence for delimiting the perceived effectiveness of visualization, particularly to change minds on salient issues and when outputs involve relatively uncontentious data. Theoretically, it also opens further avenues for examining how people engage with visual information, with implications for broader concerns about raising citizens' knowledge about politically salient issues as refugees remain for many high-income receiving countries.

Panel 2: The technopolitics of digital crimmigration control: Expertise, experimentation, and democratic politics

Moderation: Samuel Singler, Nina Amelung, Sanja Milivojevic

Digitizing crimmigration control, a view from below

Nina Khamsy, Geneva Graduate Institute

As the articulations between new technologies and forced displacement at the European Union external borders is ever-expanding, this paper presents ethnographic accounts of the ways these articulations are experienced by people on the move. While European governments increasingly use technological tools alongside their borders and beyond to control and contain the mobility of "irregular migrants", people on the move seeking asylum in the European Union use digitally connected devices, mainly smartphones, to keep contact with relatives, access information, and navigate their way to safety. Even as governments are accused by a significant number of civil societies, journalists, and scholars of executing violent pushbacks against people on the move, border control practices at borders tend to remain opaque and obfuscated. In this paper, I present the perspective of people on the move (mainly Persian speaking Afghans) on border control practices in southeast Europe (mainly in Serbia, Hungary, Bosnia-and-Herzegovina, and Croatia) in the 2020s. Science and technology studies, critical migration studies, and digital anthropology support my analysis of the ways people on the move experience border guards' manipulation of their smartphones. I suggest that such practices which often involve the examination of smartphones' content and their smashing illustrate a trend of digitizing pushbacks and crimmigration control. How is digital crimmigration control co-producing migration trajectories, strategies, and tactics in time and space?

The European Border Regime as a Laboratory. The Smart Borders Project as a Cornerstone for a European Security Regime

Jonathan Buchmann, **Friedrich Schiller University in Jena**

The article deals with the ongoing digitization and automation of border controls and surveillance and the planning of an interoperable surveillance infrastructure and argues that these politics have implications that extend beyond the field of migration and border policy. It claims that it is necessary to consider these dynamics of the European border regime in the context of the ongoing crisis of the »European state project« within the light of another project: a european security regime. Expanding a materialistic state theoretical perspective through a postcolonial perspective on the field of (in)security production, this contribution proposes a novel perspective on the European border regime. Doing so the article shows that the European border regime can be understood as a laboratory for networked policing in the Schengen area. In this laboratory, specific

techniques of surveillance and control are tested on racialized groups to rationalize the border regime itself. At the same time, the knowledge produced within this laboratory tends to be expanded in its utility, so that the establishment of the smart borders project can be understood as the foundation of an interoperable surveillance infrastructure within a digitized and racialized European security regime.

Unpacking the Coloniality of 'Good Migranthood' through Transnational Archival Research between Ellis Island and Rotterdam

Dawit Haile, Radboud University

Critical migration scholarship has scrutinized the differential treatment of transnational and cross-border mobilities by revealing the racialized and colonial logics of hierarchizing migrants to construct good migrants in migration control practices (Mayblin & Turner, 2020); international and migration law (de Vries & Spijkerboer, 2021) and immigrant integration programs (Schinkel, 2017; Bonjour & Duyvendak, 2018; Blankvoort et al., 2023). This paper claims that the construction of good migranthood is inherently entangled with its antagonistic pair the 'not-good-migrant' (Samaddar, 2020). It looks at Ellis Island and its transnational entanglement with Rotterdam and Holland America Line to control the entry of 'undesirable' immigrants in 19th and early 20th century (Dolmage, 2011; Fox, 1991; Gerstle, 2007; Perlmann, 2018). Transnational administrative practices were introduced to implement US Immigration Acts of 1981, 1903 and 1907 that excludes "all idiots, insane persons, paupers, imbeciles, feebleminded persons, epileptics, insane persons, professional beggars, or persons likely to become public charge, […]". The study applies (transnational) administrative assemblage as working arrangements (Buchanan, 2015) and "modes of objectification" (Foucault, 1982, p. 777) to understand how good migranthood is constructed in the processes of identifying, detaining, and deporting undesirable migrants. By analyzing archival materials in the United States and the Netherlands, it highlights, first, how (racialized) administrative assemblage in migration control practices were not necessarily bounded to nation-state territories; rather, they unfolded in transnational spaces, long before transnationalism emerged in migration studies. Second, it claims that archival materials raise important questions on how past entanglements of the law (criminal justice) and migration control resonate with today's migration control regime. Thereby, this study sets the frame for a genealogical inquiry of good migranthood in Dutch integration programs as part of my PhD project.

The future is now: ambitions and realities of the UK's datafied border

Travis Van Isacker, Bridget Anderson, Sanja Milivojevic University of Bristol

The UK Border Strategy promises to create the world's 'most effective border' through digitalisation and automation by 2025. As this deadline fast approaches, data infrastructures are being developed and implemented to control the movement of goods and people in ways that are touted as simultaneously 'secure' and 'seamless'. This paper focuses on three infrastructure programmes: the Future Borders and Immigration System (FBIS), Data Futures (Cerberus), and the Biosecurity, Borders and Trade Programme (BBTP). FBIS and Cerberus will determine the level of scrutiny persons and goods are subjected to at the border whilst BBTP will be responsible for controlling the import and export of plant, animal and food products. These programmes take similar approaches to regulating cross-border movements despite differences in what or who is actually moving: increased data capture far removed from the border's frontier, data analytics (including through so-called AI algorithms) to determine suspicious movements, and automated verification systems to determine if the people and things moving are who and what they claim to be. We argue these projects emerge from, and themselves claim, particular visions of the 'future border' through which they gain outsized political and symbolic significance despite failures to deliver the promises such visions contain.

Panel 3: Being Political? Navigating criticality and dissent with(in) and beyond STS

Moderation: Jasper van der Kist & Stephan Scheel

"Tantear" beyond borders: STS and the material politics of coalition-building

Fredy Mora Gámez, University of Vienna *(online)*

Research in the intersections between science and technology studies (STS) and migration/border studies conceptualize borders as sites of knowledge about migration demarcating the boundaries of legible worlds of people whose information becomes relevant for nation states and policy making. Although the importance of the border is hard to overstate, how could STS become more attentive to overlooked social relations that are crucial in the journeys of people on the move, but that remain unseen and neglected by the knowledge

enacted by borders? I argue for a shift in our focus on the materiality of handcrafting and the multiplicity of its achievements as a knowledge practice. Based on ethnographic work with communities of crafters who are also people on the move, I draw on the notion of Tantear, a Spanish verb that feminist decolonial scholar Maria Lugones explains as a tactile searching in the darkness of the unknown. I use this notion in two ways: on the one hand to understand the knowledge that handcrafting requires and permits in the lives of people on the move. On the other hand, I use tantear as inspiration for an ongoing pilot project mapping the trajectories of handicrafts by combining digital STS methods, ethnography, and collective participatory strategies. I reflect on the positionality of STS and speculate about other forms of engaging in coalition building with communities of people on the move. While doing so, I explain how STS are generatively challenged by coalition building work, and how coalition building work can be accompanied by STS.

