

“The Implementation of the EU Hotspot Approach in Greece and Italy: A Comparative and Interdisciplinary Analysis”

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“Infrastructure Space and the Future of Migration Management: The EU Hotspots in the Mediterranean Borderscape”

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List of Abbreviations

AVRR:	Assisted Voluntary Return and Reintegration program, IOM
CARA:	Centre for the Reception of Asylum Seekers, Italy
CAS:	Emergency Accommodation Centre, Italy
CDA:	Accommodation Centre for Migrants, Italy
CIE:	Identification and Expulsion Centre, Italy
CNDA:	National Commission for the Right of Asylum, Italy
CPSA:	First Aid and Reception Centre, Italy
EASO:	European Asylum Support Office
ECHR:	European Convention on Human Rights
ECtHR:	European Court of Human Rights
EODY:	National Organization of Public Health (former KEELPNO), Greece
ESTIA:	Emergency Support to Integration & Accommodation, UNHCR, Greece
EURODAC:	European Asylum Dactyloscopy Database
EURTF:	European Union Regional Task Force
Eurojust:	European Union Agency for Criminal Justice Cooperation
Europol:	European Police Office
FRA:	Fundamental Rights Agency
FRONTEX:	European Border and Coast Guard Agency
GAS:	Greek Asylum Service, Greece
IOM:	International Organization for Migration
MRCC:	Maritime Rescue Coordination Centre, Italy
RIC:	Reception and Identification Center, Greece
RIS:	Reception and Identification Service, Greece
SOPs:	Standard Operating Procedures
UNHCR:	United Nations High Commissioner for Refugees

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1. Introduction

1.1. The Launch of the EU Hotspot Approach in 2015

The Hotspot Approach was presented by the EU Commission in 2015 in response to the deepening conflict over high numbers of refugee arrivals at the EU southern frontiers in the wake of the uprisings in North Africa and the Middle East. In 2002, the EU officially declared the combat of undocumented migration as its key aim in migration management, resulting in a constantly militarizing EU border regime that rested on the cooperation with the very dictators in North Africa and the Middle East, who were toppled in the popular uprisings of 2010/11. The subsequent increase of asylum seekers' arrivals by boat from Turkish and Northafrican shores to Greece and Italy was met with strong actions by several EU member states from 2011 onwards, leading to temporary suspensions of the Schengen System (Ayata, 2017). It also revived the discussions on irregular migration and the relocation of asylum seekers. With migration and asylum once again becoming a central conflict among EU member states threatening even the continuation of the Schengen System, the EU Commission proposed a new Agenda for Migration in 2015 (European Commission, 2015a). Apart from the intensification of existing measures such as increasing the powers of the EU agency FRONTEX¹, its most novel measure is the Hotspot Approach.

The Hotspot Approach constitutes a new form of a multilateral migration management which turns particular border regions into special zones of governance, jurisdiction and enforcement. In these zones designated as "hotspot areas", migration and border management proceeds no longer under national authority but in a coalescence of public and private, state and nonstate, national, international and supranational actors. The EU Commission defines "hotspot areas" as areas of "disproportionate migratory pressures" with "large inward mixed migration flows" in member states at the EU's external borders (European Commission, 2015a). For those Member states with "disproportionate migration pressure", the EU Commission's Hotspot Approach offers technological and operational assistance by deploying EU Agencies to operate flanking national and international actors involved in dealing with new arrivals of Third country nationals. In its official statement, the EU Commission explicitly describes it as an *assistance* that is offered upon the *request* of a member state, yet in a later explanatory note, the Commission declared that in case "a frontline Member State does not request support from all of the Agencies or only requests emergency funding, the Commission will consider to propose to that Member State to adopt the "Hotspot Approach" (European Commission, 2015b, p. 3).

Neither Italy nor Greece requested the adoption of the Hotspot Approach, but had to concede to it due to their request for emergency funding. Thus, the Hotspot Approach is in effect a Brussels-led enforcement and disciplining of national migration management at its southern frontiers. The central objective of this enforcement is twofold: the filtering of arriving persons into "deserving" and "undeserving" asylum seekers and their biometric registration. The Hotspot Approach foresees the deployment of four EU Agencies, namely the European Border and Coast Guard Agency (FRONTEX), the European Agency for Asylum Support (EASO), the European Agency for Criminal Justice Cooperation (EUROJUST) and the

¹The agency was founded in 2004 and renamed into European Border and Coast Guard Agency in 2016. For the sake of legibility, we will continue to use the name FRONTEX in this paper.

European Police Office (EUROPOL) to directly intervene into a realm of national sovereignty, namely the national and local administrative procedures of identifying and registering persons who have entered the country. Here, the critical aspect for the EU Commission is the fingerprinting of all arriving persons, which Greece and Italy avoided doing up until 2015. In fact, they allowed for a “laissez passer” practice that enabled newly arriving persons to move on to other EU countries. After only one year of the implementation of the Hotspot Approach the fingerprinting of undocumented persons arriving in Greece increased rapidly from 8% in September 2015 to 78% in January 2016, and in Italy from 36% to 87% in the same period. By summer 2016, the target of 100% registration was almost reached in Italy (European Court of Auditors, 2017). Moreover, the arrival numbers have drastically declined both in Italy and Greece since the introduction of the Hotspot Approach, especially in conjunction with the bilateral agreements between Turkey and the EU in 2016, and the Italian-Libyan agreement in 2017.

For these two reasons - increase of registrations upon arrival and reduction of arrivals- the EU Commission evaluates the Hotspot Approach as a success and has emphasized in its latest “Pact on Migration and Asylum” its contribution to a more efficient migration management (European Commission, 2020). However, such a positive evaluation of the Hotspot Approach is only possible when leaving aside the question of *how* these numbers of registration and reduction of arrivals were reached, or in other words, if the legal violations and dehumanizing components in the actual implementation are not considered. The mirror image of the success rate of registration and reduced arrivals are the disastrous conditions in the hotspot facilities in Greece and the violent pushbacks in Italy. In this paper, we offer a comprehensive analysis of the implementation of the Hotspot approach that discloses the violations and violence as endemic to the Hotspot approach.

Based on our comparative analysis of the implementation of the Hotspot Approach in both Greece and Italy², we advance two central arguments in this paper. First, we argue that **the Hotspot Approach is a complex, multilateral and opaque system of migration management that routinizes violence and violation**. The involvement of four EU agencies, two international organisations, along with national state and private actors as well as NGOs has turned the designated Hotspot areas into a grey zone of jurisdiction and enforcement, in which power and accountability is notoriously diluted. We conceptualize this particular feature of the Hotspot Approach as the **extrastatecraft of migration management** and argue that it is this very extrastatecraft that facilitates the normalization and routinization of violations and violence. Before the introduction of the Hotspot Approach, any protection-seeking individual arriving on EU territory was able to request asylum as the EU and its member states had adopted the 1951 Refugee Convention. Thus it would be up to the national asylum procedure to legally examine if the individual asylum request is granted or denied. With the Hotspot approach, however, a pre-selection process is now being introduced right at the point of arrival, where the seemingly administrative procedure of registration process functions as a pre-filtering system that does not completely erase the possibility to seek asylum, but fundamentally alters the process.

Our second argument refers to this pre-filtering system: we argue that **the Hotspots are infrastructure spaces of filtering, which sort out and filter arriving persons into deserving and undeserving**. This occurs through racialized and biopolitical practices during

² Our research project has also studied the effects of Hotspot Approach on the wider Mediterranean Borderscape in Tunisia as well in Turkey and Libya but for the purpose of this paper, we will focus on the implementation in Italy and Greece. We gratefully acknowledge the financial support of the Swiss Network for International Studies (<https://snis.ch>) for the duration of the project.

the hotspot procedures, which in Italy at times already start at the sea, and in Greece are mainly implemented inside the Hotspot facilities. In order to unfold these arguments in this paper, we first present our conceptual framework and situate it within the scholarship of migration infrastructure. Then, in Chapter 2 we offer a comparative overview on the implementation of the Hotspot Approach in Greece and Italy with a focus on the legal, sociopolitical and spatial dimensions. In Chapter 3 we give a detailed account of the actors involved in the implementation of the Hotspot Approach in Greece and Italy and discuss this as the extrastatecraft of migration management. In Chapter 4, we scrutinize the Hotspot procedures of identification, registration and fingerprinting as a biopolitical filtering system which is imbued with violence and violations of the persons subjected to these procedures. In conjunction with the previous chapter, we argue here that the extrastatecraft of the Hotspot Approach produces an infrastructure space of filtering that rests on a priori distinction of entitled, thus deserving asylum seekers and ineligible, thus undeserving economic migrants.

1.2 “Hotspots” - Migration as a Combat Zone

The introduction of a prefiltering system through the Hotspot Approach based on a priori distinction is yet another step in the process of criminalizing migration in the EU. The securing of Europe’s external borders on and around the Mediterranean is not only accompanied verbally and discursively by warlike rhetoric. The EU also witnessed a progressive shift from the declared aim of guaranteeing security through dismantling networks of international crime (linked to either terrorism or human trafficking), to an increasingly militant fight against unauthorised migration. The latter has gained top priority in the EU, to such an extent that rule of law procedures, international legal agreements and basic democratic standards might be suspended if they stand in the way of the implementation of measures to prevent migration.

The very term “Hotspot” reflects the militarization of migration prevention (Ayata, 2020). It is important to note that this term was not previously used within migration management; neither key organisations such as the UNCHR nor the IOM used it before. The EU Commission introduced the term in the context of the Hotspot Approach. There is a broad use of the term hotspot but we want to highlight its military use that emerged during the Second World War, when the term was first used to designate active combat zones. In the Cold War, escalating conflicts with war potential and active combat were then referred to as hotspots. In their genealogy of the term, Neocleous and Kastrinou (2016) show that hotspots are both used synonymously for a war zone and increasingly stand for a "police zone", marking zones of conflict or crime and thus legitimizing increased police presence. Neocleous and Kastrinou therefore see the fact that the European Agenda for Migration now designates arrival points of migrants as hotspots that require special intervention in the form of a Hotspot Approach as a further expression of the criminalisation of migration. While we concur, their argument does not go far enough: it is more accurate to speak of a militarization of migration prevention, in which the Hotspot Approach plays a central role. This militarization goes hand in hand with the criminalization of migration and has direct effects on our languages and concepts. The a priori distinction between deserving and undeserving migrants, or asylum seekers and economic migrants has become commonplace and now even legalized through the Hotspot Approach. That is why, in order to be legally accurate, we would have to use the terms “asylum seekers” and “migrants” when referring to the undocumented persons who

arrive at the shores. Yet this distinction is the very product of policies that we are critically analysing in the present paper. Our research has encountered instances in which persons who had just been rescued from drowning in the sea had to declare if they were economic migrants or not. Even if one were to subscribe to the existing legal distinctions of legal and illegal migration, our study shows that the actual practices of this assessment through the Hotspot procedures are rested on the discretionary power of the Hotspot personnel vis-a-vis an undocumented, rightless, often traumatized person who remains under detention until the procedures are concluded. Thus, we prefer in this paper to use “asylum seekers” or “newly arrived persons”.

1.3. The EU Hotspot Approach as Infrastructure Space

The EU Commission highlights that the Hotspot Approach only consists of technical and operational assistance while relying on existing facilities such as reception centers and pre-removal centers. However, in practice it led to the building of new kinds of facilities, in addition to the remaking of existing infrastructures or the adaptation of already existing spaces. Thus, we conceive the Hotspot Approach as the latest infrastructure of migration management at the EU’s external frontiers. We do so by building on the work of Keller Easterling (2014), who has pointed to the power of infrastructure in her compelling analysis of the global rise of Free Trade Zones. Contrary to the common perception that infrastructure is only an invisible substrate, Easterling emphasizes the political, social and economic creative power of infrastructure. In her conceptualization, **infrastructure space** includes not only the accumulation of buildings and locations, but also liquid and mobile components such as logistics, software, schedules, regulations and laws. Moreover, it is a space of overlapping sovereignty where public and private actors join forces in a grey zone of jurisdiction. To describe this overlapping sovereignty, she introduces the term *extrastatecraft*: “As a site of multiple, overlapping or nested forms of sovereignty, where domestic and transnational jurisdictions collide, infrastructure *space* becomes a medium of what might be called *extrastatecraft*—a portmanteau describing the often-undisclosed activities outside of, in addition to, and sometimes even in partnership with statecraft” (Ibid.). While she develops her argument with respect to the Free Trade Zones to describe how social policies and human rights are circumvented to provide the most lucrative conditions in these zones, we adapt and employ her two concepts to the realm of migration management.

For our purposes, then, we approach infrastructure not simply as a tool or medium of policy implementation but a mode of governing unwanted migration. We analyze in this paper the Hotspot approach as an infrastructural approach to migration management at the EU’s external frontiers. With infrastructure, we do not only refer to material objects such as camps, fingerprinting devices, etc. but also to the set-up of the hotspot procedures (regulations, laws, standard of operations etc.). In the subsequent chapters, we show how the physical and procedural elements of infrastructure actually are intertwined and coalesce in the Hotspot Approach. We build our study both on the emergent literature on the EU hotspots and the EU border regime as well as the wider literature on migration infrastructure.

1.4. Existing Scholarship on the Hotspot Approach

Even though the implementation of the Hotspot Approach dates back only five years, it has already been considerably studied by scholars from various disciplines. Few scholars have argued that the hotspots constitute the “new border” of Europe (Painter et al., 2017). Focusing on Lesvos, they examine the Hotspot Approach as providing instruments of governing mobility via the spreading of “an idea” that also imply “a novel combination of legal and administrative practices” and a “set of physical infrastructures located close to, but not on, the EU’s external Mediterranean boundaries” (Vradis et al., 2019, p. 3). Yet while they offer important insights on the first two aspects, the physical infrastructure is not analyzed systematically. This contrasts with the work of other scholars, who view the hotspots not as an entirely new mechanism or policy, but as the consolidation of pre-existing logics of European bordering, building up since Schengen and including earlier proposals for the construction of identification/registration centers, and the externalization of border controls to non-EU states since the 1990s (İşleyen, 2018; Jeandesboz & Pallister-Wilkins, 2016).

The vast majority of extended studies on the Hotspot Approach are single case studies and are thus limited in scope. Moreover, this scholarship has seldom addressed the repercussion of the implementation of the hotspot approach in the wider Mediterranean borderscape, and thus beyond EU territory. According to Garelli and Tazzioli (2018) but also Scieurba (2017), who have examined the Italian case, the Hotspot Approach has engendered not so much specific infrastructures but specific procedures and mechanisms for identifying and selecting migrants. Paolo Cuttitta (2016) has focused instead on the variety of actors involved in the implementation of the hotspot approach in both the Italian and the Greek case, and has concluded that hotspots can be intended as “punctiform” or “delocalized manifestations of the EU border embodied by a variety of State and non-State actors”. According to him, only after having been transferred to the hotspot, rescued persons are funneled from the space of the sea to the European polity (Cuttitta, 2016). This process is paralleled by a concomitant logic of containment that consists in EU super-state actors flanking national authorities in promoting intelligence and policing activities that, at least in the Italian case, often start to take place already at sea, in international waters, right upon rescue activities.

Studies of the Hotspot Approach build on critical studies on migration, borders and mobility, which have looked at spaces and borders from a multi-situated perspective that progressively challenged the idea of the state border as a pillar of modern geopolitical imagination. Ever since the 1990s the conceptualization of borders was informed by the so-called ‘processual turn,’ which emerged from globalization debates and spurred the involvement of many social movements into research production and increasingly included migrant persons (Casas-Cortes et al., 2015; Garelli & Tazzioli, 2018; Scieurba, 2017, Cuttita, 2016). The study of bordering dynamics thus gained momentum and critical migration and border studies emerged that extensively questioned the “methodological nationalism” informing earlier scholarship (De Genova, 2005), by elaborating new concepts such as “the constructed nature of border regimes” (Karakayalı & Tsianos, 2007) and; the “border spectacle” (De Genova, 2013; Walters, 2010).

Further expanding on these critical migration perspectives, some scholars developed the concept of *borderscape* for an analysis of borderlands able to critically rethink of the relations between forms of power, territory, political systems, citizenship, identity, otherness and borders in times of globalization and transnational flows; namely by addressing the spatialities and spatial imaginaries of EU borderscapes as well as externalization (Scott et al.,

2018). In this vein, Tazzioli and Garelli (2018) engage the hotspots as “flexible chokepoints of mobility disruption.” They argue the hotspots generate both new forms of containment and channels of mobility. Such containment is to be understood beyond detention as such, as a series of measures to discipline mobility without halting it altogether. Apart from a chokepoint of containment and (im)mobility, the hotspot is also examined as a violent mechanism of categorization which turns the subjects it processes into objects. Under this realm, the notion of vulnerability that is inscribed in the core of the Hotspot Approach is seen as an embodiment of its violence, which “not only reproduces a border between refugees and migrants, but also enacts multiple borderings amongst ‘potential refugees’ themselves” (Spathopoulou et al., 2020, p. 20). Scholars who draw on the humanitarian border literature have been looking at the Greek hotspots as spaces of detention where the “violence of the border goes hand in hand with humanitarian assistance” (Bousiou, 2020, p. 434). The concepts and the practices pertaining to control, reception, and protection of migrants are not seen as adversary, but rather as synergies that effectively produce the European Asylum Regime (ibid).

Despite the merits of the borderscape as an analytical lens, focusing on the impact of the Hotspot Approach on migration trajectories “beyond the space of the hotspot” may run the risk of foreclosing a deeper understanding of the hotspot as a complex and multilayered infrastructural system in and of itself. To understand this system in an increasingly militarized and technologically equipped world order made of state and non-state, national and supra-national powers, our study of the Hotspot Approach builds on multidisciplinary scholarship on border-making as a biometric venture (Häkli, 2007, 2015; Müller, 2012; Nguyen, 2015; König 2016). Border-making, Alice Mountz argues, is extremely mobile and “perpetually reconstituted around the body [...] in a proliferation of sites between states, national and international legal and security regimes, state and non-state actors” (Mountz, 2011: 126). This understanding builds on previous scholarship on the emergence of a “surveillance society” informed by “technological politics” (Lyon, 2001, 2003, 2004, 2006; Amoore, 2006) characterizing “the age of surveillance capitalism” (Zuboff, 2019).

A technological escalation has allowed biometric borders to exist through datification and digitalization processes aiming at better controlling mobile persons’ movement as well as their speed. This process ultimately resulted in organizing the exercise of structural violence against the individual identities and their bodies, which has been pursued by simultaneously sorting and re-categorizing people with the goal of reselecting who should be where in the name of security (Amilhat Szary & Giraut, 2015; Andersson, 2014, 2016; Green, 2013; Huysmans, 2006; Lane, 2020; Mezzadra, 2004; Mountz, 2011; Karakayalı & Tsianos, 2007). The sorting-categorizing nexus, with its inherent violence, is haptly enacted within the scope of the Hotspot Approach as the EU’s ultimate strategy for preventing new arrivals from claiming asylum, while also setting the necessary conditions for the persistent surveillance of people on the move. The EUHotspot Approach is indeed coherent with those modern forms of surveillance that have allowed for the stigmatization of these people while simultaneously turning bodies into borders (Mbembe, 2019). Moreover, the exclusionary technology of contemporary borders has not only a spatial but also a temporal dimension. The latter consists in differential processing pace for the determination of moving people’s status in so-called recipient states (Griffiths et al., 2013; Tazzioli, 2018; Vitus, 2010), as well as the violence of making them wait (Khosravi, 2010; Pfoser, 2020), that can sometimes also be intended as temporary kidnapping them right at the border (Tazzioli and De Genova, 2020).

The implementation of the Hotspot approach spatially and procedurally materializes what is in essence a filtering system that categorizes arriving people into two groups:

deserving (thus, rightful claimants for protection) and undeserving (irregular, thus criminalized) migrant subjects. It does so while also juggling two competing - and irreconcilable, as we argue - aims of protection and criminalization.

Biometric technologies to enroll biometric samples into inter-operative databases constitute the core instrument for this approach. This attests to the governing of mobility by “enclosing” the migrant body, as the “anchor to which data can be safely secured” (Amoore, 2006). As argued by David Lyon (2003), this biometric regime is more consistent with the constant surveillance that potentially follows the bodies of persons subjected to it than with the filtering of bodies crossing borders. Despite its claims to objectivity, this regime assigns risk and worth to surveilled bodies, key to the hotspot approach’ categories of “deserving” and “undeserving.” This process, that Lyon (2003) calls “social sorting” results in “deep discrimination” as social sorting processes rest on a “cluster of racialized and able-bodied assumptions about what constitutes a normative, non-criminal” body (Pugliese, 2010, p. 9; but also, Cunningham & Heyman, 2004). In order to operationalize social sorting along its southernmost borders, the EU Hotspot Approach engendered a vast infrastructure space made of both material and immaterial nodes, which we argue can more productively be studied by combining socio-political analysis with an infrastructural lens.