Epistemic practices at the intersection of race, gender, law and security: legal tales on IS-affiliates in Kurdish camps

Tasniem Anwar, Vrije Universiteit Amsterdam

In 2020, the highest Dutch court decided that there was no legal obliga□on on the Dutch state to repatriate women from Kurdish camps in the Northern parts of Syria (ECLI:NL:HR:2020:1148). In this judgment the court refers to different human rights trea□es, poli□cal interests of the state, and interna□onal rela□ons of the Dutch and other states. Despite the outcome of the case, the Dutch government repatriated most of their female ci□zens to face criminal trials in the Netherlands. During these trials, the Kurdish camps again became an important legal ques□on through which ci□zenship and poli□cal threats were nego□ated. This paper takes these court cases as an epistemic infrastructure that connects geopoli□cs, security concerns and legal boundaries in their figura□ons of the Kurdish camps. The paper connects the STS literature on law and epistemic prac□ces (Latour, 2005; Valverde, 2005) which have illuminated the discursive and material prac□ces of producing legal knowledge, yet o□en foreclose the way poli□cs are informed by a□erlives of colonial rules and administra□on. To include these legacies in highly poli□cized context of terrorism trials, this paper draws on post-colonial literature that describes the gendered and racialized ways in which female ISIS-members or suspects are understood and excluded from poli□cal rights (Gentry, 2020; Korteweg et al, 2023). As such, this interdisciplinary analysis of the courtroom enriches the current debates in STS on legal regimes of enuncia□on (Latour, 2010; McGee, 2013) by specifically atuning to the poli□cs of differen□a□on, as a result of colonial governance, in decisions on terrorist threat and ci□zenship.

From Freedom of information to transactional secrecy: Navigating access in critical border studies

Travis van Isacker, University of Bristol & William Walters, Carleton University *(online)*

Freedom of information (FOI) regimes allow citizens to request access to government records. Developing the conversation between STS, governmentality and secrecy studies, the first part of this paper argues that with FOI a new kind of secrecy is born which we call transactional secrecy. For FOI effects and legitimates closure and disclosure simultaneously. With FOI the secret is not eternal or certain. Rather it is located in a contact zone between state and civil society where it is subjected to continuous tests by the 'requests' of civil society actors. Secrecy and disclosure take shape amidst games played out between state officials and users who meet on an uneven playing field and employ tactics and counter-tactics in struggles over information. The play in these games consists of precisely worded correspondence in which specialised knowledge and careful labour are crucial. Digital technologies, however, are increasingly mediating the exchange between requestors and data holders: Online platform Alaveteli helps to manage users' requests and crowd-source the expertise needed to overcome information closure; digital communications technologies influence how functionaries produce and record information, and therefore what is eligible for disclosure; redactions are performed automatically by specialised software; and most data are revealed through spreadsheet annexes contained in PDF renderings, regardless of how that data is held. Digital technologies thus play a prominent role in mediating the transactional secrecy generated in each request, and are worthy of attention in their own right. The second part of the paper fleshes out this argument about transactional secrecy using examples from our research on UK deportations.

Contested knowledge productions: Migrant disappearances in the Sahara,

Maurice Stierl, University of Osnabrück *(online)*

While statistics on migration have become increasingly sought after by governments and international organisations, not least in order to predict and manage migration flows, when it comes to people 'on the move' disappearing in the Sahara, there is a peculiar absence of statistics-creation and, at the same time, a circulation of suggestions concerning a particular death toll. The International Organization for Migration, among others,

has repeatedly suggested that the Saharan desert is likely to be twice as deadly as the Mediterranean Sea – a claim that has been echoed time and again by international organisations, NGOs, and journalists. This article traces this claim. Based on semi-structured interviews conducted with members of several international organisations that have advanced this claim and with NGOs and activists that engage in the Sahara to count, document and/or counteract deaths in the desert, the article examines how geographies of disappearance emerge not only due to the physical disappearing of people on the move but also through the circulation of particular (non-)knowledges (Scheel 2021) on migration. In the absence of reliable data, how has this claim emerged and why has it so stubbornly persisted? In what ways, if at all, does it impact our understanding and our imagination of certain (border) spaces and geographies (of migration)?

Panel 4: The technopolitics of digital crimmigration control: Expertise, experimentation, and democratic politics II

Moderation: Samuel Singler, Nina Amelung, Sanja Milivojevic

When the promise of security becomes taken for granted: The unbuilt and unfinished "interoperability" project and its impacts on the criminalization of migration

Nina Amelung, Universidade de Lisboa

In this paper, I explore the temporal dimension of promissory notes of advancing security in the EU through the convergence of migration and crime control entangled with the interoperability framework and the EU information systems for security, border and migration management. Since its adoption in 2019 the interoperability project is in a constant state of becoming, with different subprojects with their own trajectories and timelines, dedicated to the expansion of law enforcement's access to migration data. Scholarship on yet unbuilt infrastructures foregrounds how unfinished projects can reshape social and political life while being in the making, and explores how projects incrementally evolving rely on promissory notes causing aspirations and anxieties, yet develop political, material, and affective significance. The opening of existing migration databases such as Eurodac for law enforcement access is already in operation. The inclusion of the law enforcement database system Prüm into the interoperability project is planned. These different subprojects are meant to become synchronized and standardized in many ways, thereby replicating and enforcing imaginaries of the 'crimmigrant other', the criminal migrant, as a threat and problem, and the integration of databases as the promised solution. With a focus on the temporary zone between the start of the project and its completion, I explore how suspension, waiting and delay then become the norm for delivering on the promise of security, including the evidence on the proportionality, the validity and reliability, as well as the efficacy of the interoperability project. Distinct temporal frames, rhythms, and already built and yet expected to be built conditions of possibility of the interoperability project rely on each other, and shape and intensify the criminalization of migration in complex ways.

Tracing security risk and irregular migration in the Schengen area: the role of AFIS in the interoperability of international and European databases

Alizée Dauchy, Uni Trento *(online)*

Digital data and technologies have become a crucial site and tool for European Union (EU) governance. Borders have become increasingly mobile through the implementation of digital infrastructures allowing authorities to trace mobilities in advance of and beyond territorial lines (Glouftsios 2018). However, recent events have shown up the unstable configuration of contemporary "Schengen borders" (Casaglia & Coletti 2021). In this context, a large number of authors have explored the relations between digital technology and politics and their effects on border control and migration policies (Bellanova, Carrapiço and Duez, 2022).

In this presentation, I focus on a neglected dimension of digital border control in the EU by asking how biometric databases, employed in the Schengen area, are made interoperable with personal information stored in a database known as the INTERPOL Criminal Information System 1, in order to better trace potential behaviours associated with security risks and irregular migration.

For this purpose, I focus on the collection and processing of biometric data of people on the move through the implementation of the Schengen Information System (SIS II), the European Asylum Dactyloscopy Database (Eurodac), the Visa Information System (VIS), and the Entry/Exit System (EES). I study how authorized users in member countries can view, submit and cross-check records in the Interpol fingerprints database via the automatic fingerprint identification system (AFIS). Drawing on in-depth interviews with the International

Police agency INTERPOL and critical security studies literature, my presentation aims at questioning the impact of digital border control when targeting a specific category of people, non-EU citizens, and how they alleviate or accentuate the discriminations and criminalization suffered by these populations.

The opacity of Data-Doubles in the ETIAS System: Unveiling Secrecy as a Menace to Fundamental Rights.

Ismini-Nikoleta Mathioudaki,Scuola Normale Superiore

In the past decade, the European Union (EU) has witnessed a significant expansion of its digital border infrastructure, leveraging advanced technological tools within its migration governance framework. This surge in digitalization, under the umbrella of techno-solutionism, has led to increased debates on integrating AI systems for risk assessment, prominently visible in the European Travel Information and Authorization System (ETIAS) which, driven by innovative machine learning, aims to pre-screen visa-exempt travelers through its use of predictive algorithms analyzing travelers' information. This process generates data-doubles, or digital replicas, representing individuals' profiles based on gathered data and predictive assessments. In this framework, the body is broken down by being abstracted from its territorial setting, only to be reassembled in different settings through a series of data flows. The result is a decorporealized body, a 'data double' of pure virtuality. These data-doubles serve as digital representations, subjecting individuals to scrutiny based on predictive analytics, while the labeling perpetuates societal biases and reinforces existing power structures, particularly affecting marginalized groups. The fusion of risk assessment and data-doubles indicates a complex matrix of categorization, leading to preemptive classification before any physical border interaction. This paper delves into the crimmigrative dimensions of "data-doubles", in the context of ETIAS. It seeks to unravel how they contribute to the Otherization of individuals through pre-emptive risk assessment. The study explores the opaque decision-making terms and secretive algorithms employed in ETIAS, revealing their role in categorizing individuals as 'risky' based on predictive analytics. By scrutinizing these practices, this research aims to elucidate the crimmigrative nature of data-doubles, shedding light on their function in perpetuating societal biases and contributing to the Otherization of specific demographics.

Mercosur Security Information Exchange System: New Technologies for "New Threats" in the South American Space (online)

Andrés Pereira, National University of Entre Ríos – CONICET

Towards the end of the 1990s, the security agenda of Mercosur partner states began to reconfigure through a process of securitization of migrations and borders around the so-called "new threats." International terrorism, drug trafficking, human trafficking, as well as so-called "clandestine migration," were constructed as threats to regional and national security (Dalmasso, 2016). Faced with these "new threats," information technologies emerged in official discourse as a promising solution for risk management. Thus, within the framework of the Meeting of Ministers of the Interior and Security (RMIS) of Mercosur, the Mercosur Information Exchange System (SISME) was projected and implemented over the next two decades. The objective of this work is to describe and analyze the constitution and implementation of SISME as part of a broader process of technological repair of the South American Migrations and Borders Regime (Domenech, 2019; Hess and Kasparek, 2017) that reconstructs the legibility of states (Scott, 1998; Lesee, 2019), through new techno-political assemblages that arise from processes of securitization and regionalization of migration control. The description and analysis rely primarily on documentary sources from Mercosur, RMIS, and notes or videos in journalistic media. In addition to documenting a little-explored process, the text contributes to understanding the developments of surveillance technologies as a constitutive part of regimes and as a result of the reparative processes that permeate them (Sciortino, 2004; Pereira, 2023).

Panel 5: Open Panel
Control and Contestation

Moderation: Olga Usachova & Matthias Wienroth

The Role of Telegram in War Displacement Decision-Making: the Case of Ukrainian Citizens Escaping from the Territories under the Russian Occupation, 2022-2023

Lidia Kuzemska, Forum Transregionale Studien

The full-scale Russian invasion of Ukraine in February 2022 left millions of Ukrainian citizens stranded on the quickly occupied southern and eastern regions of Ukraine. With humanitarian corridors in the direction of government-controlled territories closed, the inhabitants of the occupied territories have been relying on several targeted Telegram channels dedicated to the discussions about the strategies, experiences, and concrete options of leaving the Temporary Occupied Territories of Ukraine. These Telegram channels – run by volunteers and/or by the commercial transporters – rely on word-of-mouth and peer-to-peer anonymous networks to coordinate those intending to leave the occupied territories, those who already left and those who provide such expensive, yet in demand, services. Why are people relying on online group chats and often anonymous mobility guidelines rather than on official information? Using OSINT techniques of Telegram channels analysis, I argue that Telegram plays several roles in influencing migration decisions during quickly changing restrictions under the war and occupation: Information. Channels are a source of the most up to date 'peer-reviewed' information (regulations, documentation, border guards' demands, length of travel, queues, security protocols on various borders) that is constantly cross-checked with the real-life immediate experiences of travellers. Reassurance. Leaving the occupied territories is complex. Security considerations, loss of documents, fear of being forced to return or arrested on the way, caring obligations, health and financial conditions and other factors prevent people from leaving. The channels provide reassurance that such displacement is possible and feasible. Cooperation. It is a place to look for travel companions, reliable transfer services, alternative routes, and useful contacts. Feedback. People can exchange personal mobility experiences about targeted checkpoints/days of the week; inquire about mobility under very specific circumstances or for specific individuals – cases rarely covered in official guidelines.

Low-tech and high-tech technologies in the context of resistance and solidarity at the Calais border *(online)*

Marie Godin, University of Leicester

This paper explores the intersection of low-tech and high-tech technologies in the context of resistance and solidarity at the Calais border in recent years. Contrary to the chaotic imagery often associated with the Calais 'Jungle,' many studies have shown the existence of self-administered state-like services within the camp, such as schools, basic healthcare, and intermittent power supply. Despite the dismantling of the 'Jungle,' migrants have continued to arrive at the Calais border, facing the challenge of daily mobility (for essential tasks such as acquiring food and water, recharging phones, or seeking information) amid an overarching sense of immobilization and deterrence policies imposed by high-tech border control measures. As advanced technologies like fences, barbed wire, drones, and scanners are deployed to deter migrant crossings, local grassroots groups adapt by establishing low-tech digital infrastructures to counteract these barriers. This paper delves into the resilience and decentralization of this low-tech approach, highlighting its crucial role in addressing emergency situations and providing life-support infrastructures. By examining the strategies employed by grassroots groups, this paper underscores the ongoing need for innovative and adaptable low-tech solutions in the face of ever-advancing high-tech border control systems. The analysis sheds light on how the dynamic and fluid nature of the situation at the Calais border necessitates a responsive technological landscape of resistance.