1.5. Migration through an Infrastructural Lens

Over the past decade, infrastructure has become a particularly fruitful lens of social inquiry, spurred by growing interest in the material life of politics and the technical mediation of social life across the humanities and social sciences (Larkin, 2013, Appel et al., 2018). Considering the potential of this work to explain how built systems shape social difference and political relationships, migration scholars are now increasingly taking up an infrastructural lens (Xiang and Lindquist, 2014).

Despite the fact that infrastructure is critical for the implementation of the Hotspot approach, few studies have thus far centered directly on its infrastructural dimension. Our paper nevertheless builds on materially attuned approaches to studying border mobility, such as Walter’s (2016) and Heller and Pezzani (2016). Pallister-Wilkins (2018) has also assessed the innovation triggered by the opening of hotspot facilities stressing the importance of logistics in affecting the history and geographies of humanitarianism. By adopting a Foucauldian perspective, she understands the hotspots as biopolitical *dispositif* working “to keep life seekers distant-while-proximate through the application of liberal techniques aimed at managing and securing life” (p. 15). In order to function, she suggests, hotspots act as “machines of many moving parts” (Khalili, 2012, p. 239, as cited in Pallister-Wilkins, 2018, p. 2) and thus a “network of transit points, transport infrastructure and reception facilities including satellite facilities used for vulnerable cases” (Pallister-Wilkins, 2018, p. 11).

By focusing on the case of Lesvos RIC, Pollozek and Passoth (2019) have analyzed the Hotspot Approach by using the analytic lens of logistics so as to assess different modes of infrastructuring migration and border control. Accordingly, they have defined hotspots as “a logistical device which locates, sorts, and detains those who arrive at the hardened EU border and creates a data infrastructure for controlling, monitoring, and governing further movement by processing data through the bureaucratic channels of the EU’s transnational control assemblages” (p. 607).

Magdalena König (2016) has addressed EU surveillance systems for managing migration such as SIS (Schengen Information System), VIS (Visa Information System) and EURODAC (European Dactylographic Comparison System), which also constitute the digital

infrastructure underpinned by the functioning of the Hotspot Approach. She contends that these systems' crucial aim is to collect data from third-country nationals entering the EU so as to classify people by relying on specific criteria. And yet, such categorization is only possible through massive data processing, which constitutes the conditions for such "intelligent filters" to identify patterns in risk assessment. The crucial relation between data management, risk assessment, and the evolution of EU border regimes resulting from new registration and identification procedures has been also at the core of Annalisa Pelizza's (2020) reflection on the implementation of the Hotspot Approach. By looking at both Italy and Greece, the author has argued hotspot areas have simultaneously allowed for "alterity processing" and the enactment of individual "others" (p. 264). She has also shown how both Greek and Italian hotspot "data infrastructures, practices, and bureaucratic procedures" express the "knowledge-related material dimension of migration management" infrastructure and that they are ultimately intended to translate "populations unknown to European actors [...] into 'European-legible' identities" (Ibid.).

Our study examines this specific process of filtering, which is based on the active categorization of people into groups by institutions that act in anticipation of their potential legal status. This entails the discrimination of people classified accordingly, and thus has serious social reverberations well beyond the border segments where the Hotspot Approach is implemented.

Building on these studies of material and immaterial infrastructures and procedure, this paper conceptualizes the Hotspot Approach as an '**infrastructure space of filtering**'. It examines the procedures and mechanisms mentioned by Garelli and Tazzioli (2018), as well as the logistical aspects whose biopolitical force has been underlined by Pallister-Wilkins (2018), and whose mode of infrastructuring has been demonstrated by Pollozek and Passoth both in its material and its digital dimensions. In fact, hotspots are more than only modes of infrastructuring the EU border regime through procedures and actors whose aim is to move and organize both migrant persons' bodies and data. Neither are they only "punctiform manifestations" or sites for the enactment of EU migration management (Cuttitta, 2016). Our research shows how the spatialities of the Hotspot Approach are generative of the EU governmentality of migration. Hotspot are not only spaces that work as the EU's securitized "entry points" (Pollozek & Passoth, 2019, p. 610), which would be consistent with more 'traditional' understandings of filtering dynamics, for the infrastructure of the Hotspot Approach shows its own agency in creating the conditions for the emergence of zones where it became possible to prioritize already upon landing, and partially also right after Search and Rescue Activities are concluded, procedures which are functional to the biometric profiling and subsequent enrolment of newly arrived persons into interoperating databases at the national and EU level. With our research, in fact, we argue that more than combining reception and containment logics (Cuttitta, 2016), hotspots actually subordinate the former to the latter.

1.6. Combining Political, Spatial, and Architectural Analysis

Putting the role of infrastructure in migration management into the center of analysis allows for a better understanding of the governance of migration on the one hand, and the power of infrastructure on the other. This paper is the result of an interdisciplinary analysis that aims to account not only for the sociopolitical dimensions of migration management, but also its spatial, technical, and design elements, which tend to be neglected in conventional political science.

Our study combines ethnographic fieldwork, document analysis, as well as visual analysis and mapping (figure 1). Our fieldwork took place from May to September 2019 in hotspot facilities in Italy (Sicily and Lampedusa) and Greece (Lesvos, Chios, Samos, Leros and Kos) as well as migration management facilities along the Tunisian-Libyan border zone. We conducted over 100 semi-structured interviews with representatives of EU agencies, state actors as well as NGO representatives and activists involved in the migration management of the aforementioned countries. Additionally, we carried our various spatial surveys and mapping of the hotspot spaces.



Figure 1: Participatory mapping used during the fieldwork. This method has been key for our understanding of how the hotspot facilities operate. During our interviews, we shared satellite images together with translucent paper, and discussed the operation of the facilities while annotating the image in order to determine together how the facility functions.

2. Comparing the Implementation of the Hotspot Approach in Greece and Italy

In both Greece and Italy, the Hotspot Approach was implemented in the midst of ongoing discussions in both countries and in the EU on increased numbers of persons arriving by sea.

In Greece, the humanitarian crisis on the Aegean islands converged with a pre-existing national crisis. Since 2008, the financial crisis had imposed severe economic hardships which also gave external actors, such as the EU, considerable leverage over Greece through the so-called support mechanism. A similar discourse of “support” was also used when the EU Commission introduced the Hotspot Approach in 2015. Notably, neither Greece nor Italy had requested this specific support, but had to adopt it because they had requested financial assistance to manage migration flows directed to their coasts.³ To get this financial assistance, they had to accept substantial infringements on national sovereignty by allowing a new procedure and four EU agencies to intervene in national migration management. In Greece, where the EU had already strong leverage due to the financial crisis, this infringement was much more far-reaching than in Italy.

Greece made several adaptations to its legal system, notably by changing its asylum law and creating a new ministry for migration policy. Five islands were turned into a strategic front between the mainland and Turkey and became dehumanizing zones of abandonment and detention. With the adoption of the EU-Turkey Statement, Greece soon came to host the largest refugee camps in Europe at the hotspot facilities. Ever since, these facilities have become the European showcase for the deterrence, degradation and maltreatment of arriving persons.

Italy, too, experienced severe encroachments on its national migration management but at first did not make legal amendments. Instead, it issued programmatic documents such as a Roadmap (Italian Ministry of the Interior, 2015) and, in 2016, the Standard Operating Procedures applicable to Italian hotspots (Italian Ministry of the Interior, 2016). Only in 2017 and 2018 were two legislative decrees passed, which later turned into laws.⁴ These introduced some legal provisions regarding the operations within the Italian hotspot facilities. Until then, the recourse to administrative detention for identification purposes occurred systematically but had no legal grounds, and was therefore illegal.⁵

³ The official documents of the EU Commission emphasize that the Hotspot Approach is a voluntary assistance opportunity delivered by the EU only upon request by Member States. Yet, in a subsequent explanatory note, the Commission mentions that the EU can also demand the adoption of the Hotspot Approach if Member States apply for financial assistance to manage migration flows.

⁴ See Legislative Decree No. 13/2017 of 17 February, which became Law no. 46/2017 of 13 April 2017. See also Matteo Salvini’s “Security Decree” of October 2018 (Decree Law no. 113/2018), which became law No. 132 of December 2018. The two texts provide for an amendment to Article 10 of the Italian Consolidated Text on Immigration of 1998 (Legislative Decree No. 286/1998) which recalled Law 563/1995 – the so-called “Puglia Law” – as the legal framework for the implementation of the hotspot approach, and for the administrative detention of newly disembarked persons resisting biometric enrollment within hotspot facilities for up to 30 days for the purpose of “identification”.

⁵ Governmental monitoring bodies, non-governmental actors, and parliamentary inquiry committees strongly criticized the lack of a clear legal framework for the operations conducted within hotspots (see Amnesty International, 2016; Camera dei Deputati, 2016; National Ombudsman for the rights of Detainees or Persons Deprived of Personal Liberty, 2019).

Italy adopted the Hotspot Approach in such a way as to advance and manifest its pre-existing policy to shift its war against migration onto the sea, while spreading the Hotspot Approach over all of Southern Italy. Here, too, EU agencies and international organizations were deployed, but their leverage was more limited than in Greece, and Rome retained tight control. The Hotspot Approach enabled the Italian government to continue the bordering activities on the sea that had earlier been penalized by the EU Court of Human Rights, only now with the infrastructural and operational support of the EU.

In both Greece and Italy, the Hotspot Approach resulted in the adoption of new arrival procedures, but its implementation differed both within the countries as well as across. One key difference at the national level is that while in Greece, hotspot procedures are carried out only within the hotspot facilities, in Italy these begin already at sea, on vessels transporting rescued shipwrecked persons to national authorities. Thus, in Italy the implementation takes place at the intersection of land and sea, in Greece, it is focused in hotspot facilities on five islands that form a distinct buffer zone in the Eastern Aegean.

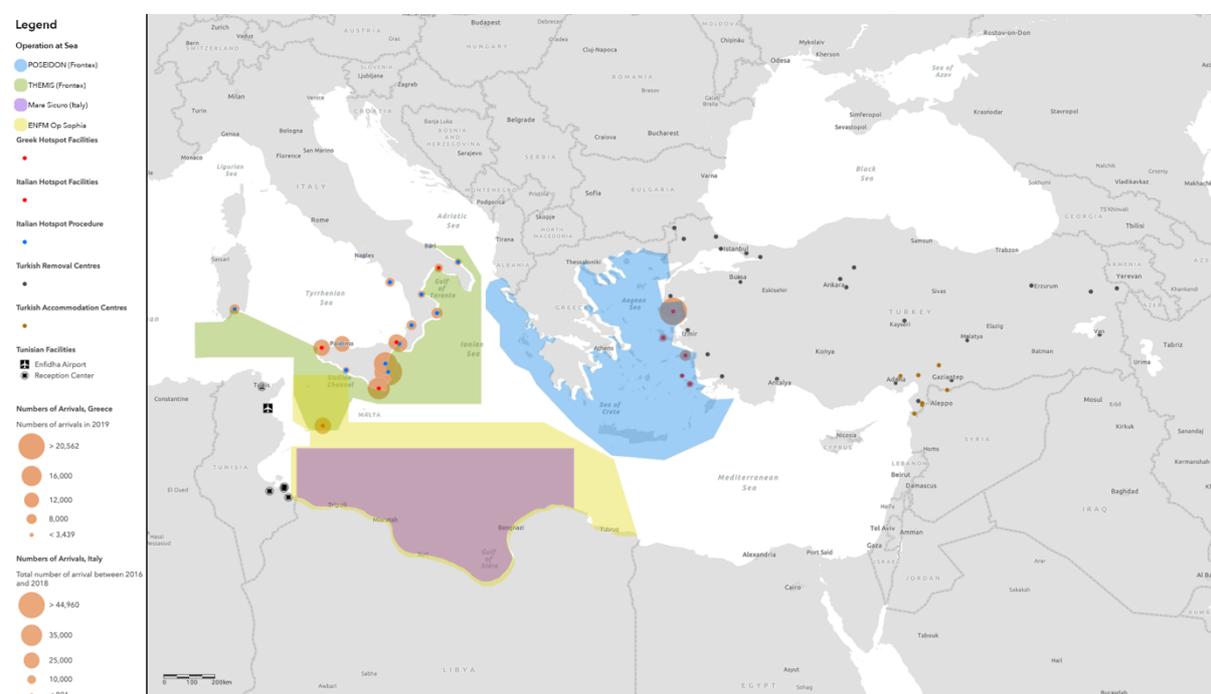


Figure 2: The implementation of the EU Hotspot Approach in the Mediterranean Borderscape. Hotspot facilities and sites of landing where hotspots/SOPs have been implemented in Italy and Greece. The size of each dot corresponds to the number of landings in each hotspot and the site of landing between 2016 and 2018 in Italy and 2019 in Greece. The functioning of these facilities is linked to operations at sea (colored areas) as well as deportation and forced return hubs and removal centers in Tunisia, Libya, and Turkey.

2.1 The Implementation in Greece

To implement the Hotspot Approach, Greece passed a series of legislative changes to harmonize its national legal framework with existing EU laws. In 2016, Law no. 4375/2016 was passed, which defined the major components of the Greek implementation (Hellenic Republic, 2016). The law introduced specific amendments regarding access to asylum and defines the scope and organizational structure of the Greek Asylum Service and the Appeals Authority, as well of the Reception and Identification Service (RIS), the designated competent authority for the Reception and Identification Centers. The law also determines that the

procedures relating to the Hotspot Approach will take place within Reception and Identification Centers (RIC) –the official name for the Greek hotspot facilities.

All administrative procedures are concentrated in a designated RIC facility. The law allows for the administrative detention of newly-arrived persons in the RIC for up to 25 days. During this period all administrative procedures regarding identification, registration and asylum or international protection claims must be completed. The law explicitly requires persons subject to these procedures to be accommodated in decent conditions, with unhindered access to medical and psychosocial support services, as well as adequate information about their status. Furthermore, the law authorizes EU agencies – explicitly mentioning FRONTEX and EASO – to support Greek public services, while two international organizations, UNHCR and IOM, are authorized to provide information to newly-arrived persons about their rights and obligations.

Although this law sets out the general operational lines along which the Hotspot Approach is to be implemented, the specificities of implementation in each RIC remain undefined as -unlike in Italy- no standard operating procedures have been issued. In their absence, how each facility operates on a daily basis relies heavily on its camp manager and has varied over time and from facility to facility as we observed during our research.

Designating particular islands as hotspot areas

According to the EU Commission, a hotspot area has to be designated by the national authorities where some arrival infrastructure already exists. In Greece, the Minister of Interior and the Minister of Economic Development and Finance selected the Eastern Aegean islands of Lesbos, Chios, Samos, Leros and Kos.

Greek authorities issued only vague statements why particular areas were selected.⁶ Our interviewees suggested that an undeclared objective was to create a strategic “front” to stop asylum seekers from advancing to the Greek mainland and consequently to Europe. An interview partner working for a Greek monitoring body for the hotspots said that the idea was for the “islands not to function as a transit space – not just arrival points where reception and identification happens; *these are the points where we will stop them and they will not move further in.*”⁷ (our italics). Greece thus chose to implement a spatially-fixed Hotspot Approach concentrated on the five islands with the intention “not to disperse the problem in effect, this has created a two-tier buffer zone between the Turkish coast and the Greek mainland as we illustrate in Figure 3. All arriving persons by the sea are contained and concentrated in this geographical bufferzone until the hotspot procedures are completed. From here, either they are sent back to Turkey, or transferred to the Greek mainland. In reality, this bufferzone has turned into a zone of abandonment and detention, where asylum seekers remain entrapped for months or years.⁸ As Tazzioli puts it: “from a space of transit,

⁶ The Government Gazette gives a rather vague justification for the designation of the specific islands where the centers would be constructed, stating that this has to do with “unforeseen events relating to the realm of the international environment, without liability of the Greek state”, meaning events such as migrant arrivals (Hellenic Republic, 2015, p. B).

⁷ Expert Interview in Athens, 13 May 2019.

⁸ Since the completion of our fieldwork, incidents of extreme violence and further segregation of the asylum seekers have reshaped this bufferzone; one of our study cases, that is the RIC of Lesbos was burned to the ground in September 2020; the asylum seekers remain entrapped and isolated also because of the Covid-19 pandemic; both FRONTEX and the Hellenic Coast Guard have been accused of conducting illegal push-backs. Although these incidents were not part of our study, they still inform our analytical gaze when discussing the hotspot filtering mechanism and all its violent facets.

the Hellenic peninsula has become a site of containment where migrants are partitioned and divided” (Tazzioli, 2016, p. 3).

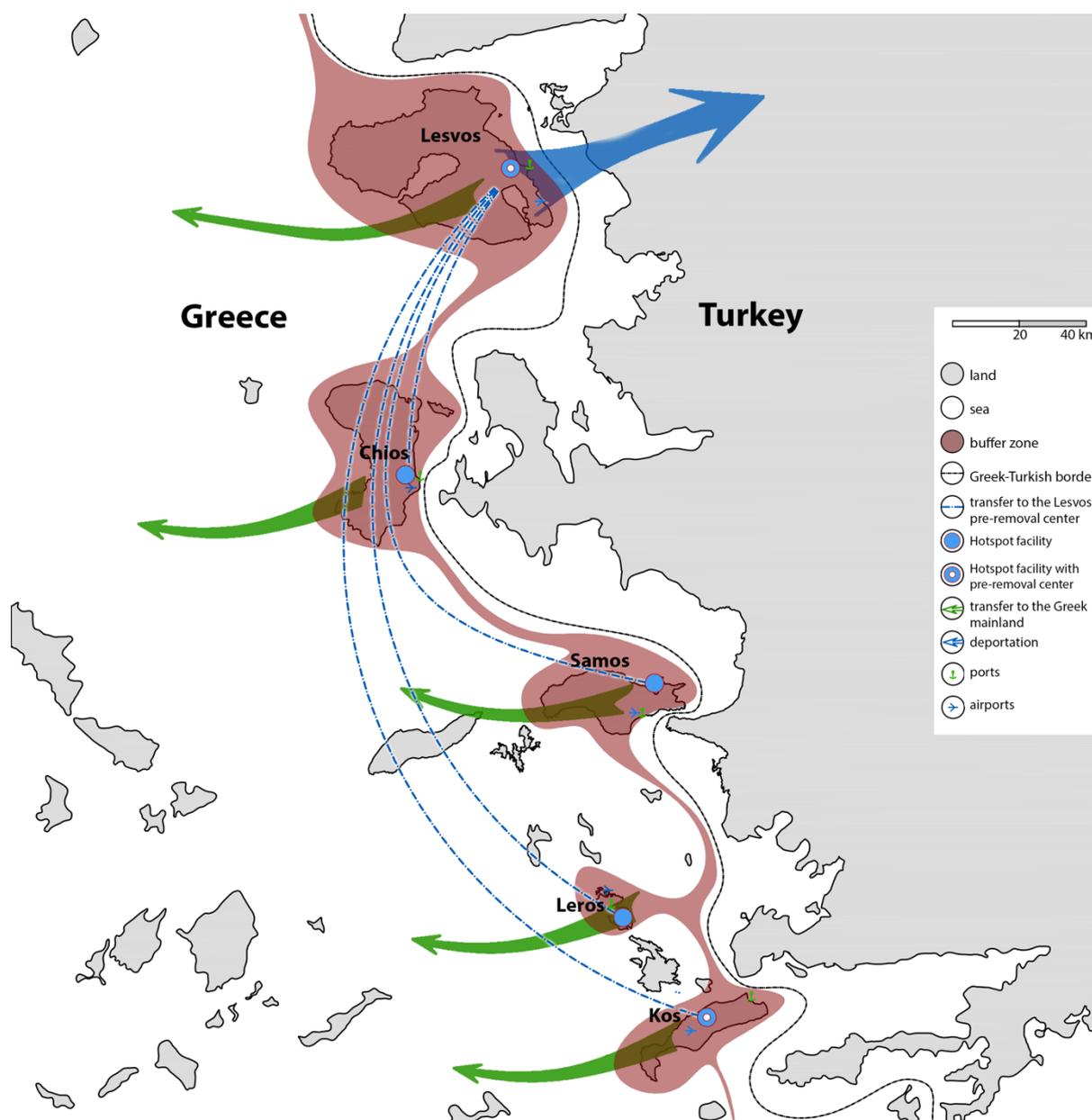


Figure 3: The EU Hotspot Approach in Greece as an island front. The RIC facilities are located on five islands, creating a “filtering” border zone between Turkey and the Greek mainland. Deportation (“readmission” or “returns”) by air and sea is organized via Lesvos as an intermediary hub.

Setting up hotspot facilities

During 2015 and 2016, five hotspot facilities -the RICs- were constructed on the selected islands to implement the new procedures. These facilities are mainly financed by the Asylum, Migration and Integration Fund, the Internal Security Fund, and directly by the EU Commission which transfers financial support to the Greek state, where the Ministry of National Defense plays a central role in absorbing and allocating the funds. While the management of these five facilities was initially under the Ministry of Interior, it was later transferred to the Ministry of Migration Policy, but the army is still deeply involved in the process (European Commission, 2019).