The CBP 1 App- Digitalizing humanitarian parole processes in the U.S.-Mexican Borderlands

Sara Bellezza, Freie Universität Berlin

High-tech militarization and surveillance with ever 'smarter' technologies used at international borders increasingly seek to control mobility through biometric identification and data sharing not only in physical borderlands but expand far beyond national territories. In response to the closed border policies established under the Trump administration in the U.S.- Mexican borderlands, civil society organizations in support of people on the move have searched for loopholes to support cross-border movements within legal frameworks, such as filing humanitarian parole applications for asylum-seeking persons. Those paper documents are digitalized and sent via e-mail to Customs and Border Protection, whose street-level bureaucrats have discretion to decide over an individual parole application based on arbitrary grounds. With the change in government and U.S. president Biden´s promise to end the Trump era policies, the CBP 1 App made an appearance. Persons intending to seek asylum in the U.S. are asked to register with the App in their home countries, take pictures for facial recognition and provide personal data to the App. Through empirical research conducted in the San Diego/ Tijuana borderlands with humanitarian parole applications before CBP 1, this

contribution will attend to the repercussions of the digitalization of a practice formerly used as the exception to the rule. It asks: Does CBP 1 allow for faster access to border-crossings and asylum applications or rather enhances racist forms of bordering processes and the criminalization of people on the move?

Making border bureaucracies contestable: The Frontex PeDRA controversy and struggles over secrecy

Luděk Stavinoha, University of East Anglia

This paper tells the story of the political controversy surrounding a Frontex data-harvesting programme to explore struggles over institutional opacity, transparency, and the (il)legitimacy of the EU's digital bordering apparatus. In 2022, details of the "PeDRA" project - through which Frontex collects and exchanges sensitive personal data of illegalised migrants with Europol - were publicly exposed in the media. Internal documents obtained through "Freedom of Information" (FOI) requests revealed how senior Frontex officials had bypassed EU data protection watchdogs, despite warnings about possible violations of EU law. With subsequent scrutiny from the European Parliament, Frontex was compelled to re-write the legal rules underpinning PeDRA's expansion. Drawing on the case of PeDRA and long-term collaboration with investigative journalists, this paper centres the potentialities, limitations, and unintended consequences of FOI mechanisms as a tool for accessing the archives of opaque EU border bureaucracies like Frontex. As tools for accessing "backstage texts", it argues that FOIs are integral the production of (non-)knowledge and the broader "epistemic struggles" surrounding Europe's digital bordering infrastructures. The case of PeDRA shows how FOIs generate only fragmented knowledge and certainly do not guarantee greater accountability. Nonetheless, FOI mechanisms are a key means for rendering internal decision-making processes, including everyday bureaucratic irregularities and strategies of obfuscation, publicly visible and, thereby, subject to political contestation. As such, they offer critical border and migration scholars an important methodological and analytical vantage point for not only probing but intervening in these contestations, transcending the dichotomy between "activist" and "policy relevant" scholarship.

How to Control a Border without Acknowledging it Exists? The Politics of Tangibility at Europe's Unrecognized Border in Cyprus.

Romm Lewkowicz, Max Planck Institute for Social Anthropology

In 2022, Cyprus recorded the highest asylum applications per capita in the EU. Local politicians cried that Cyprus was facing an "existential" crisis caused by an "avalanche" of migrants and a new form of "hybrid war" with Turkey. They urged the EU to step in and provide logistical and technological support to help it curb the flows. The paper explores the challenges in applying EU go-to border securitization instruments in Cyprus's current "migration emergency". The challenge is that Cyprus' migration crisis is, in a way, a border crisis without a border. The border Cyprus is asking to control, through which 90% of asylum seekers cross, is the border with Northern Cyprus: a de-facto international border that neither Cyprus nor the EU want to acknowledge exists as such. Border control is often portrayed as an enforcement and security "spectacle" that states seek and enhance in an effort to portray borders, and state sovereignty, as natural or real. The crisis in Cyprus's border crisis does not lie solely with how migration undermines control of a border, but with how migration control instruments may manifest an undesired spectral border politically, discursively, and materially. The paper explores Cyprus' experimentation with "non-border" border technologies, such as the installation of barbed-wire segments along the Green Line in 2021, which drew protests from across the political spectrum, including anti-migrant hardliners.

Panel 6: Open Panel
Datafied Migration and Border Control

Moderation: Kinan Alajak & Ivan Josipovic

Reducing bottlenecks, optimising productivity, and improving the 'decision flow': Newton Europe and the administration of asylum applications in the UK

Connie Hodgkinson Lahiff, University of East Anglia

This paper holds a critical gaze on the role of management consultancies in the development of the asylum decision-making infrastructure. The role of private sector firms in shaping asylum administration in the UK is often overlooked. However, the Home Office is increasingly reliant on consultancy firms to provide data

modelling and analysis to support new processes for managing claims. Using FOI requests and qualitative interviews to supplement Home Office transparency data, I use the interventions of management consultancy firm Newton Europe as a vehicle through which to understand the implications of management consultancy involvement on the administration of asylum applications in the UK. First, I demonstrate that a drive to 'optimise productivity' within the contemporary asylum bureaucracy invites the interventions of management consultancy firms. In turn, these interventions decontextualise the process of asylum decision-making by engineering an epistemic shift such that 'quality' is predicated on creating efficient systems. Second, I discuss how the involvement of management consultancy firms necessitates an understanding of the contemporary asylum bureaucracy that extends beyond the public/ private binary. I suggest the data modelling and analytics tools developed by management consultancy firms ought to be considered part of a broader assemblage of bureaucratic control, serving the purpose of stratifying, quantifying, and categorising those applying for protection. Third, I show how a pervasive lack of transparency inherent in these 'hybrid assemblages' obfuscates how new processes for managing asylum claims are both designed and delivered. This opacity reduces scope for redress and impacts upon access to justice.

"Assess in Advance, Control Where Required": Risk, Data and Anticipation in EU Customs Security *(online)*

Georgios Glouftsios, University of Trento

Scholars working at the intersection of Science and Technology Studies (STS) and Critical Border Studies have produced groundbreaking analyses that shed light on the rationalities that inform, and infrastructures that underpin, the control of travellers' and migrants' mobilities. Within this literature, mobility is represented as one of the most central – if not the central – governmental problematisations that contemporary security apparatuses seek to address through technologies like biometric recognition systems, data analytic tools, and surveillance platforms that register the journeys and bureaucratic trajectories of people on the move (e.g., Amoore, 2011; Glouftsios, 2018; Perret and Aradau, 2023; Pötzsch, 2015). However, scholars tend to pay less attention to how risks associated with non-human, cargo mobilities are managed (but see Côté-Boucher, 2016; Cowen, 2014). Cargo mobilities channelled within global "logistics surfaces" (Martin, 2013) sustain the operations of late capitalism, but also fuel into the "crisis of the geopolitical border" (Cowen and Smith, 2009). This crisis is manifested by the largely conflicting imperatives of (trans)national security and trade. While security is supposed to slow down, assess and control mobilities, trade calls for acceleration, mobility facilitation and the partial disappearance of border checks. This paper explores how the apparent contradictions between trade facilitation and security are expected to be settled through the deployment of the Import Control System (ICS): a pan-European data infrastructure that, once fully operational, will allow customs officers to anticipate organised crime and terrorism risks linked to cargo crossing external air, sea and land borders. Through this case study, I am to enrich our understanding of the ontology and performativity of EUrope's borders by critically interrogating the logics and tactics of control translated into the design of data infrastructures used to manage non-human mobilities.

Digital Wallets, Migration, and Technological Stratifications Across Citizenship Divides *(online)*

Keren Weitzberg, Queen Mary University of London
Isadora Dullaert, University of Edinburgh
Emrys Schoemaker, London School of Economics
Aaron Martin, University of Virginia

In 2021, the European Commission set out plans to make a digital identity wallet available to all European citizens. Digital wallets are electronic methods of storing, managing, and exchanging money and/or identity credentials, often through the use of mobile phones. Digital wallets were initially developed to enable the holding and transacting of electronic funds. Using the EU digital wallet as a case study, this paper will explore how private-sector financial wallets are driving public sector innovations in identity wallets. It will critically interrogate the implications of 'consumer-centric' models shaping 'citizen-centric' digital identity systems. We will also investigate dimensions of exclusion, such as the reasons why migrants have been largely omitted from the EU digital wallet pilots, reflecting on the differential applications of centralized biometric systems and purportedly more privacy-preserving digital wallets, the latter being primarily aimed at EU citizens. This paper will explore the technological stratifications within the digital identity sector, which often fracture around geographic location and citizenship status, and what this means for the model of consumer-as-citizen.

Data practices, regimes of truth and regimes of proof in border control and migration management in EU

Vasilis Argyriou, ETH Zürich

This project attempts to investigate the situated data practices of identification/verification at the EU borders and examine how data come to matter in knowledge production and decision-making processes, focusing on the production of 'regimes of truth' and 'regimes of proof' (Sriraman 2018), and paying attention to the socio-technical underpinnings of data assemblages. Based on extensive fieldwork at relevant agencies in Greece, it follows life cycles and journeys of data and problematizes the relations between data practices and 'truth claims' in digital management migration with the use of IT infrastructures/databases managed by eu-LISA at a national level, and their trans-national set-ups that support the doings of collection, registration, record, and classification; from the data practices of border guards, police and Frontex at the Reception and Identification Centres to the central EU databases and the algorithms that are designed and fine-tuned to automate operations and classify people on the move. The aim is to analyze and understand how experts at the national liaison offices make sense, index, and operate upon biometric and alphanumerical data, and produce consistent narrations that contain truth claims. To do so, I examine the challenges of producing knowledge relevant for classification and what measures are taken to avoid uncertainty; or more pragmatically, how practitioners/experts measure and reason with uncertainty. Apart from the epistemological considerations of truth that I discuss on this research, truth and its representations has also practical every day and performative implications to decision making, public policy, and the capacity to enact modes of inclusion and exclusion, filtering and classifications of people at the borders.

Panel 7: Legal Challenges in Datafying EU Migration, Asylum and Border Control

Moderation: Niovi Vavoula, Jasper van der Kist

International Organization's positioning and the datafication of EU Migration, Asylum and Border Management

Mirjam Twigt, Leiden University

The United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) are at the forefront of using invasive digital technologies to register people on the move. As International Organizations (IOs) they are bound by international law, but they hold immunity from domestic and regional legislation also concerning data protection. In this paper, I expand on my recent publication on UNHCR´s data practices in different Middle Eastern states. Different, interacting challenges to sovereignty simultaneously allow and justify data handling that in other circumstances would not be legally permissible. I show how UNHCR's position as negotiator for refugee protection coincides with emergency-driven techno-solutionism and with citizenship-oriented conceptions of privacy. Arguably their legal positioning also makes them particularly attractive as partners for questionable private entities. Limitations to access and absence of transparency make the digital governance of IOs – in interaction with the border work by States – hard to study. Here, I bring together reports, academic literature, investigative journalism, and publicly available information on data handling by IOM, prior to and upon EU borders. IOM gained UN-related organization status in 2016. Contrary to UNHCR, it is not bound by the human rights framework (Pécoud, 2018: 1625) an its mandate also stipulates responsibilities to delegating states. I question how IOM's data handling compares (and potentially relates) to the data practices by UNHCR. What could this mean for present and future access to rights of people on the move?

Artificial Intelligence Initiatives in Lie Detection: Technological Denigration or Border Control Enhancement?

Jo Ann Oravec, University of Wisconsin-Whitewater

Artificial intelligence (AI) has made considerable changes to data collection, handling, and analysis strategies in a number of application areas. This paper and presentation begin by exploring the current range of lie detection approaches with an emphasis on recent AI and remote data collection developments (Oravec, 2022). It addresses the empirical issues of whether AI-enhanced lie detection technologies have the capability of recognizing lying along with related social and ethical concerns involving their proliferation in border control contexts. New constructs (such as the "biomarkers of deceit") have been developed in the AI era, leading to complexities and lack of transparency in data analysis. The presentation also examines bias and mental privacy

challenges involving the obtaining and analyzing of such intimate data, themes that relate to human rights issues. It analyzes the subordinate statuses of the human subjects of lie detection as well as issues of consent for those who are faced with complex and often opaque systems. Whatever the answers to questions about reliability, bias, mental privacy, and consent, AI-enhanced lie detection technologies are currently being used in border control and other forms of security systems in many national contexts. References: Hall, L. B., & Clapton, W. (2021). Programming the machine: gender, race, sexuality, AI, and the construction of credibility and deceit at the border. Internet Policy Review, 10(4), 1-23. Molnar, P. (2021). Robots and refugees: the human rights impacts of artificial intelligence and automated decision-making in migration. Research Handbook on International Migration and Digital Technology, 134- 151. Oravec, J. A. (2022). The emergence of “truth machines”?: Artificial intelligence approaches to lie detection. Ethics and Information Technology, 24(1).