The first facility to become operational, in October 2015, was the **Lesvos RIC**, commonly known as “Moria camp”. This was built on the site of an old military camp (Paradelli Military Camp), which had been an “First Reception Centre” for approximately five years. Prior to its transformation into a RIC, it had only minimal accommodation facilities: 10 ISO boxes, of which 7 were used for detaining asylum-seekers and the remainder for administrative services.⁹ Arriving persons apprehended by the Coast Guard - Port Authority were first taken to the port for an initial pre-identification procedure and then transferred to the First Reception Centre for identification carried out mainly by the Greek police. The vast majority were then given travel papers which allowed them to carry on with their journey (Greek Ombudsman, 12 & 17 June 2015).

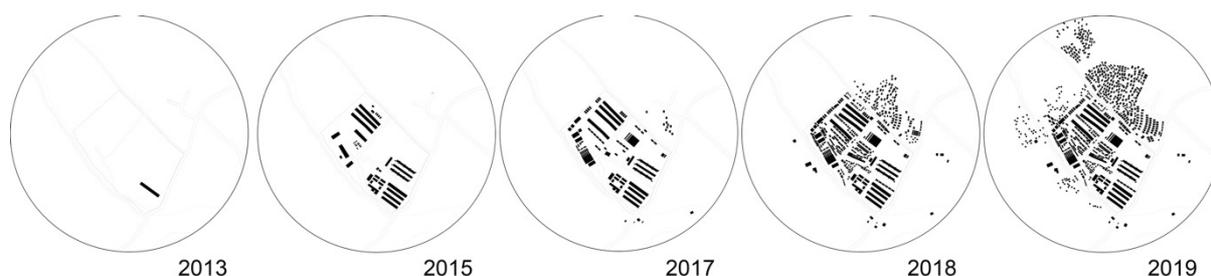


Figure 4: The development of Lesvos RIC between 2013 and 2019. The Lesvos First Reception Center (2013) evolved into the Reception Identification Center, with the rapid growth of informal shelter areas from 2015 onwards (Source: fieldwork & Google satellite images).

With the implementation of the Hotspot Approach, significant infrastructural changes were carried out to accommodate the state and non-state personnel and the shelter needs of arriving persons waiting to be processed on the island. NGOs, self-organized local and international activist initiatives and Lesvos Municipality provided shelter for these persons, while the repurposing of the First Reception Center to a RIC was underway.

Already during the period of its construction, arrival numbers on Lesvos fluctuated massively, ranging from 15,769 in June 2015 to 135,021 by October (UNHCR, 2015). Yet, the Lesvos RIC was initially designed to accommodate only 1,150 arriving persons. Even at the time of our fieldwork, while the capacity remained the same (3,100) the occupancy fluctuated from 5,594 in June, to 8,858 in late August (General Secretary for Information and Communication, June 2019). In Figure 4, we show based on satellite images how the peripheral extension areas expanded with the numbers of asylum seekers entrapped on the island. With this systematic discrepancy between arrivals and capacity, massive informal sections sprang up adjacent to the facility. At the time of our visit, over two-thirds of the camp population was living outside the official facility in Lesvos (see Annex, Fig. 1). In fact, all facilities showed a chronic asymmetry between occupancy and capacity (see Figure 6). This chronic over-crowdedness of the facilities notwithstanding, no state-led provisions were made to adjust the arrival and accommodation structures to provide shelter and basic provisions for water, sanitary facilities, electricity, education and health to the actual number of arriving persons. For instance, while the UNHCR recommends one toilet to be shared by a maximum of six persons, in Moria Camp this amounted to 36 persons sharing a toilet at the time of our field visit -if the toilet was functioning at all (see Figure 5). The fact that the UNHCR is not only present but also was involved in the design of the RIC facility as we address below,

⁹ The FRC Moria Electrical plan from STABILITAS (2016). See also Museferat Collective against detention centres in Greece (2014).

raises questions about the role of the agency in this systematic and chronic deficiency in Moria camp.

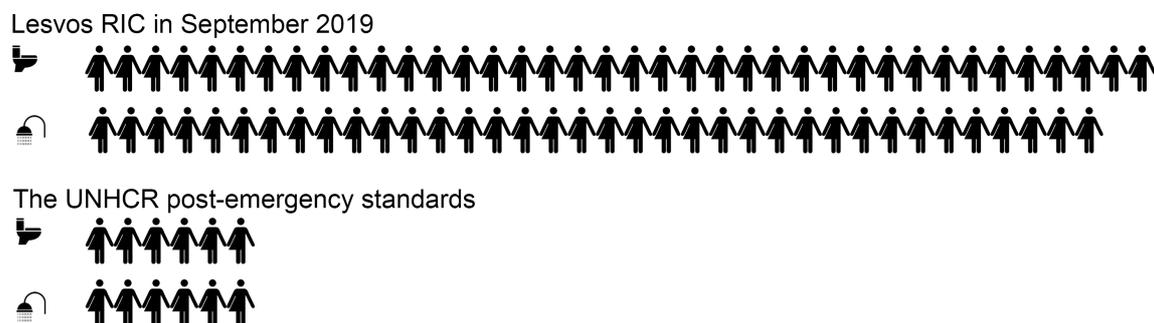


Figure 5: The lack of basic infrastructure in Lesvos RIC and the adjacent semi-formal shelter area (September 2019). In striking contrast with the UNHCR handbook for refugee camp design, which stipulates that a toilet shared not with more than 6 persons, the ratio in Lesvos was 36 people per toilet, and 38 people per wash basin. These ratios are an estimate based on the occupancy number in September 2019 (10,978) and a rough count of available facilities. However, due to lack of proper maintenance, many of these toilet and basin facilities are not functioning, so the actual lack of amenities is likely much worse than this ratio.

Between February and March 2016, the RICs on Samos, Chios and Leros became operational, while Kos followed in June 2016. Although the purpose of all these RICs was the same, they exhibit different characteristics in terms of location and infrastructure. With regard to the former, the **Samos** RIC was established in an old shooting range, 15 minutes from the center of the island's capital Vathy. This is the only RIC located in such close proximity to an urban area. This area was, again, allocated by the Ministry of National Defense and, according to the first officially published national data in December 2017, its capacity was 700 (General Secretary for Information and Communication, December 2017). The Samos RIC maintained the largest discrepancy between occupancy and capacity, again resulting in large informal sections with highly limited provisions of basic infrastructure. The **Chios** RIC was located in a mountainous area within and around the old VIAL factory, close to the village of Chalkious. The **Leros** RIC was located in a pre-existing complex which had been used for military purposes by the Italian army during World War II and later became a large psychiatric hospital. Some of the buildings adjacent to the camp are still used by the psychiatric hospital. This facility has the smallest discrepancy between capacity and occupancy, as the island receives comparatively fewer arrivals due to its distance from the Turkish shore. Finally, the **Kos** RIC was built adjacent to a military camp, near the small village of Pyli. Like the facility in Lesvos, this RIC contains a pre-removal center inside the facility; however, this is meant to detain arriving persons awaiting transfer to the pre-removal center on Lesvos from where they will eventually be deported.

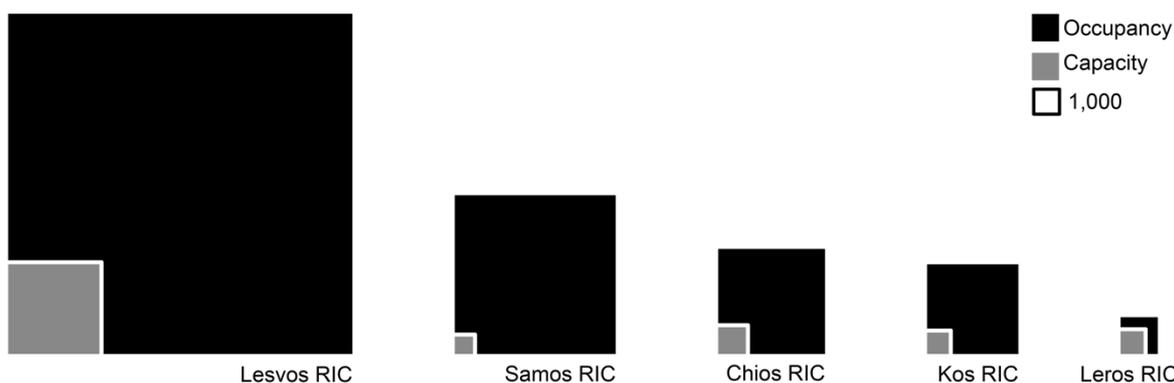


Figure 6: Official capacity and actual occupancy rates in Greek hotspot facilities (Source: General Secretary for Information and Communication (September, 2019).

Designing and planning of hotspot facilities

Some interviewees pointed to diverging intentions to build closed camps when planning the facilities.¹⁰ With the exception of Kos, the facilities were set up before the EU-Turkey Statement which introduced geographical restrictions on arriving persons.¹¹ Before this, RICs were mainly used for a registration process in which arriving persons stayed for three or four days, after which most left. With the EU-Turkey statement, the facilities and the islands became the endpoint for arriving persons rather than transit points.¹² This explains the idiosyncratic “*clopen*” character of the facilities which appear to have been designed as closed transit centers but became camps for prolonged entrapment (Antonakaki et al., 2016).

Interestingly, many of the key actors had only a vague sense of who actually designed and constructed the RICs. Some of the camp directors declared an absolute lack of knowledge. The role that the EU, and especially the Directorate-General for Migration and Home Affairs, played in the rollout of hotspot-related infrastructure was also unclear to all key actors on the ground.¹³

However, two actors were found to be centrally involved in the design of the hotspot facilities: the Greek army, especially during the initial setup, and UNHCR. Given the internationally known disastrous conditions for arriving persons at the Lesvos RIC, it is notable that the international organization with a mandate to protect refugee rights played a major part in rolling out the infrastructure there.¹⁴ UNHCR’s site planners collaborated with local contractors and issued international tenders for some of the work; the organization installed ISO boxes and was also involved in landscaping and construction.¹⁵ As a UNHCR

¹⁰ For instance, a high ranking official of the Lesvos RIC pointed out that: “It [the camp design] was done with another way... with another kind of thinking, meaning that it was designed as a closed center and never worked as a closed center. And it's one thing to design a space for 800 people and instead of using it for 800 people, to have 3 or 4 thousand people. I think the design was wrong in the first place. It wanted other things” (Expert Interview, Lesvos, 30 May 2019).

¹¹ The measure of geographical restriction on mobility, in line with the European directive 2013/33/EU, was consolidated through the implementation of the EU-Turkey Statement of March 16, 2016, and through consecutive administrative decisions made by the director of the Greek Asylum Service. It foresees the restriction of asylum seekers on the five islands for the duration of the examination of their claim, at least until a first decision regarding their claim is reached. Exceptions are foreseen for cases of severe, medically proven vulnerabilities.

¹² Expert Interview, Leros, 02 July 2019.

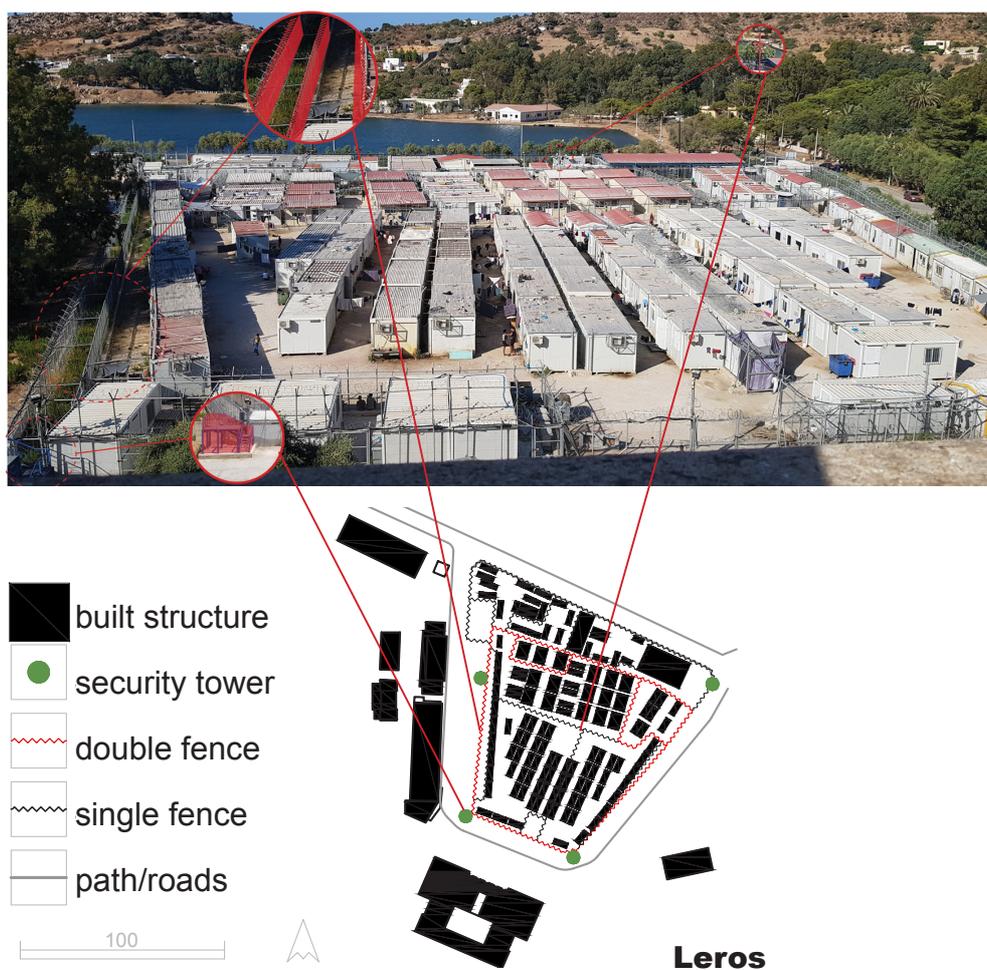
¹³ Expert Interview, Lesvos, 30 May 2019.

¹⁴ Expert Interview, Lesvos, 24 May 2019.

¹⁵ The role of UNHCR was also confirmed by a high-ranking official of the Lesvos RIC. For instance he specified for the use of ISO boxes that: “UNHCR brought them. We did not... They would place them here. There was a plan we would oversee, but it was UNHCR who brought the ISO boxes” (Expert Interview, 20 May 2019).

representative of Lesbos said: “A lot of what you see now in Moria has been built by the UNHCR.”¹⁶

BOX: Like other forms of migration infrastructure (refugee camps, detention centers, reception centers, etc.) the hotspot facilities emerge from specific types of expertise, deployed through a range of technical and institutional actors (both state and non-state). In Greece, the involvement of UNHCR means that expertise in refugee camp planning was key to their design. In the case for Lesbos RIC, according to a high-ranking NORCAP camp manager is,¹⁷ The UNHCR emergency handbook and the Norwegian Refugee Council’s “Dignified Reception Guidelines” (itself partly based on the UNHCR handbook) guided the design and management of the hotspot facility. Such guides offer “simple and practical information tools” to organize reception sites/facilities (NORCAP/NRC, 2016, p. 5). This design expertise is directly visible in the camp-like layout, such as the ISO boxes used as shelter areas, sanitary blocks and food provision. Despite this humanitarian expertise in camp design, our architectural analysis found border security was prioritized over protection and care. This became palpable when mapping design elements of security and control – CCTV cameras, fences, security posts, towers, detention areas for registration – and basic amenities such as electrical coverage, water provisions and sanitation installations (Figure 7). All the Greek hotspot facilities failed to meet basic needs including shelter, food, water and electricity (see Figure 5).



¹⁶ Expert Interview, Lesbos, 24 May 2019.

¹⁷ Expert Interview, Lesbos, 21 August 2019.

Figure 7: Elements of security and control of the Leros hotspot facility. The facility's prison-like environment illustrates the securitization logic of the EU hotspot approach (by A.Dia, 2020)

2.2 The Implementation in Italy

In Italy the implementation of the Hotspot Approach was initially based largely on programmatic or organizational documents elaborated at governmental or ministerial level. There was a preliminary shared understanding among all the actors involved that Italy did not have to reform but simply to improve “the capacity, quality and efficiency” (Italian Ministry of the Interior, 2015)¹⁸ of its asylum, first reception and return systems.¹⁹

Instead of drafting a new law which embedded the approach in a clear legal framework, Italian authorities adopted a Roadmap on 28 September 2015, setting out new measures to implement the Council’s decision (Italian Ministry of the Interior, 2015). This programmatic document did not have any regulatory value, but constituted the sole basis for organizing and coordinating operations within the first hotspot facilities to be set up in Italy. The latter were thus established in a legal vacuum. In June 2016, the guidelines in the Roadmap were further expanded and formalized through Standard Operating Procedures (SOPs) for the implementation of the Hotspot Approach in Italy (Italian Ministry of the Interior et al., 2016). These SOPs still did not account for the emergence of a clear legal framework.

The Italian SOPs provide generic definitions, terms and procedures for the Italian adaption of the approach. They were drafted by the Ministry of Interior’s Department for Civil Liberties and Immigration, together with the Department of Public Security, and with contributions from the European Commission, FRONTEX, EUROPOL, EASO, UNHCR and IOM. Civil society organizations, NGOs, and the private entities that intervene during landings or manage hotspot facilities were not involved in elaborating the SOPs although their roles were procedurally disciplined by the document.

In drafting the SOPs, the Italian authorities gave a two-fold definition for a hotspot. First, a structural definition was given: “a designated area, usually (but not necessarily) in the proximity of a landing place” (Ibid., p. 4). Second, from an organizational perspective, the Hotspot Approach was described as “a method of teamwork” whose aim is “to ensure procedural, standardized and fully operational management of activities, while aiming at the interest of guaranteeing the most suitable solutions for incoming third-country nationals or stateless persons” (Ibid.).

Upon landing, new arriving persons go through a series of steps to collect their personal details and information on their health, and are provided information on the international protection procedure, the relocation program and assisted voluntary return (AVRR).

Both information collection and provision phases are ultimately aimed at identifying vulnerable and/or “potential relocatable persons” (Italian Ministry of the Interior, 2015, p. 6) and distinguishing them from those who are not. This realizes the ultimate goal of the Hotspot

¹⁸ The origins of the Italian asylum and first reception system can be traced back to the legal precedent of 1995, the so-called Legge Puglia (Legislative Decree No. 451, October 1995 converted into Law No. 563, 29 December 1995), which represented the Italian response to the increasing number of asylum seekers reaching the coast of Apulia from Kosovo. The law, which was later explicitly recalled by Legislative decree No. 13 of February 2017, already provided for *ad hoc* measures concerning the reception of asylum seekers and refugees, leading to the opening of three first reception centers in the region by 1996, with the almost exclusive task of identifying and registering newly disembarked persons.

¹⁹ Off-the-record interview with an anonymous source from the Ministry of Interior, Department of Civil Liberties and Immigration, Rome, September 2019.

Approach to channeling newly-disembarked persons into protection systems, relocation procedures or return mechanisms. EASO, IOM and UNHCR multidisciplinary teams thus had to be deployed where needed, during each new landing, as they are respectively entrusted with providing information on relocation, voluntary return and human trafficking, and asylum laws.²⁰ The three organizations are therefore central for the operation of the Hotspot Approach just as the actors entrusted with the security-oriented process of collecting information from disembarking persons, i.e. Italian police officers (especially investigative and forensic police personnel) and teams from FRONTEX and Europol.

After the approach was introduced, Italian migration management was reshaped by an unprecedented degree of coordination between national and supranational actors, and the concomitant mobilizing of NGOs and private actors in implementing the approach. For example, EASO activities in Italy had started already in 2013, but until 2015 they were concerned mostly with short deployments (2–6 weeks) to train the independent judiciary in EU's asylum procedures and regulations. Afterwards, the EASO presence became permanent at a number of locations throughout Italy, even beyond the spaces and times dedicated to the implementation of the Hotspot Approach.²¹

As one of our interviewees explained, the implementation of the Hotspot Approach in Italy attested not to the emergence of registration facilities nor of proper reception centers, but rather of “multi-use structures.”²² Whether SOPs are implemented within hotspot facilities or at landing sites, indeed, these procedures and spaces are marked on the one hand by the presence of a wide range of governmental, intergovernmental, and non-governmental actors and, on the other, by the number of juridical positions these actors had to deal with. After each landing, hotspots were characterized by “a mixture of subjects with several statuses staying within the same place.”²³ Hence there was a need to coordinate a variety of actors entrusted with functions related both to the provision of humanitarian assistance and the guarantee of national and EU security. This, together with the absence of a clear legal framework, was defined as a criticality of the Hotspot Approach by the working unit on “Migrants and Deprivation of Liberty” of the National Ombudsman for the rights of Detainees (2019, p. 34).

²⁰ Interviews with the EASO-Italy Contact Point, Rome, May 2019, as well as IOM, Rome, May 2019, and the UNHCR, Rome, June 2019.