Guardians of Exclusion: Frontex, Digital Border Management, and the EDPS's Watchful Eye

Mariana Gkliati, Tilburg University

Digital technology and monitoring equipment are increasingly utilised in border management to the extent that this technology is reshaping EU borders. Chosen by the EU as a core response to the challenges presented by contemporary migration, the digitalisation of border management exacerbates the system’s exclusionary potential. Thus, this contribution's primary focus is on digital exclusion: exclusion from the territory and protection of undesirable groups of migrants. It critically engages with the emerging border control infrastructures and their impact on human rights. Central to this examination is the European Border and Coast Guard Agency, Frontex, which is evolving into an information hub wielding extensive data management powers. The paper scrutinises Frontex's augmented data processing mandate, encompassing the screening of irregularly arriving migrants, information processing for return purposes, and combatting transborder crime, notably through initiatives like 'Processing of Personal Data for Risk Analysis' (PEDRA). This investigation sheds light on these seemingly less conspicuous yet potent tools employed by Frontex, highlighting their profound legal implications and far-reaching consequences on the human rights of persons on the move. Specifically, the paper concentrates on the processing of personal data by Frontex (also in collaboration with EUROPOL), emphasising the need for a comprehensive understanding of the multifaceted challenges posed by these evolving border management practices. In this regard, the role of the European Data Protection Supervisor (EDPS) in safeguarding secure data processing is explored, especially in light of his recent audit report of 24 May and the opening of an own initiative investigation, which may result in the exercise of enforcement actions.

UK Digital bordering infrastructures, law and algorithmic security

Gavin Sullivan, The University of Edinburgh
Dimitri Van Den Meerssche, Queen Mary University London

The UK 2025 Border Strategy outlines an ambitious 5-year plan for harnessing advanced digital technologies to ‘revolutionise crossing the border for traders and travellers’ and ‘improve the UK’s ability to detect threats before they reach the border’. It seeks to develop ‘advanced detection technologies to identify threats’ and ‘maximise data driven, automated decision making’ by engineering new processes for data collection, exchange and analysis and interconnecting a diverse array of government agencies with international security partners and commercial providers (including the global aviation industry) to enable ‘real-time sharing of data-driven insights’. Key to this transformation is Cerberus – a machine learning-based bordering infrastructure initiative being jointly developed by the UK Home Office and British Aerospace Engineering (BAE). Drawing from interviews with senior policymakers and data engineers in the Home Office and BAE, our paper maps the emergent infrastructure of Cerberus - highlighting key sites of sociotechnical fissure, legal reconfiguration and political tension and making a valuable empirical contribution to studies of the digital border. Drawing from STS, Critical Infrastructure Studies and legal materiality scholarship, we argue that following how law and infrastructure are co-produced (infra-legalities) through digital bordering is an important conceptual and methodological move for two reasons. First, it opens productive avenues for problematising algorithmic border governance that rely less on revelation (opening up the black box) or grappling with the inescapable inner logics of algorithmic models, and more on emergent infrastructural practices that can be mapped, studied and reassembled differently. Second, it opens novel possibilities for legally critiquing AI bordering practices that avoid reification of ‘law’ and the assumption that law is outside of the socio-material practices it purports to regulate.

Crafting the Asylum Procedure Through Technology: A Finnish Study on Professional's Views on Digitalization *(online)*

Frida Alizadeh, Westerling University of Helsinki

The asylum procedure is increasingly digitalized changing how asylum applications are examined. Due to the heterogeneity of asylum applicants and claims that people present combined with the procedure's inherent high stakes, the tension between technological streamlining and individual assessment is a key issue that needs to be addressed in legal discourse. This presentation examines how immigration officials and asylum lawyers in Finland view the risks and benefits of an increasingly digitalized asylum procedure. Exploring epistemic cultures (Knorr-Cetina 1999) associated with this procedure is instrumental in understanding the legal implications of technology. I will present preliminary findings of interviews conducted with above mentioned professionals. The presentation pays particular attention to their views on if and how the use of automation and digital tools changes individual assessments of asylum cases.

EU Border Security & Dataveillance Practices *(online)*

Abla Triki, George Mason University

The consolidation of European border security involves an assemblage of practices and exchanges between various state and private bureaucracies. The management of border control and mobility flows can be divided into three geopolitical spaces: (i) the externalization of containment to North African countries; (ii) the surveillance capacity operated within the Mediterranean border crossing; (iii) the classification of migrants upon their arrival in Europe. In recent years, 'Fortress Europe' deployed a set of technological instruments in support of data sharing and monitoring systems. These technologies include: i.e. genetic surveillance; geospatial and satellite detection; biometrics identifiers; and computerized databases. This project proposal aims to examine three technoscientific dimensions involved in border management. It seeks to provide a critical take on some of these emerging technologies by applying Didier Bigo's 'practice-based' approach. First, it focuses on EU member states cooperation in terms of deterrence practices and policy changes, leading to a significant deployment of surveillance practices at sea and the continent. Second, it highlights the expansion of genetic surveillance programs (Prüm system) and the EU security policy agenda in relation to DNA data exchange. Third, it examines the implications of large-scale IT systems in managing groups of populations through statistics and computerized databases. These three interrelated technological dimensions of control are operated by different European agencies. While their respective goals may differ at times, they arguably call attention to increasing tensions between surveillance technology and freedom of movement. They rely on 'dataveillance' practices – data mining platforms, for surveillance and monitoring purposes. However, these technoscientific endeavors have a paradox in common: their official stated goals do not necessarily meet the expectations/aims they initially set out to achieve.

Panel 8: Open-source and other digital evidence in the governance of asylum and criminal justice in the context of war and persecution

Moderation: Maarten Bolhuis & Ivan Josipovic

Divergent impacts of datafication: the case of smartphone screening in the Dutch asylum procedure

Rianne Dekker, Kinan Alajak, Koen Leurs Utrecht University

Governments are using vast amounts of data for decision-making in many different domains, of which migration management is a prominent example. Whether datafication curtails or enables the agency of government officials as well as data subjects, is a topic of debate. This case study into smartphone screening in the Dutch asylum procedure extends the 'divergence hypothesis' by demonstrating how datafication impacts stakeholders in various positions differently. We conducted a qualitative case study consisting of interviews and desk research. We interviewed all actors engaged with smartphone screening in the Dutch asylum procedure: government representatives, asylum applicants, and societal stakeholders. We find evidence of enablement as well as curtailment in the struggles over constructing asylum narratives on the basis of smartphone data. Agency of asylum seekers is most curtailed due to a common belief among government officials in the objectivity of data which delimits the options for asylum seekers to contextualize their smartphone data.

Online open-source investigations of atrocity crimes

Isabella Regan, Erasmus University Rotterdam

Online open-source investigations of atrocity crimes are nowadays characterized by the involvement of a variety of public and private actors, both with and without official investigative capacities. The fast-moving technological nature of open-source investigations means that investigating actors often differ in their legal, organizational, or technical capacity to collect, analyze, and store online evidence for future accountability purposes. For this reason, public and private actors have started to operate in networks aimed at strengthening the outcomes of online investigations. Literature on public-private relations in crime and justice and network-theory suggest that this 'multi-actor involvement' can lead to changes in public-private power dynamics between and within investigative organizations and networks. This paper illustrates how the nature of actors involved in these processes can lead to power imbalances and highlights concepts such as (in)equality and (dis)empowerment within and between investigative organizations and networks. Based on a systematized qualitative literature review, the online open-source investigative field in relation to atrocity crimes is conceptualized using a nodal-network approach.

The Contested Visibilities of Refoulement: Investigating the Dynamics of Norm Stabilization Through Open-Source Investigations

Henning Lahmann, Leiden University

The practice of open-source investigations by civil society actors, enabled by the ubiquity of publicly available digital information and new technological means of evaluation, has started to have an impact on the ways in which international legal discourse unfolds. While the emerging significance of so-called open-source intelligence has already been addressed by legal academics, it has so far mainly been examined in the context of international criminal justice and other accountability mechanisms. The contribution makes the claim that it has furthermore started to shape discourse in international legal processes fora more generally, which can be demonstrated by the example of the practice of pushbacks of migrants at the borders of the European Union. The emergence of novel digital technologies has begun to fundamentally change the ways in which facts and evidence are being produced and communicated in international law. The paper investigates the growing role of civil society actors for the construction of a facts-based international order. Using the practice of pushbacks as a salient case study, it critically interrogates how the interplay of the technologically facilitated narrative strategies employed by both civil society actors and states has begun to shape international legal discourse. While the use of digital open-source information will not end factual manipulations by states that expect a negative external response to their conduct, the paper demonstrates that technologically assisted counter-narration makes such communicative strategies more costly and, by establishing narrative coherence in international fora, exerts stabilising effects on the international legal system.

Digital evidence in asylum procedures: Biases in decision-making

Maarten Bolhuis,

Tanja van Veldhuizen, VU Amsterdam

This panel starts from the assumption that digitalization increasingly affects the governance of asylum and humanitarian protection in Europe, which brings opportunities but also has negative effects. When such negative effects are discussed, the focus is often on the impact on the privacy of asylum applicants; purpose limitation and function creep; and the use of algorithms and automated decision-making to navigate the abundance of data collected. The attention for how digital evidence is used in asylum decision-making, and what are the possible risks connected to this, is much more limited. While better access to information is said to have the potential to improve decision-making and access to protection, for instance by reducing arbitrariness in decision-making, there are also potential biases that are particular to open-source information and other digital evidence. This kind of bias has been addressed, to some extent, in the criminal justice context, as well as in legal psychology. Based on legal-psychological literature and by conducting an experiment among professionals working for immigration authorities, we want to assess how such biases may play out in asylum decision-making. Our study focuses on digital evidence as collected in open-source research and through data carrier extraction, in the context of assessing the country of origin and possible involvement in atrocity crimes.

OSINT in practice

Klaas van Dijken, Lighthouse

Panel 9: Legal Challenges in Datafying EU Migration, Asylum and Border Control II

Moderation: Niovi Vavoula, Jasper van der Kist

From Preventive to Predictive Justice in the EU: the case of algorithmic profiling in EU large-scale information systems

Alexandra Karaiskou, European University Institute

Artificial intelligence (AI) is increasingly pervading and reshaping public sector decision making, not least in the fields of criminal law enforcement and migration management. In the EU, like elsewhere, this has largely taken place in the context of developing a security agenda as a strategic response to several terrorist incidents, especially since 9/11, in combination with increased immigration flows. The EU has, thus, adopted swiftly and uncritically various measures,1 including the establishment of new large-scale information systems to surveil the movement of third country nationals, the upgrading of older ones, and the development of interoperability components to interconnect them all, under the guise of internal security. The main objective has been to pre-emptively identify 'risky' individuals and to prevent them from arriving at the borders. According to Mitsilegas, this is part of a broader paradigm shift towards preventive justice which is based on the pre-emptive exercise of state power to prevent future security threats, and which raises important challenges for fundamental rights. Against this background, this contribution examines the fundamental rights challenges raised by the embedment of algorithmic profiling, an originally criminal-law-purposed tool, in the above surveillance regime to enable predictive risk assessment of non-citizens with the aim of selective exclusion. It does so by focusing on the case studies of the European Travel Information and Authorization System (ETIAS) and the Visa Information System (VIS), and the legal implications of these profiling processes vis-à-vis the right to non-discrimination. I argue that algorithmic profiling raises unresolved discrimination challenges due to its legal and technical design and may likely reify existing historical and institutional biases against certain demographic groups of non-EU citizens. For this reason, it should not be deployed until these issues are addressed. More broadly, I argue that, in the wider framework of preventive justice, the deployment of AI-powered profiling tools for migration management entails a subtle shift towards predictive justice which marks a transition from generalized suspicion to risk hierarchies that calibrate the severity of human rights interferences based on probabilistic classifications devoid of tangible evidence.

The Proliferation of Electronic Surveillance Measures and the Billion Faces of National Security

Marcin Rojszczak, Warsaw University of Technology

A crucial issue of contemporary electronic surveillance law is to balance the powers of public authorities in such a way that, without blocking the authorities' ability to act efficiently, these powers do not go beyond what is necessary and permissible in a democratic state. This problem is particularly apparent with regard to the use of surveillance measures associated with national security for other public tasks, such as criminal proceedings. As it turns out, measures considered acceptable in the area of state security often fail to meet the standards applied in the area of criminal justice, leading, inter alia, to controversies related to the admissibility of the evidence in a court of law or respect for the right to a fair trial. This problem is exemplified by the discussion – ongoing for many years – on the permissibility of the collection of PNR data by public authorities and the subsequent processing of such data by means of modern algorithmic systems. Although the CJEU has dealt with this issue on several occasions – last time de facto repealing key provisions of the EU PNR Directive (Ligue des droits humains, C-817/19) – it is difficult to regard this problem as finally settled. Controversies over the proliferation of sophisticated national security surveillance systems are not limited to the case of PNR data. Similar doubts are raised by the growing use of indiscriminate FRT systems, which, originally created to combat terrorist threats and extremism, are increasingly used for other public tasks. There is a similar controversy surrounding a French law passed this year that introduces a new surveillance regime in connection with securing the Olympic Games to be held in Paris in 2024. Each of the above cases not only illustrates the evolution of surveillance capabilities in the area of state security but also exemplifies the erosion of the legal safeguards established to limit the use of the information obtained through national security surveillance for other public tasks. The paper aims to explore the interplay between the surveillance laws in force in the area of state security and the possibility of using them for other public tasks. Based on the example of the legal regimes introduced in selected EU Member States, it will show that successive reforms providing for more and more intrusive forms of surveillance have been accompanied by a relaxation of mechanisms that allow for increasing use of the data gathered, even outside the area of state security. The paper will also discuss the role

played in this process by EU law, which is increasingly being used by (some) Member States as an instrument to introduce types of surveillance whose adoption under domestic law would provoke public resistance.