²¹ As our interviewee said: “If for the period between 2013 and 2015 about dozens of experts were being deployed in the country, as of 2015 we were instead discussing about hundreds. [...]. As of 2015, EASO started developing and we've been deploying statutory staff in Italy. [...]e are deploying now experts and interim staff in Italian Immigration police offices, as well as in the offices of the Territorial Commission for Asylum and in the offices of the National Commission for Asylum. We have our personnel working at the central level with the Italian Department for Civil Liberties and Immigration, [...] We had staff deployed within the Office of the National Ombudsman for children and adolescents. [...] Starting from 2015, [EASO's tasks] was not only one of capacity building but it was also related to enhancing the [Italian authorities'] capacity” (Interview with Gabriel Stanescu, EASO-Italy Contact Point, Rome, May 2019).

²² Interview with the Director of the Immigration Service Division of the Italian Ministry of Interior - Public Security Department, Rome, June 2019.

²³ Ibid.

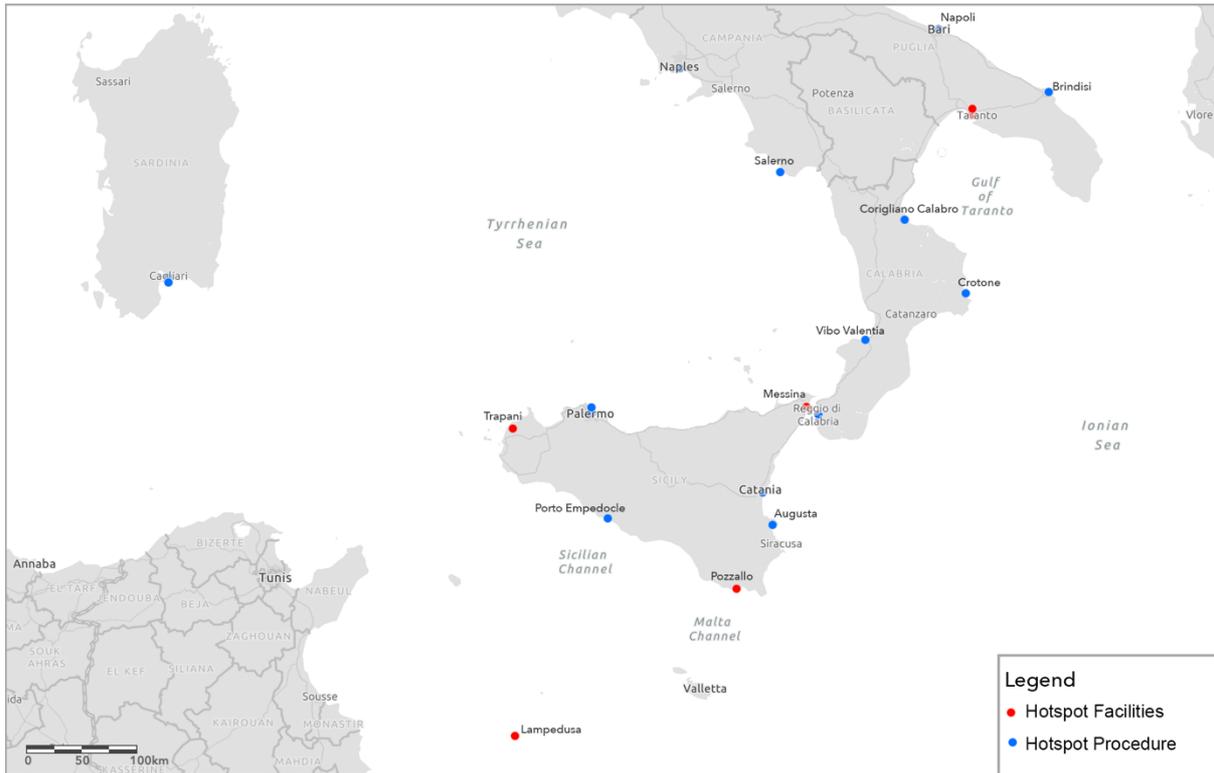


Figure 8: Hotspot facilities and landing sites where SOPs were implemented in Italy. Red dots indicate sites where the Hotspot Approach was implemented in facilities and blue where the SOPs were implemented at landing docks.

Designating hotspot areas and setting up hotspot infrastructures

From its inception, the Hotspot Approach in Italy evolved at the intersection between land and sea. The Italian Roadmap of 2015 set out a plan for coordinating Search And Rescue (SAR) at sea with initial reception and identification on land. This was done by redirecting all landings to four ports that had been identified by September 2015 as suitable for closed hotspot facilities: Pozzallo, Porto Empedocle, Trapani and Lampedusa. Under this plan, by the end of 2015 the ports of Augusta and Taranto would also have been equipped with closed hotspot facilities (Italian Ministry of the Interior 2015, p. 6; see Figure 8).



Figure 9: The hotspot procedure in Lampedusa, implemented at the intersection between land and sea.

The first hotspot facility to become operative in Italy was the former Centro di Primo Soccorso e Accoglienza (CPSA, Centre of First Aid and Reception) in **Lampedusa** on 28 September 2015.²⁴

Shortly thereafter, the second hotspot facility was opened in Milo, a neighbourhood in the city of **Trapani**. The facility had previously functioned as a high-security deportation center, a Centro di Identificazione ed Espulsione (CIE, Identification and Expulsion Centre; later known as a “center for repatriation”), which explains why the compound has a high wall and perimeter road, with a single, heavily-guarded entrance to the street (see Figure 10). Within the compound are a series of administrative buildings and accommodation units, with each group secured by fences and security gates. To turn the deportation center into a hotspot required renovation works, which concluded at the beginning of January 2016 and especially modified the facility’s interior. This explains why a comparison of satellite images from before and after the transformation shows only minor changes, primarily the addition of prefabricated container units for the EU agencies to operate in the site. Nevertheless, our interview and participatory mapping with a former senior managing director of the facility gave us an in-depth understanding of the design changes to the facility.²⁵ According to our source, the main aim of these changes was to make the facility feel less “prison-like” which entailed changes to accommodation areas, toilets and shower facilities, but also the addition of an infirmary and changes to the management areas. Gazebos were added and tables were lined up with desks to sort out mixed migration flows, similar to the hotspot queues elsewhere (see chapter 4). This spatial organization made it possible to carry out the processes of pre-identification and biometric enrolment for new arrivals.

²⁴ Off-records interview with an anonymous source from the Ministry of Interior Department of Civil Liberties and Immigration, Rome, September 2019.

²⁵ Expert interview with former Director of Trapani Hotspot, Trapani, August 2020.

Pozzallo's former CPSA became a hotspot facility on 19 January 2016. Here, satellite images before and after the transformation show the few additions that were made. Some prefabricated container units for EU agencies, NGOs and international organizations were added. Participatory mapping with one of our interviewees pointed to few renovation works which also modified the interiors of Pozzallo hotspot's main building. These renovations included the addition of movable walls to create separate sections for families, single women and minors, as well as a section dedicated to single men. Moreover, a waiting area and four offices for pre-identification, fingerprinting, biometric enrolment and investigative activities were also created by using movable walls.²⁶



Figure 10: The Trapani hotspot facility. This facility previously functioned as a high-security deportation center

²⁶ Expert interview with Mediterranean Hope's "Casa delle Culture", Scicli, August 2019.

(and stopped functioning again as a hotspot facility in autumn 2018 to function again as a repatriation center). Top: It has a high wall and perimeter road, with a single, highly guarded entrance to the street. (Photo by authors, 2019). Bottom: Within the compound are administrative buildings and accommodation units, with each group secured by fences and security gates. (Source: Google Maps 3D perspective, taken in 2019).



Figure 11: The Lampedusa hotspot facility. Detained new arrivals wait under a red-roofed structure to be processed (Photo by authors from 2019).

The maximum official capacity of the three facilities was 1,200 persons (500 in Lampedusa, 400 in Trapani, 300 in Pozzallo) (EU Home Affairs, 2017). As in Greece, the facilities could not accommodate the mass arrivals from autumn 2015, and were characterized by constant overcrowding during 2016. In 2016 alone, Italy registered 175,323 new arrivals (Italian Ministry of the Interior, 2016). But Italy responded to this overcrowding differently.

The opening of new hotspot facilities in addition to the ones above, required intense negotiations with local authorities and communities. These, as a representative of the Ministry of Interior Department of Public Security said, “needed too much time to be achieved. This was, to say the least, inconsistent with the practical needs of an emergency phase.”²⁷ For this reason, the Ministry of Interior determined that the SOPs would be implemented at all landing ports, regardless of the presence of hotspot facilities. This resulted in widespread operationalization of the Hotspot Approach across southern Italy ports, engendering the flexible approach to hotspot procedures at the intersection of land and sea that characterizes the Italian implementation. This is a major difference to the implementation in Greece, where the approach remained contained within the designated hotspot facilities.

This was demonstrated, for example, in **Palermo**, where the local authorities overturned a decision to open a facility (Brunschwiler, 2020). Yet the SOPs continued to be implemented at the port every time a new landing occurred throughout 2016, 2017 and the first half of 2018.²⁸

²⁷ Interview with Immigration Service Division of the Italian Ministry of Interior - Public Security Department, Rome, July 2019.

²⁸ Skype Interview with two lawyers from the Palermo Legal Clinic, July 2019.

The commercial port at **Augusta** received the highest proportion of newly-arrived persons in both 2016 and 2017. Due to its depth, this port was initially considered the most suitable location to organize the disembarkation of extremely large numbers of persons rescued by large naval assets (Camera dei Deputati, 2015). Due to persistent local objections, however, the Hotspot Approach was implemented there only by following SOPs rather than by building a permanent facility.

Only in **Messina** did a new facility open, in autumn 2017, in an extremely peripheral area of the city, although not too far from the port of disembarkation. This too was highly contested, with strong objections voiced by local communities. Eventually, when the Messina Prefecture decided to open the facility, it called it a First Aid and Identification Centre to avoid the sensitive label “hotspot.”²⁹

The facility in **Taranto** was the first to be conceived as a hotspot from scratch, but even this was not a purpose-built facility. Operations were initiated within tensile structures and containers in a disused parking lot within the city port in late February 2016. This soon began to be used “mainly to decompress the internal European border by transferring previously unregistered arrivals stuck at the Ventimiglia border when trying to make their way to other European countries.”³⁰

This way of working at Taranto speaks to Italy’s **highly flexible approach to setting up hotspot facilities and procedures**. Compared to Greece’s “island front” of fixed facilities, the implementation of the Hotspot Approach in Italy engendered a logistical approach to migration management. This approach is expressed by a mobile, temporary and adaptable architecture, such as the standardized container (ISO box), which is not based on human-centered design but is derived from the logistics sector. Logistics, as studied by Cowen (2014), entails the standardization of operations, the logic of detachment from local conditions, and the military logic of mobilization to the frontline. All these characteristics can be observed in the implementation of the Hotspot Approach in Italy.

²⁹ Interview with a journalist and activist from Messina, June 2019, and interview with a migration lawyer and activist from Messina, May 2019.

³⁰ Interview with Operative Unit on “Migrants and deprivation of liberty” of the National Ombudsman for the rights of Detainees or Persons Deprived of Personal Liberty, Rome, May 2019.

3. The Hotspot Approach as Extrastatecraft of Migration Management

The involvement of four EU agencies and two international organizations has turned national migration management at the EU's sea borders into a complex multilevel operation in which authorities, responsibilities and powers are diluted and opaque. Building on Keller Easterling (2014), we conceptualize this multilevel collaboration as a form of *extrastatecraft*: the overlapping of multiple or nested forms of sovereignty where domestic and transnational jurisdictions collide (see Chapter 1). The cooperation of a wide variety of public, private, state and non-state, national and supranational actors in the implementation of the Hotspot Approach has become an opportunity for each of these actors to increase their presence and role in the management of migration while avoiding being accountable for it. We argue that it is this feature of the Hotspot Approach which facilitates the routinization of violence and violations in the processing of arrivals by sea.

Moreover, we argue that the Hotspot Approach has impacted on past procedures of border and migration management not *despite* (Painter et al., 2017), nor *within* (Pelizza, 2020, p. 279), but *in addition to* the national bureaucracies responsible for managing migration. As we will show in this chapter, the approach stands for a coalescence of the power of national, international and supranational actors to enforce a European migration policy that aims to radically reduce the number of asylum seekers without legally suspending the possibility to seek asylum in the EU.

The Hotspot Approach has also substantially transformed the EU agencies involved: they have become stronger in terms of their scope, mandate, human resources, financial capacity and fields of intervention. Its implementation has been a laboratory for EU agencies, especially FRONTEX and EASO, to expand their own migration management expertise. Despite the differences in implementation, this laboratory enabled the EU actors to turn the Hotspot Approach into a repeatable formula that can be implemented across different national contexts. This is also reflected in the EU Commission's new Pact on Migration (2020), in which the Hotspot Approach is presented exactly as such: a repeatable formula across the external border zones of the EU.

3.1 Co-Constructing Opacity and Unaccountability in Greece

Five Greek ministries are involved in the implementation of the Hotspot Approach: 1) the Ministry of Migration Policy and its services, that is the Greek Asylum Service (GAS), the Reception and Identification Service (RIS) and the Appeals Committee; 2) the Ministry of Health and the National Organization of Public Health (EODY); 3) the Ministry of Maritime Affairs and Insular Policy as the civic supervisor of the Coast Guard forces; 4) the Ministry for Citizen's Protection as the civic supervisor of the police forces; and 5) the Ministry of National Defense as the civilian supervisor of the army. Other Greek state actors include the National Center of Social Solidarity which mediates cases of unaccompanied minors, and the Manpower Employment Organization (OAED) which provides personnel under short fixed-term contracts to provide cleaning and other services.³¹ As several interlocutors pointed out,

³¹ Expert Interview, Lesbos, 20 May 2019.

a large number of the state personnel work under precarious, fixed-term contracts that often result in gaps in the services provided which are then fulfilled by either the EU agencies, or the IOs and the NGOs involved in the hotspot mechanism.

This plethora of actors, the adversarial power dynamics and the lack of conclusive, clear-cut procedures contribute to the striking complexity and lack of transparency of the daily implementation of the Hotspot Approach. This is particularly evident in two aspects of everyday reality: how EU agencies collaborate with Greek state actors, and how Greek state services, especially RIS, collaborate with the international organizations and NGOs.

The EU agencies

Four EU agencies are involved on the ground: FRONTEX, EASO, Europol and Eurojust. FRONTEX has been present in Greece since 2006 and has the strongest presence (FRONTEX, 2006). EASO also has a central presence: the agency signed its first Operational Plan with Greece in 2011, but it was through the introduction of the Hotspot Approach that it resumed an active role in the asylum system. Europol and Eurojust are both active and involved, with only the former having a presence within RIC facilities.

Perceptions of the hierarchy of these actors varied greatly depending amongst our interviewees. Although on the surface our interviewees generally agreed that the Greek authorities are in charge and have the final say on all steps, probing suggested a different direction. The decisive role of the EU agencies is reflected in the fact that the higher coordinating body for the hotspots is the European Union Regional Task Force (EURTF), which is hosted in the FRONTEX Liaison office in Athens. Moreover, EU Commission delegates chair the EURTF monthly interagency meetings which are organized in a highly hierarchical way, with no participation from staff who work inside the hotspot facilities. No briefing or minutes from these meetings has ever been published, pointing to the lack of transparency, especially regarding hierarchy in decision making.

Additionally, the rather vague notion of “support” as it referred to in law 4375/2016 allows for a deep involvement of EU agencies in areas that hitherto either fell under national jurisdiction, or were introduced via the Hotspot approach. The multiplicity of EU agencies’ involvement and its repercussion is further discussed in section 4. However, it is crucial to note that FRONTEX and EASO not only shape practices in hotspot implementation, but they effectively discipline their Greek counterparts in migration management tools and the policing logics of the approach.³² This becomes especially clear in the training FRONTEX provides to the Greek security forces on the practices of screening, de-briefing and assessing the validity of the travel documents newly arrived migrants possess.³³

Similarly, EASO has been providing the Greek Asylum Service with so-called seconded personnel, while also gradually resuming more operational responsibilities in the asylum procedure, including its involvement in the regular asylum procedure that was exclusively carried out by GAS until 2018. A high-ranking asylum employee described the frictions that result from EASO’s support as follows:

This collaboration has gone through several turbulent stages. There was a different way of thinking; different organizational structure; different function. There were huge differences we had to bridge. At times, this was reflected on the work produced,

³² Expert Interview, Athens, 22 May 2019.

³³ Ibid.

which was not as expected - at least during the first period of the collaboration. (...) I would say, it's a very recent and premature collaboration.³⁴

The Greece Refugee Rights Initiative (HIAS Greece, 2018), too, has criticized how:

EASO's involvement in the processing of applications for international protection in the Greek hotspots has resulted in the Agency obtaining strong discretionary and decision-making powers. Such powers, however, are not provided for by the Agency's original mandate of sharing its expertise and helping Member States overcome procedural shortcomings in the asylum and reception systems (p. 11).

IOs and NGOs

The scope of activities of the two international organizations – IOM and UNHCR – has changed over the years. The IOM was initially solely responsible for information provision to the newly arrived about the Assisted Voluntary Return and Reintegration program (AVRR), but has expanded its mandate to include shelter, integration and protection of unaccompanied minors. In Chapter 2 we already addressed the role of the UNHCR in setting up the Hotspot facilities. UNHCR is the actor responsible for ensuring the protection of both newly arrived and asylum seekers. Additionally, it has been providing housing and financial support to vulnerable asylum seekers under the ESTIA programme³⁵, as well as capacity building on local and national level. Yet the involvement of the UNHCR dates before the Hotspot approach when it had an active role in consulting and shaping the First Reception system of the country, already since 2011. The close collaboration with the state authorities, most notably RIS, was further consolidated during the so-called refugee crisis of 2015, when it was actually UNHCR who “declared an emergency situation. We went into operationally, because we were asked, but without us having the direction and management of the situation”.³⁶

The cooperation of UNHCR with RIS allows for the emergence of a unique form of extrastatecraft, under which the aforementioned actors allocate critical services to both Greek and international NGOs. These include emergency response at points of arrival, legal support, interpretation for arrived persons and institutional actors, guardianship programs for unaccompanied minors, distributing non-food items and in some cases water and food, non-formal education for children and adults, medical care and psychosocial support, shelter for vulnerable cases in apartments outside the centers, and interventions to improve living conditions in the informal shelters that are adjacent to individual centers.

In their research on Lesvos and Chios, Dijkstra and van der Veer (2019) refer to the abovementioned multiple levels of NGO's involvement as a strategy of responsabilization, “which comprises the charging of private actors with public tasks, enabling both humanitarian and security actors to fill in the gap left open by the authorities” (p. 8). This strategy was clearly mirrored in the detailed account one NGO worker gave regarding the services the organization provides, thus unintentionally revealing the degree of power it holds in shaping everyday reality in the RIC that covers: the organization is in charge of non-food item distribution, managing the supply chain, coordinating with donors, managing volunteers and receiving newly-arrived persons and providing them with daily necessities.³⁷

³⁴ Expert Interview, Lesvos, 20 May 2019.

³⁵ Emergency Support to Integration and Accommodation program.

³⁶ Expert Interview, Athens, 17 May 2019.

³⁷ Expert Interview, Lesvos, 21 August 2019.

Moreover, this disproportionate power is reflected in the fact that the NGO effectively substitutes for state services to such a degree that it also enters into forms of collaboration with EU agencies by exchanging personal information about arriving persons, including their ages and nationalities. At a later stage, after asylum seekers have been “interviewed and given their official asylum papers, then all that information is condensed and shared with us in a way that it is helpful to prepare identities to distribute.”³⁸ While this suggests a certain pragmatism towards handling arrivals, NGOs cannot be held accountable for what they do with the private data that they retrieve from FRONTEX. This lack of accountability, as well as the overlapping of responsibilities, permeates the entire process; from the moment of arrival all the way to the long entrapment in the RIC.

The Extrastatecraft of migration management in the Greek context manifests itself as a complex and opaque system. Although the Greek state authorities appear to be responsible for the overall implementation, both the supranational EU agencies as well as the international organizations provide more than just support, as they are central nodes that allow for the circulation of the Approach’s integral components. All the aforementioned actors coalesce in such a way that the hierarchy and accountability regarding the decision-making process is extremely difficult to decipher. This opaque system not only dilutes power and responsibilities but also facilitates the normalization of violations and violence in the daily procedure. In the next chapter, we will illustrate for the Greek implementation how this extrastatecraft of the actors within the Hotspots enforces its major goal, namely the sorting out and filtering the deserving from the undeserving asylum seekers during the Hotspot procedures.

3.2 Coordinating the Postponement of Protection in Italy

SAR and landing operations are the first step of the operational sequence in the SOPs of the Italian hotspots. These are also identified as the moments when it is desirable for the actors involved to perform pre-identification procedures by filling in the so-called *foglio notizie* (information sheet), which is further discussed in Chapter 4. The coordinated intervention of national, international, EU and non-governmental actors, which is one of the essential features of the Hotspot Approach, thus begins as soon as a SAR event in the Central Mediterranean is registered and enters into the competence of Italian authorities.

Several of our interviewees confirmed that new landings and the implementation of the Hotspot Approach are centrally coordinated by the Ministry of Interior in conjunction with the Ministry of Defense, the Ministry of Economics and Finance, the Ministry of Infrastructure and Transportation and the Ministry of Health (see Figure 12).³⁹

³⁸ The same NGO worker also said: “I mean we work together in the sense that (...) we rely on them a lot for information and data like when are boats coming; how many people are coming; what's their nationality; is it families; is it kids; what kind of stuff should we prepare. So we do a lot of information sharing (...) in a way that it is helpful to prepare identities to distribute” (Ibid.).

³⁹ Conversation with Immigration Office, Prefecture of Ragusa, February 2019; Expert Interview with former Director of Trapani’s hotspot, Trapani, August 2019; Interview with CISOM doctor, Palermo, July 2019.

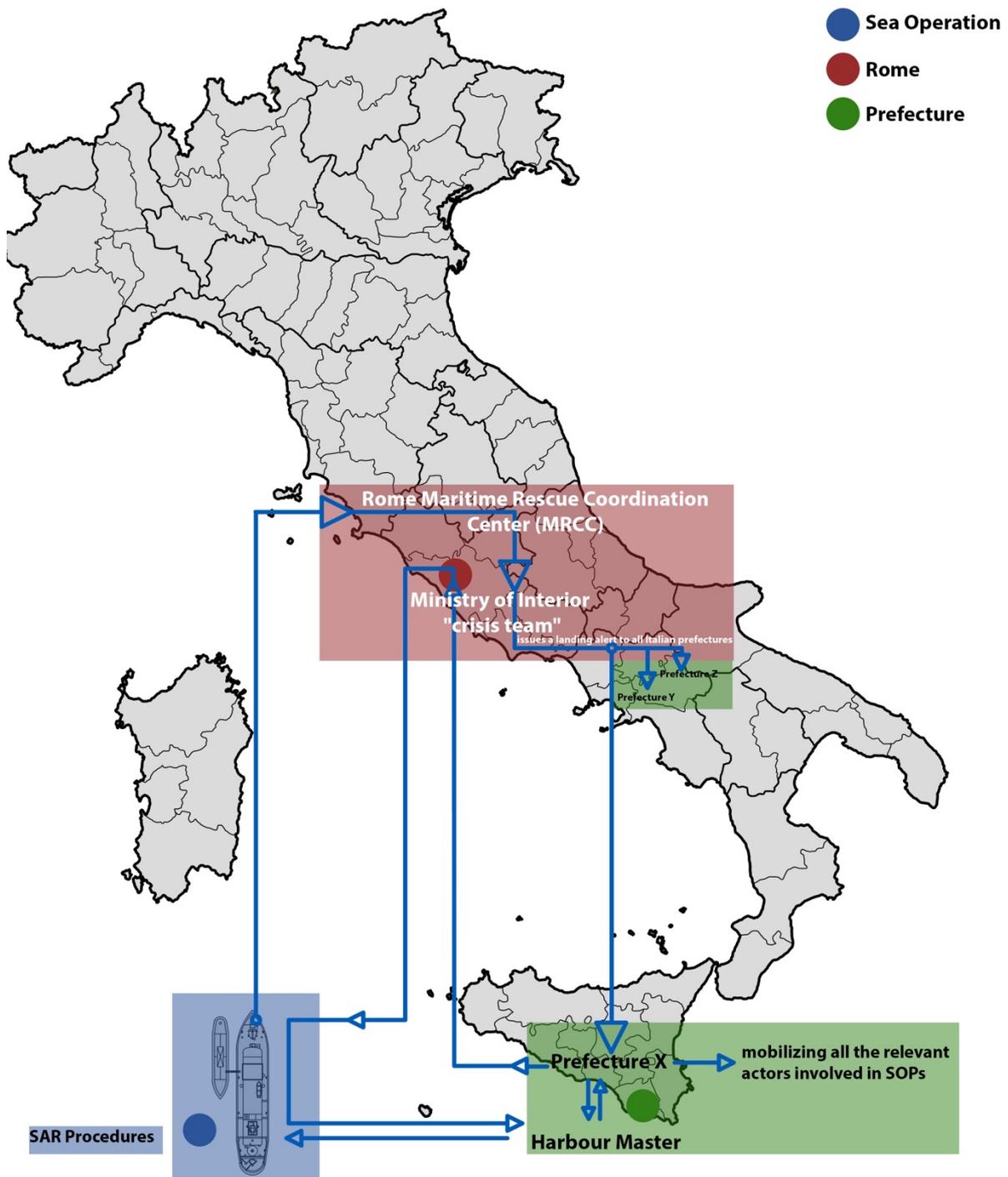


Figure 12: The Italian hotspot procedures as highly coordinated, geographically flexible operations between land and sea. The example in this figure is of Pozzalo. Boats in distress are intercepted during SAR operations by either National and/or EU maritime operations, NGOs' vessels or private vessels operating in the proximity of a potential shipwreck. The SAR event is subsequently communicated to the Maritime Rescue Coordination Center in Rome, which depends on the General Command of the Corps of the Harbour Coast Guard and thus the Ministry of Defense. The General Command then starts coordinating with all the other relevant Ministries involved. The Crisis Team of the Ministry of the Interior in Rome is immediately mobilised and starts coordinating with a number of Prefectures (X, Y, Z...) throughout the National territory so as to determine the port of landing, which is not necessarily geographically the most proximate.

The Ministry of Defense is responsible for the navy and coast guard vessels which intervene in case of a reported or imminent shipwreck, together with the customs vessels of the Ministry of Economics and Finance. The Ministry of Infrastructure and Transportation is responsible for port infrastructures that could be identified as Places of Safety. The Ministry of Health is responsible for deploying medical units at ports and conducting health screenings after landing.

The coordination of the actors involved in new landings with those responsible for implementing the Hotspot Approach rest with the Ministry of Interior's Department of Civil Liberties and Immigration and the Department of Public Security. The organization of each new landing is locally entrusted to prefectures as local coordinating actors, with the provincial police headquarter offices responsible for most of the actual implementation of SOPs at landing sites and between the landing docks and hotspot facilities. As the Director of the Immigration Service Division of the Ministry of Interior's Department of Public Security explained:

In Italy every landing event is recorded as an "event of public order and security" and it is regulated by an "ordinance of public order and security" issued by the Chief of the Provincial Police Headquarter. This ordinance outlines all the moments and activities that follow. Not only those strictly performed by the police, but also all those related activities that, to some extent, have an impact on public order and security.⁴⁰

Alongside the coordination of these national actors, the Hotspot Approach has introduced complex interactions and task distributions amongst international organizations and EU agencies. This is complemented by the involvement of a changing constellation of non-governmental and private actors which: 1) provide practical services, e.g. NGOs providing emergency assistance or first reception services to arriving persons; 2) provide logistical support, e.g. subcontractors for transportation to and from hotspot facilities or landing docks or setting gazebos or tensile structures; and 3) manage functions, e.g. the managing companies of hotspot facilities. This complex combination of actors vary from site to site and ultimately attest to multilateral migration management as extrastatecraft, which produces an infrastructure space aimed at sorting out mixed migration inflows.

Hotspot Procedures before and on arrival

The filling in of *foglio notizie* pre-identification forms and the subsequent health screenings connect the SAR operation and the implementation of SOPs within hotspot facilities and at landing sites. Pre-identification and health checks are both crucial to orientate the subsequent steps allowing to capture the biometric identities (namely via fingerprinting and dactyloscopic survey) of newly-disembarked persons, which is the core goal of the Hotspot Approach.

The opaque, complex structure of the Hotspot Approach turns the arrival procedures into kafkaesque sequences of checks and interrogations for newly disembarked persons. Within 48 hours of arrival, asylum seekers are subjected to at least four medical checks. The first occurs after SAR, and if the rescue is performed by the navy, coastguard or customs vessels it is entrusted to doctors from the Order of Malta Italian Relief Corps under an agreement with the Ministry of Defense.⁴¹ Before authorizing a landing, doctors from the

⁴⁰ Expert interview with Immigration Service Division of the Italian Ministry of Interior - Public Security Department, Rome, July 2019.

⁴¹ Interview with CISOM doctor, Palermo, June 2019.

navy or Civil Aviation Health Office come aboard to verify that the new arrivals are not carrying serious infectious diseases. Once the landing is authorized, doctors from the Provincial Health Department, sometimes supported by the Red Cross or Emergency doctors, conduct a third set of medical checks to identify those in need of immediate health assistance and/or experiencing serious vulnerabilities. If arriving persons are transferred to hotspot facilities, they are once again subjected to sanitary follow-ups by doctors engaged by the managing companies.⁴²

At the organizational level, health checks take place right before and sometimes in conjunction with security-oriented operations such as body-searching, debriefing, interviewing, identifying and registering newly arrived persons. Pre-identification, body searches and interrogations are performed by the Italian investigative police together with Europol and FRONTEX debriefers. Biometric enrollment is performed by Italian police forensic teams and personnel from the prefecture's immigration office, together with FRONTEX screeners and fingerprinting teams. If third-country nationals provide their passports to hotspot personnel, FRONTEX ALDO (Advanced Level Document Officers) experts verify these documents.⁴³

The information provision phase – which is entrusted to UNHCR, EASO and IOM – is conducted by multidisciplinary teams comprising legal experts, interpreters and, sometimes, psychologists and social workers. This occurs in three steps: first, paper leaflets in the major foreign languages are distributed at landing; second, a group information session is led by a legal expert and an interpreter from UNHCR, IOM and EASO as newly-arrived persons wait to be biometrically enrolled; and third, a follow-up individual or group session is held by the same actors after registration is completed.⁴⁴ All these stages are, however, ancillary to the investigative operations that take place alongside them.

The Italian SOPs, together with the “Hotspot Coordination Working Table” organized by the Ministry of Interior's Department of Civil Liberties and Immigration, allows for the central procedural coordination of all actors involved in implementing the approach throughout Italy. At the local level, each prefecture has also set up a “Hotspot Working Table” which involves all site-specific NGO actors.⁴⁵

Hotspot management and services

The management of the hotspot facilities may be entrusted to local authorities (as was initially the case in Pozzallo),⁴⁶ including to municipality consortiums, but this varies in practice. More often, public or private bodies operating in the field of assistance to applicants for international protection, or social assistance more broadly, are selected via public tenders

⁴² Conversation with an official of Ragusa Prefecture's Immigration Office, Ragusa, February 2019; Expert Interview with former Director of Trapani's hotspot, Trapani, August 2019; Expert Skype-interview with two lawyers from Palermo's Legal Clinic, July 2019.

⁴³ Interviews with an anonymous source from the Ministry of Interior, Department of Civil Liberties and Immigration, Rome, September 2019; and Expert interview with Immigration Service, Division of the Italian Ministry of Interior - Public Security Department, Rome, July 2019.

⁴⁴ Expert interviews with EASO-Italy Contact Point, Rome, May 2019; IOM, Rome, May 2019; and UNHCR, Rome, June 2019.

⁴⁵ This was repeatedly confirmed in expert interviews with the Immigration Service Division of the Italian Ministry of Interior - Public Security Department, Rome, July 2019; Interviews with an anonymous source from the Ministry of Interior Department of Civil Liberties and Immigration, Rome, September 2019; Conversation with an official of Ragusa Prefecture's Immigration Office, Ragusa, February 2019; Expert interviews with EASO-Italy Contact Point, Rome, May 2019; IOM, Rome, May 2019; and UNHCR, Rome, June 2019.

⁴⁶ Conversation with Ragusa Prefecture's Officer of Immigration Office, Ragusa, February 2019.

published by local prefectures. All these actors were initially entrusted with emergency procedures, which lacked transparency and therefore compromised their accountability. In some cases, as in Trapani and Lampedusa, the actors who managed the CPSA and CIE prior to their conversion into hotspot facilities also manage the latter, without undergoing selection procedures reflecting the new purpose of the facilities.⁴⁷

Our survey of the specifications of the call for tenders shows that the organizations managing these sites are expected to provide essential first reception services, such as the distribution of food and non-food items to newly-arrived persons, accommodation and shower services, non-medical services, psychosocial and legal support, and linguistic intermediation. Several reports have highlighted the inadequacy and low quality of the services provided, especially in the distribution of food and non-food items, and have noted the embezzlement of funds.⁴⁸ Nevertheless, for the purpose of this analysis it should be noted that the staff of the management organization or cooperative are usually allowed to provide the scarce services that do exist only after biometric enrollment is completed.⁴⁹ We interpret this as another evidence for our overall argument that protection is subordinated to biometric profiling in the Hotspot Approach, which we elaborate further in Chapter Four. As we can see from Italian SOPs, even such minimal reception activities are considered secondary to biometric profiling and enrollment.

Actual assistance and reception is largely provided by the NGOs and civil society organizations which are not formally part of the Hotspot Approach but are authorized to support landings and first reception operations at landing ports and in hotspot facilities.

Therefore, despite the presence of international organizations that have protection as one of their most important mandates, in the Italian experience hotspots do not have any function quintessentially related to protection. The extrastatecraft of the multilateral migrant management to enforce registration and fingerprinting incorporates even the IOM and UNHCR, whose roles are limited to vulnerability assessments and legal information. These activities, albeit crucial to granting newly disembarked persons with the opportunity to access protection or asylum procedures, cannot be properly considered as “protection” activities *per se*. Moreover, due to contractual terms of confidentiality, both organizations have witnessed relevant restrictions of their mandate in terms of public advocacy, especially when it comes to making public any information on critical issues emerging from the implementation of the approach (AIDA, 2018).

The extrastatecraft of migration management in the Italian implementation of the Hotspot Approach has thus ultimately allowed for the active postponement of protection to the sorting and filtering of new arrivals into groups of persons who are presumed to deserve protection and groups of persons who, on the contrary, are assumed to be undeserving of protection, which we discuss in the detail in the next chapter. The latter’s lives are accordingly treated as disposable as their bodies are summarily channelled towards expulsion.

⁴⁷ Expert Interview with former Director of Trapani’s hotspot, Trapani, August 2019.

⁴⁸ See Amnesty International (2016) and OXFAM (2017). On the case of Messina’s hotspot see ActionAid, ASGI and Borderline Sicilia (2019).

⁴⁹ Interview with the *chief of the Operative Unit on “Migrants and deprivation of liberty”*) and the *National Ombudsman for the rights of Detainees or Persons Deprived of Personal Liberty*, Rome, May 2019.

4. The Hotspots as Infrastructure Spaces of Filtering

As the previous chapter has shown, the introduction of multiple actors has led to an opaque and complex system of migration management, which has shifted accountability into a grey zone. This new extrastatecraft of migration management is particularly apparent in the central objective of the Hotspot Approach: to sort and filter arriving persons into “deserving” and “undeserving” asylum seekers. In the first step, a process of sorting occurs in groups of deserving asylum seekers and undeserving migrants while in the second, those undeserving are filtered out of the procedure and deported or given an expulsion order. The deserving and the legally undeportable due to age and vulnerability remain for further processing.

In this chapter, we conceptualize the hotspot areas as infrastructure spaces of filtering in which persons arriving by the sea undergo a criminal procedure of arrest, medical examination, interrogation and fingerprinting. The key objective in this process is what in the operational language is termed “retrieving identification,” i.e., to collect information about each person’s nationality, age and vulnerability status. Depending on the attributed nationality, a person may be classified as an economic migrant and sorted out for immediate deportation. As we will elaborate below, individual reasons for seeking asylum, as codified in the Geneva Convention, no longer matter if the person is registered as a national from a country with a low recognition rate in asylum procedures in EU Member States. The assessment of age and vulnerability is also central to the filtering process, as minors and vulnerable persons cannot be filtered for deportation and thus remain in the procedure. Our research has shown that this filtering process is imbued with racialized, biopolitical decisions at various stages, which subjugate the arrested and interrogated person to the assessment of a particular interpreter, FRONTEX officer or national security personnel.

It is important to reiterate that the term “retrieving identification” does not actually reflect what is happening. Rather, it is more accurate to speak of “attributing identity.” For newly-disembarked persons, forensic police and FRONTEX personnel create a record of their biometric reference, i.e. the digital representation of a biometric characteristic, for the purpose of future comparisons. This biometric reference is associated with the personal information of each person to be enrolled in internationally intraoperative systems. This has little to do with ascertaining identity.

4.1. Design and functioning of the registration areas

Both in Italy and in Greece, the central aim of the Hotspot Approach to sort out and filter arriving people into “deserving” and “undeserving” has led to the design and construction of specific areas to achieve that goal. Their design merits closer analysis because it conveys both the ideal of “filtering” and its underlying violence. Key to this ideal is an “infrastructural imaginary” – a mental image of how arriving persons should behave and interact with specific physical and digital infrastructures (containers, tents, fences, checks, fingerprint scanners, and so on), as well as the institutional actors that control them. This imaginary undergirds the implementation of the Hotspot Approach, particularly its registration areas, which combine spaces of controlled flow and areas of temporary containment. Their design builds on a historical legacy of institutional architecture, in which the behavior of users is carefully controlled (Cupers, 2013). Yet it also suggests the emergence of a new type of border architecture in which arriving persons are disciplined into being

passive flows, upon which a set of national, supranational and non-governmental institutions act.

The design of registration areas in the Greek and Italian hotspot facilities shows two different ways in which groups of arriving persons are meant to be “filtered.” In Greek facilities, the registration process is organized in stations around a courtyard, whereas in Italy it takes the form of a queue or assembly line (see Figure 13). This difference mirrors the difference in the national implementation of the Hotspot Approach, as follows.

Reflecting the logic of containment (on designated islands, in fixed facilities) of the Greek implementation of the Hotspot Approach, the registration area in these fixed facilities is similarly designed as a contained area (figure 13a). After disembarkation, arriving persons are brought in groups to this fenced and controlled area, where they are detained and forced to wait, for many hours, if not days. Various actors (described in more detail in section 4.2 and Annex 4) usher migrants to their particular work stations, which are housed in containers grouped around a courtyard.

A subsequent iteration of this layout in the Greek hotspot facilities suggests that there has been a process of “learning from” by the designers of the RIC (although this process is difficult to verify this because of the lack of transparency of the design process and actors involved.) At the Kos RIC, which was built after the Lesbos RIC had been in operation, the layout is slightly different. This layout could be called a “telephone pole” layout (see Figure 14). Although we could not get access to the facility to verify the actual operation of this area, this newer layout suggests the ambition to increase the efficiency of processing. Arriving persons are being filtered, quite literally, through a maze of containers, after which they enter another contained area, with multiple workstations in containers arranged around a courtyard.

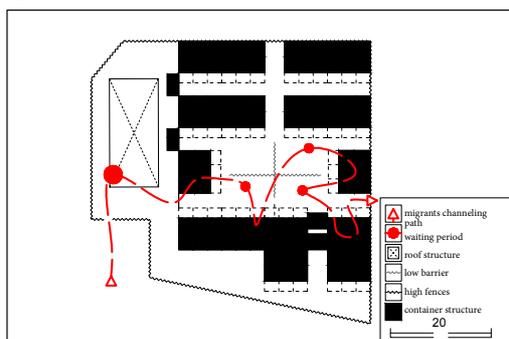
In Italy, where the Hotspot Approach has been implemented via Standard Operating Procedures that can take place in different locations, arriving persons are channeled through a linear sequence of stations on the harbor dock or inside a building (figure 13.b). The registration process (described in more detail in section 4.3) involves a number of institutional actors, much like in Greece. But *rather than being contained* and ushered to be “processed” in work stations, the arriving persons are *forced to move through*, as the standard operating procedures are set up as a temporary “assembly line” on the harbor dock. As such, these docks are transformed into *de facto* hotspot locations, acting as nodes of a logistical network of managing migration. They can be built and dismantled in little time on the spot, and because of this flexibility, they can be arranged when needed (upon arrival, see figure 12) or they can be built inside existing facilities. The hotspot teams are equally mobile, as they are dispatched only shortly before the coordinated landing takes place. As such, the Hotspot Approach is “performed” on arriving persons wherever and whenever a new landing takes place.

In Italy, like in Greece, the design of the registration areas in hotspot facilities also suggests a process of learning. The public limited company Invitalia has taken a key role in the design of hotspot facilities in Italy. Their tender documents for new hotspots in Augusta, Crotona, Corigliano Calabro and Vibo Valentia, in Calabria. This new generation of hotspot facilities further reinforces the SOP logic of *de facto* detainment until the end of the biometric registration process. The legend of the Corigliano Calabro plan (see Figure 15) shows that the facility is divided into two distinct categories: “functional areas” and “routes.” The first corresponds to the SOPs, as every procedure is implemented in a dedicated space marked with a specific color. The second shows how arriving persons are channeled through those spaces, and is marked with arrows. The Hotspot Approach here is reduced to different colors

(procedures) acting on arrows (arriving persons). The fence around the facility indicates the intention to detain arriving persons until biometric enrollment is completed.