Contesting Automation through Legal Mobilisation

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Contesting automated decision-making in the public sector is challenging, as it demands legal and technical expertise, a comprehensive understanding of the system in place, and ample resources. One significant barrier is the opacity surrounding the use of algorithms, making it difficult for the general public and civil society organisations to discern their presence and understand their inner workings. Our prior research reveals that state authorities rarely disclose their integration of new technologies into decision-making. Based on the AFAR project's extensive examination of new technology uses in "migration/asylum management" across Europe and the recently established NewTech Litigation Database, this paper analyses how individuals and civil society organisations challenge the implementation of automation in decision-making and evidence-gathering systems. Drawing on scholarship on legal mobilisation, as understood in its broad term, our analysis shows that contesters in this domain use three primary means to invoke legal norms and challenge these systems: they demand transparency directly from authorities through FOI requests and/or parliamentary inquiries; file complaints with Data Protection Commissioners; and attempt to contest practices in courts. Case studies, including the iBorderCtrl project, the UK's use of algorithms for visa processing and sham marriage detection, and the use of mobile phone data extraction in the asylum process, illustrate these contestation methods. Our research demonstrates that change can also emerge from within institutions. For instance, in the Netherlands, the immigration authority's practice of storing ethnic identification data of potential sponsor companies' board members faced criticism from the IND's Legal Affairs Department. This practice was subsequently terminated due to a technical issue reminiscent of other famous algorithmic Dutch scandals rather than a legal or ethical concern. In conclusion, we find that given the paucity of transparency in automated systems, judicial review becomes the last resort. However, alternative methods are available to contest the use of automation within public administration, underlining the potential for change within and around these institutions.

Technologically Backed-up Migration Control in the European Union and the Risk of (undetected) Discrimination

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In recent years, we have witnessed a surge towards new technologies, including Artificial Intelligence, in European Union border control, asylum, and migration management. Quite prominent are systems that foresee a joint human-machine decision-making procedure, especially when determining a third-country national's right to enter and stay in the EU. Examples include risk screenings as part of the newly introduced ETIAS and the updated VIS, the use of dialect recognition software as support in asylum procedures, and growing research in emotion recognition systems to help with credibility and vulnerability assessments. The EU and its Member States claim that translating ever more aspects of third-country nationals' identities and trajectories into data and relying on advanced technological solutions leads to more efficient, reliant, scalable, and consistent decision-making. Yet, there are growing concerns that the turn towards "techno-solutionism" interferes with fundamental rights. Among the most pronounced challenges are the risks for safeguarding the right to non-discrimination. Critically, in AI-driven decision-making, numerous – yet often unknown or unaddressed – entry points for bias exist. Particularly noteworthy are unrepresentative data sets and discriminatory system design. The latter stems, amongst others, from the unbalanced selection of input features and target variables. Discriminatory outputs are the consequence – and they are often compounded by existing biases of human decision-makers. Worryingly, however, the complexity and concomitant opacity of advanced AI systems make it hard to detect the source of discriminatory outputs and even harder to remedy them. Taking the above examples as a starting point, this work makes suggestions on how to address existing challenges. It thereby draws on a three-pillar control concept that elaborates on (1) system design, (2) human-machine interaction, and (3) venues for exercising social control.

Railway security checks at the border between intrusive security technologies and fundamental traveller rights

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European railway borders are facing a particular exposure to security threats, necessitating a delicate balance between securitization and managing migrant-flows amid globalization and current geopolitical landscape. For example, the war in Ukraine illustrated the challenges experienced at the Eastern EU borders by the refugee migration surge in early 2022. This paper will focus on the European border security control process from the rail border perspective. It will encompass the lessons learned from the UIC Refugee Task Force as well as insights from the ongoing EU-funded Horizon Europe project ODYSSEUS (Unobtrusive Technologies for Secure and Seamless Border Crossing for Travel Facilitation). Project ODYSSEUS aims to support the security and integrity of the European space, reducing illegal movements of people and goods across the EU borders, and facilitate travelling for citizens while protecting fundamental rights of travellers. The project will test a combination of multi-behavioural and GDPR compliant biometric user identity verification tools, allowing EU citizens to cross the border without any interruption or queue. Further, novel luggage and baggage checks will allow citizens' vehicles and cargos to be remotely checked at land borders to speed up the border check processes in a secure and reliable manner. The project will run three pilot tests at road, rail and water borders. We will analyse the implementation of project's technologies in the rail border crossing pilot test. We will also discuss the implications for the actors involved in the process of railway border crossing (e.g., border authorities, railway operators, and railway travellers).

Algorithmic and Biometric Discrimination in EU Migration: Challenges and Recommendations

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With the advent of modern technologies that employ computer algorithms for various assessments, such as creditworthiness or biometric identification, there have been growing concerns that such algorithms may be inherently discriminatory. For example, women may receive lower credit scores than men with an equal financial situation, and people of certain ethnicities or skin colors may be more likely to be misidentified by a biometric algorithm. This paper explores the reasons for algorithmic and biometric biases, as well as the legal implications of these challenges. It also discusses the limitations of using non-discrimination law to address algorithmic and biometric discrimination. In particular, the paper argues that (1) algorithms are rapidly improving, rendering old arguments against their use outdated; (2) discrimination can be difficult to prove under current non-discrimination law; and (3) bias is inherent in all decision-making, both human and algorithmic, so what should be done if an algorithm discriminates, but perhaps less, or differently, than in the case of human decision making? The paper concludes by providing recommendations on what characteristics algorithms should have to mitigate bias, with a view to biometric systems used in EU migration. Affiliation and short bio (75 words) Matija Kontak is a PhD student at University of Zagreb, Faculty of Law, Department of European Public Law. He graduated from University of Zagreb (mag.iur.) and Radboud University (LL.M.). His doctoral thesis concerns legal issues related to biometrics in EU migration: privacy, encryption, non-discrimination and other.