Both in Greece and in Italy, the hotspot registration areas are designed in such a way that multiple institutional actors (the actors of extrastatecraft, discussed in the previous chapter) can work together in an efficient and controlled way to “sort out” groups of arriving persons. The infrastructural imaginary and incremental process of “improving” their design belie the humanity of arriving persons, who after a harrowing journey across the sea are subjected to a sequence of procedures that have little to do with care or protection.

Registration area in Lesvos RIC, Greece



Standard operating procedures at Catania port, Italy

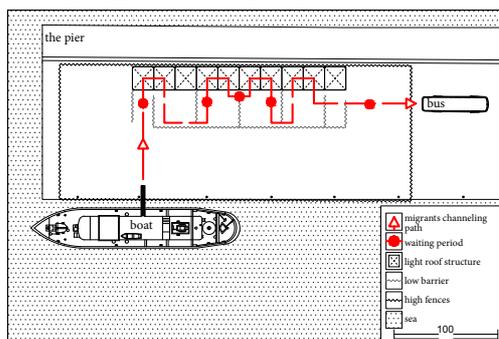


Figure 13: Two different layouts of hotspot registration areas. On the left (top and bottom), the “courtyard” type layout of the Lesvos RIC. On the right, the linear sequence of stations underneath gazebos, a temporary arrangement for “processing” migrants upon disembarkation at the port of Catania.

Registration area in Kos RIC, Greece

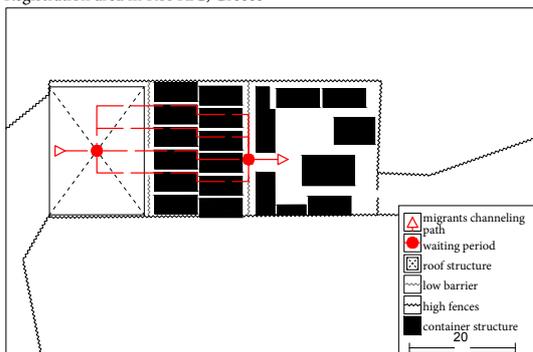


Figure 14: The “telephone” layout and diagram of Kos. This design is a hybrid between the courtyard and linear sequence arrangement.

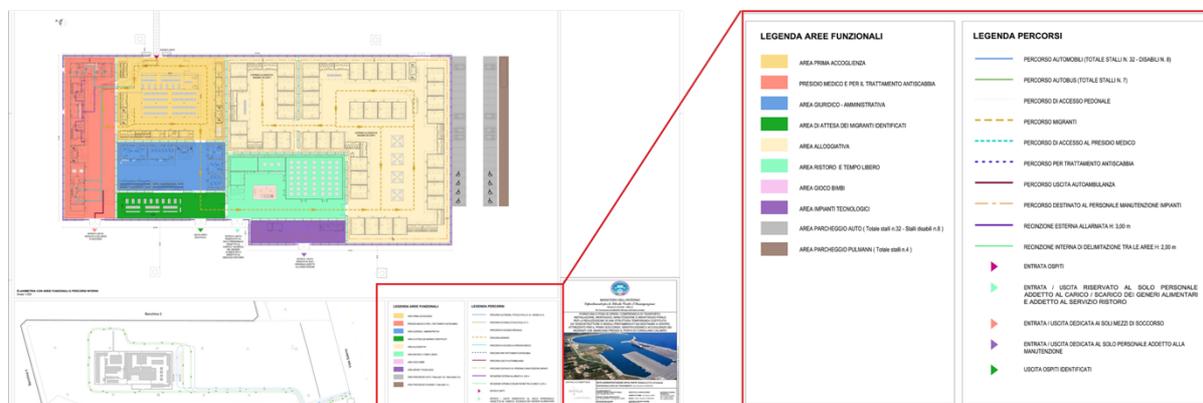


Figure 15: Architectural plans for a new hotspot facility in Corigliano Calabro (Source: Invitalia website published on 13.12.2017).

4.2. The Infrastructure Space of filtering in Greece

In Greece filtering at both identification and asylum phases overall takes place within the RIC premises.⁵⁰ While identification and registration relies a great deal on biometric technology, including fingerprinting devices, databases, biometric photographs, the human factor also plays a substantial role in the outcome as interrogations and medical checks are critical for further proceedings. Not only are two interviews conducted by the security forces during screening and debriefing, but decisions are made by Hotspot personnel during various assessments for nationality, age and vulnerability, as we will show in this chapter. For a better understanding, we have included into the Annex an accessible step by step explanation of the complicated Hotspot procedures in Greece.

Filtering in the identification and registration process

The first step in filtering takes place once arriving persons enter the Registration and Identification Area, where they are identified and registered by the Hellenic Police with the support of FRONTEX officers. This includes the registration of personal data, nationality screening, age assessment and in some cases debriefing and fingerprinting. As FRONTEX staff members pointed out in our interviews, the goal is not just to register personal data, but to ensure its accuracy and veracity.⁵¹ Even though FRONTEX staff members emphasized that their goal is not just to register personal data, but to ensure also its accuracy and veracity, our research leads us to speak of *identity attribution instead of identity verification*. In fact, the very process of identification is imbued with ambiguity, inaccuracy and at the discretion of the security officials and interpreters in the facilities to ensure that the arriving person's claimed **nationality** is correct, especially in the absence of valid travelling papers, the screeners rely on interpreters who work for FRONTEX. As highlighted by FRONTEX staff during our interviews, interpreters with a personal migration history from the country whose language they translate are preferred. Accordingly, it is "easier for them to identify where everyone is from, even based on dialects and so on."⁵² This racialized approach by FRONTEX which assumes insider expertise based on origin turns the interpreters into a form of embedded cultural experts" whose assessment FRONTEX relies on when in doubt. Given how foundational and irreversible the attribution of identity and nationality is for any person, the nonchalant reference to insider knowledge of interpreters who know "where everyone is from, even based on dialects" reveals the tremendous power a single interpreter and FRONTEX officer has over a undocumented, rightless person under administrative detention.

⁵⁰ However, protests by asylum seekers against EASO and GAS have led in some instances to the relocation of their offices outside of the RIC facility, as it happened in Lesbos.

⁵¹ "When we say registration, we do not mean we mean not just a personal data registration, but first of all the recognition of real identity, that is, nationality, which plays an important role. We mean registering the data correctly; identifying any travel documents, if they are fake, if they are genuine and so on; proper fingerprinting and entry of the finger prints in the EURODAC system. And of course we mean issuing the documents required by national law" (Expert Interview, Athens, 22 May 2019).

⁵² "The interpreters are, of course, citizens of Member States of the European Union, but they come from countries of origin of immigrants, which means that it is easier for them to identify where everyone is from, even based on dialects and so on" (Expert Interview, Athens, 22 May 2019).

In effect, it is possible to speak of a discretionary power of the screeners during the entire identification process.⁵³

For instance, one extreme outcome of such power during the nationality assessment was not mentioned in our interviews with institutional actors, but brought up by an NGO worker. The interviewee pointed out that certain racialized nationalities can be effectively expelled from the hotspot process without having gone through the asylum process.⁵⁴ For instance, Sub-Saharan single men can find themselves detained in the pre-removal center in the Lesvos RIC simply because they belong to a nationality with a low recognition rate.⁵⁵ Similar cases have been recorded and reported by the media, as this violation was further facilitated by law 4636/2019 which came into effect in January 2020. In such cases, the hotspot procedure becomes reduced to the following: “with their arrival, the police escort them to the doctor and then the police take them to the pre-removal center.”⁵⁶

While we could not verify such instances with institutional actors of the Hotspot Approach, the problem of the opaque complex of the Hotspot approach is that it not only enables such violations, but that it also makes them invisible in the complex array of involved authorities. Given that the pre-removal center does not fall under the jurisdiction of the Reception and Identification Service but of the Hellenic Police, a critical issue that arises is when and how a detainee has access to communication in order to ask for legal support. The only chance arriving persons have to be released from the pre-removal center and to restart the procedure is if they have a vulnerability which is recorded by the RIC’s medical actor. However, this can only be achieved through the mediation of a lawyer. The legal support for detained persons is provided by NGOs including HIAS, the Greek Council for Refugees, or PRAKSIS if the detainees are minors; to our knowledge, no legal support was provided by the Greek state to pre-removal center detainees - on the contrary the detainees are deprived of means of communication, with the exception of two brief time slots on Wednesdays and Saturdays. If, against all odds, detainees manage to communicate with a lawyer, then it might be possible for the latter to take them to the medical provider “to prove that there was a mistake and that they are vulnerable.”⁵⁷

Thus, it is clear that no sufficient safeguards are in place and that, as one interlocutor put it: “detention is people without voice. You cannot – you don’t know what is happening there. It’s a little disaster, this thing here.”⁵⁸

The nationality assessment is of crucial importance, for it is closely linked to the asylum procedure step. As we show in the following section, in effect, someone’s - actual or

⁵³ Objections to the wrongful identity attribution can only be lodged after the procedure is concluded and requires lawyers and several bureaucratic steps. While it is possible in theory, it is rather an unlikely possibility given the conditions and resources of the persons subjected to the procedure.

⁵⁴For instance, on February 10, 2020, a Senegalese 45-year-old man received an asylum rejection decision after having gone through an asylum interview that lasted five minutes. In his case, the impossibility of proper communication that arose from a lack of a suitable interpreter was registered as a silent revocation of the asylum claim (Aggelidis 2020). Similarly, in April 2020, 186 pre-removal center detainees resorted to a hunger strike against deportation decisions that were solely based on the low-recognition-rate premise (Pazianou, 2020).

⁵⁵ This is verified in the AIDA report (2019): “On the islands of Lesvos, Kos and to a certain extent Leros, the policy of automatic detention upon arrival, persists for newly arrived persons who belong to a so-called “low recognition rate” nationality and, who are still immediately detained upon arrival pursuant to the “pilot project”, despite their explicit wish to apply for asylum and without prior application of reception and identification procedures as provided for by the law (p. 40).

⁵⁶ Expert Interview, Lesvos, 29 May 2019.

⁵⁷ Ibid.

⁵⁸ Ibid.

alleged - nationality plays a bigger role in their asylum trajectory than the reasons that led them to flee their country of origin.

As part of the initial sorting out, the Hotspot Approach entails two further assessments, for age and vulnerability. Officially, these are for humanitarian purposes, as under law 4375/2016, minors, especially those who are unaccompanied, as well as persons with medically proven vulnerabilities, are supposed to be prioritized and their detention in the RIC should be as minimal as possible. Additionally, vulnerable cases are supposed to be processed under the regular asylum procedure, limiting the possibility of them being deported to Turkey.

The registration of apparent medical **vulnerabilities** takes place upon arrival, provided a medical taskforce of EODY, the national public health organization is appointed to the RIC. The EODY taskforce records observed vulnerabilities under three predefined categories: “Alpha, that is a serious vulnerability; Beta that can become serious and Gamma is a patient who – or more properly put a beneficiary – who does not belong to any vulnerability category.”⁵⁹ As Papada (2021) points out, this narrow legal-based recognition of vulnerabilities “attributes a geographical origin of vulnerability which by extension excludes the possibility of harm being affected in the here and now” (Papada, 2021, p. 17). In other words, neither the dangerous conditions of the migratory journey, nor the detrimental living conditions in the hotspot facilities are taken into consideration when examining the vulnerability indicator that could pertain to the aforementioned categories.

Additionally, during our field visits, there was a notable absence of doctors in the facilities. In addition, our interviews showed several gaps regarding the inadequacy of the medical staff. This inadequacy becomes even more problematic in the cases of mental health vulnerabilities. Since the proper registration of the latter is time-consuming, this often takes place *after* the identification and registration phase and, while an asylum seeker is awaiting the asylum interview. What is more, the chronic lack of interpreters has resulted in cases of severe misjudgment, as the EODY taskforce has to resort to ad hoc solutions.⁶⁰ An account from a different interviewee suggests that there have been cases where asylum seekers proceeded without a vulnerability assessment due to a lack of interpreters:

During summer we had some arrivals and we had psychiatric patients who needed to be followed up, but we were only having these two hours of interpretation and only in Arabic. So for the Afghanis or the Iranians...There was no solution! No vulnerability assessment for them and no psychosocial support for them.⁶¹

Mistakes have also been observed in **age** assessments. These concern adolescents and are carried out during the screening interview by FRONTEX staff and the Hellenic Police. During an interview with a FRONTEX officer, the power of the screener was, perhaps involuntarily, revealed as he stated: “normally yes, our screeners decide on the... *try to predict* the age of a

⁵⁹ Expert Interview, Leros, 05 July 2019.

⁶⁰ Ibid.: “if there is an incident, we have to talk a little... That is, we can not speak all the foreign languages. That is Lingala for example. French is a little more limited... We try based on what we know. Everyone tries based on the foreign languages they know. With signs... When it comes to the medical part, they will tell us if it hurts anywhere... It is the psycho-social that has the essential problem, because there we want precision. Or when a vulnerability is judged without an interpreter next to the person. That is, you cannot find out what is going on by simply using gestures! We want precision so as not to make a mistake! There is often a problem with the interpretation. If an interpretation is not accurate, it is a problem.”

⁶¹ Expert Interview, Chios, 12 June 2019.

person.”⁶² When asked if this *prediction* entails a medical examination, he said that the examination must precede the screening interview and that the relevant information on age must be provided by EODY and the Reception and Identification Service. However, it could be argued that if a conclusive medical examination is performed prior to the screening process, then the *prediction* of someone’s age would be unnecessary. This lack of transparency about the sequence connecting the medical examination with the screening interview was also brought up by an EODY doctor in Leros,⁶³ who said that in cases where the age assessment is inconclusive, the Reception and Identification Service must ask for medical staff to be involved and only then will a psychological and physical examination be conducted.

There is a more disturbing element that points to how a safeguard would be twisted towards a punitive dimension. In a rare case where an interviewee agreed to have this documented on the record, they referred to their experience as a NGO employee⁶⁴ working with minors in Lesvos during the first phase of the RIC’s operation, when an arriving person’s wisdom teeth were examined to ascertain age. FRONTEX, especially, appears to frequently declare these persons to be adults based on the wisdom teeth examination, and the director of Lesvos RIC at the time would sometimes resort to this practice if he wanted to remove specific individuals from the section reserved for minors. As our interviewee pointed out:

“The first time we worked on this program, we dealt a lot – more than a year – with the minors who after being tested using the wisdom teeth, they were proclaimed as adults. And if they didn't have an ID or passport, they would still ‘remain’ adults. While they were saying ‘I’m 17,’ ‘I’m 16.’ Because FRONTEX has always had a tendency – more so in the old days – a tendency to ‘adultize’ the 17-year-olds. If the old commander of the RIC had problems with some of the kids on the wings, which were closed and tensions were created, well, a dental test was enough.”⁶⁵

This quote not only testifies to the biopolitical filtering practices in the Hotspots facilities but also once again illustrates the unbound discretionary power of the Hotspot personnel vis-à-vis the undocumented persons, be it adults or minors. Just like the nationality assessment, the age and vulnerability assessments too - which are supposed to function as safeguards for minors and vulnerable persons- are based on a filtering rationale, one that sidelines individual migration experiences and the reasons for fleeing one’s country. Moreover, the actual practices of assessments have severe loopholes as shown above, which can be weaponized against the very people they are meant to protect. While some of these violations can be related to time delays and lack of staff, the overall rationale of biopolitical filtering of the Hotspot approach subordinates individual cases to collective criteria which violates the fundamental right to seek asylum based on individual persecution.⁶⁶

⁶² Expert Interview, Samos, 26 June 2019.

⁶³ Expert Interview, Leros, 05 July 2019.

⁶⁴ Expert Interview, Lesvos, 29 May 2019.

⁶⁵ Ibid.

⁶⁶ The AIDA 2019 Country Report for Greece states: “Major delays occur in the identification of vulnerability on the islands, due to significant lack of qualified staff, which in turn also affects the asylum procedure. The average time between the arrival of the persons and the completion of the medical/psychosocial examination/vulnerability assessment on islands’ RICs was between 1 and 8 months in 2019, depending on the location. The regulatory framework for the guardianship of unaccompanied children initially introduced in 2018 was still not operational as of May 2020” (p. 21).

The asylum filtering process

Following the assessments discussed above, those who are categorized as deserving asylum seekers are further divided into two categories: those to be processed under the border asylum procedure by EASO, and those to be processed under the regular asylum procedure,⁶⁷ mostly though not exclusively by the Greek Asylum Service. This categorization shows how the Hotspot Approach seeks to process asylum seekers using fast-track procedures that essentially re-inscribe the right to asylum on the basis of collective traits: age, nationality and vulnerabilities. Again, this violates the existing international protection regime for asylum as an individual right.

The border asylum procedure is an innovation of the Hotspot Approach and divides asylum seekers on the basis of the so-called low and high recognition-rate nationalities. The first category refers to countries whose nationals are less likely to be recognized as refugees, while the second one refers to the opposite. The responsible authority here is EASO which carries out the border asylum procedure exclusively at the Reception and Identification Centers of the islands. It foresees the admissibility and the eligibility examination of the asylum claim. More particularly, nationals belonging to high recognition rate nationalities undergo the admissibility examination during which they need to establish the reasons why their life would be in danger upon deportation to Turkey. If they fail to do so, they are deemed inadmissible. Should the Greek Asylum Service (GAS) agree with the EASO opinion, the rejected asylum seekers are taken to the pre-removal center to await their deportation to Turkey.⁶⁸

The regular asylum procedure is mainly carried out by GAS, although EASO has also been getting involved in it. It examines asylum claims that fall under the Dublin II Regulation (family reunification) as well as claims made by recognized vulnerable persons. The regular asylum procedure is carried out on the five islands, as well as in the mainland of Greece.

Under the Hotspot Approach, the Greek Asylum Service has the final say on asylum requests, while EASO is officially bound to produce opinions about the cases it processes. However, the logic EASO uses to define a refugee appears to be different from that used by the Greek Asylum Service. According to an interviewee⁶⁹ who had worked for an asylum service in the past, the EASO's narrower understanding about who constitutes a potential refugee is evident already while its personnel are trained, and then carries on throughout the duration of the asylum examination procedure. For instance, while the Greek Asylum Service recognizes refugees based on humanitarian reasons, like being HIV positive and lacking access to healthcare in the home country, EASO does not. The interviewee explained this different perception as follows: "EASO is based on the European directives, whereas the Greek Asylum Service always has a RSD⁷⁰ expert from UNHCR, so the Greek Asylum Service is more humanitarian, let's say, than EASO." According to the interviewee the difference in the perceptions of the two bodies is even clearer if one reads the opinion of the EASO and the decision of the Greek Asylum Service on the same case.

Moreover, an asylum seeker may be treated differently depending on the EASO caseworker's national background, experiences from the field and their perceptions on who

⁶⁷ Apart from vulnerable asylum seekers, the regular asylum procedure process cases that fall under the Dublin II regulation, with an emphasis on family reunification.

⁶⁸ As discussed in the previous section, the distinction of high and low recognition rate nationalities can in fact be weaponized against nationals who are identified as belonging to the latter category, as they can find themselves rushed to the pre-removal center.

⁶⁹ Expert Interview, Chios, 12 June 2019.

⁷⁰ RSD refers to "Refugee Status Determination".

deserves to be recognized as a recipient of international protection in Greece and thus in Europe. As our interlocutor put it, there is a big discrepancy between EASO employees who belong to Greece or to other Member States:

EASO works with the Greek staff that is provided, so we have the guidelines from UNHCR and we know that we are in Greece and we know how the situation is in here and the majority of us is really empathetic. At the same time, because there is a huge backlog, EASO is taking from EU Member States persons who work in the respective agencies, or the respective ministries or offices who are not given any training whatsoever and they follow the Dutch rules, or the German rules, or the English rules that they have this atmosphere that you know “Europe has had enough. We cannot open the borders.”

It therefore becomes clear that even though it does not have the final say in the asylum procedure, EASO plays a critical role in the asylum filtering mechanism of the Hotspot Approach. In fact, the role of EASO has grown since and through the implementation of the approach. The most important developments in this regard are, first, its involvement in the regular asylum procedure in Lesvos which, until August 2018, was solely the Greek Asylum Service’s responsibility; and, second, the integration of the admissibility interview with the eligibility interview into a single interview under the border asylum procedure.⁷¹

The integration of the admissibility with the eligibility part of the interview should be understood as yet another effort to speed up the process. Prior to August 2018, EASO personnel conducted a separate admissibility interview to investigate whether the person in question could safely return to Turkey. Following the interview, they would provide their conclusions to the Greek authorities. If the Greek authorities thought the applicant should stay in Greece and apply for asylum here, EASO would interview this person again to examine the core of the claim and look into the reasons why he or she had left their country. The second interview resulted in an eligibility opinion which was reviewed by the Greek Asylum Service to make a decision. The fact that these two interviews are now integrated into one raises concern about whether the potential asylum seeker has enough time to establish why deportation to Turkey would be dangerous, and severe vulnerability indicators could be overlooked for the sake of reaching a fast decision.

Overall, the emphasis on nationality in the border asylum procedure essentially takes away the individual element from the conceptualization of the asylum procedure. It is possible that the core reason for an asylum request, meaning the individual reason for leaving, will never be heard nor registered, simply based on the recognition rate of her or his country of origin. This is an outright violation of the internationally guaranteed right to seek asylum under the Hotspot Approach. What is more, this violation perpetuates a vicious circle: when asylum claims are not examined individually but are based on preexisting recognition rates, statistics around admissible and inadmissible asylum decisions reproduce and can hardly be changed, thus further reinforcing preexisting categories

To conclude, the admissible-inadmissible distinction under which EASO operates the border asylum procedure is the cornerstone of the hotspot filtering process in the Greek borderscape and incorporates a third country, Turkey, as part of the overall mechanism. In fact, due to the Hotspot Approach, Turkey has been turned into a *de facto* safe third country, despite all the evidence that proves otherwise (Roman et al., 2016). Thus, the Hotspot Approach not only transforms the migration management mechanism of the EU country in

⁷¹ Expert Interview, Lesvos, 25 May 2019.

which it is being implemented, it has severe reverberations across the neighboring borderscape, as it creates and consolidates a buffer zone where arriving persons can be stopped, documented, detained, deported and then contained once more.

4.3. The infrastructure space of filtering in Italy

When asked to describe what the introduction of the Hotspot Approach meant for Italy, an interviewee from the National Ombudsman for the Rights of Detainees or Persons Deprived of Personal Liberty said it led to “an organized disaggregation of mixed migratory flows into the two categories of so-called ‘economic migrants’ and ‘migrants eligible for international protection.’”⁷²

The initial screening of disembarking persons is indeed also called “triage”, and revolves around specific pre-identification activities, whose key objective, along with biometrically enrolling third-country nationals into international and EU biometric systems, is the disaggregation of so-called “mixed migration flows.” Pre-identification is performed through the filling in of a form called *foglio notizie* (information sheet), where the newly-arrived, persons are asked to indicate the reasons for crossing the Mediterranean by choosing from a predetermined list of options.⁷³

Arriving persons who express an intention to apply for international protection are then enrolled into the EURODAC database as CAT-1, i.e. “asylum seekers.” Those of nationalities with an asylum recognition rate of at least 75% are considered instead as “potential relocatable persons”⁷⁴ (Italian Ministry of the Interior, 2015, p. 6). Third-country nationals who do not express a desire to apply for international protection during pre-identification activities, or who declare they left their country in order to find better working conditions in Europe, are registered instead as CAT-2 (“irregular entry”) (Ibid., p. 7).

The fact that Italian roadmap for the implementation of the Hotspot Approach alternatively refers to “asylum seekers” as “potential relocatable persons” reveals the relocation mechanism was crucial to Italian authorities’ decision to implement the Hotspot approach.

Nevertheless, relocation only functioned until September 2017 (except for operations on pending cases, which continued until November 2017), when the EU Commission suspended it.⁷⁵

Until that date, newly disembarked persons who were deemed eligible for relocation were immediately referred to the EASO mobile team operating within the hotspot and channeled towards Regional Hubs for relocation. There, they would undergo all the matching procedures necessary to identify a country of relocation, in conjunction with the personnel of the Dublin Unit of the Ministry of Interior, Department of Civil Liberties and Immigration. Once the Member State processing the asylum application was determined – ideally within two months – EASO personnel in Italy would organize their transfer to the selected country.⁷⁶

⁷² Interview with Massimiliano Bagaglini (chief of the Operative Unit on “Migrants and deprivation of liberty”) and Elena Adamoli (National Ombudsman for the rights of Detainees or Persons Deprived of Personal Liberty), Rome, May 2019.

⁷³ Initially, at least in some cases, asylum or international protection was not necessarily included as an option (Amnesty International, 2016, p. 35).

⁷⁴ The Italian term is “potenziali ricollocabili” (Italian Ministry of the Interior, 2015, p. 6).

⁷⁵ See EASO activities on relocation, available online at <https://www.easo.europa.eu/easo-relocation>.

⁷⁶ Interview with Gabriel Stanescu, EASO-Italy Contact Point, Rome, May 2019 and off-records interview with an anonymous source from the Ministry of Interior Department of Civil Liberties and Immigration, Rome,

Numbers, age and sex of arriving persons registered as “asylum seekers” were and continue to be immediately communicated instead to the Ministry of Interior Department of Civil Liberties and Immigration. By using a national server called *Sistema per la gestione dell’Accoglienza* (SGA, “System for Managing Reception”) the Department would thus coordinate with prefectures distributed throughout the peninsula to set up the so-called *piano di riparto* (“redistribution plan”), ideally within a maximum of 72 hours from the landing.

The plan identified the places available in extraordinary reception facilities (CAS, *Centri di Accoglienza Straordinaria*) and first reception facilities for Asylum Seekers (CARA, *Centri di Accoglienza per Richiedenti Asilo*). It then communicated all the destinations where transferrals from hotspots had to be organised to the prefecture responsible for coordinating the landing. A differential reception regime was provided for vulnerable persons and minors, who were directly transferred to secondary reception facilities (SPRAR, *Sistema di Protezione per Richiedenti Asilo e Rifugiati*).⁷⁷

Persons enrolled as “irregular entries,” instead, were and continue to be directly channeled to expulsion or return procedures. The latter entails their transfer to Repatriation Centers (CPR) where they are detained until they are sent back to their countries. The number of arriving persons thus designated are communicated to the Ministry of Interior Department of Public Security after biometric enrolment. The local police headquarter coordinates with the Ministry of Interior’s Public Security Department in escorting them to the CPR (formerly the CIE).⁷⁸ If the Department of Public Security communicates that national CPRs have reached maximum capacity (as is usually the case), newly-disembarked persons registered as “irregulars” upon landing receive a so-called “deferred refoulement” (Cherchi, 2019). Issued by the head of the provincial police headquarter, this orders the recipient to autonomously leave the country they have irregularly entered within seven days. In these cases persons registered as “irregular entries” are escorted by Police authorities to the local train and bus stations.⁷⁹ Despite coming under intense scrutiny by lawyers and advocacy regarding their constitutional legitimacy (National Guarantor for the Rights of Persons Detained or Deprived of Liberty, 2017, p. 120; Palazzotto, 2016; Savio, 2016), deferred refoulements were the norm during the first months of the implementation of the Hotspot Approach in Italy and continued to be frequently issued to those registered as “irregular entries” even after a Palermo court declared them illegitimate in October 2017 (Stigliano, 2017).

Newly-registered arrivals who are nationals of countries with which Italy has concluded bilateral agreements to facilitate return procedures – such Tunisia and Niger – may be, and are, transferred to Fiumicino or Palermo airports directly from hotspot facilities and, sometimes, even from landing docks where the SOPs have been implemented. They are then directly and forcibly returned⁸⁰ to their respective countries on dedicated flights, escorted by *ad hoc* trained police. This has consistently hampered these arriving persons in accessing

September 2019. Such information is also confirmed in European Parliament’s Directorate-General for International Policies. Policy Department Citizens’ rights and Constitutional Affairs’ Study for the LIBE Committee (2017, p. 52-53).

⁷⁷ Conversation with an official of Ragusa Prefecture’s Immigration Office, Ragusa, February 2019.

⁷⁸ Interview with the Director of the Immigration Service Division of the Italian Ministry of Interior - Public Security Department, Rome, July 2019.

⁷⁹ Ibid.

⁸⁰ On “forced returns” from Italy see National Guarantor for the Rights of Persons Detained or Deprived of Liberty (2020).

protection or appealing the decision of the Italian authorities to return them to their home countries.⁸¹

Assigning a biometric identity

The process of identification at the moment of disembarkation is critical to the categorization of arriving persons as irregular entries (CAT-2) and asylum seekers (CAT-1) (Italian Ministry of the Interior, 2016, p. 6). However, our interviewees highlighted that what the Hotspot Approach actually allows for cannot be defined simply as “identification.” The Italian SOPs have as their main and ultimate goal “not the person’s identification, but rather the biometric profiling of newly-disembarked persons, also associating a name” to the biometric samples collected upon landing.⁸² The head of the Italian forensic police also confirmed that hotspot procedures do not account for actual identification, for they do “not allow to attribute the exact details of the individual who has landed but makes him recognizable from that moment on” (Deputy Paolo Beni in Camera dei Deputati, 2016, p. 12).

In fact, the “dactyloscopic survey” rather consists in attributing “dactyloscopic identities” to newly-disembarked persons’ biometric samples. These dactyloscopic identities feed into a national police database for identity checks (the *Casellario Centrale d'Identità*). The AFIS (Automated Fingerprint Identification System) search engine, which is operatively integrated with the national police databases, automatically allows police to verify upon arrival if those biometric samples have previously been collected in Italy, and which personal details were associated with them. The same data are simultaneously entered into and cross checked with the EURODAC system, with the support of FRONTEX experts. Thereafter, the persons registered will be always associated “with those fingerprints, that biometric profile” (ibid.) regardless of whether the identity they have provided, and which is associated with those biometric samples, corresponds to their actual identity or not. Following the Recast EURODAC Regulation, biometric data collected and categorized in this way are transmitted to the Central System managed by eu-LISA (Regulation (EU) No 603/2013). Thus, EURODAC categorizations end up orientating the sorting-out mechanisms taking place within Italian hotspots.

The *foglio notizie* and filtering by nationality

According to Italian official documents, filling in the *foglio notizie* entails the attribution of nationality and a preliminary registration of their motives for irregularly crossing the Mediterranean (Italian Ministry of the Interior et al., 2016). This procedural stage precedes but, crucially, complements biometric enrollment. Ultimately, it results in the attribution of identities to the collected biometric samples more than the verification of actual identity.

The *foglio notizie* forms vary from one port to another. Sometimes they are filled out at the hotspot facility, at other times on the landing docks, after the first health check, or on-board vessels conducting SAR operations. Local immigration officers often rely on interpreters from FRONTEX, UNHCR, IOM and EASO mobile teams to fill out the forms. The information registered using the *foglio notizie* is relied on by all hotspot personnel to determine whether

⁸¹Interview with the (chief of the Operative Unit on “Migrants and deprivation of liberty”- National Guarantor for the Rights of Persons Detained or Deprived of Liberty) and Member of Operative Unit on “Migrants and deprivation of liberty”- National Guarantor for the Rights of Persons Detained or Deprived of Liberty), Rome, May 2019.

⁸² Interview with Massimiliano Bagagnoli (chief of the Operative Unit on “Migrants and deprivation of liberty”) and Elena Adamoli (National Ombudsman for the rights of Detainees or Persons Deprived of Personal Liberty), Rome, May 2019.

to biometrically enroll the rescued person as CAT-1 or CAT-2. Although this pre-identification phase has no juridical value, and regardless of the explicit provisions of the Italian SOPs,⁸³ it shapes all stages that follow.

Indeed, persons who are pre-identified using the label of “economic migrants” are presumed to be “irregular entries” (CAT-2) and undergo additional investigations. These are conducted by national and EU actors, who inquire about their trajectories and the reason for their journeys, as well as their living conditions in their countries of origins and/or departure.

Those who are pre-identified as protection-seekers (CAT-1), on the other hand, are more likely to be approached by teams from UNHCR, IOM and EASO. They receive the information they need on asylum, international protection, the possibility to denounce human trafficking, but also on the possibility to access the temporary emergency relocation scheme which EASO oversaw between 2015 and 2017.⁸⁴

During our fieldwork, we collected materials showing how local prefecture officers coordinated with local police headquarters and FRONTEX, as well as the EUROPOL personnel flanking them in interrogating shipwrecked persons already from the pre-identification stage, in order to organize landings by nationality.⁸⁵ This was made possible through the coordination of national and EU naval assets performing SAR in the Mediterranean, with the actors intervening during each landing according to the Italian SOPs. Indeed, FRONTEX staff and national military personnel, together with IOM and UNHCR, were at times present on board these naval assets and contributed to the assessments of age and nationality before disembarkation.⁸⁶

Thus, a complex constellation of actors collaborates on nationality attribution procedures from the very initial stage of pre-identification. This phase informs the spatial and procedural organization of the subsequent phases of the Hotspot Approach.

Further confirming the centrality of the nationality criteria, interviewees repeatedly reported that Tunisians and third-country nationals supposedly from North Africa are disembarked last in SAR operations. They are also made to wait in separate areas of the landing docks and are the last to be biometrically enrolled where the SOPs are implemented at landing docks. Similarly, North Africans are usually the last to be transferred to hotspot facilities for biometric enrollment in case the landing occurred in ports near existing hotspot facilities.⁸⁷ The fact the nationality constitutes a discriminating factor in channeling newly-disembarked persons is contrary to all legal provisions on the individual nature of the right to asylum.

⁸³ According to the Italian SOPs: “It should be noted that pre-identification activities, including the assignment of nationality, is in no case appropriate for establishing the assignment to the individual of a definitive legal status and does not preclude the exercise of the right to seek international protection, even subsequent to this phase. Referral mechanisms for persons expressing the intention to apply for international protection should be guaranteed (for example, expression of intention to the forensic police, referral to Immigration Office even through an active role of all the personnel involved in the hotspot activities” (Italian Ministry of the Interior et al., 2016, p. 7).

⁸⁴ The EU Commission’s provision in the area of International protection to the benefit of Italy and Greece are no longer in force from September 2017 (Council Decision (EU) 2015/1523).

⁸⁵ Interview with EUNAVFOR Med - Operation Sophia, Rome, June 2019, Skype Interview with two lawyers from Palermo’s Legal Clinic, July 2019, interview with former responsible of Trapani’s hotspot from ‘Badia Grande’ co-operative, Trapani, August 2019, and interview with Nancy d’Arrigo and Nicolas Liuzzi, political activists and Oxfam operators, Catania, February 2019.

⁸⁶ Interview with EUNAVFOR Med - Operation Sophia, Rome, June 2019.

⁸⁷ Skype Interview with two lawyers from Palermo’s Legal Clinic, July 2019, author’s interview with former responsible of Trapani’s hotspot from ‘Badia Grande’ co-operative, Trapani, August 2019, and interview with Nancy d’Arrigo and Nicolas Liuzzi, political activists and Oxfam operators, Catania, February 2019.

Both relocation and return procedures are also crucially affected by the nationality of the registered person. On the one hand, returns are easy to trigger if the assumed nationality of the biometrically-enrolled person is that of a country with which Italy has bilateral agreements. On the other hand, it is possible to channel towards relocation only those applicants for international protection who are stateless or whose (declared or attributed) nationality has an average recognition rate of international protection at the EU level which is equal to or exceeds 75% (European Commission, 2015c).

This reliance on the nationality criteria hampers newly-disembarked persons' individual rights to access international protection in Italy (Sciurba, 2017) and accounts for their procedural racialization. Indeed, it is instrumental in "partitioning between migrants eligible for protection and those preventively denied of the right to claim asylum" (Tazzioli, 2017).

The *foglio notizie* and filtering by vulnerability

In Italy, hotspot procedures are critically influenced not only by the *foglio notizie*, which is completed as part of the pre-identification procedure, but also by sketchy vulnerability assessments. These have introduced a new understanding of who counts as a refugee or a person in need of protection in the EU, for they link protection either to conditions of mental and physical vulnerability, minor age, or to national belonging. As in the Greek case, this largely expunges the question of individuals' life trajectories. Given the short timespan in which the procedure must be completed, these assessments are often extremely rushed. Preliminary disaggregation of newly-disembarking persons is also based on the age and sex "attributed" to newly-disembarked persons by the police officers filling in the *foglio notizie*. Evident vulnerabilities, women suspected of being victims of trafficking, or the presumption of being minors, all serve to pre-orient arrivals towards protection mechanisms at the pre-identification stage.⁸⁸

Vulnerable cases and minors are disembarked first and kept in separate areas of the landing dock. They are biometrically enrolled first so that local prefectures can communicate their numbers to Rome as quickly as possible. This is necessary to organize their transfer to dedicated first reception facilities, which is communicated to each prefecture's immigration office by the Ministry of Interior's Department of Civil Liberties and Immigration in a redistribution plan (*piano di riparto*).⁸⁹

The actual asylum applications for asylum will be collected by the national authorities through the filling in of the *C3 form* only at a later stage: by the immigration office of the local police headquarter of the first reception or extraordinary reception center to which newly-disembarked persons are sent after having been identified as potential asylum seekers. This further confirms that, unlike what happens in Greece, asylum seekers' access to protection only starts after hotspot procedures are completed even in case serious vulnerabilities are detected already upon landing.

To conclude, due to the filtering process within the implementation of the Hotspot Approach, we can resume that policing comes before protection. Even though official documents emphasize the assurance of the safety of newly-arrived persons upon landing, and of providing them with all the information they need on protection options, it is actually the

⁸⁸ On the criteria for determining vulnerabilities see UNHCR et al. (2016).

⁸⁹ Off-records interview with an anonymous source from the Ministry of Interior, Department of Civil Liberties and Immigration, Rome, September 2019 and Conversation with Ragusa Prefecture's Officer of Immigration Office, Ragusa, February 2019.

criminal procedures that come first. Protection activities are postponed to the phase *after* registration, as persons in hotspot facilities cannot apply for asylum while in the hotspot area. In Greece, caseworkers from the Greek Asylum Service and EASO are present at the hotspot facilities and asylum seekers can begin their asylum process here. Yet even here, this is only possible, after the initial filtering has concluded. Thus, we argue that regardless of the physical context in which it is implemented, the Hotspot Approach has resulted in prioritizing policing over protection. As Figure 13 and 14 show, the filtering process is reflected even in the design of the Greek and Italian hotspot facilities.

Moreover, the new European Agenda on Migration triggered a Europe-wide “technical switch in the *Eurodac* system [that] marked a major shift in population data management” (Pelizza, 2020, p. 263). Starting in July 2015, this increasingly spoke the language of interoperability between the EURODAC database and the national police authority databases of EU member states. While the interoperability of national systems for population data management under the EU umbrella was provided for by the EURODAC reform of 2013, its actual implementation is a direct result of the European Agenda on Migration and the concomitant negotiations to implement the Hotspot Approach in Italy and Greece. These led to the transformation of EURODAC from an instrument Member States could use to review EU data sources before granting asylum to third-country nationals, to a shared investigative tool for EU and national police authorities in “prosecuting serious and petty crimes carried on in their territory” (Pelizza, 2020, p. 263). This change had substantial implications for actors in the Hotspot Approach and the shared procedures these actors eventually agreed on, as well as on newly-disembarked persons’ life trajectories as we showed in this chapter.

5. Conclusion: Hotspots as Necropolitical Infrastructure of Migration Management

The EU has consistently presented its Hotspot Approach as a successful migration management policy that creates more efficient border procedures at its external frontiers. Its promise has been to combat irregular migration while still upholding its commitments to international law and human rights. Yet this presentation is grossly contradicted by reality. As this paper has shown, the implementation of the EU Hotspot Approach in Greece and Italy routinizes violence and violations. As such, the Hotspot Approach has, in essence, added a necropolitical regime of biometric racialization to ongoing mass deaths at sea.

Key to the implementation of the EU Hotspot Approach is a complex system of migration management that operates across multiple institutional levels and domains, yet produces opacity and unaccountability. Rather than the emergence of a “European superstate” (Painter et al., 2017) our paper has shown that the Hotspot Approach has affected procedures for newly arrived neither despite nor inside but in addition to the national bureaucracies responsible for managing migration. Building on Keller Easterling’s (2014) work on infrastructure space and extrastatecraft we have examined how the implementation of the Hotspot Approach provided for the involvement and structured interaction of national, international, supranational as well as nongovernmental and private actors in the coordinated management of newly arrived persons’ data, their bodies and lives within throughout and out of the European polity. In this new extrastatecraft of migration management, power and accountability is diluted and operates in a legal grey zone. The ultimate goal of this extrastatecraft is the filtering and sorting of arriving persons in deserving and undeserving populations based on the biopolitical practices of identity attribution and registration. Rather than simply halting migration, it is the mediating (Xiang and Lindquist 2014) through filtering what the Hotspot Approach aims. Hotspot facilities provide the conditions for multilevel “men-machines assemblages” interacting in migration management to simplify “complex migratory and population movements” (Andersson, 2016, p. 23, 28) by sorting out and filtering them into (potential) asylum seekers and so-called “economic migrants” who are automatically deemed to be “illegal”.

In Italy, national legislation stipulates that newly arrived persons’ identification procedures are to be linked to border procedures. Thus, they are of exclusive competence of national authorities. On the other hand, the procedures provided for filing applications for international protection or asylum in Italy essentially depend on the mechanisms introduced by the Dublin regulation and its subsequent modifications (Dublin III). Hence, they have entailed a progressive multileveling of the governance of asylum or protection seekers. Despite previous experience of Italy in the fast set-up of emergency reception and identification facilities, the introduction of the Hotspot approach here has resulted in the welding of border procedures with the very initial stages of non-nationals’ access to protection. It enshrined the inextricable connection between the multilevel governance of asylum and protection seekers’ first reception mechanisms and the policing of national borders.

In Greece the legislation that was introduced in order to implement the Hotspot Approach stipulates that both identification and asylum procedures of the newly arrived

third-country nationals are to be conducted along the Eastern maritime borders. The border asylum procedure is exclusively conducted by EASO on the islands, while the Greek Asylum Service in line with the Dublin Regulation carries out the regular asylum procedure on both the mainland and the islands. Therefore, the Hotspot Approach introduced a multileveling of the governance of asylum in the Greek case, as well. Additionally, the implementation of the Hotspot Approach in the Greek migration management context resulted in its spatial engraving in the Reception and Identification Facilities under procedures that prioritize the control, sorting out and filtering of the newly arrived population into categories of deserving and undeserving of protection. The former are deemed deportable, while the latter find themselves entrapped in the necropolitical conditions of a defunct protection system.

In both countries, the Hotspot Approach has also acted as “a catalyst force forging new social relations” among all the different actors participating in border management and first reception, towards a security-based collaboration (Andersson, 2016, p. 25). This has ultimately resulted in prioritizing identification to actual reception, which indeed only starts once sorting out procedures are completed. As our research has shown, within hotspot infrastructure spaces, in fact, sorting out logics have been procedurally imposed not only on national authorities involved in coordinating registration operations, but also on all the actors intervening for providing very first reception services and, ideally, protection.

As we have shown in this paper, the Hotspot Approach has engendered an infrastructure space of filtering, turning the EU border regime into both a biometric border and a dispositive for “sorting out.” In Italy, biometrically identifying newly disembarked persons through the implementation of SOPs actually corresponds to comparing biometric samples by searching police biometric databases. In these terms, biometric identification already implies a certain level of suspicion and the initiation of an inquiry on the newly arrived persons’ declarations. Much like the Italian case, the Hotspot Approach in Greece aims at the disaggregation of mixed migration flows via a racialized process of separating deserving from undeserving migrants. The procedural steps during which this filtering takes place are found during the identification phase, where the concept of assessment of a migrant’s age, nationality and vulnerability is of crucial importance. Additionally, a second phase of filtering occurs during the examination of the asylum claim in Greece. Both filtering phases are there to ensure that each migrant will be processed as part of a larger category, in an attempt to speed up the process.

To put it in a nutshell, the Hotspot Approach provides both national and EU actors the operational and regulatory tools to absolve the tension between protection and criminalization by postponing the former to policing procedures, which are more consistent with the latter instead. By de facto allowing for postponing protection, the implementation of the Hotspot approach has engendered a new form of violence, adding to the regime of mass death at sea, which Heller and Pezzani (2016) have carefully documented and which they argue is a consequence of what they have defined a “policy of non-assistance.” Given the mass deaths that occur at sea as a result of shipwrecks, the focus on how authorities fail or refuse to provide assistance is extremely important. Our analysis shows that this policy does not stop at landing ports but continues within the hotspot.

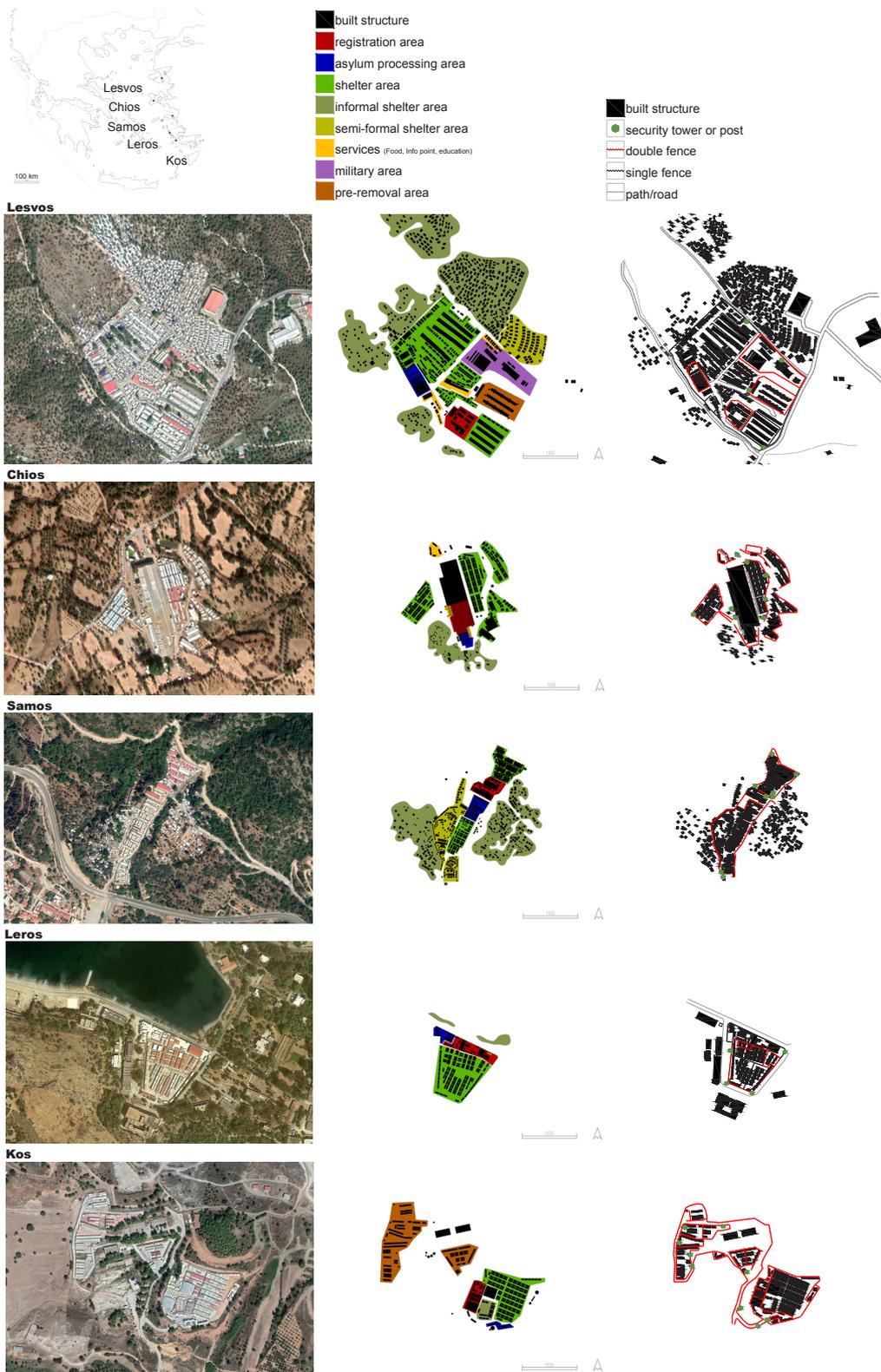
As such, the Hotspot Approach continues and entrenches the criminalization and dehumanization of migrant persons—all while obfuscating responsibility and accountability. Indeed, it has led to the creation of infrastructural spaces that harbor grey zones. Rather than a “legal black hole” in which refugee rights can simply be suspended, such as at sea, as demonstrated in the work of Itamar Mann (2018), the Hotspot Approach entrenches an

increasingly dominant mode of migration management: that of creating infrastructure spaces in which violations and violence are not simply a byproduct of policies but are systematically ingrained within it. This recalls but also differs substantially from the so-called “pacific solution” to migrant management, the creation of off-shore detention spaces where human rights abuses are kept from the public eye. The EU hotspot facilities are not territorially offshore, but the procedures which they allow for are procedurally “off-shore” in that they remain unaccountable to those seeking justice, and seem immune to persistent critique and documentation of human rights abuse. Scholarship of critical infrastructure and logistics studies (Rodgers & O’Neill, 2012; Cowen, 2014) has emphasized how infrastructure cannot simply be understood as the creation of smooth spaces of interconnection and operations of efficiency, but should be understood as fundamentally violent processes, connected to militarization, dispossession, disconnection, and expropriation. Our analysis in this paper has shown how violence and violation are inherent to the recent process of “infrastructuring” migration management, that is, of centering migration politics and policies around necropolitical infrastructural measures. The Hotspot Approach, in short, is not the response to a crisis, it is the crisis itself.

Annex:

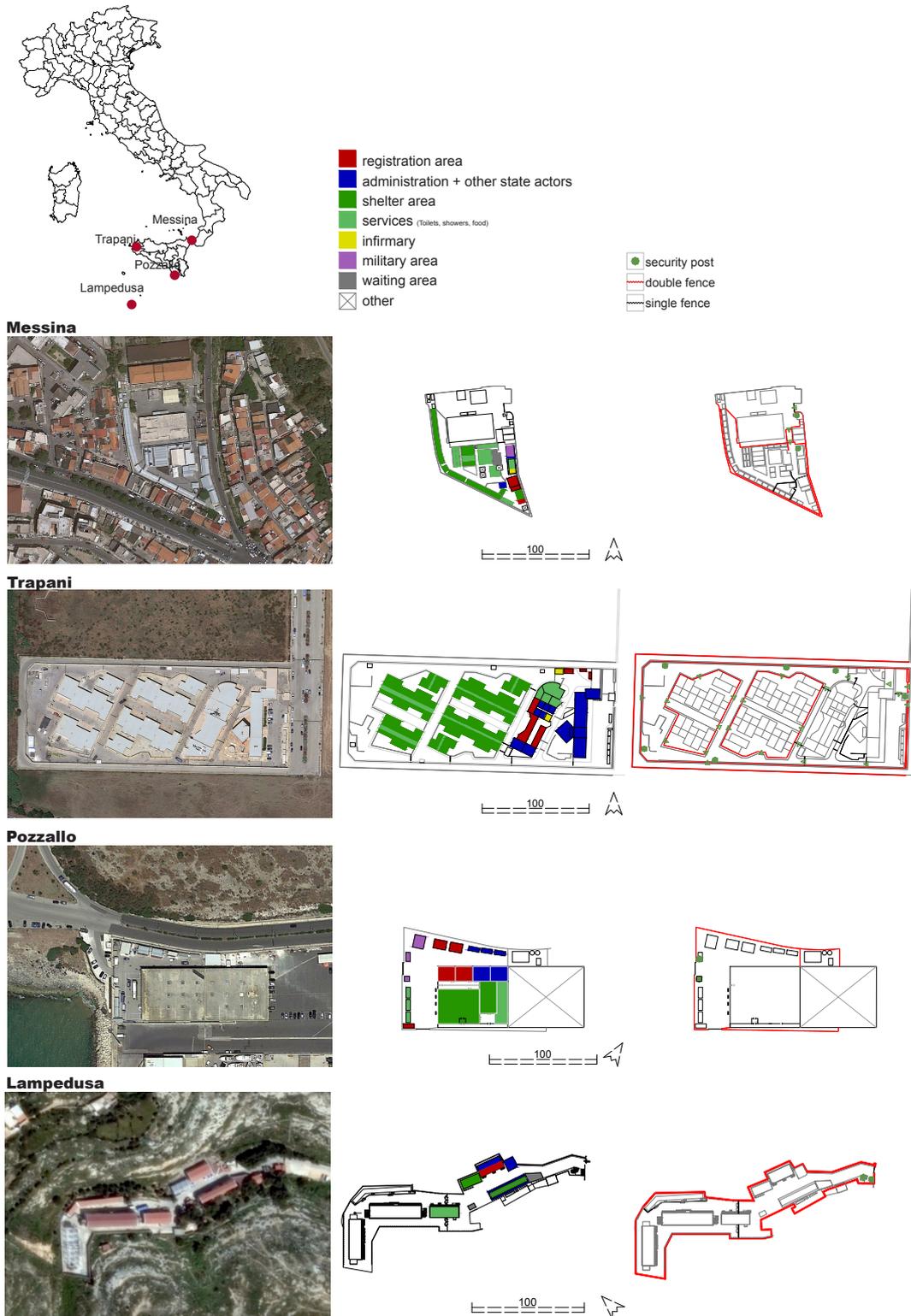
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Annex 1:



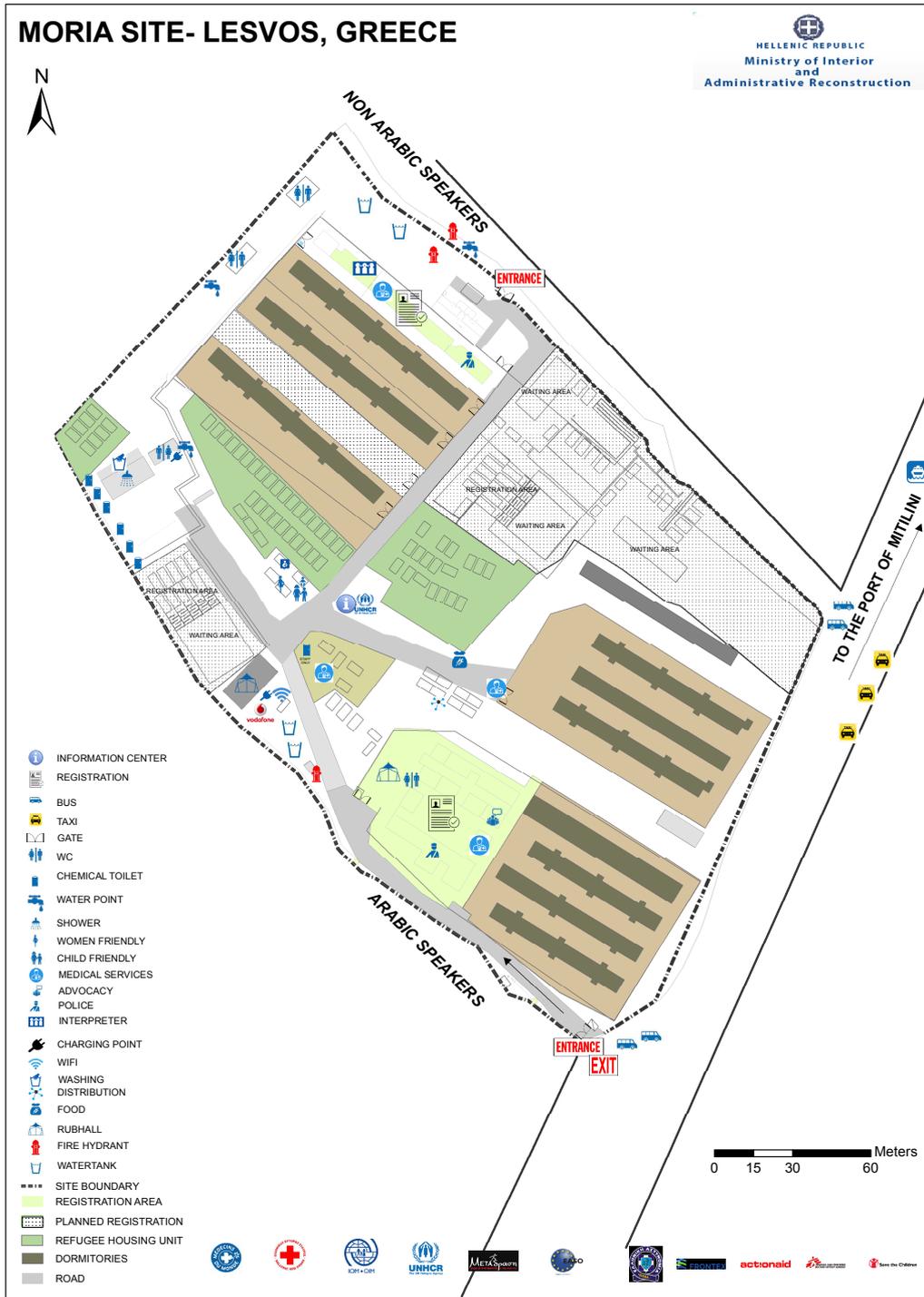
Annex 1: Comparative analysis of functional areas and security infrastructure of hotspot facilities in Greece (Source: Google satellite images and fieldwork).

Annex 2:



Annex 2: Comparative analysis of functional areas and security infrastructure of hotspot facilities in Italy (Source: Google satellite images, Invitalia documents, and fieldwork 2019).

Annex 3:



Annex 3 : Lesvos Reception Identification Center map of January 2016
(Source:UNHCR,<https://data2.unhcr.org/en/documents/details/46608>).

Annex 4: The Blueprint of the Hotspot Procedure in Greece

Migrants who cross the maritime Greek-Turkish borders are apprehended by the border security forces, either national (Coast Guard) or supra-national (FRONTEX). After an initial headcount and retrieval of basic information of migrants regarding their nationality, age, gender, urgent health conditions, the apprehended persons are delivered to the Hellenic Police which transfers them to the local Reception and Identification Center.

The Head of the RIC, in line with the EU - Turkey Statement, issues a “restriction of movement” decision for the newly arrived, which is in effect for the whole duration of the identification and registration procedures. As AIDA (2019: 40) mentions “a removal decision “based on the readmission procedure” and a pre-removal detention order are issued by the competent Police Directorate upon arrival, parallel to the decision of the Head of the RIC. The removal decision and detention order are respectively suspended by a “postponement of deportation” decision of the General Regional Police Director. The latter decision imposes a geographical restriction, ordering the individual not to leave the island and to reside – in most cases – in the RIC or another accommodation facility on the island until the end of the asylum procedure. Once the asylum application is lodged, the same geographical restriction is imposed by the Asylum Service”.

Upon their arrival, the Reception and Identification Service (RIS) opens individual case files and oversees the whole procedure. RIS personnel must ensure that the migrants are detained in a designated, isolated area which is located within the wider Hotspot complex. Here, while the detained migrants are waiting for the administrative procedures to start, IOM and UNHCR personnel must inform the migrants about their rights and obligations. An initial medical screening must follow subsequently. Here, the goal is to register any health conditions, physical or mental, that are recognized as vulnerability indicators. This step of medical screening must be conducted by the national medical provider, that is EODY. However, EODY could be supported by Army doctors.

After completing these steps, FRONTEX and Hellenic Police officers must proceed with the registration, identification and fingerprinting procedures. During the registration and identification, the officers attempt to gather a person’s personal data via interviewing them, the so-called screening of migrants. It is during these interviews by the security forces officers during which migrants must declare their intent to ask for asylum or any kind of subsidiary international protection. Next, migrants may take part in a de-briefing interview during which they give information regarding their journey. Once both screening and de-briefing is complete, then the fingerprinting procedure begins. The fingerprints are taken by officers of the Hellenic Police and FRONTEX together. This is mandatory for anyone over the age of 14, no migrant can refuse to be fingerprinted. The fingerprints are then uploaded to the national and the EU fingerprinting database (EURODAC) by the officers who take the fingerprint.

With the mediation of RIS and depending on the outcome of the registration and identification procedures regarding nationality and vulnerability status of each person, the migrants are then channeled towards either the border asylum or the regular asylum procedure. A second phase of fingerprinting for the Greek Asylum Service’s ALKYONE asylum data base must follow. Depending on the Hotspot facility, EASO can be involved either in the border or in the regular asylum procedure, or both. The Greek Asylum Service is exclusively involved in the regular asylum procedure, which operates under the Dublin Regulation and

process either recognized vulnerable cases or case eligible for family reunification. However in both cases it is GAS that has the final say in rejecting or accepting an asylum claim as EASO can only give an opinion for each of the case they are handling.

The border asylum procedure constitutes the specificity of the Hotspot approach in Greece, as it is carried out exclusively at the Reception and Identification Centers of the islands. It is not employed at the land borders with Turkey, in Evros. The border asylum procedure is a result of the EU-Turkey Statement and therefore includes an examination of admissibility of the asylum claim lodged by those who are identified as high recognition rate nationals (more than 75% positive asylum decisions). Should the applicant in question does not prove that their life would be in danger if deported back to Turkey, then their claim will be deemed inadmissible and the person will later be taken to the pre-removal center to await deportation.

In cases where an asylum seeker is deemed admissible because he or she cannot be returned to Turkey for safety reasons, but does not meet any of the other requirements of the regular asylum procedure (namely vulnerability status, family reunification under the Dublin regulation) he/she will be fully processed by EASO under the border asylum procedure and the EASO personnel will give their opinion to their Greek Asylum Service counterparts for them to validate or invalidate their decision.

In any case, irrespective of the person`s case is dealt with under the border or the regular asylum procedure, the asylum seekers are being restricted on the island for as long as their case is being processed and a decision is reached - at least until the first decision is taken. In the whole duration of the waiting period, RIS and GAS must ensure that the asylum seekers are in possession of an up-to-date international protection individual document. Lastly, while awaiting to hear back on their individual cases, the vast majority of the asylum seekers is obliged to reside inside the shelter area of the RIC. This means that the Reception and Identification Service, in collaboration with other actors, namely UNHCR - as of lately IOM - NGOs, as well as the Army must ensure that the asylum seekers` basic needs are met in terms of shelter; food; non-food items; access to medical and psycho-social support; access to education and overall protection of their livelihood.

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